Chapter 6

Religious Pluralism and The State in India: Towards a Typology

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Introduction

How do states negotiate between the claims of multiple social groups? What effects do state policies have on societal plurality? Reflecting on India's historical experience, this paper delineates and disaggregates a relatively neglected category, that of political pluralism. I argue, first, that historically, India has offered an important example of plurality not just as a *social fact* (see Kaviraj chapter in this volume)*,* in terms of the range of its religious diversity, but also in *policy*, with a multiplicity of state approaches and dispositions towards the accommodation of religious diversity. Unpacking political plurality, I distinguish in a provisional and schematic fashion between hierarchical pluralism, integrationist exclusion, integrationist inclusion, weak multicultural, strong multicultural and assimilationist approaches towards religious diversity. Second, if pluralism is understood as a normative category that for clarity's sake we term *pluralist* (Kaviraj chapter, this volume), as denoting broadly approaches that recognize and in some cases respect religious diversity, state approaches in India have differed widely in the extent to which these are pluralist. Political pluralism encompasses a range of dispositions towards socio-religious plurality, ranging from hostility to the celebration of religious difference. Pluralism both institutional and normative- is threatened by the hegemony of Hindu nationalism in Indian politics.

The motivations that inform the preliminary exercise in ground-clearing undertaken in this essay are two-fold. First, the influence of post-colonial theory and perspectives has meant that the state is usually seen as an agent of homogenization in relation to societal plurality. In the scholarship on Asia and Africa, state policies and processes are usually seen as rendering religious and social identities more discrete and adversarial than these would otherwise be. In its exploration of political plurality, this paper pushes back to an extent against such claims. Second, in popular and scholarly opinion, minority claims are often homogenized, aggregated in large monolithic categories (eg. Muslim), and assumed to be rooted in religious difference. However, given what we know of how state policies influence the nature of group claims, political plurality at the level of state policy should be reflected in some measure also in the nature of minority claims. This paper focusses on Muslims, India's pre-eminent minority since the late 19 century.

This essay departs from existing studies in at least two respects. In the few instances where political scientists have noted the existence of political plurality in India, the focus has been on state policy and its implications for democratic stability. Kanchan Chandra (2005) has notably argued that the recognition by post-Independence Indian institutions of multiple and cross-cutting cleavages along lines of language, religion, caste and tribe has encouraged the politicization of ethnic identities and the proliferation of ethnic parties. Furthermore, this has had positive consequences for institutional stability. For evaluating political pluralism, however, I argue first, that we need to probe further, to examine the *normative justifications* of state policies, in particular, the form and extent to which these recognize group difference. Second, we need to go *beyond* state policies, to examine the *movements* and demands made of the state on behalf of religious minorities from political and social actors. In this essay, I explore the nature of claims made on behalf of Muslims in India to inquire whether political plurality extend beyond the level of state policy, to the character of *minority claims*.

Viewed through such a lens, what does political pluralism in India look like? At one level, the scope of pluralism appears wider, in state policy and minority claims. I argue that state approaches to religious diversity in India have differed not only across time periods, levels of government, areas of policy, and minority groups, but also importantly, with respect to the *same* group. The Indian Constitution itself embodies multiple approaches towards religious minorities, integrationist in some policy areas, and multicultural in others, as discussed below. At another level however, on an examination of the normative underpinnings of policies and claims, the scope of pluralism appears narrower. Notably, notwithstanding its political plurality, state policy in India has rarely been pluralist in its political imaginary. In particular, the value of religious diversity for the Indian polity and society as part of a framework of equal citizenship has not been elaborated by policy-makers, leaving constitutional policies that protect group difference with a normative deficit.

Some caveats are in order at the outset. This essay is a preliminary exercise in unpacking political pluralism and delineating its contours, in a broad brush and schematic fashion. I do not seek to provide here a causal or explanatory account of how the different approaches to dealing with group difference emerged historically in India, nor of why an approach became salient at a particular time. These important questions regarding what makes these categories historically salient requires a more extended discussion than is possible here.

Hierarchical Pluralism

Pre-modern states in India, as elsewhere, often allowed considerable autonomy to religious minorities in exchange for the recognition of the dominance of the ruling group. In the well-known example of the millet system of the Ottoman empire, acceptance of the ruler's dominance was the condition for toleration of difference. Broadly speaking, the inclusion of other religions and cultures was based on acknowledging the pre-eminence of the ruler's religion and symbols of authority.

In pre-colonial India, the varied state forms across different regions and historical periods were for most part segmented and constrained, as scholars have noted (Kaviraj 2010; Khilnani 1997), the result, it has been argued, not just of a pragmatic concession to the power of local rulers, but also the Hindu principle that society consisting of different social groups was seen as 'prior to the state and independent of it'. The duty of rulers was to 'protect and uphold the respective customs and laws' of self-regulating social groups, a principle adhered to by indigenous as well as foreign rulers who succeeded in ruling over Indian territories for any length of time (Rudolph and Rudolph 2008: 11, 18).

