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Planning for Effective Management of Haj

The number of Indian pilgrims for Haj 2000 is estimated at about 1,20,000. It has virtually reached the maximum national level of 1 per cent of Muslim population, as recommended by the OIC. This was the second biggest national contingent. Of these, over 72,000 were managed by the Haj Committee, about 35,000 by private Haj tour operators and travel agencies and the rest were Indian nationals or foreign nationals of Indian origin residing in third countries. Haj is a once-in-a-life time journey to a foreign land for most pilgrims. Hence its management needs the involvement of the Government and the Muslim leadership and hence an autonomous and self-funding statutory body which command the confidence of the Government and the public. In the first part of this article I deal with how best to organise the services provided by the Government and the subsequent article, I shall deal with how best the pilgrims can be organised and looked after.

The Haj Committee is the statutory body and the Ministry of External Affairs acts as the operational Ministry. Unfortunately the Haj Committee Act, 1959 is now totally outdated. Presently the Haj Committee is based in Mumbai, which used to serve as the sole point of exit and re-entry for Haj pilgrims, by sea and later by air. Now, with the abolition of sea passage and with Delhi, Bombay, Ahmedabad, Bangalore, Madras, Cochin and Calcutta serving as the points of exit and re-entry, the number of pilgrims handled at Mumbai has shrunk to only 15,000, with Delhi managing nearly 25,000 pilgrims. Since Mumbai served as the sole point of exit and entry, the Committee includes, under the existing Act, the representatives of the Maharashtra Assembly, the Government of Maharashtra, the Mumbai Municipal Corporation, the Mumbai Customs, the Mumbai Port Trust and the Mumbai Police, apart from the representatives of the Parliament and the Government of India.

Secondly, the Haj Committee not only formulates the Annual Haj Plan, invites Haj applications and manages the pilgrims' transportation to and from Jeddah, the release of foreign exchange to the pilgrims and accommodation in Mecca and Medina, in consultation with the Ministry of External Affairs, it also actually handles the pilgrims at Mumbai, while the handling is delegated to non-statutory State Haj Committees with jurisdiction over the other point of exit.

NEEDED A NEW HAJ ACT

The Haj Committee Act, thus urgently needs to be replaced by a new Act which has been on the anvil since 1978. The new Act should separate the policy-making and

planning function from physical handling of the pilgrims and the Central Haj Committee and the Port Haj Committee should be composed accordingly; the first should have the representatives of Muslim organisations of national eminence, Muslim parliamentarians and eminent professionals as well as representatives of all concerned Ministries of the Government of India – External Affairs, Finance and Civil Aviation, while the Port Haj Committees should have the representatives of local Muslim NGO's, whose objective is to assist the pilgrims, the State Government, the airport authority, the immigration, health and custom authorities at the airport, the local police, apart from the representatives of the Central and State Haj Committees.

The Central Haj Committee should be located at New Delhi to facilitate interaction with the Central Government and the Saudi Arabian Embassy and to expedite pending decisions, assisted by the Port Haj Committees at every point of exit/re-entry.

ROLE OF INDIAN CONSULATE GENERAL

There Act should be clear demarcation of responsibility between the Haj Committee and the Consulate General of India, Jeddah, which, under the overall control of the Ministry of External Affairs and the supervision of the Embassy of India, Riyadh, should be primarily responsible for disembarkation of pilgrims and completion of formalities at Jeddah including the release of Saudi Riyals on arrival, their movements in Saudi Arabia, their accommodation in Mecca and Medina, their health and welfare while in Saudi Arabia and their embarkation for repatriation. While the Haj Committee should have the executive responsibility at the Indian end, the Consulate General should exercise it in Saudi Arabia. There should be close interaction and cooperation between the two. The Haj Committee may depute a member or two, with one or two supporting staff, by turn, to Saudi Arabia to cover the entire Haj period for monitoring the difficulties faced by the pilgrims and advising the CG, when necessary. There is no reason why the Haj Committee should select buildings in Mecca and Medina through its Building Selection Teams, whose members practically do nothing but collect their DA. The hiring of accommodation, in accordance with the parameters the Haj Committee decides, should be left to the Consulate General of India. The Haj Committee would then reserve its right and duty to intervene, if anything goes wrong. The present procedure entails a game of patronage, is wasteful and by dividing the responsibility, covers the possibility of underhand dealings.

HAJ AIR CHARTER

Transportation of pilgrims by air has become a racket of a scandalous proportion, primarily because of the fact that the Haj Committee has abdicated, or has been forced to abdicate, its statutory responsibility in the matter. Normally, the Haj Committee should first ascertain from the Saudi Arabian Airlines through the Consulate General of India, Jeddah, whether it wishes to exercise its right under the Saudi Arabian regulation, to participate in the Haj traffic, either fully one way or half either way. If the answer is in the negative, the Haj Committee should urge the Ministry of Civil Aviation, through the Ministry of External Affairs, to instruct/direct Air India to transport the Haj pilgrims to and from Jeddah on a reasonable charter fare. In case Air India pleads its inability to do so, the Haj Committee **itself** should float international tenders detailing its requirements calling for bids from the airlines or air companies owning suitable aircrafts. The Haj Committee should, on receipt of tender, seek the technical opinion of the DGCA on the airworthiness of the aircrafts offered and then negotiate financial terms only with the bidders whose aircrafts qualify. **The essential point is that the return Haj Charter fare should not exceed 2/3 of the return IATA fare in force.** The difference in the fare for various Indian airports of exit and entry can be equalised.

The air charter agreement should be negotiated with full information about the charter fare paid by the pilgrims from Pakistan, Bangladesh, Malaysia, Indonesia and Iran which are the non-Arab Asian countries sponsoring the largest number of pilgrims. The Charter Fare, I repeat, should not exceed 2/3 of the normal fare because of 100% capacity utilisation and low fuel consumption on vacant trips to India before the Haj and from India after the Haj. The charter fare should include charges for ground facilities at the Indian and Saudi Arabian ends. Unfortunately, since 1997, the charter fare has almost equalled or even exceeded the IATA fare. **This calls for a CBI inquiry to unravel the obvious corruption.**

The period of stay in Saudi Arabia including the Haj week at present exceeds 40 days. With adequate number of operational and stand-by aircrafts, 8 batches can be tackled in one day. This would mean 18 days to cover 72,000 pilgrims. Hence the entire operation can be completed in 45 days and no batch has to stay in Saudi Arabia for more than 25 days.

QUESTION OF HAJ SUBSIDY

This brings us to the question of Haj Subsidy. Such subsidy is not permissible under the Shariat because Haj is obligatory only for those who can afford it. That is why neither Pakistan nor Bangladesh subsidise Haj travel. Following a modest beginning with about Rs. 4,000 in the

early 70's due to sudden spurt in oil prices and consequently in the IATA fare, the subsidy per pilgrim has risen now to Rs.18,000/-. With the rise in the number of pilgrims during the same period from about 20,000 to 70,000, the 'subsidy has' gone up from 8 crores to a staggering 126 crores in 2000 AD. Haj subsidy was introduced, as a temporary arrangement to cushion the pilgrims against an unforeseen and sudden development. It was supposed to be progressively reduced and totally eliminated in two or three years. However, it became a permanent feature of the Haj because no Central Government had the political will to withdraw it, even to reduce it in step with the rise in the rupee value of the normal fare. Naturally the quantum of subsidy went up with the fall in the exchange value of the rupee and the rise in the IATA fare in terms of dollars. The Parliamentary Standing Committee on External Affairs has repeatedly asked for gradual elimination of the subsidy. What is more important from the national point of view is that the Haj subsidy serves as a welcome grist to the mills of Hindu chauvinist propaganda against the Muslim community which is depicted as the beneficiary of a policy of appeasement.

Earlier because of foreign exchange restrictions, the Central Government used to prescribe a Haj quota for each year i.e. the maximum number of pilgrims permitted to perform Haj. This also served as an indirect control on the quantum of subsidy. For the last few years, the quota has become meaningless because at the last minute, practically all wait-listed applicants are allowed, including some belonging to prohibited categories.

What is needed is a clear policy on Haj. **No Quota, No Subsidy.** The overall impact may be to bring down marginally the number of applicants. That will strike down the collusion between the Haj Committee and the private Haj tour operators who charge the pilgrims commercial fares and then manage to get them included in the Haj Committee lists! Secondly, once the subsidy is eliminated, the Charter fare will go down. This will block the avenues of corruption, which today besmirches all concerned.

