

Minorities
in South Asia and in Europe

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Edited by
Samir Kumar Das

Samya≡

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*Dedicated to the memory of Cristina Boglia (1965-2010),
an invaluable colleague in our work on the
Protection of Minorities in South Asia and Europe.*

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PREFACE

The book is a part of the Eurasia-Net project on the protection of minorities in Europe and in South Asia that Mahanirban Calcutta Research Group (CRG) was involved in during the last couple of years. In a sense, the project stands in continuity with CRG's earlier works on issues of forced migration, autonomy, rights and justice, and so on, including, of course, the minorities. The project gave CRG the precious opportunity of working in partnership with some of the best academic institutions of both South Asia and Europe. We thank all the partners, the European Academy in Bolzano, Italy, in particular, for extending all kinds of help to us. I have myself benefited by the advice and contributions of Günther Rautz and Ranabir Samaddar at different points of time and remain indebted to them. The rough contours of the book were planned in a rainy evening at Günther's place in Bolzano in late-August 2008. I am thankful to Alexandra Tomaselli who has ungrudgingly familiarized us with all the necessary project details. I recall with great pain the tragic loss of Cristina. We had received so much support from her in our collective journey through the project.

The ideas gradually took concrete shape in course of the deliberations held during a series of project steering group meetings organized in New Delhi (February 2009), Kathmandu (August 2009) and Dhaka (November 2009). My interactions with the colleagues of the European Academy during my study visit in August-September (2008) helped me a great deal in shaping some of the ideas pursued here. We

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Kolkata, January 2010

SKD

INTRODUCTION

SAMIR KUMAR DAS

THIS BOOK INTENDS to study minorities of South Asia and Europe from a comparative and transnational perspective. While country-specific studies in minorities are by no means rare, their comparisons within a region (like South Asia and Europe) or across them are almost non-existent. This is so because the history of the formation of minorities in many ways coincides with that of the formation of nation-states in both these regions. As modern states emerge and their boundaries are drawn in fairly neat and precise terms, minorities are created, if not 'trapped' and 'colonized', within them.¹ International boundaries have often been drawn both in postcolonial South Asia or in post-war Europe in ways that have not only dismembered the hitherto homogeneous groups into minorities dispersed over two or more nation-states but also brought about newer sources of division amongst them. Insofar as they operate within two or more national milieus, each distinct from the other, they get configured in similarly distinct ways. Minorities, as we will see, are 'minorities' only with reference to the national body within which they constitute themselves as minorities.² Contemporary writings on the emergence of modern nations in different parts of the world particularly in Southeast Asia point out how nations played a great role in liberating them and delivering them from the medieval evils of minority in-

timidation and persecution.³ Modern minorities are the product of nationalist discourse. For, it is in relation to that body that one is a majority or for that matter a minority.

Unlike in the modern times, minorities in the Middle Ages were called so insofar as they were perceived as a threat to the sovereign—an emperor, a king or a sultan—and the aristocracy. While sovereignty now circulates within the national body, sovereignty during the Middle Ages, as Foucault's monumental work tells us, was concentrated in the person of the sovereign. Modern minorities in that sense are part of the sovereign and those who refuse to be identified with them, either with the majority or with the minority, *as it were* do not exist. They are the people—who in the parlance of contemporary radical theory—may be 'killed with impunity'. Such homogenizations of geopolitical space achieved in Western Europe during early modern times⁴ and in South Asia after decolonization⁵ hardly leave room for non-national minorities. While incorporation of the minorities into the sovereign body of the nation contains its own 'contradictions',⁶ dissent against the nation has a disempowering effect in a world that has become overwhelmingly nationalized; it divests one of one's citizenship rights and renders one 'stateless'. Statelessness is considered the bane of today's world. Nearer home, the plight of the stateless 'Biharis'—the non-Bengali Muslims—who had decided to migrate to predominantly Bengali-speaking East Pakistan/Bangladesh during the tumultuous days of Partition (1947) and their descendants who have been staying in camps since the formation of Bangladesh serves as a case in point. They remain perpetually stranded between two nation-states. While their Islamic identity pushed them towards the then East Pakistan, they became thoroughly disillusioned as Bengali nationalism started taking shape and eventually led to the creation of Bangladesh. Examples of statelessness are by no means peculiar to East Pakistan or its successor state, Bangladesh. Many of the minorities whether in South Asia or in Europe live in a state of virtual statelessness. For, they are systematically

dispossessed of their rights. In recent times, such dispossession—as Paula Banerjee's essay, 'Mapping the Minorities', shows—has taken on an extremely violent character. Extreme violence exercised more often than not in collusion with the instruments of the state aims not only to denigrate citizenship rights of these minority groups but to eliminate and exterminate them altogether. Extreme violence in short seeks to create a nation *without* minorities declaring them as nations. Or, wherever they are not rendered effectively stateless, they are forced to assimilate themselves into the national mainstream. The 'Georgianization of Abkhazia' in the former Soviet Union as portrayed by Benedikt Harzl in 'Kosovo in Abkhazia or the Universality of De Facto States' in this volume serves as a case in point. This was closely followed by the Georgian policy of ethnic cleansing after the Soviet collapse. On the other hand, a 'majority of Catalans'—as the Catalan leader Argemi tells us in his interview with Thomas Benedikter, 'Expanding Catalonia's Autonomy'—consider Catalonia of present-day Spain as 'a nation', notwithstanding the cultural and linguistic diversities that mark the region.

Contemporary researches on the minorities of the Middle Ages, particularly in Europe, reveal that there was hardly any fixed and immutable 'persecuting discourse' on the minorities. The exact target, nature and intensity of this threat perception would however vary from one context to another. As Nirenberg argues:

The notion of a 'persecuting discourse' requires qualification. Such a discourse about minorities was but one of those available, and its invocation in a given situation did not ensure its success or acceptance. The choice of language was an active one, made in order to achieve something, made within contexts of conflict and structures of domination and sometimes contested.⁷

Determination of one's status as a minority is always a sovereign decision; whether of the sovereign people and the

nation as in modern times or of the sovereign person or the king as a person during the Middle Ages. But what sets apart the minorities of modern times from those of the Middle Ages is the persistence of the nationalist discourse as the 'persecuting discourse'. Minorities of the Middle Ages were defined more by the contingent decisions of the sovereign king than by any preponderant and consistently woven discourse of the time.

The imperative of governing the minorities in India, as Samaddar's essay tells us, was felt for the first time by the colonial rulers in late-nineteenth century when they were alarmed by the growing Wahabi threat to their sovereign power. The essay traces the shifting strategies of governing the minorities in India since the colonial times and focuses on the paradoxical relationship that obtains between the imperative of exercising sovereignty and that of governing the minorities. As he sums it up: 'Without the government functioning in a rational way the sovereign power cannot operate for long. Yet as the insistent existence of minorities *qua* minorities poses challenge to sovereign power, it appears that sovereignty cannot exist without being shared. This is where governmental operation becomes critical. It creates the impossible: sovereignty seems to dissipate in the deep waters of micro-management of society, without necessarily dissolving the power to coerce.' This should be read together with his essay, *The Materiality of Politics*, published earlier in which he pointed out how minorities have been the objects of care and how care for the minorities is implicated in the exercise of governmental power.⁸ Strategies of governing the minorities have their implications for the exercise of sovereign power by the state.

Besides, studying the comparative status of minorities within the respective state boundaries has become an object of diplomatic offensive—at times, real wars—between states. The 10-month long civil war in East Pakistan unleashed against the Bengali-speaking minorities was followed in quick succession by the Indo-Pak war of 1971 resulting in the 'lib-

eration' of Bangladesh. Comparisons therefore are regarded as too politically volatile a subject to be encouraged by the nation-states, the donor agencies, other multilateral bodies or even by the universities. Thus, there are excellent comparative studies in minorities safely 'distant' from each other, say the minorities of India and Malaysia,⁹ but not of, let us say India and Pakistan precisely because the former comparison is regarded as politically benign and the latter is not.

Today however the reasons for comparing the minorities across nation-states have become far more compelling than what they were two decades back. The forces and processes of globalization have as it were flushed the minorities out of the 'trappings' of their respective state boundaries. Minorities are increasingly seen to be involved in establishing and harbouring translocal and transnational linkages in their attempts at mustering political power and transforming themselves from minorities to 'unrepresented nations', that is to say nations denied or awaiting their membership to the United Nations, or even 'peoples'. The right to self-determination has gathered certain momentum in recent years. Groups, which were hitherto regarded as 'national minorities', refuse to identify them as such and clamour for reconstituting themselves as 'nations'. Or those who do not prefer to tread the extreme path or simply lack the resources necessary for pursuing such a political agenda, want to be recognized as 'peoples', as per international law, instead of being reduced to minorities and therefore 'second class citizens'. Similarly, these forces and processes have in a sense contributed to the disaggregation, if not fragmentation, of minorities. If dalits (literally the downtrodden) are considered as a minority in India, then the dalits and the dalit women cannot be treated at par with each other. Dalit women are far worse off than the dalits in general. Dalit lesbians amongst the dalit women could be treated as yet another category separable from both the dalits and the dalit women in terms of their deprivation and vulnerabilities. It will be more apt to describe the dalit women as a minority *within* a

minority, suffering the double jeopardy of being dalits and being women. The women are to be considered as a minority only in that sense: first, as a group that suffers from the generalized discrimination against women in society by virtue of being women, and second, as one that suffers from the double jeopardy by being part of some particular ethnic or communal minority. Pfaff-Czarnecka's essay, 'Minorities within Minorities in South Asia' shows how privileging of the 'minorities' as a category in South Asia through such forms of political intervention as reservation, positive discrimination and affirmative action, and so on, obliterates and levels off the 'minorities within minorities' and contributes to their homogenization. Her essay may be read as a clarion call for deconstructing 'minorities' as a category and initiating the legal reforms that it entails. As the minorities of Europe and South Asia come into contact with each other and set up solidarities that seem to transcend the state boundaries while negotiating with and alleviating their minority status, nation-states have not become obsolete, but have certainly become inadequate in responding to the changing requirements of time. As the framework of nation-states proves to be inadequate to the changing demand of the minorities, as the book advocates, it needs to be supplemented by a transnational or even a transregional platform.

In other words, a plea is being made for making a paradigmatic shift in state responses in this context. State sovereignty that still theoretically marks each of the member states of the United Nations is sought to be redefined in international law today more as a 'responsibility' towards its own citizens than as a power that is situated over and above ('a determinate human superior' as Austin would have us believe) and therefore alien to them. The more sovereignty is redefined as responsibility, the more the states are subjected to supranational or multilateral sanctions and obligations. The probability of securing funds by Bangladesh from the donor states and regional organizations including the Euro-

pean Union depends among other things on Dhaka's track record of treating its tribal minorities in Chittagong Hill Tracts (CHT).¹⁰ In many ways, traditional post-Westphalian system of nation-states proves to be ruefully inadequate to respond to the claims of these new solidarities. State responses moulded in the post-Westphalian framework have already become inadequate. There is no end to the process of formation of new states in response to the growing minority demands for national self-determination as the recent past experience of Europe would bear out.¹¹ State boundaries are bound to produce minorities within them. As there are minorities within minorities, formation of nation-states as a response to increasingly strident minority demands would be like peeling an onion. While right to self-determination was considered as a democratic right, the international community in the recent past history seems to have conceded to the demand only as the last resort. But we have reached a moment when the question today is not one of keeping the order of nation-states intact but of devising ways by which we can put in place a regional or a transregional platform with necessary mechanisms for minority protection. The agenda of establishing a transregional platform depends in its turn on our ability to draw lessons from past experiences, to make a thorough audit of the protective mechanisms that are already in place within the nation-states and also without and, most importantly, to negotiate constantly with the given order of nation-states.¹² Such negotiations by all indications are unlikely to make the order of nation-states extinct, at least in the near future. But they will certainly attempt to respond to the inadequacies built in that order. The transregional platform comprising a plethora of voluntary initiatives, networks of universities and research bodies, human rights and activist groups, even public intellectuals and others is required to function as a vigilante mechanism insofar as the protection of minority rights is concerned. Protection of minority rights in other words has become too serious an

agenda to be relinquished to the sovereign prerogative of the nation-states. It is in this spirit that Basu Ray Chaudhury's essay, 'An Indian Charter for Minority Rights', formulates a South Asian regional charter of minority rights. Compared to South Asia, Europe has already made considerable headway in this regard. The essay by Lantscher and Eisendle, 'Minorities of Europe: An Overview of National Regulations' presents an overview of the relevant national and regional laws of minority protection with particular reference to six European countries: Hungary, Romania, Slovakia, Slovenia, Austria and Italy. Thus, to cite an instance, the Organization for Security and Cooperation in Europe (OSCE), created in 1992, has the office of the High Commissioner for National Minorities. Its main tasks are to provide early warning and mediation procedures whenever tensions involving minorities seem to threaten peace and stability in the continent. Again, Bojan Brezigar's essay on 'Transnational Minority Networks and Mobilization in Europe' makes a detailed study of two 'relevant' non-governmental organizations in Europe. Bilateral agreements between countries on the issue of minority protection, although a much-publicized practice in Europe, are by no means a rarity in South Asia, as the essay by Das and Samaddar points out.

This book seeks to respond to this challenge by way of sensitizing us to the lessons of minority experience in a cross-national and cross-regional perspective. It is prepared in the framework of the Eurasia-Net project that the Mahanirban Calcutta Research Group (MGRG) had had the opportunity of working on, in collaboration with the partners of both South Asia and Europe. This obviously calls for a paradigmatic shift. The hitherto existing modes of understanding the minorities are increasingly becoming inadequate. As we will have occasion to see later, these modes of understanding continue to exercise their influence on the academic and activist landscape and are premised either on any given nation-state or on the given order of nation-states. Das and Samaddar's essay, 'A Hundred Years of Research on Minori-

ties in South Asia: Towards a New Agenda' reviews a century of research on the minorities in South Asia in general and India in particular and proposes to draw only the bare outlines of a future research agenda along these lines.

The year 2009 marks the twentieth anniversary of the publication of late Professor Myron Weiner's provocatively titled essay, 'India's Minorities: Who are they? What do they want?'¹³ The essay is commonly regarded as a critical milestone in our understanding of the status of minorities of South Asia in general and India in particular. Although an earlier version of this essay was published in 1986, the one just cited was published three years later and is considered one of the most complete statements on the status of minority research and practices in India and South Asia in the late 1980s. His central argument is that the institutional capacity for managing the minorities in India in the 1980s has been severely depleted by (a) the decline and fall of what once was known as 'the Congress system' that could absorb all oppositions within itself and its growing inability to accommodate the ever-strident minority demands; (b) ethnicization and communalization of the governing institutions: of the police and the paramilitary forces in particular as the reports on recent ethnic and communal violence in South Asia bear out; (c) the rise of territorial nationalism amongst both the majority and most of the minorities; (d) the emergence of minority coalitions and alliances that are of international character; (e) the federal rearrangement that used to work reasonably well since Independence (1947) through the 1950s and the 1960s has fallen into disuse with the effect that the state governments do not seem to act as 'viable' unit; and (f) the emergence of majority 'self-awareness' and their demands. The list is by no means exhaustive. But it obviously gives us a sense of Professor Weiner's anxiety that the paraphernalia of governing institutions might in future be swept away by the increasing violence and militancy that have come to mark minority politics in South Asia. Although never explicitly mentioned, the incommensurability that he points

to—of political institutions with the rising levels of political mobilization—owes much to the early writings of Samuel P. Huntington. All these taken together, according to Professor Weiner, are likely to ‘worsen majority-minority relations’ and threaten to tear the body politic apart. Though not a doomsday prophet, his essay on the minorities takes him perhaps closest to that position.

I think researches on minorities, albeit sporadically conducted, say, during the last twenty years since the publication of his famous essay, have gone a long way in setting forth a new research agenda on minorities. The present book intends to take a stock of the post-Weiner researches and experience with minorities in South Asia and Europe. These researches to my mind have made departures in at least three very important areas from Professor Weiner’s landmark essay. That is precisely the reason why it continues to serve as a reference point for any understanding of the minority situation particularly during the last two decades.

First, minorities, according to him, are defined as those who ‘lack power’ and ‘who do not share what they regard as the central symbols of the society’. He does not probe into how certain symbols acquire a pride of place within any given society, and turn into ‘central symbols’ while dislocating and displacing many others. In other words, the way by which the so-called ‘central symbols’ acquire their centrality also tells us the secret story of how the majorities perpetrate their hegemony over the minorities; a hegemony that also makes the minorities ‘voluntarily’ use and share these symbols by ‘universalizing’ them.¹⁴ The spreading of a national language serves as a paradigm of all these symbols. These symbols help in organizing the society into a single whole by establishing their hegemony and centrality, in short by producing a nation of which both the majority and the minorities are inseparable parts. A good deal of anthropological studies has been conducted both in South Asia and in Europe to show how the modes by which certain symbols acquire their centrality are implicated in the power relations and how these

symbols being ‘central’ to the society organize it around a ‘centre’ and thereby contributes to the centralization of the symbolic power. It is, as we have argued, only in relation to the ‘society’, the larger social whole or the nation, that one is considered a majority or for that matter a minority. This may sound intriguing but is nevertheless true that minorities are not nations per se but are only national minorities.

