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Discourse on Minority Rights, Identity, and Exclusion: An Indian Perspective

ABSTRACT: This paper – using the qualitative approach and literature review – thoroughly debate the rights of Muslim minority in Indian context. It was investigated from critical point of view that whether Muslim minorities are really enjoying their rights under the umbrella of Indian democracy and secularism. The problem of exclusion created through different ways and the special role played by multiple factors were taken into cognizance. Kashmir case has been provided as special reference, where it has been seen how power was abused against the people of Kashmir. The case of socio-economic, political marginalization of Muslims in India was also highlighted. The dimensions of security, development, and education in Indian context have been elucidated seriously in this study. Debate on security dimension with inclusion of other welfare agendas and projects for dealing the issue of minority development has been seriously taken into consideration. Any democratic governance can survive once the welfare of all the citizens will be ensured equally. Extremism can be overcome by the methods of tolerance and accommodation. The extremism can also be defeated once multiculturalism methods will be used. Undoubtedly, extremism has been always a major threat against India's glorious legacies. India can get more international recognition once the forces of extremism would be defeated by the secular forces of India on Indian soil. Perhaps, security and overall development of minorities could be ensured through the constitutional means vis-a-vis in real practice.

KEY WORD: Minority Rights; Identity; People of Kashmir; Indian Perspective.

RESUME: "Wacana tentang Hak-hak Minoritas, Identitas, dan Pengecualian: Suatu Perspektif India". Makalah ini – dengan menggunakan pendekatan kualitatif dan tinjauan pustaka – membahas secara tuntas hak-hak minoritas Muslim dalam konteks India. Dikaji dari sudut pandang kritis apakah minoritas Muslim benar-benar menikmati hak-hak mereka di bawah payung demokrasi dan sekularisme India. Masalah eksklusi diciptakan melalui cara yang berbeda dan peran khusus yang dimainkan oleh banyak faktor dimasukkan ke dalam kesadaran. Kasus Kashmir telah disediakan sebagai referensi khusus, dimana telah terlihat bagaimana kekuasaan disalahgunakan terhadap rakyat Kashmir. Kasus marginalisasi sosial-ekonomi, politik kaum Muslim di India juga disoroti. Dimensi keamanan, pembangunan, dan pendidikan dalam konteks India telah dijelaskan secara serius dalam penelitian ini. Perdebatan tentang dimensi keamanan dengan memasukkan agenda kesejahteraan lainnya dan proyek untuk menangani masalah pembangunan minoritas telah dipertimbangkan secara serius. Setiap pemerintahan yang demokratis dapat bertahan hidup setelah kesejahteraan semua warga negara dipastikan sederhana. Ekstremisme dapat diatasi dengan metode toleransi dan akomodasi. Ekstremisme pun dapat dikalahkan begitu metode multikulturalisme segera dilaksanakan. Tidak diragukan lagi, ekstremisme selalu menjadi ancaman utama terhadap warisan mulia India. India dapat memperoleh lebih banyak pengakuan dunia internasional begitu kekuatan-kekuatan ekstremisme akan dikalahkan oleh kekuatan-kekuatan sekuler di negeri India. Mungkin, keamanan dan pengembangan minoritas secara keseluruhan dapat dipastikan melalui cara konstitusional berhadapan dengan praktek nyata.

KATA KUNCI: Hak Minoritas; Identitas; Rakyat Kashmir; Perspektif India.

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INTRODUCTION

In the age of modernisation and secularisation of world politic, there has been a lot of discourse and debate on the human rights issues, more importantly the issues related to minorities have gotten more impetus in the modern arena. When it has been found that in most of developing and under developing countries, the conditions of the minorities are very pathetic and vulnerable, then, automatically international community put greater attention towards protection of minorities across the globe. It's quite clear that marginalisation and deprivation of minorities escalates the ethnic conflict (cf Uvin, 2004; Ilorah, 2009; UNHR, 2012; The SAC, 2016; and Hellyer ed., 2018).

Therefore, UN (United Nations) and other international organizations, human rights organizations, and NGOs (Non-Governmental Organizations) or INGOs (International Non-Governmental Organizations) vehemently and bitterly criticized on the issues of massive violations and denial of the rights of the minorities. Even, in December 1992, Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities was passed by UN, under the above provision, Article (i), it has been clearly said as following here:

State's shall protect the existence and the national or ethnic, cultural, religious, and linguistic identity of minorities within their respective territories.¹

It's also very important to mention here that what we understand by minority? The UNHRC (United Nations Human Rights Committee), the body that monitors implementation of the ICCPR (International Convention on Civil and Political Rights), a useful definition has been offered by them about "minority", as follows:

A minority is population group with ethnic, religious, and linguistic characteristics differing from rest of the population, which is non-dominant,

numerically smaller than the rest of the population, and has the wish to hold on to its separate identity.²

Thus, it has been defined and explained by the UNHRC (United Nations Human Rights Committee), who is the minority? And all states in the world over have been made aware that they have to respect these minorities in their respective states. But it's ironical that we are just watching the morass and plight of the minorities across the globe, particularly in developing and under developing world. We have seen its minorities who are subaltern, disadvantaged, and suppressed entities (Thakur & Wiggen eds., 2004; UNHR, 2012; and The SAC, 2016).