GOVERNMENT DELEGATION: SHEER WASTE

The Government of India deposes a huge Delegation of around 30 members called Haj Goodwill Delegation to Saudi Arabia. This is a colossal waste and nothing more than an exercise in political patronage at the cost of the public exchequer. There is a formal call by the Leader of the Delegation on the Saudi Arabian Minister of Haj and alongwith a few members he attends the mass Haj Dinner hosted by the Keeper of the Holy Places i.e. the King of Saudi Arabia. Apart from these, the Delegation as such serves no useful public purpose. On the other hand, the Delegation demands a lot of attention from the Consulate

FROM THE EDITOR'S DESK

General of India, thus eating into the time and human energy which would have been utilised in looking after the pilgrims and supervising the staff. Every member of the Delegation takes one or more dependants with him. The Members do not share the accommodation of the pilgrims but stay in luxury, not only in Mecca but even in Medina and Mina. The hotels have to provide free boarding and lodging to the dependants also. The hotel charges are accordingly raised. Special transport has to be hired for them. Of course, the Members also collect their DA, which is Rs.3000/- per day! So every member returns, after the Sarkari Haj, richer presumably spiritually but certainly materially! The entire operation costs something like Rs.10 lakhs per head! A total of Rs.3 crores, not counting the remuneration of the staff exclusively on duty with them.

This wasteful exercise, which is as stated above nothing more than political patronage, needs to be totally abandoned, as recommended by successive Ambassadors and Consuls General. Indeed, at my instance, as Joint Secretary (Haj) in 1978, both the then Prime Minister Morarji Desai and the then Foreign Minister A.B. Vajpayee had agreed to stop the practice. Unfortunately it has gathered steam over the years and the size of the Delegation has jumped from 4 or 5 then to 30 plus now! Indeed, the exercise does not even create goodwill in India for the party in power because obviously, in this free for all, those who are not obliged, nurse a grievance.

The problem faced by the Indian pilgrims cannot be solved by the Government of India or by the Haj Committee, without the understanding and cooperation of the Saudi Arabian authorities. But how can the problems be meaningfully discussed with any responsible person in Saudi Arabia during the Haj? It would be useful to replace the Haj Goodwill Delegation by a post-Haj Delegation, to discuss Haj matters with the Saudi Arabian authorities, when they are more relaxed after the Haj and to exchange ideas on the improvement of the Haj management and the solution of the problems faced by the Indian pilgrims. Such regular exchanges will, over a period of time, definitely make for a positive impact. Such a Delegation should not consist of Ministers or Government officials only but include eminent members of the Muslim Indian community who are known in Saudi Arabia, apart from the Joint Secretary (Haj), the Ambassador, the Consul General and the Chairman of the Haj Committee.

New Delhi,
1st June, 2000

(SYED SHAHABUDDIN)

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Proceedings of the Parliament

(17 April - 17 May, 2000)

I - Rajya Sabha

New Members

17 Apr : Among 57, figure K.M. Khan (AP-Cong.), M.A. Rashid (J&K - NC), K. Rahman Khan (Karnataka - Cong.).

20 Apr : Yusuf S. Khan (Maharashtra - Cong.).

Motion of Thanks

18-19- : Motion of Thanks to President moved and adopted. Md. Salim (CPM), M.A. Rashid (NC), A. Samad Siddiqui (IUML), A.R. Kidwai (Cong.) participate.

Papers Tabled

18 Apr : Report of Standing Committee on External Affairs by Dr. Karan Singh (Cong).
19 Apr : Report of Standing Committee on Home Affairs by Pranab Mukherjee (Cong).
24 Apr : Annual Report (A.R.) of National Commission for SC & ST for 1996-97 and 1997-98.
25- : Report of Standing Committee on Human Resource Development by E. Faleiro (Cong).
26 Apr : A.R. of Nehru Memorial Library for 1996-97.
25 Apr : A.R. of International Institute for Population Sciences, Mumbai, for 1998-99.
28 Apr : A.R. of National Commission for Technical Education for 1998-99.
: A.R. of ICHR for 1997-98.
: A.R. of National Book Trust for 1997-98.
: A.R. of National Institute for Education Planning and Administration for 1998-99.
5 May : A.R. of Medical Council of India for 1998-99.
9 May : A.R. of Khuda Bakhsh Memorial Public Library, Patna for 1996-97.
: A.R. of Rampur Raza Library for 1997-98.
12 May : A.R. of National Commission for Women for 1995-96.

Special Mention

17 Apr : On police action in Jamia Millia Islamia on 8 April by Amar Singh (SP) and S. Pachouri (Cong).
20 Apr : On improper arrangements for repatriation of Haj Pilgrims by R.S. Kaushik; MEA Jaswant Singh replies.
: On attack on Churches in UP by V. Ravi (Cong).
: On inclusion of Bangladeshis in voter's list by A.K. Sarna and S. Ray Chowdhury.
: On communal violence in Varanasi by J. Mishra (SP).

: On need for assistance to Brassware industry in Moradabad by R.S. Kaushik.

: On Shahi Imam's Statement in Delhi by S.S. Ahluwalia (BJP).

: On assault on army officer in JNU by E. Faleiro (Cong.) and M.V. Naidu (BJP).

Calling Attention

10 May : Of MHA to internal security in J&K by G.N. Azad (Cong.).

Private Members Bill

28 Apr : Introduced - Prevention of Communalisation and Saffronisation of Bureaucracy Bill, 1999 by S. Pachouri (Cong.).

12 May : Introduced - Religious Conversion Bill, 2000 by S.S. Ahluwalia (BJP).

28 Apr - : Eradication of Unemployment Bill, 1996

12 May moved by S. Pachouri discussed.

II - Lok Sabha

Reference

19 Apr : By Speaker to Chittisinghpura Massacre; House expresses grief.

Motion of Thanks

18 - : Motion moved by M.L. Khurana on 16

23 Apr April; discussed; adopted.

Submission by Members

19 Apr : On Police Action in Jamia Millia Islamia raised. G.M. Banatwalla (IUML) participates.

Calling Attention

12 May : Of MHA to disproportionate representation of some States in recruitment to CPMFs by N.J. Reddy (Cong.).

Government Bill

9-10 May: Constitution (90 Amendment) Bill, 2000 (Article 19) moved, discussed and adopted. G.M. Banatwalla (IUML) participates.

26 Apr : Discussion on Grants for MHA - passed. Rashid Khan (SP), S.S. Owaisi (MIM), G.M. Banatwalla (IUML) participate.

2 May : Discussion on Grants for M/HRD passed. R. Alvi (SP) participates.

Private Members Bill

20 Apr : Introduced J.M.I. (Amendment) Bill, 2000
: and Constitution (Amendment) Bill, 2000 by G.M. Banatwalla.
: Prohibition of Cow Slaughter Bill, 2000 by U.V.K. Raju (BJP).
: Population Control Bill, 2000 by Y.S.V. Reddy.

MHA: Annual Report, 1999-2000 (Extracts)

Communal Harmony: ... The year under review did not witness any major threat to communal harmony, notwithstanding several attempts made by some anti-social elements... Sharing of vital information among the central and State Governments also contributed in a large measure to the decline in the number of communal incidents... There was only one incident of major riot that took place in Ahmedabad in July, 1999...

The National Foundation for Communal Harmony ... so far ... has assisted 1260 children.

National Integration: ... The first ten months of 1999 witnessed a decline of about 9 per cent...

Grants-in-Aid ... to undertake activities in the cause of national integration and communal harmony... During the year 1999-2000, upto December 23, 1999, proposals of 2 NGOs and 1 University amounting to Rs.99,000 were processed... During the financial year 1999-2000, upto December 23, 1999, proposals for conducting essay competitions from 12 States and 2 Union Territory Administration amounting to Rs.10.46 lakh were processed.

Foreigners in India: ... Over 14.53 lakh foreigners were granted Indian visae during 1998. As on December 31, 1998, a total of 1,45,382 foreigners, staying on long term visae, were registered. This does not, however, include refugees and Pak Nationals.

Citizenship: 355 foreign nationals have been granted Indian Citizenship during the year till November 30, 1999.

Foreign Contribution Regulation Act: During the year till October 30, 1999, 1115 NGOs have been granted registration and 390 were granted prior permission to receive foreign contribution during this period.

Insaf Morcha: Open Doors for Muslims in Defence Forces and CPMF's 28 April, 2000

"Shri L.K. Advani, Minister of Home Affairs' call on the Muslim Indians to "reply to Pakistan's call for Jihad against India" is totally misconceived and uncalled for and, constitutes an indirect assault on the integrity, loyalty and dignity of the community.

It is the duty of all citizens to defend the country against any foreign aggression, by Pakistan or any other State, labelled as 'Jihad' or otherwise. And the Muslim Indians have, through the ages, performed this sacred duty and will continue to do so. As a community, the Muslim Indians will ever stand shoulder to shoulder with other Indians in the defence of the country.

