



Kymlicka's Multiculturalism and Indigenous Rights: A Philosophical Study

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ARTICLE DETAILS	ABSTRACT
Article History: Received Date:12-10-2025 Revised Date: 20-10-2025 Accepted Date: 25-10-2025 Published Online: 10-11-2025	The continuously expanding multicultural texture of present-day social orders has offered ascend to some new issues and clashes, as ethnic and national minorities request acknowledgment and backing for their social character. Certain sorts of rights for minority societies are steady with liberal equitable standards, and that standard liberal issues with perceiving such rights on the grounds of individual opportunity, social equity, and national solidarity can be replied. Nonetheless, no single lot of strategies can be connected to all issues and the requirements and yearnings of migrants are altogether different from those of indigenous people groups and national minorities. Multiculturalism challenges this liberal spotlight on the individual and puts that this consideration is stretched out not simply to people as such and their fundamental rights but also as individuals having a place with various social gatherings. This study attempts to inspect the different inadequacies of the liberal conventions in undermining the minority rights in a way that gives us the stage to recognize and talk about the sufficient record of the contemporary liberal multiculturalism and in considering the individual too as not adequately bound out with the cases of network, history and convention.
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Introduction:

"... in their rich variety and diversity, and the reciprocal influences they exert on one another, all cultures form part of the common heritage belonging to all mankind."

- Declaration of the Principles of International Cultural Co-operation, UNESCO, 1966.¹

Multiculturalism as a theory in contemporary times, has come to be referred to as a broad array of theories, beliefs, norms, practices, and policies that seek to provide public recognition of support or accommodation for non-ethnocultural groups.² Multiculturalism, in general, is closely associated with identity politics; the politics of recognition and differences. It gives focuses on ideas and ways in which communities are or should be viewed regarding social and cultural diversity. Given the fact that traditional liberal theory regards individuals to be accorded with inalienable rights and dignity. According to this tradition, individual members are the key aspect and the fundamental unit of the liberal democratic society. Also, they focus on security and safeguarding basic human rights. For them, the activity of legislative issues, inside the liberal structure intends to make sure about people by safeguarding their privileges. However, what is distinctive about multicultural approaches to social and cultural diversity – and especially liberal

¹ A Xanthaki, "Collective rights: the case of indigenous peoples," *Amicus Curiae - Journal of the Institute of Advanced Legal Studies and its Society for Advanced Legal Studies*, Issue no. 25, (March 2000): 7-11. <https://doi.org/10.14296/ac.v2000i25.1428>

² Duncan Ivison, "Multiculturalism and Indigenous peoples," in *Oxford Handbook of Indigenous Peoples' Politics*, ed. José Antonio Lucero, Dale Turner, and Donna Lee Van Cott, (Oxford University Press, 2015): 1-20, DOI: 10.1093/oxfordhb/9780195386653.013.17

multiculturalism – is the desire to go beyond the protection of basic civil and political liberties associated with liberal citizenship to forms of differentiated citizenship that allows groups to express their distinct identities and practices in various ways.³ There is a need for transforming the current social and political arrangements and specifically the cultural exchange between different groups. Liberal multiculturalism looks forward to changing the character and the traditional way of differentiation of the majority section of the society and the minority section of the society by the liberal-fair standards against separation, anti-discrimination norms, and essential human rights. However, this could be ensuring not only by guaranteeing that the minorities appreciate the ‘reasonable estimation’ of their fundamental common and political freedoms, but also referring to the specific circumstances of the groups through the recognition and identified group-differentiated rights.⁴ Liberal multicultural setup supposedly aims to displace the racialized and hierarchical model of social order, and ensuring the minority or indigenous prosperity and preserving the small population, is an unavoidable duty for the state. In a liberal-democratic state, there are many attempts made through the philosophical approach to accommodate and also validate these minority rights, and the central theme of this paper deals with the recognition and upliftment of the indigenous cases. This paper also provides a platform for the open discussion of various issues on multiculturalism and its associations with individuals, group members, cultures of the multicultural-society considering the various arguments for and against liberal multiculturalism with special references to ‘indigenous peoples.’