Nobody cares about these minorities, they became voiceless and unanswered identities. Their religious, socio-economic, cultural, and linguistic rights are being curtailed, either by the majority community or by the state directly. We have also watching in some of the developing countries state is sponsoring directly or indirectly communal riots. Politics is polarised and fragmented in developing countries. Every political party use religion, caste, colour, community, and family interests above national interests (Thakur & Wiggen eds., 2004; Hanoosh, 2008; and MRGI, 2013).

This article – using the qualitative approach and literature review (Silverman, 2006; Aitken & Herman, 2009; and Creswell, 2009) – tries to examine the Discourse on Minority Rights, Identity, and Exclusion Based on an Indian Perspective. It will be elaborated and analyzed some issues, namely: (1) *Violation of Minority Rights*; (2) *Understanding Ethnicity and Dynamics of Ethnic Conflicts*; (3) *Problems of Minority in Jammu and Kashmir*; and (4) *Reflections on the Minority Rights, Identity, and Exclusion in India*.

²See also, for example, "International Covenant on Civil and Political Rights Adopted and Opened for Signature, Ratification, and Accession by General Assembly Resolution, 2200A (XXI) of 16 December 1966, Entry into Force on 23 March 1976". Available online at: <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> [accessed in Jammu and Kashmir, India: October 2, 2018].

¹As cited in "United Nations General Assembly: A/RES/47/135, on 18 December 1992". Available online at: <http://www.un.org/documents/ga/res/47/a47r135.htm> [accessed in Jammu and Kashmir, India: October 2, 2018].

FINDINGS AND DISCUSSION

Violation of Minority Rights. The pluralistic societies need to demystify the mysterious structure of violence and injustice from their soil. And try to establish equality in all walks of life with all citizenry and special attention and treatment is required for the submerged and disadvantaged segments of the society. Power politics has to change the colonial mindset towards minorities and try to give them equal privileges and advantages, so that they could also be benefitted by the resources and shares of the country. They need to be involved in the mainstream politics; thereby, they could work for their marginalised areas (Hanoosh, 2008; Pager & Shepherd, 2008; and Seth ed., 2013).

Social exclusion is a colonial and imperial concept every multi-cultural and pluralistic society need to change that colonial mindset. Social inclusion, social justice, and egalitarianism are the corner stones of any successful democratic systems in the world (Harihar, 2003; Seth ed., 2013; and Wani, 2013).

If we assess and explore the situations and prevailing conditions of minorities in India, we can find plethora and plenty examples of denial to minorities rights, especially violations of the fundamental rights of Muslim minorities in India. Here, we want to cite an example of Kashmiri Muslim identity, their rights have been violated from last so many decades; they are living under threat, fear, trauma, and security dilemma (cf Mohiuddin, 1997; Amin & Khan, 2009; and Jaffrey & Slater, 2017).

The Central Government of India and State Government both have violated, suppressed, and tortured this tiny nation the land, which was called "paradise" once upon a time, but now it became "hell", due to security presence, misuse of security with innocent people of Jammu and Kashmir. Interrogations, draconian, and inhuman laws in Jammu and Kashmir curtailed the democratic rights of the people of Jammu and Kashmir. In State of Jammu and Kashmir, it has thousands of the untold stories of massive violations of human

rights, which the people of Kashmir can hardly forget (Goodhart *et al.*, 1995; Chenoy, 2001; and Haq, 2017 and 2018).

Therefore, Indian government has to change its tough policies and try to understand the common aspirations of the people of Jammu and Kashmir. Let us share untold stories about Kashmir, as following here:

There are tears in every parents' eyes who lost their beloved sons and daughters, who were only source to look after them, but Indian security forces misused their powers in a very extensive way and killed thousands of youth, children, old men, those who don't have any guilt to be killed.

How the people of the Jammu and Kashmir can forget the gang rapes of their beloved and innocent daughters? How son can forget the death of his beloved father and beloved mother, who were killed mercilessly in front of his own eyes? (cited in Wani, Suwirta & Fayeye, 2013).

There are other stories of grass violations of human rights on the soil of Kashmir committed by the Indian security forces. To be very honest in India Muslim minorities are not safe, they are often being attacked either by the some of the extremist groups or by security forces or by Indian police. It looks that the Pundit Jawaharlal Nehru dictum has failed, he said: "*India is the best example of unity in diversity*" (cited in Das, 2001); but, we think, this principle has really been damaged and India's secularism has taken communal colour in most of the situations.