Second, democratic institutions are believed to lie outside and remain untainted by the sometimes messy nature of majority-minority relations. Professor Weiner’s optimism that the minorities can be accommodated more or less by the existing political institutions is in a sense obsessive. For, he does not call for any major institutional change; the same institutions, according to him, will be able to take care of the minority problem, provided they are allowed to perform in their letter and spirit. In fact, he argues in one of his essays contained in the same collection that notwithstanding serious depletion of institutional capacity, the existing network of institutions is sufficiently strong to withstand the crisis that it was facing. His faith in the secular nature of democratic institutions and their capacity is unwavering. The argument is turned upside down thanks to the new empirical evidences that are coming to light. The involvement of the state—particularly its politicians and security forces—whether by commission or by ‘active inaction’ in the ethnic and communal riots in different parts of South Asia and in the post-state-socialist states of Eastern Europe points to its unmistakably communalized and ethnicized character.¹⁵ While for Professor Weiner it is the politicians, bureaucrats and the security forces who fail our secular, democratic institutions, contemporary researches on the subject under review point out how such institutions simultaneously function as critical nodes of minority exclusion built in their very fabric. The systemic and institutionalized nature of contemporary exclusions reminds us of Tocqueville who more than anyone else in 1835 warned us against the ‘tyranny’ of the majority in a democracy. This deficit, according to him, is intrinsic to any representative

democracy governed by the principle of majority rule and he was keen on putting in place a series of apparently 'counter-democratic' institutions that would act as a check on their tyranny. Professor Weiner's dilemma is that he insists on reconciling the interests of the majority and the minority without initiating any major institutional change. His concern in simple terms is 'to accommodate the demands for substantial administrative decentralization and prove skilful at reassuring minorities without threatening the cultural identity and interests of majorities'. Democracy, as this book argues, is not about simple accommodation; it is over and above about reorganizing the institutions in a way that will not privilege the majority. This perhaps calls for a 'shared' notion of sovereignty in which any minority by being entitled to a share of it can elevate itself into a 'people' in the sense of renegotiating the terms of its relationship in the political dispensation hitherto dominated by the majority. Minorities for their protection seem no longer to insist on 'accommodation' defined by the given institutions, but to fundamentally redefine the very institutional terms and conditions that provided for such 'accommodation'. Minorities can be 'accommodated' only as a contracting party: as an equal partner to the contract that brings the political dispensation into existence.¹⁶ Such demands for renegotiation and redefinition are unprecedented whether in the postcolonial history of South Asia or in the post-war history of Europe and have made up the new agenda of minority politics in both these regions. I have shown elsewhere how the act of making the Constitution in India was at the same time an act of constituting a social whole with its implicit rules of minority exclusion.¹⁷ By contrast, the recent constitution-making experience in Nepal is instructive in this regard. By all indications, the country is poised up for new federal experiment in recognition of its multinational character. Constitution being defined as a political contract is believed to have 'trapped' the minorities within a dispensation the terms of which have been preset for them. All over the world, the common trend has

been to renegotiate these terms so that the minorities do not feel constrained to acquiesce to them. For instance, the inclusion of Naga Hills of then undivided Assam in India at the same time constituted the Nagas as a minority whether within Assam or within India. The outbreak of Naga rebellion in the early 1950s is a testimony of how many of them were resentful of their minority status. Indeed, it will be more accurate to say that the Naga rebel discourse is characterized by a resolute denial of their minority status for it prefers to view the Nagas as a 'nation'. A section of Naga rebels today demands 'special federal relationship with India' in which Nagalim (the land of the Nagas) will first of all be constituted as a separate political entity (the Government of India has so far recognized the 'unique history' of the Nagas and the peace talks have been initiated since 1997) and then only negotiating on the exact institutional form of their relationship with India as an 'equal people' without being reduced to a minority. Nagas are a people who have a right to negotiate their terms of inclusion in India and not a minority to be 'accommodated' into it within the given terms. These situations have set off a series of experiments with institutional forms and Benedikter's essay in a broad canvas gives us a glimpse of some of these experiments particularly in the European context. But, the institutional experiments, as Lantscher and Eisendle warn us in the context of six countries of Central and Southern Europe where these have been carried out with incredible pace particularly since the formation of the European Union, will have to provide 'innovative solutions' rather than easy and 'weak compromises'.

Third, Professor Weiner notes that the 'international coalitions of minorities' are a newly emergent phenomenon. Such international coalitions in essence remain 'international' and minority relations across the nation-states are usually mediated through nation-states. Of course, there have been exceptions. Thus, bilateral agreements on the question of minorities (like Nehru-Liaquat agreement, Shastri-Bandarnaike pact, Indira-Mujib agreement or a successive

series of agreements from Versailles in 1919 to Dayton in 1995) are agreements signed by the respective nation-states. But on the other hand, transnational networks of the minorities, of course, in their varying states of formalization seem to have released the minorities from the shackles of the nation-states. The term that is widely used to capture this new development is 'Minority discourse'. Minority politics exists more as a discourse producing its effects and resonances across the boundaries of nation-states than as a given entity still trapped within them.

Never before in its history has the nation as a point of reference for determining one's status as a majority or as a minority faced so much challenge as it does now. For one thing, globalization has resulted in a certain disaggregation of levels of governance and political and economic power. The nation, in other words, is no longer the only relevant level of governance where a group is constituted as a minority. The national minority may be a minority at the national level; but may not be so within a given locality, neighbourhood, constituent state or region. The local has perhaps emerged as the irreducible unit of global politics in the sense that the control of the national over the levels over or below it is increasingly wearing thin. Thus anthropological studies conducted in recent years suggest that New Delhi had very little control over the streets of Delhi after the assassination of Mrs. Indira Gandhi, the former prime minister of India, and the anti-Sikh riots (Sikhs constitute about 2 percent of India's total population) that followed it immediately in 1984. The functioning of the local as an autonomous entity does not represent an extension of the state, but it certainly bears the 'signature' of the state.¹⁸ Similarly, excesses committed during the national emergency declared during 1975-1977 point to the multiplier effects of the otherwise centrally sanctioned abrogation of rights in the localities and neighbourhoods of Delhi. What we call the multiplier effect is always demonstrated in excess of the central sanctions.¹⁹ Similarly, who exercises control over the

streets of Mumbai in India, gun-running in Peshawar, Pakistan, or over land to be inundated with saline water for cultivation of exportable shrimp in Khulna, Bangladesh, becomes as much important as winning national elections in their respective countries.²⁰ The newly resurgent gang wars for control over localities and *mohallas* are indeed a product of globalization and the loosening of the grip that the national governments had hitherto enjoyed within their respective nations. The majority that rules the country from the legislative bodies of New Delhi, Islamabad or any of the European capitals finds it difficult to establish its authority over the streets and localities of their own countries. As democracy gets disaggregated into various levels of governance, each retaining its relatively distinct and autonomous character, such terms as 'national majorities' or 'national minorities' have lost much of their relevance. The proliferation of levels is likely to render these coinages redundant in no time. The agenda of minority politics, as the book argues, oversteps the national boundaries and spills into regional and transregional spheres.

While it is imperative to form transnational platforms in keeping with the changing configurations of majorities and minorities in an increasingly globalized world, any plea for transnational activism cannot be indiscriminate by nature. It is true that the minorities are, as it were, released from the 'trappings' of the nation-states. Not all minority interests are reconcilable with each other or even with the transregional agenda, let alone with that of the global multilateral agencies. The aggregation of essentially non-aggregatable interests may compel the minorities to function in ways that are detrimental to their own interests. Minorities being caught in the whirlpool of global politics sometimes do not know how to retain the autonomy of their social and political agenda.

This book seeks to tell us many stories of how minority interests may be a casualty of transnational activism. The sudden surge of minority activism in simple terms may not

eventually serve the long-term minority interests and may remain tied to the strings of donor agencies. The setting up of a transregional platform must ultimately stand up to this challenge. At a more general level, Negri warns us against the 'imperial' nature of our resistances in global times. 'Counter-imperialist ontology', to borrow the phrase from him, contributes to the accretion of an empire that it seeks to resist and steamrolls diverse minority interests into one and levels off their differences.²¹

Minority politics today is clearly at a crossroads. While there is the need for understanding it *also* outside the order of nation-states, the transnationality or transregionality is yet to acquire any definite shape. Minorities are caught between the given order of nation-states on one hand and their transnational or even transregional campaigns and programmes, on the other. In that sense, the book, while drawing our attention to the changing nature of minority politics, does not or, more aptly, cannot, give us the sense of direction that it might take in future. The future is still uncertain. In simple terms, this book proposes to sketch only the outlines of a new agenda of minority research in South Asia and Europe. MCRG will feel rewarded if the book brings about any refreshing change in our understanding of the minorities in these two regions and offer some useful guidelines for future research in the area.

NOTES

1. I borrow this usage of the term 'colonized' from Ranabir Samaddar. See Ranabir Samaddar, 'The Last Hurrah That Continues', in *Divided Countries, Separated Cities: The Modern Legacy of Partition*, edited by Ghislaine Glasson Deschaumes and Rada Ivekovic (New Delhi: Routledge, 2003): 22.
2. Thus, a commentator on ethnic politics in India, writing in 1978, for instance, defines the minorities as 'an appreciable subsystem' within 'an enviroing society'. See, R. A. Schermerhorn, *Ethnic Plurality in India* (Tucson: University of Arizona Press, 1978): 16. I have discussed elsewhere how minorities have emerged in postcolonial South Asia through the event of Partition (1947) and the consequent reorganization of international borders in the region. See Samir Kumar Das, 'Governing Minority Rights?' in *Political Governance and Minority Rights: The South and South East Asian Scenario*, edited by Lipi Ghosh (New Delhi: Routledge, 2009): 199-216.
3. Summing up this literature, Balakrishnan observes: 'At its best, imagined nationhood in all its crudity has been the entry ticket for the wretched of the earth into world history'. See Gopal Balakrishnan, 'The National Imagination', in *Mapping the Nation*, edited by Gopal Balakrishnan (London: Verso, 1996): 212.
4. This period has been chronicled in Tilly's classic work. See Charles Tilly, ed, *The Formation of National States in Western Europe* (Princeton: Princeton University Press, 1975).
5. In South Asia, nations did not create borders; borders created nations. Critical studies in borders are slowly appearing now. The works of Ranabir Samaddar and Sanjay Chaturvedi deserve special mention.
6. Some of these 'contradictions' have been highlighted in the debate on sovereignty in the South Asian context intermittently serialized in the pages of *Economic and Political Weekly* during July-December 2005.
7. David Nirenberg, *Communities of Violence: Persecution of Minorities in the Middle Ages* (Princeton NJ: Princeton University Press, 1996): 6.
8. Ranabir Samaddar, *The Materiality of Politics*, vol.1 (London: Anthem Press, 2007): 133-88.
9. See, for instance, Ratna Naidu, *Communal Edge to Plural Societies: India and Malaysia* (New Delhi: Vikas, 1980).
10. In South Asia, such terms as 'tribe' and 'tribal' are freely used both in official circles and in popular parlance without necessarily any of their otherwise derogatory meanings.
11. See Samir Kumar Das, 'Identity and Frontiers in International Relations Research', in *Understanding Global Politics: Issues and Trends* edited by Anindyo J Majumdar and Shibashis Chatterjee (New Delhi: Lancer Books, 2004): 97-122.
12. At a more theoretical level, the exercise was made by Saskia Sassen. See Saskia Sassen, *Territory-Authority-Rights: From Medieval to Global Assemblages* (Princeton: Princeton University Press, 2006): 289-90.
13. In Ashutosh Varshney, ed. *The Indian Paradox: Essays in Indian Politics* (New Delhi: Sage 1989): 39-75.
14. For a very crisp statement of how the 'central symbols' diffuse themselves in a hegemonic manner across the body politic irrespective of the social divisions that mark the majorities from minorities, see David

- Forgacs, 'National-Popular': Genealogy of a Concept', in *The Cultural Studies Reader* edited by Simon During (London: Routledge, 1993): 178-90.
15. I borrow the phrase from Amarjeet Singh Narang, who used it in his keynote address to the workshop on 'Minorities and Their Alienation' organized by CRG in Kolkata on 8 August 2009.
 16. See, for instance, Ranabir Samaddar, ed, *The Politics of Autonomy: Indian Experiences* (New Delhi: Sage, 2005).
 17. Samir Kumar Das, 'The Founding Moment: Social Justice in a Constitutional Mirror', in *Justice and Law: The Limits of the Deliverables of Law*, edited by Ashok Agrawal and Bharat Bhushan (New Delhi: Sage, 2009: 64-99).
 18. Veena Das, 'The Signature of the State: The Paradox of Illegality', in *Anthropology in the Margins of the State*, edited by Veena Das and Deborah Poole (New Delhi: Oxford University Press, 2004).
 19. See Emma Tarlo, *Unsettling Memories: Narratives of India's 'Emergency'* (Delhi: Permanent Black, 2003).
 20. A good deal of literature is centred on these themes. See Thomas Blom Hansen, *Urban Violence in India: Identity Politics, 'Mumbai' and the Post-Colonial City* (New Delhi: Permanent Black, 2001). Malini Sur presented her findings at a workshop on 'Gender and Non-Traditional Formulations of Security in South Asia' organized by Women in Conflict Management, Security and Peace in New Delhi on 24-25 September 2006. Studies by Bertil Lintner and others on the drug barons and arms syndicates in North Western Pakistan, Afghanistan, in Myanmar and Thailand attest to the autonomous nature of their functioning.
 21. Michael Hardt and Antonio Negri, *Empire* (Cambridge, Ma: Harvard University Press, 2000): 413.

Part I

Minorities of South Asia

1

HUNDRED YEARS OF RESEARCH ON MINORITIES IN SOUTH ASIA: Towards a New Agenda

SAMIR KUMAR and RANABIR SAMADDAR

EMPIRES OR IMPERIAL states always had an awareness that several communities, some major, some minor, inhabited imperial societies, and besides the subjects professing the religion of the state there were other faiths and other religious communities as subjects of the empire. These other groups, 'the minority religious communities', would at times get special favourable treatment from the emperor and the imperial administration, at times be subjected to harsh treatment, particularly when suspected of disloyalty or of hiding wealth. The histories of the Ottoman, Austro-Hungarian, Mughal empires (the empires of the late Middle Ages and the early modern age), bear this out. We can also say that while this was a situation bearing out the existence of proto-minorities, yet the societies and states were not majoritarian societies and states, and official majority-minority situations and policies did not exist. We can call this policy and situation as being produced out of a reason of state (*raison d'état*). This reason of state had more to do with considerations of the empire's security, occasional requirements relating to revenue and taxation, and the anxiety that the divine power the empire represented must not be threatened by any other

notion or belief in divinity. This was the divine reason that mixed with imperial reasons and produced the reason of state. Even if the state in question was not an empire, but a monarchy, it would always and invariably be a strong centralized state. Reasons of state, laws, centralization (which meant the gradual formation of standing professional armies) went together.

We are, however, discussing not an issue exemplifying the reason of state, but *reason of government*: minorities being produced not as a consequence of *raison d'état*, but out of governmental history. Governmental reason has relation with state reason, which overlaps, but governmental rationality has its specific ways of functioning, such as reasons of managing culture, turning an anonymous mass of population into identifiable, governable population units, laying down norms of representation through elections, combining the policy of guaranteeing rights with ensuring methods of control of the subjects who are becoming citizens, an agenda of creating a society that would be synonymous with a governable whole, adding political value to number (statistics), and so on. Security, taxation, and revenue-raising still remain important, but they now become parts of a vast repertoire of governing methods and technologies of rule. The significant question here is: Where does the nation stand in this division of state reason and governmental reason (and transformation from the former to the latter)? We can guess the answer, namely, that the nation as a form of political society stands on the divide, the intersection of the two. It means that it builds on both kinds of reason. Considerations of national security, national representation (known as national will), and national administration and governance, all these three factors, predicate the emergence and the perpetuation of the modern minority problematic. There is a factor however that marks the histories of all these three considerations: the colonial past, which is a part and parcel of the nation question. In this respect the histories of Europe and South Asia bear similarities. Both regions carry the *post-colonial predicament*, which is as follows: how

to democratize the nation/region to such an extent minority as category of powerlessness vanishes (that is, numbers lose political value). We are aware that democracy and modern nationhood, having roots in the colonial past, create what may be called fictive ethnicities, majority-centric values and passions, and hierarchic structure with regard to access to resources—in short the minority question.

We must keep in mind these dynamics in order to appreciate how knowledge of minorities has been produced, what and how policies have guided the research agenda, and how changes in these policies have occurred. While this chapter deals with the Indian situation in particular, readers of this book will find similarities and commonalities with situations in other South Asian countries. Equally significantly, the readers will realize the closeness with various European situations in which the once-colonized *other* finds its past as well as possible futures.

Thus as we begin this report with a brief description of the India's colonial past whence began the project of 'knowing the minorities', it will be good to recall the European situation in order to be cognizant of the likely directions that the postcolonial project of 'knowing the minorities' can take. We must not be astonished at the fact that the compulsion to 'know the minorities' is the same in both cases, in India and Europe: namely, retaining liberal democracy, nationhood, and encouraging trans-national links. The question is the same (of course, again broadly speaking): Can liberal democracy abolish the 'minority question' while retaining its principal modes? This question propels most of the researches. At the same time, for us the more specific question will be: What specific rationality today determines the existence of the minorities as a problem and thus what is the specific reason guiding today's researches on minorities?

Europe, as we know, produced its minorities out of the long religious wars, Napoleonic wars followed by other national wars, collapse of the two empires (Austro-Hungarian and Ottoman), and then the inter-state wars of the nine-

teenth and twentieth centuries. The process continued till the last decade of the twentieth century, when several national minorities emerged in the wake of the collapse of socialism and the transition in Eastern Europe. Once again wars followed, and then new minorities emerged everywhere in form of the itinerant communities, indigenous population groups, immigrants, indicating at times a return of the minority question. Yet we must also remember that this history has been marked by several attempts to innovate conflict resolution mechanisms (such as partition, different autonomous arrangements, international and regional guarantee mechanisms, treaties, inspection, standard-setting exercises by the European Union, courts of human rights, charters of rights, Organization of Security and Co-operation in Europe, functions such as commiserating on the observance of human rights norms, particularly minority rights, punitive provisions, Council of Europe mechanisms, and so on). Treaties to protect minorities have marked the last two centuries. In many cases new constitutionalism also has set norms and mechanisms for minority protection. In terms of relevance of this history, we can say that (a) the European experiences of the simultaneous expansion of nationalism and democracy, (b) recognition and protection of minority rights in the wake of this double expansion, (c) regionalization of the issue and mechanisms, and (d) the emergence of a body of laws present for the post-colonial world a likely scenario towards which the minority question may evolve in countries like India. Yet, in spite of all these developments, the nationalist legacy and the colonial residues have remained strong in Europe. Added to these two factors now there is a renewed concern with security often affecting minority communities. Multiculturalism as a consequence is now regarded as having mixed success. No wonder, studies on minorities, concerned policies, definitional quibbles, constitutional-judicial readings, legal commentaries, sociological researches, economic studies, analyses of cultural institutions, linguistic studies, and finally the security scenario—all these studies propelled inter-govern-

mental programmes, inter-university researches, various foundations, research grant schemes, human rights bodies—bear the marks of the ways the minority question has emerged in Europe in the last two hundred years, and re-emerges today. We can also see how these studies bear the mark of the shifting locus of rationality—from reason of state to governmental reason (a transformation we have briefly portrayed just now), also an increasing mix of the two. As a consequence we have also new lights on issues of sovereignty, rights, welfare doctrine, and rule of law, for after all the minority issue hurts most the established ideas and notions on all these four.