Indigenous People and Rights: An Overview

The contemporary social and political scenario of the Indian democracy has far set aside the issues of indigenous people groups claims for their special rights within the constitutional framework amidst the journey set forward to safeguard the liberal notion of government ascribe by the colonial regime before its independence. Despite numerous protests and agitation for recognition, the Indian state fails to acknowledge either the validity of the precolonial mistreatment of its diverse native people groups or took up steps to serve justice to various historical injustices such as land appropriation or force integration. To a certain extent, the process of liberalization has led the state to connote that indigenous communities have been smothered and that historical mistreatment was superseded and ultimately to evade any state commitment for reparation of the indigenous people groups. However, this approach seems to be insufficient in many aspects. The struggle for rights to self-autonomy and rights to self-preservation as a medium to hold on to the ancestral land and territories and to still foster once traditional culture and ways of life continues today and, as the Indian legal system fails to acknowledge these people, many indigenous people groups in their

³ Duncan Ivison, “Multiculturalism and Indigenous peoples,” in *Oxford Handbook of Indigenous Peoples’ Politics*, ed. José Antonio Lucero, Dale Turner, and Donna Lee Van Cott, (Oxford University Press, 2015): 1-20, DOI: 10.1093/oxfordhb/9780195386653.013.17.

⁴ John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), 207-220.

attempts for recognition have sought intervention from a various international organization. The constitution of India does not give a separate definition for the indigenous people whereas it is club together with the definition of 'scheduled tribes.'⁵ However, the definition of the scheduled tribe as inclosing indigenous people is misleading because various indigenous people groups are not 'scheduled tribes.'⁶

The persistent struggle for acknowledgment of indigenous requires a thorough philosophical intervention into the basic ideals of liberal democracy and its challenges in accommodating group-differentiated rights as Will Kymlicka has expounded in the phenomenal work. Various questions need to be answered from a philosophical and political point of view, such as whether the concept of Indigeneity is normatively significant or not? Whether the historical agreement between the colonialists and the indigenous people still counts as a normative basis for their recognition and land rights in the present days? The question of historical obligation and affirmative action that the nation-state ought to take up as compensatory measures for the minority groups who were exploited and subjugated unjustly. Whether the present nation-state government should incorporate in their constitutional framework about the diverse and distinct culture of the indigenous peoples? This understanding is the prerequisite for philosophical analysis of the indigenous people's rights. However, as my study intends to present the theoretical validation of the claims of indigenous rights with special reference to North-Eastern regions, I will not be discussing the constitutional technicalities involved but rather focus on the understanding of Kymlicka's arguments. There may be grounds that the readers or thinkers think that arguments formulated from cultural rights of the indigenous peoples or the minorities do not address the existing political and economic disparities as culture does not encompass the holistic development of the group members. But the issue is not only about cultural rights taken into account, rather the issue at hand is whether the political and economic arguments are only the ways to address the exploitation and discrimination of these minorities. The liberal notion of safeguarding individual autonomy and equality does not only do them justice. The indigenous way of life, their culture, and the recognition of the members of the minorities start from the recognition and respect given to their cultural rights and community understanding as well. Therefore, this study takes utmost

⁵ C.R. Bijoy, "The Adivasis of India: A History of Discrimination, Conflict and Resistance," and Resistance," PUCL Bulletin (February 2003), <http://www.pucl.org/Topics/Dalit-tribal/2003/ativasi.htm>