In many respects, hierarchical pluralism was pluralist, accommodating of religious and socio-cultural plurality. The precedence of the moral order of society implied that the state would not seek to impose its preferred vision throughout society, but respect the internal rules and practices of social groups so long as taxes and revenues were paid. As Sudipta Kaviraj puts it '…the conceptual language of acting 'on behalf' of the society as a whole was unavailable to this state' (2010: 13). Furthermore, a compartmentalized social order meant that external groups could be incorporated into what has described as a 'circle of circles' by creating a circle of their own, which existed not so much in open communication with the rest, but 'in a kind of back-to-back adjacency', 'by way of a very peculiar combination of absorption and rejection' (Kaviraj 2010:15). The caste system exemplified this segmented order of self-regulating groups, with its principle of what Kaviraj terms asymmetric hierarchy in contrast to the symmetrical hierarchy found in European societies, where a group that was at the top in terms of ritual status for instance might be at the middle or bottom in terms of political power and

economic holdings in a region.

While a segmented social order was pluralist in terms of the accommodation of socio-religious difference, it was not characterized by equality. With the pre-eminence of the ruler's religion, and the recognition of some rather than all religions, different religious groups did not have equal status. Different religious groups also did not share a sense of brotherhood with each other (Rudolph and Rudolph 2008:9), which meant that inter-group relations were not characterized by mutual respect. An asymmetrical hierarchy also reinforced inequality by making it 'cognitively more difficult to identify the structure of dominance' (Kaviraj 2010: 12).

Hierarchal pluralism has continued under modern states. The British colonial state's approach to religious diversity in India might be described as hierarchical pluralist. Religious authority was recognized in the realm of family law from the late 18th century, religious group membership became the principal route for the inclusion of Indians in colonial representative institutions from the late nineteenth century. In contemporary India, newer forms of hierarchical and segmented pluralism have overlaid older patterns. One instance is the growing residential and occupational segregation of Muslims in many cities. While spatial segregation has long existed in India, with particular religious and caste occupation groups occupying distinct areas in a territory and not welcoming of those belonging to other communities (often linked to incompatible food habits eg. vegetarianism), this did not preclude cohabitation among elites from different religions in urban areas (Gayer and Jaffrelot 2012). With the ascendancy of Hindu nationalism, older patterns of cohabitation have been replaced in many cities in northern and western India with the formation of enclaves and sometimes ghettoes, propelled by discrimination in the housing market, as well as insecurity experienced after killings in which the state machinery failed to act to protect Muslim lives (Gayer and Jaffrelot 2012: 323).[1] Spatial segmentation represents a form of hierarchical pluralism in which religious diversity is recognized but there is an asymmetric restriction on the choices of individuals belonging to minority groups.

Integrationist Exclusionary

The transition to a modern democratic state was influenced by the ideals of the Indian nationalist movement which were articulated in a liberal republican vocabulary comprising notions of secularism, democracy, social justice, national unity and development that I have detailed elsewhere (Bajpai 2011). The nationalisms that emerged in late nineteenth century India had to contend from the outset with the claim that India's diversities meant that it was not a nation.[2] The secular nationalist response to this was that India's long history of co-existence of diverse communities reflected a 'unity in diversity', and that communal discord was a product of a deliberate colonial 'divide and rule' strategy. Central to divide- and-rule, secular nationalists contended, was the colonial policy of minority representation, with separate electorates, reserved seats, weightage (guaranteed representation for minorities in excess of their enumerated demographic share), nomination instituted by the British initially for

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[1] Gayer and Jaffrelot distinguish ghettos as characterized by 'relative class diversity and the stigmatization and sense of alienation of its residents' (2012: 324), from enclaves, where there is a greater element of self-segregation. Ghetto-like formations are observable in Ahmedabad (Gujarat) as well as Mumbai (Maharashtra) and Jaipur (Rajasthan).

[2] This was expressed famously by John Strachey in 1888 who asserted that national sympathies 'should ever extend to India generally…is impossible. You might with as much reason and probability look forward to a time when a single nation will have taken the place of the various nations of Europe' (Quoted in Guha 2007: xiii).

Muslims, and then extended to other religious groups. Accordingly, during the framing of the Indian constitution (1946-50), secular nationalists mostly argued that representative institutions had to be difference-blind as far as possible where religion was concerned. While separate electorates were rejected from the start as a key cause of Partition, reserved seats for religious minorities that were included the 1948 draft of the constitution also remained under-supported and came to be withdrawn in 1949 (see Bajpai 2011 for details). Nehru commended their abolition as 'a historic turn in our destiny', holding that 'doing away with this reservation business… shows that we are really sincere about this business of having a secular democracy' (*CAD* VIII: 329, 332). The dominant consensus of the time was that the ethnicization of political institutions would lead to inter-group conflict and political instability (on the general point, see McGarry et al 2008: 45).