We can see the same shift taking place in India: how imperial and state reasons have gradually given way here also to governmental considerations, how the two considerations have overlapped, and how knowledge of minorities produced out of scholarly investigations, administrative inquiries, government policies, funding strategies for beneficiaries and mega research programmes have followed the trail of power in the form of state and governmental rationalities. But we must equally appreciate that not all knowledges are primarily marked by considerations of policies and governmental reasons; there are minor knowledges on what is conventionally termed as the minority question: knowledges that break the boundaries of the historical liberal project of ‘knowing the minorities’ and can give us rare glimpses into possible solutions to the most vexing question of democratic deficit, namely, how to redress the inadequacy of democracy, which tries to solve the minority problematic through the governmental mode. But this further means that we cannot make a neat typology of these encoded forms of knowledge. Such a classificatory exercise while serving some heuristic purpose should not be taken very formally, because research policies and the resultant knowledges may reflect the same state of mixed reasons and legitimacies.

The mix of rationality we are referring to was evident from the first well-known tract or report in India on ‘the minorities’. Lord Mayo, who on assuming the post of Governor

General and the Viceroy of India (1868) had expressed his determination to 'put down Wahabeeism in India as [he] had put down Fenianism in Ireland', had engaged W. W. Hunter to conduct an inquiry into whether Muslims were bound by their religion to rebel against the Queen. Mayo's brief to Hunter was clearly around the 'vexed question of loyalty' in those transitional times of post-Mutiny India. Yet Hunter cautioned against war-like measures adopted by a civilian administration against a section of subject population. But as town after town on the frontier on the West in the last decade of the nineteenth century was razed to the ground and the frontier was ablaze in those closing years, of the colonial officials Sir William Hunter was one of the first to realize this when he wrote of the 'chronic conspiracy within our territory'. Any inquiry into the dynamics of knowledge and power in the colonial project of knowing the minorities must therefore begin with W.W. Hunter, the Director General of Statistics, who had written on being commissioned by Lord Mayo, *Our Indian Mussulmans: Are They Bound in Conscience to Rebel against the Queen?* (1876, reprint 2002). Hunter's work was quickly followed, in fact in little over 30 years, by the Morley-Minto Report and the reforms the Report suggested in terms of instituting separate electorate for religious communities. After Morley-Minto Reforms came other reports, commissions (notably the Simon Commission, 1927), recommendations, awards, and when the Constituent Assembly finally met in the backdrop of the Great Partition, the situation was marked by several competing discourses each backed by enormous scholarly outputs.

Researches on aspects such as multi-cultural existence, presence of multi-faith communities, norms of protection, fundamental rights, rule of law, uniformity of civil code, linguistic minorities, indigenous population groups, high values of the nation, representational modes, violence on minorities, riots, virtues of majority strength, protection strategies such as reservation were already on. The Constituent Assembly proceedings show the clash of various discourses

and provide us with clues regarding ways in which subsequent researches would develop, including those propelled by considerations of national unity, national integration, secularism, or regulated autonomy, as well as those propelled by liberal societal considerations of augmenting social capital and trust networks, enlightenment, managing political behaviours of communities, and improving modes of governance. Awareness in various forms remains: awareness of rights including women's rights, right to autonomy, fundamental liberties, of the need to democratize administration and, most importantly, the need to persist with rights-based arguments in face of an overwhelming atmosphere of national (in)security, and finally an awareness of social justice, most recently illustrated by the debates on the provisions for positive discrimination. All this is indicated by a still evolving juridical discourse (based on case laws, judicial interpretation, legislations, commentaries, constitutional provisions, and international human rights laws).

Yet this juridical discourse is as much legal, administrative, and political discourse, also reflecting the continuing clashes over norms, resources, social and material spaces, and political opportunities. These clashes (particularly the accounts of the riots) are also biographies of political entrepreneurs who have risen through the ranks of community mobilizations; these are also testimonies of what is called, 'opportunity hoarding' (a situation, when members of a categorically bounded network acquire access to a resource that it considers valuable, renewable, supportive of the network, and enhanced by the network's modus operandi, and thus subject to monopolistic control), 'the root of persistent or durable inequality'. As readers go through this book, they will see the footprints of the political scene on the ways knowledge has been produced in form of various discourses. To say the least, this phenomenon continues till this day, and what is to be noted in the present context of discussion is that the knowledge produced in this way becomes subsequently a part of the problem. Finally, all these also demonstrate how govern-

mental imperatives and rationality (as examples we can refer to all the issues mentioned in the preceding and this paragraph) that began with a specific *raison d'état* (recall how Hunter was commissioned and what he finally wrote), now overwhelm researches and research policies. Our political imagination as a consequence is today severely constricted.

Readers will appreciate this point if they take particular notice of the institutional locations of these researches. The institutional story is significant in any comprehensive mapping exercise on the production of knowledge on minorities, and the formation of various discourses. The various governmental institutions in India on studies in social sciences, Indian Council of Historical Research (ICHR), Indian Council of Social Science Research (ICSSR), Indian Council of Philosophical Research (ICPR), social sciences associations (IHC, IPSA, ISC) have promoted a distinct type of research, marked by social science discourses. National human rights institutions (NHRC, NMC, and NCSC and ST and various state counterparts) have produced their distinctive type of knowledge, emphasizing socio-economic inquiries. There are some minority bodies, which have produced a distinct rights-centric narrative of minorities.¹ People have produced resource handbooks. Foreign academia has also been a prominent actor in this field, bringing in research paradigms that bear the mark of different liberal and neo-liberal thinking. Finally human rights organizations (PUCL, PUDR, APCLC, APDR, and so on) foundations, particularly human rights foundations, have encouraged rights-sensitive writings. These institutionalized knowledges reflect on property relations, state of legality and legitimacy, possibilities of autonomy, state of the rights' discourse, anthropological views of communities, and their past and current histories. It is important to keep this map in mind because it brings out the contradictory nature of the situation: These institutionalized researches, almost all or at least the majority of them, begin with the assumption that India is a democracy, that *rule of law* exists; only the quality of governance is low. And then faced with the starkly physical nature

of violence, dispossession, attrition, and the social war, they end with emphasizing the need to strengthen the rule of law, while certainly suggesting some new governmental measures. In their attempt to comprehend the new social rationality (new in the sense of being post-colonial, independent, free, democratic, and encouraging the ethos of what is conceived of as civil society) that tolerates and reproduces discrimination, often pushing discrimination to dispossession, their tools are all old, marked by conventional governmental ideas. The ideal of governance, which can make up for the democratic deficit, remains the unreachable, always deferred, goal inspiring these researches. By the same logic, therefore, they remain caught up in the mix of *raison d'état* and governmentality, producing in the process a sense of what the sociologist Chetan Bhatt calls 'hyper-governmentality'.²

While the anxiety concerning the minorities, particularly the Muslims, marked the British colonial policy towards India since the late nineteenth century, the year 2008 marks the hundredth anniversary of the policy of reservation for the minorities in government-run educational institutions and offices. This chapter proposes to (a) make an assessment of the research policies and resources on the minorities of South Asia and argues that the current research boom in the field under review is seldom associated with any coherent research policy being followed in the region, and (b) raise a few questions and issues that remain un-addressed in the existing body of researches and seeks to draw the outline of a new research agenda that might guide future researches in South Asia with a view to provide them with better constitutional, legal and political protection. Although this chapter proposes to take stock of research policies and practices concerning the minorities of South Asia, it is mostly and certainly not exclusively centred on India. For a good part of these hundred years, India remained undivided and her geopolitical centrality in South Asia even after Partition and subsequent reorganization of international borders, as we will see, has played a great role in shaping and influencing re-

search policies and practices towards the minorities in the rest of South Asia.

CONTEMPORARY RESEARCH BOOM SANS CENTRAL RESEARCH POLICY

Compared to earlier researches, institutionally conducted researches on the minorities of contemporary India do not speak of any centrally coordinated research policy. Researches on minorities in South Asia are conducted at various levels. While the state continues to play an important role in encouraging and sponsoring higher education in most of the South Asian countries, various statutory agencies like the University Grants Commission, Indian Council of Social Science Research (ICSSR) in India enjoy varying forms of autonomy vis-à-vis the state. Although funded in a very substantial way, universities are seldom directly controlled by the state. But it is true that most of the institutions of higher education have to function within the state's broad policy framework and researches on minorities constitute one of the top priority areas in the list maintained by University Grants Commission in India. Besides, researches in certain minority-concentrated areas receive special grants-in-aid as in the case of India's Northeast. All the ministries including that of Human Resource Development directly under the jurisdiction of the Government of India have to keep 10 per cent of their budgetary allocation for the Northeast and the money gets accumulated in the non-lapsable pool of the central exchequer. The availability of funds has given a new, albeit unsustainable, fillip to researches on India's Northeast. While it has triggered off a new spate of researches on the minorities in South Asia, the state or for that matter its statutory agencies have very little control over the findings and outputs of such research. Researches driven by the imperative necessity of fund utilization have very little shelf life and do not reflect any consistent policy been followed in the field under review. In a country like India the state has very little control, if at all, for example, over the kind of

Ph.D. dissertations being done from different university schools and research institutes. The states of South Asia may have a policy towards the minorities, but not on researches conducted on them.

A good deal of researches on the minorities roll out of the research institutes and centres of higher education beyond the established institutional framework. International Centre for Ethnic Studies (Sri Lanka), Lokayan of the Centre for the Study of Developing Societies and Calcutta Research Group (CRG), both in India, provide some examples. While most of the senior members of the faculty and researchers (along with some activists) happen to be associated with various universities and research centres, insofar as they work under institutional auspices, they are not obliged to follow the state's rules and regulations. Research centres like CRG enjoy comparatively greater autonomy than the established universities and research centres. It evidently follows a research policy that (*a*) provides its researches a collective and coherent focus, (*b*) breaks new directions and coordinates researches conducted under their aegis, and (*c*) serves as centre of policy advocacy. The spate of violence that followed the 'demolition' of the historic Babri mosque in Ayodhya (1992) and the Gujarat riots (2002) in India, post-election violence against the religious minorities in Bangladesh in 1996 and subsequently in 2001 have been instrumental in producing a number of investigative reports and researches. Most of them have been done beyond the state auspices and are very critical of the state policies towards the minorities. Of late, countries of South Asia have witnessed a steady growth of this variety of centres and institutions.³ Moreover, there is another genre of researches, which is commissioned by a proliferating body of state institutions such as National Human Rights Commissions, National Women's Commissions, National Commission for Scheduled Castes and Scheduled Tribes, National Commission for Minorities, and so on, and their state equivalents. Besides, researches based on individual initiatives are by no means rare particularly in a

country like India. Such researches are made known to us only by their publications.

Researches on the minorities, in other words, are conducted at various levels, sometimes acting at cross-purposes with one another. In the absence of a clearly laid out, central and coherent research policy on minorities, we find considerable difficulties in assessing it. We propose to compare the present researches with a state in which researches are conducted without any central policy guiding, directing or administering them. Strange but true, the current research boom on the minorities does not seem to coincide with the presence of any central and commanding research policy. As we argue in this fashion, we need to add a couple of caveats lest we should be misunderstood: First, this should not give us the impression that what we call the current research boom has resulted in only haphazard and scattered researches on the minorities. Quite the contrary, it is possible to trace the sources of the current boom to discourses on the minorities circulating within the larger society. The discourse makes it possible to raise only a given body of issues and questions and not others. The point is: researches on minorities today are guided more by the reasons of government than by those of the state. The dominant discourses prevailing and circulating within the society and contributing in no small measure to its government have acquired a measure of autonomy from the state. Second and complementary to the first, while the current research boom is still in this state, this does not mean that framing a research policy is either impossible or unwarranted. In fact, we need to raise some issues and questions from within the mandate of our project so that we can change the terms of our present discourses. Research policy in that sense can serve as a catalyst for changing the terms of our ongoing discourses.

This chapter proposes to (a) raise a few issues and questions that have hitherto remained un-addressed in the existing stock of researches by way of assessing the research policies and practices, and (b) accordingly call for designing

our research policy in a way that will prepare us for a discourse shift. The discourse shift envisaged in our project intends to (a) study country-specific constitutional and legal experiences within a comparative framework;⁴ (b) take stock of the regional and supra-national sources of standards-setting initiatives in South Asia; and (c) probe into the best practices and model cases of minority protection and resolution of minority problems and explore the possibility of disseminating them.

A BRIEF ASSESSMENT OF RESEARCH POLICIES

Researches on the minorities in South Asia in general and in India in particular have been highly uneven in character and there is reason to think that these have primarily built on the general institutional practices and discourses circulating within the larger society. The British administrative writings seemed keen on tracing the essentially divergent nature of Indian society and its innate inability to form a homogeneous nation. Since many of the groups do not form parts of any single nation, the term 'majority' or 'minority' becomes irrelevant unless their nationhood is recognized. More than branding a group as a majority or a minority, it was interested in discovering how they could be held together without interrupting the colonial rule. Colonial policy for a considerable length of time was guided by reasons of state. Thus with the initiation of Morley-Minto reforms of 1909 referred to earlier, began an era of reserving seats and posts in government establishments and decision-making bodies so that minorities do not feel threatened by the political institutions oriented to serve the majorities. British ethnographic writings are replete with the racial and ethnic stereotypes (like 'martial races', 'criminal tribes') that in their combination refuse to make India a nation. Besides, the colonial rulers also made an implicit distinction between the 'primitives' and the 'savages' residing in India's Northeast who do not deserve to be 'ruled' and 'civilized' and the 'subjects' who

have 'submitted to our authority' and for whom 'white men have a burden'. Parts of the Northeast never constituted parts of British India and were administered as 'frontier' by them. Given that Indians do not form a nation, the mediation of the British, as this genre of writings would have us believe, in holding the society together can never be doubted. This discourse gradually gave birth to the idea that the Hindus and the Muslims form 'two nations' who are entitled to two 'sovereign' states to be carved out by partitioning the sub-continent once the colonial rulers stage their exit.

The first batch of historians who became interested in studies in the minorities is also known as the Cambridge School (for their association with Cambridge University) represented by such eminent scholars as Anil Seal, James Gallagher, John W. Broomfield and Rajat Ray, and others. Starting from the assumption that India is a land of minorities where numerous majorities are distributed at various layers and levels of society and polity—in their favourite phrase 'locality-province-nation'—thereby preventing them from forming one homogeneous entity, the school draws our attention to the extremely strategic and contingent nature of the political alliances that are designed and brought into existence by different elite groups claiming to represent diverse ethnic groups in relation to power: whether to acquire it or to dislodge others who have been successful in already acquiring it. The contestation over power determines the dynamics of diverse alliances between elite groups. The essentially minority nature of the components of these alliances confers on the alliances certain flexibility and temporality that also serves as an antidote to their homogenization, entrenchment and durability. Besides, the shifting nature of the alliances also provides scope for new leaderships and elites to emerge and further contest any form of political entrenchment by the already established elites. These alliances have a two-fold impact of democratizing the power base by constantly extending and making power available to newer claimants and de-ethnicizing and secularizing the claims of ethnic groups and

minorities. By virtue of entering into alliances with others, ethnic groups are called upon to shed their exclusivist and ethnic character and discover issues that are common with those of others. The Neo-Cambridge school, a contemporary version of the early Cambridge school, points to the constantly expanding nature of power base in South Asia. The writings on factional politics in Bengal, Uttar Pradesh and South India are a case in point. The involvement of castes in politics in India in the famous words of a very eminent political scientist resulted not in 'casteization of politics', but 'politicization of castes'.

It seems that the Cambridge School has run a full circle. While at one level it is now widely recognized that the dispersal of political layers and levels has become almost complete with the advent of globalization and loosening control of the states over their populations including the minorities, the imperatives of elite alliances have started working in reverse. Emma Tarlow's study on the Sikh minorities who have been victims of the anti-Sikh pogroms organized across India in the wake of Indira Gandhi's assassination in 1984 in the hands of her Sikh bodyguards speaks of the new compulsions of local politics over which the regional and national politicians have little or no control. Hansen's study on the street politics of Bombay/Mumbai bears testimony to the complex nature of processes that have helped sever the connection between the national and the local and contribute to the latter's emergence as an autonomous terrain. They are as it were forced to come to terms with the new realities, and minority politics today refuses to be subsumed under the elitist models. Minority politics is also visited by the sudden torrents of mass politics that the Cambridge historians fail to appreciate.

The state's policy towards the minorities is best exemplified by the Constituent Assembly debates in India: one of the most prolonged debates in history on the question of minorities in any country. The philosophy of the state has attracted some scholarly attention in recent years. Partition, accord-

ing to Bishnu Mohapatra, represented a traumatic event to the Indian elite and paradigmatic shift in the state's vision of minorities insofar as it sparked off paranoid fears about the Muslim minorities.⁵ Thus, when the issue of reservation of seats and jobs for the Muslims was discussed on the floor and the subcommittee set up for the purpose recommended it, the framers of the Constitution scotched it off on the ground that 'they opted for Pakistan'. In simple terms, they were in favour of making a distinction between the minorities who declare them as nations like the Muslims and the national minorities like the Scheduled Castes and the Scheduled Tribes, often synonymously used as 'Hindu minorities'. The Constitution provided a template that also tamed and transformed the minorities declaring them as nations into national minorities and shunned any reservation or special provisions for them.⁶ Summing up the whole debate as well its record of minority protection during the last six decades, Samaddar observes that the Indian state looked upon the minorities as objects of 'government' rather than rights-bearing subjects.⁷ While much has been written about the backwardness of the Muslims laid down in the recently released Sachar Committee report on them, the same tradition of viewing the minorities as objects of government and power continues since the late-colonial times.

