"Reimagining 'Good Muslim, Bad Muslim': Public Theologies of Citizenship and Belonging in the Republic of India"

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Koushik

Abstract

This thesis analyzes why, despite a high level of constitutional protections within the framework of the secular state, the Muslim community in India continues to face considerable levels of societal discrimination and a lack of access to economic opportunity. The thesis argues that Muslims have been branded as separate from broader definitions of Indian citizenship, through an examination of relevant public theologies and their substantive, spatial, spiritual and temporal dimensions. It examines the claim that Muslims, when castigated as distinct, and therefore unable to be accommodated within the secular framework of the Indian state, are relegated to a dichotomy of 'good Muslim, bad Muslim', wherein a Muslim must prove his loyalty to the nation over religious affiliation to access the right of citizenship and belonging to the Indian state. This thesis further examines the spiritual discourses of both Islam and Hinduism that contribute to this claim, the historical legacy that has perpetuated the idea of separateness between Hindus and Muslims, and finally, present-day governmental policies that have furthered the divide.

Introduction: How Good Muslim, Bad Muslim Came To Be

Mahmood Mamdani refers to a time in the United States where 'Muslim' as a religious identity, became a racialized political identity. He discusses statements by President George W. Bush in the aftermath of 9/11, which clearly distinguished between 'good Muslims' and 'bad Muslims', assuring Americans that 'good Muslims were anxious to clear their names and consciousness of this horrible crime and would undoubtedly support 'us' in a war against 'them.'[1] But 'bad Muslims' were clearly responsible for terrorism. The inherent presupposition in this was the idea that Muslims were presumed to be "bad" unless they proved their credentials by not only demonstrating their loyalty to the nation, but also joining in a war against "bad" Muslims.[2]

The dynamics of what Mamdani refers to as "good Muslim, bad Muslim", or the development of religious identity into a political category may seem, from Mamdani's account, as a post- 9/11 development in the West. However, this thesis examines the claim that religion has been a political category in India since the colonial period- as a result; questions of citizenship and belonging in the modern period are heavily contested on a religious basis despite the secular claims of the state.

Mamdani cites the work of Bernard Lewis and Samuel Huntington, who discuss a 'clash of civilizations' between Islam and the rest of the world. In this sense, culture becomes the dividing line of fundamental incompatibility between the modern, liberated West and those who adhere to its principles of liberal democratic values, and the backward, violent, pre-modern

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[1] Mahmood Mamdani *Good Muslim, Bad Muslim: America, the Cold War, and the Roots of Terror* (New York: Three Rivers Press, 2005) 15
[2] ibid 16

civilization found in the Islamic world.[3] Lewis states that 'there is something in the religious culture of Islam, in moments of upheaval and disruption, where dignity gives way to an explosive mixture of rage and hatred.'[4] This inherent rage of the Muslim world is what Huntington explores further in his clash of civilizations theory, which casts Islam in the role of an enemy civilization.[5] However, Lewis argues that there is, in fact, a fundamental distinction between "good Muslim" and "bad Muslim'. He states that 'fundamentalism is not the only Islamic tradition…we of the West can do nothing, for the struggles over these issues is something Muslims must decide amongst themselves.'[6] In Mamdani's perspective, Lewis therefore postulates a sort of civil war within the Muslim world, a fight between "good Muslim" and "bad Muslim" to counter the incipient strains of fundamentalism that have developed this violent rhetoric. [7]

Modern-day India was created out of a presupposition that Muslims and Hindus were distinct civilizations. Mohammed Ali Jinnah, who would later go on to hold the Presidency of Pakistan, was known to remark that 'Hindus and Muslims belonged to two different civilizations, based mainly on conflicting ideas and conceptions'.[8] To force these two distinct entities to coexist under a single state authority that would, in effect, be governed by majoritarian Hindu rule, could potentially be the destruction of the nation. Though this analysis did not posit either religious community as fundamentally violent, tracing Indian history demonstrates that the Muslim minority has come to be regarded as a problem because of a component of inherent violence added to the presupposition of cultural distinctiveness. The long insurgency in Kashmir,

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[3] Mamdani 20
[4] Bernard Lewis *The Roots of Muslim Rage* The Atlantic, September 1 1990; 1
[5] Huntington 2
[6] Lewis 1
[7] Mamdani 24
[8] RJ Moore 'Jinnah and The Pakistan Demand' *Modern Asian Studies*, Vol. 17, No. 4 (1983), pp. 529-561 546

the Islamist movement in the Afghanistan-Pakistan region, and the extensive media coverage of arrests of Indian Muslims on 'terror charges' has strengthened the ethos propagated by nationalist parties that the Muslim minority is a problem, and must be integrated by force, if necessary, into the Indian mainstream.[9] As a result, the ethos has translated from whether Hindus and Muslims 'should' constitute one nation, to "how" Hindus and Muslims can constitute one nation, when clearly, the Muslim minority remains a threat to Hindu interests.

However, the Muslim minority still very much remains a deeply embedded part of Indian society. According to the 2001 Census of India, Muslims constitute approximately 13.4% of the population: in absolute terms, this is equivalent to almost 140 million Muslims in India circa 2001.[10] This is not a minority that will magically vanish. And as a result, the question of how to integrate Muslims into the Indian state when historical discourse and current events have established them in the public eye, not only as distinct in terms of civilizational origins, but also as a source of potential violence, is a narrative that continues to shape discourses of citizenship and belonging for the Indian Muslim community.

Every dimension of citizenship has been contested in Indian history, be it citizenship as legal status, citizenship in terms of the rights and entitlements it confers, or citizenship as proof of belonging and the basis of identity forming. In particular, with reference to the Muslim community, the problematic delineation of the Muslim community into "good Muslims" and "bad Muslims" has been demonstrated to have serious effects on the community's standing, be it politically, economically, or from a security standpoint. Muslims as a community have been treated as scapegoats for acts of terrorism, the victims of state-sponsored massacres, as demonstrated in Gujarat in 2002, and generally, as a source of potential instability. This, in turn,

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[9] Steven Wilkinson 'Votes and Violence: Electoral Competition and Ethnic Riots in India' (Cambridge: Cambridge University Press 2006) 188
[10] Census of the Republic of India, 2001

has rendered them the victims of institutional discrimination- this has culminated in extremely poor health and economic outcomes as compared to the national average.

These issues highlight the dynamics between politics and religion within the framework of contemporary citizenship in India. This thesis draws attention to the problematic elements of a concept of citizenship that, in many implicit ways is still rooted within a religious framework. This makes it clear that one cannot treat instances such as the state-sponsored violence against Muslims in Gujarat as independent of the relationship between societal perceptions of a religious or ethnic minority and state policy.

Interestingly enough, Muslims within India report a high level of self-identification with an 'Indian' identity, and levels of pride in the Indian state and their citizenship on par with reported population levels as a whole. Stepan and Linz report on findings from the World Values Survey over an eleven-year period. Three sets of surveys were used to draw a conclusion from the years 1990-93, 1995-97, and 1999-2001. In all three waves, about two-thirds of participants responded that they were 'very proud' to be Indian, and about 20%-25% reported being 'proud'. On average therefore, around 85% of respondents claimed to either be 'very proud' or 'proud' of being Indian- significantly higher levels than any other nation. Less than 10% of respondents in any of the three waves stated that they were 'not proud' of their citizenship.[11] Responses from the Muslim community, as compared to the national average, did not differ significantly. For instance, in the 2005 survey, 60% of Indians reported 'very proud', compared to 57% of Muslim respondents with the same answer.[12] Furthermore, Muslims, as compared to every other religious

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[11] Alfred Stepan, Juan Linz, & Yogendra Yadav 'Crafting State-Nations: India and Other Multinational Democracies' (Baltimore: Johns Hopkins University Press 2011) 60
[12] Stepan Linz &Yadav 59

group, reported the highest self-identification with an 'Indian' identity over a specific state identity-43% compared to the national average of 35% and the Hindu average of 34%.[13]

Yet, in terms of pure statistics, Muslims somehow remain proportionally excluded from many of the vital institutions that are so vital to Indian democracy. They remain underrepresented in the civil service and armed forces- a 2003 report of the Indian embassy in Washington DC demonstrated that not a single staff member identified as Muslim.[14] The Sachar Commission report of 2004 demonstrated that Muslims fall far below the national average in terms of educational attainment and income levels. Despite an overarching secular national identity, in reality, the vast proportion of constitutional power on minority rights and protection rests with the state governments. As the horrific massacre of Gujarati Muslims in 2002 demonstrated, this is not always a power that is utilized efficiently. India is home to a significant Islamic militancy movement: its only Muslim-majority state, Kashmir, has been the site of a prolonged insurgency and separatist movement.

TABLE 8.1. Opinion Poll of Hindus' Views on Muslims, 1993

Statement	% in Agreement
Until a uniform civil code is established, there will never be national integration.	78
Violence is not the way to settle matters between Hindus and Muslims.	74
Indian Muslims consider themselves Muslims first and Indians later.	64
The Muslim population is growing at a much faster rate than the Hindu population.	58
Muslims must reject their fundamentalist leaders.	58
Muslims believe that all non-Muslims are their enemies.	53
Muslims are fine craftsmen and skilled artisans, without whom our arts and crafts would suffer.	51
The underworld is controlled by Muslims.	49
The Muslims were justified in reacting angrily to the demolition of the Ayodhya mosque.	44
Hindu and Muslim cultures are so different that they cannot really live together.	28
Muslims should not be allowed in the armed forces.	20
Hindus should not employ Muslims in their businesses or homes.	13

Source: MARG opinion poll of 481 Hindus, conducted February 1993 in Bombay. Reported in "India's Muslims Fear New Physical Threat: Militant Hindu Nationalism, Discrimination Solidify Group's Sense of Alienation," Washington Post, March 12, 1994.

The table shown, from a MARG opinion poll in 1993[15], is still an enduring reflection of national attitudes towards the Muslim community. An overwhelming 78% of respondents believed the lack of a uniform civil code was the cause of national disunity, while a significant 20% believe Muslims should not be allowed in the armed

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[13] Stepan Linz & Yadav 61

[14] Wilkinson 189

[15] Source: MARG opinion poll of 481 Hindus, February 1993. Reported in "India's Muslims Fear New Physical Threat: Militant Hindu Nationalism, Discrimination Solidify Group's Sense of Alienation" *Washington Post,* March 12 1994

forces. 53% believe that Muslims think all non-Muslims are their enemies. Nearly a third of

respondents did not believe Hindus and Muslims could co-exist peacefully.

The dichotomy of "good Muslim" and "bad Muslim" is deeply reflected in these

statistics. From a purely empirical basis, it is clear that Muslims report equal levels of self-

identification with India and loyalty to the nation as any other religious community. However,

societal perceptions reveal deeply entrenched discrimination towards Muslims, believing them

incapable of national integration and peaceful coexistence. The thesis will utilize the concept of

public theologies to examine the causes of societal discrimination against Muslims, and how

these have contributed to the shaping of discourses on citizenship and belonging.

Theoretical Framework: The Concept of Public Theologies

The concept of 'religion' is often misused in academic discourse. For instance, Samuel

Huntington, as previously referenced, utilized the 'clash of civilizations' theory to hypothesize

that the 'greatest divisions among humankind, the principal conflicts of global politics will occur

between groups of different civilizations.'[16] He further claimed that the 'clash of civilizations

will dominate global politics', and 'the fault lines between civilizations will be the battle-lines of

the future.'[17] Huntington's hypothesis has become the basis for a number of academic postulants

on recent conflicts between the Islamic world and the West, for instance. However, his

hypothesis does not account for differences in ideological conception within a single religious

faith. In Huntington's manner, academics that approach religions as a homogenous block are in

danger of misrepresenting, or even ignoring the more complex interactions between identity,

tradition, and socio-economic factors that contribute to the representation of religion in the

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[16] Samuel P. Huntington 'The Clash of Civilizations?' *Foreign Affairs*; Summer 1993; 72, 3; 22-23
[17] Huntington 25

public sphere. Any academic analysis of religion requires some accounting for variation in expression and belief within the religion itself. For instance, the religious and political perspectives of Muslims in Indonesia, Saudi Arabia, and Turkey cannot be comprehended by looking at 'Islam' as a monolithic construct. Similarly, the Gandhian philosophy of Hinduism differs radically from the Hindu fundamentalist perspective espoused by groups such as the BJP and RSS- therefore, even within India, the difference in worldview between these two Hindu groups must be examined, rather than merely attempting to analyze a single 'Hindu' worldview.

When the term 'religion' is used in the fields of political science and international relations generally refers to the clash or convergence of competing public theologies in the political sphere.[18] The concept of public theologies, as developed by Dr. Nukhet Sandal refers to 'the systematic ways in which people relate their faith to public issues under the guidance of religious authorities.'[19] It can be argued that every religion has identifiable, influential currents of issue-based public thinking. The principal conflict in global politics, therefore, does not occur merely between different religious groups, but rather between different public theologies both within and across religions. This thesis will therefore explore how the concept of public theologies can be used to explain religious-based clashes over issues in the public sphere- in particular, to look at how the clash of public theologies affects discourses on citizenship within the secular framework of the Indian state.

Sandal's hypothesis examines the concept of public theologies as a means of inquiring into the intersectionality between religious beliefs and international affairs. She cites sources that have examined the concept of public theology in the context of Christianity in the United States. In this regard, public theology has been defined as 'the reflection and implications of a religion

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[18] Nukhet Sandal 'The Clash of Public Theologies? Rethinking the Concept of Religion in Global Politics' *Alternatives: Global, Local, Political* 2012 37: 66; 67
[19] Sandal 69

in the activities that take place in a common space, including political and social life.'[20] Sandal's theory therefore extends this concept to examining the human interpretation of to what extent a religious idea can be explored or demonstrated in the public sphere, and the human determination of which ideas are relevant in this regard. In this regard, it must also be considered that the values ascribed by individuals to their personal religious practices, and the manner in which these religious ideals or values influence their means of thinking can evolve with exposure to several elements: the passing of time, across the various sects or branches of a particular religion, and across different issues. Public theology in Sandal's definition is therefore defined as 'the religious perspective on a public issue that is publicly advocated, or produced, by a religious institution or authority; expressed by a group of people who distinguish their practice and perspectives from other pre-existing traditions, and inform the public discussions of these issues in a myriad of ways, including political movements, protests, and publications.'[21]

Sandal therefore divides the public theology framework into four main dimensions that allow for comparison and analysis across and between religions in a systematic manner. The four dimensions are the substantive, the spatial, the spiritual, and the temporal. One sees that systematizing the manifestations of faith in the public sphere by categorizing them in this manner and providing the socio-political context in which they evolve make an issue like religion, which is easily contested and can often be highly controversial, more accessible to academic fields like international relations. The four dimensions will be discussed further in the following section.

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[20] Sandal 69
[21] Sandal 69-70

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The Substantive Dimension

      This refers to the specific research area and the manner in which it intersects with a religious tradition. Examples could include, for instance, how Islam views financial transaction systems in global economics, or what Hinduism says about women's rights. By breaking up an issue area into its constitutive concepts and understanding how specific lines of public theology relate to these specific components, one is able to garner an understanding of the nuances implicit in applying a religious lens to a social issue. For instance, Sandal cites an oft-discussed issue in today's world – the compatibility of Islam with democracy. She argues that it is methodically fallacious to look for the 'ideal concept' as a whole- in this case, full democracy. Instead, by delineating the components of what is considered to be a 'working democracy', such as the right to vote, free and fair elections, the right to information, etc. one can trace how specific public theologies favor-or disfavor- these components. [22]A specific line of public theology might favor certain aspects of democracy over others- however, this does not classify that faith as either democratic or undemocratic, rather allowing the researcher to gain a more detailed understanding of the public theological framing of democracy in the state. This understanding might be drawn, for instance, through examining speeches of political leaders for their references to religion, or how politicians appropriate the symbols of religion to appeal to the populace. For instance, Manus Midlarsky found that focusing on political institutions alone painted many Islamic nations as undemocratic, yet if one looks at political rights, there is neither a negative or positive correlation between Islam and democracy.[23] This approach also allows for the translation of western political concepts into a more relatable framework across traditions, thus allowing us to see how 'Western' ideas such as secularism or liberal democratic values

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[22] Sandal 72

[23] Manus I. Midlarsky, ''Democracy and Islam: Implications for Civilizational Conflict and the Democratic Peace,'' *International Studies Quarterly* 42, no. 3 (1998): 458–511; 500-502

might translate to religious understandings in other societies. The interaction of the substantive dimension with spatial, temporal, and traditional variables leads to the manifestation of faith in the public sphere.

The Spiritual Dimension

As demonstrated, public theologies exist within a specified religious tradition. However, as previously mentioned, there remains a considerable diversity within a specific religion in terms of sub-sects, denominations, and branches that can contribute to the development and manifestation of differing public theologies from a single religious tradition. It is therefore essential to identify the particular branch or tradition that gives rise to a specific public theology.

Sandal's study of religious actors in conflict resolution provides a salient instance of this in South Africa. She explains that theology employed by the Dutch Reformed Mission Church in South Africa was radically different in discussing the issue of apartheid from that used by the Dutch Reform Church. In 1857, the DRC introduced separate services along racial lines, representing this practice as the 'Will of God' with appropriate textual support. The theological tale of the Tower of Babel (Genesis 11:1-9) became a cardinal tenet of Apartheid theology, demonstrating that treating people differently was simply a manifestation of divine will. However, in stark contrast, the Dutch Reformed Mission Church employed a discourse and public theology that denounced Apartheid as 'heresy', again using scriptural support for their claim.[24] This instance demonstrates the fallacy of using 'religion' as a monolithic term to represent a worldview, for even within Protestantism in South Africa; there remains a stark difference between sects that naturally will manifest in public theology in a variety of social

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[24] See Nukhet Sandal's ''Religious Actors as Epistemic Communities in Conflict Transformation: The Cases of Northern Ireland and South Africa,'' Review of International Studies 37 (2011): 929–949

issues. Examining the variance in discourse within a particular religious tradition therefore helps to break down the problematic monolith sometimes assumed in the academy of relegating a discourse to the supposed beliefs of an entire religious tradition.

The Spatial Dimension

The spatial dimension allows one to understand the variance in discourse in a certain religious tradition as it related to geographical diversity. The physical space in which a certain religious belief is expressed will naturally influence it a great deal, in terms of factors such as the region's political stability, narratives of nationalism, and even issues like economic development. The same tradition can have different manifestations in the public sphere on the basis of the dominant political or economic power structure. For instance, in the case of Turkey, it can be seen that the level of economic development and the size of the private sector have been a significant factor in explaining why groups such as the Muslim Democrats have come to power. Similarly, in Indonesia, the government's economic liberalization policies caused a significant increase in support for moderate Islamist groups.[25]

The spatial dimension of public theology can also be used to explain variations in the manifestation of public theologies within a country. For instance, as will be discussed further in this thesis, within Hinduism, there exists a discourse on citizenship espoused by nationalist groups such as the BJP, which is largely exclusionary in nature, and lays much emphasis on India's character as a predominantly Hindu nation. In stark contrast, the Gandhian philosophy on nationalism and citizenship, though also strongly rooted in the Hindu faith, is largely regarded as

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[25] Sandal 73-74

more accepting of India's religious minorities, relying on Hindu precepts of non-violence in its discourses on citizenship.

The Temporal Dimension

As previously mentioned, public theologies are very much subject to changes in time: they remain valid for a specific period of time and remain highly susceptible to major global events and developments. The sometimes mistaken view of religion as a static force in academia neglects the influence of time, simultaneous events and processes, and generational changes that affect public theologies. The concept of 'time' as a variable also encompasses political change on local and transnational levels- there remains a strong causation factor between the manner in which people relate their religious beliefs to the public sphere, and the political conditions of the corresponding period. [26]

For example, Iran during the regime of Shah Reza Pahlavi, public discourse was largely informed by the Shah's pro-West leanings and his attempts at modernizing the Iranian state and society in the manner of the Western powers. In the aftermath of the 1979 revolution, however, Ayatollah Khomeini largely rose to power with an alternative political discourse focusing on condemning the inherent corruptness of the Pahlavi shahs, not specifically the modernization or secular political narrative espoused by the Shah. Khomeini further promoted ethnic nationalism and glorified the myths of ancient Persia in addition to a rapid Islamization of the state.[27] This largely shifted public theologies in Iran on religion, ideology and the necessity of engagement with the west. This proved to have significant ramifications for Iranian foreign policy.[28]

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[26] Sandal 77
[27] See Ervand Abrahami's 'Iran between the Two Revolutions' (Princeton: Princeton University Press 1988)
[28] Mark Juergensmeyer 'Global Religions: An Introduction' (New York: Oxford University Press, 2003)

These four dimensions and their intersections provide a useful framework for understanding the origin and expression of individual public theologies. Public theologies are seen to evolve with respect to a particular set of issues, within the framework of specific places, and at specific points in time. It can also be seen that the existence of multiple public theologies of religions on a transnational level often provide compelling explanations for why there are multiple, and sometimes deeply conflicting manifestations of the same religion. As Mark Juergensmeyer argues, religions, as conceptualized in politics, cannot be confined to the boundaries of any particular region, but also are deeply rooted in culture and geography. Public theologies as a research framework therefore allows for the contextualizing of religion as it relates to issues in the public or political sphere by incorporating spatial and temporal variables into the analysis. 'Religion' in academic parlance has often led to a conceptually ambiguous categorization of faith in the public sphere. Using public theologies as an analytical method allows for a more comprehensive understanding of peaceful and violent, exclusive and inclusive ideologies and opinions espoused by members of all faith traditions, and how these ideas intersect and occasionally come into conflict.

This thesis will examine the theoretical framework of public theologies in understanding how narratives of citizenship and belonging have impacted the Muslim community in India today. This perspective is highly valid, for it allows us to account for the tremendous diversity present in India- within and across religions, differences between manifestations of religion in various states, the shifting stances of the governments that have ruled in succession, and how these attitudes have shifted over time.