But the mindset, as displayed by Shri Advani, identifies the Muslim Indians with Pakistanis and looks upon them as traitors and Pakistan's fifth columnists.

All secular forces must condemn the insinuation by

Proposed Law Against Terrorism As Draconian as TADA

Insaf Morcha Statement, 13 May, 2000

"The Insaf Morcha has studied the Law Commission's final recommendations on the proposed Prevention of Terrorism Bill, 2000.

The Law Commission has no doubt retouched the original draft and introduced some safeguards in the light of its interaction with human right groups. But it has made no substantive changes and **the proposed Bill retains its draconian character.**

On the question of presumption of guilt by the trial court, which goes against the basic principle of justice, the Bill makes it mandatory for the Court to 'draw the adverse inference against the accused'.

Possession of arms in a notified area continues to be, by itself, an offence punishable under the Act.

The 'duty' clause obliging citizens to furnish information in their possession to the investigating officer who believes they have it, is unprecedented and liable to misuse. The safeguard requiring confirmation of confession, made before a senior police officer, before a magistrate is liable to misuse when the state itself engages in a witch-hunt.

The 'shelter' clause which makes the members of the family of the accused liable even if they have no knowledge of his criminal activities is absolutely unfair.

The important question is why the Government, which has a whole armoury of penal laws at its disposal, wishes to have another TADA when it knows that it was largely misused and against innocent persons mostly belonging to the minorities and the weaker sections and that the conviction rate under it was 1-2%. **The essential motivation is perhaps to keep difficult and not easily manageable persons, not necessarily criminal, behind the bars as long as possible. This is a step towards dictatorship, tinged with religious, racial and caste bias.**

Hence the Insaf Morcha requests the Government that preventive detention, in principle, should only be applied, if at all, in extreme situations **against known history-sheeters**, who, it is apprehended, may get involved and make restoration of normalcy more **difficult, not against the common citizens.** For this purpose, the Government may evolve a new bill in consultation with other political parties. □

Shri Advani and call upon him to render unconditional apology to the community he has tried to defame.

My reply to Shri Advani, and to his colleague Shri Fernandes, would be: **Open the doors of the Armed Forces and the Central Paramilitary Forces to the Muslim Indians and give them an opportunity to show their valour and patriotism.**" □

Praful Bidwai

On RSS-BJP Relationship

... The RSS claim that it is not a political, but a "socio-cultural organisation ... is dangerously false. The mere fact that the RSS does not contest legislative elections does not mean it is not political. It has a well-defined political agenda, that of "one people, one nation, one culture", with Hindutva as its core. This agenda is wide-ranging and comprehensive. It advocates a centralised, homogenised, society and polity, based on the primacy of one community and disenfranchising and subjugating all others.

The agenda covers economic policy, foreign affairs, security, education and approaches to history, even to the family. The RSS has a view on everything: from the origins of the Aryans to the Comprehensive Test Ban Treaty, from how Kashmir should be governed to how women should dress. This broad-canvas agenda is driven by a militarist, disciplinarian vision of political nationalism.

The RSS-BJP relationship involves a seamless continuum with revolving doors; key individuals walk from one organisation to the other, and sometimes back. The RSS, itself political, ideologically dominates and organisationally controls the explicitly political body called the BJP. Three years ago it decided for the BJP that all its State party presidents, as well as key national office bearers, must be RSS pracharakas. The party duly complied. Most top BJP leaders have RSS links and regularly pay obeisance to it.

The RSS acts as the BJP's master, mentor and gatekeeper. Sometimes it gets involved even in the minute details of government formation or candidate selection for Assembly elections.

In March 1998, K.S. Sudarshan made his famous midnight call on Vajpayee in order to veto Jaswant Singh's inclusion in the Cabinet. The RSS uses the appellation "cultural" because that helps it evade accountability to democratic forums or elected bodies, indeed to anyone, and to be run despotically as a cabal. It has never once held internal elections.

(Source: The Frontline, 3 March, 2000)

Faraz Ahmad

On BJP as Political Arm of RSS

... As veteran JD(S) leader Madhu Dandavate pointed out, the RSS primarily discusses politics at its annual chintan baithak (deliberations meeting) in Nagpur. It is not only privy to but guides the National Democratic Front (NDA) government led by an RSS member, Vajpayee, in every action of the government...

Certain posts in the BJP are reserved exclusively for

Neena Vyas

On Restlessness in Sangh Parivar

... There are several indicators of restlessness within the Sangh Parivar. No less a person than the new RSS chief, K.S. Sudarshan, has sounded a battle cry against the Government's economic policies...

Both the Kalyan Singh ouster and the Khurana episode have demonstrated that Mr. Vajpayee is very much in control. But the problem of differences between the RSS and the BJP on economic policies will not go away easily... But the Vajpayee Government is safe. After all, who can cast a shadow over the Kargil hero? Who can dare point an accusing finger at the hardcore nationalist...

But what has unnerved some in the BJP is the harsh fact that it is the Sangh Parivar outfits which have dared all this. But the problem is, at present they cannot afford to pull down the Government...

What does (Vajpayee) do about the growing incidents of attacks on Christians? How can he tame The Organiser, RSS mouthpiece, which has been regularly spewing poison against Christians? How does he prevent the VHP from holding press conferences to lash out at Christian missionaries... What can he do to prevent Christians from feeling more and more insecure? ...Allegations have been made directly and through innuendoes that Christian missions in this country get a lot of money from abroad...

... The Minorities Commission has also played into the Government's hands by trying to portray the various attacks on Christians as local law and order incidents...

The Christian Council has charged that the Prime Minister's call for a national debate on conversions ... was an open incitement for more violence against missionaries on grounds of involvement in activities leading to "forced conversions"...

The problem is that in a political situation in which the 24-party BJP led coalition is more stable than expected, it is the RSS-BJP combine and its many organisations that continue to give the Vajpayee Government a headache... (Source: The Hindu, 7 May, 2000)

leaders with an RSS background. These include the president of the BJP and its organising secretary. The last organising secretary of the BJP was Kushabhau Thakre, the current party president...

Despite all these apparent connections between the two, BJP leaders persist that since the RSS does not contest elections it is only a socio-cultural organisation. By this yardstick, a host of Naxalite outfits and the Liberation of Tamil Tigers Eelam of Sri Lanka or the Irish Republican Army should also pass as socio-cultural organisations. (Source: The Meantime, 1 March, 2000)

BJP: National Executive, New Delhi, 15-16 April, 2000

Political Resolution (Extracts)

The BJP has completed twenty years of its existence. This is an important milestone in the party's confident march towards becoming India's natural party of governance. The BJP has inherited the ideological heritage of the Bharatiya Jan Sangh...

From an all-time low of only two seats in the Lok Sabha in 1984, we are today not only the largest single party in the Lok Sabha in three successive parliamentary elections, but are also the leader of the ruling coalition for the second time in a row... The National Democratic Alliance today represents the unity and diversity of India, both politically and socially. The NDA is a proud landmark in the unstoppable evolution of the BJP.

... The Congress is in the wilderness today because it became completely rudderless and directionless after throwing its own principles and heritage to the winds. It is caught in a cruel trap. It thinks that there is no survival for it without succumbing itself to the cares of a dynasty; but the more the dynasty makes the Congress into its own fiefdom, the faster becomes the party's erosion...

In the past two decades, the Communists, who are our main ideological adversary, have become increasingly irrelevant... Their growing marginalization has made the Communists ... adopt the single-point agenda of anti-BJPism. Indeed, blind anti-BJPism has become the common slogan of survival for both the Congress and the Communists...

... In accordance with the common manifesto of the NDA, the Government has set up a Constitutional Review Commission to comprehensively study the Constitution in light of the experiences of the past five decades.

... We feel that parliamentary democracy, federal structure, fundamental rights, and judicial independence—which, among others, constitute the basic structure of India's Constitution have served the Nation well.

... Prime Minister Atal Behari Vajpayee explained the purpose... Even in the mightiest fort one has to repair the parapet from time to time, one has to clean the moat and check the banisters. The same is true about our Constitution...

The BJP, however, notes with deep dismay and concern the vicious and motivated campaign launched against the Constitutional Review Commission by the Congress and some other opposition parties...

The BJP notes with a sense of satisfaction that in a period of six months, the NDA Government has put the country on a path of stability, progress, and development... The Government has set upon a path of making India riot-free, tension-free and corruption-free. The whole nation knows of our achievement in significantly reducing the communal and caste tensions

during the past two years.

The BJP dedicates itself to cleansing the public life in India... The proposed Central Vigilance Commission Bill, the Lokpal Bill and the Electoral Reforms Bill are a step in the right direction...

