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Political Management of Islamic fundamentalism

A view from india

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ABSTRACT This article attempts to explain why and how the Indian state has been successful in managing the militant form of Islamic fundamentalism in India, despite favourable internal and external conditions for such militancy. Internally, it includes such factors as the relative material and cultural deprivation of Indian Muslims, the context of Hindutava and the communal riots, and externally, the Islamic radical movements abroad. Varied literatures have emphasized these factors for the growth of Islamic fundamentalism and Islamic militancy across the Muslim world. However, India has not witnessed large-scale Islamic militancy, despite the growth in Islamic fundamentalist organizations. The article offers a theoretical perspective that takes into consideration the interplay of the nation-building process, the constitutional framework of minority rights, the doctrine of Indian secularism, and the democratic political process. This interplay explains the absence of large-scale militancy and violence, either on the part of Islamic fundamentalist groups/institutions or the Muslim population in India.

KEYWORDS   governmental measures ● militancy ● Muslim ● state ● violence

INTRODUCTION

Of all the religious fundamentalist movements that have arisen in recent times, Islamic fundamentalism has attracted a great deal of attention in the media, academia and the governmental sector and also among the wider public for two specific reasons. The first is its connection with the violence in the name of Islam, often degenerating into the form of terrorism that culminated in 9/11. Second, it is looked upon not merely as a threat to

western interests in the oil-producing region of the Muslim world, but also as a destabilizing force to the western-dominated global order. For these reasons, the western powers have primarily been concerned with Islamic fundamentalist movements in the regions of the Middle East and North Africa (or in such states as Pakistan and Indonesia where they have vital strategic or political interest) and have often approved the repressive policies of the authoritarian regimes in the region in order to curb the menace of Islamic militancy. It is within this context that this article seeks to draw attention to the 'political management' of Islamic fundamentalism in the Indian setting. It attempts to explain *why* (and *how*) the Indian state has been successful in managing the 'menace of Islamic fundamentalism', without causing any serious damage to the body politic or the social fabric of the nation and to see whether India offers any fresh perspective while dealing with the issue of Islamic fundamentalism in particular and the integration of Muslim minorities[1] in general.

The scope of this article is limited in two senses. First, it does not cover Islamic militancy in Jammu and Kashmir. For, unlike the outside perception, the violence connected with the Islamic fundamentalist groups in Jammu and Kashmir does not reflect the collective aspirations of Indian Muslims. The detailed description of 'indifference' and sometimes even the 'hostile' relationship between the two is out of place here. Second, the multiple factors that have been examined in this article to explain the lack of militancy or violence among Indian Muslims or dominant Islamic fundamentalist groups are not applicable to the regions of the Punjab, Kashmir and north-east, where a considerable amount of armed militancy has existed in recent years. Unlike in these regions, Muslims generally lack such regional concentration elsewhere and are consequently dispersed all over India. It is thus hard to equate the accumulated grievances of Muslim communities in India with the cause of sub-nationalism or secessionism that exists among many groups in the Punjab, Kashmir and north-east. Moreover, Muslim's sense of identification with India is historical, unlike Kashmir and many of the north-eastern states that became part of India through a 'specific treaty'.

FUNDAMENTALISM: SOME CLARIFICATIONS

Attempts to define 'fundamentalism' have not met much success and it remains a contested term. The term 'fundamentalist' was first used with reference to a group of US Protestant churches that arose in the 1920s that advocated a literalist Biblical position. However, what began as a laudatory term in the 1920s was pronounced a bad word by James Barr, a Biblical scholar, half a century later, suggestive of 'narrowness', 'bigotry',

'obscurantism' and 'sectarianism' (Barr, 1978: 2). Today it is this meaning of religious fundamentalism that has gained currency, particularly among liberal-modernists. As such, the term 'fundamentalism' is used in a pejorative sense and it denotes a state of mind that is static, retrogressive, conservative, extremist, and prone to violence. Bruce Lawrence defines fundamentalism as 'the affirmation of religious authority as holistic and absolute, admitting of neither criticism nor reduction; it is expressed through the collective demand that specific creedal and ethical dictates derived from the scriptures be publicly recognized and legally enforced' (Lawrence, 1989: 78). T.N. Madan provides a comprehensive description of fundamentalism that, according to him, comprises the following elements:

1 affirmation of the inspiration, final authority, inerrancy, and transparency of scripture as the source of belief, knowledge, morals, and manners;

2 recognition of the reactive character of fundamentalism: it is not an original impulse as, for example, orthodoxy is, but a reaction to a percieved threat or crisis;

3 intolerance of dissent, implying monoply over truth;

4 cultural critique, that is the idea that all is not well with social or community life as lived in a particular time;

5 appeal to tradition, but in a selective manner that establishes a meaningful relationship between the past and the present, redefining or even inventing tradition in the process;

6 capture of political power and remodelling of the state for the achievment of the stated objectives; and

7 charismatic leadership.

(Madan, 1997: 27–8)[2]

Islamic fundamentalism shares all these attributes of fundamentalism, as enumerated by Madan. Where it differs from all other religious fundamentalist groups is in its *claim and emphasis* that the laws of Islam are universally applicable to all types of human groups and societies and for all times. Hence it attempts to *reconstruct* the 'Islamic Order', that was established during the period of the Prophet and first four Caliphs,[3] in modern times, not only within Muslim societies but all over the world, by all means, including violent ones. Islamic fundamentalists of all shades consider Islam as a 'complete ideological system', and not merely as a matter of faith. It is seen as having been in constant competition with all other ideological systems prevailing in the world (for example, Socialism, Communism, Capitalism, Nationalism, Democracy, other religious ideologies, Paganism) since its birth and its eventual victory is considered guaranteed. Islamic doctrines of *Sharia*, *Jihad*, *Jahilliya*, *Dawa* and *Umma*[4] have come to constitute the ideological features of Islamic fundamentalist movements despite the fact that it is not a monolithic phenomenon.

For many scholars, the term 'fundamentalism', being western in origin and without any equivalence in Arabic lexicography, suffers from prejudices and negativity and hence it cannot comprehend the 'multidimensional' features of Islamic movements. Rather, they prefer such terms as 'Islamism', 'revivalism', 'resurgence', 're-awakening' and 'reform and renewal' in order to confer a positive meaning to the contemporary Islamic movements and to situate them within the context of Islamic historiography (Euben,1999: 16–18; Zeidan, 2003: 62–92, 72–5).

Notwithstanding the 'selectivity' and 'negativity' associated with the term 'fundamentalism', I prefer this term over any other terms and its applicability to Islamic movements is because it helps to comprehend both the *ideational* and *practical action* of Islamic movements. At a broader ideational level, fundamentalism refers to contemporary religio-political movements that attempt to return to the scriptural foundations of the community, excavating and reinterpreting these foundations for application to the contemporary social and political world. In terms of practical action, Islamic fundamentalism suffers from dogmatism and apologeticism, and past glorification. It also discriminates against social groups such as women, rejects the principle of pluralism, and resists democratic changes.

NATURE OF ISLAMIC FUNDAMENTALIST GROUPS IN INDIA

Within the broader meaning of fundamentalism as stated above, the most important Islamic fundamentalists groups and institutions in India are Jamaet-i-Islami Hind (JIH), Tabligi Jamait (TH), Student Islamic Movements of India (SIMI), Jamaet (JUH), Dar-ul-Ulum at Deoband, Darrul-Ulum Nadwatul Ulama at Lukhnow, and the All India Muslim Personal Law Board (AIMPLB).[5] Unlike Islamic movements in other parts of the Muslim world, militancy, violence and terrorism are not a characteristic of Islamic fundamentalist groups or organizations in India, save the fundamentalist groups in Jammu and Kashmir highlighted earlier. Thus, the few violent incidents that have attracted global attention, including terrorist attacks on Parliament, Delhi (13 December, 2001), the Akshardham temple, Gandhinagar, Gujrat (24 September 2002), the American Centre, Kolkota, West Bengal(22 January 2002), the twin bomb explosion at Gateway of India and Zaveri Bazar in Mumbai (25 August 2003) and the makeshift Ram temple at Ayodha (5 July 2005) are primarily the result of Islamic militant groups from Jammu and Kashmir such as, Hijbule Mujhaddin, Lasker-e-Tyaba, Hurkutl Mujahiddin, Jaise-e- Muhammad, Harkutl ul-Jehadi e-Islami. Of the 49,369 Indian fatalities between 1994 and 2004 (due to terrorism), 30,915 occurred in Jammu and Kashmir, 13,604 in the North-

East, 175 in Punjab, and 4675 were caused by Left extremism (South Asia Terroism Portal, 1994–2004).