The early Marxists were probably the first to have brought the phenomena of violence and riots to the centre-stage of social and political inquiry. Moin Shakir's pioneering study on *Politics of the Minorities* (1979)⁸ shows how violence and riots between the communities serve no collective interest of any of the communities involved in them. Instead, they are organized by their respective elites who take advantage of the pre-existing religious differences and exploit them while pursuing their own narrow social and economic interests. The division between religious majority and religious minority, according to him, has no material basis and is intended to breach the growing 'revolutionary unity' amongst the masses.

Thus the more economic conditions worsen and revolutionary unity is in the process of coming into being, the more such divisive forces are played out in order to keep people's opposition divided and tide over the social and economic crisis. 'Communalism' and 'minority-ism' therefore constitute an ideology: a 'false consciousness' that stands in the way to the development of 'revolutionary unity' amongst the masses. People do participate in riots but they surely lack agency and fall prey to elitist machinations. A series of studies conducted on the riots having taken place in the 1970s and the early 1980s particularly in Maharashtra, Uttar Pradesh and Bihar point out in greater detail how the relative affluence and prosperity of the Muslim elite in brassware, stitching (particularly *zari*, *zardozi* and *chikankari*) and other such industries were sought to be contested and stalled by a rising Hindu elite by way of accentuating and widening the communal divide and mobilizing their respective communities against each other. The reverse has also been true.⁹ A 'scientific' and revolutionary ideology that is capable of transcending the religious divide between the majority and the minority needs to be brought from outside in order to make a social revolution possible in the countries of South Asia. Not all Marxists however agree with Shakir on this issue. Asghar Ali Engineer's comparatively recent writings, for instance, question the very thesis of 'pre-existing religious differences'. While at one level religions in India including Islam have been 'syncretic', 'plural' and 'tolerant' unlike in other parts—thanks to the specificity of Indian culture that has made them so—at another, any 'revolutionary ideology' that makes the claim of becoming popular cannot be completely divorced from the cultural context within which it operates and must draw on its 'progressive elements' in order to remain rooted to it. The otherwise 'secular' cultural tradition of Kashmir, according to him, is in jeopardy insofar as the 'fundamentalists' take over and a composite and syncretic Islam of Kashmir (*Kashmiriyat*) undergoes radical transformation.¹⁰

While the exact nature of Indian culture has been a source of conflicting interpretations amongst the Marxists as we have just pointed out, it is now widely believed that violence and riots cannot be attributed to the diversity of religions per se in South Asia. The transformation of loose and composite 'faith' that existed in history into 'organized religion' with its inviolably sacred text and a determinate ecclesiastical authority under conditions of modernity, as suggested by Ashis Nandy, is said to lie at the root of violence and riots. In other words, interfaith differences did not necessarily push their adherents into conflicts and riots. It is only with the advent of modernity and the modern state's 'statistical' enumeration of populations through census operations into neat and precise categories that such populations started differentiating themselves from one another. There are communities across countries of South Asia (like the nomadic snake-charmers) whose religious identities are not definable, at least not clearly so. It is only with the introduction of modern census operations that such people are obliged to state their religious identities in contradistinction with what they consider as their other. Violence and riots according to this streak of sociological writings are catalyzed not so much by cultural traditions of South Asia but very much by the advent of modernity and most importantly by the introduction of modern governmental technologies by the modern secular state.¹¹ A more or less similar view was reiterated by Madan:

The religious, traditional view of life has not really been the source of conflict between peoples, that it is the perversion which has been so. The scope of interreligious understanding is . . . immense, and it is in no way contradicted by the holism of religious traditions of mankind. And yet one surely may not turn a blind eye to the conflicts between religious communities which have for so long caused untold suffering to innocent people everywhere. The historicity of such conflicts does not however, constitute an argument against religion or signify its

irrelevance; it only points to the unrealized promise of cultural pluralism.¹²

While the debate is continuing and shows no sign of subsiding in the near future, it took a slightly different turn with the intervention of the multiculturalists and social capital theorists. The project is more or less the same for both these streams of scholars. What they basically intend to achieve is convert the minorities from a political category of powerlessness into a simple numerical statement so much so that as a category, it loses all political salience. Both, in other words, seem interested in depoliticizing the category. The importance of some 'basic values' (like popular sovereignty, individual rights and human dignity) in holding the mutually hostile communities together under one social and political fabric can never be denied. But on the one hand, a group of multiculturalists express their doubt over whether such values are already existent in the prevalent religious traditions of South Asia. In this respect, the state as a secular and external agency can serve as a harbinger of social reform and transformation. As Rajeev Bhargava argues: 'The removal of oppression and subordination has been a function of a successful and democratic state. The state has had to democratically intervene in religious and cultural practices to get rid of oppressive practices'.¹³ On the other hand, there are others amongst the multiculturalists who in fact emphasize on the important role that non-state agencies, particularly strong social networks, play in building strong 'civic ties'. Varshney's study on as many as six riot-affected cities of contemporary India, for example, shows how the existence of such strong 'civic ties' cutting across communities and often facilitated by the state and quite ironically its security agencies (as in the case of Bhiwandi) serve as an effective antidote to the occurrence of communal and ethnic riots.¹⁴ His study (true to Putnam's writings on social capital) treats communal and civic ties as two clearly separate and separable categories. A few studies on the

other hand point out how civic ties at times have a 'regressive effect' on structures of conflict resolution and peacemaking.¹⁵ Moreover, Varshney's analysis does not seem to take into account the role of heterodoxies within Hinduism and Islam in India and the role they play in mitigating Hindu-Muslim conflicts. Similarly, in all these writings there is seldom any reference to civic ties that cut across the existing international borders. The writings of both these streams of multiculturalists aptly show how democratic state and civil society complement each other in depoliticizing the minorities and contribute to the overall governmental operations.

With the introduction of the Subaltern School to history since the late 1970s by Ranajit Guha and his associates, researches on the minorities have changed substantially over the years. The School critiques the earlier schools of having denied agency and subjectivity to the subalterns including the minorities of indigenous peoples, the ex-untouchables, the dalits (the 'ground down') and the tribal¹⁶ communities, women and children, linguistic and sexual minorities and minority religious cults and so on and so forth. Even if agency and subjectivity are extended to them, they encompass only the elites that have slowly grown amongst them and not the common people. The Subaltern School brings their agency and subjectivity to the centre-stage of history by making at least two very significant departures: One, the agency and subjectivity of the subalterns consisting of a motley group of people, mentioned above, are expressed through everyday resistance in ways specific to them. The culturally defined means of minority resistance are highlighted in their writings. Minorities instead of becoming objects of protection become the agents and makers of history. Two, and this follows from the above, minority resistance does not necessarily hold society together. Nor does it abide by the requirements of networking and strategic resistance. The School tends to write history in its ruptures and fissures. Minorities do not write the same history inhabited by the majorities; their histories

run parallel to those of others. Historical narratives are separate and separable. Their separation is a precondition of unearthing the significance of minority politics. Minority history is not a history that is added to it as a minor appendix, but a history by its own right with its own archive that can be made sense of only by deploying critical reading strategies. Subaltern consciousness has its paradigmatic features outlined in Guha's epoch-making work *Elementary Aspects of Peasant Insurgency in Colonial India*.

A comparatively recent stream of writings led by such scholars as Paul R. Brass, Philip Oldenburg, Lloyd and Susanne Rudolph and others, based mainly in the US schools and universities, emphasizes the 'embedded' nature of minority politics and the riots and pogroms in South Asia that take a toll on these countries, particularly during the last one and half decades. Riots are seldom, according to them, one-shot events, whose impact gets exhausted with their happening, but are deeply embedded in narratives and discourses that lend different meanings to them at different times of history. The circulation of and contest over these narratives and discourses make the reality of riots and pogroms not only unknown but also unknowable so much so that these are as if they were 'produced' through them. Viewed in that sense, understanding riots and pogroms in South Asia is a cent percent political act. As Brass argues:

The struggle to control the representation of riots is . . . one to cast and divert blame. If the people are responsible, the government is not to blame. If the government is not to blame, the argument can also be made that its powers and authority need strengthening in order to prevent further such events. If the police are blamed, then the politicians are saved. If the politicians are blamed, then the police may be freed from blame and their hands and those of their supporters strengthened in state and society. It is, in fact, one of the most astonishing features of riots that the very process of casting blame widely, of justifying,

explaining, and interpreting riots contributes to the failure to prosecute the perpetrators of violence even when their identities are well known.¹⁷

These narratives and discourses are used in structuring the relations: 'to define the majority and minority, to differentiate the loyal from the disloyal, the weak and the strong, those that are privileged and the disprivileged, and to distribute rewards and punishments'. Thus, our notions of the minorities (like 'Muslims are headstrong and intolerant' and that they are 'out and out disloyal to India', and so on) are deeply embedded in these widely shared narratives and discourses. Accordingly, the state discourse too is not neutral to the majority Hindus and the minority Muslims by way of offering to mediate between them, but is based on 'an imagined nation which defines those who are not part of the 'nation' as 'minorities' who must accept a secondary position within the state.'¹⁸

It seems that minorities have become a hot topic of researches in South Asia, thanks to the initiatives taken by some of the leading civil society groups like SAFHR, Calcutta Research Group and Lokayan and others. At one level, they too emphasize on the dispersal of levels and layers in the body politic that have made the functioning of the established democratic dispensation in India based predominantly on the majoritarian principle problematic. Both systematic exclusion of the minorities and active discrimination have severely impaired the democratic framework. At another level, the state continues to proceed with the old principles and institutions. States are slow in thinking about institutional reforms to accommodate this situation. Political parties based on the principle of interest aggregation for gathering popular support are becoming increasingly incapable of representing the emerging minority interests that refuse to be aggregated into the larger wholes. Lokayan in particular has been flagging these issues for a long time and drawing our attention to the

cases of emerging mediating institutions that are at the forefront of the new social movements.

ISSUES AND QUESTIONS

While most of the studies in South Asia focus on minorities within their respective countries, there have been very little, if at all, in the existing literature either by way of comparing them or discovering their continuities and linkages. The researches on the minorities in South Asia reflect little pan-regional awareness. Historical and cultural continuities provide as it were an ideal case for comparing the minorities across the countries of the region. This practice of studying the minorities within their national frontiers in isolated ways speaks of the persisting impact that the framework of nation-states makes on the research agenda and the typical nationalist fear ('cartographic anxiety') that any cross-border linkages and continuities between minorities are a potential or actual threat to the sovereignty and integrity of the states of South Asia. Minorities are held by the nation-states first of all as 'national minorities' and therefore fall under their sovereign domain. Governing the minorities in this context has turned into a problem of 'emplacing' them within a national body. After all, minorities as a category of powerlessness can wither away only by being governmentalized (variously termed as 'domesticated', 'institutionalized' and 'routinized' in the literature) into 'national minorities'. 'National minorities' may be numerically smaller groups but certainly not disempowered groups as long as they form part of a nation. Entry into the nation is the means of empowering the minorities.

Besides, any comparison between minorities across the countries of South Asia is likely to reflect on the relative performances of the states vis-à-vis the minorities within their respective countries and has the potential of being used and exploited by others. States of South Asia not quite known for

being friendly to one another have the record of humiliating their rivals in diplomatic, regional and international forums on the count of discriminatorily treating their minorities. Any comparison reflecting on the state performances in this regard is likely to be politically volatile, if not inflammable. One can therefore say that the practice of studying the minorities within their respective 'national' settings is as old as the evolution of nation-states around the world. It is for this reason that comparisons (as in one case between the minorities of India and Malaysia) considered as politically benign and safe are attempted.

By all accounts, migration across nation-states has increased multifold over the recent years. Although an early attempt to study some of these population flows was made by Myron Weiner, it certainly requires to be revisited in the changed context of globalization in South Asia.¹⁹ The 'mixed and massive' population flow has not only created new minorities but also triggered off schisms between the locals and the migrants and many of the societies of South Asia seem to be bursting at their seams. While the host country may have its reasons to feel unhappy with the massive immigration from across its borders, the sending country conveniently 'dumps its excess population' and refuses to acknowledge it. This has sometimes caused diplomatic standoffs between the countries of South Asia. It is true that such 'Alice-in-Wonderland' policy is unhelpful, for, a solution will always elude us if the problem is not recognized in the first place. On the other hand, there cannot be any unilateral solution to such issues. A platform like this is ideally placed to first of all recognize minority-producing cross-border migration as a problem and then to evolve possible strategies of addressing it. Researches on scenarios of individual countries can at best be partial in their understanding of the magnitude and impact of such immigration and the interruption it causes to governmental operations.

While comparisons across the countries of the region are welcome and discovering their historical and cultural conti-

nities and linkages are an important step to any project of evolving regional instruments of minority protection, the role of comparison and continuities and linkages can hardly be blown out of proportions. The presence of historical continuities and linkages should not lead us to bundle the minorities of the same ethnic origin but scattered into diverse cultural and political contexts into one category—homogeneous and indivisible—agitating for and demanding the same charter of rights. The same minority gets differently configured, culturally and politically, in many different ways. The importance of studying the 'minorities within minorities', therefore, can hardly be doubted. Both the processes of regional and contextual articulation are operative in South Asia and one has to find out when one acquires political salience over the other. In the existing literature, minorities of South Asia are generally never viewed with all these ramifications. Let us now formulate in more positive terms some of the issues that may form part of a research agenda necessary for a possible discourse shift.

Minorities across States

Many countries of South Asia formed parts of a politically unified landmass called India for most of their history. Empires of pre-colonial times occasionally stretched from Herat and Kandahar in Afghanistan to the island of Sri Lanka. While such instances of political unification have only been intermittent and occasional, there is no denying that the cracking and splitting of empires and kingdoms would take place along a culturally continuous scale so much so that these events did not trigger off mass exodus from one region to another. Indeed, one or two attempts at making political boundaries coincide with cultural ones by way of ordering population transfers produced grotesque results. The colonial rulers sought to transform the vast tracts of undemarcated and loosely administered frontiers of the Northwest and the Northeast into sharply drawn 'lines' towards the end of

the nineteenth century. Thus, the Durand Line in the Northwest, separating India from Afghanistan, and the Macmahon Line in the Northeast, separating India from Tibet, were drawn in 1893 and 1903 respectively. But it was only with the Partition of India in 1947 and consequent reorganization of international borders that the masses of people felt the necessity of adjusting themselves to the 'right' side of the border through migration. As a result, an estimated one million people lost their lives due to communal riots that broke out on the eve of Partition and in its wake and a few millions shifted themselves from one part to the other while drawing new and hitherto unknown cultural boundaries and making them coincide with the newly reorganized political borders. In simple terms, the emergence of modern states in the region has enjoined on them the obligation of making them coincide with each other. As 'lines' are drawn on maps as the Commission led by Sir Cyril Radcliffe had done it in the east and most importantly lines are plotted on the ground, these bring into existence what Joya Chatterjee calls 'a new way of life'²⁰ and people are called upon to constantly adjust themselves to it. The region is caught between two diametrically opposed pulls of historically shared social, cultural and economic commonalities and linkages that otherwise cut across the newly reorganized international borders on one hand and the legal and political obligation of observing and remaining confined to them. The challenge of governing the post-Partition nations in South Asia lay precisely in converting this new reality into 'a way of life'.

By all accounts, this essentially statist dream of creating culturally homogeneous nations by encouraging mass migrations and population transfers was indeed shared by a good number of people who thought it 'unethical' to remain left in countries that was not theirs.²¹ The metaphor of Partition continues to live on and shapes much of the so-called post-Partition politics. Partition is not an event, but a process and a process that does not exhaust itself with one the event of the formation of nation-states. The same dream gets reen-

acted rather climactically and at great human cost in Gujarat, India (2002), Bangladesh (1996, 2001), Sri Lanka (1983) and Bhutan (1988) where violence is organized systematically more often than not at the state's instance to exterminate the minorities whether by indiscriminately killing them or through expulsion. Many of the reports prepared by even the statutory agencies of the state like the National Human Rights Commission accuse the politicians and security forces of having done such acts of commission and omission, which heavily discriminate against the minorities. The dream continues to inspire and elude the states of the region. The mixed and complex demography of the region and the historically shared nature of the continuities amongst different people make it absolutely impossible for the states of the region to create culturally homogeneous nations. Minorities are bound to remain caught on the 'wrong' side of the border for time to come. Viewed from this perspective, an in-depth study of some of these yet under-researched or even one-sidedly researched (for, they have been studied with inputs from only one side of the border) cases of bilateral minorities is suggested here. Our project is ideally suited to study these bilateral or as even in some cases multilateral minorities strewn across borders.

The case of southern Bhutan is one of trilateral minority subjected to discriminatory cultural policies informed by Partition albeit in a metaphorical sense. For, Bhutan was outside the massive surgical operation that accompanied Partition. Yet, the same metaphor of Partition also lives on in this case. Until 1985, there was hardly any hostility reported in the 'land of peace' notwithstanding its ethnic diversity. Crisis is said to begin with the passing of Citizenship Act in 1985. The Lhotshampas of South Bhutan, most of whom are of ethnic Nepali origin, have been branded by this Act as 'stateless people'. The subsequent Census of 1988 carried out only in the predominantly Nepali-speaking southern districts revoked their right to nationality in large numbers. The Royal Government of Bhutan encouraged a policy of 'one state, one

nation' with the effect that the Lhotshampas were subjected to political and cultural discrimination. They were forced to wear the 'national dress', speak the 'national language' and deprived of their rights including that of landownership. Nepalese was replaced by the 'national language' in primary schools and other educational institutions. According to an early estimate, about 120,000 Bhutanese have been forced into exile in India and Nepal. Over 90,000 people were reported to have been living in UNHCR-supervised camps in Jhapa and Morong in eastern Nepal. Approximately 30,000 have been living outside the camps in Nepal and India. Their presence in the Dooars and Siliguri subdivisions of northern West Bengal seems to have changed the demographic composition of the area. While the new leadership of the Gorkhaland movement lays claim to this area and demands its inclusion in the proposed Gorkha ('Indian citizens of Nepali origin')-dominated state of Gorkhaland within the Indian union, this has unleashed newer currents of tension and schism between them and the majority of local Bengalis.

