

# **Discipline and Develop – Governmental Policy on the Minority Subject from Hunter to Sachar**

**(An abstract)**

**Ranabir Samaddar**

1. Even though this is going to be one more paper on the minorities in India, there is a need to work yet again on the theme – this time not from the usual angle of rights, but from the angle of government, of governmental rationality. This is not an altogether different story from that of rights, in fact we can say that the two narratives are interwoven, but given the present situation of Indian democracy, it is important to trace the way in which conceding the “rights of the minorities” became one of the modes in which communities were to be ruled, and inter-community relations were to be governed. We must therefore make at least a brief review of the evolution of governmental thinking on the issue of sharing of sovereignty, which will tell us how sovereignty, law, and governmental power have interfaced in the actual process of rule, and lodge our story of rights right there inside - in that process of a conflictive interface.

2. Modern capitalism and the effects of globalisation have renewed the problematic of community as a question mark before the unlimited sway of sovereign power. Hence, governmental technologies are once again re-inventing to tackle the “community” phenomenon. We have to see in this light the re-emergence of the minority problematic in the decolonised countries of Asia. In this exercise I want to investigate an essential paradox in the notion of sovereignty, which appears the moment a democratic state negotiates the minority question. Briefly speaking the paradox consists in the asymmetrical relation between domination and hegemony – one would require coercion, and the other would call for techniques of persuasion, in particular social legislation and social jurisprudence, whose aim will be to produce the consensus needed to make persuasion successful. The minority issue since its birth hangs between the two, symbolised by its two markers: identity and development. If minor groups are strident about “identity”, and if governmental policies of cultural pluralism (mainly in form of select cultural rights) fail, then the sovereign power must coerce them to fall in line. But lest that should result in rebellion, what is required is “development” of these minor groups and places. This indicates policies for social legislation, social governance, and social jurisprudence. In short what we call policies of hegemony. The grammar of government in this way vacillates, and this is the story from Hunter to Sachar.

3. This was precisely the concern of one of the chief officials of colonial India, W.W. Hunter, who wrote *The Indian Musalmans* (1871) in response to an inquiry mooted by Lord Mayo “Are the Indian Musalmans bound by their religion to rebel against the Queen?” We should have in mind the context, the Wahabi rebellion and the Great Mutiny of 1857, in order to understand how a minor population group was born. It was the raw arrogance of counter-racism of the Wahabis that angered Viceroy Lord Mayo who commissioned Hunter to write the report. He had expressed his determination to “put down Wahabeeism in India as (he) had put down Fenianism in

Ireland". Mayo's brief to Hunter was clearly around the "vexed question of loyalty". Hunter's reasoning marked the beginning of the governmental logic of "handling the minorities", and provided a lasting blueprint for colonial rule and post-colonial politics to tackle the minority question through effecting a shift in politics from one of identity to that of development. It is interesting to see against this background what Hunter actually said and prescribed in order to bring the conduct of the insubordinates to compliance and submission.

4. Hunter undertook a careful analysis of how clerics and Islamic jurists had interpreted the duty and the call to *jihad*, and he argued at length that in India there were both moderate, sane-minded clerics and "fanatic" clerics interpreting the faith. Hunter noted the impact of the punitive policies of the administration on the clerics, and pointed out the need to understand the significance of the division within the clerics. In anticipating a policy of division and playing on this division in order to ensure loyalty of the subjects, he of course had to answer, namely, who were the "fanatics"? Here he was not only indicating a governmental strategy, he was basing himself on a long tradition of Enlightenment in calling a line of thought as "un-reason", as "fanaticism". His entire prescription of what Her Majesty's government should do depended on this fundamental diagnosis, his analysis of the "decisions of the Muhammadan Law Doctors". But Hunter did not end there. He opened the next chapter of his report by saying, "The Indian Musalmans are therefore bound by their own law to live peaceably under our rule. But the obligation continues only so long as we perform our share of the contract and respect their rights and spiritual privileges. Once let us interfere with their civil and spiritual status so as to prevent the fulfilment of the ordinances of their Faith, and their duty to us ceases. We must enforce submission, but we can no longer claim obedience. It is the glory of the English in India, however, that they have substantiated for their military occupation of all former conquerors a Civil Government adapted to the wants and supported by the goodwill of the people..." Thus government would mean complementing military administration by civilian efforts at administration, moving away from the tactics of occupation, listening carefully to complaints and grievances, because persistence of even "minor grievances" could attain the "gravity of political blunders", and initiating developmental policies.