In integrationist exclusionary arguments, secular opposition converged with nationalist concerns, which in turn meant that Hindu nationalists often used a liberal, secular language in the Constituent Assembly (see eg. Mahavir Tyagi, *CAD* V: 219). Special representation provisions for minorities were opposed both for violating the separation of religion and state and as divisive of the nation. Secularism would be undermined as these required the recognition of a person's religion in public institutions, and treated individuals differently depending on the community to which they belonged. The overriding apprehensions voiced, however, were regarding national unity, which in turn, encompassed a range of concerns for political stability of the new state, social cohesion among different religious communities, and India's national identity (Bajpai 2011). The different national-unity concerns coalesced here - the 'mixing of religion and politics' in the case of separate electorates was thought to have hardened differences between Hindus and Muslims, and resulted in the bloody break-up of the country. And for secular nationalists such as Nehru, the bedrock of India's national identity was to be secular citizenship. Representation provisions on religious lines detracted from becoming Indian, which involved learning to put attachment to India above and beyond belonging to religious, linguistic, caste or tribal groups. For secular modernists such as Nehru religion, caste, and other ethno-cultural affiliations were 'backward' relics, a hindrance to the task of building a modern nation state.

While several scholars have noted that secular nationalism converged with Hindu nationalism within the Congress party, it is important to underscore that in theory an integrationist exclusionary position is more pluralist, providing some protections for religious plurality that that are not offered by religious majoritarianism. Notably, these include non-discrimination on grounds of religion and equality before the law for religious minorities. This was in evidence during the Constituent Assembly debates, when many secular nationalists who opposed legislative quotas for religious minorities, spoke in favour of constitutionalizing rights to religious and linguistic freedom for minorities. For secular nationalists, fundamental rights to equality and freedom for all individuals providing protection for their culture, language, scripts had been the preferred mechanism for the accommodation of religious differences. During constitution-making, secularism was seen to imply the rights and freedoms of citizens to pursue religion and culture in their 'private' individual and associational capacity, as a corollary to their exclusion from the political domain. Moderate secularism[3] emphasizing non-discrimination on religious grounds and equal citizenship, together with a national identity defined in civic rather than ethno-cultural terms, was the basis for the inclusion of religious

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[3] Tariq Modood describes as moderate secularism in the context of Western Europe as a pragmatic accommodation with religion; in India, this took the form of a recognition of the importance of religion in people's lives, as well as of the public nature of religious practice.

minorities in the Indian nation-state (in the context of Turkey, see Philliou, this volume). In contrast, Hindu nationalists opposed constitutional protections for the rights of religious minorities and cultures (Bajpai 2011).

During constitution-making, several minority representatives articulated integrationist exclusionary arguments, supporting the abolition of legislative quotas for religious minorities (see HC Mookerjee *CAD* VIII: 299), and in some cases, arguing for a prohibition on wearing religious markers (see Tajamul Husain *CAD* VII: 819, 871). Muslim leaders have continued to espouse integrationist exclusionary arguments in public debate in independent India. For instance, in the Shah Bano case (1986), several Muslim intellectuals argued against exemptions for Muslims from provisions of the common criminal code, as discriminatory, divisive, and 'backward-looking'[4] During election campaigns, Muslim politicians have often sought to caution Muslim voters against religious leaders interference in politics:[5] In practice, however, in India as elsewhere (eg. French headscarf ban), integrationist exclusionary arguments have often been used in support of majoritarian assimilationist projects.

Integrationist Inclusionary

Although scholars see integrationist approaches as difference-blind, as precluding any recognition of religious or social identity in the public sphere (McGarry, O'Leary, Simeon 2008), a closer examination of the Indian Constitution's provisions for quotas for the Scheduled Castes and Scheduled Tribes suggests that these can be inclusionary as well. In constitutionalizing affirmative action in the form of legislative quotas as well as special treatment in government employment and educational institutions for members of historically disadvantaged groups, Indian constitution-makers went beyond the liberal consensus of their time. The Indian Constitution of 1950 recognized that non-discrimination and equal opportunity provisions were inadequate for tackling the massive and entrenched inequalities of Indian society, that differential treatment was necessary for groups historically disadvantaged along lines of caste and tribe. While inclusionary in recognizing that the national community was not homogenous, and that more than equal treatment was needed, quotas were also integrationist because differential treatment was envisaged as a temporary measure for tackling socio-economic disabilities and reducing inter-group difference over time, and not as a permanent provision for the recognition of cultural difference.