In the substantive dimension, I discuss the historical construction of citizenship and its modern day discourses, with a particular focus on how citizenship is taught in civics education in

Indian schools. The spatial dimension focuses on how problematic relations with Muslim-majority states- both externally, as in the case of Pakistan, and internally, regarding the persistent insurgency in Kashmir- has influenced perceptions of the broader Muslim community in India today. I specifically examine the portrayal of Muslims in Bollywood cinema as a reflection of societal imaginings. The spiritual dimension examines how specific religious frameworks and traditions have influenced narratives of citizenship and belonging. I examine the Hindu revivalist movement and the entry of its ideology into the political sphere, and then discuss the Deoband movement, considered to be an enduring example of 'Indian Islam' that blends nationalist support for the secular Indian state with an enduring commitment to preserving Islamic orthodoxy through its network of institutions. Finally, the temporal dimension discusses contemporary debates on citizenship and belonging as they refer to two main events: first, the Shah Bano controversy, which effectively cemented the notion of Muslims as a separate legal category from the rest of the nation, and second, the aftermath of the Sachar Commission Report, which provided clear statistical evidence to the backwardness of Muslims in India but has not yet led to any sort of policy changes to correct the disparity.

      In all, I attempt to provide a comprehensive understanding of what historical and socio-cultural factors have perpetuated the ideology of 'good Muslim, bad Muslim' through an examination of competing public theologies in India.

Chapter 1:

The Substantive Dimension: The Making of the Indian Citizen and Civics Education Today

In Indian history, the idea of citizenship and the idea of nationhood were formed simultaneously. Niraja Jayal states that for Indians, 'to be free from colonial rule was also to have exchanged the oppressive status of an imperial subject for the liberating status of a citizen of a sovereign state.'[29] The idea of citizenship, at least in its initial envisioning, held within it a powerfully transformative appeal. The newly created nation was also a deeply divided, hierarchical mélange of religions, cultures, castes, and languages. Conferring citizenship upon all those who identified with the Indian state therefore promised to shape what was formerly a fragmented society into a community of equals.

India's remarkably progressive constitution therefore sought to embody these ideals by guaranteeing three basic premises to all those with Indian citizenship: first, the equal, legal status of membership regardless of religion, caste, or class; second, the enjoyment of equal civil and political rights- but also, through the state's strong adoption of socialist policies in the early 1950s, the socio-economic rights that would guarantee well-being; and third, the appreciation and recognition of the diverse identities of the people, and the framing of this in terms of quality within a larger national identity of Indianness.[30]

However, a key determinant in the definition of Indian citizenship quickly became the implications of Partition- a cataclysmic event that had redrawn India's borders and redistributed her people, and would therefore be a key determinant in the shaping of an Indian identity. The challenge therefore lay in conferring the privilege of citizenship upon those with rightful claims

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[29] Niraja Gopal Jayal 'Citizenship and its Discontents' (Cambridge: Harvard University Press, 2013) 4
[30] Oomen, T.K. 'The Crisis of Citizenship Education in the Indian Republic' *in* Diversity and Citizenship Education: Global Perspectives; Ed. JA Banks, (Jossey Bass, Indianapolis, 2007) 340-342

while subsequently excluding those who had opted out of the new nation in favor of Pakistan. It also involved the conferral of citizenship upon the significant population that had migrated from now-Pakistan into India. The issue of which of these segments were to be included and excluded from the overarching definition of 'Indian citizen' was debated for nearly two years and with over 120 amendments moved during debates until the unveiling of the constitution in January 1950.[31]

The new constitution defined India as a 'secular, democratic republic', in which all individuals were guaranteed fundamental rights.[32] In the Citizenship Act of 1955, an 'Indian citizen' was defined as any individual born within Indian territory, or whose parents were born or naturalized within India, and who has not been naturalized in any other sovereign nation.[33] Those who had migrated to Pakistan in the wake of independence were rendered illegible to claim Indian citizenship. The constitution also granted citizenship to those who had migrated from Pakistan before July of 1948, and made provisions to grant citizenship to those who had 're-migrated' from Pakistan provided they had sought a permit of resettlement from the appropriate authorities.[34]

The prerequisite for Indian citizenship was therefore largely more dependent on territorial loyalty than religion. Jayal refers to this as a distinguishing between *jus soli* and *jus sanguinis* conceptions of citizenship. *Jus sanguinis* refers to an exclusionary conception of citizenship based on a singular ethno cultural basis for nationhood.[35] In contrast, India's adoption of a *jus soli* conception of citizenship was more effective in terms of trying to construct a single shared

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[31] Jayal, 53

[32] Preamble to the Constitution of the Republic of India (Hereafter, all Constitutional citations will refer to this document.

[33] Indian Citizenship Act, 1955

[34] Constitution of the Republic of India, Article 10.

[35] Jayal 52

identity in a territorially well defined, but multi-ethnic society. *Jus soli* refers to the conferral of citizenship based on birth within the territory of the nation-state.[36] This acted as a direct contradiction to the founding ideology of Pakistan, which had established itself as the 'Muslim homeland' of South Asia, where religious hegemony alone served as the basis for national unity, thus basing citizenship on a ideology of *jus sanguinis*.[37] By conferring citizenship to those who demonstrated loyalty to the territorial Indian state rather than merely by virtue of religion, early Indian lawmakers sought to cement the 'secularism' that would come to play a vital role in the formulation of Indian identity. Subrata Mitra states that 'the assertion of identity and linkage to India had emerged as a supplementary basis of Indian citizenship, in addition to birth and residence.'[38]

The idea of citizenship as a means to create a civic nation was highly intertwined with the characterization of India as a secular state. Michael Ignatieff describes a 'civic nation' as one with 'a community of equal, rights-bearing citizens, united in patriotic attachment to a shared set of political practices and values.'[39] Early leaders of the secular Congress party such as Jawaharlal Nehru and Maulana Azad who played an important role in defining India's post-colonial national identity, saw India's character as a secular state essential in determining its future as a civic nation. They argued that secularism appeared to be the most feasible means of nation building, due to 'the pervasive religiosity of the people and the pluralism of religion' in the new Indian nation.[40] It

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[36] Jayal 53

[37] Ayesha Jalal 'Conjuring Pakistan: History as Official Imagining' *International Journal of Middle East Studies*, Vol. 27, No. 1 (Feb., 1995) 79

[38] Mitra, Subrata K. 'Level Playing Fields: The Post-Colonial State, Democracy, Courts and Citizenship in India' *German Law Journal Vol. 9 No. 3* 356

[39] Michael Ignatieff 'Blood and Belonging: Journeys Into The New Nationalism' (New York: Farrar Straus and Giroux, 1995) 6

[40] Thomas Pantham (1997) 'Indian Secularism and its Critics: Some Reflections' *The Review of Politics,* Vol. 59, No. 3, Non-Western Political Thought, 526

was therefore necessary 'to stress the equal respect of all religions rather than the erection of an insurmountable wall between state and religion.'[41]

India's secular stance mandated a bureaucratic equidistance from all religions- the new government did not recognize an official state religion, and recognized the rights of its religious minorities to freely practice and express their beliefs. Nehru frequently cited the example of Muslim-majority Kashmir's accession to India rather than Pakistan on the basis of a popular vote, as a clear example of the triumph of Indian secularism over Pakistani religiosity.[42] India's self-characterization of secularism was what ultimately enabled it, in theory, to extend citizenship and equal rights of belonging to all citizens regardless of religious affiliation. However, as the next section will demonstrate, this has not always held true in practice.

Indian Secularism and Citizenship

The distinction between Western conceptions of secularism and its manifestation in the Indian context has been widely debated by academics. In the Western context, in the words of Partha Chatterjee, secularism refers to 'the process wherein sectors of society and culture are removed from the domination of religious institutions and symbols'[43]- in terms of a political context, this refers to the absence of religion in the political process. On the other hand, secularism in the Indian context refers to a state's measured equidistance from all religions. This approach implies that 'while the public life may not be kept free of religion, it must have space

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[41] Pantham 526

[42] Ashutosh Varshney 'India, Pakistan and Kashmir: Antinomies of Nationalism' *Asian Survey* Vol. 31, No. 11 (Nov. 1991) 1002

[43] Partha Chatterjee 'Secularism and Toleration' *Economic and Political Weekly* , Vol. 29, No. 28 (Jul. 9, 1994), pp. 1768-1777; 1769

for a continuous dialogue between religious traditions and between the religious and the secular.'[44]

The historical development of the secular character of the Indian state ironically holds its roots deeply in the Western tradition. Rajeev Bhargava describes the initial motivations of 'Western secularism' as 'needed to check absolutism, religious bigotry, and fanaticism, to ensure that values enshrined in one religion did not trump other values, and to manage religious conflicts reasonably.'[45] These motivations were equally salient in the foundation of the Indian state, where, as demonstrated, the existence of multiple religious minorities in addition to a large Hindu majority required safeguards in order to ensure the protection and enfranchisement of religious minorities. Indian secularism developed out of a British colonial legacy of policies where the inhabitants of a particular region were represented and regulated through the idea of distinct religious communities. The British therefore posited a strategy of non-interference with local customs and traditions, and permitted the existence of distinctly separate civil laws. This reasoning eventually introduced the idea of communalizing politics in order to provide 'fair' treatment to separate religious groups. The first official instance of this was the Morley-Minto reforms of 1909, which instituted the creation of separate electorate colleges for Muslims, therefore explicitly introducing religion into the politics of the secular state.[46] British colonial policies of supposed religious neutrality would eventually form the basis for an essentially secular foundation of post-colonial governance.

Questions of the effectiveness of secularism and the salience of these debates in modern political practice are greatly contested. On the one hand, S. Sayyid argues that the durability of

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[44] Ashis Nandy 'The Politics of Secularism and the Recovery of Religious Tolerance' *in* 'Secularism and its Critics: Themes in Politics' Ed. Rajeev Bhargava (New York: Oxford University Press 1998) 327

[45] Rajeev Bhargava 'The Secular Imperative' *India International Quarterly* Vol. 22 No. 1 (1995) 3

[46] John Zavos 'Searching for Hindu Nationalism in Modern Indian History: Analysis of Some Early Ideological Developments' *Economic and Political Weekly*, Vol. 34, No. 32 (Aug. 7-13, 1999), pp. 2269-2276; 2271

Indian democracy and has often been attributed by the Indian liberal-elite political rhetoric to an enduring commitment to principles of secularism- thus indicating that even in a society so different from Western Europe, the success of secularism in India emphasizes its universal qualities.[47] This is particularly salient when the durability of Indian secularism is associated with India's qualities of prosperity and stability as compared to neighboring Pakistan with its founding ideals of religious hegemony and its marked intolerance towards religious minorities.

On the other hand, theorists like T.N. Madan argue that secularism in the Indian context is a social myth propagated by the liberal elite. He states that secularism is 'the dream of a minority that wishes to shape the majority in its own image, an attempt to draw a cover over failure of this minority to separate politics from religion in the society in which its members live.'[48] Madan's analysis of secularism as a concept that exists only in ideology resonates with Talal Asad's argument that in today's context, secularism has evolved as a means of maintaining the Nehruvian discourses of nation-building in a society under threat from the institutional violence perpetuated by pro-Hindutva advocates- namely, a means of managing the relationship and defusing communal tensions between the Muslim minority and the Hindu majority.[49] This narrative of national history allows communal violence- including events such as the Gujarat riots of 2002 and the Mumbai riots of 1993, to be portrayed as mere aberrations rather than the norm. Asad states that 'a secular state does not guarantee toleration: the law never seeks to eliminate violence, as its object is always to regulate violence' [50]

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[47] S. Sayyid 'Contemporary Politics of Secularism' in 'Secularism Religion and Multicultural Citizenship'; Ed: Levey, Geoffrey Brahm & Modood, Tariq; Cambridge University Press 2009; 195
[48] T.N. Madan, 'Secularism In Its Place' *Journal Of Asian Studies* 46 No. 4 November 1987; 298
[49] Talal Asad 'Formations of the Secular: Christianity, Islam, Modernity' (Palo Alto: Stanford University Press 2003) 7-9
[50] Asad 8

How do these definitions tie in with debates over citizenship? Nandy argues that the changing definition of secularism has significant ramifications for minority religious communities, particularly the Muslim community. He argues that the process of modernization has slowly begun to influence a shift in conceptions of secularism from an accommodative ideology to one where religion is barred from public life in favor of a set of standardized ideological products, which largely focus on a hegemonic national unity- which, in turn, largely excludes minority culture. He states that 'when the state makes a plea to a minority community, it is, in effect telling the community to dilute its faith in order to integrate more effectively in the nation-state'[51] Changing debates over the nature and course of secularism therefore have significant ramifications on what it means to 'integrate' into conceptualizations of national unity and an integrated identity- often positioning distinct minorities outside of these definitions.

Political Participation and Institutional Safeguards for Minority Rights

A vital function of citizenship in a modern democratic nation is the ability to participate in the political landscape of the state. Leaders like Jawaharlal Nehru saw political participation in the framework of the secular state as a means of transcending religious and ethnic identities, and therefore consolidating national unity.[52] This led to certain aspects of federalism in the new Indian nation to encourage minority participation in politics. The definition of an Indian citizen as established by the constitution did not account for the tremendous diversity present within the newly constituted Indian nation in itself. By virtue of caste, religion, language, and location, the

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[51] Ashis Nandy 'The Politics of Secularism and the Recovery of Religious Tolerance' *in* 'Secularism and its Critics: Themes in Politics' Ed. Rajeev Bhargava (New York: Oxford University Press 1998) 332

[52] Bhikhu Parekh, 'Nehru and the National Philosophy of India' *Economic and Political Weekly*, Vol. 26, No. 1/2 (Jan. 5-12, 1991), pp. 35-39; 36

average 'Indian' citizen also held membership in a variety of other groups.[53] The challenge to national unity therefore lay in ensuring that national identity was not subsumed by regional or religious identity by creating an inclusionary discourse on concepts of national identity, as well as an inclusionary set of political institutions. Stepan and Linz describe India as a 'state nation'- a 'multicultural entity that nonetheless still manages to engender strong identification and loyalty from its citizens.'- these nations therefore protect 'multiple but complementary sociocultural identities' as are found in India.[54] This is done through the 'recognition and accommodation of active sociocultural cleavages' through the creation of institutional safeguards for respecting and protecting politically salient sociocultural diversities- but also crafting a 'sense of belonging' or 'we-feeling' by defining a tradition, history, and shared culture in an inclusive manner with attachment to common symbols of the nation.[55] In India's case, these institutional safeguards largely took the form of linguistic federalism.

At the time of independence, there were at least twenty-seven distinct languages, often with mutually exclusive scripts, spoken by Indians, in addition to a few thousand dialects. Even the 'national language' of Hindi was only spoken by 30.37% of the total population. India's former princely states were therefore reconstituted into new states on the basis of linguistic federalism. Former princely states were reconstituted into twenty-seven states in the independent Indian nation on the basis of a shared language. Each state was therefore recognized as having its own official language, with Hindi made the country's national language. This sort of state structure allowed for a certain level of autonomy for linguistically based groups, who also had significant similarities in terms of a shared cultural history. India's federalism therefore allowed

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[53] Andrew Wyatt and John Zavos 'Decentering the Indian Nation' (Portland: Frank Cass and Co. Ltd Press 2003) 25-27
[54] Stepan, Linz and Yadav 4
[55] Stepan, Linz and Yadav 5

for a 'territorially based pluralism' that continues to this day- an example is the recent creation of the states of Jharkhand and Chhattisgarh in an attempt to provide better representation to the tribal groups of those areas.[56]

However, in large part, these institutional safeguards have proved distinctly unpopular when made on the basis of religious affiliation. Muslims today remain a large minority community with no specific geographical affiliation. The state of Punjab, for instance, constitutes the vast majority of India's Sikh population, while Indian Christians are highly concentrated in the state of Kerala.[57] However, Muslims only form a significant majority in the contested state of Kashmir, despite comprising nearly 15% of India's total population.[58] This means that the great territorial dispersion of Muslims cannot be accommodated through the policies of asymmetrical federalism alone, meaning that other diversity-accommodating policies, such as constitutionally guaranteed equal support of all religions, must be held in place.[59]

Citizenship in Constitution Vs. Citizenship in Politics

From a basic examination of these facts, one might observe the newly secular Indian state as a nation deeply committed to minority rights, where minorities are constitutionally guaranteed equal rights and opportunities, and benefit from institutional safeguards meant to increase their participation in the political process. With respect to Muslims, however, this view pays far more homage to the constitutional and legal protections of minorities enshrined in the Constitution rather than how these statutes were implemented. It also gives greater importance to the overarching discourse of the Congress-led national government, rather than the actual workings

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[56] Wyatt and Zavos 47
[57] 2001 Census of India
[58] Pew Forum on Religion and Public Life 'The Future of the Global Muslim Population: Projections for 2010-2030' *Pew Research Center* 1/27/2011
[59] Stepan, Linz and Yadav 61

of the individual state governments, which, under the 1950 constitution, were largely responsible

for the sectors that would impact minority groups- and particularly Muslims' standing in Indian

society- including areas like language policy, education, and state employment. [60]

It is clear from historical statistics that despite an overarching national discourse on

secularism and equal rights and access for all, Muslims were severely discriminated against in

many of the areas that impact socio-economic and health outcomes. Muslims were perceived to

be the disloyal minority who had caused Partition. In addition; the many Muslims who had

supported the Muslim League but could not migrate to Pakistan were now left with no political

standing among Congress-led state governments. As a result, Muslims found it extremely

difficult to find employment in state institutions such as the civil service or the army. Prior to

Partition in 1947, Muslims had accounted for 24% of the officer corps and 32% of the troops in

the Indian army. Following the redistribution of army troops between India and Pakistan and

tacit discrimination against the hiring of new Muslim soldiers, these figures declined to less than

1% by the late 1950s.[61] Muslims were also subtly kept out of the Indian version of the FBI, the

Research and Analysis Wing. Similarly, Muslim bureaucrats who remained were forced out of

'important' ministries such as Home, Defense, and Foreign Affairs, and on the recommendation

of Hindu politicians who protested that it was 'dangerous to have a Muslim in sensitive law and

order positions', were shunted sideways into token departments such as the 'Ministry of Science

and Cultural Affairs.'[62]

Further, the imposition of a highly Sanskritized Hindi as the official language put Muslim

politicians and civil servants, with their knowledge of Urdu and the Persian script, at a

significant disadvantage: this policy was used by several local governments to force their

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[60] Wilkinson 178
[61] Wilkinson 180
[62] Mushirul Hasan 'Legacies of a Divided Nation' (Boulder: Westview Press, 1997) 281

Muslim employees to quit, for failing to comply with the new language standards.[63] These

instances show that despite India's secular stance, in practice, an implicit discrimination towards

the 'disloyal' Muslim community resulted in serious consequences for Indian Muslims. This

could provide some historical basis for why the Indian Muslim community has consistently

fallen far below the national average in terms of socio-economic outcomes. Muslims are

underrepresented in the national civil service and armed forces, demonstrate poor outcomes in

health measures like infant mortality, display a poorer educational attainment than their fellow

Indians, and thus display correspondingly lower levels of income and unemployment.[64] For

instance, according to the 2001 census, only 2.6% of Muslims in India over the age of 20 are

college graduates compared to the national average of 6.7%.[65] Despite the fact that Muslims

form nearly 15% of the Indian population, they represent less than 3% of the Indian army, 7% of

public servants, and 5% of the railway staff, the nation's largest employer.[66] In this sense, the

fear of the "bad Muslim" as a societal perception has had fairly serious consequences in terms of

institutional discrimination towards Muslims in the realm of government employment.

However, in states where regional parties depend on Muslim votes for support, such as

Andhra Pradesh, significant concessions have been made to the Muslim community on the basis

of religious affiliation alone to garner their support. The Telegu Desam Party, for instance, offers

Muslims state protection from riots, has increased development spending in predominantly

Muslim parts of the state, and has reserved quotas in educational institutions and government

jobs for Muslims.[67] On a national level, Congress has permitted the existence of a separate

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[63] R.D. King 'The Potency of Script: Hindi and Urdu' *International Journal of the Sociology of Language,* 2001; 52-53
[64] Please see evidentiary support from the findings of the Sachar Commission Report in Chapter 4.
[65] Wilkinson112-114
[66] Randeep Ramesh 'Muslim India Struggles to Escape the Past' *The Guardian* 4/4/2006
[67] Wilkinson 178

Muslim civil code that takes precedence over the Indian Civil Code, permitting, for instance, polygamy among Muslim men, and upholding traditional dictates for alimony.[68]

These policies have been highly unpopular with right-wing Hindu nationalist parties such as the Bharatiya Janata Party, who have accused these political groups of engaging in 'minority vote bank politics' and disproportionately favoring Muslims at the cost of equal opportunities to lower-class Hindus.[69] The BJP has often used these tactics to support their anti-Muslim mobilization drives, and stir up support from the country's conservative Hindu base. Religion has therefore been one of the main drivers of political conflict in the nation, even subsuming equally salient issues of caste, class and language.

Citizenship In Practice: An Analysis of Indian Educational Material[70]

Returning to the question of civic nationalism, in many ways, it would appear that India fits the bill of a 'civic nation': India has constitutionally-guaranteed minority rights, as Stepan and Linz have demonstrated, there is little difference in terms of identification with an 'Indian' identity between minority communities such as the Muslim population, and national aggregate figures, and India continues to possess institutional safeguards in order to encourage engagement in 'shared political values'. However, as Will Kymlicka argues, civic nationalism does not always accommodate minority culture. He cites civic nationalism as 'one of the great conceits of modernity' claiming that 'virtually all liberal democracies have attempted to diffuse a single societal culture

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[68] Separate Hindu, Christian, and Sikh civil codes were merged into a uniform national code in the 1950s.
[69] Mohammed Sanjeer Alam 'Whither Muslim Politics?" *Economic and Political Weekly*, Vol. 44, No. 39 (September 26-October 2, 2009) 92
[70] In the Indian educational system, what are called 'grades' in the United States are referred to as 'Class' and demarcated with a roman numeral. Therefore what is considered 'sixth grade' in America is equivalent to 'Class VI' in India. I have kept this system constant in references to textbooks for appropriate grade levels.

throughout all its territory'.[71] Kymlicka further cites David Brown's argument that 'ethnic domination is often disguised as national integration'.[72] Thomas Smith states that 'minority cultures exist precariously in most modern states.'[73] He claims that civic institutions, though necessary for democracy, also demand assimilation from minority groups at the cost of their group's identity.

