

Securing Minority Rights for Muslims in India: A Comprehensive Exploration of Challenges and Prospects

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Abstract

This article explores the multifaceted challenges and prospects associated with securing minority rights for Muslims in India, a significant demographic group facing socio-political marginalization. The analysis begins with an overview of the constitutional framework that is designed to protect minority rights, highlighting the tensions between constitutional guarantees and prevailing socio-political realities. It examines key challenges, including socio-economic disparities, political underrepresentation, and communal violence, which collectively undermine the rights and security of Muslim communities. This article also discusses the implications of recent legislative measures, such as the Citizenship Amendment Act (CAA) and the National Register of Citizens (NRC), which have been perceived as discriminatory against Muslims, exacerbating fears of disenfranchisement. Additionally, it considers the role of civil society, legal frameworks, and political advocacy in addressing these challenges, emphasizing the importance of grassroots movements and coalition-building among marginalized communities. The prospects for securing minority rights are evaluated through comparative analysis with other countries, offering insights into successful strategies employed in Western democracies and Southeast Asian nations. The article concludes by proposing actionable recommendations aimed at fostering an inclusive and equitable society, advocating for strengthened legal protections, enhanced political representation, and the promotion of inter-community dialogue. Ultimately, this exploration underscores the critical need for concerted efforts from all stakeholders to uphold the principles of democracy and secularism enshrined in the Indian Constitution, ensuring that the rights of Muslims and other minority groups are effectively secured.

Keywords: Minority Rights, Muslims in India, Socio-economic Disparities, Legislative Challenges, Political Representation.

1. Introduction

1.1 Background

India, known as the world's largest democracy, has long prided itself on its pluralistic and secular foundations, striving to be a nation that accommodates diverse cultures, languages, and religions. Among its varied demographic tapestry, Muslims constitute approximately 14.2% of the population, making them the largest religious minority in the country (Census of India, 2011). Despite the constitutional safeguards designed to protect minority rights, the socio-political reality for Muslims in India is often fraught with exclusion, marginalization, and systemic challenges that hinder their full participation in society. The roots of these challenges can be traced back to a combination of historical inequalities, the rise of religious nationalism, and inadequate political representation. Historically, Muslims in India have faced socio-economic disadvantages, which have compounded over the decades due to factors such as limited access to quality education, employment opportunities, and basic healthcare services. This systemic marginalization is exacerbated by a political environment that often favors majoritarian narratives and sidelined the concerns of minority communities. The discourse surrounding the rights of Muslims has been contentious for decades, significantly influenced by political developments and public perceptions that have been shaped by media portrayals and populist rhetoric. The portrayal of Muslims in the media, often skewed and negative, has perpetuated stereotypes and facilitated an atmosphere of distrust and division. Such representations not only affect public perception but also influence policy decisions and political rhetoric, creating a vicious cycle that further entrenches discrimination against Muslim communities.

India's secular framework, as enshrined in its Constitution, aims to provide equal rights and protections for all citizens, irrespective of their religious affiliations (The Constitution of India, Article 15, 1950). The Constitution embodies the principles of secularism and equality, which are crucial for fostering an inclusive society. However, the rise of right-wing political movements and religious nationalism in recent years has exposed the fragility of these constitutional ideals. These movements often promote a singular narrative that prioritizes Hindu identity and marginalizes other religious communities, particularly Muslims, leading to increased polarization and communal tensions. The challenges faced by Muslims in contemporary India reflect deep-seated societal issues that demand immediate attention and long-term remedies. Addressing these challenges requires a multi-faceted approach that includes legal reforms, political advocacy, and grassroots activism. Ensuring effective representation for Muslims in political processes is essential to fostering an environment where their rights are recognized and upheld. Furthermore, promoting inter-community dialogue and fostering a culture of mutual respect and understanding is critical in countering the divisive narratives that have become prevalent in public discourse. The realization of minority rights for Muslims in India necessitates concerted efforts from various stakeholders, including government institutions, civil society, and the general populace. A commitment to upholding the values of democracy, secularism, and equality enshrined in the Constitution is imperative for creating a more just and inclusive society where all citizens, regardless of their religious background, can thrive and contribute to the nation's growth and prosperity. Without these essential steps, the aspirations of millions of Muslims in India for dignity, respect, and equal opportunity will remain unfulfilled, perpetuating cycles of exclusion and marginalization that threaten the very fabric of Indian democracy.