⁶ Schedule V includes administration (Tribal Advisory Councils) and control of Scheduled Areas and Tribes (part C 6(3)): The measures followed for announcing a territory as a Scheduled Area is dominance of ancestral populace; conservativeness and critical size of the region; immature nature of the region; and checked dissimilarity in the financial norm of individuals. These standards are not explained in the Constitution of India yet have gotten grounded. It incorporates regions of Andhra Pradesh, Jharkhand, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Chattisgarh, Orissa and Rajasthan. Schedule VI - Provisions for Administration of Tribal Area in Assam, Meghalaya, Tripura, and Mizoram & Arunachal Pradesh. Under this provision, two forms of governing units are being provided i.e., the autonomous district council and the autonomous regions. A: The Governor has the Power to incorporate, reject or decrease any of these regions or characterize their limits [S 1]. B: There will be a District Council for Each Autonomous District including close to 30 individuals and a Regional Council for the Autonomous Regions. C: The forces of organization will be vested in these Districts and Autonomous Council [S 2(4)]. The Governor will be qualified for make rules for the constitution of the Councils, their synthesis, and terms of office, arrangement of officials and staff and technique and lead of business. [http://lawmin.nic.in/olwing/coi/coi-english/Const.Pock%20Pg.Rom8Fsss\(2\).pdf](http://lawmin.nic.in/olwing/coi/coi-english/Const.Pock%20Pg.Rom8Fsss(2).pdf)

importance of cultural rights in formulating individual rights to defend various arguments forwarded by Kymlicka in an attempt to accommodate the community's wellbeing and minority rights within a liberal framework of justice.

The notion of minority rights stands problematic within the liberal framework for the obvious reasons that liberal framework press concerns for the individual members of the society and sought for the rights, liberty, and equality of the individual members. Taking collective rights into consideration within the liberal framework comes in conflict with the traditional liberal framework. However, Kymlicka's innovative idea of accommodating minority rights within the liberal framework does up to a certain extent provide room for reconsideration of liberal notions on accommodating group-differentiated rights. The question of Indigeneity arguing that claims for indigenous rights have been neglected in many instances due to a lack of proper establishment of who the indigenous people are. Much understanding of the claims for indigenous rights is neatly based on the thorough knowledge of what the term indigeneity means. As formulated, the definition as nature by which the unique state of affairs and the social cohesiveness within a community or group gathering are being expressed. And hence establish that to understand the question of indigenous rights, the concept of indigeneity is a prerequisite. Further elaborating on the definition expounded by various international organizations and their attempts to safeguard the rights of indigenous people to address the major issues about the North-East region of India, focusing on the negligence of the Indian state to recognize this native origin as unique from the rest of the people in their way of life, culture, geographical features, and languages. The theme argument displays the disadvantages and the discrimination face by the indigenous people of these regions and on a legal note take into consideration the principles and philosophical understanding expounded by Kymlicka in his seminal work to justify the rights of the indigenous people.

The argument for cultural membership and the historical reparation is grounded on the Kymlickan notion of equality-based arguments where he argues for equal treatment of the native people based on the notions of cultural membership and historical agreements and injustice. Which in every case, justifies them for certain rights which are crucial for the survival of their culture and traditions. Historically the aftermath of the colonial conquest has its impact thrust on the native people. More the nation-building process of the Indian state largely adheres to the colonial approach and is interconnected in various aspects. And for these obvious reasons, the argument for historical injustice as the social, political, and economic upliftment requires revisiting the past events and formulating an appropriate measure as a form of reparation.

Multiculturalism, Minority Rights and Justice:

Multiculturalism, as we understand, is a political way of thinking towards a diverse cultural setup where every culture and institution that shapes the society is being treated equivalently. No culture or community is taken to be superior or inferior to any of the other cultures, rather members of diverse cultural backgrounds are incorporated as equal ethnic groups within the larger social set up although individuals may be from a diverse background. Aiding the administration of the ethnic pluralism within the nation's policies; Multiculturalism first came as the vital board of government strategy relating to a general public comprising of differed social groups in the 1970s in Canada and Australia. The historicity of the term is emphatically connected with a developing acknowledgment of the mistreatment and subordination of the minority community such as the indigenous people groups, for bringing above a legislative acknowledgment of the indigenous rights and social character ascribing the native people and of all the declaration of cultural membership as morally justified.⁷