Indeed the rise of Hindutva forces has led many commentators to say that it will give rise to Islamic militancy in India that has so far been limited to the conflict in Kashmir (Wright, 2004: 38–48,). The few cases where Muslims and Islamic groups outside Jammu and Kashmir were *allegedly* found to be involved in violent activities either in an individual capacity or organizationally, or in collaboration with Jammu and Kashmir-based Islamic militant groups, were the cases relating to the Serial Bombing in Mumbai (March 1993), Coimbatore (1998) bomb blasts and the bomb blast at Gateway of India and Zaveri Bazzar, Mumbai, the commercial capital of India (August 2003). The Islamic militant groups that were allegedly found to be indulging in these terrorist activities are the SIMI, al-Umma in Tamil Nadu, and Islamic Sevak Sangh (ISS, now the People's Democratic Party) in Kerela. The Indian Union and state governments have imposed a ban upon them under the Unlawful Activities (Prevention) Act, 1967.

Reflecting on the Muslim militancy in the wake of the rise of Hindutava, particularly in the post-Babri *masjid* demolition period, Kanti Bajpai noted, 'the right-wing Muslim violence has so far been rather limited, although the Mumbai (1993) and Coimbatore (1998) bomb blasts were amongst the bloodiest incidents of Muslim militancy outside Kashmir' (Bajpai, 2002: 21). During his recent visit to USA, the Indian Prime Minister in a CNN interview emphatically stated: Though India has 150 million Muslims, 'not one has been found to have joined the ranks of Al Qaeda or participated in the activities of the Taliban' (*The Telegraph*, 2005). Scholars working on Islamic fundamentalism in India have also observed its non-violent dimension and peripheral impact (Ahmed, 2004: 6; Agwani, 1986: 130; Sikand, 2004: 180).

CONDITIONS OF INDIAN MUSLIMS

The absence of large-scale violence either on the part of Islamic fundamentalist groups or the Muslim masses is significant when one looks at the contemporary situation of Indian Muslims. First, the relative material and cultural deprivation of Muslims in post-colonial India has been well documented by various governmental and non-governmental surveys and scholarly works (Momin, 2004; National Sample Survey Organization, 1997, 2001; Razzack and Gumber, 2000; Shariff, 1999; The Gopal Singh Panel Report, 1983). Thus, according to a recent report on India, 43 percent of Muslims compared to 27 per cent of Christians and 39 percent of Hindus live below the poverty line (Shariff, 1999: 12). The contrast between Muslims and other Indian social groups becomes even more apparent in urban India, where a comparatively large number of Muslims live. In urban

areas, a majority of Muslims are self-employed (53.4 percent) in comparison to 36 percent amongst Hindus. The self-employed category for the Muslims included, by and large, low-status occupations such as cobbler, rickshaw-puller, small artisan and so on (Razzack and Gumber, 2000: 11). In addition to these socioeconomic variables, Muslims also suffer from acute under-representation in the political sphere. The percentage of Muslim parliamentary members has varied roughly from the lowest (4.45 percent) in the 1962 elections to the highest (9.04) percent in the 1980 election since 1950 (Momin, 2004: 60). Many writers emphatically believe that discriminatory practices contributed to Muslims being the hewers of wood and drawers of water. As a prominent historian of modern India, Mushirul Hasan, noted: 'Equality of opportunity guaranteed by the Constitution has largely proved to be a mirage in practice. Muslim India suffers from discrimination in access to public employment, to higher education or to career promotion opportunities, to public credit, to industrial and trade licensing (Hasan, 1997: 61). It is notable in this context that literature highlighting social, political and economic deprivation as the basis for the development of Islamic militancy across the Muslim world are extensive (Ansari, 1984: 123–44; Arjomand, 1988; Ayubi, 1991; Dekmejian, 1995; Fischer, 1982; Chalk, 2002; Hafez, 2000; Munson, 1986).

Second, the very context of the Hindu Right in India does pose a threat to the identity of religious minority – whether real or perceived. A glance over the reporting content of various Muslim newspapers, statements of Muslim political leaders and social and religious activists, particularly in the aftermath of Babri Masjid demolition (1992) and the Gujrat Carnage (2003), confirms the 'threat perception' of the Muslim community. The threat perception to the Muslim/Islamic identity was further confirmed during the course of a massive Muslim mobilization, demanding the constitutional protection of Muslim Personal Law, that was witnessed during the mid 1980s and 1990s in the wake of a Supreme Court Judgement over the Shaha Bano case[6] and the demand of the Hindu right for a Uniform Civil Code as given under Article 44 of the Indian constitution. This threat perception was most aptly expressed by JUH: 'the demand [for a code] is tantamount to a fundamental departure from the position that, in the present day situation where the Muslim community is deeply entangled in a struggle for the search and safeguard of its self-identity, it is only personal law that can be a permanent guarantee of its preservation' (quoted in Chandhoke, 2005: 230). For the same reason, the AIMPLB, in a recently concluded convention, has demanded either deletion of Article 44 or exemption of Muslims from the purview of this article (Khan, 2006).

Third, geographically, India is close to what is considered the centres of Islamic militancy – Iran, Afghanistan, Pakistan and the Arab world. There is no doubt that the impact of the radical Islamic movement abroad was also felt among a certain quarter of Indian Muslims and Islamic groups.

Thus, in the wake of 9/11, SIMI was found distributing a large number of posters and cassettes in support of Al-Qaeda, hailing Osama Bin Laden as 'true *mujahid*' and Taliban and Muslim supporters were exhorted to 'trample over infidels' in many parts of the state of Uttar Pradesh' (Sikand, 2004: 190). There is a considerable literature that emphasizes the trans-national sources and linkages of Islamic militancy (Fuller, 2003; Katz, 2004; Pipes, 2002).

THEMATIC QUESTIONS AND EXPLANATIONS

Given, thus, these favourable *internal and external* conditions, and in conjunction with the historical traditions of Islamic fundamentalist move-ments ranging from the Shah Walliullah school to the development of Jamat-i-Islami and Tabiliqi Jammat with their global network, it has been expected that militant Islamic fundamentalism would provide a congenial ground for growth among Indian Muslims. However, it has failed to materialize beyond the limited, *alleged cases* of Islamic militancy in India indicated above. How does one explain the peripheral impact of Islamic fundamentalism or the large-scale absence of any growth of Islamic mili-tancy in India? Why have the Muslim communities in general not reacted violently to their growing marginalization in Indian society?

It seems that there are multiple factors that are at work in Indian society, which, to a large extent, deter the development of militancy among Indian Muslims and the Islamic fundamentalist organizations. These factors can be analysed under the sub-headings that follow.

