CONCLUSION

The main objective of this study has been to interrogate certain basic assumptions of IR theory. Based on the foregoing analysis, the following theoretical points can be made. First, with regard to theorizing the relationship of the domestic and the international, the issue of group rights helps transcend the inside/outside assumptions while maintaining the two as distinct analytical spheres. As has been pointed out by Kanti Bajpai, it reverses the position of the majority vis-à-vis the minority, since the majority imagines itself as the minority in the larger international context and this in turn determines its treatment of the domestic minority. While this thesis has focussed mainly on the need for international relations theory to account for the many levels at which the domestic and international interact, an equally strong case can be made for why political theory must abandon its domestic confines. Since international discourses are shaping the discourse on the rights of groups, they must become a part of any theory relating to the rights of groups.

Secondly, while constructivist analyses of the human rights regimes have highlighted the importance of ideas and norms in formation of regimes, the source of change in these norms as a result of their modification by marginalized groups from different cultures has not been investigated. In the case of the Dalits, there has been a clear attempt to challenge the limitation of the discourse of racial discrimination to colour-based discrimination. In the case of India’s religious minorities, the relatively limited and recent use of the human rights discourse points to its inability in addressing the issues of religious minorities. Western theoretical discourses and the discourse of secularism have addressed the range of minority concerns better and so religious minorities have resorted to them more often. The human rights discourse has so far largely been used to in order to criticize persecution of minorities, the increasing instances of which in India are a relatively recent phenomenon. Therefore, from the perspective of minority groups, the narrow scope of the human rights discourse may be problematized.

In the case of the Dalits, one can trace an engagement with the external discourse to the times of Jotirao Phule. One of the prominent features of the international discourse on group rights at that juncture was the abolition of the
practice of slavery in the United States. So Phule likened the situation of the Shudratishudars to that of the ‘negro’ slaves and lamented the lack of support of the larger society against the evils of the caste system, as had happened in the case of the fight against slavery in the American civil war. In an interesting instance of the use of poetic license, he calls Jesus as an incarnation of the indigenous king Baliraja, who had valiantly fought the Aryans and had been defeated by deceit.

By contrast, the use of the ‘external’ element by religious minorities took an entirely different form in second half of the nineteenth century. While the Sikh mobilization for the defense of their identity against the assimilative activities of the Arya Samaj had only just begun, there was no external angle to it. In the case of the Christians, this was the time for the engagement of Indian theologians with western theology and developing an Indian Christology. However, in the case of the Muslims, these were crucial years in the development of their minority consciousness. While the Wahabi movement for the reform and rejuvenation of Islam certainly had its inspiration from its Arab counterpart, it was directed mainly against the Sikhs and was not about rights of Muslims. Sir Syed Ahmad Khan, who may be credited with raising Muslim consciousness regarding their political, educational and administrative rights, used the external only to deny its impact on the Indian Muslims.

In the first half of the twentieth century, Ambedkar emerged as the leading proponent of the rights of the untouchables. He resorted to substantiating the claims of special representation that he put forward as the representative of the Depressed Classes by citing instances of such practice since the times of Republican Rome. He studied different forms of societal oppression such as the one that resulted from the operation of the feudal system in England and distinguished caste-oppression from these by calling it a religiously sanctioned oppression. In his draft on fundamental and minority rights, he cited provisions for non-discrimination and punishment for those found guilty of discrimination based on existing legislation in other parts of the world. Perhaps since the prevailing international legal discourse on the rights of minority groups at that time focussed more for protection of cultural identity of minority (religious and linguistic) nationalities, Ambedkar had to find suitable examples that could be likened to the situation of the untouchables in Indian from further back in history and from different parts of the world.
In the period between the two world wars, the western theoretical discourse was gradually turning away from defending the rights of groups. This trend seemed to be mirrored in the Congress attitude towards mobilizations of different groups since it was seen as fragmenting the national movement. It also reflected the concern of western theorists that groups may challenge the sovereignty/unity of the state. But this seemed to have no impact on Ambedkar's incessant campaign spanning over three decades for the right of special representation and reservation for the untouchables.