The overarching ideology in the modern Indian democratic state continues to be a discourse of liberalism, aimed towards protecting individual rights, secularism, and uniformity or equal treatment of all citizens. These values, though inherently noble, are very different from the values required from Kymlicka's definition of multiculturalism, which in addition to 'upholding the familiar set of common civil political and social rights of citizenship, must adopt various group-specific rights or policies that are intended to recognize and accommodate the distinctive identities and aspirations of ethno-cultural groups.'[74] India's situation is therefore compounded by the need to balance conflicting demands of equality of treatment and recognition of cultural difference, and how to accommodate these differences without losing the cohesion of national unity. In India, cultural diversity is merely 'tolerated' only to the extent it does not challenge the 'unity in diversity' approach of the nation. Ranu Jain states that the Indian model of multiculturalism therefore addresses issues related to the minorities more as a political need to accommodate assertive (and politically salient) minorities than a humanitarian concern to promote their socio-cultural specificities and rights. [75]

As evidenced in India, national identity, common values, and the solidarity of a national culture are heavy in symbolism of the 'majority culture'. Indeed, it can be evidenced that 'symbols'

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[71] Will Kymlicka 'Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship' (New York: Oxford University Press, 2001) 4

[72] Kymlicka 5

[73] Thomas Smith 'Civic Nationalism and Ethno-cultural Justice in Turkey' *Human Rights Quarterly* Vol. 27, No. 2 (May 2005) 440

[74] Will Kymlicka 'Multicultural Odysseys: Negotiating the New International Politics of Diversity' (New York: Oxford University Press 2007) 61

[75] Ranu Jain 'Locating Multiculturalism and Social Exclusion' *in* 'Lives of Muslims in India: Politics, Exclusion and Violence' ed. Abdul Shaban (New Delhi, Routledge Press 2012) 77

in Indian culture, such as the 'Arjuna Award', which honors superior sportsmanship, is named after a figure in Hindu mythology.[76] Similarly, India's national motto 'Satyameva Jayate', or 'Truth Alone Triumphs', a motto printed on all Indian currency and at the base of the national emblem, is taken from a *mantra* from the ancient Hindu scripture, the Mundaka Upanishad. In states led by right-wing Hindu parties, the bureaucracy has demonstrated visible signs of growing increasingly 'Hinduized' in character: for instance, some government allow police officers to display religious imagery on vehicles, and the Gujarat government removed the ban on state officials joining Hindu nationalist organizations.[77]

Perhaps the most insightful means of examining the incidence of 'minority culture' in an overarching national identity is through an examination of history and civics textbooks in Indian schools. The concept of 'citizenship' has been at the forefront of civics education in India. Civics textbooks largely begin by outlining the preamble to the Indian constitution, which covers the basic rights guaranteed by the state to every Indian citizen, followed by the Fundamental Duties prescribed to citizens. Examining the manner in which citizenship and its historical development has been taught in Indian schools provides considerable insight into political developments regarding the perception of Muslims and other religious minorities as Indian 'citizens'.

It can be seen through a textual analysis of educational material that there appears to be a predominant concern about reconciling with an increasingly globalized world, where transnational identities and linkages on the basis of religion or ethnicity, for example, are increasingly posing a threat to nation-states, national boundaries, and pre-determined national cultures. Though India's Islamic past is mentioned, kings like Qutb din Aibak are mentioned as

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[76] Website of the Ministry of Youth Affairs and Sports
[77] Wilkinson 184

'invaders' and their exploits reduced to the 'desecration of Hindu temples'.[78] The most positive light is shed upon those Islamic kings known for their pluralistic outlook, such as Akbar and Shah Jahan, both of who made significant allowances for their Hindu population, such as the abolition of the *jiziya* tax for non-Muslims.[79] Such kings are labeled with positive appellations and heralded for their 'tolerance', their encouragement of inter-faith marriage with neighboring Hindu Rajput women, and their role in the development of a synchronistic Indo-Islamic culture.[80]

The manner in which Civics is taught in the Indian educational system is focused largely around preserving a 'pure' national identity around an 'Indian culture'. Oomen argues that frequently-used phrases in textbook terminology, such as 'the best Indian tradition', 'Indian wisdom' or 'Indian ethos' are used frequently, wherein 'Hindu' and 'Indian' are used on an interchangeable basis.[81] Themes of patriotism, of civic duty, and celebrating India's diversity while participating in a shared national identity are heavily emphasized. During an interview with a Bangalore-based civics teacher, it was stated that Indian teachers are prohibited from teaching or discussing instances of communalism in India's past- such as the communal riots during the partition of the subcontinent, the targeted killings of Sikhs in North India after the assassination of Indira Gandhi, or the more recent riots in Gujarat in 2002.[82] These are all salient political events that one would think would be important in shaping a narrative of both Indian history and Indian civics.[83] The focus on a shared homogenous culture, identity, and history

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[78] Irfan Habib 'Communalism and History Textbooks' *in* Communalization of Education: The History Textbooks Controversy *Delhi Historians' Group* 2003; 6

[79] See Abraham Eraly's book 'The Mughal Throne: The Saga of India's Great Emperors' for an account of the religious tolerance and the contributions to a syncretistic Indo-Islamic culture of Akbar and Shah Jahan.

[80] Sanjay Joshi 'Contesting Histories And Nationalist Geographies: A Comparison Of School Textbooks In India And Pakistan', *South Asian History and Culture* 2010:1 360

[81] Oomen 347

[82] Interview with Renita Mendonca on 12/20/12

[83] Interview with Meera S. on 12/20/12

indicates a clear association of citizenship with a hegemonically conceived national identity-with a strong focus, as mentioned, on symbols that derive their roots from Hindu culture.

These discourses have been significantly impacted by changes in political leadership. It can be seen that texts under Congress-led states tend to place more of an emphasis on a somewhat bland, homogenized national culture. However, there have been clear instances of texts becoming increasingly 'saffronized', a term for the promotion of Hindu culture over secularism- particularly in states controlled by the pro-Hindutva BJP and its allies. In 2002, under the BJP-led national government, it was announced that the textbooks issued by the National Council of Educational Research and Training (NCERT) which provides standard curricula for both public and private schools, were to be rewritten 'in order to present history in a more refreshing and cogent manner'.[84] Several of these changes clearly sought to downplay Hindu violence in Indian history, glorify traditional Hindu values and demarcate Muslims and Christians and their respective cultures as 'foreign influences'.[85]

For instance, a new history textbook deleted references to Mahatma Gandhi's assassination by Nathuram Godse, a member of the militant RSS group.[86] These textbooks also mentioned that Hinduism originated 'purely in India' and further labeled Indian Muslims as 'foreign arrivals', continually emphasizing their non-nativeness to the land.[87] *Contemporary India* by Hari Om, the prescribed history text for Class IX clearly blamed the Muslim League for Partition, and argued that the riots between Hindus and Muslims during Partition were fully perpetrated by Muslim mobs. Simultaneously, Hindu right-wing groups like the Hindu

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[84] U.S. Department of State 'International Religious Freedom Report 2002: India'
[85] Romila Thapar 'Propaganda As History Won't Sell' *in* Communalization of Education: The History Textbooks Controversy *Delhi Historians' Group* 2003; 1
[86] Joshi 362
[87] U.S. Department of State 'International Religious Freedom Report 2002: India'

Mahasabha are portrayed in a positive light, with emphasis on their 'charitable activities'.[88]

Makhan Lal's *India and the World* argues that most negative social practices in India such as the

Islamic custom of *purdah* are examples of the degenerate nature of Islam, while simultaneously

upholding the Hindu practice of *sati (*widow-burning as a noble act by women to 'save

themselves from falling into the hands of invaders.'[89] Habib cites instances in revised textbooks

of buildings that were traditionally attributed to Muslim rulers, such as the Taj Mahal, built by

Mughal king Shah Jahan, are described to have been built by seventeenth-century Hindu kings

on the basis of relatively flimsy scientific evidence.[90]

The imposition of examination boards in line with the new textbooks forced schools all

over India to adapt to the new curriculum. Additionally, higher education was also regulated to a

certain extent with new legislation created to monitor academic partnerships between Indian and

Western universities. The new guidelines required all central universities to submit proposed

syllabi and obtain permission for foreign collaborations from the Ministry of Human Resources

Development, led by the pro-Hindutva Dr. Murli Manohar Joshi.[91]

This period also saw the increased radicalism of textbooks at the state level. For instance,

a Gujarati social studies textbook for Class X condones Nazism, mentioning the 'charismatic

personality of Hitler the Supremo' and the 'great achievements of Nazism'. Shockingly, the book

does not acknowledge Nazi extermination policies or concentration camps- other than a passing

reference to a 'policy of the Jewish people and advocacy for the supremacy of the German

state.'[92] This is particularly chilling when the book attempts to describe this in a local context,

describing 'Muslims Christians, Parsees, and Jews as 'foreigners'. While the book does not

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[88] Hari Om 'Contemporary India' (New Delhi: NCERT Press 2001) 34-36
[89] Makhan Lal 'India and the World' (New Delhi: NCERT Press 1999) 232
[90] Habib 7
[91] Thapar ''Propaganda As History Won't Sell' 1
[92] BBC News Service 'Nazi Row over Indian Textbooks' 7/23/2005

openly advocate exterminating foreign races, its open admiration for the policies of Adolf Hitler and his quest to ensure the superiority of the German race over the non-native Jewish population is deeply disturbing.[93] Furthermore, the textbooks in question were issued by the Gujarat State Higher Secondary Board, to which 98% of schools in Gujarat subscribe.

The changes received a certain amount of backlash from secular forces in government. In May 2002, the education ministers of sixteen states walked out of a national education conference to protest the Hindutva bias of the new curriculum. A group of independent scholars filed a petition in November 2002 with the Indian Supreme Court challenging the publication of the new textbooks- however their petition was turned down, and the textbooks continued to be used in schools across India.[94]

The Congress-backed United Progressive Alliance came to power in 2004 and pledged to take 'immediate steps to reverse the trend of communalization of education.'[95] In Delhi, the Directorate of Education prepared forty-seven new textbooks by June 2005, to be adopted by NCERT schools, which largely reverted back to the pre-saffronization era in terms of their content. As the UPA has largely maintained control of the national government ever since, there have been no more major attempts to overhaul the national curriculum in a more communalist stance.

However, at the state and local level, there continue to be reports of 'saffronization' in local curriculum, particularly in states where pro-Hindutva groups retain power at the state level. As recently as 2012, the Bangalore-based Committee for Resisting Saffronization of Education alleged attempts of saffronization of Kannada textbooks for Class V and Class VII after a restructuring of educational material. They point out that the regional kings of Keladi are

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[93] BBC News Service 'Nazi Row over Indian Textbooks' 7/23/2005
[94] 16 Ministers walk out of NCERT meet", The Hindu, 28 May 2002
[95] "UPA will 'kill saffron texts", The Times of India, July 22, 2004, Times News Network

'specifically shown as promoters of the Hindu religion. Additionally, the battles they fought with Hindu kings of neighboring states have largely been edited out. Only the wars against Muslim rulers and foreign rulers have been mentioned.'[96] Additionally, a famed fable of dealings between a cow and tiger were amended to reflect the tiger's cognizance that the consumption cow's meat was not virtuous behavior. The tiger then vowed to fight his natural impulses to partake of cow's meat. This ending differs considerably from original Kannada narrations, indicating a clear attempt to subtly promote the Hindu value of the 'sacred cow' in Karnataka schools.[97] These subtle attempts to alter history place a clear emphasis on portraying Muslims and foreign rulers as external threats.

The analysis of educational material in Indian schools therefore provides valuable testimony as to how civic nationalism in India is 'taught' as an ideology to future generations. It is clear that an overarching theme of national integration requires the complete assimilation of the Muslim community. References to the specifically Islamic portion of Indian history are selectively chosen to reflect a syncretistic Indo-Islamic heritage that forms the basis for national integration today. However, this narrative does not actually reference Kymlicka's concept of multiculturalism, for instead of preserving the distinctness of minority culture, it seeks to homogenize diversity under a communal heading of 'national identity'. In this sense, the "good Muslims" of India are those who are able to assimilate easily into the dominating majority culture, while the "bad Muslims" are relegated to the role of harbingers of destruction at worst, 'outsiders' at best.

It is clear that despite the Indian constitution guaranteeing the protection of minority rights in order to provide all citizens with equal access to political participation, religious

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[96] Times News Network 'Texts Get Saffron Here' *Times of India* 1/5/2013
[97] ibid

affiliation, and economic opportunity, the 'civic nationalism' that defines India's character as a secular state very clearly lies within a formula of almost total assimilation from Indian minority groups. This is not exclusive to the Muslim population: for instance, there is equally limited usage and mention of Sikh or Christian symbols or leaders in Indian textbooks, as well as in the imagery of the Indian state. However, it can also be seen that the tagging of Muslims as 'invaders' or 'foreign arrivals' specifically excludes them from a concept of 'natural citizenship'. This is not just limited to accounts of medieval Indian history- even when examining discourses around Partition and the creation of Pakistan, it can be seen that there remains a high level of suspicion over the 'true intentions' and 'loyalties' of Indian Muslims in terms of whether their allegiance to India will be subsumed by religious affiliation to Pakistan. The coming chapters will reflect on the subtle shift from *jus soli* conceptions of citizenship to a more exclusive *jus sanguinis* framing of citizenship in societal perceptions. For Indian Muslims in particular, it would not be enough to simply have birth and residential linkages to the state. The conferral of citizenships would demand assertions of loyalty to India, an acceptance of Hindu-influenced majoritarian culture, and a specific rejection of Pakistan as prerequisites in order to truly be considered an Indian citizen.

Chapter 2:

The Spatial Dimension: Pakistan, Kashmir, and the Antagonism of Nationalisms

The spatial dimension of public theologies examines how shifting political developments within the region of South Asia have influenced discussions of citizenship and belonging as they pertain to Indian Muslims. In historical discourse, the events that led up to Partition and the creation of Pakistan were founded on a supposition that Hindus and Muslims were distinct civilizations, therefore incapable of living in harmony under a majoritarian Hindu state. For those Muslims who chose to remain in India even after Partition, the implication of this ideology positioned them as inherently disloyal to the state, and permanently incapable of 'belonging' to India from the very beginning.

In more recent times, the question of Kashmir, as India's only Muslim-majority state as well as the site of its longest insurgency posits interesting questions on the framing of the "good Muslim, bad Muslim" discourse, particularly when one examines how the failures of the state in addressing socio-economic disparities for Muslim youth have contributed to the development of Islamic fundamentalist movements within India. The spatial dimension will therefore examine to what extent the presence of a hostile Muslim nation next door, as well as an ongoing Islamic insurgency within India has escalated antagonism towards the Muslim community.

Civilizational Incompatibility and the Advent of Partition

The events of Partition in 1947 were the causation where 'an empire came to an end and two new nation states were forged from its debris- but where the Indian and Pakistani ideas of

nationhood were carved out diametrically in definition against each other.'[98] Prior to the 1940s,

much of the political rhetoric in British India had revolved around the need for self-governance,

for national liberation, for civil disobedience. As it appeared that independence was a distinct

possibility in the near future, these discourses were joined by a new strain of thought: that of a

call for Muslim self-governance in a new country named Pakistan.

The All-India Muslim League first made the formal proposal of a separate state for

Muslim-majority regions in northern India in March 1940. Mohammed Ali Jinnah, the leader of

the Muslim League and the eventual first president of the newly created Pakistan argued that a

unified Indian state in the wake of a British departure would be impossible. He pointed out that

'Hindus and Muslims belong to two different religious philosophies, social customs and

literature: indeed, they belong to two different civilizations which are based mainly on

conflicting ideas and conceptions,'[99] and as a result 'to yoke together two such nations under a

single state will lead to growing discontent and final destruction of the nation's fabric.'[100] From

such statements, it can be seen that much of the rhetoric justifying Partition revolved around

emphasizing the incompatibility of Hindus and Muslims, making it impossible to live together as

one nation in a newly independent India where Hindus remained the unequivocal majority.

Pakistan was therefore intended to be a Muslim-majority state to counter Hindu domination in

India.

Gyan Pande argues that the Pakistan movement was never intended to 'require any

uprooting of associations and ties of homeland which have existed for generations by an

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[98] Yasmin Khan 'The Great Partition : The Making Of India And Pakistan,' (New Haven: Yale University Press 2008) 9
[99] Moore 546
[100] ibid 547

interchange of populations from Hindu majority areas to Muslim majority provinces.'[101] It must

be noted that the concept of Pakistan operated on a 'divide to unite' concept. The League and its

contemporaries argued that a separate Muslim state would actually foster increased cooperation

and facilitate closer ties between Hindus and Muslims in their separate nations, that once

Muslims were secure in their own independent nation, India and Pakistan would come together

to cooperate in economics, politics, defense, and culture. Perhaps this was a relatively naïve

notion, but the Muslim League appeared to genuinely believe that the creation of a Muslim

homeland in South Asia was required to ensure peace and cooperation in the future between

Hindus and Muslims.[102]

In many circles, the struggle for Pakistan encompassed the idea of communal unity to

such an extent that those who indicated unwillingness to support the movement were

immediately deemed as traitors to the community. Pandey suggests that 'to be a true Muslim in

India at this time was to be prepared to lay down one's life for Pakistan. Anyone who was unable

to contemplate such a sacrifice for religion and nation was no Muslim at all, but a 'renegade', or

a 'kafir'.[103] Maulana Azad, one of the foremost Muslim nationalists of the time, who served as

president of the secular Congress party for several years, for instance, was condemned for his

support of a unified Indian nation. Indeed, he was prevented from entering various mosques at

prayer time, and was spat upon by students of Aligarh Muslim University upon attempting to

give a lecture there.[104] The pronounced sympathy for the Pakistan cause amidst the middle class

and the youth, both of whom were relatively visible sections of the Muslim community would be

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[101] Gyanendra Pandey 'Remembering Partition: Violence, Nationalism, and History in India' (London: Cambridge University Press 2001) 26

[102] Ayesha Jalal 'Sole Spokesman: Jinnah, the Muslim League and the Demand for Pakistan' Cambridge University Press 1994; 34-38

[103] Pandey 31

[104] Pandey 29

well remembered in the days after Partition, and used to justify the idea that Muslims, who had

been open supporters of Pakistan just days before, should not belong in the new Indian nation. [105]

A significant development was the addition of Bengal in the east to the proposed areas

zoned for Partition. The geographical distribution of Muslims in colonial India reflected a

significant density in the Punjab and surrounding regions: but equally, a strong proportion of

East Bengal (what now comprises modern-day Bangladesh) also held a majority-Muslim

population. By March 1947, a significant number of Congress leaders, as well as members of

Sikh political groups had been successfully persuaded that Partition would be a necessary evil.

Correspondingly, that month, Congress voted in favor of partitioning the Punjab on the basis of

religious majority.[106] However, Congress also demanded that the Bengal province be bisected on

a similar rationale. Ayesha Jalal argues that it was the selfishness of the Congress leaders rather

than the pressure from the Muslim League that caused the vivisection of the Bengal as well.[107] It

could almost be interpreted as a vindictive overdose of the Partition policy- that if, as Jinnah and

the Muslim league claimed, Muslims and Hindus could not peacefully coexist as one harmonious

nation, the policy of separation would take effect no matter what condition it left the newly

created Pakistani state in. In analogous terms, it would be as though the state of Connecticut and

the state of California consisted of a separate nation from the rest of the continental United

States.

This action quite clearly reinforced the idea of Muslim and non-Muslim lands. It made it

clear that practical considerations of statehood were of little effect in the face of considerations

of religious autonomy. The idea of Pakistan completely ignored the significant distinctions

between Muslims in the subcontinent, divided, as they were, by considerations of class, sect,

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[105] Khan 21
[106] Khan 23
[107] Jalal, Ayesha 'Sole Spokesman' 264

regional affiliation, and language. Rather, it relegated religious communities to a single homogenous unit. By doing so, this reinforced the opinion that the minority community of a region had no place in lands that were not specifically designated to their particular religious community.[108] This was the impetus, several months later, for the widespread eviction of Muslims from northern India and the corresponding displacement of Hindus and Sikhs from Pakistan and East Bengal.[109] Partition made it clear that the newly created 'minority' would not be welcome in independent India.

In the turmoil of Partition, it soon became clear that though Pakistan would lose the bulk of its Hindu and Sikh population, either to conversion or migration, there was little chance that India's Muslims would all move to the newly established Islamic state. Zamindar states that the Muslim community in this instance was relegated from a minority with a high degree of cultural and regional diversity to a 'homogenous political construct, capable of betraying the nation from within.'[110] She further states that the idea of Pakistan 'had been invoked on behalf of a "nation of Muslims" though indeed, many Muslims did not support the movement for a separate state, and many of its supporters included Muslims in areas like Delhi, which, for purely practical concerns, could not be part of Pakistan's territorial claims.[111] As a result, the significant numbers of Muslims who could, or would not leave for Pakistan, almost overnight became outsiders in their own country. It had been naturally assumed that Muslims would flock to the state especially created for them: yet there remained a significant community of Muslims within India with no intentions of moving west.