State's repressive and anti-terrorist measures

Most governments undertake repressive and anti-terrorist measures to deal with these kinds of threats. In the Indian context, some of the important legislative Acts and Ordinances are the National Security Act, 1980, Terrorist Affected Areas (Special Courts) Act, 1984, the Anti Hijacking Act, 1982, the Religious Institution (Prevention of Misuse) Ordinance, 1988, the Terrorist and Disruptive Activities (Prevention) Act, 1987, and the Prevention of Terrorism Act, 2002 (now repealed in view of its gross misuse). The 'success' of this policy is generally seen in terms of a signifi-cant decline of Sikh militancy in the Punjab, Islamic militancy in Jammu and Kashmir, tribal insurgency in the parts of the North-Eastern states, and left extremism, what is called 'Naxal Violence', in many parts of India. It is also considered a useful deterrent against the possible development of Islamic militancy in India. With specific reference to the Muslim community, the policy is marked by increasing surveillance over the activities of Islamic

institutions and organizations, arbitrary arrest of the 'suspected' Muslims and outlawing the Islamic organizations for their *alleged* indulgence in any violent activities and related alleged linkages with terrorist groups. In particular, the Hindu right during the 1990s projected the *madrassas*,[7] schools of traditional Islamic learning, as hotbeds of terrorism. Some of the governmental measures in this regard include the police raid on the premises of Nadwat ul-Ulama, in Lucknow (1995), a proposal to set up a committee to bring all *madarassas* under the jurisdiction of the Ministry of Human Resources Development in the name of the 'modernization' of *madarassas* (2000), a law to regulate and monitor foreign funding of *madrassas* (2002), and the requirement of prior permission of district administrations for building new mosques and *madarassas* (2003). Though a trend across the globe indicates that these types of repressive policies have not been successful in eliminating the phenomenon of militancy, nonetheless they do play an effective role in arresting the growth of militancy.

Indian Islam and cultural tradition of India

A second major explanation for the lack of effective Islamic militancy in India points to the very character of the Indian Islamic or syncretistic cultural tradition of India (Ahmad, 1964; Ahmad, 1981; Khan: 1988; Mujeeb: 1985; Roy: 1983). In this narrative, it is generally conceded that Indian Islam is historical Islam and there exists a very close proximity between Indian Muslims and Indian Hindus across cultural lines, which also reduces the likelihood of Islamic militancy in India. As put by Assayag:

> This is obvious because Hinduism and Islam, as they were practised until recently, continue to show a great deal of flexibility and a spirit of accommodation in their mutual relations. In fact, they display an understanding that is infinitely richer than the limited sectarian approach adopted by dogmatic, fundamentalist and neo-traditionalist circles on both sides. (Assayag, 2004: 54)

Reflecting on the peripheralization of Islamic fundamentalist groups, M.S. Agwani noted that:

> this is because of the incompatibility of a number of fundamentalist doctrines with the beliefs and practices of what one might call popular Islam [in India]. Over the centuries, the latter has accommodated, among other things, saint worship, belief in an aura of divinity about Prophet Muhammad, and devotional music, into the social and religious life of the Indian Muslim community. The fundamentalists frown upon all these and condemn them as heresies imbibed from Hinduism. (Agwani, 1986: 130–1)

In a similar way, Imtiaz Ahmad has pointed to the *eclectic* and plural nature of Indian Islam as the reason for the lack of a militant form of Islamic

fundamentalism in India (Ahmad, 1995, 2005). According to him, the persistence of pluralism of belief and practices within Islam in India has two implications. First, it goes to show that the unity and integrity of Islam as a world religion is not axiomatic or given, but instead is achieved through a complex interaction between codes derived through Islamic scriptures as well as from the exigencies of living in differing ecological, social and cultural and political environments. Second, as a practised faith, Islam is far more pluralist than the extreme degree of reification commonly attributed to it (Ahmad, 1995: 25).

While the critics (Ahmad, 1964; Das, 1984; Eaton, 1993; Robinson, 1983) have pointed out the fragility of this romanticized construction of Indian society and, as such, doubt the existence of such reality in the context of the recurrent Hindu–Muslim conflict; nevertheless, the plural and multiple identities of Islam in India provides a structural limitation for the growth of militant Islamic fundamentalism.

The framework of political democracy

The third, and perhaps the most important, explanation refers to the 'framework of political democracy' as *the* causative factor for the persistence or absence of violent activities among Muslim social groups. Mumtaz Ahmad, with reference to the Jamaet-i-Islami in Pakistan, found the persistence of a 'British legacy of constitutional democracy', despite the continuance of military rule, as a significant factor for the absence of large-scale violence on the part of Jamaet-i-Islami in Pakistan (Ahmad, 1991: 500). He noted: 'It is usually the repressive policies of governments and the total absence of freedom to pursue normal political activities that tend to drive religious and other political groups to radicalism and violent methods of change' (Ahmad, 1991: 500). Hafez, in a significant comparative study on the issue of violence in Muslim populated regions around the world, also concluded that it is not 'material deprivation', but 'absolute authoritarianism' and the 'denial of access to state' that are the two crucial variables that explain the persistence or development of violent activities in Muslim-populated regions (Hafez, 2004). Therefore, he calls for the adoption of what he refers to as the 'political process perspective' to deal effectively with the issue of violence, particularly in Muslim countries. In general, the lack of political democracy in many developing countries has been considered the major cause for the development of religious fundamentalism, particularly in the Muslim world.

It is generally recognized that that the prevalence of political democracy in India has acted as a powerful deterrent against the spread of Islamic militancy among Indian Muslims. Nevertheless, India has encountered the development of Islamic militancy in Jammu and Kashmir, Sikh militancy in Punjab and tribal insurgency in parts of the north-east of India, despite the

fact that a modicum of democratic political space and process has always existed in post-colonial India, including in these regions, except for the brief period from 1973 to 1977. It also fails to explain the rise of militant Hindu nationalism and the persistence of 'left extremism' with its anti-state violent legacy in India. Further, this framework does not help in understanding the increasing rate of violent activities, including the 'phenomenon of suicide bombing', among Muslims in different parts of western Europe – a region with a strong foundation of civil society and democratic polity.

Together with these three factors, it seems that a holistic explanation for the questions that were raised at the beginning of this article lies in the philosophy and practical policies of the Indian state. This is manifested in four interrelated areas: the nation-building process, the constitutional provision of minority rights, the doctrine of secularism, and the democratic political process.

NATION, STATE AND POLITICAL PROCESS IN INDIA

The west European model of a singular, monolithic, homogenized nation state remains 'the ideal, perfect model' to be emulated in other parts of the world. The Indian Constitution aimed to usher in a similarly homogenized society and nation state by incorporating provisions such as the Uniform Civil Code and the promotion of the Hindi language. However, unlike Europe, where brutal elimination of diversity marked the growth of the present nation-state structure, the Indian state set out to realize the same goal through the course of a 'moderate' nation-building process, based on principles of consensus and accommodation.

The most noticeable feature of this process is the unwillingness to articulate a core set of values or beliefs of the nation (Mitra, 2001: 5). Thus, unlike in neighbouring Pakistan (where Islam is the *raison d'être* of Pakistan national identity), Bangladesh (where the 1975 coup in Bangladesh removed secularism from the core values of the constitution) or Sri Lanka (where post-independence changes such as the democratic induction of the 'Sinhala only' policy form the core value of the nation), right from the outset the Constitution of India did not define the core values of the nation.[8] Consequently, the attempt to establish Hindi as the national language during the 1950s became an open invitation to sociocultural groups to assert their differences as the opening gambit in the oncoming negotiation of their status within the new republic. The Congress Party, based on a political culture of consensus, acquiesced in these developments and committed itself to the carving of a regional state on the basis of linguistic identity – a process further expanded to include 'tribal' (north-eastern

States, Jharkhand and Chattisgarh) and other ethnic-cultural identities (Goa and Uttaranchal). Commenting on this process of nation building in India, Dipanker Gupta wrote: 'This however took courage, statesmanship, and a disregard for western textbook notions of the ideal nation-state' (Gupta, 2000: 240). It was argued that India would be better governed as a democracy if democracy functioned in the languages and culture of its people.

This lack of an articulated set of core values of Indian nationhood guided the state to pursue the line of a 'moderate' and 'cautious' nation-building process, based on the principles of multiculturalism and federalism, while also helping in the smooth accommodation of various regional, cultural and religious aspirations and identity at the national level (Bhattacharya, 2003: 151–64). It also saved the Indian state from facing a situation such as in France, where the state refused to concede to the religious demands of Muslim immigrants with respect to wearing the headscarf in public schools on the basis that such a concession amounted to undermining the heritage and identity of the French nation. Furthermore, the declining rate of armed militancy in the parts of Jammu and Kashmir, Punjab and the north-east indicates that India has a better record in dealing and negotiating with the claims of groups advocating the cause of religious-ethnic nationalism. Thus, in comparison to other multicultural, federal nation states, such as the erstwhile Soviet Union, Yugoslavia and Czechoslovakia, which have politically disintegrated, India as a nation has maintained its territorial integrity without any serious current or future sign of secessionism.