The BJP is conscious of the serious threats of India's internal and external security... Pakistan ... is a country that has proclaimed jihad as an aspect of its international policy. The party compliments the Govt. for having taken resolute steps to make India safer and secure...

Pakistan was told clearly that a dialogue between the two nations was difficult till such time Pakistan created a climate for such a dialogue...

Pakistan's attempts to internationalize Kashmir have failed... For the first time after Independence the US has begun to recongise and respect India's true potential...

Nehru on Treatment of Minorities

"Young India", May 15, 1930

"There can be no stable equilibrium in any country so long as an attempt is made to crush a minority or force it to conform to the ways of the majority. There is no sure method of rousing the resentment of the minority and keeping it apart from the rest of the nation than to make it feel that it has not got the freedom to stick to its own ways.... It matters little whether logic is on its side or whether its own particular brand of culture is worthwhile or not. The mere fact of losing it makes it dear. Therefore we in India must make it clear to all that our policy is based on granting this freedom to the minorities and that under no circumstance will any coercion or repression of them be tolerated... we can also lay down as our deliberate policy that there shall be no unfair treatment of any minority. Indeed we should go further and state that it will be the business of the state to give favoured treatment to minority and backward communities".

Parliamentary Affairs Minister Pramod Mahajan on Protection of Minorities

"Our Government's top priority is to fully protect the minorities wherever they are. To accord protection to the minorities is a Constitutional duty of the Centre and the State Governments, regardless of which party is in power."

... '(I) would request Home Minister L.K. Advani to hold talks with the chief ministers of the States concerned to prevent recurrence of such trends.

(I endorse) Mr. Scindia's proposal for a meeting of the National Integration Council to evolve a political consensus against "fanatics on all sides". (I) would convey (his) suggestion to the Prime Minister.'

(Source: The Hindustan Times, 25 April, 2000)

Congress-TC Alliance in W. Bengal

Editorial, The Pioneer, 21 April, 2000

The Congress has announced that it will field candidates wherever the BJP contests next month's civic polls in West Bengal... But appearances are chronically deceptive... The West Bengal Congress is stepping aboard the *mahajot* – the grand anti-Left alliance cobbled together by Mamata Banerjee's Trinamool Congress (which) is an ally of the BJP and has sworn continued allegiance to the NDA. **This makes the Congress an ally of the BJP.**

How seriously, then, must one take the Congress's claim of putting up a fight against the BJP...? Congress spin doctors will undoubtedly insist that ... forging of an "arrangement" with the Trinamool ... does not represent any "direct electoral understanding" with its "communal" ally, the BJP... Should this reasoning fail to convince, apologists and loyalists are probably working overtime on an alternate line of argument too. Politics at the State and the Centre is propelled by different compulsions today...

Despite the lexical gymnastics, though, and in spite of the elaborate ruse, the truth is out. Quite simply, the Congress is running with the hare in West Bengal and hunting with the hounds in the rest of the country ... is a reaffirmation that the party is guided by only one dictum: Power at any cost... For power, they are willing to tail the prodigal; for power, they will even break bread with the enemy... The bottomline is that the party cannot eat its cake and have it too. **Honesty demands that the Congress admits that it has allied with the BJP.**

Indirect Tie-up with BJP?

The Congress on Wednesday decided to field candidates wherever the BJP contests next month's civic polls in West Bengal. This clearly does not represent any "direct electoral understanding" with the BJP. But with the Congress forging an "arrangement" with the Trinamool Congress, which, in turn, continues its alliance with the BJP, the Congress is getting into an "indirect" tie-up, adding upto an imperfect "Mahajot".

The Congress and the Trinamul have already divided up between them the seats they will contest. Congress sources say, adding that the Trinamul will fork out seats to the BJP out of its share. And to observe the secular decencies, the Congress will field candidates against the BJP.

This arrangement has emerged from a telephonic conversation West Bengal State unit chief A.B.A. Ghani Khan Chowdhury had with AICC general Secretary in charge of the state, Prabha Rao. Rao reported this at a meeting held here on (19 April, 2000) at Sonia Gandhi's residence...

(Source: The Times of India, 20 April, 2000)

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IUML: President G.M. Banatwalla**On Major Muslim Concerns**

... Secular democracy is under frontal attack... One who cares to look around cannot fail to sit up at the systematic and persistent strangling of the secular identity of our polity. There are justified apprehensions that India of tomorrow may not be the India of today. This is, if the challenges to secular democracy are not realised in full significance and are not dealt with in full measure...

The planned and determined saffron forays to demolish secular polity and to establish a Hindu Rashtra 'de-facto' ... are well supported by the camouflaged moves on the flanks to promote 'de jure' establishment of the fascist order. The Government seeks to exploit (the) National Commission "to review the working of the Constitution"...

... The BJP is, as reiterated even in its latest manifesto of 1998, "committed to the concept of 'One Nation, One People and One Culture'". The concept rings the fascist death-bell to India's rich cultural pluralism. Indeed, the setting up of a Commission to review the Constitution of India is a major move in aid of the Sangh Parivar's designs...

The national scenario is disturbing concerted effort is the need of the hour to face the emerging challenges. The Indian Union Muslim League (IUML) upholds the cause of secular democracy and the minority rights. It has always worked for the welfare, uplift and the legitimate rights of the Muslims, other minorities and the deprived. The IUML reiterates its offer to work in co-operation with other democratic forces. But one thing is clear Insha-Allah, the IUML will never allow any harm to the secular-democratic character of the polity.

... But the Muslims are painfully aware of the acts of omissions and commissions, deliberate or otherwise, of the democratic political forces. Sangh Parivar is artfully exploiting these acts in furtherance of their nefarious objectives...

...Muslim hopes have been frustrated by every party... By now, almost every political party has ruled at the centre and in the states, but the minority problems have only worsened.

... It is the political unity of the Muslims under one flag which alone can create the political pressure necessary to solve the Muslim problems and contribute to the economic and educational progress of the Muslims... The IUML which is the representative political party of the Muslims at the All India level working since independence, ensures that Muslims rise as a party in parliament and state legislatures. Herein lies the key to political power which is "sine qua non" for Muslim advance...

On Muslim Identity in India

S.K. Srivastava in The Pioneer, 25 April, 2000

... 'Indian Muslims', therefore, are different from Muslims in other countries. They practice a brand of Islam that is Indian. Nonetheless, over the last 50 years Muslims have spent more energy in asserting their cultural-religious identity. Resulting in failure to develop a sense of collective identity.

Conflict results from sociological factors beyond religion: uneven economic growth, pressures to modernise and aggressive cultural resurgence... "Indian Islam" needs to become more dynamic. It must also integrate with the rest of India... It has to unlearn the lessons taught to them by Sir Syed Ahmed Khan and Iqbal...

(Source: The Pioneer, 25 April, 2000)

Shahabuddin's Response

The Pioneer, 1 May, 2000

Shri S.K. Srivastava's article "Reinterpreting Indian Islam" deserves a rejoinder to clear the confusion he has created between theology, social reform and political & economic rights.

A world religion is bound to acquire a regional colour in a multi-cultural world. And any religious community in a given geographical setting has a religio-cultural personality distinct from that of the co-religionists in another setting. But that does not mean in the case of Islam - a religion of dogmas - any deviation from the basic tenets of the faith. The personality of the Muslim Indians has, therefore, both an Islamic and an Indian dimension.

India itself is multi-cultural and all Indians, who profess various religions, who speak various languages, who have varying social traditions and customs and conventions, who have different racial origin do not have an identical personality. Not even all those who profess to be Hindus.

Srivastava confuses social reform with religious 'reform'. A religion of dogmas is, by its very nature, orthodox and therefore, apparently rigid though the Islamic principle of Ijtihad provides the dynamic element in this apparently static situation.

The political, economic and social rights of the Muslim Indians - individually and collectively arise from the fact of citizenship under Constitution. This has nothing to do with the quality of Islam they practice, so long as they are law-abiding and committed to the rule of law.