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[108] Jalal 'Sole Spokesman' 264-65
[109] Vazira Fazila-Yacoobali Zamindar 'The Long Partition And The Making Of Modern South Asia : Refugees, Boundaries, Histories' (New York: Columbia University Press 2007) 4
[110] Zamindar 3-4
[111] ibid 4

There remained the question, therefore, of how these Muslims would integrate into a new state when their very loyalty to the nation's integrity was questioned. As a result, India's Muslims were increasingly viewed with suspicion and fear, an inherent doubt cast in the Hindu mind that in the event of war, their Muslim neighbors and friends would support Pakistan, thus propelling an insurgent movement from within India itself.[112] Pandey discusses rumors among Hindus of 'the Muslims that had remained in India, despite getting a state of their own, harboring sympathies for Pakistan, and many of them were gathering and storing arms.' [113]The question therefore became 'did these suspect people, open supporters of Pakistan until yesterday, and potential fifth columnists, have any right to remain in India?' [114] Aakar Patel states that in the mind of the Hindu, 'the Muslim is guilty of the original sin, by voting for Pakistan in the 1945-46 elections. He divided Mother India, and his generations must therefore carry this burden of Adam.'[115]

These views on the inherent disloyalty of Muslims were echoed among Indian politicians, academics, and leaders. Babu Sampuranand, for instance, stated his 'lurking fears about the potential loyalties of Muslims in independent India veering towards Pakistan,' and the corresponding need for a 'militant, modern nationalism among Indians'.[116] Ram Manohar Lohia 'pointedly asked India's Muslims to "surrender their weapons and be loyal citizens of India, ready to fight, if need be, against Pakistan or any other country.'[117] Govind Ballabh Pant stated 'every Muslim in India will be required to shed his own blood fighting Pakistan, so each one

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[112] Mushirul Hasan "Adjustment And Accommodation: Indian Muslims After Partition" *Social Scientist*, 18(8/9), 1990, P.48-65 52
[113] Pandey 613
[114] ibid 613
[115] Aakar Patel 'To be a Muslim in India' The Tribune 1/31/2013
[116] Gyanendra Pandey 'Can a Muslim Be an Indian?' *Comparative Studies in Society and History*, Vol. 41, No. 4 (Oct., 1999), pp. 608-629; 616
[117] ibid 617

should search his heart now and accordingly decide to migrate to Pakistan'.[118] The implication of these statements, of course, is that Muslims, as a consequence of their religious affiliation, possess an inherent disloyalty to the Indian state-until proven loyal by demonstrating their willingness to fight for 'their' nation. It was clear that Muslims could only be considered 'Indian' through decisive action rather than by virtue of conferred identity alone.[119] Pandey discusses the creation of hyphenated identities by a nationalist core, stating that 'nations are established by constructing a core, or a mainstream, and this core can be identified by their clamor for loyalty, for proof of genuine belonging, from those who do not inhabit the core.'[120] In this sense, Partition constructed what Pandey refers to as 'the real, axiomatically natural, unhyphenated Indian citizen'; and simultaneously, the 'hyphenated identity of Indian Muslim', thereby legitimizing the idea that Indian Muslims did not unequivocally hold their loyalties to India, and as a result, would always be perceived as an internal threat to the nation's stability.[121]

In actuality, there have been no conclusive studies or surveys indicating empirical support for the claim of inherent Muslim disloyalty. Amartya Sen states that 'a great many Indian Muslims remained in India after Partition out of a genuine sense of belonging to the country, and continue to play important roles in everything from public administration, to popular entertainment: there is no significant empirical evidence for the hypothetical political disloyalty of Indian Muslims.'[122] Nevertheless, anecdotes abound about Indian Muslims acting as spies for Pakistan, or Muslim quarters in Indian cities bursting fireworks when Pakistan defeats

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[118] ibid 618
[119] Balraj Puri 'Indian Muslims Since Partition' *Economic and Political Weekly,* Vol. 28, No. 40 (Oct. 2, 1993), pp. 2141-2149; 2143
[120] Pandey 608
[121] ibid 608
[122] Amartya Sen *The Argumentative Indian (*New York: Farrar, Straus and Giroux 2006) 76

India at cricket.[123] An examination of the Kashmir situation and the resulting insurgency spawned by political stability might indicate why, despite no evidentiary support, political events since the Partition of the subcontinent have continued to taint Muslims with the brush of disloyalty.

Kashmir: The Failure of the Social Contract and the Rise of Insurgency

Kashmir evokes strong symbolism for both India and Pakistan as a reiteration of each nation's founding principles. To Pakistan, according to the logic of its creation as a homeland for South Asian Muslims, Kashmir, as a Muslim-majority state, rightfully belongs within Pakistan. Mohammed Ali Jinnah, Pakistan's first president, was famously quoted as remarking that ' the "K" in "Pakistan" stands for "Kashmir'. On the other hand, to India, Kashmir is the state that most clearly emphasizes India's secular character. Accession to India was largely supported by the National Conference (NC), Kashmir's foremost homegrown political movement. The NC's leader, Sheikh Abdullah, despite being a Muslim, firmly stated his support for India over Pakistan and remained a close personal friend of Nehru for many years.[124] The fact that a Muslim majority state willingly chose to accede to India over an Islamic state remained a point of pride for the Indian government.

Simultaneously however, in recent years, the persistence of a strong resistance movement and the resulting militarization of Kashmiri Muslims has been seen as an 'externally inspired Islamic fundamentalist movement' against the 'secular Indian state' and therefore a clear

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[123] See Dilip Hiro's book 'Apocalyptic Realm' pgs. 170-175 for accounts of alleged Muslim spying and covert support for Pakistan after cricket matches.
[124] Navnita C. Behera 'Demystifying Kashmir' (Washington DC; Brookings Institution Press 2006) 37

demonstration of inherent Muslim disloyalty threatening state stability.[125] As a result, from a historical perspective, Kashmir has both been an example of the "good Muslims" who independently choose secularism over religious affiliation; as well as the "bad Muslims" who continue to threaten the nation.

When the former princely state of Jammu & Kashmir joined India in 1950, unlike any other state, it developed a unique, asymmetric constitutional relationship with the larger Indian union. Through Article 370 of the Indian constitution, Kashmir remained fairly autonomous from the Indian state: the central government's powers were restricted to foreign affairs, defense, and communication, while the state government held full legislative powers in all other aspects of governance.[126] Sheikh Abdullah discussed the NC's commitment to India as the result of a 'shared tradition of pursuing secular democratic and socialist political principles.'[127] As a result, Kashmiri Muslims were exemplified as the sort of citizens that characterized India- Muslims who were committed to their religion, but placed higher value on the principles of secular democracy and brotherhood that exemplified the Indian state.

However, between the 1950s and the 1980s, Kashmir was slowly integrated further into the Indian Union whilst simultaneously, its special constitutional status was slowly eroded by the national government's increasing attempts to control affairs once regulated solely by the state legislature. Abdullah was imprisoned in 1953, and his government was replaced by a series of successive governments approved by the Center, including the reign of Bakshi Ghulam

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[125] Sumit Ganguly 'War And Peace In Kashmir' *Perspectives On Kashmir* (San Francisco: Westwood Press 2002) 352
[126] Reeta Chowdhari Tremblay, 'Kashmir's Secessionist Movement Resurfaces: Ethnic Identity, Community Competition, and the State' *Asian Survey*, Vol. 49, No. 6 (November/December 2009), pp. 924-950; 929
[127] Tremblay 929

Mohammed, who official ratified the state's accession to India in 1954.[128] This resulted in increasing demands for autonomy or full independence from the Indian state. Abdullah, once a symbol of Kashmir's harmonious integration with India, publicly declared that he would champion the movement for Kashmir's secession from India unless India began reversing the integrationist constitutional amendments that were encroaching on Kashmiri sovereignty.

In the year 1989, the calls for autonomy developed into the *azadi* (freedom) movement, in two diverging paths, both supported strongly by the Kashmiri Muslim population. One faction supported the unification of Kashmir with Pakistan; the other struggled for independence. Both groups were united in their dislike of the Indian government and its interference with their functioning. As a result, the early 1990s were a period of hostile confrontation between *azadi* groups and supporters of the Indian government. The Indian Army was deployed to various parts of Kashmir to keep the peace and try to restore some semblance of law and order- however, this move proved to be wildly unpopular. In addition to army forces, Kashmir is also policed by the Central Police Reserve Force and the Border Security Force- the heaviest regular military presence in India.[129] Balagopal estimates that well over fifty thousand people were killed in Kashmir between 1990 and 1996 as a result of clashes with Indian armed forces.[130] Army officers have been accused of violations of human rights on a regular basis, from arbitrary arrests, unlawful searches, unlawful assaults on peaceful demonstrators, and in general, destroying the peace they were meant to protect. In recent years, officers have also been accused of raping women held in custody.

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[128] Sumantara Bose *The Challenge in Kashmir: Democracy, Self-Determination and a Just Peace* (New Delhi: SAGE Publications Pvt. Ltd. 1997) 34

[129] Tremblay 936

[130] K. Balagopal. 'Kashmir: Self Determination, Communalism, and Democratic Rights' *Economic and Political Weekly*, Vol. 31 No. 44 (Nov. 2nd 1996)

It is clear that the blatant violation of human rights in the Kashmir Valley has not been instances of aberration, but rather 'operative extensions of an official policy: justified by the need to counter 'terrorism'.[131] For the people of the region, Indian armed forces are the most visible symbols of national policy in Kashmir. As a result, in the deepest irony, the government's plan to prevent terrorism and maintain order has culminated in a situation where the *azadi* movement remains as strong as ever- now fueled by the belief that 'independence from New Delhi, as demanded by the assortment of secessionist militant groups, is the only escape from state repression.'[132]

Chandhoke argues that the rise of militancy from ordinary Kashmiris is a clear result of the Indian state's violation of the social contract- first, in terms of violating the terms of Kashmir's incorporation into the Indian Union, as discussed, but also because despite years of clinging on to Kashmir, the Indian government has failed to provide ordinary Kashmiris with the basic functions of social justice, such as economic opportunities, a decent educational system, public goods and infrastructure. [133] The years of insurgency and military presence have essentially destroyed the Valley's once thriving agrarian economy, and its tourism sector. This has created a dearth of economic opportunity for Kashmiris, but in particular for young men.

The increasing growth of *madrasas* in Kashmir has provided a means of education for Kashmiri youth, who, as a result, are better able to participate in, and understand the political process, as well as have ambitions of professional development.[134] However, the economic stagnation of the Valley means these young people often understand precisely how terrible their

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[131] Tapan Bose, Dinesh Mohan, and Gautam Navlakha 'India's Kashmir War' *Economic and Political Weekly,* Vol. 25 No. 13 (Mar. 31st 1990) pg. 650-662 654
[132] ibid 651
[133] Neera Chandhoke 'Of Broken Social Contracts and Ethnic Violence: The Case of Kashmir', Working Paper, no. 75, Crisis States Research Centre, London School of Economics and Political Science, London (2005) 3-14
[134] Sumit Ganguly 'Explaining the Kashmiri Insurgency: Political Mobilization and Institutional Decay' *International Security,* Vol. 21, no. 2, (Fall 1996) 4

situation is, but have no recourse other than increased frustration with the state. Partially out of economic concerns, and partially out of frustration with the state's failures, these young men are drawn to insurgent movements, which offer both a source of income, and a means of lashing back at the state that has failed them.[135] This demonstrates that what the general Indian public sees as a proliferation of 'Bad Muslims' has, in actuality, been created by the specific failure of the state to provide social goods, protect the rights of Kashmiris, and preserve law and order.

Correspondingly, today, Kashmir is home to a well-armed, well-funded insurgent movement, supported in large part by neighboring Pakistan. This has resulted in the development of groups such as the Lashkar-e-Taiba and the Jaish-e-Muhammed, which have been the cause of some of India's deadliest terror attacks in the past two decades. Tremblay makes the distinction, at this point, between the *jihadi* groups, whose focus is on a global scale of fighting against the 'West' and propagating Islam; versus the local nationalist movements who still constitute the *azadi* movement, and whose mission remains much more local in scope. [136] *Jihadi* groups tend to be better funded from foreign sources, and as a result have more training and are better equipped.

Steve Coll suggests that Pakistan's role in Islamic extremism in India has developed out of a frustration with traditional military methods: in every conflict between India and Pakistan thus far, be it Kargil in 1999 or the nuclear standoff in 2002, Pakistan has generally suffered more casualties, and paid more heavily in terms of public opinion for their involvement in the war.[137] Pakistan has also been largely economically devastated by their involvement in military conflict with India. The funding of counterinsurgency through the provision of arms and the establishment of training camps, therefore, proves to be a more subversive, and inexpensive way, of fuelling instability both in Kashmir and in India as a whole. Operatives from Pakistan-based

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[135] Ganguly 'Explaining the Kashmiri Insurgency' 5
[136] Tremblay 937
[137] Steve Coll 'The Standoff' *The New Yorker* (2006)

terrorist groups have been implicated in the vast majority of India's worst attacks, such as Ajmal

Kasab, the mastermind of the 2008 Mumbai attacks, who was hanged in 2012. Despite initial

denials, Kasab finally stated that he was a Pakistani citizen and had undergone months of

rigorous training in Pakistan in preparation for the elaborate attack. [138]

This has been a source of considerable strain on India-Pakistan relations. It can largely be

seen that Pakistan has made no real attempts to curb the activities of these extremist groups.

Occasionally, under international pressure, Pakistan has banned certain groups- such as the LeT.

However, these groups generally regroup under a different name, or continue to run training

camps under the guise of charitable work- actions, which the Pakistan government seemingly

turns a blind eye to. Additionally, Pakistan has ignored repeated requests by the Indian

government to extradite known terrorists. Pakistan evidently does not wish to alienate these

groups in the event that their services are needed again- while it no longer openly supports

terrorist groups, neither does it hinder their activities, and this has proved to be a major source of

dispute in India-Pakistan relations.

As a result, India has been home to some of the world's worst terror attacks over the past

two decades. Looking at the activities of the Lashkar-e-Taiba for example, it is clear that the

ongoing insurgency in Kashmir has had serious effects on the overall stability of the Indian

nation. Lashkar-e-Taiba (LeT) has claimed Kashmiri independence as a central point of their

manifesto and sourcing and training jihadists from impoverished regions of the Kashmir

Valley.[139] An LeT manifesto 'Hum Jihad Kyun Kar Rahe Hain?'(Why Are We Waging Jihad?)

describes the primary aim of the LeT as 'reestablishing Islamic rule over the Indian

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[138] Rama Lakshmi 'Indian Investigators Reveal Details Culled From Arrested Gunman' *The Washington Post* 12/3/2008
[139] Hussein Haqqani *The Ideologies of South Asian Jihadist Groups, Current Trends in Islamist Ideology* (New York: Hudson Street Press 2005) 24

subcontinent.' '[140] Its other major aims include; facilitating conversion to, and the widespread

practice of Islam both in the Indian subcontinent and globally, liberating predominantly Muslim

territories, such as Kashmir, from non-Muslim occupation, uniting all Muslim-majority regions

in countries surrounding Pakistan, and avenging the deaths of Muslims at the hands of 'infidels'

(non-believers). The group, in essence, calls for the reestablishment of a pan-Islamic empire,

reminiscing to the days when Muslims ruled from Andalusia to Ethiopia, with India as the first

target.[141]

LeT operatives undergo basic training in specialized training camps in Pakistan's North-

West-Frontier-Province and Azaad Kashmir.[142] The majority of the attacks that the LeT has

openly taken responsibility for have been against army personnel: they tend to engage members

of the Indian Army through guerilla warfare tactics. The LeT has also been responsible for

several of the deadliest terror attacks on various Indian cities. Two of these, the 2001 attack on

the Indian Parliament and the 2008 blasts in Mumbai, are particularly significant. Other

particularly devastating attacks include the 2005 Delhi bombings during the Hindu festival of

Diwali, which killed 60 and injured over 600, the 2006 attack on the Mumbai train system,

which left over 200 dead and injured over 1100, the 1998 Wandhama massacre, where 23

Kashmiri Hindu priests were murdered, and the 2006 serial blasts in the Hindu holy city of

Varanasi, which killed 45 and left over 100 people injured.[143] The frequency of attacks during

Hindu festivals, or in Hindu religious sites demonstrates that most LeT attacks target Hindus and

any manifestations of Hinduism, in terms of religious figures, or times and places of religious

significance. Though the LeT denies ever having targeted ordinary citizens, many terrorists

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[140] ہم جہد کیوں کر رہی ہے؟, (*Why Are We Waging Jihad?*), Muridke: Markaz al-dawa wal-Irshad, undated, (in Urdu).
[141] Haqqani 27
[142] Dilip Hiro 'Apocalyptic Realm: Jihadists in South Asia' (New Haven: Yale University Press 2012) 153
[143] Santosh Sinha (2007) 'Violent Army of the Pure,' *BBC News*

captured in the aftermath of these attacks admitted to being LeT members, such as Mohammed Afzal, responsible for the attack on the Indian Parliament in 2001, and Ajmal Kasab, responsible for the 2008 Mumbai blasts.[144]

The LeT is one of the few Pakistan-based terror groups to have a strong network in India. They have forged strong links with the homegrown militant movement, manifested in groups such as the Students Islamic Movement of India (SIMI). Unlike the militant movements in the Kashmir Valley, however, the leaders of these groups are increasingly young, well-educated Muslims from urban areas who are drawn to extremism as an outlet for their feelings of alienation from the Indian state. SIMI and the LeT took joint responsibility for a series of deadly blasts in Bombay in 2002-2003, which killed over one hundred people and injured many more.[145]

As a result, the combination of ongoing hostility with Pakistan and the persistence of terror attacks by groups linked to Islamic terror networks have had serious ramifications on perceptions of Muslims in India. Muslims have been routinely accused of terrorism by mere linkages to their faith, and the BJP in particular has sought to portray Islamic madrassas as 'hotbeds of extremism' and breeding grounds for future terrorists.[146] Through the Prevention of Terrorism Act (POTA) of 2002, which some likened to the Patriot Act in the United States, hundreds of Muslim men were detailed illegally for months without legal representation on flimsy charges of supposed links to terrorist groups. In large part, these shifting societal perceptions of the Muslim community because of tensions with Pakistan and the rise of Islamic extremism are best depicted through India's large and vibrant film industry.

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[144] Lisa Curtis 'Bad Company: Lashkar-e-Tayyiba and the Growing Ambition of Islamist Militancy in Pakistan' Testimony before the US House of Representative Committee on Foreign Affairs; 3/11/2010; 2
[145] Wilkinson 185
[146] Metcalfe 95

Bollywood and Terrorism

Gokulsingh states that 'cinema reflects and shapes culture'[147]: in this sense, Bollywood, or the dominant Indian film industry, provides a considerable level of societal insight into perceptions and stereotypes of the Muslim community, particularly in context of historical events like Partition, communal riots in Gujarat, and the ongoing animosity with Pakistan. Bollywood has often been held up as an exemplar of secularism, which 'consistently reflects the diversity of a pluralistic community, and where films are made and watched by members of every community in India'.[148] In making the case for the secular environment of Bollywood, it is frequently pointed out that not only are Muslims are well-represented in the ranks of lyricists, writers, and directors, but also, some of the nation's biggest stars (Shah Rukh Khan comes to mind) are, in fact, Muslim themselves. However, often what becomes obscured in this discussion is the larger issue of the representation of Muslims within the narratives of Hindi cinema. Kavoori argues that 'Muslims are consistently *othered* in a sustained fashion in commercial cinema, and the rare cinematic representations that deviate from this norm are by and large produced by non-commercially oriented filmmakers who operate outside of the aesthetic and conceptual framework of the Bombay-based film industry.'[149]

The historical circumstances of Partition, India's fraught relationship with Pakistan, and the recent rise of Islamic radicalism have all had significant ramifications on the depictions of Muslims in Bollywood cinema. There is a clear distinction forged between the 'bad Muslim', the

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[147] P. Gokulsingh "Religion, Ethnicity And Caste In Indian Cinema" *In*: Indian Popular Cinema: Narrative Of Cultural Change, 1998; 47

[148] Anandam P. Kavoori & Kalyani Chadha 'Exoticized, Marginalized, Demonized: The Muslim 'Other' in Indian Cinema' *in Global Bollywood* Ed. Anandam Kavoori and Aswin Punathambekar (New York: New York University Press 2008) 133

[149] Shyam Benegal 'Secularism and Popular Indian Cinema' in 'The Crisis of Secularism In India' Ed. Anuradha Needham and Rajeswari Rajan (Durham:Duke University Press 2007) 227

archetypal jihadist representing an internal threat to the nation, and the 'good Muslim', who asserts their secular stance as a commitment to national loyalty over religious affiliation.

Even if not explicitly named as such, the Muslim 'villains' are identified through stereotypical appearances, and the employment of Islamic terminology. The racialization of the Muslim character that Mamdani discusses earlier is clearly evidenced in the fact that one can be made to 'look' Muslim through appearance alone. For instance, Muslims mobs in Mani Ratnam's *Bombay* were universally identified by their checkered scarves and traditional skullcaps. Fareed Kazmi states 'the characterization of Muslims is delineated in terms of abstractions. They emerge as stereotypes represented by well-defined signs of speech, appearance, dress, and social practice. Ignored are the real-life people with distinct social backgrounds and individual dispositions.'[150] This is clearly evidenced in portrayals of terrorists in films like *Mission Kashmir* and *Roja*. From the 1990s onwards, there have been a number of Bollywood films such as *Mission Kashmir* and *Fiza*, which largely documents the threat to the nation-state from across the border-, primarily Pakistan- but also internally- largely from Kashmir. These films 'mobilize the idea of terrorism as a global infection and legitimize the paranoia of the menacing Muslim who can strike at any time.'[151]

Additionally, Bollywood also has the tendency to contrast depictions of Muslim-perpetuated terror with displays of vivid patriotism from the 'good' characters. For instance, in Mani Ratnam's *Roja* a scientist named Rishi is taken hostage by a group of Kashmiri terrorists. Obvious contrasts are drawn between the protagonist, as a law-abiding citizen, and the terrorists as nefarious Muslim villains. One of the most powerful scenes of the movie is when the terrorist

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[150] Fareed Kazmi 'Muslim Socials and the Female Protagonist' *Forging Identities: Gender, Community and the State* New Delhi: Kali for Women 1994 239-240
[151] Sujala Singh 'Terror, Spectacle, and the Secular State in Bombay Cinema', in *Terror and the Postcolonial* (eds E. Boehmer and S. Morton), Wiley-Blackwell, Oxford, UK. (2010)

group, frustrated with the government's response to the kidnapping, sets an Indian flag on fire. Rishi risks his life to extinguish the flames, thereby demonstrating his great pride in his country. The sharp contrast between the actions of the terrorists and Rishi's valor are meant to incense the audience into feelings of patriotism.