Constitutional framework and minority rights

The Indian Constitution provides protection to minority communities in two ways. The first is derived from the principle of non-discrimination, which is enshrined under the Chapter of Fundamental Rights (Article 14–30). Article 15(1) reads thus: 'The state shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them'. And Article 16 suggests: 'no citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment of office under the state'. Clause 2 of article 29 provides that: 'no citizen shall be denied admission into any educational institution maintained by the state or receiving aid out of the state funds on grounds only of religion, race, caste, language, or any of them'.

The principle of non-discrimination, though important, is not enough for the protection of minority rights. Hence the Constitution lays down certain specific collective cultural rights to be enjoyed by members of religious and linguistic minorities alone, usually referred to as 'minority rights'.[9] Thus Article 29(1) states: 'Any section of the citizens residing in the territory of

India or any part thereof having a distinct language, script, or culture of its own shall have the right to conserve the same'. Article 30(1) stipulates: 'All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice' and Article 30(2) provides that: 'The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language. Besides these articles, the Constitution of India also contains special provisions for the education of linguistic minorities. Article 347 of the Constitution states: 'On a demand being made in that behalf the President may, if he is satisfied that a substantial proportion of the population of a State desire the use of any such language, shall also be officially recognized throughout that State or any part thereof for such purpose as he may specify' (Mahajan, 1998: 212).[10] The constitution also allows persons to submit their petitions for the redress of grievances to the state in any language (Article: 350).

Thus, the overall objective of the above constitutional provisions is clearly to do with the protection of the distinctive identities of the linguistic and religious minorities of the country. It is interesting to note here that while the Constitution placed limited obligation on the state in this regard, the scope of minority rights was gradually expanded, partly due to the judiciary's innovative interpretation of these provisions. Referring to Article 29(1), the Supreme Court declared: 'This right is more or less "absolute", "unqualified" and "positive" and includes even the citizens' "right to agitate for its protection"' (Wadhwa, 1975: 98). In a famous judgement connected with Article 30, the Indian Supreme Court declared that: 'The minorities, quite understandably, regard it as essential that the education of their children should be in accordance with the teachings of their religion and they hold, quite honestly, that such an education cannot be obtained in ordinary schools designed for all the members of the public, but can only be versed in the trends of their religion and in the tradition of their culture.[11] Of late, the government of India has taken measures to establish an institution to enforce these constitutional provisions. Accordingly, the National Commission for Minorities Act, 1992 was passed by the Indian parliament to monitor the working of the constitutional safeguards in union and state laws.

The most important symbol that has come to be identified as a part of the package of minority rights in India, from a Muslim point of view, is the issue of protection of Muslim Personal Law or *Shariat* law. Muslim Personal law is derived from the system of personal laws, or what is called 'legal pluralism' that prevails in Indian society. The doctrine of legal pluralism lays down that every community is entitled to live in accordance with their respective religiously prescribed laws in matters of things 'personal', such as marriage, divorce, adoption, inheritance, succession, etc., while the rest,

including commercial and criminal matters, will be governed by a unified framework of secular law. Thus, in legal cases involving Hindus, Christians, Muslims or Parsees, matters defined as 'personal' are administered by religious laws (Galanter et al., 2001: 274). Galanter has denoted this system of personal laws as 'principle eclecticism' (Galanter, 1984: 567) that holds constitutional recognition as 'laws in force' (Mathew, 1998: 15) and is considered vital by many for the survival of India's unity and integrity (Mansfield, 1993: 139–77).

In the context of personal laws, what is important to note here is that the Muslim community is increasingly being seen by a wide spectrum of 'political' commentators as the 'only community' to be governed by their personal law, while the rest of the India is governed within the framework of secular law. There are two specific reasons that underlie the emergence of this misconceived, though pervasive, political perception: First, since the enactment of the *Shariat* Act, 1937 the Muslim Personal Law has remained intact without undergoing a process of reform, either from within or without. On the other hand, the Hindu counterpart has undergone a series of reforms during the 1950s, in which it has become codified in a manner similar to general law (Austin, 2001: 15). The various reformed laws[12] were denominated as the Hindu Code and ascribed a broadened definition, according to which the term 'Hindu' was expanded to incorporate Buddhists, Jains and Sikhs. As a consequence, the Hindu Code came to apply to the overwhelming majority of Indian citizens. The codification and widened scope of Hindu personal law seemed to detach it from issues of Hindu identity and Hinduism. Through its similarity with general law, it appeared as if it had been released from particularity. Second, the decline of political secularism and the effective campaign of the Hindu Right launched during the 1980s and 1990s against the Muslim community further pushed the community to strongly identify with the conservative interpretations of Islam.

DOCTRINE OF SECULARISM AND INDIAN MUSLIMS

The doctrine of Indian secularism, in combination with the constitutional protection of minority rights, structures the relationship between Muslims and the Indian nation state. The constitutional provisions that underpin the secularity of the Indian state are Articles 25, 26, 27 and 28. Article 25(1) grants the 'freedom of conscience' and 'free profession, practice and propagation of religion' to all citizens. Article 26 confers the right upon the members of a religious group to 'manage religious affairs, establish institutions and acquire movable and immovable property for religious and charitable purposes'. Article 27 debars the state from levying a tax upon

citizens to promote *any* particular religion, while Article 28 prohibits the impartation of any religious instruction in any educational institution wholly maintained out of state funds. In addition to these constitutional provisions, the non-adoption of any religion by the Indian state further buttresses its secular character.

A close reading of these constitutional provisions and an observation of the secular practices of the Indian state point towards the *three distinct features* of Indian secularism that are significant for the integration of minority communities, particularly Muslims. First, it *de-recognizes*, if not *rejects*, the principle of the strict religious neutrality of the state in favour of the principle of the 'relational neutrality' of the state (Bader, 2003: 265–94). This relational neutrality of the Indian state has been maintained by way of avoiding any constitutional definition of secularism[13] and the adoption of the *kind* of operative definition of secularism (*Sarva Dharam Sambhav*) that neither endorses the American model of secularism in terms of complete separation of religion and politics (constitutionally speaking, if not in political practice) nor the European model of secularism, save France, that recognizes the varying forms of associationship of religion and state at a constitutional level. Clarifying the meaning of secularism, H.V. Kamath, a prominent member of the Indian Constituent Assembly, has stated: 'The State represents all the people who live in its territories, and, therefore it can not afford to identify itself with any particular section of the population. . . . We have certainly declared that India should be a Secular state. But . . . a secular state is neither a Godless State nor an irreligious, nor an anti-religious, state' (quoted in Madan, 1997: 244).

Second, the Indian state not only underlines the principle of *non-discrimination*, but also proclaims equality *of* religions in the public realm, along with the equality to practise religion in that arena (Mahajan, 1998: 69). Just three years before his death, Nehru remarked: 'We talk about a secular state in India. It is perhaps not very easy to find a good word in Hindi for "secular". Some people think it means something opposed to religion. That obviously is not correct. . . . It is a state which honours all faiths equally and gives them equal opportunities' (quoted in Madan, 2000: 243).

Third, the state provides a degree of associational religious freedom and communal autonomy that is required in particular for religious minorities, if only to protect them from 'intrusive interference' by states and majority religions.

