



Upper hand Violence against dalits and adivasis has seen a rapid increase since May 2014 v. SUDERSHAN

STATES OF MATTER

Minority report

Beyond symbolism, rights to life, liberty and dignity for India's minorities remain transactional



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Among the highlights of ongoing election campaigns in five Indian states has been Congress president Rahul Gandhi's peripatetic quest of religious identity. The party has drawn fire for adopting a pale replica of the BJP's patented Hindutva brand, read as a betrayal of the secular ideals it claimed in an earlier, more optimistic time.

Those who wish the Congress well have argued that this flirtation with confessional politics, involving a de facto admixture with religion, will bring it no good. Congress strategists believe, obviously, that pandering could fetch rewards that far outweigh the risks. The hazard of alienating minority voters is easily contained, since in the states in question they have no option but to cast their lot with the Congress.

This raises questions about the nature of the compact a secular state forges with its minorities. Secularism in India has fewer affectations than *laïcité* in France and its pretence of "colour-blindness" — that equality under a republican constitution makes any differentiation between citizens on grounds of race, religion or ethnicity superfluous. Without being quite so rigid, India's Constituent Assembly seemed likewise to embrace the claim that assurances of equality, non-discrimination and opportunity — under Articles 14, 15 and 16 of the Constitution adopted in 1950 — rendered minority rights unnecessary.

If that logic were to be accepted in all its purity and disdain for social and economic reality, the relevance of Article 17, which abolished untouchability, could be seriously questioned. It could be argued that the assurances of the three preceding articles make this specific guarantee of dignity redundant.

Further confusion followed when minority rights found a way back into the Constituent Assembly after this evasive manoeuvre. Article 29 was the outcome, ensuring specific rights

for citizens of a distinct "language, script or culture", without any mention of the template that "distinctness" was to be assessed against.

The years that have passed have done little to dispel the ambiguity. A 2007 report by the National Commission for Religious and Linguistic Minorities, set up by the government, made the telling observation that the term "minority" occurs at numerous points in the Constitution, but is never defined.

Within that vagueness, India's secularism came to be a rather thinly disguised assertion of upper-caste privilege, much as "colour blindness" in France came to be a façade for white privilege. Upper-caste privilege in India, though, was never so smug, partly because the moral authority of personalities such as BR Ambedkar did not allow that luxury. Group rights gained some recognition where upper castes were willing to recognise responsibility, in some degree, for historic disadvantages inflicted on dalits and adivasis.

Even when disavowed as contrary to republican values, group rights often are evident in their violation. Rights to life and liberty of certain social collectives in India are precarious, often a matter of negotiation. That has quite visibly been the case since the 1980s, in recurrent rounds of communal bloodletting, which the Muslims have been particularly vulnerable to.

Dependent on the paternalism of Jawaharlal Nehru in the early years of independence, the community gradually acquired strategic smarts: trading votes for the assurance of security. That soon became a transactional relationship. The right to life and liberty of the faith stood liable to being withdrawn if the Congress suspected a breach in its mono-

poly over the community's vote.

Meanwhile, the BJP worked social cleavages in a manner that consolidated a plurality on its side, effectively rendering the Muslim vote irrelevant. In the 2014 general election, Muslim representation in the Lok Sabha fell to its lowest level ever.

Patterns of violence have since changed from the large-scale riot to performative cameos that underline the alien character of the Muslim faith in the Indian cultural landscape. An exhaustive compilation by the data-journalism website India Spend recently identified 254 religious identity-based hate crimes in the country between January 1, 2009, and October 29, 2018. This involved the deaths of 91 people and injuries to 579, with 62 per cent of the victims being Muslims and 14 per cent, Christian. Over 90 per cent of these attacks were reported after May 2014.

Along another of the fault lines in Indian society, violence against dalits and adivasis — where data is gathered under the official mandate granted by the Protection of Civil Rights Act, 1955 and the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1981 — has seen a rapid increase through the Modi years.

Group rights, where they exist in India, ensure political representation and access to public employment. The more substantive rights to life and liberty remain rather indifferently protected. Upcoming electoral contests represent an opportunity to heal the social divides that enable these abuses. It may well be the last before India is transformed in all but name into a republic of upper-caste privilege.

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