The Human Rights violation and genocide committed by some of the extremist groups in State of Gujarat in India, in 2000-2001, it was so terrifying and brutal genocide that world community would never forget this carnage, where thousands of innocent Muslim were killed and brutally murdered by some of the extremist groups and fascist forces (IDMC, 2007; Thobani, 2014; and Kalhan *et al.*, 2015).

In Kashmir where Muslim women were raped and harassed by many times by the Indian security personnel. Muslim houses were burnt and look at the Indian judicial system no justice was given to the Muslim community. These Muslims as per media reports and some of the research reports done in these areas, it was seen

that Muslims are regarded as second class citizens in the State of Gujarat. It can be said wherever communal riots are taking place in India Muslims have to suffer, because police and army also used to support majority community against Muslim community, it is proved by the research data on communalism written by the great scholars (Bakaya & Bhatti, 2005; Hussain, 2009; and AW & PHR, 2017).

And when Muslims used to go police stations to file FIR (First Information Report), they are being told in several cases that we cannot file this case, we need to have strong evidences only, then, we can file the case. Actually the police do not want to listen anything from the Muslim community how they will do justice? Let's we see the statement as following here:

Fascist and communal forces in India are much more dangerous than the threat of terrorism. A country can prevent and control terrorism, but it cannot easily control the vicious communalism and fascist forces, because communalism in India has gotten very strong roots backed by political elites and extremist forces (Wani, 2013).

Therefore, India needs to have very strong policies and programmes for the purpose to control communal mayhem and fascist mess. India needs to look at the root causes and main sources of the ethnic and communal conflicts only; then, this major hindrance could be minimised or controlled. Here, we can use the L.A. Coser (1967); Ted R. Gurr (1970 and 1993); and E. Azar & J.W. Burton (1986)'s concepts of conflict resolution mechanism for transforming and changing the nature of the conflict in the many situations in the context of India (cf Coser, 1967; Gurr, 1970 and 1993; and Azar & Burton, 1986).

Recently, it has been said that the conditions of Muslims in India are very vulnerable. They are socially, politically, economically, and educationally backward people on Indian soil. It has been proved by SCR (Schar Committee Report) in 2006, that was the main reason that Indian appointed a separate Ministry, which is called Ministry of Minority Affairs. This Commission is recently

trying to do something for changing the worst conditions of minorities, providing scholarships to minority communities (SCR, 2006). India has the dream to remove poverty and bad conditions of the poor people. This Ministry was appointed in 2006, to look into the matters related to minorities in India. But, still this Minority Commission in India is not so successful as it should be (SCR, 2006; Mehta *et al.*, 2011; and Kirmani, 2016).

Minority Commission needs to look seriously the issues of backward sections of Indian society and let them also provides the opportunities and special packages, so that they can also enjoy the basic rights which are needed for dignified life. But, there is still lot to achieve so far as the rights of minorities are concerned in Indian context. The blatant and repeated minority rights violation is big slap on so called "Indian secularism and democracy". If India wants to preserve her image at international fore, then, India must has to recognise and safeguard the rights of minorities without any biases. India is growing very fast and speed and it has been counted major emerging economies, we think India has to stop the human rights violations on her soil with minorities; it could be also one factor which may bolster India's image internationally (Mehta *et al.*, 2011; Wani & Khazir, 2012; and Kirmani, 2016).

Modern state is regarded a kind of welfare state, but modern state in most of the countries has bulldozed and sabotaged the rights of minorities. Now, there is term state sponsored terrorism; it means that state is also supporting and assisting terror and genocide on the basis of bayonet and made a gimmick that it is being done for the restoration of peace and safeguarding national interest. India as a major democracy has to respect the ethos, cultures, basic rights, and educational rights of the minorities, in particular Muslim minorities (Bajpai, 2002; MRGI, 2013; and Kirmani, 2016).

We can easily reject the way modern state works. Look at Israel, which was formed illegally created in 1948. Israelian

state has bulldozed the innocent people of Palestine from last many decades and still it is doing worst of it. Israel has violated many rules of international law and international community, but still UN (United Nations) and International Community have not taken any strong step to prevent Israelian government not to commit war crimes in Palestine (cf Jensen, Foote & Neighbor, 2009; Wani & Suwirta, 2014; and Ibish, 2018).

But, it would be better to mention that International Community and other International Organizations works according their self-centered interests. What Israel is doing if suppose it's very little has been done by any Muslim country, then, we can say with full surety that Muslim country would have been attacked by America and other hefty powers, who are the part of UN which works only for particular interests driven by hefty powers or Western powers (Said, 1998; Jensen, Foote & Neighbor, 2009; and Wani & Suwirta, 2014).

Moreover, we can see throughout the world an ideological war is going on. Which is actually anti-Muslim and anti-Islam ideology supported by hefty and major powers. It's this ideological and cultural war, which prevent major powers to take any step against Israel, because Israel is also part of that ideology. Therefore, it would not be fair to mention that the entire international system is biased system, because it works only for those who are part of the American and European ideology. Others cannot be helped, because they are culturally and ideologically different (Said, 1998; Jensen, Foote & Neighbor, 2009; and Cadman, 2014).