Most minority communities, particularly the Muslims, see their collective well-being as inextricably linked to the above *moderate* version of Indian secularism that takes into consideration the protection of both the *physical* as well as the *cultural* and *religious* aspects of their life. Hence, among the spectrum of secular political formations, Muslims' preferred choice has mostly been the centrist parties, such as the Congress, that adhere to this

moderate version of secularism as against the radical communist parties that advocate secularism in terms of complete separation of religion from politics. Thus, unlike its counterpart in Pakistan, the JIH, the most important Islamic fundamentalist organization in India and founder of Political Islam in South Asia, supports the idea of a secular state for its 'utilitarian expediency' (Ahmad,1991: 505). For the same reason, most Muslim/Islamic organizations, while reacting to communal riots,[14] also accuse the government of the day as violating or deviating from the principle of secularism. Secularism in India is increasingly emerging as a part of minority rights discourse. It is seen today by most Muslims as a positive feature of Indian life, in marked contrast to a large number of Hindus, who are today inclined to reject secularism on the grounds that it does injustice to a Hindu historical heritage and turns 'epistemic error into a political blunder' (Sen,1998). Today most of the Islamic fundamentalist organizations and other Muslim groups in India are found actively engaged in organizing and participating in seminar, symposia, conferences and other similar activities themselves or jointly with other social groups for the purpose of defending the democratic and secular structure of the Indian state against the challenges posed by the forces of Hindutava. In a document detailing its aims and objectives, the JIH declares that Muslims must work towards 'safeguarding human rights, promoting democratic values and containing the upsurge of fascism in the country' (Jamaet-i-Islami Hind, April 1999–March 2003: 4).

Broadly, the relationship of the Muslim community with the Indian state can be summarized as follows. That Muslim communities seek active support for the maintenance and development of their religious and cultural institutions and, as such, have endorsed the state's regulation of many of their religious shrines (*dargah*), and institutions such as Wakf Board, Hajj Committee, etc. As well as this, they have sought the help of the state in passing legislation, such as the Kazis Act, 1880, *Shariat* Act, 1937, the Punjab Music in Muslim Shrines Act, 1942 and Muslim Women (Protection of Rights on Divorce Act), 1986, that was considered vital for the protection of Islamic identity, while remaining opposed to the state's *reformist* intervention in the field of religious and cultural sphere, or what they considered as their personal matters. Hence, given this kind of relationship between the Muslim communities and the Indian state, what is defended is the autonomy of the community and minority cultural rights are seen as instruments for protecting and realizing that idea (Mahajhan, 1998: 105). For this reason, the most preferred version of Article 25 by the Islamic fundamentalist organizations/institutions is the one that construes it as conveying an *absolute* right to distinct personal laws for Muslims based on *Sharia* without any outside interference.

Indeed, the system of robust minority rights, including the dimension of Indian secularism that prevails in India, has multiple advantages from the point of view of enhancing the legitimacy of the state and integrating the

minority communities. First, it limits the possibility of cultural assimilation and homogenization by the nation state. Second, by providing resources and opportunities for religious minorities to organize and mobilize, it directly helps to redress serious inequalities among religions. It tends to tackle the political and cultural hegemony of entrenched religious majorities and of aggressive secularism. Third, it gives minority associations more resources, based on official recognition and opportunities for participation in the realms of information, public deliberation, decision making, and implementation. Finally, it helps to detect hidden secularist or religious majority bias in the distribution of material benefits and, especially, in the cultural and symbolic impregnation of state ceremonies, rituals, and practices.

Indian political process and Muslim communities

How far has the Indian state and democratic political process been able to meet the constitutional commitments related to the well-being of the minority communities, particularly the Muslim communities? How does the dominant perception of the Muslim communities about the Indian state and its various institutions affect their course of strategy to realize the constitutional goals pertaining to them? An answer to these questions lies in understanding (1) the particular *manner* in which the Indian state system functions and relates itself with the various social groups including the Muslim communities, and (2) the nature of the dominant goals that have been set before the Indian polity and pursued by the dominant sections of Muslim elites in India. Together, they explain, to a large extent, the non-development of Islamic militancy on a large scale among the Indian Muslims.

The most important aspect of the functioning of the Indian state system and the larger political process is its *ambiguity* to the issue of the private–public distinction. The principle of separation of the public and private realm has long been considered in western political discourses as a central necessity for the maintenance of the idea of the 'absolute neutrality' of the liberal-democratic state, as well as the idea of dissociation of the religious and the political.[15] In the Indian context, neither the constitutional provisions nor the overall political practices of Indian state/government point either to the *separation or the fusion* of the two. Thus, a reading of Articles 15, 25(2), 26, 27, and the non-adoption of a state religion, might suggest support for the concept of the neutrality of the state, the principle of a public–private distinction and the separation of religion from the political domain in the Indian setting. However, another reading of Article 27 and the 'non-adoption of religion' can also potentially negate the underlying assumptions of the earlier version. For Article 27 does not prevent the state from using the proceeds of taxes for the promotion of *all* religions, if

not *any* particular religion. Neither does the absence of state religion debar, unlike the American Constitution, the Indian state from the adoption of religion in the future. In addition, the state can still interfere in the same realm in order to carry out its modernist agenda of social reform.

Let me take another example of this ambiguity and vagueness in the governing behaviour of the Indian state. The concern for equal rights for all communities led to the recognition, even legitimization, of collective religious worship as well as observances of religious practices in the public realm. However, the modern sensibility of constructing a liberal-secular state that demands the separation of religion from the political also led to the incorporation of a provision in the Representation of Peoples Act, 1952 (further amended in 1961), that prevents the misuse of religion for corrupt *political* (emphasis mine) practice.[16] What constitutes the 'misuse of religion' depends upon the definition of religion, which is subject to judicial interpretation. The pattern of judicial ruling in this regard has been that while references to a candidate's religion or to the religion of the contender were considered as constituting corrupt electoral practices, it has not ruled against the general reference to religion in political campaigns (Rekhi,1993: 183–98), despite the political rhetoric of separating religion from politics that dominates the public arena in the country. The Indian Supreme Court, thus, did not consider use of the expression, 'Hindutava' in the political campaign as violating Article 127(3) of the Representation of Peoples Act.[17] Further, since the right to profess, propagate and practise religion, culture and language can be subjected to the regulation of state *only* on the grounds of public order, decency, morality and public health, it granted religious communities the freedom to pursue a variety of other activities in society, including the right to mobilize and participate in politics.

What emerges from the above analysis is that the Indian Constitution and the state has neither (totally) *accepted nor rejected* the principle of private–public distinction and separation of religion from the political. Rather, it prefers something in between: a kind of 'relational neutrality', as noted before, along with the principle of 'equidistance' to all religions and the equal treatment of all religions. This stands against the principle of the 'absolute' separation of the two; thus these governing principles provide flexibility to maintain links with the organized religions in the service of the nation. It seems that there were three larger considerations that influenced the Indian political elite to evolve and adhere to the latter course without acknowledging the same at the official level. First, there was a general understanding of the role of religion in Indian society, wherein it was, historically, not considered as a threat to the secular order or state, unlike in Europe. Therefore, a general recognition of religion and culture and its various symbols in the public arena was considered perfectly legitimate from the governing point of view without conceding them the right to occupy the political role.

Second, as an agency of modernity, the political elite urgently felt the necessity to 'reform and regulate' the religious institution at least in relation to the majoritarian community, if not the minority community, without thoroughly subjugating them to the 'reason of state' (Chomsky, 2003), something that happened in the West. However the Supreme Court, by arrogating itself the right to define what constitutes the 'essential' of religion, sets the limit of the Indian state with respect to interfering in religious affairs. Thus, in many cases, the Supreme Court upheld legislation and executive orders to regulate the religious institutions, but in many cases the court also struck down state laws that contravened Article 25, which grants the 'right to profess *and practice*' religion (Mahajan, 1998: 40–79). Thus, notwithstanding the reformist and regulatory zeal of the Indian state, religious organizations continue to assert their autonomy in the public sphere. Third, the state policy of equality to, and equality of, religion in the public sphere was also designed to enhance the legitimacy of the Indian state.