In a multicultural society, the moral values and the diversity of cultures are being nourishes and encourage with an inventive discourse. Individual's privileges to their way of life and cultural norms are safeguarded and also adds to their scope of yet another development in self-analysis, self-assurance, and in the aspects of creative thinking and critical mindset which adds to their turns of events and prosperity. There have been various occasions where the talk on the idea of multiculturalism and the accommodation of minority rights has been channelized in an international platform. For instance, Bhikhu Parekh stated that various leaders who took part in the global organizations of activists, researchers, and strategy creators still discuss and circulate the discourse on multiculturalism. Based on the standards of resistance and beliefs of equality, these global organizations continue to influence and diffused cultural diversity all over the globe. Furthermore, various international organizations have also acknowledged the formal worldwide norms of minority rights. These associations have endeavored to arrange and stripe to build-up instruments for the state to be consistent with the minority community and also to curve state regulations for the minority community such as indigenous people groups.⁸ In chapter 2, in an attempt to arrive at an agreed definition of who the indigenous people are, I further discuss in details, various articles within the international laws concerning minority rights, articles within the framework of an international organization such as the United Nation (UN), the World Bank, and the International Labour Organization (ILO).

In liberal democracies, the state policies for the considerations of the minority rights claims have been progressively perceived to be a difficult point of departure as the notion of minority rights and the communitarian approach to philosophical liberalism shared the same viewpoints. Whereas, the various

⁷ Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Oxford University Press, 1995) 81.

⁸ Parekh Bhikhu, "What is Multiculturalism?" in *Multiculturalism a Symposium on Democracy in Culturally diverse societies*, Issue no. 484, 3, <https://www.india-seminar.com/1999/484/484%20parekh>. Multiculturalism is best perceived neither as a political tenet with an automatic substance nor a philosophical school with an unmistakable hypothesis of man's spot on the planet however as a viewpoint on or a method of survey human existence.

ethnic community at the same time do prefer not to be yielded from the touch of modern liberal society. In other words, they would like to be active as the rest of the participants within the western liberal framework, however, with a shared interest and equal treatment for the minority community, admittance in educational institutes, innovation, proficiency, mass correspondences, and so forth.⁹ Various thinkers such as Young, Parekh, Tully, Taylor, Harrow, and Spinner, had advocated for group-differentiated rights in the endeavour to safeguard the justice of a particular community or multicultural accommodation of minority rights. The claim for minority rights does not amount to harmful types of segregation nor it comprises unjustifiable advantages. Rather, it promotes and makes up the wrongs, the disadvantages suffered, and exploitation of the minority community and calls for justice being delivered to these people for the unprecedented mistreatment that they have concurred. Upholding the claims to minority rights is a step forward in remedying the mistreatment that the minority community had suffered and at the same is a step closer towards delivering fairness within the society.¹⁰ The assumptions that minority society would vanish with the interaction of political modernization and financial advancement in modern liberal state ultimately leading to the acclimatization of 'regressive' minority community into the larger progressive' majority culture has led the western democracies to pave ways for the major communities' ways of life and personality through conscious state arrangement deliberately arrange to subdue minority communities. Liberal democracies have always been focusing on advancing incorporation into the way of life of the larger share of the majority community as part of the 'nation building' process. Hence, Kymlicka mention that we are 'misguided' on the path that a liberal majority-ruled state remains unbiased to ethnocultural discussions.¹¹

Justice, in the present scenario, is in gradual progress as minority rights are being acknowledged in various Western states that encompasses indigenous population and various other national minorities have embraced multiculturalism recognizing the presence of the native people groups' and 'unique identity' within the state. Although these acknowledgments can be regarded as a scope for the claims of minority rights to self-autonomy, standard land and resources rights, and self-government policies for the indigenous people's groups. But, on the contrary, in the case of national minorities, only uncertain minority rights such