5. We can pass the next phase very quickly. Within forty years of Hunter writing the *Indian Musalmans* the first conscious move by the Administration was made toward this direction, first in the form of the Partition of Bengal, and then the Government of India Act 1909 or the Indian Councils Act of 1909, commonly known as the Morley-Minto Reforms. We need not re-travel the story of the first partition of Bengal. Only we must recall the territorial rationale cited by the government for the order to partition. It was to ensure "right size" for "right people". On the basis of this resolution Bengal was partitioned on 1 September 1905. We of course know today that the first Bengal partition had to be annulled in 1911, and violent protests and secret societies became a part of nationalist movement. Both John Morley, the Liberal Secretary of State for India, and Earl of Minto, the hard right wing Governor General of India believed that suppression of terrorism in Bengal was necessary but not sufficient to establish stability of rule. They produced reforms known by the name of the Indian Councils Act of 1909, which did not cover any significant distance towards meeting nationalist demands for home rule, but stipulated that Indian Muslims be allotted reserved seats in the Municipal and District Boards, and in the Provincial Councils and in the Imperial Legislature, and that the number of reserved seats was to be in excess of their relative population (25 percent of the Indian population). Finally, only Muslims were to vote for candidates for the Muslim seats,

to be known soon as the infamous separate electorate system. Governmental reasoning of course did not stop there. In exactly ten years another major attempt was initiated to strengthen civilian administration through another round of constitutional reforms, known as the Montague-Chelmsford Reforms, once again to introduce gradually self-governing institutions. Consequent to the Simon Commission, three roundtable conferences were held in London in 1930, 1931 and 1932 with representation of the major interests. The major disagreement between Congress and the British was on the issue of separate electorates for each community. As we know the Communal Award was announced on 16 August 1932. By this, the right of separate electorate now not only belonged to the Muslims of India but also to all the minority communities in the country. The Award also declared the Dalits as a minority and thus the Hindu depressed classes were given a number of special seats, to be filled from special depressed class electorates in the area where their voters were concentrated. Under the Award, the principle of weight was maintained with some modifications in the Muslim minority provinces. This is a familiar story, except that when we look at it as a story of governmental reason, we can see how within the business of governing the society the seeds of violence, and at times extreme violence, lies. Thus, The Montagu-Chelmsford Reforms were linked to Rowlatt Act, the massacre in Amritsar, the Khilafat agitation, and the non-cooperation movement, while Simon Commission's working was accompanied by once again ruthless suppressive policies and protest agitations, and the link was displayed most vividly in the communal riots in the thirties and forties of the last century leading up to the civil war of 1947 in the sub-continent. Elections of 1945-46, formation of government, and the beginning of the Constituent Assembly – all were marked with extreme violence. The developmental strategy that Hunter had counseled could never arrive free of bloodstains. Therefore not surprisingly in that over all milieu of coercion and civil war we find in the Constituent Assembly discussions on how to govern the minorities taking new turns again. It is not that meanwhile riots, divisions, and the manipulative features of administration of inter-community relations vanished. They continued in post-Independence India, but the Constituent Assembly deliberations gave birth to a "policy of protection", which for the first time accepted the fact that minorities are a social and political fact, and if minor groups may remain as weak or minor, but they need protection. In this way the idea grew that the two policies – of identifying and developing – could be combined. Grant of autonomy in special cases became a part of this strategy of protection by the same government that was producing majority-centric rule also. It impacted on the type of federal governance obtaining in the country. In some cases, autonomy became the governmentalised form of protection; in others the government took the initiative to set up rights institutions such as the National Minorities Commission, National Human Rights Commission, etc, and in still others cultural pluralism became the official doctrine.

6. As we know in the sixty years of post-Independence India this strategy did not stop riots or marginalisation of minor groups and weaker sections of society; yet the strange interface of democracy and governmentality produced resistance also on the part of the minor groups that at times could be contained in the electoral-representative-juridical framework of rule, and at times exceeded the bounds of government of minorities, and became a problem for rule. Each such excess meant violence and counter-violence – the sharpening of claim making process in society – and each such excess was faithfully followed by yet another innovation in governmental technique. It is in this process of mutation that we arrive at the recent but already famous Sachar Report (2007), which seeks to record the backwardness of Muslims in India, and solve once for all the paradox of identity and development

as the kernel of the problem of governing the minorities. We are back to the classic question that Hunter had faced nearly one hundred and fifty years ago – Should the government try to preserve and protect the identity of the Muslims, a minor people in India, or should it harness its efforts to develop them? And in the event the second answer is valid, what would constitute development? We are also back to another question that Hunter raised: Who deserves to be protected? Who deserves to be developed? And exactly as Hunter showed that some Muslims were fanatics and thus did not deserve protection, likewise in the post-colonial period too, the question has been: Who deserves protection and fruits of development? And who deserves TADA (Terrorist and Disruptive Activities Prevention Act)?