By contrast again, the religious minorities' use of the external was of a different nature. The Ghadar movement of the Sikh diaspora in Canada inspired nationalism among Sikhs. The Sikhs initially struggled for the recognition of their right to control the Gurudwaras. While this was similar to the protections given to minority religious institutions in the post-World War I treaties, the Sikhs had not linked their demand to these external examples. It was only after a section of the Muslims claimed a separate state that leaders of the Akali Dal demanded a separate state for the Sikhs who they claimed were a 'nation'. Sikh representations to Constituent Assembly demanded separate electorates as well as representation in legislatures and services in the manner given to Muslims and cultural rights as were given to minorities of Europe.

Indian Christians were still attempting to establish their indigenous credentials and therefore they allied closely with the national movement. They were contesting their 'foreign-ness' and attempting to develop an indigenous theology and liturgy since this period. In the Constituent Assembly, Christian representatives did not make a claim for separate electorates, nor for special representation. They stood by the Congress in its project of creating a secular India. Their only demand was that of freedom of religion including the right to propagate religion. Indian Muslims were perhaps at the peak of their transnational involvement at this stage. Pan-Islamism was at its peak with intellectuals like Ali Brothers, M.A. Ansari and Abul Kalam Azad. However the pan-Islamism was mainly religious, and had nothing to do with Muslim demand for separate electorates. Moreover, it was allied with the nationalist movement. Mohammad Ali Jinnah's late demand for a separate state for the Muslims was not based on the claim that they were a minority but that they were a 'nation'. Nationalist Muslims
who demanded separate electorates as well as representation in legislatures and services did so on the basis of similar rights being given to Scheduled castes.

However, the partition of the country on the basis of religion foreclosed any discussion of any rights of minorities for the next five decades. It moved the nationalist discourse closer to the international legal and western theoretical wariness with group rights. To the extent that the different minority groups demanding minority provisions framed their demands based on the Treaty protection of minority rights, this may be seen as a continuation of the trend in the framing of fundamental rights. Based on these recommendations, the right of minorities to establish educational institutions was granted and minority right to culture was granted as a right of all individuals to culture. However, minority languages were not given adequate protection, thus reflecting the domestic concerns/interests of the times. The right to freedom of religion too was granted to all individuals.

The post-World War II period coincided with India’s independence. The partition of India brought the international and official Indian discourses on group rights closer to each other than ever before. The individualistic liberal democratic tradition came to occupy centre-stage in the international law of human rights, western political theory and the official Indian discourse. There were some exceptions in the form of the Genocide Convention in international law and special rights to Scheduled Castes and Scheduled Tribes in state-practice in India. Moreover, the idea of non-discrimination gained strength. The Indian discourse was ahead of the international discourse in terms of recognition of special educational rights and the individual’s right to culture until the formulation of International Covenant for Civil and Political Rights and Article 27 (1966).

After a relative lull of two decades, the 1970s witnessed a rise of critique in western theorizing in favour of group rights in the works of Vernon van Dyke and Arendt Lijphart. International law took cognizance of racial discrimination as a result of decolonization and the mobilization of blacks (pan-Africanism). More recently, liberal defenses of minority rights for the preservation of diversity/difference/culture have been forthcoming from the western theorists like Will Kymlicka, Iris Marion Young and Chandran Kukathas, to name a few. International law has accommodated some of these arguments and had perhaps been the inspiration for some of these theoretical defenses.
Dalit mobilization in this period drew inspiration from the Black Panther movement, and followed its pattern of mobilization -- largely literary. Gradually, the Dalit diaspora and activists/lawyers started engaging the foreign governments and the human rights discourse. This process culminated in the consideration of the issue of caste discrimination as a form of racial discrimination, i.e., occupation and descent-based discrimination.