There is no doubt that educational & economic backwardness, political deprivation, physical insecurity and social degradation play on the psychology of the Muslim community of the youth is particular. But the

(Contd. on Page 257)

**Jama Masjid Delhi Consultative Council,
Mass Rally, 21 April, 2000**

Resolution on UP Bill

1. That grand rally of Indian Muslims rejects UP Regulation or Public Religious Buildings and Places Bill 2000 in totality. This bill is a direct attack on religious freedom granted by the Constitution. This rally appeals the President of India not to give his assent to this Bill which is made against the basic spirit and secular character of the Constitution and dismiss the Ram Parkash Gupta Government of UP.
This rally demands the immediate abolition of similar laws operative in the States of Madhya Pradesh, Rajasthan and West Bengal. This rally appeals Indian Muslims to continue their peaceful struggle untidily against this black bill until it is withdrawn.
2. This rally condemns the conspiracy to hurt the secular character of the Constitution of India in the disguise of its revision and warns Government that any attempt to enforce the hidden agenda of RSS will not be tolerated.
3. This rally of Indian Muslims considers the Kashmir an integral part of India and demands Government of India to talk with Kashmiri leaders directly for internal autonomy within the framework of the Constitution of India and appeals Kashmiri Muslims to ensure the respectable return and safety of non-Muslim minority of the Valley. This rally expresses its solidarity with all those Kashmiri brethren who are facing pathetic condition between Government agencies and extremists.
4. This rally demands the permission to perform five time prayers (Namaz) in all mosques which are under the Archives department.
5. This rally of Indian Muslims condemns the Russian barbarity on the innocent Muslims in Chechenya and demands for the joint action of United Nations and world community against Russia. This rally expresses its concern over the continued sanctions on Iraq and demands United Nations to stop the violation of human rights and lift the sanctions.
6. We want to announce, through this rally, that we would crush all vested interest, opportunists and anti-Islam powers in the political system of our country and we will be one to decide ourselves for our future and fortune because the Muslims have reached to the extent that the existence of their Milli (religious) identity has come in danger due to the opportunism of so-called secular politicians and ill-designs of fascist and communal elements.
7. We demand that cases against a large number of innocent people under TADA should be withdrawn without any further delay.

Jamaat-e-Islami Hind:

**Central Advisory Council, 10-15 April, 2000
Review of Constitution**

The Central Advisory Council (CAC) of Jamaat-e-Islami Hind expresses its concern over the Government's bid to review the Constitution...

UP Religious Place and Buildings Regulation Bill, 2000

The CAC of the Jamaat expresses its concern over and condemns the Bill ... and calls upon the President of the Indian Republic not to give assent to this Bill. The Government has simply said in this regard that its purpose is to maintain peace. Later on, the Chief Minister and some other ministers of Uttar Pradesh, on certain occasions, issued statements to the effect that the basic purpose of this Bill is to defeat the ambitions of ISI that is trying to make stronghold in the Indo-Nepal border areas in the name of constructing madrasas and mosques. However, no step of the Government has been observed that can be taken as proof of the said claim. The Government has not pinpointed any such madrasa or mosque as is the ISI stronghold or can be truly attributed to it, nor is there anything in the Government record showing action against any such madrasa or mosque.

... The purpose of the Bill is nothing but putting obstacles in the way of construction of mosques and madrasas at different places particularly in rural areas and also in the way of worship and education, and thus creating a sense of fear and harassment among the minorities particularly the Muslims...

Tragic Occurrence at Jamia Millia Islamia

The CAC expresses its sense of sadness and grief over and severely condemns the unauthorised entrance of police personnel into the campus of Jamia Millia Islamia, their ... oppressions on the students and their ... rampage in the hostel. It strongly demands from the Government to withdraw the ... cases against the students... Also demands that a judicial enquiry be set up to probe the role of police in this tragic occurrence and action be taken without any delay against the guilty police personnel...

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MHA: Annual Report, 1999-2000 (Extracts)

Jammu and Kashmir

While the overall security scenario in Jammu and Kashmir showed improvement in the first few months of 1999, the militant activities in the State, particularly in border districts, temporarily showed an upward trend for some months in the post-Kargil period. The dissolution of the 12th Lok Sabha, announcement of fresh General Elections and the reverses suffered in Kargil by Pakistan contributed to the increase in the militancy related incidents.

... As a result of stepped up security notable success has been achieved by the security forces who have killed 1082 militants during the year 1999 as against 999 militants killed during 1998. The civilian killings during 1999 (821) declined as compared to the previous year (867) though the incidents during 1999 (3072) was marginally higher than the number of incidents in 1998 (2932). However, the number of security forces personnel killed in 1999 (356), as compared to 1998 (232), went up on account of targeted attacks on them and their camps by heavily armed, highly trained and indoctrinated terrorists. The situation in the State has been kept under constant review by the Central and the State Government. The security situation in the State was reviewed in high level meetings taken by the Home Minister on November 17, 1999 and by the Prime Minister on January 17, 2000.

The elections to the 13th Lok Sabha, 1999, were held in the State of Jammu and Kashmir along with the rest of the country... The militant/terrorist outfits, including the All Party Hurriyat Conference, had given a call to boycott the poll and had also threatened the public, including Government employees, of dire consequences if they participated in the poll process. The overall polling percentage was around 37.6.

The Central Government is continuing with its four-pronged strategy to counter-terrorist and separatist violence in Jammu & Kashmir by deepening of the democratic process, accelerating economic development, isolating foreign mercenaries and terrorists and playing a pro-active role to neutralize them. As one of the major prongs of a multi-pronged strategy to tackle militancy in Jammu and Kashmir, the Government has formulated an Action Plan regarding the activities of security forces and intelligence agencies and related matters. The core elements and priorities of the strategy are :-

- curbing infiltration
- entering militancy in the hinterland
- of minorities
- with the border population
- capabilities
- over ground base within

J&K; and

- (vii) greater functional integration through an institutional framework of operational and intelligence groups at each of the two Unified Head Quarters in Jammu and Srinagar and at field levels.

Over and above the Action Plan, a multi-disciplinary group of officers under the Chairmanship of Special Secretary (JKA) in the Department of Jammu and Kashmir Affairs with representation from Ministry of Defence, State Government, Army, CPMFs and Intelligence agencies has been tasked recently to have a fresh look and suggest changes, if any, needed in the strategy keeping in view the existing scenario.

... Two Indian Reserve Battalions were sanctioned to Jammu and Kashmir in December 1998, the raising cost of which would be borne by the Government of India. Also 5145 Special Police Officer (SPOs) were sanctioned with effect from September 1, 1999, over and above the existing strength of 12855 SPOs, with a view to strengthening the 2486 Village Defence Committees (VDCs). Three SPOs form the nucleus in a VDC, the over VDC members being volunteers... The expenditure incurred on such SPOs is to be reimbursed by the Government of India.

The Central Government has been reimbursing the security-related expenditure (SRE) to Jammu and Kashmir from 1990... A total of Rs.1318.31 crore (including Rs.152.16 crore for election related additional SRE) has been released to the Government of Jammu and Kashmir during the period 1990 to 1999...

Major Incidents

- Attack on the BSF campus at Bandipore on July 13, 1999 killing 4 persons.
- Killing of 15 persons including 5 VDC members in Lihota villages (Doda District) on July 19/20, 1999.
- Killing of BJP candidate for Anantnag Lok Sabha Constituency along with 2 others in a landmine blast on September 7, 1999 in Anantnag district.
- Rifle grenade attack on new Secretariat at Srinagar on September 29, 1999 killing 10 persons.
- Attack on PRO office of Badamibag cantonment (Srinagar) on November 3, 1999, killing 10 persons.

Militancy presently is being run by foreign mercenaries... The foreign mercenaries have no dearth of resources in terms of logistic support, funds and modern weaponry.

... Certain areas of the State have been declared 'Disturbed' under the Armed Forces (J&K) Special Powers Act, 1990... The State Government has declared areas falling within 20 kms. of the Line of Control in the

(Contd. on Page 253)

Kashmir – A Way Forward Proposal Developed by Kashmir Study Group, New York

We recommend that a portion of the former princely State of Jammu and Kashmir be reconstituted as a sovereign entity (but one without an international personality) enjoying free access to and from both India and Pakistan. The portion of the State to be so reconstituted shall be determined through an internationally supervised ascertainment of the wishes of the Kashmiri people on either side of the Line of Control. This ascertainment would follow agreement among India, Pakistan and representatives of the Kashmiri people to move forward with this proposal. The sovereignty of the new entity would be guaranteed by India, Pakistan, and appropriate international bodies.

The new entity would have its own secular, democratic constitution, as well as its own citizenship, flag and a legislature, which would legislate on all matters other than defense and foreign affairs. India and Pakistan would be responsible for the defence of the Kashmiri entity, which itself maintain police and gendarme forces for internal law and order purposes. India and Pakistan would be expected to work out financial arrangements for the Kashmiri entity, which could include a currency of its own.

Kashmiri citizenship would also entitle such citizens to acquire Indian or Pakistani passports (depending on which side of the Line of Control they live on). Alternatively, they could use entity passports subject to endorsement by India or Pakistan as appropriate.

The borders of Kashmir with India and Pakistan would remain open for the free transit of people, goods and services in accordance with arrangements to be worked out between India, Pakistan and the Kashmiri entity.