The construction of a 'good Muslim' character is established in two ways: one- through a demonstration of loyalty to the Indian state over religious affiliation; or secondly, by establishing the character as a 'secular hero', for whom the religiosity or fundamentalist tendencies of his community have no appeal. 'Good Muslim' characters such as Raja in *Mr. and Mrs. Iyer* or Aslam in *Rang De Basanti* are shown to keep a significant distance from the Islamic faith of their community. These secular figures are largely 'suspicious of undue veneration of the past and desirous of bringing about ethnic and religious tolerance.'[152] Raja, for instance, is depicted as an 'enlightened, liberal Muslim', often deriding Mrs. Iyer for her 'outdated' views on caste and religion. Films often depict a decided incompatibility between religiosity and moral rectitude in Bollywood. More often than not, these 'secular' characters are shown to firmly reject the religious leanings of their family or community. Aslam, in *Rang De Basanti* for instance, is comes from a religious family, which strongly disapproves of his association with non-Muslims. He constantly clashes with his family- eventually rejecting them for the company of his 'modern' friends, including reformed Hindu nationalists. There are few films, which depict a devout Muslim as inherently loyal to the nation without forcing him to undergo some sort of confrontation with his fellow adherents.[153]

On the other hand, much in the manner Gyan Pande outlines, it can be demonstrated that whether in real life or in film, a Muslim must prove their undivided loyalty to the Indian nation-

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[152] Gokulsingh 60
[153] Benegal 281

state, over and above any attachment or love for their own community. These 'good Muslim'

character is often shown to have some sort of deep personal attachment to the perpetrators of

terrorism or communal violence, thereby undergoing a test of fire, of sorts, where they must

demonstrate to the viewers that their attachment to their country supersedes bonds of religious

allegiance. For instance, both *Fiza* and *Fanaa* share a similar treatment of their female

protagonist (both Muslim women). Both women discover a loved one- a brother in Fiza's case

and a husband in *Fanaa*- are involved in terrorist activities. Both women choose to shoot their

men dead rather than allow then to commit acts of dastardly violence against the innocent. Both

women are shown racked with remorse after the killing- yet; both take a quiet pride in having

'saved' the nation.[154] This harkens back to earlier discussions of what constituted 'citizenship' in

early conceptions of the Indian nation- unlike Hindus or Sikhs, who were assumed to have *jus*

soli rights to citizenship in India without question, the presence of Pakistan next door, its

foundation on the basis of *jus sanguinis* and a common Muslim ethno-cultural identity

necessitated some assertion of loyalty from those Muslims who did decide to remain in India. It

was not enough to merely qualify for citizenship on the basis of birth or residence.

The presence of so many thematically similar, commercially successful films does

indicate a pervasive trend in both cinema and society to perceive Muslims as inherently disloyal

to the nation, and demand of them, in some way, to prove their loyalty to the nation as a whole

over religious affiliation alone, be it in real life, or in Bollywood. In this scenario, how might

loyalty to one's cultural community be reconciled with one's civic duties, loyalties, and

obligations? It might seem that it is unable to be simultaneously a member of a social group

whose comprehensive identity and way of life is regarded to be outside the majoritarian

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[154] Singh 352

discourse; and also be part of the larger civic community. In this sense, Pandey's question of whether a Muslim can be an Indian appears to have no easy answer. Bollywood answers that the acceptance of Muslims into Indian society is conditionally dependent on an assertion of loyalty to the nation over religious affiliation.

The spatial dimension therefore reflects that perceptions of conflicts engaged with Muslims- both within India, from the case of Kashmir, and externally, with regards to Pakistan- have had a considerable impact on discourses of citizenship and belonging in the public sphere. The 'good Muslim, bad Muslim' dichotomy is best evidenced through Bollywood, where the 'internal civil war within the Muslim community'[155] that Mamdani discusses is clearly at play: yes, good Muslims do exist, but will forever be embroiled in a struggle with the "bad" segment of their community if they are to prove their worth as loyal citizens and adherents to democratic values. The historical legacies of Partition, the unending conflict with Pakistan, and the threat of Islamic radicalism have all pervaded themselves deep into the contemporary 'Indian' mindset, and it seems likely, therefore, that the question of where a Muslim's loyalties really lie will continue to be contested, demanded, and dissected in the years to come.

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[155] Mamdani 6

Chapter 3:

The Spiritual Dimension: Hindu Nationalism, Muslim Madrasas, and the Framing of

Orthodoxy

The spiritual dimension will specifically discuss the religious frameworks that have given rise to contemporary discourses in public theologies over citizenship and belonging. It will first discuss the development of Hindutva, or the resurgence of Hindu nationalism through tracing the development of groups such as the Rashtriya Swayamsevak Sangh and reflecting on how these groups' ascendancy to power has impacted narratives of citizenship and belonging for Muslims. Second, it will examine the brand of 'Indian Islam' propagated by the Deoband movement, considered to be the foremost representative of 'Indian Islam' today. A second example of Islamic public theology would be the narratives discussed by *jihadi* groups such as the LeT, but as this has been covered fairly substantially, it shall not be discussed here again. Both groups have framed their political leanings in a language of orthodoxy and a heavy reliance on religious symbols. However, while Hindutva proponents argue that Islam cannot be comfortably reconciled with Indian identity unless Muslims voluntarily acknowledge the superiority of Hindu discourses, the Deoband movement demonstrates that it is entirely possible to preserve a distinctly Islamic identity while still working peaceably within the secular framework of the state.

Interestingly, the term 'Hindu' once meant outsider. The term was originally used to mark the inhabitants of the lands beyond the Indus River. Derived form the Arabic word 'al-Hind', it essentially meant 'the other' in the consciousness of Arab entrants to the region, and

slowly emerged as a common phrase for the native culture of the subcontinent.[156] 'Hinduism' in the brahminical sense therefore came to refer to a religious order that shared the commonalities of a Sanskrit language, a fundamental set of practices regulating religious and social behavior from a set of ancient, coherent texts, such as the Vedas and the Manusmriti, and a shared sacred geography of pilgrimage sites and physical symbols.[157] Unlike Islam, however, which resembles something along the lines of a linear progression from a central founder through an organizational system with sects branching off, Hinduism reflected a flexible diversity of cults, sects and deities demarcated by individual conditions of location, caste and language- this therefore prevented the creation of a homogenous Hindu community. The codification of Hinduism's diverse brahminical practices only occurred in the early nineteenth century, where the need for defining the Hindu community became a requirement for political mobilization, as the representation by one's religious community became the key to accessing power and economic resources.[158]

A small, western-educated Brahmin stratum took it upon themselves to engage in a comprehensive outline and registration of religious practices and communities. This allowed colonial administrators and intellectuals to distill the potpourri of cultural difference in Hindu tradition into easily understandable systems, separating the core of the traditional Sanatana Hinduism from the periphery of deviating scripts. This produced the idea of 'Hindu' as a 'synthetic concept that encompassed everything in the subcontinent: therefore every practice or mode of worship became a degree of deviation from the norm of orthodox Hinduism.'[159]

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[156] Romila Thapar 'Imagined Religious Communities? Ancient History and the Modern Search for a Hindu Identity' *Modern Asian Studies*, Vol. 23, No. 2 (1989), pp. 209-231 222
[157] Thomas Blom Hansen 'The Saffron Wave: Democracy and Hindu Nationalism in Modern India' (Princeton: Princeton University Press 1999) 66
[158] Thapar 230
[159] Hansen 66

In the late colonial period, there arose a discourse of Hindu nationalism being incorporated into national ideology that served to directly exclude 'foreign communities' such as Muslims and Christians from the overarching discourse. This is best exemplified by the development of modern movements such as the Arya Samaj.

Founded by the reformist philosopher Dayananda Saraswati, the Arya Samaj formed one of the largest, most influential and most conservative of national movements. Their doctrine shunned certain aspects of the caste system and idolatry, taking on a far more revivalist, proselytizing approach to religion. It emphasized the spiritual superiority of Hinduism over all other religions, and cast Hindu narratives of tolerance and inclusiveness in direct opposition to the intolerant, doctrinal nature of Islam. [160]They emphasized the *shuddhi* or purity movement, aiming to stop the conversions of lower-class Hindus to Islam or Christianity, and strongly opposing education in English and Muslim influence in education, language and social life.[161] Importantly, however, the Arya Samaj was integral to the development of 'Hindu' institutions in Indian civic life. In the 1880s, the Arya Samaj established a system of educational institutions all over northern India: the Dayananda Anglo-Vedic colleges. These institutions featured English as the medium of instruction, but featured a curriculum heavy in national culture, Hindu history, and religion.[162] As a direct response to the founding of the Aligarh Muslim University in 1898, Arya Samaj leader Madan Mohan Malaviya was also critical in the founding of the Banaras Hindu University in 1915, a self-proclaimed 'Hindu' university with Hindi as the sole medium of instruction. BHU would go on to be a significant institution in the movement for the

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[160] John Zavos, 'The Arya Samaj and Antecedents of Hindu Nationalism' International Journal of Hindu Studies, Vol. 3, No. 1 (Apr., 1999), pp. 57-81; 59
[161] Lala Lajpat Rai *The Arya Samaj* (London: Longmans, Green and Co. Press 1915) 10-12
[162] Zavos 62

establishment of a Sanskritized Hindi as a national language.[163] The Arya Samaj lobbied for the

necessity of reforming Hindustani from a language of the masses into a 'high vernacular' to

become the dominant language of administration and education.[164] Hindustani could be written in

either a Devanagari script or a Persian script at that point- the Arya Samaj's usage of

Sanskritized Hindi in their magazines, educational institutions, and books therefore had a

significant impact on popularizing Devanagari Hindi in mass media.[165]

As a result, the foundation of specifically Hindu educational institutes and the

development of a Hindi-language media as institutions produced a solid cohort of upper-caste,

well-educated men who prioritized loyalty to the nation and were thus militantly devoted to the

cause of the Hindu community.[166] These men would go on to form the founding fathers of what

we refer to today as Hindu fundamentalist groups.

Two of the most well known ideologues of Hindu nationalism were both products of the

Hindu institutions the Arya Samaj sought to implement. Veer Savarkar and M.S Golwalkar both

played important roles in the founding of the group that would decisively impact the course of

Hindu nationalism: the Rashtriya Swayamsevak Sangh (RSS) which was founded in 1925 with

the aim of 'awakening Hindu political consciousness and mobilizing it into a strong political

force.'[167] Both men emphasized the fundamental spiritual superiority of Hinduism above all other

faiths, but correlated this spiritual superiority with ideas of nationhood and belonging. Savarkar

emphasized Fichte's ideal of the 'internalized individualization of nationhood' arguing that

Hindutva (Hinduness) was a question of subjective feelings, loyalty, and individual patriotism, or

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[163] Krishna Kumar 'Hindu Revivalism and Education in North-Central India' *Social Scientist,* Vol. 18, No. 10 (Oct., 1990), pp. 4-26; 19-21
[164] King 51
[165] Rai 194-196
[166] Hansen 72
[167] Malik 311

a 'will to nationhood'.[168] He argued that the ultimate criteria for being Hindu was the affinity to a 'holy land', thus centralizing India as the geographical location of the sacred shrines and myths of one's religion. Hinduism in his view therefore denoted all religions that had 'grown from the soil of India' including Buddhism and Sikhism. This definition therefore largely excluded Christians and Muslims from conceptions of nationhood, and defined them as posing a significant political and cultural threat to the Indian nation. [169] Savarkar argued that these groups could have potential 'extraterritorial loyalties' to their native holy lands- this split loyalty therefore excluded them from the definition of 'Hindu'.[170] He stated that Muslims could only be a part of the Indian nation if they 'accepted the centrality of Hinduism to Indian civilization and therefore made no claims to separate treatment.'[171]

Golwalkar defined nationhood as the amalgamation of five unities: geographical, religious, racial, cultural and linguistic unity. He argued, citing the European nations as an example, that cultural unity was a 'precondition for the viability of a state'. He 'used pseudo-scientific language to demonstrate the Hindus constituted the racial, religious and linguistic backbone of India' and therefore argued that those who did not comply with the predominate cultural practices of the state 'deserve no privileges, far less any preferential treatment- not even citizen rights.'[172] By this definition he also strongly opposed the linguistic federalism previously discussed as one of the Congress party's measures for diversity accommodation, stating that it would 'weaken the cohesion of Hindu society.'[173]

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[168] Hansen 78

[169] Ashutosh Varshney(1993) 'Contested Meanings: India's National Identity, Hindu Nationalism, and the Politics of Anxiety' *Daedalus,* Vol. 122, No. 3, Reconstructing Nations and States 237-238

[170] Walter Anderson 'The Rashtriya Swayamsevak Sangh: I: Early Concerns' *Economic and Political Weekly*, Vol. 7, No. 11 (Mar. 11, 1972), pp. 589+591; 593

[171] Varshney 238

[172] M.S. Golwalkar 'Our Nationhood Defined' (Nagpur: Bharat Prakashan 1947) 56

[173] ibid 56

Both men demonstrated a brand of cultural nationalism that was 'communal, masculine, and aggressively anti-Muslim.'[174] Hansen argues that in this time period, Muslims were constructed as the main threat to Hindus, 'not only because of the ongoing struggles over the cultural complexion of the nationalist movement, but also because their ostensible self-confidence and corporate strength constantly emphasized what Savarkar saw as self-destructive weakness and a lack of confidence among Hindus.'[175]

Symbolism and Saffronization

The Rashtriya Swayamsevak Sangh remains the best-known bastion of Hindu nationalism today. The group was founded in 1925 with the aim of 'awakening Hindu political consciousness and mobilizing it into a strong political force.'[176] The RSS was originally conceived as a means of protesting British imperialism in India. During the events of Partition however, it emerged as a militant force bent on avenging the violence against Hindus and Sikhs in Pakistan by targeting Muslim communities in India. Its leaders would later form a wide consortium of organizations with similar beliefs, from the women's wing Rashtriya Sevika Samiti, to the youth cadre Bajrang Dal and the more political Vishwa Hindu Parishad.[177] These groups all placed a similar emphasis on physical education and inculcating moral 'Hindu' values among their members. The groups were united by their grandiose vision of Hindu antiquity and community ties and the shared belief that this core was perpetually threatened by a strong, demonized other- the Muslim community. This threatening other was therefore the impetus for

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[174] Hansen 79

[175] Tapan Basu 'Khaki Shorts, Saffron Flags: A Critique of the Hindu Right' (New Delhi: Orient Blackswan 1993) 45

[176] Berglund 1065

[177] See Tanika Sarkar's work 'Pragmatics of the Hindu Right: Politics of Women's Organizations' for specific information on the women's groups linked to the RSS.

their self-construction as a cohesive, masculine force that remained ultimately devoted to the cause of the Hindu nation.

These groups shared many common symbols: most visibly, the appropriation of the color of 'saffron'. In modern parlance, the term 'saffronization' refers to the increased influence of Hindu nationalism on a social construct. Though the color has been widely used through history as a mark of religious ritual, the *bhagwa dhwaj,* or saffron flag used by the RSS and its affiliates stands as a direct counter to the tricolor Indian *tiranga*, whose horizontal bands of color are meant to symbolize the peaceful coexistence of multiple religious communities.[178] The color saffron is often used by these groups to mark Hindu homes during times of rioting, and the saffron flag is often flown over mosques and Muslim quarters during such riots to indicate Hindu dominance of the area.[179] These groups also utilize the traditional symbolism of India as a woman: 'Bharat Mata' or Mother India is portrayed to be under threat by the foreign invasion. RSS ideology often refers to the conquest of India by Muslim invaders as the 'rape of the motherland'[180] The exhortation upon Hindu males to take on the mantle of masculinity and militancy to 'defend the nation' therefore is constructed in an almost Oedipal manner, with themes of loving the nation to the point of sacrifice, and the imagery of 'fighting to avenge the rape of Mother India' featuring in RSS literature.[181]

Interestingly, the RSS does not claim to be opposed to secularism. Rather, they claim to practice 'positive secularism, which promotes 'justice for all and discrimination against none'- whereas the Congress party purportedly advocated 'pseudo-secularism- which denigrates the

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[178] Hansen 109-110
[179] Ragini Sen 'Symbols, Symbolism and Mass Action' *The Encyclopedia of Peace Psychology;* 2011; 36
[180] Jasodara Bagchi 'Representing Nationalism: Ideology of Motherhood in Bengal' *Economic and Political Weekly* 25 (20 October) 1990 65-68
[181] Thomas Blom Hansen 'Recuperating Masculinity: Hindu Nationalism, Violence, and the Exorcism of the Muslim 'Other' *Critique of Anthropology* 1996 16: 137

majority Hindu community and favors pampering the minority community.'[182] This formula

criticizes secularism for not attaining the goal of 'sarva dharma sambhav', or equal respect for all

religions.[183] The RSS argues that true secularism can only be attained through equality, which

mandates, that as the majority population, Hindus must have rights to rule.[184]

The Rise of the BJP

In the early 1980s, several prominent members of the RSS formed a coalition with members

of the Hindu nationalist party, the Jana Sangha, to form the Bharatiya Janata Party. This was largely

considered to be the political arm of the RSS. India experienced a period of tense political repression

under Indira Gandhi in 1975, which cost the Congress much of its support among the masses. As a

result of Congress's unpopularity in the aftermath of the Emergency, the BJP was able to

successfully contest elections in 1986 and formed the new government. There was a significant

overlap between the leaderships of the RSS and BJP, including former Prime Minister, Atal Behari

Vajpayee, who began his political career in an RSS shakha.[185] The BJP, though far more moderate in

ideology than the RSS, marked their reign with an intensification of Muslim hostility in national

policy. It also marked the official transitioning of conceptions of citizenship from *jus soli* to ideas of

jus sanguinis. This is best evidenced in the case of Assam and Muslim migration from Bangladesh.

There has been a steady flow of impoverished Bangladeshi migrants, mostly Muslims, to

India, for decades now, many of whom are attempting to escape poverty and political

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[182] Berglund 1066
[183] Wolfgang Wagner and Ragini Sen Cultural Mechanisms of Fundamentalism: Religion as an Ideology, Divided Identities and Violence' *Culture Psychology* 2009 15: 299; 312
[184] Golwalkar
[185] Berglund 1066

marginalization back home. [186] This led to a massive increase in the Muslim population in the area. Between 1979 and 1999, the Muslim population grew by nearly 77.42%- almost double the Hindu rate of 41.89%.[187] Many of these migrants have managed to obtain documentation through bribery or other illegal means, such as voter identity cards or ration cards, thus allowing them to participate in elections as any other Indian citizen. [188] This posited a serious threat to the indigenous Assamese community, who argued in political circles that the 'non-Indians who had surreptitiously entered Assam after 1971 had changed the whole character, cultural, and ethnic composition of the area.'[189]

As a result, the BJP allied with the Asom Gana Parishad, preaching a rhetoric of xenophobia and arguing that the influx of migrants with political power would result in 'the spread of Islamic fundamentalism' and that the migrants would 'eventually demand a merger with Bangladesh.'[190] This was portrayed by the BJP as an organized Muslim invasion into India, taking for granted the 'kind nature of the Hindus'.[191] This rhetoric became standard fare in the construction of the Muslim threat to the nation, following in with the rhetoric of the menace of destabilization, job snatching and the exploitation of good-hearted Hindus. During this period, the BJP's mass political discourse relied on simple concepts alluding to the effeminization of the Congress Party in the face of Muslim aggression. Phrases such as 'pseudo-secularism', 'minority-pampering', 'foreign infiltration' and 'Muslim appeasement' thus became common parlance in the Indian political discourse.[192]

This period was also marked by an intensification of ritual and ceremony meant to engender feelings of community among the large swath of Hindus in rural India. The Ram Shila Puja, for

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[186] Sharat G. Lin and Madan C. Paul 'Bangladeshi Migrants In Delhi: Social Insecurity, State Power, And Captive Vote Banks' *Bulletin of Concerned Asian Scholars* no. 1: 3–20 1995 4-6
[187] Kamal Sadiq 'Paper Citizens: How Illegal Immigrants Acquire Citizenship' (New York: Oxford University Press, 2010) 43
[188] Sadiq 37-39
[189] Jayal 65
[190] Jayal 65-66
[191] Michael Gillan 'Refugees or Infiltrators? The BJP and 'Illegal' Migration from Bangladesh' *Asian Studies Review* Vol. 26 No. 1 March 2002; 77
[192] Hansen 160

instance, organized by the Vishwa Hindu Parishad aimed to build a Ram Mandir in the holy city of

Ayodhya utilizing consecrated bricks collected from all over India and carried to the holy site,

harkening back to a mythological tale in the period of Lord Ram's reign. This was a highly visible

campaign steeped in communal affiliation and mythological mysticism. The bricks were consecrated

by village elders and wrapped in saffron cloth for their journey to Ayodhya. It was estimated that

over 300,000 pujas were performed and attended by over 100 million people.[193] This event served to

spread the discourse of Ram as a national hero and his reign as a time to be aspired to, and Ayodhya

as the symbolic center of the Hindu nation to a large rural audience.[194] However, the campaign

correlated with a sharp increase in communal tensions throughout India, often in sites where such

functions had taken place.