Indian nationalists rejected quotas as a multicultural right, as a mechanism for protecting distinct group interests, in the case of *all* groups, including the Scheduled Castes and Tribes. In contrast with the late colonial state which was consociational, quotas were not intended as instruments of self-government, of recognising a distinct social identity, in the case of any group. In nationalist opinion, special treatment of Untouchables was constantly distinguished from that of religious minorities by specifying for instance that Scheduled Castes were not a minority but a part of the Hindu community (*CAD* V: 227-8). Nehru and many others also emphasised that what separated these groups from the majority was not so much

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[4] See for instance Saifuddin Ahmad (Asom Gana Parishad) *LSD* 1986 col. 410, Mostafa Bin Quasem (CPI-M) *RSD* 1986 col. 311.

[5] Shahnawaz Husain (BJP):'this vote is a worldly thing…it is not a matter of religion…don't go according to anyone's decree or *fatwa*…'12.4.14 (translated from Urdu). This was in a context in which many Muslim religious leaders gave fatwas or sermons not to vote for the BJP.

religio-cultural difference, but socio-economic inequality (Nehru *CAD* VIII: 331).

Nevertheless, although most Congress members including Nehru felt that group quotas detracted from secular nationalist ideals, these were accommodated as necessary for a short period in the Indian context, in the case of the ex-Untouchable and tribal groups for the sake of national unity and development. With national development for instance, "catching up" with the industrialized Western world was the desired goal; quotas and other special provisions, it was argued, were needed for some time for those sections of the population "whose present backwardness is only a hindrance to the rapid development of the country' (KT Shah, *CAD* VII: 655). In the case of national unity, the assumption was that vertical levelling would produce horizontal integration, that the reduction of economic disparities would also reduce social division.

Inclusionary integration has been the most influential approach for group-differentiated rights in post Independence India. While intended by constitution-makers for a period of ten years, legislative quotas for the Scheduled Castes and Scheduled Tribes have been extended every decade since without much debate. These have become a mechanism of group representation to an extent (Galanter 1984), as Dalit and tribal representatives see it as their duty to advocate for their groups. Nevertheless, as representatives are elected by a mixed electorate, and winning elections requires getting support across different ethnic groups, legislative quotas continue to work as an integrative mechanism as well. In doing so, several of Dalit leaders feel, as Dr Ambedkar did in his advocacy of separate electorates, that quotas under joint electorates do not serve as a good mechanism for Dalit representation, for ensuring the election of representatives who are a strong voice for, and accountable to Dalits.

Over time, affirmative action type measures, such as educational and employment quotas, and as well as scholarships, have been extended to other disadvantaged ethnic groups, notably the Other Backward Classes (OBCs) including in many regions, Muslim communities (for details see Bajpai 2012). Under the Prime Minister Manmohan Singh's government (2004-14), there was attempt to include religious minorities particularly Muslims within the ambit of affirmative action. This included the setting up of a Prime Minister's high level committee (Sachar Committee) to examine the socio-economic conditions of Muslims, which reported substantial deprivation with regard to assets, income, education, employment, health, rendering Muslim disadvantage visible for the first time. The Prime Minister's new 15-point program on minorities sought to earmark 15% benefits of a wide range of existing development schemes for members of minority communities. In 2008-09, a new program, the largest for the development of minorities since Independence, sought to identify districts with a concentration of minority population and focus welfare programs in these districts. While the impact of these programmes has been limited and hard to ascertain (Kundu report), in recognizing religious identity as a source of exclusion and a criterion for receiving benefits, these targets went beyond colour-blind policies. Nevertheless, these policies were not multicultural in the sense of seeking to protect religious difference, but rather sought to reduce the socio-economic inequalities along religious lines. [6]

Several Muslim MPs have also sought to focus government attention on issues of

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[6] Some theorists see any recognition of the principle of proportionate representation in public institutions as tending towards multicultural forms of accommodation – see McGarry, O'Leary, Simeon 2008: 58. However, while multicultural demands may result from any recognition of the principle of proportionate representation, these do not necessarily form its normative justification.

discrimination and disadvantage faced by Muslims and away from multicultural type demands of cultural accommodation. Asaduddin Owaisi (AIMIM), one of India's best-known Muslim leaders, has been a long-standing advocate of the abolition of the *Hajj* subsidy for Muslims (removed in 2017 by the BJP government), calling for its funds to be transferred to more deserving causes such as scholarship schemes for Muslim girls (see eg. *Lok Sabha debates*, 13.7.2009). He has criticized successive national governments for the persistence of discrimination on religious lines in the reservations policy for the Scheduled Castes, which excludes Muslims (currently, Scheduled Caste status and benefits is restricted to Hindus, Sikhs and Buddhists, although Muslim communities are listed as OBCs in some states).[7] Although the long shadow of Indian Partition means that any Muslim assertion tends to be perceived as extremist and separatist, a systematic analysis of Asaduddin Owaisi's speeches shows that the underlying principles invoked are of non-discrimination, equal citizenship, fair equality of opportunity, and secularism (Bajpai and Farooqui 2018). In contrast to the earlier Muslim League's demands for instance that focused on the recognition of religious identities through separate Muslim electorates, Owaisi has consistently argued for the *de*-recognition of religion in government policies of affirmative action as well as the functioning of the police, which has often targeted Muslims. The demands by Owaisi and other Muslim leaders to end police harassment and violence against Muslims, their frequent detention without trial under false terrorism charges, and torture while in police custody are not multicultural demands. Rather, with the recognition of religious membership serving to identify individuals whose basic rights and liberties to are being violated by state agencies, such claims are in an important sense integrationist inclusionary.[8]