⁹ M Galenkamp, *Individual Versus Collectivism: The Concept of Collective Rights*, (Rotterdam: RFS, 1993), Google books, https://books.google.co.in/books/about/Individualism_Versus_Collectivism, isbn- 9789070116767. The belief in such a 'striking parallel' is partly the result of linguistic sleight of hand. Because minority rights are claimed by groups and tend to be group-specific, they are often described as 'collective rights. The fact that the majority seeks only individual rights while the minority seeks 'collective' rights is then taken as evidence that the minority is somehow more 'collectivist' than the majority. This claim of reasoning contains several nonsequiturs. Not all group-specific minority rights are 'collective' rights, and even those which are 'collective' rights in one or other sense of that term are not necessarily evidence of 'collectivism'. Also see Kymlicka 1995 a; Ch.3 and Ch.4 pp. 20-5.

¹⁰ C Kumar, "Multiculturalism in a Global Society: Minority Rights and Justice," *Research on Humanities and Social Sciences*, Vol.1, No. 3, 2011, 24. <https://www.researchgate.net/publication/228518377>

¹¹ *Ibid*; 25-6.

as language rights seem to be recognized.¹² No account of self-autonomy towards the function of the state or self-determination rights is being conferred to the national minority such as the indigenous people groups. As a result, international laws have a must on their side to reconsider to accommodate the claims of minority communities within the larger state. In other words, this situation speaks of the international policies as just arranging the most and not the best for minority communities in their endeavour to safeguard this community. Ensuring self-government rights, rights based on political representation, decision-making power over the issues of internal matters concerning the traditional way of life, and prohibition rights over issues that straightforwardly influence their social and cultural aspects. Although these measures can be seen to be clashing with the liberal ideal of individualism, however, these claims help in reparation of political unfairness within the society.¹³ This circumstance of certain Western nations like the United States, Germany, or Canada differs from that of India in various critical approaches. Distinguish by varied factors like religion, caste, class, and territory, Indian culture is further divided into a confusing number of minorities. Consistently, the limits of these groups are fairly liquid and covering in some sense. The constitution also does not explicitly outline these issues due to various restrictive perspectives from different sides however, there is a fear in the present situation that forces that are against the liberal framework may take hold of this general plan. As minority consists of different figures and proportions such as 'national minorities,' 'indigenous people groups,' 'immigrants,' 'refugees,' 'migrant labourers,' 'Anglo-Indian,' etc. These groups have different requirements, desire, and the issue of politics of recognition cannot be solved only by following a governmental policy of difference or allowing greater minority rights until certain trivial issues of 'the right to continue one's culture' and the consensus on the rights to self-determination is sought in the international forum for minority rights.¹⁴

Having said so, in a multicultural setup, various cultural groups have varied, requirements, desires, and aspirations, and communities that far reach from modern advancement do lack behind in every aspect of civilization. Some groups may be a burden or do not have access to certain expertise to avail the minimal advantages from the state or lack of awareness to partake in the standard society and get benefits from it. Rights ensuring dignity and protection for these communities such as governmental policies regarding minorities in society, group-differentiated rights, state upholding minority foundations, and socially separated uses of laws and strategies need to be accompanied with the justice and delivering a common mindset of belongingness within the multicultural state with fair equity. And clearly, Kymlicka's liberal theory of minority rights provides a setting that gives members of the minority community, admittance to

¹² C Kumar, "Multiculturalism in a Global Society: Minority Rights and Justice," *Research on Humanities and Social Sciences*, Vol.1, No. 3, 2011, 25-6. <https://www.researchgate.net/publication/228518377>

¹³ Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Oxford University Press, 1995) Ch.3 and Ch.4, 20-5.