It's very pertinent to mention here that democratic state cannot become successful until the rights of all minorities will be protected, and until the identity and dignity of every individual will be respected. Why America and England are more successful in governance? It's only because there is respect and reward for every individual. They give equal importance to every individual without any distinction of caste, colour, religion, creed, and family in their respective countries, etc. However, when

American and its allies deal with citizens around the globe, it's so terrible story (Phillips, 2004; Gottschalk & Greenberg, 2007; and UNHR, 2012).

Understanding Ethnicity and Dynamics of Ethnic Conflicts. Ethnic conflict occurs when a particular set of factors and conditions converge: a major structural crisis; presence of historical memories of inter-ethnic grievances; institutional factors that promote ethnic intolerance; manipulation of historical memories by political entrepreneurs to evoke emotions such as fear, resentment, and hate toward the "other"; and an inter-ethnic competition over resources and rights (Cunningham, 2013; Blagojevic, 2014; and Wani, 2016).

Ethnicity and ethnic conflicts dominate contemporary discourses on the politics of multi-ethnic countries. However, these concepts mean different things to different people; therefore, competing and contradictory approaches typify their study. Ethnicity is a recent analytical construction; some of its elements like culture, language, and kinship are old concepts, however. Ethnicity may mean "the essence of an ethnic group" or "the quality of belonging to an ethnic community or group". Therefore, in defining an ethnic group, scholars emphasise those factors that differentiate a given group from others and strengthen its internal cohesion (Mitchel, 2003; Cunningham, 2013; and Adlparvar & Tadros, 2016).

In this context, A.D. Smith (1995), for instance, defined an ethnic community as following here:

A named human population with myths of common ancestry, shared historical memories, one or more elements of a common culture, a link with a homeland and a sense of solidarity among at least some of its members (Smith, 1995:149).

Conflict resolution can be very successful, when parties would be ready for dialogue process in order to understand the main incompatibilities and try to resolve them in a democratic way. Use of force has always resulted bad repercussions and ramifications in any conflict around the globe. Having said that conflicting parties

must try to resolve their conflicting issues at early stage otherwise conflict can become prolonged conflict, where it would be very tough to go for dialogue process, because of the fear psychosis and security dilemma (Aureli & de Waal eds., 2000; Lorenzen, 2006; and Bercovitch & Jackson, 2009).

Understanding conflict resolution process parties and policy makers must try to understand the causes and sources of the conflict, and try to bargain and try to reach on CBM (Consensus Building Measures). The discourse on conflict resolution and conflict management also tell us that there is dearth need at the first moment to recognise the root causes of the conflict and be ready for changing the nature of the conflict at early stage. It means conflicting parties need to civilize the conflicts by changing the structure, nature, and relations between themselves in order to reach any peaceful agreement (Lorenzen, 2006; Bercovitch & Jackson, 2009; and Buchanan & Cooper eds., 2011).

Above all very important factor for reconciliation would be the third party mediation, and third party mediation is actually a facilitated negotiation to prepare both conflicting parties on desk and trying to motivate them to come on the agreement and reconcile their differences. For the purpose of reaching on any agreement, both conflicting parties have to agree on third party mediation, otherwise conflict cannot be managed or transformed (Bercovitch & Jackson, 2009; Poitras, 2010; and Buchanan & Cooper eds., 2011).

Conflict resolution process is actually to end the violence and use of military force, and let the parties reach on consensus or agreement to end rivalries and start new process for their cordial relations through the confidence building measures. Here, we have to understand John Galtung (1969)'s theory on Transcendence, Compromise, or Withdrawal could be used for the win-win, win-lose situations in conflict situations (*cf* Galtung, 1969; Buchanan & Cooper eds., 2011; and Mischnick, 2017).

John Galtung (1969), a great scholar in the field of structural violence, believes that

conflict is triangles: A stands for attitude, B stands for behavior, and C stands for contradiction or conflict (Galtung, 1969). But, mostly in making any paradigm shift in the ethnic conflicts, L.A. Coser (1967); Ted R. Gurr (1970 and 1993); E. Azar & J.W. Burton (1986); and Alam Saleh (2013) relative deprivation theory, autonomy, and understanding the basic needs of the minorities, which caused frustrations; and that frustrations leads to conflict according to these scholars. Therefore, giving equal space to suppressed minorities and doing social, political, and economic justice with them can be the only solution to the ethnic rivalries (*cf* Galtung, 1969; Coser, 1967; Gurr, 1970 and 1993; Azar & Burton, 1986; and Saleh, 2013).

