



Multiculturalism in India: An Exception?



Rochana Bajpai

Senior Lecturer in Politics
SOAS, University of London
February 13, 2015

Introduction

India is an outstanding case for the study of multiculturalism. It is home to policies of legal pluralism in religious family law (Hindu, Muslim, Christian, Parsi), territorial autonomy for several linguistic and tribal groups, as well as quotas in legislatures, government jobs and educational institutions for caste and tribal minorities. Scholars have hailed the Indian Constitution of 1950 as a prescient model of multicultural accommodation for its recognition of a range of group-differentiated rights within a broadly liberal democratic framework. Predating Western multicultural policies by several decades, the Indian Constitution poses a challenge to the influential view that multiculturalism in Asia and Africa is a recent export from the West. As the work of scholars of Asia has shown (eg. Hefner 2001), non-Western experience of dealing with the challenges of ethno-religious pluralism is longer-standing than that of most Western democracies.

While India's experience is undoubtedly significant for theories of multiculturalism, I argue that claims of Indian exceptionalism need to be qualified. Drawing upon my book *Debating Difference, Group Rights*

Dr. Rochana Bajpai received her graduate degrees from Jawaharlal Nehru University, New Delhi and the University of Oxford and has held research positions at Oxford. Her work has largely centered on India, and examined the politics of religion and caste with reference to constitutional and policy debates. Her first book *Debating Difference: Group Rights and Liberal Democracy in India* demonstrated the importance of the practice of argument and debate in the context of demands of group equality and national unity. Bajpai's current research explores the theory and practice of political representation with particular reference to minority representation in Indian Parliament.

and Liberal Democracy in India (2011), I show that several constraints that hindered the adoption of multicultural policies in other contexts can be observed in India as well. These include the association of minority protections with colonial divide and rule, the influence of developmentalist ideologies that deny the significance of ethno-cultural claims, and the convergence of liberal concerns for individual rights with nationalist concerns regarding civic unity and social cohesion. Relative to the late colonial state, the Indian Constitution marked a cutback in multicultural provisions, a moment of containment in the long career of group rights in India. It inaugurated a shift from consociationalism to affirmative action as the overarching framework of group-differentiated rights.

The Indian Constitution embodies two distinct approaches to the accommodation of difference that might roughly be termed integrationist and restricted multicultural. It is true that in advance of many Western democracies notably the US, the Indian Constitution recognizes affirmative action (known as reservations) for historically disadvantaged groups. Nevertheless, as I show in *Debating Difference*, in India's constitutional vision, a normative deficit remained with regard to the protection of *cultural difference* and minority practices. As a basis for group-differentiated rights, cultural difference, unlike 'backwardness', lacked adequate normative support in India's constitutional vision. The normative deficit at India's founding moment continues to be politically influential. State assistance to minority cultures has been seen as an illegitimate concession motivated by electoral considerations, a line of critique exploited skilfully by a resurgent Hindu right.

Does this suggest that a liberal framework inherently lacks the normative-ideological resources required for the accommodation of group-differentiated rights, as postcolonial theorists have often suggested (eg. Chatterjee 1998)? I challenge this influential view in *Debating Difference*, detailing how in Indian policy debates, considerations of secularism, equal citizenship and equality of opportunity have been construed, often appropriately, as consistent with group-based rights. Nor do my findings lend support to the anti-modernist position that the modern state is incapable of accommodating difference in any real sense, and that we should rely instead on societal practices of lived religion and everyday toleration (eg Nandy 1998). Rather, in India, as in many other countries, the main challenge for multiculturalism has been the failure of policy-makers to elaborate normative-ideological resources for the justification of multicultural rights, mostly on account of an overly narrow understanding of the requirements of national unity. The long shadow of the country's partition along religious lines in 1947 continues to limit political imagination with regard to the accommodation of difference.