¹⁴ Donald L Horowitz, "Self-Determination: Politics, Philosophy, and Laws," *Nomos* 39 (1997): 421-63. Accessed February 28, 2021. <http://www.jstor.org/stable/24219983>.

the significant decision in lifestyle, in both public and private life and empowers members to reclaim and upgrade their singular opportunity and autonomy upon the rules that regard minorities cultures.¹⁵

Kymlicka's Liberal Conception of Minority Rights:

Will Kymlicka's philosophical discourse on the conceptual formulation of minority rights takes an important place in the field of social and political philosophy, posing philosophical inquiry for the justification and recognition of the minorities in contemporary times. His contribution to the political spectrum has a wide range of liberal understanding and also has the systematic will to outline, modify and defend the liberal understanding of rights, of people as individual and the community as well. His works *Liberalism, Community and Culture* (1989), *Multicultural Citizenship: A Liberal Theory of Minority Rights* (1995), *Politics in the Vernacular: Nationalism, Multiculturalism, Citizenship* (2001), etc, have strongly influenced later developments. In his writings, he has contested the various shared perspectives of liberal traditions and highlights that the traditional liberal framework does not provide for the self-determining aspects of our cultural association and was despite the fact of being a minority community, equal rights are being sought. He changes the discourse of this traditional liberal understanding which is misrepresented and attempts to rewrite that the minority rights can be shown as well-suited with the liberal tradition. In the book, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, Kymlicka not only discusses various matters about autonomy, liberty, and good life of the indigenous people, the Quebec, immigrants, and multiculturalism but also academically expounded the arguments regarding the link between individual and the social order/values. Throughout the chapters, the efforts lie in the efficacy of the liberal tradition in dealing with group-specific rights.¹⁶ In this book, he emphasizes his well-established assertion that the sense of belongingness to a particular culture can be well accommodated inside the liberal boundary. He builds up a whole new outlook on liberal democratic thought. Through the promulgation of the best practices of the minority rights and the norms such as the creating least lawful and liberal standards and articulating exact explanations for cases, he proceeded towards the prospect of a multicultural society with feasible liberal-democracy.¹⁷

Will Kymlicka takes into account the liberal models when it comes to the understanding of the concept of minority rights. A traditional society raises its individuals to be self-determining and be able to act. The liberal hypothesis emphasizes a person's opportunity. As a political way of thinking, liberalism has regularly been viewed as essentially concerned about the connection between the individual and the state,

¹⁵ Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Clarendon Press, 1995), 10-30.

¹⁶ Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Clarendon Press, 1995), 10-30.

¹⁷ P Kesava Kumar, "Liberal Democracy and Kymlicka's Conception of Minority Rights: Towards a Perspective of Dalit Rights," *A Biannual Journal of South Asian Studies* Vol. 5, No. 2 (2012), 204-217. <http://www.pondiuni.edu.in/sites/default/files/IJSAS120313.pdf>

and how coercing state interruptions the freedoms of the people. That is, the liberal model solely takes into account individual rights to be its priority. Liberalism can be seen to fundamentally engage with the rights of the individual and its characteristics features have always been independent and individual rights so that there are negligible or no group rights that are part of a group membership. Kymlicka proposes a contention against this idea that additionally there is more of an extensive record of the link between the individual and society that a liberal model could hold specifically, of the person's participation in a system and culture.¹⁸ Liberals take safeguarding individual rights to be its obligations; however, Kymlicka also sees that the inclusion of group-specific rights or collective rights as compatible with the liberal model and considers it to be fundamental for opportunity and uniformity. He explained in his writings that the minority rights identify with the expansive political qualities, for instance, opportunity, equity, vote-based system, and citizenship, and also plays an important role in regularizing structures such as liberalism, communitarianism, etc. So, these rights he asserts are not short-term right but are the rights that ought to be perceived consistently, because these are immutable privileges of the marginal sections.¹⁹