No conflict in the world arises in vacuum; it has certain root causes, most of the causes are human rights violations, marginalisation of someone from his/her due it may be social, economic, political, and educational in nature. So, marginalisation creates a sense of hatred and that hatred converts it into alienation; and when people feel alienated, they show their backlash and anger in abnormal way which gives the birth to conflict within the states, and that abnormal behaviour of suppressed and marginalized peoples is called terrorism by the modern states, which is totally wrong to call these suppressed people terrorists. Whereas these people are not terrorists, but they have certain grievances which every state need to recognize (Dudouet & Schmelzle eds., 2010; Brock, 2012; and Saleh, 2013).

India is more prone to ethnic conflict, where majority community has more influence and control over the minorities. Allocation of values is more concerned with majority community, and minority community is in plight and they are not actually getting their due in so called "democratic and secular India" as they are supposed to get. But, recently, India tried to pay the attention towards minority rights and trying to uplift them, but still there is a lot to be done in Indian context as far as the protection, safety, and development

of minorities are concerned (Neyazi, 2007; Benedikter ed., 2009; and Buchanan & Cooper eds., 2011).

In summation, it can be said that ethnic conflict could be managed and resolved amicably once every state will give equal rights to her minorities, especially right to life; education, socio-economic, and civic rights; political and cultural rights; and above all right to religion. Minorities must feel secure. They must receive some special treatment from the side of state, so that their voice could also be heard. The protection of minority rights will produce better results. At the very outset, it will encourage minority community to think freely, to walk freely, and to develop themselves freely without any constraints of majority community. Minorities must also respect to majority community, it's also important in conflict resolution and conflict management process, and also majority community must respect the identity and dignity of minority community.

Nevertheless, the role of state becomes more important in protecting the rights of the minorities. It's the state which can make laws, policies, and programs for the betterment of minorities. The process of allocation of values, and shaping and sharing of all powers, is the state's main duty, when it will be really implemented with fair play and with real execution without any biases only, then, ethnic incompatibilities could be managed and transformed very easily (Branson, 1998; Maher & Andersson, 1999; and Phillips, 2004).

Research has proved this reality that in most of the cases minorities remained backward and marginalised in socio-economic, educational, and political field. The minorities don't have enough resources to take care of their children's and to pay their school fee. State must provide scholarships to minorities, so that their children will be educated. State must provide some special packages to the downtrodden, subaltern, and submerged people; thereby, their advancement would become reality and possible. The ethnic conflict and any other communal

riots could be remedied once it will be ensured by the state that interest of every individual from minority will be taken into consideration and justice will be done with them. Otherwise, ethnic conflict would still remain there without any solution (Pager & Shepherd, 2008; UNHR, 2012; and McClary-Jeffryes, 2016).

Its better that every state must learn from the past mistakes and tragedies, and start new future with new agendas and policies for the minorities. History tells us that no conflict is unavoidable if state would really be ready for peace and use proper strategies of conflict resolution and dialogue. Autonomy, special treatment, and protection of minorities' rights would definitely give birth to consensus oriented and homogenous environment inside India. Without protection and safeguarding the minorities' rights, ethnic conflict could not be overcome (Matthews, 2004; Tang, 2009; and UNHR, 2012).

Therefore, conflict resolution mechanism can be used in the context of India, if India will provide equal rights and same opportunities to all minorities. When it will be ensured that powers and positions will be distributed equally among all the segments and identities, and political justice will be done with all minorities with special treatment in all walks of life, then, India can overcome ethnic conflict, otherwise this would remain predicament and anathema in the pages of history (Lorenzen, 2006; Pager & Shepherd, 2008; and Wani & Khazir, 2012).

The recent research done by the HRW (Human Rights Watch), other international organisations, civil society, academicians, and think tanks have proved it through scholarly data that minorities have been consistently suffering in India. The condition of minorities in India is vulnerable; they are being tortured in every respect and in every field of life. There are myriad and plethora of literature full of the untold stories of massive violations of human rights in India, especially with Muslim minority community. The human rights violation of Muslims in Kashmir can never be forgotten once; we are talking

about the plight and terrible conditions of the marginalised segments in Indian society (Singh, 2011; Shah, 2012; and Khan, 2017).

Here are some important questions, which can be raised: (1) *Why India is more prone to ethnic conflict and human rights violations?*; (2) *How do we recognize the rights of Muslim minorities?*; (3) *Can good governance, federalism, and autonomy be the real panacea of minority's rights?*; (4) *Do we believe that today's democracy is elite democracy?*; (5) *Is political culture polarized in India?*; (6) *Can multiculturalism be the solution to ethnic diversity in India?*; and (7) *What is the role of the civil society in highlighting the genuine voices and grievances of minority communities, especially the Muslim community?*

These above questions tell us that India is highly affected by the conflicts, civil wars, ethnic conflicts, violations of minority rights, elite democracy and polarised political party system, and other flaws and drawbacks. Here, as the researchers, we will be more attached with the problem of minorities in countries like India with especial reference to the Jammu and Kashmir.