Whereas comparative scholarship has tended to categorize integrationist approaches as exclusionary, denying recognition to religious or cultural identity (McGarry, O'Leary, Simeon 2008), Indian experience suggests that can be inclusionary as well, with policies recognizing group identities when these overlap with socio-economic disadvantage for instance, and minority leaders demanding the inclusion of specific socio-religious groups in affirmative action schemes, on grounds of non-discrimination and fair equality of opportunity.

Weak Multiculturalism

In addition to integrationist inclusion, the Indian Constitution also proposes another type of accommodationist policy, which might be described provisionally as weak multicultural (Shachar 1998). Unlike many secular constitutions, it recognises the associational and institutional autonomy of religious groups (as well as tribal and linguistic groups). In a departure from the standard liberal individualist position, groups were recognized as subjects of rights and entitlements (Mahajan 1998: 79-85, 103; Bhargava 2000: 38-9). Demands to restrict religion to the private sphere of individual conscience and belief were rejected; indeed, no hard distinction between the private and public spheres was posited. A broad definition of the right of individuals to freedom of religion was adopted after extensive debate, which

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[7] Other Muslim leaders pressing for reservations include Ali Anwar from Bihar, who has led the demand for affirmative action for *pasmanda* Muslims, lower-caste or backward Muslims in Bihar.

[8] Abusaleh Shariff, a key architect of the Sachar Committee report, cautions: 'day-to-day discrimination, exclusionary practices and feeling of insecurity and the alienation experienced by Muslims who feel like 'second class citizens' 'may even push them to become reactionary and militant' (2016: 201-2).

included the right to practice religion in public spaces, and even more controversially, the right to 'propagate' religion. The latter was vehemently opposed by Hindu opinion in the Constituent Assembly, but in keeping with the demands of Christian representatives who argued that propagation was fundamental to the Christian faith. Religious denominations were permitted by right to hold property, and the state was allowed to aid educational institutions that imparted religious instruction (including minority institutions), allowing for public funds for support of minority religions and cultures, against the objections of those seeking to restrict the domain of religion (Articles 25, 26 of the Indian Constitution). The demands of secularists for a uniform civil code to supplant the different religious laws that governed matters such as marriage, divorce in colonial India, were rejected.

While accommodationist with respect to religious freedom, the constitution's overall approach is best described as restricted multicultural. Thus, the right to freedom of religion is subject to other constitutional rights including those of equality and non-discrimination. State intervention is permitted not just in the interests of public order, morality and health as common elsewhere, but also for purposes of social welfare and reform, which constituted a departure to an extent from the colonial state's stance of non-intervention in the religious affairs of its subjects. Further, in keeping with the demand of many secularists and Hindu nationalists, the Indian Constitution includes in its non-justiciable Directive Principles a provision for a uniform civil code, opening the door for legal unification in the future.

A restricted multicultural approach towards religious pluralism is also seen in what Al Stepan (2017) termed 'co-celebratory recognition for majority and minority religions'. Stepan notes that unlike Western European countries, and in common with Muslim majority Indonesia, the secular state in India historically recognized public holidays for minority religions. Restricted multiculturalism is also to be found in Indian federalism, where six Indian states have non- Hindu majorities[9], although historically the Indian state has only reluctantly granted territorial autonomy to religious minorities for fear of separatism. While many Hindu-majority state governments have been oppressive of religious minorities, in a few instances, minority representation has been enhanced where state governments have depended upon the support of minorities. For instance, the creation of the most recent Indian state, Telengana (2014), has benefitted the Hyderabad based Muslim party the AIMIM, which has increased its tally of seats in state, municipal and *panchayat* elections, at a time of declining Muslim representation in Parliament and many state assemblies across India

According to many liberal theorists, restricted multiculturalism is better than strong or maximal multiculturalism, as it offers better protections for individuals and vulnerable groups within minorities, such as women (Kymlicka 1995, Shachar 1998). Indian Constitution-makers, however, did not fashion normative resources for the restricted multicultural approach which remained deficient in relation to the accommodation of religious diversity (Bajpai 2011). How the preservation of religious pluralism was a national good was not elaborated, contributing to creating a favourable ideological context for the growth of the Hindu right.