II. The minority question in the Indian Constituent Assembly

When the minority question came before the Constituent Assembly in 1946, it had already had a controversial career of more than half a century behind it. Group-based representation had been the hall-mark of colonial

constitutionalism, with each step of constitutional reform in the first half of the twentieth century accompanied by the extension of special representation provisions to more groups - Muslims, Sikhs, Indian Christians Anglo-Indians, Depressed Classes as they were then known (Scheduled Castes or ex Untouchables). Mechanisms such as separate electorates, reserved seats, weightage (guaranteed representation for minorities in excess of their enumerated demographic share), nomination, and various combinations of these provisions were used. In the decades preceding the transfer of power, the 'minority question' came to be regarded as *the* main problem holding up progress towards Indian independence.

At the start of the Assembly's deliberations, the minorities question was regarded as encompassing the claims of three kinds of groups: religious minorities, Scheduled Castes, and so called 'backward' tribes, for all of whom safeguards in some form had been instituted by the British and by Princely States from the late nineteenth century. All representatives claiming special provisions for a group sought to emphasize that the group concerned was a minority of some kind. For instance, advocates of special representation for Dalits sought to establish that the Untouchables were not a religious, or a racial minority but a political minority. The employment of the term 'minority' did not denote the numerical status of the group so much as the claim that it was entitled to special treatment from the state.

In official categorization Untouchables were removed from the purview of the term minority. An amendment was adopted, defining the term 'minority' more narrowly to exclude the Scheduled Castes from its ambit, as well as to deem them as part of the Hindu community (KM Munshi *CAD V*: 227). This move reflected both nationalist antipathy to the appellation 'minority' and a desire to restrict its usage, as well as an anxiety about the separation of the Untouchables from the Hindu community that, it was feared their categorization as minorities would encourage. Whether Untouchables ought to be distinguished from the Hindu community for purposes of representation had been a sensitive point for nationalists in the decades preceding independence, with Ambedkar and Gandhi emblematic of the adversarial positions in this debate.

By the close of the Constituent Assembly debates in 1949, the term 'backward' had become the favoured designation to denote a group's entitlement to special treatment. Representatives favouring quotas for religious minorities now sought to establish that there were 'backward' peoples among Muslims, Christians, Sikhs. This decline in the fortunes of the term 'minority' during constitution-making encapsulated the transformation that the regime of group-differentiated rights underwent from consociationalism to affirmative action during its passage from colonial to independent India.

Approaches to group-differentiated rights in the Indian Constituent Assembly

So does the Indian case represent a sacrifice of minority rights at the altar of the nation at the moment of independence, as in many other post-colonial contexts? *Debating Difference* offers a more complex story. I argue that three broad positions on group rights can be distinguished in the Constituent Assembly debates: opposition to all group-differentiated rights, which encompassed assimilationist and integrationist positions (these were distinct); support for maximal group rights, which can be termed multinational; and an intermediate, restricted multicultural position of support for some group rights. The classification is heuristic: individuals and parties moved from one position to another over time and across issue areas.¹

For instance, initially, minority parties such as the Muslim League, the Akalis, and the Scheduled Caste Federation, favoured multinational policies; by the end, most had moved to restricted multicultural policies. Constitutional outcomes varied across the different areas of group-differentiated rights. On quotas (termed 'political safeguards' or 'reservations') for religious minorities as well as ex Untouchables and tribals (Scheduled Castes and Scheduled Tribes in official usage) in legislatures and government employment, the integrationist position won. On the cultural rights of religious minorities (including religious family laws), and territorial autonomy for linguistic minorities and tribal populations, a restricted multicultural position was embodied in the constitution. Both the integrationist and restricted multicultural positions represented a cutback on the multinational provisions that had characterised colonial constitutionalism and minority demands (although importantly, both were *also* distinct from the assimilationist positions espoused by Hindu nationalists in the Constituent Assembly).