1.2 Historical Context of Muslim Minorities in India

The history of Muslims in India is deeply intertwined with centuries of rule by various Islamic dynasties, most notably the Mughal Empire, which significantly shaped the cultural, architectural, and political landscape of the subcontinent (Sikand, 2004). The Mughal era is often celebrated for its contributions to art, literature, and governance, with remarkable achievements in architecture exemplified by monuments like the Taj Mahal and the Red Fort. This period also fostered a rich cultural amalgamation, where diverse religious practices coexisted, and Muslims played a crucial role in the socio-political dynamics of India. However, this historical narrative became increasingly complicated following the partition of India in 1947, which created profound communal tensions that have defined much of the contemporary experience for Muslims in the country. The partition, a result of British colonial policies and communal politics, led to the establishment of Pakistan as a separate state for Muslims, leaving Indian Muslims in a precarious position as a minority in a predominantly Hindu nation. This transition resulted in widespread violence and mass displacements, leading to communal strife that left deep scars on the collective memory of communities involved (Guha, 2016). The violent upheaval during this period not only affected inter-community relations but also laid the groundwork for a narrative of suspicion and distrust that has persisted in post-independence India. In subsequent years, despite various efforts to integrate Muslims into the socio-political fabric of the nation, historical legacies of division have continued to challenge the aspirations of Muslim communities.

The post-independence era witnessed attempts by the Indian state to address the concerns of Muslims, including affirmative action policies and minority welfare schemes. However, these initiatives have often been undermined by systemic discrimination and socio-economic disparities, which persistently marginalize Muslim communities. The emergence of Hindutva, a political ideology that emphasizes the cultural supremacy of Hindus, further complicates the discourse around Muslim identity and rights. Hindutva advocates often frame

Muslims as outsiders or threats to the national identity, thereby undermining their status as equal citizens of India. This ideological shift has been instrumental in shaping public discourse, influencing policies that disproportionately impact Muslim communities and heightening communal tensions. Historical grievances rooted in the legacy of partition and subsequent political developments have exacerbated divisions, fostering an environment where the secular ideals enshrined in the Indian Constitution are continually challenged. The rise of right-wing political movements has not only reshaped the political landscape but has also marginalized the voices advocating for pluralism and secularism. The ongoing struggles of Muslims in India thus reflect a broader conflict between historical narratives and contemporary political ideologies, necessitating a comprehensive reassessment of policies aimed at fostering inclusivity and equality. Addressing these challenges requires not only an acknowledgment of past injustices but also a commitment to building a future where diversity is celebrated and all citizens, regardless of their religious identity, can coexist peacefully and equitably within the framework of Indian democracy.

2. Challenges Faced by Muslims in India

2.1 Social and Economic Marginalization

Muslims in India face significant socio-economic disparities that hinder their ability to participate fully in the nation's development. A landmark report by the Sachar Committee (2006) revealed that Muslims are among the most disadvantaged communities in the country regarding access to education, employment, and government services. The report highlighted that the literacy rate among Muslims is below the national average, with many educational institutions located far from Muslim-majority areas, contributing to lower enrollment rates. The lack of access to quality education limits opportunities for upward mobility and reinforces existing inequalities. Furthermore, representation in public employment and higher education remains disproportionately low, indicating systemic barriers that persist despite various affirmative action initiatives aimed at improving the socio-economic standing of minorities. The socio-economic challenges faced by Muslims are compounded by discrimination in the labor market. Studies have shown that Muslim job applicants often experience bias during the hiring process, with many employers favoring candidates from Hindu backgrounds. This systemic discrimination limits job opportunities for Muslims, leading to higher unemployment rates and economic instability within the community. In addition to employment challenges, housing segregation is prevalent in many urban areas, where Muslims often struggle to secure accommodation in predominantly Hindu neighborhoods due to religious biases. Real estate agents may refuse to rent or sell properties to Muslim families, perpetuating a cycle of exclusion and limiting access to essential services and opportunities for community development (Engineer, 2019).