Problems of Minority in Jammu and Kashmir. It can be argued here that India is in transition; it needs a suitable time to come out from this mess of conflict, strife, civil wars, and terrorism since the USA (United States of America) needed centuries to build great the American. The developed world has already achieved that level of development and modernisation, but their peripheries are still under the colonial norms and practices. There is needed of educational enlightenment and democratic change, so that India could also reach at threshold and zenith of development, prosperity, peace, and harmony (Ankit, 2016; Yusuf, 2018; and Wani, 2013).

Undoubtedly, political system in India is polarized; and electoral system and politics are being run and controlled on the basis of the religion, caste, colour, creed, family, and community issues and interests. There is hardly any national agenda on the basis of which the political parties may contest elections and win or lose. Even, some political parties are giving communal colour

to politics, which create and give birth to communal riots among different religious communities in the country (*cf* Grofman, Bowler & Blais, 2009; Lama-Rewal, 2009; and Wani, 2013).

After going through the research questions, we would like to argue that our research agenda for the resolution of ethnic conflict would be multiculturalism, federalism, autonomy, shaping and sharing of powers equally among all identities, protection of the fundamental rights of Muslim minorities, and autonomy and special treatment and security could be some of major remedial measures to transform ethnic animosities.

Ethnic conflict and minority issues are very important and hot issues in the present international political context on which a scholarly research can be done. Minorities' issues are being emphasised in a vibrant and robust way. The UN (United Nations) and other international organisation are now having holistic approach towards issues of minorities across the globe. The UN, civil society, think tanks, and media, they got it now that violations of minority rights give birth to so many civil, ethnic, and communal conflicts inside the boundaries of the nations of so many countries (Kymlicka, 2008; MRGI, 2013; and Wani & Suwirta, 2014).

Therefore, everybody is looking and searching the remedial measures to the ethnic conflict. There is lot of research which had been done on the issues of minorities since this issue was also highlighted by the UN in 1992.³ From that time till now, a lot research work has been done and much more is still going on minority issues. So, to say this thing without any exaggeration that minority issue and ethnic conflicts are the main agendas in the Indian politics (*cf* Henrard, 2007; UNHR, 2012; and Wani & Suwirta, 2014).

Identity and recognition of minorities are the very serious issues in developing countries; and India is not different case.

³See also, for comparison, <http://www.un.org/documents/ga/res/47/a47r135.htm> [accessed in Jammu and Kashmir, India: October 2, 2018].

This study could provide a framework for the policy makers in India that they need to relook, reshape, and reorient their policies and programs, so that communal harmony and rights of the deprived people can be protected.

The ethnic conflict and other incompatibilities, which took shape because of marginalization of the rights of minorities, could be managed and transformed through the autonomy agenda and giving equal space to Muslim minorities in the all walks of life in India. Here, ethnic rivalries and security dilemma could be made peaceful; once the rights of Muslim minorities in India will be given to them (Bhatt & Bhargav, 2005; Benedikter, ed., 2009; and Jairath ed., 2011).

Thus, minority rights are very important issue, which the government needs to understand and end the communal mayhem, where in most of the cases Muslims are being targeted by some of the extremist groups; and no justice is being done with Muslims. And the irony is that police, army, judicial, and political system stands on the side of majority community; once the communal riots are taking place in India (Gupta, 2007; Jairath ed., 2011; and Chadda, 2017).

In the context of Kashmir, we would like to mention that autonomy, special packages, safety and security measures, employment to youth, removal of draconian and inhuman laws from the Kashmir, removal of armed forces from civilian areas, and moderation in dialogue and extremism needs to end if the conflicting parties really wants to sort-out the Kashmir imbroglio and wanted to reach on an agreement then above mentioned points needs to be taken into consideration. Some scholars would also suggest *Azadi* (Freedom) as an option to resolve the longstanding Kashmir issue, such as Arundhati Roy (Farasat, 2013; Ghosh, 2018; and Haq, 2018).

It would not be wrong to argue that identity, culture, and religion play very crucial role in the politics of India. No third world country or developing country will be categorised as unified in terms of

cultural diversity. Culture and religion is the legacy and symbol of the almost all the developing world. Suppose if we want to understand India, we cannot understand it by the single culture, religion, and identity, not at all, why? Because India is a multi-cultural, multivarious religious, and multi-linguals country; therefore, if somebody wants to understand India, he/she has to understand every sect, community, and religion in India. Only then, he/she can really understand what India is all about (Gupta, 2007; Bajpai, 2011; and Hasan, 2018).

Maintaining multi-culturalism and homogenous environment is very important for safeguarding the rights of minority rights. Thus, the government of India has to maintain multi-cultural policies and programs in order to build a nation for the sake of all. In 21st century, the identity and culture became so important in the developing countries, which hardly can be ignored or denied. Every identity wants to protect, preserve, and safeguard its identity. For instance, Muslims, they have their own legacy and strong history and Islamic culture. So, any other group will try to blaspheme any tenant or any gospel of Islam, they would not tolerate it, because Islam is the religion of Muslims, they have their own distinct culture and value system which hardly can be challenged if it will be challenged by any way, it will give birth to conflict or communal riots, similarly Muslims have to respect also other cultures. Since religion and culture is one's recognition and one's identity, we must respect the culture and value system of all communities (Bajpai, 2011; Veer, 2011; and Hasan, 2018).