The Bhagalpur massacre of Muslims in 1989 for instance, was one of the most devastating

instances of communal violence since the events of Partition, and went largely uninvestigated by

state authorities.[195] This also marked a climactic point in the dispute over the Babri Masjid in

Ayodhya. Hindu nationalists claimed that the 16th century mosque had been built over a Hindu

temple commemorating the birthplace of the Hindu Lord Ram, and demanded the site be returned to

them.[196] After the government refused to intervene, citing a lack of hard evidence as to the existence

of the temple, a demonstration of over two hundred thousand *kar sevaks*[197] battered the ancient

structure, breaking its dome with hammers and iron pipes. The police were largely outnumbered and

unable to respond effectively. When the demolition was complete, Hindu nationalists installed an

icon of Lord Ram at the site.

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[193] Hansen 172
[194] Zavos 63-64
[195] Gyanendra Pandey 'Routine Violence: Nation, Fragments, Histories' Stanford University Press 2005; 26, 29
[196] BBC News 'Timeline: Ayodhya Holy Site Crisis' 12/6/2012
[197] The RSS term for 'young volunteers'.

Almost immediately, there was a heavy surge of communal riots between Hindus and Muslims all over the country, even extending to the United Kingdom, where Hindu and Muslim immigrants responded by attacking each other's religious structures.[198] The worst of this occurred in the financial metropolis of Bombay[199], where an estimated nine hundred people were killed. [200]

The Impact of Policy on the Muslim Community

Despite the fact that their campaign for national office had been marked my periodic episodes of communal violence at best, and full-fledged riots at worst, the BJP garnered 20% of the popular vote in the 1992 elections, and held the Lok Sabha with 119 seats. The BJP's reign in national office was marked a reaffirmation of their image as masculine, militant leaders. This was bolstered by the military defeat of Pakistan in 1999 at Kargil and the successful explosion of nuclear missiles in Pokhran in 2000. These were measures seen as calculated moves to strengthen nationalist sentiments by stigmatizing a common enemy, rather than an internal community. [201] However, BJP internal policy also reflected a systematic set of policy changes intended to stigmatize Muslim communities within India. For instance, the BJP pushed actively for the implementation of a uniform civil code, and advocated for a national register with ID cards for all Indian citizens. It was suggested this would facilitate the 'detection of illegal immigrants'- but several BJP leaders also suggested it would make it easier to differentiate between non-Hindu and Hindu immigrants. BJP leaders also attempted to draw parallels between India and Israel, suggesting that just as Israel was a 'natural homeland for Jews worldwide, India should be made into a similar natural homeland, where any Hindu, regardless

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[198] Bacchetta 257
[199] For an excellent description of the violence in Bombay, please refer to P. Sainath's essay 'Bombay Riots of 1992- A Report'
[200] Madhu Kishwar 'Safety Is Indivisible: The Warning From Bombay Riots' *Manushi No. 74-75 Jan- Apr 1995*
[201] Berglund 1070

of citizenship, could freely settle.[202] This brought up the clear implication that non-Hindu Indians had

no similar natural entitlement to citizenship, and reinforced the 'Hindu' character of the state.

Perhaps the most controversial of these policy changes was the implementation of the POTA

(Prevention of Terrorism Act), which was enacted in 2002. POTA criminalized the vague, overly

broad crimes of 'terrorist or disruptive activities', as well as the 'membership, belonging, or

professing membership of an association involved in terrorism' did not specify the mental state

required for conviction, and allowed for extended detention without trial of suspected terrorists often

on the basis of relatively flimsy evidence and without access to legal counsel.[203] POTA was found to

disproportionately target Muslim communities in states dominated by Hindu nationalist parties such

as Gujarat. For instance, in the immediate aftermath of the 2002 riots, the Gujarat state government

filed POTA charges against at least 62 Muslims, including seven boys below the age of 16, and

illegally detained as many as 400 others with no charge supplied.[204]

One year later, the Gujarat police filed POTA charges against another 121 Muslim

individuals, alleging 'wide-ranging conspiracies by Muslims against Hindus in explicit retaliation for

the post-Godhra violence.'[205] Although there were a far more significant number of Muslim

casualties in the 2002 riots, no Hindus were charged under POTA at all- even though POTA's broad,

vague definition of terrorism could easily have been applied to much of the anti-Muslim violence in

Godhra. By March 2004, more than 300 Muslim men had been charged under POTA, most of who

were illegally detained for months.[206] This practice therefore served to target Muslims

disproportionately, even though members of other religious faiths have also been prone to instigating

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[202] Hansen 221
[203] Anil Kalhan, Gerald Conroy, Gerald, Mamata Kaushal, Jed Rakoff and Sam Scott Miller. 'Colonial Continuities: Human Rights, Terrorism And Security Laws In India' *Columbia Journal of Asian Law* (20:1: 2006) 156
[204] Kalhan et al 179
[205] ibid 179
[206] Ujjwal Kumar Singh 'POTA and Federalism' Economic and Political Weekly, Vol. 39, No. 18 (May 1-7, 2004), pp. 1793-1797; 1793

acts of terror against other communities. Despite the policy's blatant persecution of the Muslim community, the BJP received very little global condemnation for their obvious intolerance. Rather, the government of the United States, preoccupied with the beginnings of the War on Terror, lauded India as a 'strategic ally in the global fight against terrorism'.[207] POTA was eventually repealed when the Congress returned to power in 2004, but was nevertheless successful in stigmatizing and alienating a significant number of Muslims by branding them with the 'terrorist' label.

State-Sponsored Communal Violence

These policy changes were supplemented by a studied indifference on the national level towards allegations of instigated communal violence- a policy that resulted in a sudden upsurge in communal riots in India during the BJP's reign. Most notably was the state-sponsored massacre of Gujarati Muslims at Godhra in 2002. An estimate by the Indian government in 2005 put the death toll at over 1,500 people, with another 2,500 seriously injured. It is also estimated that 900 women were widowed and 600 children orphaned in the riots.[208] The violence in Gujarat began when a train carrying VHP cadres returning from Ayodhya was torched, allegedly by a Muslim mob- though later government reports indicate that the fire could have begun accidentally from within the train. In response, on February 28th, a retaliatory killing spree was launched by members of the VHP and the youth group Bajrang Dal, leaving hundreds dead, and thousands more homeless and dispossessed. Muslim homes, businesses, and places of worship were set ablaze or desecrated, and scores of women were brutally gang-raped by mobs. The Hindu mobs marked themselves with saffron garments and traditional *trishuls* for weapons, and reportedly were equipped with copies of government voter lists from the Ahmedabad Municipal Corporation that specifically identified

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[207] Arunabha Bhoumik 'Democratic Responses To Terrorism: A Comparative Study Of The United States, Israel And India' *Bepress Legal Series,* Year 2004 Paper 287; 21
[208] BBC News 'Gujarat Death Toll Revealed' *BBC News Service* 5/11/2005

Muslim-owned properties. [209]A key BJP official was reported to have taken over police control rooms from the first day of the carnage, issuing orders to disregard pleas for help from Muslims.[210] Ehsaan Jaffri, a former member of parliament, was murdered along with several other Muslims who sought refuge in his home despite his desperate pleas for help from other parliament officials and his armed guard. [211]

A Human Rights Watch report documented a significant number of incidents in which the police were directly implicated: either as passive observers, or in collusion with armed mobs. There were several reports of police officers entering Muslim residences and shops in the guise of offering assistance only to lead a rampaging Hindu mob directly to their victims. Many witnesses testified that their calls either went unanswered or that they were met with responses such as: "We don't have any orders to save you"; or "If you wish to live in Hindustan, learn to protect yourself " [212]

This had widespread consequences for the BJP's political standing. An inquiry by the Indian government would later name several prominent BJP leaders as the primary sources of blame for the Godhra riots, both at the state and national level, including Chief Minister Narendra Modi. BJP leaders were accused of pre-meditating the attacks, failing to contain the violence through military intervention, and additionally failing to prosecute many of the rioters (most of whom had affiliations to the RSS or other fundamentalist groups). The BJP was therefore unable to maintain their popularity on the national level, and as a result, were defeated by Congress in the 2004 elections- though ironically, maintaining their stronghold on the state of Gujarat.[213]

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[209] Human Rights Watch 'We Have No Orders To Save You: State Participation And Complicity In Communal Violence In Gujarat' Vol. 14, No. 3 April 2002 4
[210] Human Rights Watch 5
[211] BBC News 'Report Says MP Ehsaan Jafri "provoked murderers" 5/11/2012
[212] ibid 5-6
[213] Malik 313

This was not the first time the BJP was accused of complicity in violence against Muslims. In 1992, BJP and RSS activists, paired with the Vishwa Hindu Parishad, succeeded in demolishing the Babri Masjid, a mosque constructed purportedly at the birthplace of the Hindu god, Ram. This was deeply symbolic for proponents of Hindutva and Hindu nationalism, as it signified the reclaiming of Hindu culture from a site of Muslim invasion. At that point, however, the BJP firstly did not have as much to lose in terms of political ground. Secondly, they were able to reconstitute this incident in a manner that bolstered their image among the Hindu community at large: by promoting themselves as guardians of the Hindu faith, they were able to successfully garner votes from most Hindus. This incident therefore did not impact them as significantly as the 2002 riots.[214] Hindus and Muslims alike were largely disgusted both by the casualties, as well as the clear lack of state response.

In more recent years, the Gujarat riots continue to hamper the BJP's ability to succeed politically. In 2009, a Supreme Court report was published which clearly indicted top BJP leaders in their failure to prevent the riots- coincidentally, just prior to the elections. The party received a mere 19% of the national vote in the 2009 elections, losing over a third of their previous holdings. [215] Recently, the BJP has also lost significant support from the RSS and its affiliated parties, for supposedly 'deviating' from the path of Hindutva. The RSS pressured the BJP to re-adopt certain policies, such as implementing a common civil code, banning sharia as a source of law, and other minority concessions. The BJP, largely in attempts to firstly distance themselves from the increasingly violent nature of Hindu fundamentalist movements, but also to forge coalitions with other political parties in order to maintain some semblance of opposition power in Parliament, has refused to adopt these changes. The BJP therefore now faces a dual conundrum: it is necessary for them to maintain their affiliation to the RSS and the other groups of the Sangh Parivar largely for

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[214] Hansen 284-287
[215] Hannon, Elliot ' Does India Need a Hindu Nationalist Party?' *Foreign Policy* 4/30/2010 2

financial backing and to maintain the vote bank of the Hindu conservatives. On the other hand, the devastating losses their party has suffered makes it necessary to seek alliances with more moderate political groups- endorsing policies seen as 'fundamentalist' will complicate these potential alliances.[216] The party has admittedly attempted changes: such as strongly condemning their former ally, the Shiv Sena, for their intolerance of non-Hindus in Maharashtra. They are also relying on a younger generation of leaders such as Nitin Gadkari and Varun Gandhi, to represent the party in the forthcoming elections.[217] Nevertheless, it is clear the BJP does not intend to abandon their pro-Hindutva leanings anytime soon- whether they will achieve political success in the 2014 elections on these terms remains to be seen.

The Hindu public theology espoused by the BJP reflects a doctrinal hatred of the Muslim community. The development of Hindu fundamentalism in India specifically evolved as a response to the perceived failings of the secular state to protect the interests of the majoritarian Hindu community, and as such, has relied on a discourse of 'othering' the Muslim community in order to secure their own position as the defender of Hindu interests.[218] Their portrayal of Muslims as an aggressive, pampered minority with no real claims to natural citizenship evinces contempt for the Congress's supposed pandering to these minority groups. By employing a symbolism composed of martial, masculine Hinduism as a force to counter the historical aggression of Muslims, they have been critical in fostering communal violence in the Indian state towards Muslims. Muslims have always been, and will remain to the Hindu fundamentalist movement, 'an impurity that has to be cleansed before India can emerge as a modern self-conscious nation.'[219]

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[216] Ian Bremmer 'India's BJP: Lessons Learned- or Not- From the Republicans' *Foreign Policy* 11/20/2012
[217] Hannon 2
[218] Hansen 11-13
[219] Hansen 13

Despite their reliance on inciting communal violence and hate speech towards minority communities, the fact that the movement has come to power by obeying the procedures of parliamentary democracy is highly salient for two reasons: one, it demonstrates how deeply the electoral process and judicial procedures are embedded into the Indian political landscape- on the other hand, however, it equally demonstrates how weak the Nehruvian notions of tolerance, equality, and universal citizenship rights have become within large segments of the privileged groups that constitute the BJP's core supporters.[220]

The fact that the xenophobic preaching of the Hindu right could actually act as a force to gain them power through legitimate political processes, is deeply disturbing. As demonstrated, the BJP's reign in power saw a pogrom of Muslims in Gujarat, and the creation of legislation specifically meant to unlawfully arrest and detail Muslims. The spiritual dimension in regards to the Hindu community therefore demonstrates the danger of these xenophobic discourses when they hold enough power in the public sphere to form a part of policy considerations.

Muslim Public Theologies: The Deoband Movement

In modern-day parlance, the application of the label 'orthodox' generally bring up ideas of outdated adherence to doctrine, intolerance, even, in some circles the basis of radicalism. How this applies to the public theology of fundamentalism has already been discussed. However, Indian Muslims also demonstrate that it is possible to reconcile orthodoxy with peaceful co-existence within the framing of the secular state. The example of the Deoband movement, as a prominent voice in the Muslim community that adheres strictly to principles of orthodoxy and

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[220] Hansen 6

Islamic tradition, but yet demonstrates the possibility of blending Islamic identity with Indian nationalism is a salient example of an alternative public theology.

Singh cites the Deoband movement as the 'main representative of Indian Islam' for two reasons: one, it arose within the context of a struggle with the British Empire, much as Hindu nationalist groups did, and two, it strongly opposed the Pakistan movement, and continues to articulate discourses on national integration and Hindu-Muslim unity framed in a highly orthodox Islamic viewpoint.[221] The Deoband movement has a strong focus on education: its founders, Rashid Ahmad Gangohi and Muhammed Qasim Nanautvi saw education as the only means of preserving a composite Muslim identity with as limited a relationship as possible with the state, particularly in an era when English language education and western values were becoming increasingly entrenched into local culture.[222] The Deoband movement therefore had a strong emphasis on strict doctrinal adherence to *sharia* and specifically rejected syncretistic practices that could have had some influence either from Hindu culture or Western influences.[223] The Deobandi movement gave rise to Dar al-Uloom Deobandi, one of the largest religious schools in Asia today. The *madrasa* network cultivated by the Deoband school comprise the most common mainstream form of Islamic education in India today, and reflect an ongoing commitment of Muslims to preserve Islamic norms and practices in India today. In addition, the madrasas served as sites of interpretation of *sharia* through the issuance of *fatwas*, or legal rulings on correct religious practice. The madrasas therefore serve not only as a means of

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[221] David Emanuel Singh 'Islamization in Modern South Asia: Deobandi Reform and the Gujjar Response' (Berlin: De Gruyter Press, 2012) 40

[222] Francis Robinson 'Varieties of South Asian Islam' Research Paper No. 8, Center for Research in Ethnic Relations, Warwick 1988. 8-9

[223] Dietrich Reetz 'Dar-Ul Ulum Deoband and Its Mediatic Self Representation' *Islamic Studies* Vol. 44 No. 2 207 http://www.jstor.org/stable/pdfplus/20838962.pdf?acceptTC=true

traditional education, but also as a source of authority on how to live as a Muslim in contemporary Indian society.

The Deoband movement also led to the creation of groups with political leanings, such as the Jamia-al-Ulama-i-Hind (JHU: The Association of Indian Ulema). The group was best known for working with the Congress party before partition. The JHU shared Gandhi's ideas of imagining a 'free India, comprised of religious community affiliation as a fundamental identity, with each community preserving its own educational and judicial institutions.'[224] The leaders of the JHU therefore saw no clash between a commitment to India as a secular democratic state and their mission of educational and proselytizing activities intended to preserve and uplift Muslim culture in India. In the aftermath of Partition, particularly amidst the hostility Muslims suddenly faced, the Deoband movement and the JHU largely focused on education, rather than proselytization as the only means of preserving a uniquely Islamic identity in the suddenly threatening social context of the newly independent Indian state.[225]

Deoband Educational Institutions Today

Deoband madrasas today provide an alternative for Muslims who believe that the public school system overly favors the practice of Hindu symbols and stories. As discussed, this threat is not unfounded. Even prior to the period of 'saffronization' wreaked by the BJP and its allies, as discussed, the diversity of minority culture was subsumed to overarching discourses of 'national unity', which paid scant reference to the accomplishments of Islamic culture, unless

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[224] Barbara Metcalfe 'Madrasas and Minorities in Secular India ' *in Schooling Islam: Culture and Politics in Modern Muslim Education* Eds. Robert W. Hefner &Mohammed Qasim Zaman; Princeton University Press 2007; 40
[225] Mohammed Qasim Zaman 'The Ulama In Contemporary Islam: Custodians of Change' (Princeton: Princeton University Press 2002) 181

they substantiated claims of communal harmony and unity.[226] The madrasa system therefore provided an ideological alternative to public school education with a stronger focus on Islamic values and tradition. The curriculum of the traditional Deoband madrassa is traditionally an eight year program, culminating in the conferral of the *'alim* degree, recognized by the Indian government as comparable to a graduate degree. Madrasa students study Arabic, Urdu, commentaries on the Quran and Hadith, and principles of Hanafi law. In addition, the curriculum includes *ma'qulat*, comprising subjects such as philosophy and logic, and certain branches of mathematics.[227]

In more recent years, there have been increased demands to reform the madrasa system, in order to achieve a dual purpose- both of preserving a distinct culturally Islamic identity, but also providing madrasa graduates with the practical skills needed to survive in the job market. Traditional madrasas did not teach subjects such as science, English, or computer programming- all skills that have been vital to the development of the Indian middle class.[228] The comparatively lower economic affluence of Indian Muslims has been attributed to a reliance on traditional *madrasas* as a means of education. The JUH, among other prominent institutions argued for 'Muslims, particularly well-to-do sections, to establish commerce, technical and medical institutions in order to combat the extreme backwardness of Muslims in contemporary and technical education, while still keeping them from the anti-religious atmosphere in government and private schools.'[229] As a result, the Deoband movement has been relatively successful in preserving institutions that are able to both contend with the realities of modernity, but also maintain a specifically Islamic identity.

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[226] Thapar 1
[227] Reetz 210-211
[228] Metcalfe 88
[229] Jamiat ul-Ulama al-Hind 2005 http://jamiatulama.org/aims_objectives.html

Deobandis And the Misappropriation of *Jihad*

Deoband-affiliated institutions and scholars have also been among the strongest critics of

Islamic terrorism and the misappropriation of the term *jihad* to justify violent acts of terror. In

2008, the Dar ul-Uloom organized a mammoth anti-terrorism convention, which brought

together ulema from all over India. The Dar ul-Uloom's purpose was twofold: one, they sought

to counter perceptions in the non-Muslim media, which had focused on berating them as a 'hub

of terrorism'. Second, they sought to critique the Indian government's approach to countering

terror, which focused on religious profiling.[230] As mentioned, the POTA act had resulted in the

unwarranted arrest and detention of thousands of Muslim men. The rector of the Deoband

madrasa, maulana Marghub ur-Rahman stated that 'we condemn all forms of terrorism without

distinction' arguing that 'Muslims were equal brothers of all Indians who played as active a role

in the freedom movement. Madrasas promote peace love and patriotism, not terrorism.'[231] Ur-

Rahman also exhorted the leaders of madrasas to impart beneficial teachings to the youth in their

care, and teach them to uphold Islamic principles of justice and the rule of law. However, the

conference also sought to condemn the unlawful persecution and deaths of Muslims- both in

India and abroad in Afghanistan and Iraq-, which was argued as 'external policies, which have

unleashed untold terror, but have not taken action against the real perpetrators of crimes against

humanity.'[232] The Deoband conference was successful in that it garnered a significant amount of

media attention, both witan India and abroad. It also spawned a series of smaller regional

conferences with similar messages, which was regarded as a highly positive development to

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[230] Anon. 'A New Muslim Leadership?' *Economic and Political Weekly*, Vol. 43, No. 47 (Nov. 22 - 28, 2008), p. 6
[231] Yoginder Sikand 'Reflections on Deoband's Anti-Terrorism Convention' Economic and Political Weekly, Vol. 43, No. 12/13 (Mar. 22 - Apr. 4, 2008), pp. 13-15; 13 =
[232] Sikand 14

address media perceptions of madrasas as mere instigators of terror rather than participants in the reconciliation process.

The example of the Deobandi movement in terms of public theologies reflects a different sort of devout Muslim from media portrayals of terrorists who justify their actions through Islamic doctrine. In narratives of citizenship and belonging, adherents of the Deobandi school adhere strictly to a framework of orthodoxy and reliance on Sharia law: however, they continue to emphasize Hindu-Muslim unity, loyalty to the Indian nation, and non-violence; while specifically rejecting those who use Islamic doctrine to justify acts of violence.

In the framing of the "good Muslim, bad Muslim" narrative, therefore, the RSS's exclusionary vision of citizenship does not make it possible for a Muslim to identify strongly with his own culture and religious teachings. A "good Muslim" is one who adopts the cultural traditions and markers of Hinduism as everyday concerns of being "Indian": the conflation of Hindu identity with Indian citizenship therefore excludes those religious minorities who still adhere to their own community's specific religio-cultural practices. The example of the Deoband movement, however, demonstrates that it is entirely possible to frame discourses of nationalism and loyalty to the Indian state within a mapping of Islamic orthodoxy. Deobandi Muslims condemn Islamic terror, advocate for Hindu-Muslim unity, and yet preserve their institutions and norms as a means of staying 'Muslim' in a country where life in the public sphere often takes on an unmistakably Hindu tinge.