Although a living testimony to the impossibility of carrying forth the logic of Partition based on ethnic and religious divide beyond a certain point (for its inability to take note of the divisions that are implicit in each of the entities thus partitioned), Bangladesh seems to reenact Partition insofar as the predominantly Buddhist and non-Bengali-speaking tribal communities of Chittagong Hill Tracts (CHT) were subjected to discriminatory policies and forcibly ejected from their habitat. About 40,000 persons migrated to Arunachal Pradesh, India, and an estimated 20,000 went over to the Arakan region of the then Burma. Those who migrated to India and their children born on Indian soil continue to remain stateless. A movement was organized by the All-Arunachal Pradesh Students' Union (AAPSU) in the late-1980s with the demand of their expulsion to other parts of India, if not Bangladesh. While an investigation report commissioned by the National Human Rights Commission drew the nation's attention to the gross violation of human rights

in Arunachal Pradesh, the Supreme Court of India in an epoch-making verdict upheld their right to life even for the no-citizens—and in this case right to 'decent' life—guaranteed by the Constitution and asked the Government of Arunachal Pradesh for their protection. Although forced migration occurred during the conflict between the mid-1970s and 1997—the year when an accord was signed with the Jana Sangram Samiti (JSS), the roots of conflict and discrimination may be traced to the construction of the Kaptai dam between 1957 and 1963. The construction led to the submergence of 54,000 acres of cultivable land and about 100,000 tribals were displaced from their homes. A Bangladesh Government Task Force estimated in July 2000 that 128,000 families were displaced due to conflicts in this region.

In 1987 as Burma erupted against military rule, many of the leaders and activists of the pro-democracy movement were forced to leave the country and take shelter in neighbouring India. India publicly extended her moral support to the movement. In 1988 alone, Burmese migrants came to India in three waves. In 1997 the scenario changed and India decided to develop a working relationship with the Burmese military junta. Burmese migrants considered India's decision of 'doing business' with the military rulers of Burma a great blow to their movement, and as a result their freedom was severely curtailed. Much of the pro-democracy movement was inspired by ethnic Burmans consisting of such groups as the Kachins, the Karens, the Chins and the Arakanese, targeted largely by the military rulers and their policy of nationalization and forced labour for 'national' development. In 1990, the junta extended its control over the Sagaing Division of the Chin state, inhabited mostly by the ethnic Chins numbering between 1.5 and 2.5 millions. Chins are known to have migrated in trickles over the years from the Division, one of the poorest in Myanmar, again one of the poorest countries of the world. In 1988 when persecution against the Chins reached its peak, it is difficult to say how many of them were

evicted as a result of political compulsions and how many due to economic reasons. A good many Chins are settled in the Indian state of Mizoram. By all accounts, a distinct change in attitude of the Mizos towards the Chins has been noticeable. While they were initially very hospitable towards these migrants because of the ethnic affinity they share with them, the early bonhomie seems to have been ruptured with too many people chasing after the limited pot of resources and growing cases of human rights violations reported against them.

The minority Tamils of Sri Lanka concentrated mainly in the north and the east are said to have shared their ethnic and cultural affinities with those of South India throughout history. The proliferation of Tamil political organizations in the 1970s was in many ways a response to 'the policy of nationalization' followed by the Sri Lankan state. Tamil representation in political and decision-making institutions, in bureaucracy and security forces has been incomparably low, much lower than their percentage vis-à-vis the total population. The Citizenship Act passed way back in 1948 made a distinction between the 'Ceylon Tamils' and the 'Indian Tamils' and the former were regarded as people of indigenuous origin and therefore granted citizenship while the second category instantly became 'stateless'. In 1956 Sinhalese was declared the official language of Sri Lanka, including in the Tamil-majority north and the east. But the matters came to a head when on 23 July 1983 a convoy of army jeeps and trucks was attacked a few kilometers away from Jaffna. The rest is part of the region's widely known history. The changing attitude of various Tamil groups and political parties towards the Tamils in general and the Tamil refugees migrating to South India in particular speaks of the bilateral nature of the Tamil minority in the region. Some of these Tamil groups including of course the Liberation Tigers of Tamil Eelam had released maps of Eelam or free Tamil land, consisting of the Tamil-dominated parts of not only Sri Lanka but of South India.

The bilateral or multilateral nature of the minorities just mentioned above sensitizes us to the essentially supra-national nature of the minority question in South Asia. During the civil war in the then East Pakistan during 1971, about 10,000 Garos of Modhupur in Bangladesh crossed over to neighbouring Indian state of Meghalaya in order to escape violence and persecution in the hands of the Pakistani forces. Many of them went back as the dust storm of war gradually settled down. Going by the available researches, the Indo-Pak war of 1971 resulting in the formation of Bangladesh as a separate state in South Asia was triggered off by the imperative necessity of sending back about 9.8 millions of Pakistanis who had taken shelter in the bordering states of India. While bilateral nature generally expresses itself through such mutual acts of seeking refuge and shelter as in the cases of the Garos, the Tamils, the Chakmas, the Hajongs and the Chins, it more often than not is underlined by reflexive violence, acts of vendetta and revenge killings. The persecution of minorities in one country has its obvious repercussion in another where they are not necessarily in a minority. The demolition of the Babri Masjid by a section of fundamentalist and rightwing Hindu forces in 1992 left its almost instant impact on the minorities of both Pakistan and Bangladesh. Temples and places of worship of the minorities were systematically destroyed much in the same manner as the Taliban busted the ancient relics of Buddhism in the Bamian mountain of Afghanistan during its reign. Policy-oriented researches are called for so that early warning systems can be put in place and the mass violence resulting from unchecked communal pogroms organized at times with full state connivance does not take its toll on the societies of South Asia.

Linguistic Rights in Europe and India

The use, preservation and enhancement of minority languages represent one of the principal means by which minorities can assert and preserve their identity. Language is

paramount to the protection of minorities and this issue is a cornerstone of the right of minorities to preserve their identity and characteristics. But which measures are applied by states to implement those fundamental rights in daily life? In most South Asian and European state constitutions different cultural and linguistic identities are recognized or the state is even constituted as a multinational and multicultural reality like India. But what are state authorities and legislatures doing to actively ensure their existence and promoting their development? Which is the situation of smaller or 'lesser used' languages, which in no state and perhaps not even on regional or district level are used as an official language?

In the framework of minority rights, language is probably the issue which in Europe has got major attention in both the legislation and implementation and also in research regarding its impact on social and cultural reality. Consequently the two major international covenants today in force in Europe (the Framework Convention on National Minorities and the European Charter for Regional and Minority Languages) attach utmost importance to the language rights. In many countries there is a certain record of application of linguistic rights of ethnic groups or national minorities. The Framework Convention on National Minorities (FCNM) State reports are listing out extensively the measures and efforts of public institutions and state agencies to promote minority languages and the results of those interventions. On the other hand, independent research and comments point out many critical situations of endangered languages and thus still very much has to be done.

The Constitution of India has recognized the rights of minorities to use their own language (Article 29). Article 344 of the Constitution lists the officially recognized languages of single states with regard to the Union. Article 345 grants the freedom of any state of India to adopt any or more of the languages in use in that state as the language to be used for all or any official purposes of that state (Article 347). The states of the Indian Union, and this is an interesting similar-

ity with most of the European states, are constituted on a linguistic basis, though other factors (economic, political and social) were also kept in consideration. Those states are free to adopt their own language of administration and educational instruction from the 22 languages officially recognized, though it does not stipulate how the objective is to be achieved. Article 350 A enunciates that it 'shall be the endeavour of every state and of every local authority within the state to provide adequate facilities for instruction in mother tongues at the primary stage of education to children belonging to minority groups, and the President may issue such directives to any state'. This is of particular relevance for the Scheduled Tribes-dominated areas of India, but the application so far from meeting their cultural needs and rights. According to Article 350 the linguistic minorities have the right to be taught and have instruction in their languages, but again this is a discretionary provision, not mandatory for the state. From a European viewpoint it could be useful to compare Europe's and India's linguistic reality with the legal arrangements adopted so far. But how are those rights applied in reality? Which is the social and political reality of 50 years of application of linguistic rights? Which results have some State Acts in minority language matters produced? Which political tools and legal provisions on the contrary have failed? Finally, Article 350 B provides for the appointment of a Special Officer for Linguistic Minorities. This Commissioner of Linguistic Minorities operating since 1957, in pursuance of Article 350 B of the Constitution is endowed with controlling the implementation of the rights deriving from that article for linguistic minorities. He has submitted 38 annual reports so far. Again this institution finds a counterpart in Europe's international institutions with the OSCE High Commissioner for National Minorities who monitors and reports on the situation of many smaller ethnic and linguistic groups.

The proposal is to work out a comparative study in linguistic rights of ethnic minorities of South Asia and Europe. This

kind of comparison between Europe (the signatory states of the FCNM) and India in particular could be done focusing on some basic linguistic rights: the right of the public use of its language, the right to use the language in the public sphere in contact with public authorities and bodies, the right to be taught in its mother tongue, the right to information in minority languages. The comparison must analyse the legal provisions adopted in various states and evaluate the progresses and in different case studies. In some cases, the evaluation of linguistic policy is well established. What has been done so far in India and in South Asia so far? Which are the grievances and proposals of the concerned ethnic minorities? What about the 'threatened languages and peoples' in Europe, India and other South Asian countries due to discrimination and denial of basic rights? This kind of research on a methodological level could also lead to a useful scholarly exchange with regard to methods of investigating and empirical measuring of the 'comprehensive situation of a language'.

Minorities within Minorities

In a region like South Asia and perhaps elsewhere, minorities can seldom be treated as a homogeneous category. There are individuals and minorities within minorities. As minority groups have become more vocal in demanding some form of accommodation, few have paid attention to the different types of 'minorities within' including women,²² children, gay men and lesbians, religious dissenters and linguistic minorities within religious minorities. The crucial question is: What happens to individuals or minorities who find that their community discriminates against them?

Even Muslim women in India like all minority women elsewhere in South Asia do not constitute a homogeneous category. If the Muslim women constitute a minority within minority, Muslim lesbians, let us say, constitute, yet another layer of minority, a minority within a minority within a mi-

nority. The regression of the minorities as a category seems infinite and as one sets out to deconstruct it, one literally peels an onion. The condition of the Muslim lesbians, as a recent report prepared by the Peoples' Union for Civil Liberties, Karnataka, puts it, amounts to 'a double bind'. The lesbians and the transgender amongst the Muslims are to be considered a special minority particularly in South Asia. As Amena Ali, an Indian living in Canada and a bisexual by confession, admits that she has to face far less social stigma than the kind of cruel social isolation that Rehan—the first Muslim woman to have changed her gender in West Bengal, India—does. Such cases are by no means rare.

Where do we go from here? The recent debates on minority women in South Asia seem to have taken a three-way normative course: One, it is argued that the rights claims of the minorities should not be stretched beyond a critical point where they become detrimental to those of the women belonging to these groups. The minority claims, it is argued, may be conceded provided they are not incompatible with the 'basic values'. There are some problems with this line of argument. Even if we choose to ignore the standard denunciation coming from the extreme cultural relativists questioning the existence of such universal 'basic values' in the governance of our moral lives, we cannot ignore the strong statist traces implicit in the argument. While the state is made the protector and defender of 'basic values', the states in South Asia seem to have refused to bring about radical transformation in the society at the risk of causing instability and violence. This is a point where the reasons of state intersect with those of government. Two, argumentation is often cited as a means to the 'advancement of the cause of equality in different spheres of life'. While in the first case, the rightfulness of rights claims emanates from their compatibility or lack of it with the 'basic values', the second does not seem to set forth any given and unalterable set of universal values but subjects all values to the processes of deliberation and argumentation.

Three, there is assumed to be an inevitable correlation between minority assertion and subjection of women. Under such circumstances, women must be able to assert their rights claims independently of the minority groups they belong to. Their alliance with the women of the majority groups is likely to be more enduring and beneficial than the men of their own minority groups. The feminists of this genre call for an autonomous women's movement that will transcend all the divisions internal to their identity as a gender group, including the one between the majority and the minority.

The Minority Accords

Minority accords of South Asia signed between two states of the region constitute yet another almost untouched area of research. While ethnic accords signed between organizations claiming to represent ethnic groups, especially minorities, and the state have been one of the favourite subjects of research, thanks primarily though not exclusively to CRG,²³ accords between two nation-states focusing on the question of bilateral or multilateral minorities are yet to attract the attention of scholars and researchers. The accords signed between India and Sri Lanka on one hand and those between India and Pakistan/Bangladesh on the other may provide excellent case studies, illustrating at the same time how the minority problem has been one issue that has brought the otherwise rival nation-states of the region together. It shows yet another side of our story of how the states of South Asia eventually submit to the reasons of government. A close study of select accords may provide us with clues to supra-national bases of cooperation for minority protection in the region.

We have already briefly mentioned the Citizenship Act passed by the Sri Lankan Parliament in 1948. According to government estimates, the act rendered 800,000 Tamils stateless on the ground that they were 'Indian Tamils'. In order

to overcome the impasse, an accord, popularly known as Shastri-Bandarnaike Pact, was signed between the two Prime Ministers of India and Sri Lanka on 30 October 1964. According to the terms of this accord, Sri Lanka agreed to accept some 375,000 Tamils and regularize them as Sri Lankan citizens, India acknowledged her responsibility towards the rest and agreed to take them back to India. Afterwards, on 29 July 1987, Sri Lanka and the Liberation Tigers of Tamil Eelam signed a tripartite agreement with India in the capacity of a third party vested with the special responsibility of monitoring and enforcing it. The subsequent course of events however tells us a different story. The Accord converted what was essentially a war between LTTE and the Sri Lankan state into one between LTTE and India, resulting in the assassination of Rajib Gandhi, then the prime minister of India. Sri Lanka, as it were, was watching the conflict from the sidelines. There were initial hiccups as the ruling United Nationalist Party showed its reluctance to ratify the Accord in Sri Lankan Parliament. But as the prime minister threatened to dissolve Parliament and seek fresh mandate from the electorate, the United Nationalist Party did not take much time to ratify an Accord that was crafted not by Premadasa but by his predecessor, Junius Jayewardene.

We have already made a reference to the massive population movements that took place both immediately before and after Partition. The fear of being reduced to a minority propelled the Muslims of the East to migrate to East Pakistan as much as many Hindus living there did not feel any longer safe to remain there and migrated to India, although according to Amalendu De the flow from the East to the West was disproportionately more than that from the West to the East.²⁴ The population flow seemed unstoppable so much so that much of the population flow that takes place now has its roots in the history of Partition. The leaders of both India and Pakistan appeared to be interested in stopping the flow of minorities and in ensuring safety and security in their

own countries, although for very different reasons. While Nehru, India's first prime minister, considered protection of minorities the key to India's professed ideal of secularism, Liaquat Ali Khan, his counterpart in Pakistan, regarded it as central to Islam. One has to keep in mind that Pakistan was born as an Islamic state. Both prime ministers signed what is known as the Nehru-Liaquat Pact in 1950 that entrusted the respective states with the responsibility of ensuring safety and security of the minorities and provide for their protection in their own countries. While Bangladesh maintains that not a single Bangladeshi migrates to India, the now-dysfunctional 'Treaty of Friendship, Cooperation and Peace between India and Bangladesh'—popularly known as Indira-Mujib agreement, named after the two signatories—vowed to settle all major international problems 'through meetings and exchanges of views at all levels'. The Treaty may not have made it in black and white; but Indira Gandhi, then the prime minister of India, is understood to have given the assurance to Sheikh Mujibur Rahman, the prime minister of Bangladesh widely called 'Bangabandhu' (friend of Bengal), that the immigrants settled in India before the civil war broke out in 1971 would be accepted by India and would not be sent back.

In 1950, the Indo-Nepal Treaty was signed between Chandreswar Prasad Narayan Singh and Mohan Shamshere Jung Bahadur Rana on behalf of the two governments. Although not a treaty exclusively focusing on the minorities, it contains provisions for their protection and imposes on both the governments the reciprocal obligation of protecting them in their respective countries. Due to the porous nature of the Indo-Nepal border and the landlocked nature of the Himalayan state, Nepali immigration to India has been historical by nature. Article 7 of the Treaty is designed to grant reciprocal rights to live and own properties, participate in trade and commerce and move without papers from one country to another to the citizens of another country. The Treaty,

however controversial it is for having obliterated the distinction between the Nepalis and the Indians, is meant for protecting rights of immigrants/migrants in the alien country and should be regarded as a landmark treaty in the sphere of minority protection between the two contracting states.

An analysis of the minority accords is likely to give us an idea of the possible bases of governmentally induced cooperation on some of the outstanding issues like their mass exodus and reflexive violence. While states in the region are not going to wither away, at least in the short term, the 'metaphysic of the nation-state' may not be an appropriate framework for understanding and analysing the problems of minorities. Can such bilateral experiments provide the basis for a South Asian Treaty for the protection of minority rights including the right to protection of places of worship, in the signing countries? We also call for some of the intermediate policy regimes that may be placed between either of the two extremes mentioned above. We will discuss the highlights of this policy debate in one of the subsequent sections. Suffice it to say here, an analysis of the minority accords will lend to us a template within which the possible sources of international and supranational cooperation may be deciphered.