Over the years, the flexibility and ambiguity of the Indian political process has proved to be its strength in dealing with issues of integrating large, complex social diversities that exist in India without taking the violent route. Commenting upon the ambiguity surrounding the meaning of secularism in the Indian context, Imtiaz Ahmad has observed:

> On a practical view, it would appear that leaving secularism largely undefined and neither rejecting nor accepting the idea that the state in India would function on the principles which had become established since the rise of secular ideology in Europe was after all not a bad strategic choice. One positive feature that flowed out of this deliberately left ambiguity was that it allowed secularism to be accepted widely among the different social and religious communities in India. Of course, the readiness for acceptance of secularism, the speed with which it was accepted and the reasons that prompted acceptance varied across social communities and groups. For example, secularism found relative readiness among a large body of Hindu rights in the beginning. On the other hand, Muslims and a few other groups were initially quite sceptical of what secularism might entail and whether the state was actually seriously committed to upholding it in the future. They first preferred to wait and watch. Then they rejected it, claiming that it carried the potential to deny them a basis for the preservation of their cultural distinctiveness and religious integrity. Finally, they recognise the positive role of secularism and accepted it with a view to using it to their advantage wherever possible. (Ahmad, 1999: 7–8)

One of the positive implications of the above-described ambiguous, fuzzy and non-doctrinal nature of Indian secularism in particular, and the larger political process in general, is that that minorities, especially Muslims, continue to enjoy the recognition of their religious and cultural symbols in the public realm as part of the evolved political culture. This is reflected in the observance of national public holidays connected with minority

religions. Thus, out of 14 declared national religious holidays, 10 belong to minority communities (four Muslim, two Christian, two Sikh, one Buddhist, and one Jain). It is a general practice that the Qur'an and Bible are recited along with the Hindu scriptures during national mourning and on other occasions. Of late, throwing an *iftar* (breaking of the day fast) party by the members of the political class (including the President and Prime Minister) has become a political norm. Interestingly, the public exchequer partly meets the expenses of these parties. Similarly, the government provides subsidies for, and makes elaborate arrangements to facilitate, Muslims' trips to Mecca (Saudi Arabia) to perform Haj. Further, the benefit of Censorship laws has also been liberally extended to the Muslim communities. Among the books (related to Islam and Muslim Communities) so proscribed in India are Thomas and Thomas on the Prophet, Kurt Frishler on his wife Syeda Aisah, Desmond Steward and Ram Swarup on Islamic religion (Mahmood, 1993: 107) and Salman Rushdie's *Satanic Verses* banned in 1956, 1963, 1975, 1983 and 1988 respectively. The proliferation of *madrassas*[18] in post-colonial India (Krishna, 1985: 377; Sikand, 2005: 94–100) is another indicator of liberal political culture in India.

The underlying thrust of the above narration is that the combination of the nature of Indian secularism, the Indian state's responsiveness to the issue of cultural and religious sensibilities, and the system of minority rights including the Muslim Personal Law, provides the *institutionalized space* for Indian Muslim communities to live in accordance with their religion, culture and identity and to assert their symbols in the public arena *without* any fear. Tahir Mahmood discovered how the operation of public law in India does not contradict the percept of Islam, nor does it obstruct Muslims in organizing their life in accordance with Islamic values (Mahmood, 1993: 93–120). Reflecting on the advantage of the System of Personal Law in India, John Mansfield argues that '[i]n particular it contributes to their sense of existing and having meaning, something that citizenship in a nation-state alone cannot confer' (Mansfield, 1993: 158). In similar vein, but in a wider framework of minority rights, Bishnu Mohapatra also argues that the recognition of ascriptive identities of the people in a substantive sense contributes to a better realization of equal citizenship and increases people's sense of belonging to the political communities in which they live (Mohapatra, 2002: 169–92).

Connected with the ambiguity of the doctrine of secularism, there is another crucial feature of the Indian political process that helps in protecting the interests of minority/Muslim communities. This refers to the *lack* of development of 'majoritarianism' as a political creed and as a basis of governance. Both the internal structure of the Constitution and the social diversities of Indian society greatly constrain the possibility of the emergence of majoritarianism, if not the development of majoritarian politics. Majoritarianism is a fixed and relentless position, which is incapable of

alteration, whereas a majority rule is open to transformation and change. The fact that a political decision in a (majoritarian) democracy is democratically arrived at leaves open the option of further representations and the possibility of a reversal of the earlier decision. As the majority opinion keeps changing in the public sphere, what is a majority view today could be a minority view tomorrow. It is through this process that minorities, including women, have succeeded in getting their due rights in the democratic societies of the world. Any student of the social transformation of Indian society in the post-colonial period will testify to the gradual upward mobility of hitherto excluded social groups of lower caste/class in the higher echelons of state administration and other areas, without any large-scale violent backlash.

Needless to say, majoritarianism should be distinguished from the various shades of majority rule that are constantly under democratic pressure to change. The 'politics of majoritarianism' is one thing; its transformation into a 'creed of majoritarianism' is another. In fact, the alarmist view that was generated in certain liberal quarters on this account following the rise of the Hindu Right was found to be exaggerated, if not completely false. The Bharitya Janata Party (BJP), the party of the Hindu Right, during its rule (1997–2004) miserably failed to implement its core agenda of majoritarianism, which was instrumental in bringing it to power. The most important among these were the construction of the Ram Temple, adoption of the Uniform Civil Code, scrapping of Article 370, which gives special status to Jammu and Kashmir, and the abolition of National Commission of Minority Rights, set up by the previous government. While the BJP put the failure down to coalition rule, it was actually the constitutional propriety that became the main obstacle in implementing its agenda (Bhargav, 2002). It even failed to push a nation-wide ban on cow-slaughter, in spite of it being a central symbol of Hindu politics during India's pre- and post-independence phase (Freitag,1990, Chapters 5 and 6).

This inbuilt *elasticity* of the Indian political process has largely helped Muslims to realize their dominant goals through mainstream secular political parties, chiefly the Indian National Congress, and Congress (I), following its split in 1969. The dominant goal of 'Muslim politics' (Alam, 2003; Eicklman, 1996) since the decline of Muslim power in India has been the protection of the religious and cultural identity of the community (Alam,1995: 107; Alam, 2002; Krishna, 1985: 365–403; Madan, 1997, 106–49). It is in conjunction with this goal that the dominant Islamic/Muslim representation of post-colonial India and the Indian state is one of *dar-ul-ahd* (land of pact), derived from Prophet Muhammad's pact (*ahad*) with the Jews of Medina after his *hijra* (migration) or *dar-ul-aman* (state at peace with Islam). According to this thesis, Muslims and non-Muslims have entered into a mutual contract in India since independence to establish a secular state under which Muslims would be free to exercise their religious

obligations, at least in the personal sphere (Mahmood, 1993; Shabuddin and Wright, 1987: 157; Smith, 1957: 285; Troll, 1995: 245–61).

Thus the few demands that have agitated 'Muslim minds' in post-independent India are the protection of the Muslim Personal Law, the promotion of Urdu, the preservation of the minority character of Aligarh Muslim University, the construction of the Babri mosque, the protection of mosques, shrines, *madarassas*, etc. The attitude of various central and state governments towards these demands has neither been 'outright rejection' nor 'total acceptance', but 'a gradual concession' to the community, depending upon the 'context' and 'political weight'. This is reflected in many major government initiatives: from grants to minority educational institutions to giving 'minority status' to various Muslim educational institutions;[19] extending to Muslims the benefit of affirmative policy in the opportunity structure of the state;[20] the inclusion of Urdu in the Constitution's eighth schedule;[21] the declaration of Urdu as the second official language in many states;[22] the setting up the National Council for Promotion of Urdu Language Board (1996); the setting up the Maulana Azad National Urdu Central University (1998); the Protection Of Religious Place of Worship Act, 1992; the Muslim Women Protection of Right on Divorce Act, 1989; the Prevention of Terrorism (Repeal) Ordinance, 2004; setting up various commissions to look into the grievances of Muslims;[23] the National Minority Development and Financial Corporation, 1992; the setting up the National Commission for Minority Rights (1978), reconstituted as the National Commission for Minorities (1992); and the passing of the National Commission for Minority Educational Institutions Bill, 2004.