I show that the normative repertoire of Indian nationalism comprised conceptions of secularism, equal citizenship rights, democracy, social justice, development and national unity. There were multiple meanings of these concepts in different strands of opinion in the Assembly that are detailed in my book. National unity, the over-riding concern, could stand for political integrity, and/or social cohesion, and/or national identity. Secularism in turn for many, for some denoted equal citizenship for all individuals irrespective of religion, and for others, meant religious freedom for groups, conceptions that sometimes collided (eg. in debates on religious family law). However, nationalists of different ideological hues, Hindu sympathisers on the right as much as staunch secularists on the left (these included minority representatives) *converged* on the view that quotas for religious minorities detracted from national unity and also from secularism, justice and democracy. By contrast, this convergence was less evident in the case of quotas for Scheduled Castes and Scheduled Tribes, as well as provisions for religious, linguistic and cultural autonomy, where secularists and Hindu

¹ Some of the most vocal supporters of the integrationist position were from

sympathisers often spoke in different voices, and group rights were maintained in the Constitution.

Integrationist approach: Quotas for religious minorities, disadvantaged castes and tribes

The integrationist approach is most evident in the debates on reservations for religious minorities, ex-Untouchable and tribal groups. Reserved seats for religious minorities had been accepted in 1947, and were included in the first draft of the constitution of 1948. Nevertheless, nationalists sought to emphasise this was as 'temporary' provisions and as measures of 'compromise' or transition - in an ideal future, legislative quotas for religious minorities would no longer exist (eg. S Radhakrishnan, *CAD V*: 283-4). Reservations for religious minorities were seen as simultaneously violating the separation of religion and state and as divisive of the nation. These required the recognition of a person's religion or caste in matters of public policy, and treated individuals differently depending on the community to which they belonged, which it was argued would undermine secularism. These were seen as detracting from democracy as these implied departures from the principle of the representation of individuals through territorial constituencies. But the overriding apprehension in this period was that the granting of special representation to religious minorities would undermine national unity. Several 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. National identity was another concern –quotas were instituted for groups defined in terms of the ascriptive criteria of religion, caste, and tribe, whereas the dominant conception of national identity in mid 20th century India, was civic rather than ethno-cultural, defined in terms of citizenship in a secular liberal democratic state. And for some religion, caste, and other ethno-cultural affiliations were 'backward', pre-modern relics, inconsistent with the task of building a modern nation state.

The convergence of liberal and nationalist concerns meant that Hindu nationalists often used the language of secularism, equal rights, democracy in the Constituent Assembly. It also meant that secularist advocates of minority rights were uncomfortable with mechanisms such as quotas that they saw as institutionalizing ethno-cultural groups. For instance, when legislative quotas for religious minorities were eventually withdrawn in 1949, Nehru commended their abolition as 'a historic turn in our destiny', confessing that he had never been convinced about them, and 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).²

² It is important not to overstate the overlap between nationalists on the left and the right, as several scholars have been tempted to do. Convergence is not identity: secular and Hindu nationalists differed on several questions of minority rights in the Constituent Assembly.

Reservations in the case of ex-Untouchables and tribals by contrast were easier to accommodate within a liberal nationalist framework. It was argued that these would enable the economic and social advancement of these groups that was desirable from the standpoint of the goals of social justice, national unity and development. 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. In the case of national development, 'catching up' with the industrialized Western world was the desired goal; quotas and other special provisions 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).

While liberal nationalist and developmentalist ideals offered resources for the accommodation of special representation provisions for Scheduled Castes and Tribes, it is important to note that these supported quotas as temporary affirmative action provisions, and not as a multicultural right. In other words, nationalists rejected quotas as a means of recognising social identity or protecting the distinct interests for *all groups*: special representation provisions were not intended as permanent instruments of self-government for any group. The case for special treatment of Untouchables and tribals was constantly distinguished from that of religious minorities through an emphasis on their poverty and 'backwardness'. Recast as a form of "political" affirmative action" (Kymlicka 1995: 141), as short-term mechanisms (Galanter 1984; Mahajan 1998) that would enable the realisation of a future state of affairs in which special representation would no longer be necessary, legislative quotas for Dalits and Adivasis were not intended to serve as a form of *representation* as such, as I discuss in detail in my book. And while other constitutional provisions in the case of the Scheduled Tribes did include an element of self-government, insofar as legislative quotas were concerned, these were advocated as an integrative mechanism. Dr Ambedkar, acute as always about institutional effects, saw reserved seats for tribal groups as counter-balancing 'the tendency towards segregation' (Shiva Rao 1968: 587).