EXPERIMENTS WITH REGIONAL AUTONOMY

Regional territorial autonomy, sometimes in combination with cultural or personal autonomy, in both concerned areas, Europe and South Asia, has been a major issue when it came to develop instruments for both ethnic minority protection and self-governance. Regional autonomy as a specific power sharing arrangement between the central and regional government levels has a proven potential of conflict-solving when addressing the needs of a homogeneously settling minority population or smaller peoples in a given limited territory. Whereas Europe since 1921 has experienced the establishment of some 36 autonomous regions in

11 states (9 of whose are members of the EU plus Moldavia and Ukraine), in South Asia regional autonomy so far has been adopted only in India. India has decades-old experience with territorial autonomies especially on the sub-state district level. Jammu and Kashmir, after a first period with fully autonomous status, in the 1950s lost its special autonomy status (according to article 370 of the Indian Constitution), which contributed to the ongoing conflict and unrest in the area. Apart from creating new states, a range of accords and unilateral measures on several regions has been created either as autonomous areas or district councils under the Fifth and Sixth Schedules of the Constitution. Nepal with its new constitution, to be forged in the coming months, will probably transform into a federal republic in order to cope with its ethnic and cultural diversity. In Sri Lanka the efforts of federalizing the state's structure as a compromise with the Tamil minority dramatically failed, reigniting the civil war and 'defeating' the Liberation Tigers of Tamil Eelam. In Bangladesh the long struggle of the Chittagong Hill indigenous peoples for their fundamental rights and territorial autonomy did not yet lead to any lasting and stable solution: the first treaty on which the central government in Dhaka and the concerned minority peoples convened, did not match their expectations and needs. In Pakistan, besides the general requirement to reform the federal structure, the issue of regional territorial autonomy concerns especially the northern areas of Gilgit-Balistan, a huge region trapped in the Indo-Pakistani conflict, deprived not only of the right to self-governance, but also of the fundamental rights to democratic participation.

Europe, from a perspective of the concerned minority peoples and national minorities, shows most positive experiences with regard to territorial autonomy and other forms of autonomy (e.g., cultural autonomy). Most of the existing regional autonomies are developing towards a more complete range of autonomous competencies, thus obtaining a higher degree of self-governance. This tool of solu-

tion of ethnic conflict is slowly emanating to other countries, particularly in Eastern Europe (e.g. in Romania with the Szeklerland, inhabited by a majority of ethnic Hungarians), although still several state parties are looking with suspicion at such proposals. Not only is regional autonomy a consolidated experience on the ground but also, step by step, it is approaching a stage of codification on the level of international conventions. In 1994 the FUEN (the Federal Union of European Nationalities) launched the 'Draft Convention on Autonomy Rights of Ethnic Groups in Europe', and other examples are the Council of Europe with its resolution no. 1334 of 24 June 2003, the Lund-Recommendations on the Effective Participation of National Minorities in Public Life, and recently the recommendations of the Council of European Regions and Local Authorities in the same matter. Many of Europe's national minorities and ethnic groups (out of more than 300 existing groups) have hopes of the further development of this juridical concept and its codification in international soft law.

Starting from this situation, autonomy applications in South Asia and Europe in a comparative perspective could be an interesting issue for further research efforts, also oriented to policy consultancy, taking into account the diverse historical, political and juridical context and based on empirical evidence. First, there should be an empirical assessment of the results that the territorial autonomies in India and Europe have produced so far; second, an analysis on which are the major factors which have still prevented autonomy to unfold its positive potential for conflict solving and self-government could be presented, integrating other means of minority protection; and third, which new proposals could be developed in the face of ongoing conflict in various areas. In this context, regional autonomy should neither be considered a magic recipe for all times and all places, nor just a specific European form of territorial power sharing, but as a concept of state organization which with due adaptations can be and is applied in all continents.

In this framework we may elaborate three case studies for South Asia:

1. Pakistan and Gilgit-Baltistan: elaboration of a proposal of a procedure to start and run a negotiation process aimed to draft an autonomy statute by a platform of locally based scholars and activists.
2. Bangladesh and the Chittagong Hill Tracts: in-depth-analysis of the major flaws of the currently adopted self-administration of the CHT and elaboration of a proposal of an authentic and stable autonomy solution for the whole region.
3. Autonomy on district level in India: experiences, achievements and future requirements, starting from an assessment based on some examples like Darjeeling, Bodoland, Assam, Tripura and Mizoram Tribal Areas.

As for the cases of regional autonomy adopted in Central Europe, first of all, South Tyrol could be chosen as one example, also for practical reasons; Corsica would be a good example as well, being a case of ‘uncompleted regional autonomy’ that is still highly disputed and not meeting given minimum standards of political autonomy. Further examples could be selected based on criteria of geographical distance in order to limit travel costs.

As for the methodology, there should be a close collaboration of one or more European researchers with one or more South Asian fellow researchers, based on the existing resources within the various participating academic institutions. Some field research in both areas (autonomous regions in Central Europe and regions with autonomy conflicts in South Asia) should be carried out, keeping in mind the mutual exchange of experiences and research output. Besides the results of the research, this team of scholars could also elaborate new concepts and proposals as useful inputs for the political debate in the concerned areas along with some media-oriented documents and materials for broader dissemi-

nation and didactical activities. In this context also the related issues of local autonomy (self-administration) and cultural autonomy have to be discussed. Finally, which conditions have to be created in order to introduce a ‘right to autonomy’ in the framework of an international convention of fundamental minority rights within international (regional) soft law in both areas of Europe and South Asia could also be analysed.

The Model Cases

The claim of a few cases of South Asia to serve as ‘models’ to be followed elsewhere for the resolution of minority problems should also be closely examined. For instance, the Indian state of Mizoram in the Northeast is showcased in official circles as a success story. The Mizo Accord (1986) has been described as the ‘only accord that has not fallen apart or spawned violent breakaway groups’. But empirical researches conducted albeit sporadically in the region tend to show how the Accord that did not result in any fatal split and factious conflict within insurgent ranks has slowly produced an ‘illiberal’ society in which individual dissent is more or less throttled and dissenters are forced to give way to the commands of the ex-insurgents or even Mizo civil society organizations. The so-called success story of the Accord will have to be read together with many other stories that compel us to read it against its grain. The Hmars fell apart from the Mizos the moment the separate state of Mizoram had come into existence in 1986. The demand for ‘Hmar Ram’ to be carved out from the newly formed state of Mizoram made by Hmar Peoples’ convention (HPC) symbolizes a deep ethnic divide between the two hitherto friendly communities of the Mizos and the Hmars. Interestingly, the Hmars joined the Mizos in their struggle for the statehood of Mizoram.

Reangs constitute the second largest population group in Tripura, spreading across several northern and southern subdivisions of Dharmanagar, Kailasahar, Kamalpur, Udaipur,

Amarpur, Belonia, and the bordering states of Assam and Mizoram and, of course, Bangladesh. Insofar as they are scattered over a number of territorial and administrative units, they face the problem of being reduced to a minority everywhere. The general perception of the Reangs that transpires from the interviews with their political leaders is that their culture cannot flourish 'because of the dominance of other majority groups within the recognized territorial spaces in Mizoram, Tripura or in Assam'. Mizo society's intolerance to dissent was exemplified when Vanramchhaunvy, a leading Mizo woman activist, was threatened in May 2005 by the Young Mizo Association (YMA) while protesting against the deaths of four persons and cruelty towards many others for their alleged involvement in peddling drugs and liquor. The YMA had launched a programme of curbing drugs and liquor and the victims who had died or had to suffer other forms of cruelty were 'punished' by the organization as part of its campaign for meting out instant justice to the deviants and offenders in the society. When she saw two women on the roadside apparently accused of some offence and made to wear large placards around their neck, she pleaded for turning them to the appropriate authorities and trying them according to the constitution and the law of the land. She was summoned the next day by the YMA and nine local YMA leaders descended on her place as per the orders of the Central Committee and threatened her. However, tensions are brewing within the ranks of the ex-insurgents. Today when the Peace Accord MNF (Mizo National Front, the rebel body that led the insurgency struggle) Returnees' Association (PAMNFRA) accuses the government for not implementing the provisions of the accord, it blames itself for having signed it in good faith and not any of its rival factions.²⁵ In simple terms, the so-called model cases of governing the minorities in South Asia need to be investigated further as the interstices and fissures involved in the process become increasingly pronounced.

DEBATE ON STATE POLICIES

South Asia as a region has generated a rich and growing body of literature, particularly since the late 1980s. Yet it is important to note that much of this literature is not focused on any exploration into possible policy alternatives in order to address the issues and questions underlined above. The region is still a long way from evolving what may be called a policy culture where concerned people can continuously debate on minority problems and possible policy alternatives. An attempt will be made in this section to review some of the hitherto suggested alternatives and briefly discuss their successes and limitations. A thoroughgoing research into the debates on policy alternatives will go a long way in ensuring and guaranteeing better protection of the minorities in future.

There are very few policy advocates in the region (excepting perhaps the official sources), who continue to recommend a *pure* 'law and order' solution to the ethnic and minority problems. The measures suggested in this connection range from overhauling security structures in order to secure and protect the nation's interests and greater deployment of security forces to legislation and implementation of 'emergency' laws (like the controversial Armed Forces Special Powers Act of 1958, presently in force in many parts of the India's Northeast) often involving temporary suspension and abrogation of rights and liberties that are otherwise enshrined in and guaranteed by the constitution and laws of the land. The efficacy of 'multi-force operations' (popularly known as 'unified command') in Assam has already become a frequently referred topic of discussion. While the law and order solution may be both desperately necessary and effective in the short run, it cannot be an answer to the region's ethnic and minority conflicts. The paradox that democracies all over the world face today is how to respond to the problems of minorities and insurgencies without reneging on its commitment to rights and liberties of the citizens including those of the minorities.

But there are others who advocate a change in policy regime in the countries of South Asia while addressing the problems facing the region. The change, according to them, will have to be brought about predominantly, though not exclusively, by the state and an entire series of measures is suggested to make the state move in this direction. A change in policy regime is possible through 'an alternative institutional imagination' that calls for salvaging ethnic identity from any notion of fixed and territorially rooted collectivity and encourages constant experimentation with diverse institutional arrangements till the disentanglement of identity from territoriality can be completed. It is indeed argued that the emphasis in policy interventions will have to change give up granting some form of politically enclosed and exclusive units or ethnic homelands (state, Autonomous District Councils, government by traditional institutions and in accordance with the customary laws, and so on). It should instead move to the minority communities in recognition of their particularistic identities to 'good neighbourliness and development'. How do we bring about such a transformation? Being deeply powered by the same state-building imagination intent on throwing their weight in favour of demands of the minorities for ethnic homelands, do most of the 'actually existing civil societies' in South Asia provide a solution? Being deeply powered by homeland imagination, actually existing civil societies can hardly be regarded as the site where any 'flexibilization' of homeland regime will be possible. Civil societies in the region too require an alternative imagination so that these can provide the normative ground for the initiation of such a change in policy regime. Groups like Women in Security, Conflict Management and Peace (WISCOMP), Kali for Women, Pakistan-India Peoples' Forum for Peace and Democracy and CRG and others have been involved in civil society activism across borders. But there are not many of their ilk that are involved in similar work across South Asia. This by no means undermines their activism within the territorial confines of their respective countries.

The debate on institutions has already begun. Efforts are being made to break free from the paradox inherent in the early framework of state-building in which the consolidation of a particular community within a geopolitical space necessarily creates its minorities. For example, the vicious circle in which a minority becomes a majority by way of getting the borders redrawn and thereby creates its own minority and the circle continues to roll with alarming regularity is inherent in India's established federal setup. Attempts are now being made to explore newer institutional alternatives. We may refer to at least three interesting strands, not necessarily mutually exclusive, of this debate: First, reform-minded scholars and activists recommend a Scandinavian SAMI-like multi-layered parliamentary system in which ethnic communities will have the right to represent themselves instead of being bound by the majoritarian commands of the existing parliamentary system. Second, some have argued that the 'first-come-first-served' electoral system in which the minorities dispersed over a large space are constantly under the subjection of the numerical, and therefore political, majority is incompatible with the pluralistic nature of South Asian societies; reservation of seats for them would not help the situation. Introducing proportional representation is considered as a means of protecting these groups from majority rule and retaining their autonomy. Third, a case has been made for widening the consociational (power sharing) base of our democratic system. Lijphart (1996), for example, shows how the basic preconditions of a consociational democracy were met during the first few decades of India's independence and how that base has been weakened as a combined result of 'centralization of the Congress Party and the federal system' in the 1980s and growing 'attack on minority rights' in different parts of India.²⁶ He in fact pleads for resuscitating the institutions and practices of consociational democracy that, according to him, protected India reasonably well in the first few decades against inter-group violence and communal riots.

While suggesting the possible policy alternatives, one has also to explore how such non-territorial forms of minority representation might spill over the international borders and include more than one nation-state for consideration. For example, a 'Work Permit' regime that is believed to be situated between the formal principle of territorial sovereignty and complete impenetrability of international borders and the popular practice of disregarding them by way of immigrating from across the borders. The regime implies a certain blurring of the distinction between citizens and foreigners considered as central to the identity of any nation-state. A person working in the host country with a permit is not considered a citizen and is obliged to leave it as soon as the tenure of permit expires. But such a regime is expected to address the problem of rising demand for cheap and inexpensive labour currently filled up by the 'illegal' immigrants for all practical purposes. The regime can operate provided both the sender and the host countries agree to introduce it. South Asia provides a vast and hitherto un-researched field of all such experiments with various institutions and such an exercise may be initiated under the aegis of this project.

REGIONAL INSTRUMENTS

South Asia, by all accounts, has been slow in evolving supra-national and pan-regional instruments for the protection of minorities. A few of these attempts made in recent years mostly outside the scope of state initiatives, however, merit attention. It was South Asian Forum for Human Rights based in Kathmandu (Nepal) that made one of the earliest attempts in August 1998 towards this direction. While expressing their concern that 'during the five decades South Asian States have drifted to a hegemonic and majoritarian political culture', the participants of the consultation meeting felt 'worried by the failure of the governments to protect the minorities against the violations by the members of the majority community'. The participants preferred to define 'minority' not

as a simple numerical statement but as groups with 'ethnic, religious and linguistic features' because of which they are actively discriminated against in the society.²⁷ The presence of constitutional and legal provisions do not mean much to the minorities unless, as they argued, there is proper accountability in all cases of rights violations. Perhaps for the first time in South Asia, it raised the demand for the constitution of an independent National Minorities Commission as a constitutional body with adequate powers to intervene in all instances of infringement of minority rights. At a supranational level, they urged on the SAARC to create the office of a Special Rapporteur, who should be empowered to review and report every year the heads of the states of South Asia on the status of minorities in the countries of the region. They also called on SAFHR to create in collaboration with other non-governmental and civil society actors a forum for the preparation of an annual People's Report on the status of Minority Rights in South Asia. They also appreciated the importance of reforms in the educational institutions so that they play a role in promoting the values of tolerance, amity, respect for language, culture and religion of different communities. The meeting also underlined the need for 'impartial and independent mechanisms for monitoring minority rights' and ensuring easy access and speedy redress to all cases arising out of violation of minority rights.²⁸

SAARC Social Charter signed by the 7 states of South Asia on 4 January 2004 is considered as a remarkable advancement in the field of protection of minority and group rights including those of the elderly, the women and the children. Although the term 'minority' has never been explicitly used, the idea, as Clause 2 (XI) of Article II explains, is to secure for 'the disadvantaged, marginalized and vulnerable persons and groups' legal rights and make 'physical and social environment' accessible. While legalization of their rights is an effective first step, the Charter also puts emphasis on obtaining enabling conditions for their observance and protection. The immediately following sub-clause calls for 'observance

and protection of human rights and fundamental freedoms for all'. In simple terms, the Charter aims at protecting the rights of these groups as part of the larger project of investing each one of South Asia with rights and freedoms irrespective of their religion, race, caste, sex and place of birth and promoting 'effective exercise of rights in a balanced manner at all levels of society' and 'social integration'. Much in the same vein, Clause 1 of Article VI declares that 'discrimination against women is incompatible with human rights and dignity'. The Charter clearly rules out any exclusivist path to be pursued while protecting their rights and freedoms.

At the instance of the International Centre for Ethnic Studies (Colombo), a Statement of Principles on Minority and Group Rights in South Asia was drawn up and revised in April 2006. A South Asian Charter on Minority and Group Rights was elaborated on the basis of the Statement by a group of voluntary organizations across South Asia including International Centre for Ethnic Studies (Colombo), Centre for Alternatives (Dhaka), Human Rights and Democratic Forum (Kathmandu), Mahanirban Calcutta Research Group (Kolkata) and Human Rights Commission (Karachi).²⁹ The main aim of the Charter published in May 2008 is to effectively address minority issues and concerns, which cut across countries in South Asia and enhance regional responses to some of the current weaknesses in constitutional and legislative protection and promotion of minority and group rights. More specifically, the Charter may be used 'as a reference tool for governments, non-state actors, human rights institutions, NGOs and human rights advocates and policy makers to draft national legislation, promote legislative reform, undertake advocacy, influence decisions, policies and programmes to ensure that they focus on the promotion and protection of minority and group rights'. The Charter, instead of formulating new norms for the protection of minority and group rights, builds on existing instruments like SAARC Social Charter, International Covenant on Civil and Political Rights, Covenant on Economic, Social and Cultural Rights,

Convention on the Elimination of All Forms of Discrimination against Women and International Convention on the Elimination of All Forms of Racial Discrimination and adapts them to the specific context of South Asia. It not only urges the States Parties to 'reaffirm and adopt' the Charter but also provides for 'effective remedies', should violations of these rights ever take place, 'for the purpose of promoting general welfare in a democratic society, without discrimination of the life and well-being of people'. The Charter views the question of protection of minority and group rights as part of the larger problem of inculcating some basic democratic values in the states of South Asia, rather than isolating their cause and ghettoizing them in the process. As a tribute to this principle, Article 5 of the Charter clearly lays down:

The States Parties to the present Charter guarantee the exercise and enjoyment of the rights recognized in the present Charter without discrimination of any kind as to race, colour, language, religion, caste, gender, political or other opinion, national or social origin, property, birth or other status, and protection against any acts of such discrimination, and any incitement to such discrimination.

But nothing in this Article prevents any state from 'protecting the existence and the identity of the minorities within their respective territories' and providing for 'affirmative action'.