This combination of economic and social marginalization perpetuates a cycle of poverty and exclusion, making it increasingly difficult for Muslims to achieve socio-economic mobility. As a result, many Muslim families find themselves trapped in a state of economic vulnerability, with limited access to resources that could facilitate education, healthcare, and employment. This marginalized status further exacerbates feelings of alienation and disconnection from the mainstream socio-economic fabric of Indian society, leading to a pervasive sense of disenfranchisement. The lack of government support and targeted interventions to address these disparities only serves to entrench existing inequalities, leaving many Muslims without the means to uplift themselves and their communities.

2.2 Political Exclusion and Underrepresentation

The political underrepresentation of Muslims is another critical challenge that hinders their ability to influence policies affecting their lives. Despite constituting a substantial

portion of India's population, Muslims are significantly underrepresented in legislative bodies and other political institutions. The communal nature of Indian electoral politics creates an environment where Muslim politicians often face difficulty in securing nominations from mainstream political parties. In regions with a Hindu-majority electorate, candidates from minority communities are frequently viewed as liabilities, leading to their exclusion from significant political roles (Hasan, 2020). This exclusion not only limits the political voice of Muslims but also undermines the representation of their interests in policymaking processes. The rise of Hindutva politics under the Bharatiya Janata Party (BJP) has further exacerbated the exclusion of Muslims from political spaces. The party's agenda often emphasizes Hindu identity, sidelining minority concerns and framing Muslims as outsiders. Policies such as the Citizenship Amendment Act (CAA) and the National Register of Citizens (NRC) have been perceived as tools aimed at disenfranchising Muslim populations, casting a long shadow over their political rights and citizenship status (Banerjee, 2020). The implementation of these policies has instilled fear and anxiety among Muslim communities, leading to widespread protests and resistance. However, the increasing polarization of the political climate has left little room for constructive dialogue or Muslim representation in decision-making processes.

The lack of meaningful engagement with Muslim communities in political discourse has contributed to a sense of alienation. Political parties often fail to address the specific needs and concerns of Muslims, focusing instead on broader communal narratives that marginalize their experiences. This underrepresentation in political spaces not only stifles the voices of Muslims but also perpetuates systemic inequities that affect their socio-economic conditions. The interplay of political exclusion, communal biases, and the rise of majoritarian ideologies creates a challenging environment for Muslims in India, necessitating urgent reforms to ensure their rights and representation within the political landscape. Ultimately, addressing these challenges requires a concerted effort from political parties, civil society, and the state to foster an inclusive democracy that respects the rights and voices of all its citizens, irrespective of their religious backgrounds.

3. Case Studies of Discrimination Against Muslims

3.1 The Gujarat Riots (2002)

The 2002 Gujarat riots remain one of the most significant examples of communal violence targeting Muslims in post-independence India. The violence, triggered by a train fire that killed Hindu pilgrims, quickly escalated into large-scale attacks on Muslim communities across Gujarat, resulting in over 1,000 deaths, most of them Muslims (Varshney, 2002). The riots highlighted the failure of state machinery to protect minorities, with numerous reports suggesting that police forces either remained passive or actively participated in the violence (Amnesty International, 2003). The long-term effects of the Gujarat riots continue to haunt the Muslim community, fostering an atmosphere of fear and mistrust. Many survivors face social ostracization, economic hardship, and legal challenges in seeking justice. The riots also symbolized a turning point in Indian politics, as it marked the rise of Narendra Modi, then Chief Minister of Gujarat, to national prominence, and the increased visibility of Hindutva ideology in governance (Jaffrelot, 2015).