Restricted multicultural approach: Religious freedom, family law

A second approach to the accommodation of diversity in the Indian Constitution might be termed *restricted multicultural*. This approach is discernable in the provisions for religious freedom and family laws, as well as the rights of linguistic and tribal groups; I shall focus here on the former.

Indian constitution-makers adopted a wide definition of religious freedom for individuals and groups. Unlike many other secular constitutions, the Indian constitution allows associational and institutional autonomy, and includes specific provisions for the public profession of religious identity. Under religious freedom provisions in the Indian Constitution, all individuals have the freedom to 'profess, practice and propagate' religion (Article 25), every

religious group or denomination, has the right to 'establish and maintain institutions for religious and charitable purposes', to 'manage its own affairs in matters of religion', to own, acquire and administer property 'in accordance with law' (Articles 25, 26 of the Indian Constitution). The wording of these rights in many cases assumed forms that were in keeping with the concerns of minority representatives. So a broad definition of the right to freedom of religion was adopted after extensive debate, which 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 was 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 after extensive debate, the state was allowed to aid educational institutions that imparted religious instruction (including minority institutions), over-riding the objections of those seeking to restrict the domain of religion (Shiva Rao 1967 II). There are other instances that I document in *Debating Difference*. Institutional pluralism is notably evident in the retention of separate religious family laws for Hindus, Muslims, Sikhs and Parsis. 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.

Nevertheless, the religious freedom of groups is not unconstrained under the Indian constitution. 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, something of a departure from the colonial state's stance of non-intervention in the religious affairs of its subjects. Despite previous promises that religious family laws would be protected by specific constitutional provisions, no guarantees protecting religious laws from state intervention were included in the Constitution; the demands put forward by some Muslim representatives for explicit constitutional guarantees were rejected. 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, of the kind found in Indian constitutional provisions on family law, is not a bad approach for the accommodation of diversity within a liberal democratic framework. Many scholars have argued that it is preferable to strong or maximal multiculturalism. From a normative standpoint, as Kymlicka and others argue, weak multiculturalism offers better protections for individuals and vulnerable groups within minorities, in particular, women (Shachar 1998). In the case of the Indian Constitution, the problem was not with the approach adopted for the accommodation of diversity, but with the normative resources for restricted multiculturalism, which remained deficient.

The normative deficit of restricted multiculturalism

Support was available for limited multiculturalism within strands of Indian nationalism. Thus, in a departure from the standard liberal position, groups were recognized as subjects of rights and entitlements, as well as individuals (see also Mahajan 1998; Bhargava 2000). Speeches frequently emphasised for instance, that individuals *and* groups should have the freedom to pursue their religion and develop their language and culture. Equality and justice were seen to require religious and cultural freedoms for all groups, including minorities; justice, it was said, demanded that no individual *or* group be subject to compulsion in matters of religion or language. Although secularism was construed as incompatible with legislative quotas for religious minorities, it was also seen to require religious and cultural freedom for all groups including minorities. In most connotations of secularism in nationalist discourse (on different meanings, see Bajpai 2002), the pursuit of religion and the preservation of language and culture on the part of citizens of all communities were held to be legitimate goals; their pursuit by citizens in their individual and associational capacity, was regarded as a corollary of the exclusion of religion from the political domain.