Chapter 4:

The Temporal Dimension: Institutional Neglect and Exclusion vs. Muslim Personal Law

Public theologies are highly dependent on the specific historical period, prevailing global events, and domestic developments of a specific time period. Unlike the more static views of religion as a whole, public theologies therefore allow us to examine a religious tradition's perspectives regarding an issue within the current global, local, social and political contexts of that time. The recent discussions of the positioning of Muslims within the secular Indian state have been greatly impacted by two salient developments in the last few decades. One, the continued debates over the existence of a separate Muslim personal law, and second, the findings of the Sachar Commission, which provided the first scholastic attempt to highlight the current standing of the Muslim community in India. These two events are significant in their justification for several reasons.

The existence of a Muslim personal law that remains separate from the uniform code that governs all other religious minorities in India is often exemplified as an instance of the cohesiveness and distinctiveness of the Muslim community as compared to other religious faiths- a trait that effectively marks them outside the framework of the Indian social fabric by law. In essence, the Muslim Personal Law, while attempting to provide protection for minority rights, sends a message that Muslims are different enough from other Indians as to require their own laws. This might seem an obvious affront to the concept of secularism and equal treatment. However, the Sachar Commission's report, which highlighted the extremely low social and economic position of Muslims in India, as well as their significant underrepresentation in

government and bureaucracy, specifically highlights that perhaps there is, indeed, a need in India for reservations and affirmative action based specifically on religious affiliation rather than traditional structures of caste identity. The Muslim Personal Law portrays Muslims as a homogenous social and political construct who all adhere to a specific set of religious principles: yet the Sachar Commission report attempts to highlight the diversity and variations in language, regional practices, orthodoxy and cultural background. These two events are therefore highly salient in discussions of the position of the Muslim minority today, as well as in discussions of future approaches to policy-making and minority accommodation in India.

The Creation of A Separate Personal Law

The debate over the Uniform Civil Code reflects the tension between two important principles of the Indian constitution: Article 14, or the constitutional guarantee of equality and non-discrimination, and Article 15, or the right to religious freedom and cultural diversity. The existence of separate laws in a secular state on the basis of religious affiliation might seem to be an anachronism in the modern context. Larson quotes D.E. Smith's book 'India As a Secular State', stating that 'the position of religious personal law in the legal structure of present-day India is a major problem…that a Hindu, a Muslim and a Christian, all citizens of the same country should be governed by different inheritance laws is diametrically opposed to the fundamental principles of secularism, and the Constitution states that the state must strive for a uniform civil code…'[233]

However, T.N. Madan argues that 'the Indian society seethes with a vibrant religiosity…the feeble character of the Indian policy of state secularism is exposed…secularism

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[233] Gerald James Larson *Religion and Personal Law in Secular India: a Call to Judgment* (Bloomington, Indiana University Press) 2001 2

Koushik

is the dream of a minority which wants to shape the majority in its own image.'[234] Madan

therefore demonstrates that secularism is still largely a construct held dear by the elite of India,

but that in reality, the deeply ingrained nature of religious tradition to the Indian people is highly

salient. The deep commitment to following the personal law of one's own respective tradition

renders state-espoused principles of secularism as rather feeble.

Under British colonization, public laws regarding criminality and civil procedures were

quickly codified according to the strictures of British colonial administration. However, the

British refrained from codifying 'personal law': or the laws regarding customs of marriage,

divorce, parental rights, inheritance, etc.) What we might consider 'Hindu law' derives from

ancient works such as the *dharmashastra*, while Muslim law derived from a strongly Sunni

Hanafi interpretation of *Shari'at*. Larson quotes Derrett's ruling in the Privy Council of 1871,

which states that 'Brahmin, Buddhist, Christian, Mahommedan, Parsee and Sikh are one nation,

enjoying equal political rights and having perfect equality before the tribunals: however they co-

exist as separate and very distinct communities having distinct laws affecting every relation of

life. The difference of religion pervades and governs all domestic usages and social relations.'[235]

The Directive Principles of India, which are not legally enforceable or mandatory,

established that 'the State shall endeavor to secure for its citizens a Uniform Civil Code

throughout the territory of India'.[236] By establishing this point in the non-binding Directive

Principles rather than the legally-enforceable Fundamental Rights of the Constitution, Nehru and

his fellow legislators were attempting to soothe the fears of the Sikhs and Muslims who played a

role in the formulation of the Constitution. Rudolph states that 'the hesitancy to include an

[234] T.N. Madan 'Secularism In Its Place' *Journal Of Asian Studies* 46 No. 4 November 1987; 748-749
[235] Larson 4
[236] Granville Austin 'Religion, Personal Law and Identity in India ' *in* 'Religion and Personal Law in Secular India: a Call to Judgment' (Bloomington, Indiana University Press 2001) 18

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actionable uniform civil code reflected the concern of the Nehruvian secular nationalists for the sensibilities and needs of India's religious minorities: [India's religious minorities] would be not only citizens with equal rights but also members of religious communities whose different cultures and identities would be secure through the continued existence of their personal law.'[237] In the aftermath of Partition, India's Muslims were both fearful and defensive of their stance in the new nation: the separation of civil codes therefore provided reassurance of a constitutionally guaranteed right to religious and cultural freedom in a nation governed by majority dictates.

Codifying Religious Law: The Hindu Code Bill

The first attempt at codifying personal law came shortly after Independence, when the distinguished Untouchable parliamentarian, Dr. B.R. Ambedkar introduced the Hindu Code Bill, designed to consolidate and regulate the diversity of regional Hindu rulings as they pertained to civil law within the context of nation-building imperatives. The bill initially spurred a large outcry from Hindu communities- but was eventually passed in a series of smaller bills such as the Hindu Marriage Act of 1955, and the Hindu Succession Act of 1956.[238] The consolidating of these laws also meant the eradication of certain traditional Hindu practices that were considered to be an anathema to the rise of a modern India state: for instance, women were given equal rights to own property, the age of marriage was raised and child marriage was prohibited altogether, and the traditional custom of *sati*, or self-immolation upon a husband's death was criminalized.[239] The designated 'Hindu' acts also were applied to Sikh, Jain, and Buddhist communities: in addition, the 'Special Marriage Act' of 1954 was designed as a more secular-

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[237] Rudolph 51
[238] Larson 6
[239] Madhu Kishwar 'Hindu Law: Myth and Reality' *Economic and Political Weekly*, Vol. 29, No. 33 (Aug. 13, 1994), pp. 2145-2161; 2157

based law, applicable to all Indian nationals. Muslims and Christians were still permitted to follow their own legal systems: however, many Christians also subscribed to the Special Marriage Act, which prohibits bigamy, establishes a regular maintenance payment in the case of divorce, and provides spouses with all associated benefits of marriage.[240]

This establishes, therefore, that Christians, like Muslims, are not bound by the constraints of a common civil law. Why has this issue been relatively non-contentious in current political discourses? Gyanendra Pande argues that this is largely because Christians have never constituted a significant political power in India- especially not at independence- and thus the mobilization of the Christian community has never engendered as politically salient a response as the Muslim community has.[241]

Muslim Personal Law

Indian Muslims are not bound by the strictures of common civil law. Indian Muslims, for instance, are permitted to practice polygamy, give maintenance according to Shari'at stipulations, etc. The rulings of the All Indian Muslim Personal Law Board supersede other local and national courts: including the Supreme Court of India. This has been highly controversial for many reasons. Akbar argues that the continued existence of a Muslim Personal Law is not so much a demonstration of Indian Muslims' commitment to theology as it is to maintaining gender inequality. He states that the Hindu Marriage Act that was pushed through parliament by Jawaharlal Nehru in the 1950s was seen to be the foremost piece of legislation ending the traditional inequalities that traditional Hindu norms imposed upon women, such as the eradication of the dowry system, the banning of child marriage and self-immolation upon a

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[240] Ruma Pal 'Religious Minorities and the Law' *in* 'Religion and Personal Law in Secular India: a Call to Judgment' (Bloomington, Indiana University Press 2001) 28
[241] Pandey 'Can a Muslim Be an Indian?' 67

Koushik

husband's death (*sati*).[242] The lack of similar legislation for Muslims has effectively stagnated reform in terms of gender equality issues: as Rajiv Gandhi would later learn, the strong opposition evidenced by clerics to these crucial issues could turn out to be politically devastating. As a result, laws for Muslim women remained largely unchanged. In a simple example, Akbar argues that the Quranic punishment prescribed for thievery is cutting off the hands of the thief. Akbar states that Indian clerics have never pushed for 'Muslim thieves to be de-handed'.[243]

Similarly, the somewhat superior placing of Muslim law and rulings over secular courts continues to fuel the Hindu nationalist claim that secular-leaning political parties such as the Congress are providing Muslims with the tools to 'take over' India. It has been suggested for instance that the allowance of polygamy for Muslim men is one of the reasons why Muslims have grown at a higher rate than the Hindu population over the last few decades.[244] Hindu nationalists argue that the doctrinal adhesion of Muslims in India to Shari'at law rather than a Hindu-inspired common law reflects the rigid, backwards nature of the Muslim community, and demonstrates a clear lack of assimilative ability.

These protests reached their zenith over the Shah Bano controversy. This was the first case in modern Indian history where 'the Supreme Court elected to comment on Islam and the Muslim Personal Law while deciding the right to maintenance of a Muslim woman under a secular and uniform stature.'[245] This was not, however, the first time that the Supreme Court had ruled on upholding the rights to maintenance for Muslim women: two rulings, namely the cases

[242] M.J. Akbar, 'Minority and Minorityism:: The Challenge Before Indian Muslims' *in* 'Lives of Muslims in India: Politics, Exclusion and Violence' (New Delhi, Routledge Press 2012) 30
[243] Akbar 32
[244] Abdul Shaban 'Lives of Muslims in India: Politics, Exclusion and Violence' (New Delhi, Routlege Press 2012) 11
[245] Flavia Agnes 'The Supreme Court, The Media, and the Uniform Civil Code Debate in India ' *in* 'The Crisis of Secularism in India' (Durham: Duke University Press 2007) 307

of Bai Tahira in 1979 and Fuzlunbi vs. Khadir Vali in 1980, were ruled in favor of the woman and accepted with relatively little political controversy, as the rulings were framed in a narrative of gender equality.[246] However, the Shah Bano case was unique for the court's comments on the backward nature of Muslim Personal Law and its call for the immediate implementation of a Uniform Civil Code sparked a communal outcry from the Muslim community.

The Shah Bano Controversy

Shah Bano[247] was a sixty-two year old Muslim woman and the mother of five who was divorced by her husband, Mohammed Ahmed Khan after forty-three years of marriage. As per traditional Shari'at dictates, the divorce was performed merely by the utterance of the word *talaq* three times. Shah Bano, who had been financially dependent on her husband for the duration of their marriage, was relegated basically destitute. Khan paid her a *mahr* of Rs. 3000 and financially supported her for the *iddat* period of their divorce- just under three months. After this, Mohammed Khan argued that as per the traditional dictates of Shari'at, he was no longer obligated to provide for his former wife. He also refused to pay, as Shah Bano requested, a *mataa* or lump-sum dictated by the Quran, as according to Khan, the *mataa* was only paid by those considered pious in the eyes of Allah- a personal description he did not believe applied to him.[248]

Shah Bano first appealed to a lower court in Madhya Pradesh, and then, dissatisfied with the amount awarded, appealed to the Madhya Pradesh High Court, both of which ruled in her

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[246] Marc Galanter, and Jayanth Krishnan 'Personal Law Systems and Religious Conflict: A Comparison of India and Israel' *in* 'Religion and Personal Law in Secular India: a Call to Judgment' (Bloomington, Indiana University Press 2001) 276

[247] For more information on the specifics of this case, please see Ali Asghar Engineer's work 'The Shah Bano Controversy', a compelling analysis of documents pertaining to the case.

[248] Iqbal A. Ansari, 'Muslim Women's Rights: Goals and Strategy of Reform' *Economic and Political Weekly,* Vol. 26, No. 17 (Apr. 27, 1991), pp. 1095-1097; 1095

favor and demanded her husband pay her a monthly maintenance sum of around Rs. 180 (approximately $29 at that time). Following this judgment, her husband took his case to the Indian Supreme Court, reiterating that he was relieved of responsibility under Section 127 of the Indian Code of Criminal Procedure, which stated that a husband cannot be prosecuted for lack of support: if the woman has received the whole of the sum which under any customary or personal laws applicable to the parties was paid upon divorce'.[249]

The Supreme Court at that point comprised of five Hindu judges, ruled that Mohammed Khan was still responsible for monthly alimony payments to his former wife. However, the court also made several statements, which sounded to the outside media as judgments on Muslim personal law. Justice Chandrachud, for instance, chose to rely on his own personal research into Shari'at to state that in his opinion 'the principles of Shari'at in fact require that a husband not discard his wife whenever he chooses to do so without ensuring that she is financially secure'[250] The general tone of the judges' pronouncements largely condemned Muslim law as 'backward and antinomian…thus setting the tone for the communalization of the demand for a UCC.'[251]

Almost instantaneously, there was an outcry from orthodox segments of the Muslim community. The controversy was also largely fueled by media coverage, which represents those in support of the UCC as modern, secular and rational, and therefore, deeply nationalist while those opposing it were portrayed as women haters, patriarchal, and doctrinal, and disloyal to the nation. [252]Under immense pressure from the Muslim orthodoxy and in direct contradiction to Section 125 of the Indian Penal Code, which guarantees divorced women a monthly maintenance stipend from their former husbands, Prime Minister Rajiv Gandhi introduced the Muslim

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[249] Galanter & Krishnan 276
[250] Galanter & Krishnan 276
[251] Vasudha Dhagamwar 'Outsiders on Internal Issues' *Economic and Political Weekly*, Vol. 22, No. 14 (Apr. 4, 1987), pp. 612-614; 613
[252] Pal 29

Women's (Protection of Rights and Divorce) Act in 1986.[253] This specifically excluded Muslim divorcees from the ruling of Section 125, leaving judgment to 'personal law' rather than the penal code provided a 'fair and reasonable provision was made'.[254] By overruling the Supreme Court's verdict, the MWA effectively positioned Shari'at courts in a higher position of authority than the top judicial body of the nation. This move was positively incendiary to secular groups and women's rights activists, who saw it as a defeat of India's principles of equal respect and gender rights. Muslim intelligentsia largely was against the bill and submitted a petition to the government supporting the Supreme Court ruling. This also provided significant fuel to the Hindu nationalists' argument that Congress was merely playing 'minority vote-bank politics' through appeasement and in the process, ensuring more skewed gender rights for women. They were therefore successful in portraying the Muslim community as not only backward and fundamentalist, but also a deep contradiction to the secular, just principles the Indian legal system supposedly embodied.[255]

The irony of all this was that the ruling in question was over a dispute of a monthly payment of Rs. 200 (approximately $4) to a penniless woman from her successful lawyer husband. Amid the controversy, Shah Bano finally renounced her claims to the *mataa*, claiming that if the entitlement was against her religion, she preferred to remain a *pak* or 'pure' Muslim woman than claim her rights to maintenance. This admission was seen as further fuel to the general discourse of 'Islam's pervasive oppression of women' that was sweeping the nation at the time.[256]

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[253] Zaman 168
[254] Agnes 310
[255] Qasim 167
[256] Agnes 314

In attempts to quell the controversy once and for all, a 2001 ruling by a different commission of Hindu judges ruled the MWA constitutionally valid. However, Agnes refers to several judgments made by Indian courts, which took the premise of 'fair and reasonable provision' to heart. Endorsing Islam and the Prophet's teachings, who was hailed as the 'greatest champion of women's rights in world history', several courts at the state level passed rulings that renegotiated *mataa* and *iddat* on the basis of providing equitable compensation. This allowed Muslim women to appeal to Shari'at rulings but under the provision of demanding social justice rather than secular intervention.[257]

The Ongoing Demand for a Uniform Civil Code

The demand for a uniform civil code (most vociferously demanded by the Hindu right-wing) takes power from three main discourses: gender equality, national integration, and "modernity".[258] The gender equality argument uses cases such as that of Shah Bano to demonstrate the inherent discrimination towards women laid out in the Shari'at, and therefore demonstrates the UCC as the only means of bestowing gender justice to minority women. The liberal elite in India view the UCC as a means of achieving 'modernity' and eschewing backward minority customs such as polygamy. Meanwhile, discourses on the UCC as a requirement for national integration and communal harmony tend, as discussed, to portray Muslims as the Other to an androgynous blend of Hindu and the nation, therefore containing an implicit insinuation against the backwardness of Muslim personal law. This narrative seems to suggest that Hindus are governed by 'a secular, egalitarian, and gender-just family code, thus implying that it was high time this code was extended to Muslims to usher in modernity and gender equality to

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[257] Siobhan Mullalay 'Feminism and Multicultural Dilemmas in India' *Oxford Journal of Legal Studies*, Vol. 24, No. 4 (Winter, 2004), pp. 671-692; 682
[258] Agnes 312

them.'[259] Ironically enough, in the early 1950s, arguments for the Hindu Code Bill made specific reference to the backwardness of Hindu tradition and customs, such as the practice of denying women inheritance and property rights, while upholding the 'progressive' systems of minority rights. [260]

The debates over the implementation of a Uniform Civil Code therefore largely center around the construction of two opposing narratives and their role in national coherence and uniformity. Again and again, demands for a UCC are couched in a language that pits those who support the UCC as secular, modern, and therefore loyal to the nation and its foundational ideals; and those who follow personal law as undeniably fundamental, doctrinal, and therefore excluded from the equitable principles of Indian-ness. This was evidenced once more in the Sarla Mudgal case, wherein a married Hindu man, after a supposed conversion to Islam, took a second wife, then 'converted back' to Hinduism.[261] Essentially, all three parties identified with a Hindu identity and Hindu religious practices: the core question was what rights the two Hindu wives of a bigamous Hindu husband were entitled to. Ostensibly, there were no Muslims involved in this case. However, Justice Kuldip Singh, in his judgment, made frequent references to the beneficial nature of a UCC, specifically calling upon Muslims and Christians to renounce their 'personal sentiments in the cause of national integration and unity'.[262] He further stated that

"Those who made the choice to remain in India fully knew that in the Indian Republic, there was to be only one nation, and so no community could claim to remain a separate entity on the basis of religion: therefore no community can oppose the introduction of a UCC for all

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[259] Agnes 298
[260] Kishwar 2160
[261] Perspectives, 'Is Gender Justice Only a Legal Issue? Political Stakes in UCC Debate'
Economic and Political Weekly, Vol. 32, No. 9/10 (Mar. 1-14, 1997), pp. 453-458; 455
[262] Sanghamitra Padhy 'Secularism and Justice: A Review of Indian Supreme Court Judgments' *Economic and Political Weekly*, Vol. 39, No. 46/47 (Nov. 20-26, 2004), pp. 5027-5032; 5031

citizens in India. Article 44 is based on the fact that there is no necessary connection between religion and personal law in a *civilized* society"[263]

The inherent implication of this ruling quite clearly possesses the same similar 'warning' notes so often found in the Hindu right's discourse, implying that Muslims who had 'made the choice' to remain in India were not entitled to preferential treatment on a religious basis. Though the dispute in this case was between Hindus, it was implied that the involved man's bigamy was directly as a result of his disputed conversions between Hinduism and Islam.[264] Again, here we see the implication of Muslims as a community being a threat to the nation's unity as a result of their insistence on following communal, rather than national law.

These cases demonstrate a significant relationship between the perception of the Muslim community and the Indian nation's failed attempts to establish a Uniform Civil Code. It can be seen that the Muslim community's continued adherence to community law has fueled politics and discussion over their loyalty to the nation and the potential to pose a threat to national integrity. Though, as Akbar argues, the opposition to abandoning Shari'at may not be as theological as the orthodoxy makes it out to be[265], the perceived legal incompatibility of the Muslim community with Indian civil laws stands as yet another example of demonstrating the Muslim community's coherence outside of the mainstream Indian public, as well as highlighting the danger of the 'backwardness and fundamentalism' of the community as a whole to the cohesiveness of the nation.[266] The instance of Muslim Personal Law therefore provides a salient example of the dangers, potentially, of treating Muslims separately on the basis of religion in the eyes of the law: not only does it perpetuate gender inequality for Muslim women, but it also

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[263] Agnes 304
[264] Padhy 5030
[265] Akbar 30
[266] Akbar 32

provides justification for the Hindu right as well as other secular groups that Muslims, as an entity, are still a foreign substance with their own self-governing doctrines within the Indian state.

Debates over citizenship are often informed by the contradiction between universal claims of citizenship, and group-specific ones. Universalist notions of citizenship consider individual people to be holders of equal rights, with no consideration given to societal inequalities, be they on the basis of wealth, social status, or religious identity. On the other hand, group-differentiated citizenship, as defined by Iris Young, is meant to protect minority groups, which are 'defined by comprehensive identities and ways of life.'[267] In this regard, group-differentiated citizenship refers to 'mechanisms for the effective representation and recognition of the distinct voices and perspectives of the constituent groups that are oppressed or disadvantaged within a democratic public.'[268] This takes the form of affirmative action policies intended to provide those minorities disadvantaged by societal oppression with equal access to the rights and entitlements, both political and socio-economic, that other citizens enjoy.

However, as Jayal discusses, this approach has had problematic applications in the Indian context. On the one hand, parties like the BJP use the principles of affirmative action to complain about the marginalization of their majority status, stating that they are more or less 'relegated to the role of second-class citizens in their own country.'[269] As a result, affirmative action policies appear to create a new category of disadvantaged citizen- at least in the perceptions of the majority community. Second, Jayal highlights the problem when, if one demarcates a democratic polity into specific groups, how to determine which groups should receive differentiated

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[267] Young, I.M. (1997) Polity and Group Difference: A Politics of Ideas or a Politics of Presence?, in: Robert E. Goodin and Philip Pettit (Eds.) Contemporary Political Philosophy (Oxford: Blackwell). 188
[268] Young 188-189
[269] Jayal 203

citizenship rights, and on what basis. [270] This particular point has been a major source of contention in India where affirmative actions have been a traditional part of the state setup since independence for certain 'backward' groups: namely, the Scheduled Castes/Scheduled Tribes (SC/STs). However, a similar extending of affirmative action policies to Muslims has been blocked periodically by widespread outcry from large segments of the Indian population. Caste, rather than religion, therefore has been the basis for structuring claims to group-differentiated citizenship in India.