Strong Multiculturalism

In contrast with weak multiculturalism, where the state reserves the right to curtail the domain of religion, in a strong multicultural approach, the views of the members of the religious community, rather than those of state authorities are decisive in determining the scope of religion. In post Independence India, a strong or expansive multicultural approach to religious

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[9] Jammu and Kashmir, Punjab, Nagaland, Meghalaya, Arunachal Pradesh, Mizoram.

diversity was exemplified in the well-known Shah Bano case (1986).[10] On the one hand, legal plurality achieved greater acceptance, with government spokesmen defending exemptions for followers of Muslim personal law from provisions of a common criminal code on grounds of secularism construed as equal respect for all religions and the rights to religious freedom of groups.[11] Government spokesmen declared that secularism as equal respect for all religions dictated deference to the views of Muslims (or as was the case, of their state recognized representatives), that matters concerning maintenance were an essential part of their religion.

However, given that the state had undertaken reform of Hindu law in the 1950s, the rights to religious freedom were in effect being interpreted differently here in the case of majority and minority communities.[12] Why, normatively speaking, Muslims were different was not elaborated by policy-makers, leaving an impression of unjust minority favouritism. The reasons for the reduced authority of state institutions to intervene in the case of minorities can be several, including avoiding the injustice involved in the imposition of religious law reform on an already oppressed group (Spinner-Halev 2001), the inequalities between majority and minority religions, with the former inevitably supported by the state and society (Nussbaum 2005).

A common problem with a strong multicultural approach has been that according greater autonomy to religious communities in practice has often meant giving more power to conservative male religious leaders to define community rules, to the detriment of gender equality. In the Shah Bano case as well, the government's approach was seen to have resulted in strengthening the position of the 'orthodox sections of the *ulema*' (Hasan 2005: 367-8; also Agnes 2005: 126), bolstering the existing, patriarchal power structures within the community, thereby also reinforcing stereotypes of Muslims as illiberal and obscurantist, preparing favourable ideological ground for the Hindu right. A strong multicultural position continues to be espoused by a strand of Muslim leadership represented by bodies such as the All India Muslim Personal Law Board (AIMPLB), who have argued in favour of practices such as triple *talaq*. However, Muslim women's organizations notably the Bharatiya Muslim Mahila Andolan (BMMA) have pursued a restricted multicultural approach, arguing that triple talaq in a single sitting violates both Quranic and constitutional justice, seeking the intervention of courts and governments in support of their interpretation of Muslim law and proposals for its reform.

Majoritarian Assimilationist

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[10] For analyses of political discourse in Shah Bano, see Jayal 1999; Parashar 1992; Hasan 1998; Bajpai 2011. On the distinction between strong and weak multiculturalism in the context of state recognition of religious personal laws and the Shah Bano case, see Shachar 1998, Spinner-Halev 2001.

[11] See Eduardo Faleiro, *Lok Sabha Debates* (henceforth *LSD*) 1986, cn. 343, also the speech of Ebrahim Sulaiman Sait, *LSD* 1986 col. 492-3.

[12] Chatterjee notes that the reform of Hindu law in the 1950s created 'a serious anomaly in the notion of equal citizenship', a fact noted not only by the Hindu Right but also by progressive opinion at the time (Chatterjee 1998: 361).

Assimilationist approaches towards religious pluralism have been an influential strand in India[13], acquiring new impetus since the ascendancy to power of the Hindu nationalist BJP at the national level. In the Hindu nationalist narrative, the historical realization of the Indian nation in a political form was held back by Muslim conquest and later, the partition of the country in 1947, for which Muslims are held responsible (Brass 2003: 34). Historically, Hindu nationalist views are seen to have gained ground in the 1990s as a reaction to the expansion of pluralism-promoting policies, notably in the case of exemptions for Muslims (Shah Bano 1986), and the extension of quotas in government jobs to the OBCs (Mandal 1990).

Like religious nationalisms elsewhere, for instance Sinhala Buddhist nationalism in Sri Lanka, Hindu nationalism in India is fuelled by a sense that the majority community is not getting its due share of recognition and resources from the state, reflecting a 'minority complex' of victim-hood (Tambaiah 1986, Blom Hansen 1999), and has sought a greater role for the majority religion in public affairs that is commensurate with Hindu numbers. Protections for minorities in the Indian Constitution and multicultural policies are seen as pandering to minorities ('minority appeasement'), with long-standing demands in BJP manifestos for the abolition special status to the Muslim majority state of Jammu and Kashmir (enacted in August 2019), and a uniform civil code to replace separate Muslims and Christians personal laws. In India, as in Sri Lanka and other postcolonial countries, the assertion of the majority religion in the public sphere serves as a measure of popular revolt against the liberalism of a secular elite that led movements of independence from European rule and sought to restrain the expression of religion in public affairs.