Nevertheless, and in contrast with arguments for affirmative action type of group-differentiated provisions discussed above, justifications for multicultural provisions remained under-developed in nationalist opinion, on account of multiple factors. Prominent among these was the emphasis on individual over group rights in this period (see eg. GB Pant, *CAD II*: 332). It is important to note that liberal individualist and developmentalist ideologies gained enormously from their convergence with nationalist concerns. The emphasis on the individual over the group, and on equal citizenship rights construed as the same rights for individuals from all groups provided a means for welding together a people divided by their group membership into a nation. It also provided the basis for a common national identity in a situation in which ethnic criteria were divisive: as noted earlier, India's national identity was articulated in the Assembly in largely in civic terms, as consisting in citizenship of a state where the group membership of individuals was irrelevant from the standpoint of their rights. Given its links with national unity, it is unsurprising that a liberal language was espoused in the Constituent Assembly by a wide range of nationalists of diverse ideological moorings, Hindu traditionalists as much as Westernized socialists. In my talk, I focussed on how liberal and nationalist concerns converged in debates on Muslim family law, so that secularism was construed in nationalist opinion largely in terms of equal citizenship rights for individuals. While rights to religious freedom of groups were recognised, these, it was held, had subordinate status and would be restricted to the extent that these conflicted with rights to equality of individuals.

The normative deficit of restricted multiculturalism derived not just from the primacy of individual rights and equal citizenship in this period, but also because special provisions for the protection of minority cultures remained under- supported in nationalist opinion. The move from *all* groups having rights to pursue their culture, to the *differential* rights of minorities, remained

unarticulated in nationalist opinion. In the case of ‘backwardness’, I show in *Debating Difference* that the tensions between individual and group based claims were confronted and arguments fashioned for special treatment of historically disadvantaged groups in terms of nationalist goals. By contrast, it is hard to find any elaboration in nationalist opinion on how the protection of minority cultures formed part of their vision of the common good. Unlike in the case of the Scheduled Castes and Scheduled Tribes, there were no attempts to go beyond formal symmetrical notions of equality to substantive, contextual notions that could justify the differential treatment of cultures. There were, for instance, no arguments along the lines that minorities faced a greater threat to the integrity of their religion, language, or culture than the majority, whose practices are inevitably supported by society and the state (eg. Kymlicka 1995). I trace this process in some detail in the context of the drafting of minority provisions, articles 29 and 30, showing how the cultural rights of minorities were interpreted largely as negative liberties. While minorities were free to pursue their culture at their own initiative, and the Constitution left open the possibility of state aid, such assistance was regarded as a concession that went *beyond* the requirements of the right, rather than a duty required for its fulfilment: the duties that these required of the state were limited to forbearance from interference (on the general point, see eg. Shue 1980).

I have so far suggested that there was a normative deficit in nationalist opinion with regard to special provisions for minority cultures, focussing on the case of religious minorities. I now want to take the argument a step further, and suggest that the normative deficit in nationalist discourse with regard to the protection of cultural difference is also observable in the case of other minorities, notably tribal groups. It is true, as scholars have noted, that there was some acknowledgement in nationalist opinion of a distinctive cultural identity (Galanter 1984, Mahajan 1998), of the value of tribal ways of life, and the need for the protection of tribal land. Nevertheless, this was qualified in important respects in part on account of the influence of developmentalist and liberal nationalist concerns. First, as a developmentalist perspective dominated discussions, progressive change in Adivasi cultures in the direction of greater integration with mainstream society was not ruled out. Provisions instead sought to give Adivasi communities greater control over the pace and nature of cultural change. As such, even protectionist policies such as those for tribal lands did not wholly pursue cultural preservation. Second, and relatedly, protectionist policies such as land rights and tribal councils were envisaged mainly for areas where tribals formed a local *majority* in a given territory. For areas in which tribals were a *minority*, or had successfully assimilated themselves with the local population, cultural protection was rarely admitted as a goal. Thus, in the case of tribals as well, minority cultural protection remained under-supported within the constitutional framework.³

³ While I have focussed here on the challenges to the accommodation of multicultural rights, there were also arguments in the Constituent Assembly that offered stronger support for such rights that are discussed in detail in *Debating Difference*.