In addition to the above measures, the government and ruling parties ensure the representation of Muslims in decision-making bodies through ensuring nomination of members of minority communities to elective offices and partly through their promotion to positions of power and authority in government. Whether this has in fact ensured that the minorities are able to affect political decisions remains an open question. However, this political practice has given to the minorities a sense of representation and participation in the decision-making process.

The purpose of listing the above major governmental measures and political outcomes is not to 'gauge' the overall impact upon the Muslim communities from a developmental point of view,[24] but to underline the *fact* that these measures partly meet the political and economic needs of the Muslim elite, if not all. More importantly, it *recognizes* their *symbolic* values, which, along with the general recognition of minority rights and its cultural and religious symbols in the public arena, goes a long way in stemming the tide of growing isolation, apathy and alienation among the Muslim communities, as well as helping in the restoration of their 'wounded' confidence in the Indian state system. Sita Ram Kesari, the then Welfare Minister, when putting the National Commission for Minorities Bill to the

floor in parliament for vote on 5 May 1992, remarked, '... armed with a statutory power, the Commission would be an effective instrument for protection of minority rights and it would instil confidence in the minorities'.[25]

Recently, an overall decline of political secularism and a related rise in communal riots have resulted in a growing sense of insecurity among Indian Muslims and a distrust in state agencies. However, Muslims still don't view the Indian state as decisively working against Islam or their communal interests. In other words, the state has not lost total legitimacy in the eyes of Muslims, it is not perceived as the '*enemy*' of Islam and Muslims per se. There are two indicators that confirm this observation. First, despite the demolition of the Babri masjid (1992) and the Gujrat Carnage (2003), the Islamic doctrine of *Jahilliya* – first conceived by the late Maulana Abu-Ala-Maudidi, founder of Jamait-e-Islami in undivided India, and later popularized by the late Sayyid Qutub, ideologue of the Muslim Brotherhood in Egypt – which demands the creation of a worldwide Islamic state by all means, including violent ones, has not gained legitimacy among Indian Muslims, unlike in other Muslim-populated regions, including western Europe. Second, if one believes a survey conducted in 1996 on the acceptance of the democratic and secular political system among the different religious groups in India, the most vocal support came from the Muslims (72.2%) compared to 68.2 percent among the Hindus (Mitra, 2001: 26). The same trend among Muslims was also confirmed by the Centre for Studies on Developing Countries (CSDS). According to the CSDS's State of the Nation Survey in 2005, which involved 28 states of the country, 98 percent of the Muslims identified themselves as Indian compared to 97 percent of Hindus and 76 percent of Muslims as against 78 percent of Hindus stated that democracy is always better (*Hindustan Times*, 2006).

CONCLUSION

In concluding, I would like to recapture the main arguments underlying this article. The article begins with a clarification of the meaning of fundamentalism and reflects upon the non-violent dimensions of major Islamic fundamentalist organizations in India, despite internal and external conditions that favour violence. The article offers a perspective that takes into consideration the interplay of the Indian nation-building process, the system of minority rights, the doctrine of secularism and the larger democratic political process, to explain the absence of large-scale Islamic militancy in India.

The emerging analysis is that there are at least three specific reasons that might explain the absence of large-scale violent response by either fundamentalist Islamic groups or Muslim masses in general. First, by recognizing

their religious and cultural symbols in the public arena and by maintaining the policy of non-interference in their internal matters, the Indian state meets the religio-cultural demands of Muslims, including Islamic fundamentalist groups. Zoya Hasan has critically noted, however, how the state and the political process in India thus help in constructing a 'unified, monolithic identity' of Islam and Muslim communities – one that conforms to the vision of Islamic fundamentalist groups and puts Indian Muslim women in a dis-advantageous position at the cost of the constitutional value of gender equality (Hasan, 1994: 59–73). Second, it is hard to establish that the majority of Muslims actually blame the Indian state and government for their relative material deprivation, notwithstanding the political rhetoric that exists on this account. The perception that Muslims are becoming victims of the Indian state's 'politics of exclusion' lacks empirical validity. Rather, affirmative polices by state and central governments have benefited Muslims at the lower strata. Further, India's elitist model of development has mostly met the aspirations of elites among different social groups, including Muslims. Finally, the democratic political process in the country provides ample opportunity for Muslims to renegotiate their demands, depending upon the political context. It is this flexibility of the Indian democratic process and the incremental political outcomes (some of which have been listed above) that predispose the dominant Muslim elites and Islamic/Muslim organiz-ations, including the fundamentalist groups, to realize their goals through constitutional means, instead of opting for violent means.

Acknowledgements

Notes

1   According to the 2001 census, there are roughly 140 million Muslims, amounting to 12.4 percent of the entire Indian population. Almost half of Indian Muslims are concentrated in the northern states, while the rest are fairly evenly distrib-uted between the other parts of the country. The vast majority of Indian Muslims are Sunni, but roughly 10 percent count themselves as Shiites. While in popular perception, Indian Muslims are considered a 'monolithic community', in reality they are constituted by a wide array of regional, linguistic, economic, sectarian, doctrinal and caste differences (Ahmad, 1978; Momin, 2004).

2 However, for Madan, it is the 'element of political power' that distinguishes fundamentalism from orthodoxy (Madan, 1997: 106–49). For me, there is a very thin line of demarcation between orthodoxy and fundamentalism and both are interrelated to each other. The transformation of Shiism from its orthodox quietist tendency to the usurper of state power in the contemporary Iranian context, or the develoment of Wahabbism from an orthodox social movement to a partner of state power in the Saudi context, or the political assertion of Brahaminical Hinduism and Sinhala Buddhism in the Indian and Sri Lankan contexts respectively, does highlight the inherent power-potential of organized religion. Their varied specific positions – whether orthodoxy, conservatism or fundamentalism – are often shaped by the changing nature of the state–society relationship within which they are located.

3 It corresponds roughly to the period of 30 years between AD 631 and 661, which is considered the golden period of Islam by all shades of Islamic and Muslim groups.

4 There are varied interpretations of these Islamic doctrines, depending upon the particular school and discipline. The literal meanings of these terms are as follows: *Sharia* – divine law, *Jihad* – to strive in right path, *Jahilliya* – pre-Islamic age of ignorance, *Dawa* – to invite towards Islam, and *Umma* – religious unity of Muslims in the world. However, in the hands of Islamic fundamentalist groups, these terms have acquired the status of the identity of Islam itself.

5 Among all these organizations, JIH figures most prominently in the literature as the representative of Political Islam or Islamic fundamentalism in South Asia. However, I consider all these organizations as a part of 'religious fundamentalism', for despite the internal differences that exist among themselves, they are wedded to the 'fundamentalist vision of Islam' as defined in the article. Second, all fundamentalist organizations – whether religious or secular – retain the inherent capacity to degenerate into terrorist outfits, depending upon the nature of their evolution and the political context, if not vice-versa. For instance, al Jamma-al Islamiyya in Egypt, Hamas in Palestine, and organizations such as Hizbul Mujehaddin, Laskar-Tyabe in Jammu and Kashmir, had their ideological schooling in their parent organization, Muslim Brotherhood and JIH respectively. Other examples from secular organizations can also be cited – for example, LTTE (Liberation Tiger of Tamil Ealam) in Sri Lanka and many Maoist outfits in India.

6 This case relates to a woman called Shaha Bano, who was divorced by her husband in her old age. The matter reached the Supreme Court. The Supreme Court, while interpreting the sacred texts of the Qur'an and Hadith, endorsed the earlier High Court decree that Shaha Bano had the right to future maintenance from her former husband under section 125 of the Indian Code Criminal Procedure. The All India Muslim Personal Law Board and other Islamic fundamentalist organizations raised the issue that a secular institution did not have a right to interpret the Qur'an and the Hadith and hence the court judgment amounted to interference in the matters of personal law that has been sanctioned by the Indian Constitution to the Muslim communities. The movement became so powerful that it forced the then Rajiv Gandhi government to annul the Supreme Court judgment by passing a retrogressive law, the Muslim Women

(Protection of Rights on Divorce) Act, 1986. On the implication of the Shaha Bano case for national politics in India, see, Das, 1997.