While the present Line of Control would remain in place until such time as both India and Pakistan decided to alter it in their mutual interest, both India and Pakistan would demilitarize the area included in the Kashmir entity, except to the extent necessary to maintain logistic support for forces outside the State that could not otherwise be effectively supplied. Neither India nor Pakistan could place troops on the other side of the Line of Control without the permission of the other State.

All displaced persons, including Kashmiri Pandits, who left any portion of the Kashmir entity, shall have the right to return to their homesteads.

The proposal represents a practical framework that could satisfy the interests of the people of Kashmir, India, and Pakistan. It would end civil strife and the tragic destruction of life and property in Kashmir. By resolving the principal issue that could lead to armed conflict between India and Pakistan, it would go far towards relaxing political tensions in South Asia. It would offer enormous economic benefits not only to Kashmir, but also to India, Pakistan, and all of the South Asia region.

Soz Condemns Massacre, Hopes for Dialogue

Statement Before the UNCHR, Geneva

... The massacre of 35 innocent members of the Sikh community at Chattisinghpura on March 20, 2000 was vastly condemned by the Muslims of Kashmir as a heinous crime against humanity.

Their response to this gruesome tragedy ... was most vigorous and positive in the sense that a two-day spontaneous but complete strike was observed throughout the valley, rejecting terrorism as a means of settling political disputes. The most salient feature of the response ... was (that) numerous ... people visited the site of carnage and pleaded with the bereaved families against the exodus of Sikhs...

The argument stressed was that Kashmiriat (the identity of Kashmiris) and ... the social equilibrium had already suffered an immense jolt through the migration of Pandits and now further exodus should be stopped at all cost... This mood unfortunately suffered a set-back when in villages around Anantnag (Kashmir), innocent (Muslims) were killed by the forces through alleged collaboration of the Kashmir Police on March 25, 2000. This was a set-back ... to the process of normalisation but the spirit of communal harmony is alive.

... The Government have instituted a judicial enquiry ... by a retired Supreme Court judge to go into both ... killings... The people of Kashmir are on the right track of togetherness and brotherhood inspite of provocations from across the border... I hope that Government of India would talk to the representatives of the people unconditionally...

(Contd. from Page 252)

districts of Rajouri and Poonch and districts of Anantnag, Baramulla, Badgam, Kupwara, Pulwama and Srinagar as disturbed areas. ...

Surrender and Rehabilitation of Militants

... From 1990 onwards, 3683 militants have surrendered till August 25, 1999... The Government of India had approved raising of two battalions for the Central Para Military Forces, which will mainly comprise of these surrendered militants. 921 surrenderees have been recruited in these battalions so far. These surrendered militants will also be covered under Prime Minister's Rozgar Yojna or State Self-Employment Scheme for establishing permanent source of livelihood...

A Standing Committee of Secretaries has been constituted under the Chairmanship of Cabinet Secretary to effectively coordinate and accelerate efficient implementation of the various development packages for J&K for which the Union of India is releasing funds through various Union Ministries...

Ashima Kaul Bhatia On Human Rights Violations

... Truth prevailed and in the light of the Anantnag incident, the smouldering discontent and rebellion of the Kashmiri people is justified and understandable.

But some nagging questions persist. What if the truth had remained buried in the Patribhal graves? Have the many who "disappeared" in the last ten years of militancy met the same fate? And now, when the Chief Judicial Magistrate has ordered a case to be filed against the erring officers, will justice prevail?

The questions have naturally shifted the focus to the phenomenon of missing people and to the contentious issue of human rights violation in Kashmir. It is tempting to seek an explanation and justification for all such actions committed in the past. But in our enthusiastic demands for punishment and justice, we tend to overlook the onerous legal process with its defunct legal machinery, breeding corruption and nepotism, which actually helps the guilty to continue to commit such violations with impunity.

... Take for example the case of women (who) wait for their husbands ... to return home. Labelled as half-widows, these women bear the burden of schooling their children, feeding them and continuing the court cases they are fighting.

Do human rights exist for ...? Till date there has been no redressal for any one of them. The guilty have not been identified, and even in cases where they have been, no punishment has been awarded. Although the wives and the parents of those who have "disappeared" have formed an association to highlight their victimisation — besides providing moral support to one other — they have not been able to do much.

Their association has no funds, no office or patronage from a militant or any opposition organisation to fight for them. They are also afraid to protest or demonstrate for fear of being identified and eliminated. Each of them thus fights a lonely battle running from pillar to post with no hope of justice...

... What makes things more difficult for these families is that now they cannot approach the State Human Rights Commission (SHRC) as their cases are still pending with the High Court. Even if they could, their cases cannot be registered with SHRC as it is not within the commission's parameters to deal with accusations against the armed forces.

Also in such cases, it is the Central Government which has to give the clearance for producing the accused in the State High Court — something which till date has not happened.

The bitter truth is that disappearances in Kashmir and the trauma the concerned families have to experience have

(Contd. on Page 255)

Judicial Inquiry in Sikh Massacre and Aftermath

...According to informed sources in the state, it was to save his government that Farooq belatedly announced, on April 5, a probe into the Chittisinghpura massacre of 36 Sikhs on March 19.

The Chief Minister ... had reasons to believe that some rogue group of an Indian agency was behind the massacre. He got this information a day after he assured a Sikh delegation on March 20 that he would announce a probe the following day on the floor of the assembly which was in session. He made no such announcement. Legislators ... were persuaded not to raise the issue ... in the national interest.

It was in the same national interest that the state government did not, for many days, agree to the public demand for the exhumation and DNA tests of the bodies of five men who the police claimed were foreign mercenaries responsible for the Chittisinghpura massacre. Dr. Abdullah finally relented on April 5, in a bid to stall his government's dismissal... The Sikh leaders in the State ... also share Farooq's apprehensions about those who were behind the Chittisinghpura massacre.

Some of them believe that the rogue group behind the massacre had targeted the Sikhs of Chittisinghpura to hurt the visiting Clintons, who are close to the Sikhs in the US. Sikhs form a significant portion of the fund-raisers and campaign managers, besides voters, of Hillary Clinton who is seeking election from New York...

According to (a Sikh) leader, their fears were confirmed when the chief minister ordered an inquiry into the police firing on protesters in Anantnag after seven civilians were killed...

Some people in the Valley interpret the initial reluctance to exhume the bodies of the five people killed by the police at Panchaltran near Chittisinghpura as proof of the "hollow claims" of the security forces. "Whenever a major incident happens, they pick up somebody from somewhere, kill them in such a way that the bodies cannot be recognised, and then claim that the terrorists behind that incident have been killed. The Special Operation Group is desperate to show results", said a retired government official.

He pointed out that various security agencies had claimed to have killed the same prominent militants at different times, at different places. For instance, within a month of the Badami Bagh cantonment incident Hazarvi, chief of Lashkar-e-Taiyyba in J&K, was reported killed five times in as many locations. Similarly, Abu Muja of the same outfit was declared killed three times by different agencies... Off the record, each government agency is blaming the other for the goof-up... After the Panchaltran

(Contd. on Page 256)

Bharat Bhushan

On Need for Course Correction in Kashmir

... In Anantnag, 50 km from Srinagar on March 25. The police killed five apparently innocent civilians in Pathribal village, burnt their bodies and buried them. It claimed that these were militants responsible for the Sikh massacre of March 20 at Chattisinghpora. The local villagers, however, insisted that this was a fake encounter. When the bodies were exhumed, their relatives directly confirmed the identity of three. Two others were identified on the basis of the clothes found in their graves. All five had gone missing on the intervening night of March 23 and 24 from four different villages in Anantnag. When the indignant villagers took out a procession against these extra-judicial killings, the police opened fire and seven of them were killed.

Although Farooq Abdullah reacted promptly and ordered judicial inquiries into the incidents, what was the reaction in the rest of India? Except from the media, there was no reaction. There was no sense of shame, no indignation. Our political parties did not consider the Anantnag incidents important enough to address.

However, there are compelling reasons for the Indian polity not to fail the Kashmiris — especially at a juncture when the political space for negotiations with the Kashmiri opposition is opening up.

... The context within which Kashmir is viewed today has changed dramatically. Internationally, the perception of the Indian State and its ability to handle crises has undergone a radical transformation...

... Clinton's central message on Kashmir was that the US cannot be put under pressure to intervene in the Kashmir dispute (i.e. no more Kargils), that it does not approve of violence (stop cross-border terrorism) and that no major territorial rearrangements are possible using force (respect the LoC).