New conjunctures, old constraints: Political implications of normative limits

How have integrationist and restricted multicultural approaches to dealing with difference fared since the promulgation of the Indian Constitution in 1950? A few brief points. The general picture is one of expansion of group-differentiated rights in several areas. Notably, stronger multicultural policies were instituted for Muslims in 1986, when the Indian Parliament passed a law that exempted the community from provisions of a common criminal code in the area of family law. Quotas in employment and education have expanded since the 1990s to include large new groups of mainly intermediate lower castes (the so called Other Backward Classes or OBCs). There have been a few attempts at the state level and between 2004-14, at the central level, to include deprived minorities in particular Muslims in affirmative action programmes (Bajpai 2012). For my purposes today, three features are of note.

First, even as group-differentiated rights have expanded, the paradigm shift at constitution-making from consociationalism to affirmative action, remains influential. Its long-term, systemic effects can be observed in the fact that all substantial extensions of quotas have been to groups designated as 'backward', and in the shape of group rights claims, where 'backward' has become the inclusive term to denote a group's eligibility to special treatment, just as 'minority' was in the late colonial period. Thus, recent Indian government attempts to include Muslims within the ambit of special treatment (2004-24) sought to establish their socio-economic deprivation. Advocates of reservations for Muslims have invoked values of non-discrimination, secularism and equality of opportunity (Bajpai 2011).

Second, the normative deficit of minority cultural protection has remained, and been accentuated in some respects. For instance, during the Shah Bano debate, policy-makers failed to elaborate substantive equality arguments for special treatment in terms, for instance, of non-domination or group oppression, as detailed in *Debating Difference*. Why Muslims ought to have greater freedom from state intervention than majority Hindus, whose religious laws had been subject to state reform in the 1950s, remained unarticulated. During the expansion of educational and employment quotas to include intermediate castes, policy-makers did not elaborate reasons in terms of the common good, defending these solely in terms of benefits for particular sections. How these would contribute to national development for instance, or the realisation of an equal or just society for all, was not elaborated. The moves to include Muslims within the ambit of affirmative action policies were executive-led, unaccompanied by legislative debate that could build a broader consensus in their favour.

Third, the growing normative deficit of group-differentiated rights has political implications. It has meant that state assistance for particular groups appears

as an illegitimate concession, motivated solely by considerations of buying electoral support from the group, and, crucially as detracting from the national interest or the common good more broadly. The Hindu right, with its rhetoric of putting the national interest first, and criticism of minority appeasement - that special provisions for minorities are a form of group partiality, with little principled basis – has unsurprisingly benefitted.

Conclusions

What does Indian experience suggest for comparative discussions of multiculturalism? To begin with, Indian debates underline the close affinity between liberal values of individual rights and equal citizenship on the one hand, and nationalist concerns regarding political unity and social cohesion on the other. This was neglected in the first generation of scholarship on multiculturalism, although it has received attention since. Second, and relatedly, Indian debates illustrate the insufficiency of liberalism as a framework for comprehending and evaluating multiculturalism. In Indian arguments, considerations of national unity and development, communitarian conceptions of secularism, and democratic values of equal status and dignity, have been significant. A multicultural theory that takes as its starting point the experience of Asia and Africa will need to go beyond liberal frames and grapple with a range of traditions – religious, socialist, radical democratic- for the justification of group rights.

Third, the Indian case highlights the need to distinguish between multicultural rights in general, and minority rights in particular. India's multinational federalism that recognizes the claims to self-government of several linguistic and tribal groups, is an important example of a multicultural policy that is *not* a group-differentiated right, and has weakened protections for religious and other minorities in several cases. The relationship of self-government to the protection of minorities is more complex than perhaps indicated by the Canadian case, which has been at the centre of theories of multiculturalism. Majoritarian multiculturalism in India and elsewhere suggests that in theories of multiculturalism, arguments for cultural protection need to be supplemented with those for the protection of cultural *difference* and minority practices.