Every minority must respect other minority group; and majority community should respect all minorities since they are more powerful. But, it's also duty of minority to respect the majority community; thus, this reciprocity will maintain harmonious environment between minority communities. Here, maintaining religious harmony religious leaders, academicians, NGOs (Non-Governmental Organizations) or INGOs (International Non-Governmental

Organizations), political leaders, and above all civil society could play a commendable role in the process of sensitization about minority issues and development, and can maintain religious harmony in India. Especially the Government of India and the State Governments need to be sincere enough once they are dealing with communal politics, ethnic conflict, or minority issues (Bajpai, 2011; Christensen, 2006; and Hasan, 2018).

The role of the state becomes very crucial, once the country is more diversified in terms of culture, religion, caste, community, and creed. States have to maintain pluralistic culture and traditions, so that no religious community will be suppressed. State has to maintain also social, economic, and political justice with all segments of the society. Every state must adopt accommodative approach, once dealing with minorities (Bajpai, 2011; Khalid, 2017; and Hasan, 2018).

Even, when we put some glances on the economic and educational backwardness of the Muslims in India, it is really horrifying and a big tragedy. The government of India must provide scholarships to those Muslim students, who belong to downtrodden families. Government must provide schools those areas, where there are no schools, especially in the areas of Muslims in India. Free uniform, books, and midday meal must be provided to all minorities, including Muslim minorities in India. And security must be provided to every individual who belong to the Muslim minority, especially in the situations where Muslim are living under the majority community dominated areas or Muslims living in the military dominated areas, such as Kashmir. Security and safety are the main issues, which we need to talk about so far as minorities protection in India is concerned (Wani & Khazir, 2012; Khalid, 2017; and Hasan, 2018).

Educational development will motivate Indian Muslims; and this will give them chance to go for jobs anywhere in India. There must be also job security for the Muslim students, who after education

should not be jobless rather they must be doing job in government sector or private sector in any part of India. They must have equal educational rights and equal political participation. Not only this, but state must be the watchdog state and welfare state for the betterment of all minority communities. There should be special treatment for downtrodden and marginalised groups in the country (Bajpai, 2011; Jairath ed., 2011; and Williams, 2012).

Recently, in many cases, what we have seen based on the news reports that Kashmiri students, who are studying other parts of India, do not feel safe and secure. Many students face threat and insecurity during their studying outside Kashmir, not only threat rather some of them have been attacked systematically. This situation must be taken in control by the Indian Government and as well as by the State Governments, so that security of every Kashmiri student must be ensured. This kind of tragedies are open proofs that what is going on actually with the Kashmiri outside Kashmir (Singh, 2011; Wani, Suwirta & Fayeye, 2013; and Haq, 2017).

State have to maintain and try to safeguard the principles of unity in diversity, and it can be done by the state, once the state will give autonomy and special protection to all minorities, this is the only way to end the wrangle of ethnic conflict. Hefty powers, like India, must give equal opportunities to every community so that communalism, ethnic animosities, and rivalries can be easily transformed. Respect to the dignity of every individual in democracy becomes the states first and foremost duty. Especially, protecting people who belong to minority communities must get special rights, and their rights need to be safeguarded only then countries can manage ethnic incompatibilities (Noorani, 2002; Bajpai, 2011; and Williams, 2012).

All identities must feel dignified and safeguarded so far as their overall development is concerned. Police and Army must be reformed once they are working in the areas of minorities, they should not rape any girl, they should not use powers in

excess, power must be checked through the means of Police Reform Laws. Draconian and inhuman laws in disturbed areas need to be revoked and removed, because these Draconian laws violate the fundamental rights of the people of Jammu and Kashmir, and other disturbed areas in India (Wani & Suwirta, 2013; Basu, 2018; and Haq, 2018).

It must be ensured that law is only powerful entity in the country, whosoever violates rule of law and any constitutional law must be given stringent punishment. No democracy can be successful, once the martial and inhuman laws are prevalent inside the country. Every state has to maintain rule of law and justice. Political systems need to be accountable and responsive to all communities living within the domain of state (Sharma, 2016; Wani, 2016; and Basu, 2018).

It can be said that the resolution and management of ethnic conflict could be found under the umbrella of good governance, federalism, protection of the minority rights, and equal sharing of powers to all entities and by security agendas. The benefit of allocation of values must reach to everyone; this could be the real panacea to the ethnic conflict and communalism.

Reflections on the Minority Rights, Identity, and Exclusion in India.