3.2 The NRC and CAA

The National Register of Citizens (NRC) and the Citizenship Amendment Act (CAA) have sparked significant debate over their implications for Muslim minority rights. The NRC, first implemented in Assam, aimed to identify undocumented immigrants, predominantly affecting Muslims, as they were required to prove their citizenship through historical documentation, which many lacked due to economic and social factors (Bhattacharyya, 2019). The process left millions, primarily Muslims, at risk of being declared stateless. The CAA, passed in 2019, further exacerbated fears within the Muslim community as it provided

a pathway to citizenship for non-Muslim refugees from neighboring countries, effectively excluding Muslims (Roy, 2020). Critics argue that this exclusion is a violation of India's secular ethos and constitutional guarantees of equality (The Constitution of India, Article 14, 1950). Together, the NRC and CAA have raised concerns about the potential for large-scale disenfranchisement of Muslims.

4. Prospects for Securing Minority Rights

4.1 Legal Remedies and Constitutional Safeguards

The Indian Constitution provides a robust framework for the protection of minority rights, enshrined primarily in Articles 25 to 30. These articles guarantee fundamental freedoms such as the freedom of religion, the right to manage religious affairs, and the right to establish and administer educational institutions. Additionally, these provisions emphasize the importance of protecting minority communities from discrimination based on religion, ensuring that all citizens have equal opportunities regardless of their faith (The Constitution of India, 1950). The intent behind these constitutional safeguards is to foster an inclusive society that respects the diverse fabric of Indian identity. Over the years, the judiciary, particularly the Supreme Court, has played a crucial role in upholding these rights, often stepping in to address grievances when executive actions threaten to undermine constitutional principles (Mehta, 2019). Through landmark rulings, the judiciary has reaffirmed the need to protect minority rights, reinforcing the values of equality, dignity, and justice. Despite the constitutional framework and judicial interventions, the efficacy of these legal remedies is often contingent upon their enforcement in practice. The realities on the ground frequently demonstrate a gap between constitutional guarantees and actual experiences faced by minorities, especially Muslims. While the Constitution remains a powerful tool for safeguarding minority rights, the increasing politicization of religious identity poses significant challenges. The rise of majoritarian politics and religious nationalism has led to an environment where minority rights are increasingly viewed through a lens of suspicion and distrust.

This has resulted in instances of discrimination, violence, and social unrest that test the limits of constitutional protections. The politicization of religious identity often sidelines the voices advocating for secularism and pluralism, further complicating the implementation of minority rights. To effectively uphold the rule of law and protect Muslim rights, it is essential to strengthen the independence of the judiciary. An impartial judiciary serves as a bulwark against injustices and is vital for ensuring that legal protections are not merely theoretical but are actively enforced. Swift legal recourse for instances of discrimination is also crucial; delays in justice can dissuade victims from seeking redress and erode trust in the legal system. Moreover, raising public awareness about the rights enshrined in the Constitution and promoting legal literacy among minority communities can empower individuals to advocate for their rights more effectively. In this context, civil society organizations play a pivotal role in monitoring violations, providing legal assistance, and amplifying the voices of marginalized communities. Thus, while the constitutional framework offers a solid foundation for protecting minority rights, concerted efforts are required to translate these legal provisions into meaningful change, ensuring that all citizens can fully enjoy their rights within the framework of an inclusive and democratic India.

4.2 Role of Civil Society and Activism

Civil society organizations and grassroots activism have historically played a pivotal role in advocating for the rights of marginalized groups, including Muslims. NGOs, human rights organizations, and activists have consistently highlighted cases of injustice and sought to hold the government accountable. Initiatives such as the People's Union for Civil Liberties (PUCL) and the Citizens for Justice and Peace (CJP) have been instrumental in seeking

justice for victims of communal violence and advocating for legal reforms (Sengupta, 2017). Civil society also provides a platform for Muslims to voice their concerns and mobilize around issues affecting their community. In recent years, protests against the NRC and CAA have seen large-scale participation from Muslim communities, highlighting the power of collective action. The continued support of civil society is crucial in challenging discriminatory policies and promoting a more inclusive political discourse.