Fourth, Indian experience suggests that institutional heterogeneity is not *per se* a problem, and can in fact be a source of strength. The Indian constitution that embodies two approaches to group-differentiated rights as I have argued (integrationist, and weak multicultural) continues to endure as a shared framework for the polity, unlike many of its contemporaries. It elicits high levels of support from those holding opposed views on multicultural rights. Courts, legislatures, civil society organizations and social movements have had different strategies to choose from, and have reinterpreted constitutional requirements in the light of new circumstances. Contrary to what many post-colonial theorists have argued, the Indian case suggests that state approaches to diversity are not necessarily homogenizing or regimenting, but can also lead to greater differentiation of group claims and pluralisation of social identities.

Fifth, the Indian case suggests that resolutions arrived at, and left unfinished at critical junctures endure long after their authors have gone and circumstances are altered. The Indian constitution-makers' failure to elaborate a normative framework for restricted multiculturalism derived in part from the fears of balkanization and the strength of majoritarian sentiment after Partition. Despite the vastly changed circumstances since 1947, including the successes of accommodationist policies such as multi-lingual federalism, subsequent generations of policy-makers have not been able to elaborate a rationale for the protection of minority cultures. The institutional expansion of group differentiated rights, without a concomitant elaboration of their rationale through public debate, and in terms of their society-wide benefits, has left minorities vulnerable to resentment and backlash, as witnessed in the current resurgence of the Hindu right. In other words, ideas, norms, and debates matter in politics to a far greater extent than political scientists have acknowledged so far.

References

- Bajpai, Rochana (2000), 'Constituent Assembly Debates and Minority Rights', *Economic and Political Weekly*, 35 (21- 2): 1837-45.
- Bajpai, Rochana (2002), 'The conceptual vocabularies of secularism and minority rights in India', *Journal of Political Ideologies*, 7 (2): 179-97.
- Bajpai, Rochana (2011). *Debating Difference: Group Rights and Liberal Democracy in India*. Delhi: Oxford University Press.
- Bajpai, Rochana (2012). 'Beyond Identity? UPA Rhetoric on social justice and affirmative action' in *New Dimensions of Politics in India: The United Progressive Alliance in Power*, Lawrence Saez and Gurharpal Singh (eds.), Abingdon: Routledge.
- Bhargava, Rajeev (2000), 'Democratic Vision of a New Republic: India, 1950', in Frankel, F., et al (eds.), *Transforming India: Social and Political Dynamics of Democracy*, 26-59. Delhi: Oxford University Press.
- Chatterjee, Partha (1986), *Nationalist Thought and the Colonial World: A Derivative Discourse?* London: Zed Books.
- Chatterjee, Partha (1995), *The Nation and Its Fragments: Colonial and Postcolonial Histories*. Delhi: Oxford University Press, 1995.
- Galanter, Marc (1984), *Competing Equalities, Law and the Backward Classes in India*. Delhi: Oxford University Press.
- Hefner, Robert W ed (2001) *The Politics of Multiculturalism: Pluralism and Citizenship in Malaysia, Singapore and Indonesia*. University of Hawaii Press.
- Kymlicka, Will (1989), *Liberalism, Community and Culture*. Oxford: Clarendon Press.
- Kymlicka, Will (1995), *Multicultural Citizenship, A Liberal Theory of Minority Rights*. Oxford: Clarendon Press.
- Kymlicka, Will and Baogang He (eds) (2005). *Multiculturalism in Asia*. Oxford: Oxford University Press.

- Mahajan, Gurpreet (1998), *Identities and Rights: Aspects of Liberal Democracy in India*. Delhi: Oxford University Press.
- Nandy, Ashis (1998), 'The Politics of Secularism and the Recovery of Religious Toleration' in Rajeev Bhargava (ed.), *Secularism and Its Critics*, 321-44 Delhi: Oxford University Press.
- Phillips, Anne (1995), *The Politics of Presence*. Oxford: Clarendon Press, 1995.
- Shachar, Ayelet (1998), 'Group Identity and Women's Rights in Family Law: The Perils of Multicultural Accommodation', *Journal of Political Philosophy*, 6(3): 285-305.
- Shue, Henry (1980), *Basic rights: Subsistence, affluence, and U.S. foreign policy*. Princeton, N.J.: Princeton University Press.