Ethnic conflict always arises, due to marginalisation and suppression of minority rights. Research available on the ethnic conflicts proves this obvious reality that whenever any minority community was sabotaged and suppressed by any means be it the suppression in the field of social set up, economic disparity, political exclusion, and blasphemy or showing inferiority to any sect or community, violations of the basic rights of the minority, such as right to education, right to speech, right to religion, and violation of other economic and civic rights; and more importantly the cycle of violence and absence of security have resulted very bad repercussion and ramifications in developing world, particularly in India (Noorani, 2002; MRGI, 2013; and Kirmani, 2016).

Research on minorities also tell us that state is always taking side of majority community in the process of terrorizing minority communities. India could be the best example where Police, Army, CRPF (Central Reserve Police Force) and BSF (Border Security Force), Courts, and other State machinery assist majority community; this has been seen in 2001, in Gujarat riots (Bunsha, 2005; IDMC, 2007; and Oommen, 2008).

In the context of Jammu and Kashmir, the people of Kashmir suffered a lot due to cycle of violence and longstanding conflict in Kashmir. Both India and Pakistan are responsible creating equal mayhem in Jammu and Kashmir. However, India is more responsible, because it had failed in securing the interests of the people of Jammu and Kashmir. Force was the wrong method which was used always against the people of Kashmir by the Indian government, which has never been a good option in transforming prolonged Kashmir conflict. The special rights of the people of Kashmir have been amended and changed time to time through the process of centralization and over centralization by the Central Government and the State Government of India (Noorani, 2002; Wani & Suwirta, 2013; and Haq, 2018).

Extremism is the major problem which India is facing from the very beginning, especially after independence in 1947, this menace begun in India. It's more dangerous than the terrorism, because it divides the whole country into different compartments which makes India weak in many ways. Realistically, speaking out that extremism has really affected on unity and integrity of India. We mean this type of ideology is very cheap in a country, which is the largest democracy outside the frontiers of the West. These extremist types of organizations must be banned by the Indian government (Singh, 2011; Wani & Khazir, 2012; and Ankit, 2016).

The Gujarat carnage and genocide committed by the extremist groups, in 2000-2001, over the Muslims of Gujarat will be always counted as dark chapter in the history of modern India. Gujarat is

not only one example but there are several other examples in India, where Muslim identity always remained in danger. There are some of the areas in India, where Muslims are living under fear psychosis and security dilemma; they don't have any safety and security on the time when extremist organizations will attack over them. Indian State has to look these issues with objectivity and seriously, so that some good results will be the outcome (IJ, 2003; Nussbaum, 2003; and IDMC, 2007).

Kashmir can be cited another major example, where people have passed through turmoil, carnage, genocide, massive violations of human rights, and cycle of violence thousands of times. Where no real freedom is being enjoyed by the people of Jammu and Kashmir, where every time a big game and drama has been played by the Indian Security and Police Forces with the blood of Kashmiri Muslims (Noorani, 2002; Wani & Suwirta, 2013; and Haq, 2018). The major question to India is: "How can you take away the rights of Kashmiri Muslims in their own land?"

The blatant violation of Muslim minority community has not seriously taken by the Indian government; dynamics of the conflict is taking new colors due to sabotaging of Muslims of Kashmir by the Indian security forces and army. And armed forces get impunity from any punishment, because they enjoy special powers under Armed Forces Special Powers Act (*cf* Kazi, 2007; Wani & Suwirta, 2013; Chadda, 2017; and Haq, 2017 and 2018).

CONCLUSION ⁴

There is also notion in the developing countries, that is the demarcation of

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citizenship based on the new terminology coined by the extremist and fascist groups that is "son of soil for majority community, and outsider for Muslim minority community". It looks like that we don't have any modern and democratic sense, we still are living under colonial, imperial, and parochial norms. We need to come out from this mess. Why don't we accept all the citizens of our country, who have the citizenship of our country, what else criteria they need to show so that they will be counted in the list of son of soils?

Actually, the colonial norms and traditions are still going on in modern form, we need to judge this reality so that we could give equal privileges to all minorities. And we all have to believe that India, as a nation and major democracy, can only survive once spirit of tolerance and accommodation will be there; otherwise without this spirit, it would be only an illusion.⁵

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⁵**Statement:** Herewith, we affirm that this article is our original work and not a product of plagiarism, and that the article has not been submitted, reviewed, or published in another scholarly journal. Upon acceptance for publication, we will not withdraw our article from the *SOSIOHUMANIKA* journal.

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Kashmir as the Minority Problem in India Nation-State

(Source: <https://www.jagranjosh.com/general-knowledge/5/1/2019>)

Kashmir can be cited another major example, where people have passed through turmoil, carnage, genocide, massive violations of human rights, and cycle of violence thousands of times. Where no real freedom is being enjoyed by the people of Jammu and Kashmir, where every time a big game and drama has been played by the Indian Security and Police Forces with the blood of Kashmiri Muslims. The major question to India is: “How can you take away the rights of Kashmiri Muslims in their own land?”.