Like Sunni sectarians in Pakistan (see Ali, this volume) Hindu nationalists in India seek to establish the dominance of their variant of Hindu religion and culture in the Indian polity through acculturation of minorities. In common with religious majoritarianisms elsewhere, its rise reflects interest in religion less as a belief system and more in collective demonstrations of fervour and of numerical strength in public arenas, with religion often simplified into a few symbols of aggressive manhood seen to offer protection from external and internal threats, exemplified in the militant masculinist make-over of the God-hero Ram.[14] They have demanded that minorities should show respect for Hindu mythical and historical heroes (such as Ram, Shivaji), normative food habits (for instance, not eating beef - most Indian states prohibit cow-slaughter)[15] as well as attitudes towards religion (for instance, opposition to religious conversion, also enacted into law by most Indian states) and Hindu political-theological slogans (e.g.*Bharat Mata ki Jai*).[16]Hindu nationalists regard Islam and Christianity as foreign religions, unlike Sikhism, Jainism and Buddhism, which are seen as progeny of Hinduism and born on Indian soil. However, most Muslims and Christians are viewed as converts from Hinduism, that is, as former insiders, who therefore ought to be willing to submit

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[13] These appear in the Constitution as well, for instance, in the mention of cow protection in the Directive Principles, and the subsuming of Sikhs, Jains, and Buddhists under Hindu personal law.

[14] The Babri Masjid, regarded by many Hindus to be the birthplace of Lord Ram and as a symbol of Muslim domination, was eventually brought down in 1992, with the Liberhan commission report finally submitted in 2009 indicting the BJP leadership.

[15] The only exceptions are Kerala, West Bengal, and states in Northeast India

[16] Notwithstanding the constitutional right to propagate religion, six Indian states have passed legislation against religious conversion - Odisha, Chattisgarh, Gujarat, Madhya Pradesh, and Himachal Pradesh (so-called Freedom of Religion Acts). Attempts at proselytization by Christian missionaries have been met by deadly violence.

to the pre-eminence of Hindu culture in India. The approach is assimilationist in demanding that religious minorities adopt the culture of the Hindu majority in both their public and private practices (eg beef-eating). Conformity with majority Hindu beliefs and practices is enforced through coercion, in the form of laws as well as acts of intimidation and violence against religious and political minorities, as Basu argues (see this volume).

Whilst Hindu nationalist views have long been influential strand in Indian politics, these have greatly expanded their influence in regions and periods of BJP rule.[17] Laws against cow-slaughter and conversions have been enacted or strengthened by states during the tenure of BJP governments. The period since 2014 when a majority BJP government came to power has seen rising incidents of violence and murders of minorities and dissidents, emboldening a range of Hindu vigilante groups into taking the law into their hands, with the lack of arrests of perpetrators, and of condemnation by government leaders creating a climate of impunity, in a context generally marked by weak protections for basic rights and liberties of the vulnerable. Instead, the government has supported initiatives of cultural domination, for instance, demoting public holidays associated with religious minorities.[18] In everyday life, hate speech and demeaning stereotypes of Muslims (as a security threat, Pakistan loyalists, 'backward') are rife, encouraged by the pronouncements of government leaders, a pliant news media constantly pushing images of Pakistan as India's geopolitical enemy, and the anonymity offered by social media. In India today, as in Pakistan, we witness the 'normalization of violent minoritization, hate and murder' of minorities under 'the hegemonic conditions' of majority (Sunni/Hindu) privilege' (see Ali, this volume).

Integrationist and assimilationalist approaches to religious difference are often conflated. In the Indian case, for instance, many have argued that there is little to separate secular nationalism from Hindu nationalism. Civic nationalisms do tend to have an ethnic core, and it is true, as Sumit Sarkar puts it, that the distinction between secular and Hindu nationalism 'can at best claim a certain precision in logic, far less so in practice', which historically saw 'enormous overlaps in personnel, assumptions, and symbols' (1998: 360, 363).[19] Nevertheless, significant ideological ground remains between the two, with assimilationist approaches seeking to impose the cultural norms of the majority on minorities whereas integrationist policies are consistent with maintaining cultural differences (McGarry, O'Leary, Simeon 2008:42), and committed to countering discrimination on the basis of religion in public life, as exemplified in the recent student protests against a discriminatory citizenship law under the banner of constitutional secularism.

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[17] Official data show a rise in incidents of inter-religious violence. On the lynching of Muslims, the killings of rationalists and journalist critics, see Basu, this volume. There is also an economic dimension to violence and its threat against beef consumption, which results in a loss of income for many poor Muslims who engage in 'leather-related trades', even as meat exports appear to have increased under the BJP (Basu).