Kymlicka's articulation of the individual as being tightly embedded in the social fabric makes a hypothetical space for social rights which in relation makes liberal accounts affable to the ethical values of social multiplicity. Kymlicka differentiates between two ethnic-social membership i.e., the National minorities in a multination state and the Ethnic Community in 'polyethnic states' when dealing with minority rights. The deliberate or automatic integration of the nation as a whole give rise to the section of marginalized which is the National minorities, while the ethnic minorities emerge from a separate individual or similar movements and development from various other countries. Commonly in a 'polyethnic state,' the settlers are part of the ethnic gatherings and he believes that 'polyethnic rights' can be rendered to this group. National minorities on the other hand are the bunches that share for all intents and purpose a few or all of history in terms of land resources, linguistic, and culture. Each of these may have turned into a minority automatically through success, colonization, or development, or it could have wilfully consented to enter into an association with at least one different country, people groups, or societies.²⁰ As far as the notion of national minorities is concerned, Kymlicka takes it to be very much associated with the culture of the particular group and he claims that these minorities ought to be distinguished as different or distinct in their way to preserve and conserve their culture. Certain group rights such as special representation rights and self-government rights can be seen as being related to national minorities but for Kymlicka these rights he

¹⁸ Will Kymlicka, *Liberalism, Community, and Culture*, (Clarendon Press, Oxford, 1985), 206-218.

¹⁹ P Kesava Kumar, "Liberal Democracy and Kymlicka's Conception of Minority Rights: Towards a Perspective of Dalit Rights," *A Biannual Journal of South Asian Studies* Vol. 5, No. 2 (2012), 204-217.
<http://www.pondiuni.edu.in/sites/default/files/IJSAS120313.pdf>

²⁰ Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, (Oxford: Oxford University Press, 1995), 10-11.

asserts are not a short-term right but are the rights that ought to be perceived consistently because these are immutable privileges of the marginal sections.²¹

Kymlicka maintains two intriguing contentions about the national minorities in addition to his valid claims that the national minorities and the ethnic minorities are a part of the minority rights. Firstly, he claims that the existence of an individual or a section of people “is dependent on the presence of a societal culture, defined by language and history and that most people have a very strong bond to their own culture.” And secondly, he claims that the assurance of liberal fairness “is not only consistent with but even requires, a concern with cultural membership.” Through these legitimate claims, he makes sure that the minority rights are not just a claim but are intrinsically fundamental with the growth, development, and preservation of the groups by enhancing their way of life. Further, Kymlicka strongly maintains that: “It is ... unjust to individuals to say that those who belong to dominant groups can enjoy the attendant advantages and satisfaction, whereas those who belong to non-dominant and minority groups must either abandon their culture or accept second-class status. It is not enough for political theorists to contemplate simply the individual and society, or relationships between man and the state. It is time for them to contemplate mankind in its great variety.” Without a special right, minority members do not have “the same opportunity to live and work in their own culture as members of the majority.”²²

In the book, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, Kymlicka contends for minority rights dependent on his supposition of the notion of ‘societal culture.’ According to him, it “provides its members with meaningful ways of life across the full range of human activities, including social, educational, religious, recreational, and economic life, encompassing both public and private spheres.”²³ ‘Societal culture’ is regarded as “the everyday vocabulary of social life and are naturally based on the standards of common linguistic grounds, which means that they ‘must be institutionally embodied—in schools, media, economy, government, etc.’ He writes, “just as societal cultures are almost invariably national cultures, so nations are almost invariably societal cultures.”²⁴ Basically, at that point, it is a culture of the society that can, in a cutting-edge sense, is not completely free to be lived inside, but desirable since it gives a full possibility of choices for a satisfying human life.²⁵ Equipped with the particular notion of the societal culture,’ Kymlicka advances his approach for the minority rights and takes that culture is something that is fundamentally connected and also serves as the asset to individuals, and as a result of this, it is

²¹ P Kesava Kumar, “Liberal Democracy and Kymlicka’s Conception of Minority Rights: Towards a Perspective of Dalit Rights,” *A Biannual Journal of South Asian Studies* Vol. 5, No. 2 (2012), 204-217.