5. The Role of Muslim Leadership in India

5.1 Religious Leaders and Their Influence

Religious leaders in India's Muslim community wield significant influence over their followers, shaping public opinion on a wide range of social and political issues. Historically, figures such as Maulana Abul Kalam Azad played a crucial role in the Indian freedom struggle, advocating for Hindu-Muslim unity (Sikand, 2004). Today, religious leaders continue to serve as intermediaries between the state and the Muslim populace, providing moral guidance and advocating for social justice. However, the influence of religious leaders is a double-edged sword. While they can mobilize support for minority rights, their focus often remains on religious identity rather than broader socio-economic or political reforms. To effectively advocate for Muslim rights, religious leaders must collaborate with political and intellectual leaders, ensuring that the community's concerns are addressed in both spiritual and material dimensions.

5.2 Political Leaders and Representation

Political representation for Muslims in India has historically been uneven, with Muslim leaders often marginalized within mainstream political parties. However, figures such as Asaduddin Owaisi, president of the All India Majlis-e-Ittehad-ul-Muslimeen (AIMIM), have emerged as vocal advocates for Muslim rights, challenging the dominant political narratives that exclude Muslims (Hasan, 2020). The presence of strong Muslim political voices is critical in ensuring that the community's concerns are represented in legislative and policy-making processes. Nevertheless, political leadership among Muslims faces significant challenges, including accusations of communalism and difficulty in securing electoral victories due to the polarized nature of Indian politics. Muslim leaders must navigate these challenges by building alliances with other marginalized groups and focusing on issues that resonate with a broader electorate, such as economic development and social justice.

6. Comparative Analysis of Minority Rights in Other Countries

6.1 Muslim Minority Rights in Western Democracies

In Western democracies such as the United States, United Kingdom, and France, Muslim minorities also face challenges related to discrimination, Islamophobia, and social integration. However, unlike India, these countries have strong anti-discrimination laws and affirmative action programs that provide legal recourse for individuals facing religious persecution (Modood, 2019). The success of these measures, though imperfect, offers lessons for India on the importance of robust legal frameworks and inclusive policies. Western countries have also seen the rise of right-wing populism, which has exacerbated anti-Muslim sentiments. Despite this, civil society, the judiciary, and international human rights frameworks have played a crucial role in curbing discriminatory practices. India can draw from these experiences by reinforcing its own legal structures and ensuring that religious minorities have access to equal rights and opportunities.

6.2 Lessons from Southeast Asia (Malaysia, Indonesia)

In Southeast Asia, Muslim-majority countries like Malaysia and Indonesia offer different perspectives on minority rights. While Malaysia has a complex system of

affirmative action that prioritizes ethnic Malays, it has also faced criticism for marginalizing non-Muslim minorities (Noor, 2015). Indonesia, on the other hand, has a pluralistic society with constitutional protections for religious minorities, although tensions between different religious groups still persist (Barton, 2014). The experiences of these countries highlight the importance of balancing majority-minority relations in multi-religious societies. While India's context differs, particularly in terms of its secular constitution, it can learn from the policies implemented in Southeast Asia to manage religious diversity while protecting minority rights.

7. The Future of Minority Rights in India: Scenarios and Recommendations

7.1 Best Case Scenario: A Rights-Respecting, Pluralist India

The best-case scenario for Muslims in India is one where constitutional safeguards are fully enforced, ensuring equality before the law for all citizens, regardless of religion. In this scenario, Muslims would enjoy equal political representation, access to education and employment, and protection from communal violence. Civil society would play a proactive role in promoting secularism and pluralism, while political leaders would resist the temptation to use religious identity for electoral gains. Achieving this vision requires sustained efforts from both the state and civil society. Policymakers must commit to upholding the Constitution and resisting pressure from communal forces. Additionally, education reforms that promote tolerance and pluralism are essential in fostering long-term social cohesion. Through these efforts, India can live up to its democratic ideals and provide a secure environment for all religious minorities.