7. But before we see what the committee headed by Justice Rajendra Sachar has recommended and its line of thinking, it is important to note at least in few words the significance of the transition from colonial governmentality to liberal governmentality marked by post-colonial realities, which make post-colonial governmentality probably a separate category of political reason and functioning. Post-colonial experiences tell us, why must the government spend special efforts to govern the minorities? In what concrete ways, do the aspirations of minor peoples get into the policy making processes of the government? And precisely therefore, as rights keep on articulating claims and aspirations of the minor population groups, what makes government of minorities necessary? In the answers to all these we get an idea of society, which is not timeless and natural with groups happily co-existing, but a society that is marked by the historically predicated existence of unequal groups, and therefore a society that needs administration of group relations by the government through law and executive actions, further a society that finally encourages the notion, namely, that with wise doses of autonomy and reservation of socio-economic opportunities (jobs, seats in educational institutions, etc.) for the minor population groups, the government can manage this unequal relation. In this political reason, while there is no trace of an idea of society that encourages dialogic relations and promotes dialogic justice at the ground level up to the level of law or recognises the existing practices of friendship, we have certainly clear marks of a functioning democracy, in other words, a society exhibiting the impact of a rights claiming process. The governmental principle is thus paradoxical. This principle allows the art of government to improve, to critically reflect on its own past, at the same time it tells the government that it must not interfere too much with either society or the functioning of the market. The result is that the entire society is always marked by a by a debate over whether “too much” or “too little” protection is being given to minorities by the government; “too much” or “too little” of reservation is being provided; and “too much secularism” or “too less” secularism the government practises. The public debate goes on in this way, while political life of the minor peoples can continue only as an “excess of governmental practices”. In this way we find the specific problems of life of a population group posed within the framework of a governmental technology.

8. The Committee headed by Justice Rajendra Sachar was the “Prime Minister’s High Level Committee on Social, Economic, and Educational Status of the Muslim Community of India”. Appointed on 9 March 2005 the committee submitted its report on 17 November 2006. Six other experts were members of the committee. In the report the committee did not raise any new issue except in a secondary way; the reason for its quick fame has to be sought elsewhere. As I have just mentioned, it was because of the way the Committee tried to cover *all* aspects of the life of a minority group vis-à-vis governmental duties, obligations, and practices, and made development one of the critical issues in the bio-politics of security/insecurity that

the report became well known in short time and began to be discussed in public sphere. The entire life of a minority group, almost all its socio-economic aspects, was brought possibly for the first time within the framework of a governmental technology. The committee examined population size, distribution, and health condition of the Muslims; their educational conditions; economy and employment; access to bank credit; access to social and physical infrastructure; poverty, consumption pattern and standards of living; their situation in government employment and programmes; Muslims OBCs (Other Backward Classes) and the need for affirmative action; leveraging community initiatives and discussed the special case of *wakfs*. The committee recommended on the bases of investigations of these dimensions. Significantly the report began with two entries (chapters one and two) – one on the context of the report, approach, and methodology, and the second on public perceptions and perspectives. In this exercise I propose to analyse the Sachar Report as a landmark in governmental thinking of how to complement a policy of disciplining with one of development.

9. Why this exercise? I shall not attempt to write a comprehensive history of how minorities are treated by the state or the government of the day, or even specifically, how a minority group, in this case Muslims, has been treated by the Indian government. It is will be a reflection on how a particular minority subject position is created through the operation of governmental reason. Yet, and this should be the second point of the exercise, precisely because the subject refuses to be exhausted in governmental reason and exceeds the limits of governmental reason that this reason has to change from time to time. The question of how Muslims will represent themselves (in legislatures, services, educational institutions, or in self-administered institutions of the community) has been the silent other of a secular government policy of developing the Muslims, a policy that at its pure form comes out in the Sachar report. The real world of discrimination and racism recedes; the real conditions of the existence of a minor people can be now expressed only in ideological terms – secularism, security, development, representation, and the restitution of the community mode. That is the moment when development appears as the *deus ex machina* of modern governmentality.