The Need for Affirmative Action?

Many argue that the backward castes in India, once similar to the Muslim community in terms of lagging behind in terms of developmental outcomes in comparison to the national average, are now far more empowered as a minority- largely as a result of government quotas for SC/STs in government educational facilities and government jobs. These opportunities have largely resulted in stable salaries and guarantees of lifetime employment. In recent years, the proportion of reservations for SC/STs has increased significantly as a result of governmental advocacy. The government created the Mandal Commission, which made the recommendation, based on statistical evidence of backwardness of OBC communities, that the quota for reservations in educational institutions for OBCs be raised to match their percentage of the population: from 27% to 49.5%.[271] Though this decision was highly unpopular with upper class Hindus and other elite minorities, it was seen as a landmark victory in undoing the wrongs of decades of class-based discrimination.

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[270] Jayal 203

[271] Balraj Puri 'An Ideological Perspective on Mandal Report' *Economic and Political Weekly,* Vol. 25, No. 42/43 (Oct. 20-27, 1990), pp. 2352-2353; 2353

Christian and Muslim backward classes however remained firmly outside the government-mandated quotas for reservations: affecting lower-class Muslims particularly hard. This logic, according to Robinson, has been understood in terms of the fact that religions like Christianity and Islam claim the principle of human equality and deny the existence of a 'caste system' in their respective faiths: as a result, there strictly could not be any Scheduled Castes in these communities.[272] This indicates once more that religious identity trumps caste affiliation in considerations of economic advantages.

The Sachar Commission Report

Similar to the Mandal Commission, in order to address long-standing grievances of institutional neglect, the Congress-led government commissioned a body of experts led by Chief Justice Rajinder Sachar to conduct a comprehensive evaluation of the social, political, and economic development of the Muslim minority community. This was the first government initiative to collect a substantial amount of data on the Muslim community in particular, and was meant to provide statistical backing for much needed reforms to address these disparities in community development. The findings of the Sachar Commission Report were fairly unsurprising- it indicated that Muslims lagged far behind their Hindu counterparts in terms of educational achievement, employment rates, political representation, and health indicators, despite comprising nearly 14% of the population.[273] The Sachar Commission was also tasked with making recommendations to bridge the gap.

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[272] Rowena Robinson 'Indian Muslims: The Varied Dimensions of Marginality' *Economic and Political Weekly,* Vol. 42, No. 10 (Mar. 10-16, 2007), pp. 839-843; 842

[273] Ghanshyam Shah 'The Condition of Muslims' *Economic and Political Weekly,* Vol. 42, No. 10 (Mar. 10-16, 2007), pp. 836-839; 836

Uniquely, the Sachar Commission attempted to provide concrete figures on the diversity of Indian Muslims. As mentioned, political discourse in India tends to relegate Muslims to a single homogenous construct, labeled in terms of 'cohesiveness' and 'unity'. However, the SCR highlighted the diversity and composite culture of Indian Muslims through an analysis of the Islamic pseudo-caste system, geographic and regional variants in religious expression, etc. The report demonstrated that only nine districts out of 593 in India are predominantly Muslim- i.e. that Muslims comprised over 75% of the population. Most of these districts fell in the islands of Lakshadweep and the contested region of Jammu and Kashmir.[274]

Education and Literacy

The report demonstrated that Muslims fall far below the national average on literacy and educational statistics, remaining only above the Scheduled Castes/Scheduled Tribes on average in terms of socio-religious grouping: however, there remains a significant regional disparity in these figures. In 10 out of the 21 selected states, literacy rates among Muslims were found to be higher than the state average. These states are all geographically concentrated in southern India- in Kerala, for instance, the difference between literacy rates of socio-religious communities was minimal. Muslim children also demonstrate lower levels of Mean Years of Schooling (MYS) and school attendance levels in comparison with other socio-religious groups- again, with the exception of the SC/STs. The enrollment rate of Muslim students however was shown to have increased gradually since 2004, which merits some hope.

In the case of higher education, however, the disparity in graduation rates has been steadily widening between Muslims and all other socio-religious groups. In this regard, the

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[274] Rajindar Sachar et al 'Social, Economic and Educational Status of the Muslim Community of India: A Report by the Prime Minister's High Level Committee' (2006) 30-31

SC/STs have had far more success, as the Mandal Commission report of 1979 increased the reservation for these groups to up to 49.5% in government-run universities. The severe dearth of college-educated Muslims naturally impacts their competitiveness in formal employment: the unemployment rate for Muslim college graduates is the highest of any socio-religious group. The Report also states that 'Muslims do not see education as necessarily translating into formal employment: there is a perception that they will be discriminated against in securing salaried jobs.'[275]

Employment

Though employment statistics have generally been problematic for Muslims, the Sachar Report demonstrates two somewhat disturbing trends. For one, Muslims are disproportionately underrepresented in terms of government employment- particularly in the defense and security fields. Muslims constitute just six percent of employees in the general sector of 'public order and safety activities', while members of the Hindu upper castes comprise over 42%. Less than 4% of employees in the defense sector are Muslims. [276] This also extends to diplomacy and foreign affairs, where 1.8% of the Indian Foreign Service identifies as Muslim. Steven Wilkinson mentions that the Indian Embassy in Washington DC has not featured a Muslim staff member in several years.[277] Muslims comprised less than 4% of the Indian police service. Considering events such as the 2002 Gujarat riots, where state institutions and armed forces were complicit in perpetuating violence against the minority Muslim community, the severe lack of diversity in armed forces, police, and the defense sector are extremely troubling in considering the extent of communalism in these critical areas. Increased diversity in these areas would have a significant

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[275] Sachar Commission Report 15
[276] Sachar Report 101-103
[277] Wilkinson 180

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impact in promoting trust and impartiality in these institutions, as well as increasing feelings of

belonging and security for Muslims

Muslims also are relatively underrepresented in government and policy circles: only 36 of

the 543 seats in the Lok Sabha were held by Muslims in 2006, and for all the talk of the 'bloated

Indian bureaucracy' and the vast issues with too many bureaucrats employed in civil service, the

Indian administrative civil service (IAS) employs just 3% of its vast cadre from the Muslim

community. This indicates a crucial need to integrate more Muslims into the policy-making

circles, and to provide the 1,800,000,000 Muslims in India with adequate representation in

government.[278]

Education and employment statistics for Muslim women were also significantly lower

than their Hindu counterparts in both rural and urban areas. Also, as a large proportion of women

work in self-employment; mainly as street vendors and small enterprises- they are

disproportionately affected by unrest in urban areas, increasing their economic vulnerability to

conflict.[279]

Infrastructure and Poverty

The Sachar Commission demonstrated that villages with a high concentration of Muslims

are severely lacking in terms of infrastructural development. Many Muslim-populated villages

lacked the basic hallmarks of modern-day connectivity and development such as concrete roads,

local bus stops and postal services. In addition, there was a clear inverse relationship between the

proportion of a village's Muslim population and the availability of educational facilities and

basic healthcare: i.e. villages with larger concentrations of other religious groups tended to have

[278] Sachar Report 165-167
[279] ibid 93

more facilities in terms of schools and hospitals. This demonstrates a clear bias in terms of the allocation of developmental funds by state governments. Even states with comparatively high Muslim populations such as Bihar, Uttar Pradesh, and West Bengal demonstrated similar traits in terms of infrastructure distribution.[280] This indicates a stark disparity in the provision of public services in areas with high concentrations of Muslims. Markha Valenta discusses a similar phenomenon in urban areas as well, wherein 'even as the populist rhetoric of Hindu nationalists eject Muslims from the imaginary domain of the Indian nation, so Muslims are being ejected from apartment buildings and neighborhoods of the middle class in Indian cities through a combination of formal housing regulations, ritualized everyday disrespect and moments of brutal violence.'[281] Puniyani further discusses the 'ghettoization' of Gujarat in the wake of the 2002 riots, wherein Muslim riot victims, prevented from returning home and effectively abandoned by government aid programs, have established isolated Muslim 'ghettos' which are largely supported by conservative Muslim groups.[282] Puniyani argues that the 'ghettoization' of Muslims in a common incidence in the aftermath of communal violence, arguing that the trajectory of 'pre-violence bias, stereotypes, violence, post-violence neglect, isolation, and then ghettoization'[283] ultimately leads to a second partition of sorts on emotional and physical levels, and the polarization of religious factions. It is clear that Muslim-majority areas receive less aid in terms of infrastructural development than other regions- as a result, the clear evidence of increased 'ghettoizing' of Muslim communities is highly problematic.

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[280]ibid 139-149

[281] Markha Valenta 'The Muslim as Victim, the Muslim as Agent: On Islam as a Category of Analysis' *in* 'Lives of Muslims in India: Politics, Exclusion and Violence' (New Delhi, Routledge Press 2012) 36

[282] Ram Puniyani 'Muslims and the Politics of Exclusion' *in* 'Lives of Muslims in India: Politics, Exclusion and Violence' (New Delhi, Routledge Press 2012) 102

[283] Puniyani 103

The Sachar Report also stated that Muslims have a harder time obtaining access to bank credit- not only does this prevent Muslims from moving to more upscale diverse localities, the lack of credit also effectively bottlenecks economic opportunity. The advantages of government jobs, bank credit and economic opportunity that were the foundational basis for the creation of a vibrant Indian middle-class in the early '90s therefore are still non-existent in many similar areas for Muslims today.

These findings emphasized that institutional neglect, in terms of unequal access to educational opportunity, employment, and bank credit, as well as the government's ability to provide Muslims with a sense of stability and belonging, had significantly impacted the development of the Muslim community. [284] This was not necessarily an unusual conclusion, but the Sachar Commission's strong empirical evidence and statistical analysis lent its findings unusual credence.

In the aftermath of the Sachar Report, the question of reservations for the minority Muslim community came to take a larger place in the general public discourse. Some basic changes were made: for instance, the central government established a Ministry of Minority Affairs, which was tasked with implementing and evaluating some of the Sachar Commission's recommendations. Almost all state governments now have a Department of Minority Development that is tasked similarly.[285] However, reservations for religious communities as a concept have largely failed to take off. It is demonstrated that some southern states, where an increase in political competition and electoral volatility, are now increasingly perceiving Muslims as a salient swing vote. As a result, states like Andhra Pradesh, where the ruling party

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[284] Shah 837

[285] Ranu Jain 'Policies for Muslims in India: Locating Multiculturalism and Social Exclusion in the Liberal Democratic Framework' *in* 'Lives of Muslims in India: Politics, Exclusion and Violence' (New Delhi, Routledge Press 2012) 66

(in this case, the Telegu Desam Party) has depended strongly on the support of the Muslim community, have incorporated reservations into part of their electoral guarantee, increased development spending in primarily Muslim localities, and guaranteed state protection from riots.[286] Andhra Pradesh currently reserves 4% of seats for Muslims, while the state of Kerala reserves 12% of the seats in their Public Service Commission for Muslims. Similarly, Tamil Nadu has designated a number of Christian and Muslim communities as OBCs and reserved 3.5% seats for them.[287]

In early 2012, the Central government announced a sub-quota of 4.5% for religious minorities. The move was regarded as merely a political gimmick by Congress to entice Muslim voters before national assembly polls- the ruling was considered far to inadequate to be directly beneficial to the Muslim community, as 'religious minorities' would additionally include Christians as well as Sikhs, Jains, and Buddhists who already benefit from reservations. Many argued that a simpler mechanism would be to recognize Muslim and Christian lower classes as OBCs, thus entitling them to SC/ST seats in Parliament, government job quotas, and education, arguing that the Constitutional principles of non-discrimination in terms of religious identity is a clear directive that Muslims and Christians should not be legally excluded from the definition of OBCs on a purely religious basis.[288]

The debates over Muslim Personal Law and the recommendations of the Sachar Report reveal two contradicting dynamics at play: for one, in the name of religious non-discrimination, Muslims are treated as a separate legal category in terms of civil law. This has largely reinforced the Hindu right's messages of the Muslims as 'outsiders' and their backward, archaic legal system as a danger not only to Indian principles of gender equality but also to national

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[286] Wilkinson 178
[287] S. Viswanathan 'A Step Forward' *Frontline Magazine* Vol. 24 Issue 22 11/3/2007
[288] Bisht, Arvind Singh '4.5% Quota Fails to Impress Muslims' 12/23/2011 *Times of India*

integration and unity. Demands for a Uniform Civil Code, as in the Sarla Mudgal case, are explicitly made with reference to the dangers posed by the existence of separate Muslim laws. On the other hand, the fact that Muslims (and to a lesser degree, Christians) are specifically excluded from government definitions of OBCs and the Dalit community on the basis of religious affiliation rather than economic standing clearly evidences religious bias.

As the findings of the Sachar Commission demonstrate, the inherent bias in public service provision, whether in the form of infrastructural investment, reservations, or financing opportunities, have resulted in the Muslim minority's marginalization on economic and social terms. M.J. Akbar states that 'minority is not a function of numbers, but a derivative of empowerment'[289], arguing that even though Muslims have generally always formed a minority in India in terms of demographics, they had political power far greater than the proportional value of their numbers in the reign of the Mughal period or in the southern kingdom of Hyderabad, with its Muslim Nizams. Akbar argues that the construction of the Muslim 'minority' began with the dismantling of the Mughal Empire, a move which devastated the community both economically and politically and effectively crumbled the pillars of Muslim society. Muslims in India have never been able to recapture the political power that empowered them during the pre-colonial period- rather, decades of institutional neglect, first by British colonial administrators and then by the secular Indian government, have resulted in the current condition of Muslims in India today.[290]

By castigating Muslim communities for trying to claim the benefits meant to reverse institutional discrimination, the government and society a large is, in effect, claiming this discrimination never existed in the first place. Reservations for OBCs are based on the

[289]Akbar 26
[290] Akbar 27

presupposition that this group was unable to advance for decades because of the discrimination they faced from their position in the social hierarchy. By viewing Muslim communities who do benefit from affirmative action policies as opportunists, using their power as a voting bloc to unfairly access better economic opportunity, in some sense, society reflects agreement with Veer Savarkar's ideology that Muslims should be permitted to remain in India provided they do not ask for any sort of special benefit on the basis of religion. Principles of universal citizenship are clearly not applicable in a society that has been marked since the colonial era by deep divisions on the basis of class, caste and religion.

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Conclusion

The Resilience of Indian Institutions and Some Hope for the Muslims

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This thesis does not have an answer to the legacy of institutional neglect and societal discrimination against Muslims. There are certainly positive signs in the trajectory of Hindu-Muslim relations. The Bharatiya Janata Party and its affiliates have never managed to make a comeback on the political scene, or reignite the success of the 1991 elections. In the 2009 elections, the BJP coalition was trounced in several of its strongholds, including the states of Gujarat, Madhya Pradesh, Rajasthan, and Uttar Pradesh. [291] As discussed, the BJP came to power by trumpeting an assertive brand of nationalism that appealed to India's upper castes. However, the BJP's time in office was marked by alliances with hard-liner subgroups like the Shiv Sena, a Maharashtra based party whose politics have extended from vilifying Muslims as outsiders to targeting anyone from outside the state.

Voters have made it clear that religious affiliation can often be trumped by other forms of caste, ethnic, and regional affiliations. The party's parroting of an anti-minority, violent cultural nationalism during their time in office has therefore made it difficult for them to shed their associations to the condoning of communal violence. Narendra Modi, who was the chief minister of Gujarat in 2002 and considered largely responsible for failing to protect Gujarati Muslims during the riots is one of the most visible faces of the party.[292] He is disliked by many of the BJP's allies for his ties to violence, and with the BJP's declining popularity, it cannot afford to lose coalition allies if it hopes to save power.

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[291] BBC News 'Uncertain Future for India's BJP' 5/18/2009 http://news.bbc.co.uk/2/hi/south_asia/8056064.stm
[292] Hannon 1

In addition to the decline of anti-minority, nationalist rhetoric's popularity, the past decade has made it clear that India's democratic system still possesses strong checks and balances to counter the violent tendencies of extremist groups, even those who have successfully gained power through the democratic framework. India is in possession of a strong judiciary and a vibrant, active media. Both institutions have been essential in overturning discriminatory practices against Muslims, particularly in the last decade. For instance, in 2003, the Supreme Court blocked the Hindu right's campaign to build a major religious site on the area once occupied by the Babri Masjid, and threatened to deploy the national army if Hindu nationalists did not desist.[293] Equally salient, in the aftermath of the unfair targeting of Muslims through the POTA, it was India's free media and societal activists who sought to raise public awareness over the act's unconstitutional basis. The People's Union for Civil Liberties launched a massive public-interest litigation campaign against POTA guidelines, such as the admissibility of evidence even if obtained when the accused was denied access to legal counsel.

In addition, the increase of electoral volatility ahs also had significant benefits for Muslims. Wilkinson's analysis of electoral competition demonstrates that states that were highly politically competitive, with a significant number of effective parties, or in states where the main party relied on the minority vote, state governments took strong steps to curb communal violence. [294] West Bengal, for instance, ordered police to fire on Hindu nationalist demonstrators in Calcutta, while other states took steps like the preventative arrest of agitators and enforced curfews to stem violence. Out of all twenty-six Indian states, only four were classified as politically non-competitive, out of which only Gujarat did not depend on a minority vote for

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[293] Human Rights Watch 7
[294] Wilkinson 109

electoral success.[295] This is clearly reflected in the persistence of communal violence in Gujarat in a manner that does not extend to any other state.

Bernard Lewis's articulation of an ongoing civil war between "good Muslim" and "bad Muslim" is demonstrated in multiple facets of the Indian public space. From Bollywood, where the "good Muslim" heroine tragically betrays her "bad Muslim" lover to save the nation, to textbooks, where "good Muslims" are those who blend quietly in with overarching discourses of national unity and identity, while "bad Muslims" are remembered only as wreakers of havoc; from the Hindu right, where "bad Muslims" are quietly infiltrating the nation by taking advantage of the good hearts of Hindus, to the Deoband orthodoxy, who demonstrate a reconciliation of adherence to secular norms as well as the preservation of Islamic institutions, examples of the dichotomy between "good Muslim" and "bad Muslim" are a pervasive dialogue in general Indian conceptions of citizenship- in terms of who belongs, who fits within the Indian state, and who does not.

The policy implications of this research should inform what sort of government policy can best help Muslims meet basic developmental goals. An important consideration when discussing whether the Muslim community should benefit from quotas is to what extent this might serve to marginalize the community further. The furor over the persistence of the Muslim personal law indicates that in some aspects, when the Indian government views Indian Muslims through a lens of religious affiliation rather than that of nationality by granting the 'community' privileges, they further the discourse that Indian Muslims are separate from the rest of the nation. Nehru's success in reformulating regressive Hindu marriage laws in 1950, despite strong opposition from the Hindu orthodoxy, was considered a huge triumph for Indian women- it is

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[295] Wilkinson 199

perhaps equally a travesty that Nehru was not equally successful in reformulating Muslim personal law. As demonstrated, this was impossible in the particular time dimension because of larger issues concerning the positioning of Muslims in the newly created Indian state. However, this instance also demonstrates that when the Indian government treats the Muslim community with special privileges *because* they are Muslim, it results in deepened perceptions of Muslims as outsiders who cannot be accommodated within India's secular framework.

A solution might be to stress the equality of opportunity rather than the equality of outcomes. Instead of directly reserving seats in government jobs and higher education, the government might be better served by increased investment in infrastructural development and primary education in regions with heavy Muslim concentrations. The Sachar Report demonstrated a clear lack of primary schools in Muslim-majority areas for instance- the reprioritization of primary education and particularly, education for girls would provide Muslims with the same opportunities as their counterparts in other regions, thus perhaps providing them with the capacity to secure places in higher education and government jobs even without quotas. As this thesis demonstrates, societal perceptions of Muslims as outsiders have often been deeply reinforced by government policies that treat Muslims as a community first, and Indians second. The Indian government is therefore issued with the delicate challenge of both preserving minority rights, while also ensuring that their policies do not deepen the divide between Muslims and other religious communities.

The benefit of utilizing the public theology framework, as demonstrated, is that it allows for the contextualization and categorization of various strands within a single faith tradition, from peaceful to violent, or inclusive to exclusive, from liberal to orthodox. Understanding the subtle distinctions between these groups in a manner that allows for comparative analysis is

particularly valuable in a country like India, where using the monolithic term of 'religion' cannot effectively encompass the diversity of discourses professed within a single tradition. The framework is also substantiated through the analysis of current sources and events- this thesis, for instance has relied on news articles, on excerpts from political writings, from speeches of political leaders, and from relevant library archives. This allows for the examination of substantive issues, not only from a discussion of how it is perceived by specific faith traditions, but also how these ideas have been disseminated into the public sphere to influence political phenomena. As recent events have shown, there is a tendency to conflate a political phenomenon with what a religious text 'says' or exhorts its followers to do. The framework of public theologies, by focusing on manifestations of faith in the public sphere and public understandings of how individuals relate their faith to public issues, draws away the responsibility from political analysts to deal with the sensitive question of how a tradition's teachings may lead to political events.

The examination of public theologies demonstrates the inherent contradictions and questions both across and within religious traditions. From the Hindu right, to Nehruvian secularists, from Lashkar terrorists to Muslim feminists, there is no single way of identifying a unifying discourse that speaks 'for' a religion. Public theologies also demonstrate the deep entwining of religion and political practice, even within the framework of the supposedly 'secular' state. The concept of public theologies recognizes the relationship between 'improvements' in the condition of a religious minority and the political situation in which they develop. This alone makes it a valuable tool for the comparative analysis of religion and politics in the public sphere.

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