7 *Madrassas* was/is an institution of learning in Muslim societies, including India, which was/is being gradually transformed into an institution of 'Islamic' learning and an object of Islamic culture and identity.

8 The preamble of the Indian Constution calls India a 'secular [added by the 42nd constitutional amendment, 1976], Socialist, Democratic Republic' and aims to secure equality, liberty and justice. However, these are not enforceable values but mere guidelines to the interpretation of the constitution and the state's action. Though the Supreme Court of India has declared secularism, federalism, parliamentary form of government, and judicial review as the basic structure of the Indian constitution, these do not constitute the core values of the Indian nation but are the principles of governance and, as such, limit state action. In fact, there has never been an occasion where the governments at state level or central level have refused to negotiate with the group's demands on the grounds that it violates the very 'national identity' as mentioned in the preamble of the constitution or the basic structure of the constitution. In the same manner, the doctrines of 'composite culture' or 'composite nationalism' are at best 'ideological constructs' needed for the nation-building process, but are not the fixed attributes of Indian national identity.

9 These 'cultural rights' of minority communities are the product of 'difficult negotiations' that were carried out during the process of constitution making. There are many who believe that these minority rights were a 'political concession' made to the Muslim communities for giving up their claims to the principle of a separate electorate, which was granted to them under the British Raj, in favour of a mixed electorate. There may be a grain of truth in this way of looking at the provision of minority rights but their incorporation within the constitution also underlies the recognition of their participation in the anti-colonial struggle nationwide (Gupta, 2000:138.)

10 In accordance with this article, Urdu, the language of the Muslim *ashraf* (upper caste/class) has now been transformed into a marker of Muslim/Islamic identity in India. It has also been declared as second official languages in parts of the states of Bihar, Karnataka, Andhra Pradesh and in Delhi. It is the official language of Jammu and Kashmir.

11 The case of Kerala Education Bill, 1957, quoted in Massey,1999: 42.

12 The Hindu Marriage Act, 1955, the Hindu Succession Act, 1956, the Hindu Minority and Guardianship Act, 1956 and the Hindu Adoptions and Maintenance Act, 1956

13 A prominent member of the Constituent Assembly, K.T. Shah, tried, through two amendments to the Draft Constitution, to have India declared a secular state, specifying that it would have nothing to do with any religion, creed or faith. According to the first of these amendments India, would have been described as a 'Secular Federal Socialist Union of States'. Dr B. Ambedkar, Chairman of the Drafting Committee of the Constitution, rejected both amendments on the grounds that it was not advisable to prescribe a particular form of social organization for future generations. On another occasion, he denied that the Indian state was secular because he wanted it to have the right of intervention in religious matters in the same manner as in secular affairs (see Madan, 1997: 243).

14 In an Indian context, the term 'communal' refers to a conception of religious communities as constituting homogenous collectives with distinctive histories, while 'communal riots' refers to predominantly Hindu–Muslim conflict. Instances of this conflict have been a recurrent phenomenon since independence, with marked increases during 1980s and 1990s (Engineer,1984, 2002). Invariably, Muslims suffer most in this conflict.

15 In recent years, the public–private debate has again resurfaced in the West, particularly in western Europe, with respect to the issue of the integration of Muslim immigrant communities. Critics, mostly from the side of advocates of multiculturalism and feminism, have argued that the ideal of a public–private distinction is at best a theoretical myth and points out how the façade of the neutrality of the public realm essentially privileges/protects the culture, norms and interests of the dominant social group by excluding the concerns of the marginalized and subordinated groups. Therefore, they advocate the moderate interpretation of this distinction and argue that the positive inclusion of religious groups in the public sphere will help in integrating the non-European immigrant communities, particularly the Muslims (Modood, 2005: 131–70).

16 Article 127(3) of the Representation of Peoples Act, 1952, as enacted, defined 'corrupt practice' as: 'The systematic appeal by a candidate or his agent or by any other person, to vote or refrain from voting on grounds of . . . religion or the use of, or appeal to, religious symbols . . . for the furtherance of the prospects of that candidate's election.' In 1961, it was amended to read as follows: "The appeal by a candidate or his agent or by any other person with consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion . . . or the use or appeal to religious symbols . . . for the furtherance of the prospects of election of that candidate or for prejudicially affecting the election of any candidate (Rekhi, 1993: 182, fn 17).

17 Ramesh Yashwant Prabhoo (Dr) vs. Prabhakar K. Kunte (1996) 1SCC 130, Manhoar Joshi vs. Nitin Bhau Rao Patil (1996) 1SCC 169, Ramchandra K. Kapse vs. Haribansh R. Singh (1996), 1 SCC 206.

18 As to the existing number of the *madrassas* in India, there is no reliable estimate. However, it is widely believed that the number of *madrassas* in post-colonial India has quadrupled in comparison with pre-independence. Thus, according to the Centre for the Promotion of Science at the Aligarh Muslim University, in 1985 there were 2890 *madrassas* in the country. A decade later, the Union Minister for Human Resource Development put the figure at 12,000. In 2002, the Union Minister for Home claimed that the number stood at 31,857. In 2003, a leading Muslim paper claimed that there were some 125,000 *madrassas* in India, catering for around 30,000 students and with a combined annual budget of approximately 14 billion rupees (figures quoted from Sikand, 2005: 95).

19 A certification of minority status allows the minority education institution to reserve up to 50 percent of total seats for students belonging to their co-religion.

20 Muslims groups now receive the benefit of reserved quotas in the states of Kerela, Tamil Nadu, Karnataka, Andhra Pradesh and Bihar. In Kerela, 12 percent of jobs are currently reserved for Muslims. Karnataka and Andhra Pradesh brought in 4 percent and 5 percent reservation for Muslims in 1994 and 2005 respectively. In Tamil Nadu and Bihar, Muslims are entitled to reservation

under the 30 percent and 17 percent category earmarked for Other Backward Class (OBC). In addition to this, some 80 lower caste Muslim groups enjoy the benefit of a 27 percent quota in central government services and educational institutions, as per the Mandal Commission Recommendation of 1990.

21 Among the other benefits, the declaration of a language as a 'schedule language' allows students to write examinations for national government services in any one of the 22 language listed under the 8th schedule.

22 The importance of second official language status lies in the fact that all government notifications and orders will also be made available in this language as well as the official language. This creates employment opportunities in terms of appointment of translators in all the departments of the government, as well as the appointment of teachers in the public schools. Urdu has been declared as a second language in the 15 and 13 districts of the state of Bihar and Andhra Pradesh respectively. In the state of Utter Pradesh, Urdu was declared as second language in the western parts of the state in the early 1980s through an ordinance that subsequently lapsed. In certain parts of Karnataka, Urdu enjoys the status of second official language. More recently, the government of Delhi has declared Urdu, along with the Gurumukhi (the language of the Punjabi community), as the second official language.

23 Congress Committee Report, 1957, the Gujral Committee Report, 1983, The Gopal Singh Panel Report, 1983 and the Prime Minister's High Level Committee For Preparation of Report on Social, Economic and Educational Status of the Muslim Community of India, 2005.

24 This subject is outside the scope of this article. Suffice to say, the impact of these governmental measures and the political process varies in accordance with the variation among the Muslim communities. Thus in the southern peninsula, where Muslims constitute a vibrant middle class, they have effectively used the minority rights and the governmental welfare measures related to minorities, and built the community assets in terms of educational institutions, banking services and others. In contrast, the absence of a strong middle class among the Muslims in northern India was a crucial factor in its failure to realize the same goals as achieved in the south. Given their relative educational and economic backwardness, combined with the threat of inter-communal conflicts, the Muslims in north India suffer from a greater degree of isolation, alienation, apathy and sense of discrimination than among the Muslims in the South.

25 Lok Sabha Debate, 11 May 1992, quoted in Mohapatra, 2002.

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