Simultaneously, Clinton emphasised that India cannot hope to clobber the Kashmiri opposition into submission and that it must open channels of communication to work out a political arrangement with them. Now the British Foreign Secretary has repeated the same message about dialogue and restraint. This reinforces values that democratic elements in India subscribe to and which can be held up as a mirror to the state. As for the Kashmiri opposition, there should be no cause for disappointment for them either. The world today is urging India to work out a political arrangement in Jammu and Kashmir. Such an arrangement can be worked out only with them.

These developments have the potential of expanding the political space in Kashmir. Perhaps the release of three of the 15 senior Hurriyat leaders from jail (where they

should not have been in the first place) is a recognition of this fact by the Indian Government — as is the offer of a dialogue with them... The rest of the Hurriyat leadership in jail should also be released. This would enable the Hurriyat to absorb the changing international and domestic reality by facilitating wide ranging consultations between themselves, with their cadre and the Kashmiri people...

It is not only the Kashmiri leaders who have to make a course correction but also the Indian polity. It has responsibility towards the Kashmiris. And this can only be discharged by partaking in their sorrows, viewing their humiliation as the humiliation of the rest of India and by protesting strongly against injustices done to the innocent. That is why the lack of reaction of the Indian polity to the 'fake' encounter in Anantnag is disheartening. It shows that India's conscience is not touched by the plight of the people of Kashmir.

... The onus is on India to ensure that the innocents in J&K are insulated from those engaged in violence... rather than concentrating on match-fixing by getting this or that pliable leader installed as the Chief Minister of the state...

(Source: The Hindustan Times, 20 April, 2000)

(Contd. from Page 254 - Ashima Kaul Bhatia)

not been able to attract attention as a human rights abuse. In a sense, these disappearances remain too "particular to be universal" or "too universal to be particular"...

... The fact (is) that there is a high level of ad hocism at the higher echelons of judiciary in Kashmir. Added to this is the disinterest shown by the bureaucracy and the politicians towards any efforts to expose the "system", of which many of them are a part.

However ... at no stage should state-sponsored terror or the denial of rights become a part of the Indian Government's policy in combating armed opposition groups.... Let the common Kashmiri experience real democracy.

(Source: The Hindustan Times, 15 May, 2000)

(Contd. from Page 254 - Judicial Inquiry)

killings by the security forces, people of the Valley have once again taken to the streets. "It can become explosive and worse than the early 90s", warned a high school teacher...

This is not the first time that use of force by security forces is creating public discontent... Some express the fear that the fresh wave of resentment may provide a new lease of life to the separatist movement. Perhaps also to the Farooq Abdullah government.

(Source: Vijaya Pushkarna in The Week, 16 April, 2000)

**On Essentiality of
Concern for Human Rights**

Ajoy Bagchi in The Pioneer, 27 April, 2000

... The massacre of the Sikhs at Chittisinghpura adds a new dimension to the Greek tragedy played out in those killing fields...

The security forces' claim of having eliminated the "dreaded foreign militants" responsible for the Sikh killings was shattered by subsequent events... (Protest in) Anantnag highlighted two disturbing factors – the degenerating credibility of the security forces and the growing frustration of the people.

The death of protesters in the Police firing further exacerbated the situation. Chief Minister Farooq Abdullah bought temporary peace by ordering an inquiry into the firing and the exhumation of the bodies buried in Panchalthan village...

Killing unarmed people in cold blood in fake encounter is deeply disturbing. It extinguishes the values that underpin democratic governance, the foremost being the right to life and liberty. Violation of human rights not only ... alienates the people and indelibly stains the nation's escutcheon but also reinforces the enemy voices clamouring about the suppression of the people's rights in Kashmir.

The question asked by a villager of Farooq Abdullah, whether he wants the land or the people, goes to the heart of the problem. The Kashmir conflict is perceived as a fight for the sovereignty over a piece of land...

Obvious of the texture of the two confronting polities as well as that of the cultural entity the two are fighting over... A pluralistic, secular polity is locked in combat with an orthodox fundamentalist religious polity. If Kashmir's pluralism is subverted by religious fundamentalism, the roots of South Asia's secular polity will be destroyed. Its repercussions will ripple across to distant shores.

... The conflict's texture demands an innate concern for human rights.

The insensitivity to human rights is a legacy of our colonial past. The administrative apparatus is yet to be fully attuned to the requirements of a democratic polity. The chilling Panchalthan incident will not be in vain if, instead of searching for the villain of the piece, a sincere campaign is launched to sensitise the security forces to the citizens' basic right, the right to life and liberty. **The battle against terrorism and bigotry will never be won if human rights are abused. Not in Kashmir nor elsewhere in the country.**

(Source: The Pioneer, 27 April, 2000)

*With Best
Compliments*

from

**KALEEM
KAWAJA**

**THE ASSOCIATION
OF INDIAN
MUSLIMS OF
AMERICA**

**THE ORGANIZATION
FOR UNIVERSAL
COMMUNAL
HARMONY**

**WASHINGTON D.C.
U.S.A.**

Kuldip Nayar

On Moratorium on Violence and Dialogue

... There are three parties: India, Pakistan and the people in Jammu and Kashmir. All the three have fallen into a groove from where it is difficult for them to get out... They are nowhere near the solution. Nor does it look that they are even attempting it.

New Delhi is most to blame because it has missed the largest number of opportunities. It could have won in a plebiscite up to 1952 when the Kashmiris were still alienated in Pakistan... It was also possible when Sheikh Abdullah was at the peak of his popularity for his consistent stand on the limited accession to India. But he was jailed.

Again, there was a chance in 1977 when the Sheikh swept the polls in a free and fair election... The then Prime Minister, Morarji Desai, refused to go back to the instrument of accession...

Had there been a democratic environment in Kashmir in the last few decades ... the state would not have experienced the militancy ... from 1989. Till then elections were generally bogus and New Delhi would decide who ruled the state. Islamabad, across the border, had always egged on the Kashmiris to rise and defy. The infiltration in 1965, engineered by Zulfikar Ali Bhutto, too, had failed to build up insurgency. But the rigged election in 1987 did what Pakistan's urging could not do. The youth was exasperated. They lost faith in the ballot box and depended on bullets, which Islamabad supplied readily and liberally.

New Delhi has, of late, been indulging in wishful thinking. There were statements such as "the sky is the limit," and "talks with the militants will be held without prior conditions," and more.. But not even one was followed up. Otherwise, New Delhi would have found what it was willing to give had fallen short of the expectations of the Kashmiris.

Home Minister L.K. Advani has, no doubt, picked up the thread... The ground has to be prepared before the talks...

The most important aspect is the government's stand. How far is it willing to go? The ruling National Democratic Alliance has only kept aside Article 370, which guarantees a special status to the state. But the BJP, the dominant partner, favours abolition of the provision. What about the parties in opposition? They too have to be brought into the picture if the laws outside the three subjects are to be abrogated.

Pakistan's culpability is that it has not normalised relations with India because of Kashmir... At present, Pakistan's dependence is on the articulation of religion. It has come to a point when the fundamentalists dictate

terms...

Islamabad has also taken contradictory stands. On the one hand, it says that Kashmir must integrate with Pakistan... On the other hand, it blesses all those who talk about 'azadi'... How can Pakistan be serious about 'azadi' when it wants Kashmir to be part of itself?

... The people of J&K (have) got more divided than ever before into three regions: Kashmir, Jammu and Ladakh. Religious identities have rubbed off the old, secular Kashmiriat. The Kashmiri pandits are more or less out of the Valley. The recent carnage near Anantnag has put a question mark over the stay of Sikhs...

... How does one re-knit the society when the supporters of Kashmiriat are weak and confused? The Hurriyat leadership is itself divided, some are fundamentalist and some still cling on to the Kashmiriat or its pale copy...

... Only recently did three regions behave differently in the Lok Sabha elections. Because of the Hurriyat, there was, by and large, a boycott of elections in Kashmir, the Valley, while participation in Jammu and Ladakh was enthusiastic. Even on the future status of the state, Jammu and Ladakh are not in favour of 'azadi'; they want to stay within the Indian Union.

Such being the scenario, it is no use going over the same exercise again and again. New formulations are necessary. They will need to be discussed in New Delhi, Islamabad and Srinagar. This requires peace. It may be called a cease-fire. What it boils down to is that all guns, open or secret, direct or indirect, must stop firing. The security forces and the militants coming or getting help from across the border must end their activity. The LoC should be honoured and the armed forces on both sides must stop firing.

Let there be a six-month peace. During this period, there should be talks on Kashmir and other problems between India and Pakistan and between New Delhi and Srinagar...
(Source: The Indian Express, 25 April, 2000)

(Contd. from Page 250)

remedy, to a large extent, lies in the hands of the State and the majority community which alone can provide due and equitable space to them. The remedy does not lie in religious assimilation or cultural submergence. Muslim backwardness and alienation, to sum up, are a political, not a religious, problem. And a political problem can be resolved by the application of the principles of social justice, not by lecturing to them to forget Sir Syed and Iqbal and to re-write Islam.