On the one hand, the Charter entitles the minorities to the 'right to freedom of association' including that of establishing and maintaining 'free and peaceful contacts' with the other minorities as well as 'contacts across frontiers with citizens of other states to whom they are related by national or ethnic, religious or linguistic ties'. On the other hand, Article 7B recognizes the connection between ethnic minority and ethnic homeland and provides for their protection 'within their respective territories'. Besides, the Charter serves as one of the unusually detailed documents for the

recognition and protection of linguistic rights of the minorities. It envisages the establishment of a South Asian Human Rights Committee composed of nationals of the States Parties serving in their personal capacity in a bid to enforce its various provisions. Each State Party is empowered to nominate not more than two persons from its nationals for the membership. The Committee is empowered to receive and handle 'communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Charter' provided it is submitted by a State Party that has made the declaration 'recognizing in regard to itself the competence of the Committee': 'No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.' The provision is likely to reduce the otherwise widely prevalent diplomatic abuse of such a sensitive issue as minority and group rights and their subordination to 'national interest'. The issue proves to be critical insofar as the assertion of these rights is sought to be understood beyond the realms of national interest and governmentality. The same declaration from the allegedly 'violating' State Party is necessary for receiving communications from individuals accusing it of having violated the minority and group rights recognized by the Charter.

As a follow-up to this Charter, Sabyasachi Basu Ray Chaudhury on behalf of Calcutta Research Group drafted another Charter on Minority Rights in India, which was subsequently published in August 2007.³⁰ While taking off from the assumption that 'the Constitution has not always been able to reflect the realities of majoritarian basis of the Indian polity, the poor state of the protection available in the country, and the low level of the constitutionally acknowledged minority rights', it lays down a set of 11 Principles on the basis of which constitutional and legal provisions are likely to function. In simple terms, the Principles do not seek to introduce any new principle to the Constitution or the legal system but

aim precisely at reinforcing them and most importantly the secular ideal embodied in them. While the South Asian Charter is expected to be 'reaffirmed and adopted' by the States Parties, the Principles are laid down in the form of some moral imperatives to be followed by the Indian state because they are in consonance with the legal and Constitutional provisions. The Principles per se are not enforceable, but only facilitate the enforcement of the already enforceable provisions. Besides, the Indian Charter envisages synergy between 'the State, authorities, public and private organizations, institutions, corporations, NGOs, groups or persons, public officials and private individuals, whether State or non-State actors and irrespective of their legal status' that, according to it, is absolutely essential for ensuring their enforceability.

Researches on minorities of South Asia, otherwise rich and growing, fail, albeit with notable exceptions, in lending a pan-regional and supranational focus to them. By contrast, South Asia provides the example of a region where both minorities and majorities are caught in a complex web of social, economic and cultural relations across the state borders reorganized particularly in the wake of Partition. The reality of supranational and cross-border linkages is completely incompatible with the current research boom that mostly focuses on minorities insofar as they are confined to state territories and thereby become victims of discrimination. Solutions interestingly are sought at the national level by way of subjecting them to the reasons of government, by firmly emplacing them within the national body and converting the minorities as a category of powerlessness into a merely numerical category. A research policy that probes into these linkages and connections can throw light on the possible policy options of how we can provide for better and more effective protection of minority rights particularly at a time when minorities have increasingly become the object of active discrimination by various social forces including the states of South Asia within their borders.

NOTES

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1. For details one can access CRG website — <http://mcrg.ac.in/inst1.htm> and <http://mcrg.ac.in/ad.htm>
2. Chetan Bhatt, 'Frontline and Interstices in the Global War on Terror', *Development and Change*, 38, 6 (2007).
3. A Directory was compiled by International Centre for Ethnic Studies in collaboration with Calcutta Research Group and others. See ICES et al. *A Directory of Minority Rights and Institutions*. (Colombo: ICES, 2008).
4. Since the exercise has already been done elsewhere, we refrain from repeating it here. See for example, Nepal Institute of Peace, Guide to Minority Rights, *Directory, Personnel and Publications* (Kathmandu: Nepal Institute of Peace, 2004); Rita Manchanda, *The No-Nonsense Guide to Minority Rights in South Asia* (New Delhi: Impulsive Publications, 2006); Ananda Wanasundera, ed. *Protection of Minority Rights and Diversity* (Colombo: International Centre for Ethnic Studies, 2004); Sumanta Banerjee, *Shrinking Space: Minority Rights in South Asia* (Kathmandu: SAFHR, 1999).
5. Bishnu Mohapatra, 'Understanding the Discourse on Minority Rights in Contemporary India', (2001) mimeo.
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2

MAPPING THE MINORITIES IN INDIA

PAULA BANERJEE

THE question of minority rights and protection in India acquired particular urgency after the genocide of Muslims in Gujarat in March-April 2002. As India is the largest democracy in the world and since elections in Gujarat State Assembly were due within a year, human rights communities in most of South Asia waited to see how Indian democracy would respond to such horrific violence against its largest religious minority. Elections in Gujarat the same year portrayed the fallacy in thinking that democracies have a better track record in providing protection to minorities. The people's mandate brought back Narendra Modi, who is said to be the chief architect of violence in Gujarat, and his cronies in huge numbers, portraying 'the dark side of democracy', once again.¹ Although Narendra Modi did not perform as well in 2009, he still came back to power. Attacks on Muslims and other minorities are nothing new in India or even in Gujarat. But the Gujarat riots of 2002 are of significance because of their magnitude and because of the large-scale involvement of state machinery in designing and carrying out the attacks.

India is a multi-ethnic, multi-religious, multi-cultural and multi-linguistic country like all the other countries of South Asia. India is perhaps the most diverse of all the countries in

the region. Muslims form 13.4 per cent, Christians 2.3 per cent, Sikhs 1 per cent and other religious communities about 2 per cent of the total population.² These numbers do little to portray the magnitude of complexity regarding protection of minority rights. There are minority pockets in large parts of India and so the targeting of minorities is a recurrent phenomenon. For example, Northeast India houses Christian minorities who are also ethnic and linguistic minorities. As Christians they are often afraid of attacks from the Hindus. Also the ethnic and linguistic diversity among the Christians means that they are not unified in their responses. In fact the numbers game is so pervasive that local ethnic or linguistic majorities target the minorities in their own region. So in Assam the Ahoms and Bodos try to marginalize each other but also target the Muslims and the Santhals sometimes in tandem. Such a situation makes a mapping exercise of particular significance so that policies for protection of rights of minorities can be envisioned. This is meant to be such an exercise.

SITUATION OF RELIGIOUS MINORITIES

The expression 'minorities based on religion means that the only or the main basis of a minority should be its adherence to one of the many religions and not a part or sect of the religion and that other characteristics of the minority are subordinate to the main feature, namely, its separateness because of its religion.'³ In India Hinduism is the religious faith of the majority and by the 2001 Census, Hindus form 80.5 per cent of the total population. Their numbers are about 827,578,868 in a total population of approximately 1,028,610,328 persons. The total population of Muslims in India is approximately 138,188,240.⁴ They are the largest religious minority in India. There are other religious minorities such as Christians and Sikhs but none as important as the Muslims in India.

MUSLIMS IN INDIA

The partition of the Indian subcontinent is considered by most Indian intellectuals to be a direct result of the Muslim claim that they form a separate nation. Interestingly, however, that there are historians today who claim that the call for Partition came originally from Hindu leaders such as Bhai Parmanand, who were living in Muslim majority areas.⁵ For our purposes this is not a crucial question. What is important is that even after Partition there were 35 million Muslims remaining in India. By the 1951 Census Muslims formed 9.8 per cent of the total population.

Thus the growth of communal feelings is attributed to representative politics in India. It is often said that the leadership or the elite of the communities in an effort to maintain its positions of power deliberately creates an atmosphere of confrontation. The Census then becomes a tool for this artificial exacerbation of tensions leading to conflict. Therefore, to understand such conflicts an analysis of Census reports over the past 50 years assumes importance.

By the 1941 Census it was ascertained that the Muslims were 23.7 per cent of the total population. In the 1951 Census their percentage was reduced to 9.8 per cent. In 1961 it went up to 10.7 per cent of the total population and by 1981 they were 11.4 per cent of the total population. In the 1981 Census their numbers in Assam were not counted as no Census could be taken in Assam. In 1991 the Census in Jammu and Kashmir could not be taken. In the present Census, as has been stated before, the Muslims formed 13.4 per cent of the total population. The decadal growth rate of Muslims between 1951 and 1961 was 32.5 per cent, between 1961 and 1971 was 30.9 per cent and between 1971 and 1981 was 30.6 per cent. This is an artificial lowering of decadal growth rate because in Assam, where Muslims form over 30 per cent of the population, the Census could not be taken. On the other hand, between 1991 and 2001 their decadal

growth rate was figured at 36 per cent. This is also an artificial high. In 1991, as has been stated earlier, the Census of Jammu and Kashmir could not be taken due to political tumult in the state. It is only in Jammu and Kashmir that the Muslims are a majority. In the 2001 Census they formed 67 per cent of the total population of that state with a population figure of 6,793,240. Therefore, since this number was not factored in ten years back, their growth rate seemed unusually high by the 2001 Census and all hell broke loose.

The Census data that were released on 6 September 2004 stating that the Muslim decadal growth rate has increased from 1991 raised a storm. The Bharatiya Janata Party (BJP), which is the Hindu nationalist party and the main opposition in Parliament, took it up as an issue for further agitation. Their then President, M. Venkaiah Naidu, expressed 'concern' at this apparent demographic shift. Their party spokesman, Arun Jaitley, said that the figures have raised some concern and was worrying because of the national target to reach population stabilization by 2026. He further said, 'It is regrettable that instead of being concerned and alarmed at the population explosion, pseudo secular political parties are concerned at those who are expressing concern at this.'⁶ All attention turned to Assam and West Bengal, the two states where Muslims although in minority, were 30 per cent and 25.2 per cent of the total population respectively. Percentage-wise after Jammu and Kashmir these were the two states with the highest per cent of Muslim population. Also these are border states and Hindu nationalist concerns that illegal immigrants are swamping border regions were given credibility.

That illegal Muslims hordes are entering through the India-Bangladesh border was an old concern of the people of Northeast India. Newspapers from the region have been reflecting such concerns for the last few years. Typically, news on illegal migrants in Northeast India often runs like this: 'BSF has apprehended 298 smugglers, including 206 Bangladeshis, along the international border with Bangladesh

in the North-east during the first seven months this year.'⁷ That the Bangladeshis mentioned in these reports are largely Muslims is stressed by stereotyping their dress. Often these reports say that: 'A group of about 15-20 Bangladeshi dacoits clad in lungis and armed with country made guns raided the houses,' of villages in the border areas.⁸ The lungi is a dress typically worn by Bangladeshi Muslim peasants. Thus a negative attitude towards Muslims and their harassment is nothing new in Northeast India, particularly in Assam.

Apathy towards Muslims, particularly Bangladeshi Muslims, led to the anti-foreigner movement in Assam in the late 1970s and early 1980s. The movement was ideologically aimed at preserving the socio-economic, cultural, lingual and political identity of the Assamese nationality. The leaders of the movement demanded a stop to the participation of foreign nationals in the democratic political process, and their identification and deportation from Assam/India. As a result of this movement, however, not just Bangladeshis but even Indian Muslims were persecuted. For example, in Nellie in 1983 thousands of Muslims were massacred. According to one observer, the massacre of Nellie, 'by a conservative count, took more than 1200 lives—mostly of women and children. An eminent Assamese journalist has estimated the death toll of the Nellie massacre to be 3,000 dead. All the victims belonged to the Na-Asamiya (Neo-Assamese) Muslim community. I have pointed out elsewhere that the Muslims of Assam are an inseparable part of contemporary Assamese society. Not a single victim of the Nellie massacre belonged to the category of foreigners as defined by the existing laws of the country.'⁹ The Nellie massacre is without doubt one of the worst pogroms faced by Muslims in India, surpassed probably only by the events in Gujarat in 2002. It was clear that the police and the civil administration had prior information that such an attack against the Muslims was impending yet no one took any steps to avert it.¹⁰ Even after the massacre almost no one was brought to justice. Nellie portrays how secular and social movements can suddenly

become communal and how the minorities bear the brunt of such movements.

It would perhaps be unwise to make gross generalizations about the situation of Muslims in India. There is a great diversity noticeable among Muslim populations in India on the basis of their lifestyle, work participation, and pattern of work. Today Muslims in India form the second largest Muslim population in the world after Indonesia. One observer points out that, 'The Indian Muslims are by no means a monolithic, homogeneous community but are culturally and ethnically diversified group bound together by their common belief in Islam.'¹¹ In terms of the work participation rate of Muslims in India there are 31.3 per cent Muslims who are working. For Hindus, the work participation rate is 40.4 per cent. In 1981 the share of Muslims in the Indian Administrative Service was 116 out of 3883, which is only 2.99 per cent. Regarding Indian Public Service, in 1981 again there were 50 Muslims out of 1753 persons making their percentage only 2.85. Summarizing the findings on socio-economic indicators, such as occupation, ownership of land and standard of living, and by religion, Abusaleh Shariff of National Sample Survey Organization (NSSO) states:

Muslims are mostly self-employed and their share in regular paid jobs is low. The Hindu population is relatively better employed in regular salary-paying jobs in urban areas. The work participation of Muslim females is extremely low. The landholding is better among Hindus than Muslims, and Muslims work on non-agricultural occupation in substantial proportions in rural part of India. Muslims, are, by far, the least educated when compared with Hindus and Christian populations in India.¹²

By the NSSO figures of 1987-88 again there are 53.4 per cent Muslims who are self-employed, 28.9 per cent are regular wage earners and 13.4 per cent are casual labourers in ur-

ban areas in India. Although the work participation rate by the present Census have gone up by about 2 per cent, according to one observer 95 per cent of Muslims in India are, 'estimated to belong to the categories of peasant, craftsmen, semi-skilled and unskilled labourer. In rural areas most of them are agricultural labourers.'¹³

Muslims are extremely under-represented in all government services where their percentage is far below their total population. In a study on the composition of the armed forces and the paramilitary forces in the six states of Uttar Pradesh, Bihar, Andhra Pradesh, Karnataka, Maharashtra and Gujarat, he comments on the lack of Muslims in these forces. The Indian Army had 30-36 per cent Muslims at the time of Partition. The Armed Forces Reconstitution Committee, which divided the forces at the time of Partition, assumed that all Muslims would join Pakistan. But they were wrong in their assumptions. As many as 215 Muslim commissioned officers and 339 Viceroy's Commissioned Officers opted to remain in India and refused to go to Pakistan. But in the post-Partition years the number of Muslims in the armed forces was reduced to 2 per cent. Often Muslims' allegiance to India is doubted, particularly when the adversary is Pakistan. Yet the Rajput regiment consisting of largely Muslim soldiers performed with much distinction in the 1965 war with Pakistan. In a letter to the Chief Ministers dated 20 September 1953, Prime Minister Nehru had noted, 'In our Defence Services, there are hardly any Muslims left. In the vast Central Secretariat of Delhi, there are very few Muslims. Probably the position is somewhat better in the province, but not much more so. What concerns me most is that there is no effort being made to improve this situation, which is likely to grow worse unless checked.'¹⁴ The previous government in India might have made a concerted effort to garner the support of the security forces on the basis of religion if the Gujarat riots are any indicators. According to Aftab Ahmad Ali, the former Director of SVPN Police Academy, the

situation of minorities in riots depends to a large extent on the political party in power in that state. The police chief often has to work according to the dictates of the chief minister who can otherwise instantly remove or transfer police personnel. No wonder then in Gujarat the police often supported genocidal acts of the Modi government. Perhaps keeping an eye on events in Gujarat, veteran journalist A. G. Noorani has commented, 'In this there is a lesson for Muslims. Improvement of their lot is part of a wider secular agenda for reform.'¹⁵

According to a National Minorities Commission Report it is not just in the security services but also in the field of education that Muslims are grossly underrepresented. The report says that the percentage of Muslim students in state aided or majority-managed schools is disproportionately low.¹⁶ Less than 4 per cent of the total populations of engineering schools are Muslims. Government spending on minority education is also disproportionately low and even in a state such as West Bengal it is about 2 per cent of the total spending on education. *Khariji Madrasas* are the educational institutions that most Muslim children go to. These institutions double-up as orphanages and there is a popular opinion that these are the breeding grounds for fundamentalism. Attitude towards Muslims thanks to the rise of Hindutva is at low ebb in most of India today. According to a social scientist this has been happening from 1990 onwards from when there is a noticeable increase in communal rioting against Muslims whereby Muslim peasantry and working classes are getting displaced in large numbers.¹⁷ The riots of 2002 in Gujarat could be considered as a result of such growing communal polarization in India.