Decolonization and racial discrimination made the Vatican and the World Council of Churches reconsider the priorities of the Catholic and Protestant Churches respectively. By recognizing the need for inculturation/indigenization of the Churches in different cultures, Christianity moved towards dialogue/syncretism with local cultures as well as towards taking up issues of poor Christians in the developing world. The Roman Catholic Church in India followed the path taken by various Oriental and Asian Churches in this matter and this led to far reaching changes in Indian Christology and liturgy. Protestant denominations in India approached the World Council of Churches and urged it to take up the issue of Dalit Christians in their struggle for recognition as Scheduled Castes. Dalit Christians (Protestant and Catholic) then forged alliances with other Dalits and initiated the National Campaign on Dalit Human Rights, which was supported by the World Council of Churches and its allies, the international human rights NGOs such as Amnesty International, Human Rights Watch and Anti-Slavery International. The recent persecution of Christian minorities in India has resulted in the formation of the United Christian Forum for Human Rights having similar allies. Dalit Christians have also developed Dalit theology which is partly influenced by the Catholic liberation theologies in different parts of the world as well as Protestant theology. There seems to be little interaction of the Indian Christians with the theoretical debates on group rights.

Indian Muslims continue to live in the legacy of the Partition. There has been no evidence of pan-Islamism in post independence India. This has instead been replaced by some diaspora Muslim associations/organisations in England and United States highlighting the grievances of Indian Muslims especially in instances of communal violence. Recently, the human rights discourse has been invoked in the context of abuse of state power by law enforcement agencies during communal riots. Western theoretical debates on representation of minorities have been used by Muslim activists to make a case for proportional representation of the Muslim
minorities in legislatures and services. It is only in the area of reform of personal laws that legal scholars have taken cue from the reformed personal laws in Islamic countries.

The discourse on rights of Sikhs had had the most direct international influence due to the role played by the Sikh diaspora in the demand for Khalistan. The Sikh diaspora had borrowed on the language of rights of ethnic communities that it had access to as an ethnic minority in USA, Canada and Britain, to make a claim for separation of Punjab from India. During the 1980s, the Sikh diaspora staked the claim of being 'unrepresented peoples' and made alliances with Palestinians, Kurds, Nagas and Kashmiris in the United Nations. The diaspora thus took the lead in the movement for secession in the 1980s and despite the decline of the movement in the Punjab, continues to raise such demands in the US Congress.

It is interesting to note that Sikhs of Punjab are now trying to break away from their self/diaspora-created image of a minority.

In the case of all three religious minorities, the external has been a source of empowerment as well as disempowerment. The 'foreign' connection has been used in the case of Christians to delegitimise their demand for freedom of religion, in the case of Muslims to question their loyalty to the nation and in the case of Sikhs, to sanction the counter-insurgency operation in Punjab. In each of these cases, the 'otherness' of the minority, in opposition to the majority/Indian/Hindu 'self', has been established on the basis of its external connections.

Another common discursive thread has been empowering as well as disempowering is the discourse of secularism. This has been more so in the case of Muslims and Christians. While the initial reaction of the radical Muslims was to question the secular state as being un-Islamic, the Christians had always been strong supporters of the secular state. While the practice of secularism has been the source of discontent for both Muslims and Christians, it is now being defended against the onslaught by Hindutva extremism. The concept of secularism has been the mainstay in the defense of the rights of minorities in India and this distinguishes the Indian discourse on rights of religious minorities from the existing international legal and western theoretical discourse.

A third common discursive device is that of human rights. All religious minorities as well as Dalits have found use for the human rights discourse which is dominated by the concern for the right to life. And finally, all groups attribute the
internationalization of their concerns to the communications revolution that has been the mainstay of the globalized world. This, they admit, has changed the manner in which they have articulated their rights and identities.

Based on the foregoing analysis, it may be concluded that it is impossible to understand the discourse on group rights in a country unless one understands the larger international context in which it is situated. Marginalized groups borrow extensively from international legal and theoretical discourses -- as well as practices -- in other countries in order to provide additional moral and political credence to their demands. What each group borrows from the external discourses, however, depends on its particular circumstances and experiences in the concerned society. Groups are particularly adept at isolating the exact source of their marginalization and discrimination, and using external discourses accordingly.

These external discourses are predominantly those related to the rights of other oppressed groups in other parts of the world, but are not limited to them.

In other words the barrier between outside and inside in the political realm is permeable and constantly shifting. Indeed, the trajectory of the current doctoral project itself reveals the protean and transitory nature of the international-domestic divide in the study of politics. Politics remains, as Harold Lasswell reminded us half a century ago, about who gets what, when and how.