7.2 Worst Case Scenario: Continued Discrimination and Marginalization

The worst-case scenario for Muslims in India is one where the rise of religious nationalism continues unchecked, leading to increased discrimination and marginalization. In this scenario, policies such as the NRC and CAA could result in large-scale disenfranchisement, while communal violence and Islamophobia become more pervasive. Muslims would remain politically underrepresented, economically disadvantaged, and socially ostracized, deepening the divides within Indian society. Preventing this scenario requires immediate intervention at both the policy and societal levels. The government must roll back discriminatory policies and take strong measures to curb communal violence. International pressure, particularly from human rights organizations, can also play a role in holding India accountable for its treatment of religious minorities.

8. Conclusion

8.1 Summary of Key Findings

The challenges facing Muslims in India are complex and multifaceted, encompassing various dimensions that affect their socio-political and economic realities. One of the most pressing issues is socio-economic marginalization, which is evident through significant disparities in education, employment, and overall quality of life. Reports such as the Sachar Committee (2006) highlight that Muslims are among the most disadvantaged communities in India, struggling with lower literacy rates and limited access to government services. This marginalization is exacerbated by systemic discrimination in the labor market and housing, perpetuating a cycle of poverty and exclusion that makes it difficult for many Muslim families to achieve upward mobility. In addition to economic challenges, political exclusion remains a significant barrier to the realization of Muslim rights. Despite being a substantial demographic, Muslims are underrepresented in legislative bodies and political institutions. The rise of religious nationalism, particularly under the influence of the Bharatiya Janata

Party (BJP) and the Hindutva ideology, has intensified this exclusion, manifesting in policies perceived as discriminatory, such as the Citizenship Amendment Act (CAA) and the National Register of Citizens (NRC). These developments have eroded the protective framework provided by the Indian Constitution, raising concerns about the viability of secularism and pluralism in the country. Ultimately, while constitutional provisions exist to safeguard minority rights, the prevailing socio-political climate and the increasing normalization of communal tensions threaten to undermine these legal safeguards. Civil society organizations, legal mechanisms, and political representation are critical in addressing these challenges and securing the future of Muslim minority rights in India.

8.2 The Path Forward for Muslims in India

The path forward for Muslims in India involves a multifaceted approach that combines legal reforms, political advocacy, and grassroots activism. Strengthening constitutional safeguards is essential to ensure that the rights enshrined in the Indian Constitution are not just theoretical but effectively enforced. This includes advocating for the implementation of existing laws that protect minority rights and proposing new legislation to address emerging challenges. Additionally, promoting inclusive education that fosters respect for diversity and understanding among various religious communities can help combat prejudices and build a more tolerant society. Equally important is ensuring equal political representation for Muslims, allowing them to participate meaningfully in the democratic process. Political advocacy efforts should focus on creating platforms for Muslim voices, enabling their concerns to be addressed in legislative debates and policymaking. Encouraging political parties to nominate candidates from minority backgrounds can facilitate a more representative political landscape. Furthermore, grassroots activism plays a pivotal role in mobilizing communities and raising awareness about their rights, fostering a sense of agency and empowerment among Muslims. The future of minority rights in India hinges on the collective efforts of all stakeholders, including state institutions, civil society, and the international community. Upholding the values of secularism and democracy enshrined in the Indian Constitution requires a commitment to fostering an inclusive society where the rights of all citizens, regardless of their religious affiliations, are respected and upheld. Through collaborative efforts, it is possible to create a more just and equitable India, where Muslims and other minority communities can thrive and contribute to the nation's diverse tapestry.

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