CHRISTIANS IN INDIA

In 1981 the Christian population in India was 16,165,447 and they formed 2.43 per cent of the total population. In 1991 the Christian population rose to 19,640,284 but their percent-

age dropped a little, to 2.34. In 2001 their numbers rose to 24,080,016 and their percentage dropped again a little and currently they form 2.3 per cent of the total population. Hence the decadal growth rate of Christians is on the decline. Most of the Christian population in India is found either in South India or in Northeast India. In Nagaland, Mizoram and Meghalaya the Christians form overwhelmingly the majority of the population, being 90 per cent, 87 per cent and 70.3 per cent respectively. The sex ratio of Christians in India is much above the national average and it is 1009 women to a thousand men. In India only among Christians does one find women more in number than men; although in the sex ratio of 0-6 years, girls are much less in number, being only 964, but even that is higher than the national average. Education is a priority for Christians in India. The literacy rate of Christians in India is 80.3 per cent, which is considerably higher than the national average. Even female literacy rate among Christians is as high as 76.2 per cent by the latest Census. By 1995 there were 226 colleges in India run by Christians with a total enrolment of 343,378. There are three medical and two engineering colleges run by Christians. Christians are pioneers in the field of women's education. Among the 950 women's colleges in India Christians run 87 of them.¹⁸

However, education does not reflect the only reality of the lives of Indian Christians. Their work participation rate is as low as 39.7 per cent. In urban sectors their work participation rate is as high as 56 per cent but in rural areas it is much lower. Over 75 per cent of Christians live in rural areas. In urban sectors most of the jobs taken by Christians are those of secretaries, nurses, teachers, salesmen, and so on. There are very few Christians in the higher administration of the government and there are equally less Christian CEOs. Also very few of them are doctors and engineers and there are practically no big Christian entrepreneurs.¹⁹

Most Christians in India are converts from backward communities. This has been one of the main reasons for pro-Hindutva governments such as the BJP led government to

start virulent campaigns against missionary preaching because these political parties consider it a camouflage for religious conversions. Since 1954 missionaries are required to obtain entry visas before coming to India. Although Article 25 guarantees to every person the right to profess, practice and propagate any religion that they might want, the Indian state is extremely cautious about missionaries. Way back in 1956 the Niyogi Committee report had condemned Christian missionaries by alleging that they have exploited uneducated people. In 1960 there was an effort to introduce a bill to save SC and ST from forced religious conversion. In 1978 Morarji Desai had to withdraw a bill to ban conversions. When the BJP came to power in 1999, it embarked on a policy of terrorizing minorities in the name of alleged conversions. According to a social scientist, 'Minorities were made to suffer in the name of conversions as it happened to the Christians during the years from 1998 to 2001,' coinciding with the arrival of BJP to power.²⁰ Many of the states such as Tamil Nadu banned conversions. In 1998 attacks on Christians began in six districts of Gujarat and even a girls school was attacked in Rajkot. In a meeting on displacement in Bangalore in 2002, representatives of Christian Church groups from Gujarat spoke to the author about the great insecurity that they were facing after the Gujarat riots.

Since over 90 per cent Christians in North India belong to the Scheduled Castes (SC) and Scheduled Tribes (ST), Christians often share the disabilities of ethnic minorities such as the tribal people. Hence any mapping exercise remains incomplete if one does not look at the situation of ethnic minorities such as the tribal people of India.

SITUATION OF ETHNIC MINORITIES

In 1981 more than 7.8 per cent of the total population belonged to the Scheduled Tribes. Today their population is about 8 per cent. These tribes are often called adivasis or original inhabitants of the land. Article 366 (25) of the

Indian Constitution has defined Scheduled Tribes as 'such tribes or tribal communities as are deemed under Article 342 to be Scheduled Tribes for the purpose of this Constitution.' By the Constitutional Order of 1950 the President of India made 212 Scheduled Tribes. Later by Acts of Parliament some other groups were included. Today the number of Scheduled Tribes is 698. From 1999 India has a separate ministry on tribal affairs. Tribals are also ethnic groups and so they form the largest part of ethnic minority groups in India. Most tribes have their distinct social structures, dialects, rituals and lifestyle. Many of the tribes are demanding recognition as people and nation. For example, the Indian government and the Naga tribal people are engaged in the longest State versus Community conflict in South Asia. Although Nagaland became a separate state in 1963, that was too little too late. The Naga demand by then had become a demand for self-determination and no longer a demand for autonomy. All through the late 1980s and early 1990s the GOI tried to douse the flame of independence among the Naga people through draconian acts. The Oinam massacre, the Mokokchung killings, the Kohima firings, and others have become legendary as repressive acts of the state. From 1997 there is a ceasefire between the GOI and two major Naga rebel groups and violence have slightly abated in that region.

From the 1980s there are other tribal groups who are demanding some form of autonomy. The GOI imposed the Armed Forces Special Powers Act (AFSPA) of 1958 on the frontier tribes as a response to such demands. Although this dreadful Act was supposed to be operational only for 6 months it has continued to be in operation even now. Today civil society of Manipur has created a huge protest against this Act. The Manipur government was forced to withdraw this Act from certain parts of Imphal, the capital city. The AFSPA has been imposed on almost all frontier tribes people from the late 1970s. Still the tribal people have continued their fight for autonomy resulting in demands for

Gorkhaland or Boroland, and so on. In the late 1990s the GOI started exploring possibilities for a political solution. Three new tribal majority states, namely, Uttarakhand (renamed Uttaranchal), Chhattisgarh and Jharkhand were created in 2000. But this did not solve the ethnic problem. There are many more demands for autonomy among tribal people. The tribal people have a grievance that the mainstream has never considered them as equal participants in the Indian democracy.

TRIBAL PEOPLE AND DEVELOPMENTAL DISPLACEMENT IN INDIA

In India alone one study testifies that 3.6 million Adivasis have been displaced and only about one-third have been rehabilitated.²¹ If one looks at World Bank reports after 1993 on the construction of dams one gets this picture even more clearly.²² The Sardar Sarovar Project, often described as one of the most flawed projects, displaced largely the Tadvis, Vasavas, Bhils and the Bhilalas but very few Hindus who were not dalits. In a recent survey it was again stated that tribal population has been disproportionately affected by developmental projects in India. An estimated 2 per cent of the total Indian population has been displaced by development projects. Of these, 40 per cent are tribal people, although they constitute only 8 per cent of the total population today.²³ During the last fifty years, some 3,300 big dams have been constructed in India and another 1,000 are under construction. Many of them have led to large-scale forced eviction of vulnerable groups. The situation of the Adivasis is of special concern as they are reported to constitute between 40 per cent and 50 per cent of the displaced population. In 1994 even the GOI came up with an estimate that over 15 million people have been displaced and over 11 million were still awaiting rehabilitation. Although non-governmental agencies give a much larger figure of displaced people in India, the government figures

are important because they reflect that most of the displaced have not been rehabilitated.

One of the most controversial development projects in India is the Narmada Valley Development Project. It envisages building 3,200 dams that will reconstitute the Narmada and her 419 tributaries into a series of step-reservoirs and become easy sources of water for irrigation. The first dam on the Narmada River, the Bargi Dam that was completed in 1990, reportedly displaced 1,14,000 people from 162 villages and today irrigates only 5 per cent of the land it was said to benefit. Most of the evicted did not get any compensation.²⁴ The people who are evicted are largely tribals and the dams are meant to benefit landowners who are largely Hindus. Although the Census marks most of the tribal people as Hindus, their situation is very different from that of upper-caste Hindus. Human Rights activists say that the construction of more than 3,000 dams will flood thousands of acres of forestland largely populated by tribal people, striking a devastating blow to human lives and biodiversity. Furthermore, the displacement of the Narmada Valley residents from their lands threatens their rights to livelihood and self-determination. Since 1985, the Narmada Bachao Andolan (NBA) has been organizing massive rallies and peaceful demonstrations to protest the destruction of the Narmada Valley. Despite the non-violent nature of the protests, NBA activists have been arrested and beaten on countless occasions. In 1993 the World Bank withdrew from the project and this was deemed a victory for the rights movement in India but in 2000 a ruling by the Supreme Court authorized renewed construction of the dam. Those who oppose the project place themselves in danger of rising floodwaters and of arrest and detention.

The new forest laws and orders on encroachments have led to further displacement of tribal people. On 1 April 2002, the following order was passed by the Supreme Court, 'The Union of India has received responses from various states

with regard to the problem of encroachment in forests. The said responses are being attended to and a final decision will be taken and directions issued by the Union of India within six weeks.' Following this, on 3 May 2002, a letter from Inspector General of Forests called for eviction of encroachers. As a result of this order thousands of tribals were evicted. Yet they have been living in these lands for generations. But because they did not have the pattas or legal documents to these lands they are now being evicted from them.²⁵

In most of South Asia tribal people are a persecuted lot; they have been persecuted throughout the world and throughout history. Just because the frontier tribes are largely in conflict with the state it does not mean that the non-frontier tribes are any better off. Development projects and forest laws work against them. Recently we visited a region called Sonbhadra in Uttar Pradesh, bordering Madhya Pradesh. The situation of the tribal people here portrays the seriousness of their situation in most of India. This region on account of its natural barriers, rough terrain and extensive forests became the abode of different tribal groups. In the post 1950s it was the site of massive developmental projects such as dams. Also big industries such as Kanoria chemicals and Hindalco were set up. This was followed by coal and limestone mining, leading to a massive influx of non-tribal people in the region. Colossal industrialization projects led to soil erosion, deforestation and growing pollution. Many acres of tribal land were soon submerged due to the construction of reservoirs of the Rihand dam. Due to the construction of this dam more than 2,20,000 tribal people from 140 villages were displaced. Of them the majority were displaced multiple times, not only due to building of dams but also because of coal mining and the establishment of a thermal power plant. Then by declaring tribal land as forest land the government made many more homeless.

The local people who had already suffered because of massive environmental degradation and deforestation now lost almost 80 per cent of their common property resources.

This resulted in their increasing pauperization. Most of them were reduced to subsistence living. Today these people are faced with near starvation. Located close to the infamous Kalahandi, where people still starve to death despite greater prosperity elsewhere, the people of Sonbhadra face a similar situation of starvation today. Their children are dying of a disease called hunger. In December 2003, when I visited the area, at last 18 children belonging to the Ghasia tribe died of hunger and the number keeps increasing. Numerous civil liberties organizations are working in this area including People's Voices for Civil and Human Rights (PVCHR) and Fellows for Reconstruction, Initiative, Education, Nourishment and Development of the Society (FRIENDS).

If one looks at highway-building projects in metropolitan cities in India one sees how tribals are displaced from the vicinity of these cities. As yet there are only very few protests against such displacements. Tribals are facing persecution in most parts of India. They are now being forced to move away from natural resources such as forests on which their lives depend. Since most of them practised *jhum* cultivation (slash and burn) and since there is a state policy against *jhum* cultivation, their lands are being taken away from them. In the process their children are dying of starvation and yet there is very little effort by the state to address this problem. It has to be realized that without substantial help from the state and Adivasi friendly policy the situation will not change.

OTHER MINORITIES

There are a number of other minorities in India. Among religious minorities the Sikhs form 1.9 per cent of the population today. However, most of the Sikhs are located in one state within India and that state is Punjab. In a total Sikh population of 19,215,730 people, 14,592,387 live in Punjab. Sikhism and Hinduism have coexisted for many years. But in the 1980s the Sikhs came up with a demand for homeland that was symbolized in their movement for Khalistan.

That movement was contained through military and political initiatives and today the Sikhs are participating in the political processes once again. However, what needs to be realized is that the Sikh demands have been contained and not solved.

There are a number of linguistic minorities in India. Language came to be recognized as a legitimate basis for state formation in India from the 1950s. Many Indian states were organized on linguistic lines. As a result, most of these states have what may be called a home language. According to the 1981 Census, India has over 700 languages of which only 15 are recorded in the Eighth Schedule and which are spoken by 95.6 per cent of the population. That linguistic minorities or speakers of minority languages can have major problems was revealed by discrimination faced by Bengalis in Assam during the anti-foreigner movement. However, today language is an add-on issue and can become problematic when it is mixed with other issues such as religion and ethnicity.

DALITS AND THE ISSUE OF PROTECTIVE DISCRIMINATION

According to a number of social scientists there are 'special types of minorities mentioned in the Constitution,' and they are the backward classes or the dalits.²⁶ The situation of caste minorities or dalits is much more serious than that of many other minority groups in India. There might have been some controversy in accepting dalits as a minority but the United Nations Committee on the Elimination of Racial Discrimination at its sixty-first session in Durban, 2001, recognized discrimination against dalits as racial discrimination. The dalits, officially called the Scheduled Castes (SC), were victims of the inhuman practice of untouchability. As late as in 1997 there were 1157 untouchability-related crimes registered in Indian courts.²⁷

It is not as if reservation of seats and posts in government-run or government-aided educational institutions and

government posts for SC/ST and Other Backward Classes (OBC) was accepted without protest. In the late 1980s the Mandal Commission identified 3743 caste groups as OBCs. The Commission recommended that 27 per cent jobs be reserved for the OBCs in addition to the already accepted reservation of 15 per cent for SCs and 7.5 per cent for STs. The decision of the United Front Government to implement the Mandal Commission led to massive protest culminating in 'a number of cases of soul-searing self-immolation attempted by students.'²⁸ This was not the first or the only protest by upper caste Hindus against reservation for minorities. In Gujarat there were attacks against SC, ST and OBCs in 1980 and 1985. Cases for reservation have come up before the Supreme Court a number of times. In 1997, 504 dalits were murdered, 3462 were grievously hurt, 1002 dalit women were raped and 12149 faced other atrocities.²⁹ This was in no way an exceptional year but rather a typical year in terms of atrocities towards dalits.

The National Campaign on Dalit Human Rights (NCDHR) reports that although there are legislations against bonded labour between 1976, when the Act against bonded labour was passed, and 31 March 1999, the Indian government identified 280,340 bonded labourers largely from dalit community. Almost half of the rural dalit population (49 per cent) are agricultural labourers, while only 25 per cent are cultivators. Even the Ceiling Land, or surplus land, which has been distributed is not being enjoyed by dalits. In 1996, a door-to-door survey of 250 villages in Surendranagar District, in the state of Gujarat, found that 1087 dalit landholders possessing title to Ceiling Land are unable to enjoy cultivation of the land. The main reasons for this were that: those who had title to land had no possession; those who had possession had not had their land measured or faced illegal encroachments from upper castes.³⁰ Activists working on the issue of dalit rights, however, state that whatever improvement there is in the situations of dalits today is largely due to state policies.

MINORITY WOMEN IN INDIA

A mapping exercise on minority rights and protection needs to give special attention to the question of women. The Indian state has traditionally viewed women less as individuals and more as members of their communities. Often neither the secular judiciary nor the state has helped women to fight discrimination enforced by their own communities as in the Shah Bano and the Ameena Cases. Although a lot has already been written by social scientists on such cases, it would still be of significance to revisit them, especially within the context of autonomy of minorities. Also it would be of particular significance to bring on board the debate on the Uniform Civil Code and reflect on how the state and the minority communities have responded to it.

Among the tribal people who are giving up jhum cultivation, women are the poorest. We find differing opinions regarding the relative position of women in tribal India. Some say that women here enjoy much higher status in this region while others call them 'primitive'. Population movements and pressure on lands have impacted heavily in areas where people practised jhum cultivation before. Now that the tribal people are forced to give up jhum cultivation the situation of women who were the majority among the cultivators is becoming worse, as is the case of Naga women or Reang women in Tripura. Their social and economic positions are affected by this transition yet there are hardly any programmes to retrain them for income generation, thus leading to further pauperization of tribal women.

Even in displacements of tribal people due to developmental projects, women are at the receiving end of the spectrum and can hardly ever access resources for their sustenance. As has been pointed out earlier, although the beneficiaries of the dam are meant to be large landowners, tribal people are paying the price. In such situations it is common that women from these communities will be the worst affected. As one

observer points out, relief programmes tend to overlook women's crucial roles as producers, providers, and organizers, and have delivered assistance directly to male heads of households, whether it is food, seeds and tools, or training. This reduces women's influence over areas previously controlled by them, such as the production and provision of food, undermining their position within the household and the community.³¹ Therefore, tribal women face problems both for being tribal people as well as for being women.

Among dalits, women face increased atrocities. An NCDHR report states that: 'Women are the worst victims,' of violence against dalits.³² It says that 'Dalit women are the most discriminated and exploited persons in a society dominated by caste hierarchy and patriarchy. For them, the intersection of caste and gender means that they are subject to the most extreme forms of violence, discrimination and exploitation, even at the hands of women from upper-castes.'³³ In 1984 there were 692 rape cases against dalit women and in 1994 the number had risen to 991. Literacy among dalit women is just 23.76 per cent, that is, about half the literacy rate of non-dalit women. Such low levels of literacy have profound consequences for their lives and the rest of the dalit community. Illiteracy makes them susceptible to superstitious beliefs and misinformation regarding their bodies, reproduction and health, due to which their fertility rates continue to be higher than those of non-dalit women. The representation of dalit women in the job market is very low. Dalit women are perhaps the most economically deprived section of society. According to one commentator the 'workforce structure of dalit women is such that they rarely own land.'³⁴ In 1991, dalit women workers numbering about 71 per cent were agricultural labourers in rural areas. Only 19 per cent were cultivators. The new economic policies of opening public sectors to private companies have reduced jobs for women, particularly dalit women. Some of these women as in Andhra Pradesh are forced to become

jogins (similar to devdasis). These girls are married to village gods and are then sexually exploited by the upper castes. Among 15,000 jogins in twelve districts of Andhra Pradesh 80 per cent are dalit women.³⁵ Also because these women are considered polluting they do not get jobs in people's homes. All these things taken together drive these women towards prostitution and further sexual exploitation. The state seems oblivious to the condition of these women and positive discrimination does not seem to have touched these women to any great extent.

CONCLUSION

In a mapping exercise such as this it needs to be remembered that the category of minorities is not fixed, but rather time-specific. The composition of minorities changes on the basis of state policies and today's tentative majority can become a minority tomorrow. In India every day new minorities are created. Speaking of the Indian situation, eminent sociologist Dipankar Gupta has commented, 'minoritization can be so indiscriminate and disrespectful of previous consensus, then no matter how exhaustive the listing of minorities, the exercise will always be both incomplete and futile.'³⁶ The determinant for the creation of minorities is not number but powerlessness. In a majoritarian and patriarchal state system such as found in India, old cleavages on the basis of class, caste, gender, race, ethnicity, and so on, get accentuated within societies. Added to that the New Economic Policies of globalization and a new world order drives us further away from a just world. In such a situation new minorities emerge and the older ones get even more marginalized. It is not as if within those communities there is no space for accessing power. The ascendancy of the Bahujan Samaj Party (BSP) portrays that there is such scope. But for that powerless groups need to play the majoritarian game whereby a few of them are able to access greater resources but the rest remains

marginalized. This is the state of material politics of minorities in India.

This mapping exercise of minorities in India is not intended to be a summary of the situation of all minorities in India as that is an impossible project. Rather, the effort has been to look at the issue of autonomy of minorities by examining some cases that reflect on different communities' ability to access resources and to negotiate with the state and other communities as a group. Such a mapping exercise amply portrays that a great deal needs to be done before minorities of today can be called equal participants in Indian democratic processes.

NOTES

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