[18] Since 2014, Christmas has been observed as good governance day in many government offices, schools and public universities. Official meetings of Supreme Court judges have been held over Easter. Critics have been told that Christmas and Easter remained optional holidays and that the decisions were in accordance with the convenience of the majority, elide the demotion in the status of these holidays from compulsory to optional status, and the slight felt by many Christians.

[19] As Sarkar notes, secular nationalists typically sought to unite people of all religions living on the territory of India, unlike Hindu nationalists who held that only 'Hindus could be true patriots' and encouraged 'hatred or violence' towards other religions (1998: 361- 2).

Concluding Remarks

State approaches to religious diversity have generally been discussed in terms of broad categories such as secularism and multiculturalism, concepts that remain useful for comparative normative analysis, but also elide important distinctions within each category which are relevant for the evaluation of pluralism. This essay has sought to nuance influential characterizations of India as a case either of multicultural accommodation, or of integrationist exclusion, and argued that any singular coding of Indian approaches to religious pluralism needs to be qualified. Some broader implications of my argument are as follows.

The first set of implications pertain to our understanding of political plurality. Contrary to influential post-colonial approaches in the scholarship on Asia and Africa, Indian experience suggests that state policies, including those influenced by nationalist ideologies, are not necessarily homogenizing straight-jackets that entrench boundaries and differences between religious groups. Scholars have noted that the Indian state recognizes multiple ethnic identities and thereby offers space for ethnic reinvention (Chandra 2005).[20] I have argued that if we probe further, from policies to their underlying justifications on the one hand, and to responses in the form of minority demands on the other, the domain of political plurality expands substantially. Policy plurality in India consists not just in the recognition of multiple groups (eg. religious, caste, tribal, linguistic in the Indian Constitution), or only in different grounds for the recognition of different groups (eg religious and caste, see Bajpai 2011), but also in multiple approaches to the recognition of the *same* group. The Indian Constitution itself embodies multiple approaches towards religious minorities. It is integrationist exclusionary with respect to the recognition of religious identity in political institutions, restricted multicultural in the domains of religious freedom and family laws, with the possibility of integrationist inclusionary approaches of affirmative action in education and jobs (if some religious minorities make the list of socially and educationally 'backward' OBCs in some states). Finally, plurality at the level of policy is also mirrored in the demands made for Muslims. The diverse landscape of claims of Muslim MPs and non-governmental organizations in contemporary India previewed here challenges dominant characterizations of the community as religious or Islamic in any singular, homogenous sense, and suggests religious minorities, like the majority, identify with multiple groups .

A second set of implications pertain to the distinction between political plurality and pluralist imaginary elaborated by Sudipta Kaviraj (this volume). I have argued that while India is a leading example of political plurality, state policy has rarely been underpinned by a pluralist political imaginary, with respect for religious diversity within a framework of equal citizenship. Historically, in India, a segmented pluralism has prevailed, where minority groups had autonomy in their practices, but within a hierarchical framework in which the ruling group had greater powers. The growing residential and occupational segregation of Muslims in many Indian cities reflects a continuation of hierarchal pluralism and poses a challenge to pluralist equal citizenship and mutual respect. The majoritarian nationalist approach of the ruling Hindu has sought to reduce political plurality, and is anti-pluralist in its vision. Even the Indian constitution, an exemplary case of political plurality, is not pluralist as sometimes suggested. During constitution-making, a normative deficit remained with regard to the protection of cultural difference and minority practices as I have detailed elsewhere (Bajpai 2011), a result of the convergence of liberal and nationalist concerns. The elaboration of a pluralist vision for

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[20] While India is a key example, political plurality is to be found also in several other post-colonial polities, including Turkey and Indonesia and merits greater exploration in a comparative frame.

India and a multi-religious Indian identity that highlights the value of religious diversity for the nation, is still awaited, a task for which bottom-up movements in support of the Constitution of the kind that India has seen since 2016, seem better suited than top-down policies. Importantly, the student protests against the recent citizenship law and government responses suggest that standard liberal individual rights – freedom from arbitrary arrest and detention, of expression, association, belief, lifestyle –are critical for the protection of religious minorities, and remain unrealised in India today.

In conclusion, to revisit our category of political pluralism, it has been argued that plurality in state policy allows for the pursuit of 'multiple ethnic majorities' (Chandra 2005: 236), prompting ethnic parties to adopt centrist behaviour, thereby enhancing democratic stability in India. However, I have sought to suggest that political pluralism offers no easy answers. As India's recent history suggests, political plurality may not prevent the ascendancy of religious majoritarianism and/or sustain a 'centrist equilibrium' in politics. It does not on its own generate pluralist visions, for which popular mobilizations in support of standard liberal rights of equal citizenship and non-discrimination on religious grounds remain crucial.

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