<http://www.pondiuni.edu.in/sites/default/files/IJSAS120313.pdf>

²² Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, (Oxford: Oxford University Press, 1995), 34-48.

²³ Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, (Oxford: Oxford University Press, 1995), 76-80.

²⁴ *Ibid*; 76-80.

²⁵ *Ibid*; 34-48.

difficult for individuals to get integrated into another culture. It is essentially required to reinforce and provide for securities so that these minorities that adhere to a distinct culture be associated with the culture of the particular group and he claims that these minorities ought to be distinguished as different or distinct in their way to preserve and conserve their culture. However, on this note, different ways are leading both national minorities and ethnic minorities. The ethnic minorities for the most part would comply to coordinate with the reinforcement or the securities that have been provided by the government though it may be temporary. Whereas for national minorities their contentions may lead towards a more obligatory reinforcing and strengthening of their culture as an everlasting element with a wide spectrum of self-administration privileges. Talking of self-government rights, Kymlicka points out that ethnic minorities are entitled to minority rights. In addition to this fact, there is an assurance for them to be part of the majority on reasonable grounds as they can be recognized under the 'polyethnic rights,' vesting upon them their rights "to express their social distinction and pride." Further, Kymlicka contends that defending group rights is a move towards fairness. Formulating the 'equality argument,' he takes into account that various members of the society are required to be treated with varying degrees and that recognizing and empowering the minorities with certain rights would indeed increase equality in society. For this caused he maintains that the state ought to be culturally impartial to ensure these rights to a socially underprivileged section of the society. Kymlicka's contention is grounded in indigenous nationhood and social enrolment. A nation for Kymlicka is a "historical community, more or less institutionally complete, occupying a given territory or homeland sharing a distinct language and culture".²⁶ Kymlicka comprehends these minorities/indigenous people from their pre-colonial status as a self-governing society. These national minorities each have distinctive social and cultural norms. However, various human rights thinkers and social scientists put forward that they certainly need extraordinary rights for their aggregate prosperity as they are being dominated, deprived, and often infiltrated, misused of their land and resources, and burdened in the prevailing society of the cutting-edge liberal state. Kymlicka urges that there is a need for differential arrangements in a state for these minorities. And to do that he relentlessly manufactures his contentions through his hypothetical appealed for a liberal collective right within the traditional atomistic liberal setup.

Conclusion:

Kymlicka sees that establishing a perspective on the importance of culture is a prerequisite for minority groups to demonstrate that minority members of the society adhere to certain peculiar and unique forms of life. He observes that societal cultures tend to be territorially bound and marked by a common language.²⁷ Members in a social group are inherently bound to the societal culture. He writes, "just as

²⁶ Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, (Oxford: Oxford University Press, 1995), 10-11.

²⁷ Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, (Oxford: Oxford University Press, 1995), 76-80.

societal cultures are almost invariably national cultures, so nations are almost invariably societal cultures.”²⁸ For Kymlicka, in this manner, it is vital that the cultural societies of the national minorities are being taken into account while ensuring the rights of these minorities in a worldwide state. He considers ‘societal culture’ to be an important factor for the self-rule of individuals with the community. As far as both the theory of minority rights and the liberalist account of the individual freedom and autonomy are concerned, they are in the same level playing field as the theory seeks for the adequate security of the individual within the diverse multicultural society that ought to be secured in all degrees of human communication. In a liberal- multicultural society, the states have to “compensate for unequal circumstances which put the members of minority cultures at a systematic disadvantage in the cultural market-space, regardless of their personal choices in life.”²⁹

²⁸ *Ibid*; 76-80.

²⁹ Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, (Oxford: Oxford University Press, 1995), 133.