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Marginalising Minorities

By: Aamir Raza

The state's administrative, legal, and judicial systems institutionalise bias, rendering marginalisation of minorities an entrenched aspect of governance.

What is the relationship between the Indian state and its Muslim minority? In *Practices of the State: Muslims, Law and Violence in India*, Tanweer Fazal argues that the Indian state has constructed and maintained a monolithic image of Muslims. This “state-sponsored identity,” as he describes it, is central to understanding the nature of violence and discrimination faced by Muslims in India. By casting Muslims as a single, unified “Other,” the state has made it easier to justify discriminatory policies and practices.

This simplification of Muslim identity serves to strip individuals of their humanity, reducing them to mere representatives of their religion. In this context, violence against Muslims becomes easier to justify, as they are no longer seen as individuals with unique identities, but as part of a monolithic, antagonistic group. While individuals from privileged backgrounds may occasionally evade these systemic pressures, the Muslim face consistent oppression. Marginalisation, then, is not simply a social or economic condition but a structural position from which escape is nearly impossible.

More so post-2014, when the Indian state's behavior toward Muslims has undergone a marked transformation. Rather than merely managing communal tensions, the state has now taken an active role in promoting a narrative that portray Muslims as threats to national integrity and culture. This change, Fazal argues, reflects a new form of “triumphalism,” where majoritarian values are celebrated, often at the expense of the secular ethos enshrined in the Indian Constitution.

Fazal delves into the multiple ways in which Muslims are rendered peripheral in Indian society. A central theme in the book is the state's complicity in perpetuating impunity during episodes of communal violence. Fazal illustrates this through an incisive examination of a commission of inquiry into the deadly 1989 Bhagalpur riots, which reveals the state's superficial neutrality. Instead of providing justice, the state's handling of the riots perpetuated a culture of impunity, allowing the perpetrators of violence to escape accountability. Police complicity with Hindu perpetrators of violence underscored the state's active role in perpetuating communal tensions. Fazal critiques the state's failure to act as a protector of minority rights, instead enabling violence through its inaction or selective action. He argues that such impunity is not accidental but rather a structural feature of the Indian state, enabling it to maintain its hegemonic control over marginalised communities.

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These insights are developed other compelling cases. Fazal highlights how the perceived “Muslimness” of Bengali Muslims makes them subject to suspicion, surveillance, and exclusion. He pays particular attention to Assam. Fazal traces the evolution of anti-immigrant movements in Assam, which began as localized concerns over resources and demographic balance but were later politicized. What began as concerns about land and resources morphed into aggressive calls to identify and expel “Bangladeshis.” These calls were ultimately directed at Bengali Muslims, who became scapegoats for the state's failure to address broader socioeconomic grievances. The Assam Accord of 1985 set 24 March 1971 as the cutoff date for citizenship eligibility, subtly shifting citizenship laws away from the principle of *jus soli* (birthright citizenship) to something closer to *jus sanguinis* (citizenship based on descent).

This shift laid the foundation for a narrative that treats Bengali Muslims as “outsiders” or illegal immigrants, fueling a broader disdain for the Muslim minority across the nation, Fazal argues. This demonisation has continued into recent years, where calls for deportation and marginalisation have permeated mainstream political discourse, influencing national policies on immigration and minority rights.

The evolution of cow-slaughter laws highlight yet another example of this institutionalized discrimination. Fazal traces these laws across three historical phases: pre-independence, post-independence, and post-2014. In the first two periods, cow protection laws were primarily framed as issues of public order and communal harmony. However, in the post-2014 era, these laws have been repurposed to target Muslims more openly, with state institutions appearing increasingly indifferent to the violence perpetrated by vigilante groups in the name of cow protection. The shift from maintaining public order to supporting majoritarian anxieties marks a fundamental change in the

state's approach toward minority communities, Fazal argues.

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The state has long tended to prioritise communal harmony over justice for minorities, a point Fazal develops through the case of the Shaheed Ganj Mosque, occupied by Sikhs during the period of British rule. When Muslims petitioned for its restoration, the colonial courts ruled against them, fearing public disorder. After independence, similar patterns emerged in cases related to the Babri Masjid. Whereas earlier administrations sought to maintain a semblance of neutrality, recent governments have taken a more overtly majoritarian stance, a transformation that Fazal sees as emblematic of a broader cultural shift toward Hindu nationalism.

Finally, he examines the 1950 Supreme Court reservation case, which addresses the exclusion of Muslims from the category of Scheduled Castes. Fazal uses this legal case to demonstrate how the state constructs legal frameworks that perpetuate the marginalization of Muslims while privileging other communities. The analysis sheds light on how legal and constitutional mechanisms are often used to entrench inequality rather than dismantle it.

Unlike other works that often view minority issues in India through the lens of communalism or identity politics, Fazal situates these issues within the framework of everyday state practices. He moves beyond episodic accounts of violence, focusing instead on how the state's administrative, legal, and judicial systems institutionalise bias, rendering marginalization an entrenched aspect of governance. He argues that the state's approach to law and violence not only institutionalizes inequality but also creates conditions in which minorities are perpetually relegated to the margins. Central to his approach is the recognition that state documents and records are not neutral artifacts but are embedded within specific configurations of power, reflecting the biases and structural inequalities that underpin their production. Fazal's critical engagement with these sources enables him to challenge state-centric narratives, which often sanitise or obfuscate the state's complicity in systemic marginalization.

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