US State Department's Report on Human Rights, 2000 - II

Relevant Extracts on India

Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

... Human Rights monitors in Jammu and Kashmir have been unable to move around the state to document human rights violations due to fear of retribution by security forces and counter-militants... During the year the authorities continued to deny Human Rights Watch and Amnesty International permission to visit Jammu and Kashmir... The Government also continued to deny the U.N. Special Rapporteurs on Torture and Extrajudicial Killings permission to visit the country, despite their repeated requests... U.N. High Commissioner for Human Rights Mary Robinson ... visited the country. She met with the Prime Minister, Home Minister, and External Affairs Minister.

On September 27, the Ministry of Home Affairs sent a notice to several prominent NGO's asking them to justify their status as non-political organizations under the Foreign Contribution (Regulation) Act...

Between April 1996, and March 1997 (the most recent reporting year), the NHRC received 20,514 new complaints of human rights violations. At the end of that period, 4010 complaints awaited consideration... The increased number of complaints ... is believed to be the result of the Commission's increased visibility. That trend continued, and the Commission estimated that it had received more than 70,000 complaints during its 1997-98 reporting year...

The state human rights commission ... in J&K ... has no power to investigate independently alleged human rights violations committed by members of the security forces...

Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

Religious Minorities

The potential for renewed Hindu-Muslim violence remains considerable... The new Maharashtra government pledged to take action on the Sri Krishna report. On July 20, violence erupted between Hindu and Muslims in Ahmedabad, Gujarat, claiming one life... On August 26, a mob of approximately 15 persons, possibly led by Hindu extremist Dara Singh, mutilated and burned to death a Muslim cattle trader in Padiabeda village, Orissa... Some 400 persons witnessed the killing and 3 suspects were arrested in connection with the killing; however, there were no convictions.

... Throughout the year, militants carried out several execution-style mass killings of Hindu villagers and violently targeted Pandits in J&K. During the year, there

were at least three separate attacks on Pandit villages in J&K in which some 41 persons were killed... The NHRC released a 39-page judgement in June, in response to a petition from Hindu Pandits alleging that genocide had been committed against them. The NHRC found that the crimes against the Pandits "fall short of the ultimate crime" genocide, but stated that compensation to the community had been inadequate. There was a sharp increase in the number of attacks against Christian communities and Christian missionaries during the year...

On January 23, Australian missionary Graham Staines and his two young sons were killed... The report of the Commission of Inquiry was submitted to the Government on June 21, and was made public on August 5, The Wadhwa Commission report found no evidence of involvement of the Bajrang Dal or any other "politico-religious organization". It found that the Staines murders were perpetrated under the direction of Rabindra Kumar Pal, alias Dara Singh, a wanted criminal and Hindu extremist. The report nevertheless documented Dara Singh's support for the Bajrang Dal. The National Commission for Minorities and other human rights monitors disputed the Wadhwa Commission finding. The National Commission for Minorities' own, separate inquiry found evidence suggesting that the Bajrang Dal was involved in the murders...

Tamil Nadu was the scene of multiple church burnings between September 30 and November 12...

Members of militant Hindu organizations (including members of the Hindu Jagran Manch, the Vishwa Hindu Parishad, and the Bajrang Dal) reportedly are concerned about Christians' efforts to convert Hindus... On September 6, VHP working President Ashok Singhal called for enactment for a law banning forced conversions...

On January 5, a new Hindu militant group, the Hindu Dharma Raksha Samiti, held its second convention in Peth, Maharashtra.

National/Racial/Ethnic Minorities

... The Union Home Ministry reported that 14,413 crimes against scheduled castes and 2,413 crimes against scheduled tribes were recorded in 1998. This represents a significant decrease from ... 1997. However, human rights NGO's allege that caste violence is actually on the increase.

The practice of untouchability ... remains an important aspect of life... Inter-caste violence claims hundreds of lives each year; it was particularly pronounced in Uttar Pradesh, Bihar, and Tamil Nadu...

Worker Rights: The Right of Association

The Kerala High Court declared in July 1997 that all general strikes (bandhs) were illegal and all organizers of protests would be liable for losses caused by shutdowns. Later in the year, the Supreme Court of India upheld the verdict...

Prohibition of Forced or Compulsory Labor

... Some NGO's estimate that the number of bonded laborers is 5 million persons; however, in a report released during the year, Human Rights Watch estimated that 40 million persons, including 15 million children, are bonded laborers ... that the majority of bonded laborers are Dalits and that bondage is passed from one generation to the next... Forced labor is widespread, especially in rural areas.

Status of Child Labor Practices and Minimum Age for Employment

... The enforcement of child labor laws ... is inadequate, especially in the informal sector where most children who work are employed. The continuing prevalence of child labor may be attributed to social acceptance of the practice and to the failure of the state and federal governments to make primary school education compulsory... Primary school education is not compulsory, free and universal.

... The Government census of 1991 puts the number of child workers at 11.28 million. The ILO estimates the number at 44 million, while NGO's state that the figure is 55 million. Interpolation of census figures by the National Labor Institute indicates that of a total of 203 million children between the ages of 5 and 14, 116 million are in school, 12.6 million are in full-time employment, and the status of 74 million is unknown. Most, if not all, of the 87 million children not in school do housework, work on family farms, work (with) their parents as paid agricultural laborers, as domestic servants, or are otherwise employed...

Acceptable Conditions of Work

Laws governing minimum wages and hours of work generally are observed in industries subject to the Factories Act but largely are unenforced elsewhere ... for the 90 per cent of the work force not subject to the Factories Act.

Trafficking in Persons

Within the country, women from economically depressed areas move into the sex trade in the cities... The number of women being trafficked out of India to other countries is comparatively small... Trafficking of persons from within and into the country for forced labor also is a significant problem...

A group on child prostitution established by the NHRC ... continued to meet throughout the year to devise means of improving enforcement of legal prohibitions.

(Concluded)

MHA: Annual Report, 1999-2000 (Extracts)

Human Rights: ... The Government continued to pursue the question of setting up of Human Rights Commissions with those State Governments which have not set up the Commission so far. The States of Assam, Himachal Pradesh, J&K, MP, Punjab, Tamil Nadu, West Bengal, Kerala, Manipur and Rajasthan have set up State Human Rights Commission. Notification of Human Rights Courts in each district and appointment of public prosecutor/advocates was pursued with the State Governments...

During 1999 (upto September, 1999), approximately 13 foreign diplomats, 120 foreign journalists and 4923 foreign tourists visited the State of J&K...

The Government has been extending full cooperation to various UN Human Rights Systems, the Thematic Special Rapporteurs and Working Groups in keeping with the obligations under the International Covenants. The Government provided information promptly in respect of specific complaints of alleged human rights violations to these Systems...

The National Human Rights Commission: ... The Commission received ... 351621 complaints during the period April, 1999 to December, 1999... Upto December 29, 1999, the Commission had received a total of 150,867 complaints. During the period April, 1999 to December, 1999, the Commission had disposed with directions 4565 cases, concluded 315 cases and issued notices/held inquiries in 12024 cases.

During the period April, 1999 to December, 1999, the Investigation Division of the Commission received 89 cases for investigation, 119 cases for collection of facts, 103 cases for monitoring and 58 cases were referred by the Commission for the comments of the Director General (Investigation).

Allahabad High Court

On Need for Human Rights Commissions

'Peoples' Union for Civil Liberties, Allahabad, Petitioner v: State of UP and others, Respondents.

BINOD KUMAR ROY AND R.K. SINGH, JJ.

Protection of Human Rights Act (10 of 1994), Section 21 – State Human Rights Commission (SHRC) – Constitution of – Discretion of State. – Constitution of Commissions like Minority Commission, Backward Caste Commission, SC, ST Commission and Lokayukta – Would not obviate need of SHRC Commission... Section 22 – SHRC – Government's decision not to constitute Commission – Is justiciable.

... Section 21 – Notification for Constitution of State Human Rights Commission – Rescinding of,

(Contd. on Page 261)

On U.P. Religious Places Bill

C.P. Bhambhri

The ... Uttar Pradesh ... Government ... has once again brought into sharp public focus the issue of the role of the secular state while dealing with places of religious worship... The upshot of the argument in defence of the regulatory powers of the Indian state, irrespective of its secular character, is that every public institution or organisation has to be regulated by the state and public places of worship can not be an exception.

Further, the Indian state not only regulates the places of worship, it also very actively patronises some places of worship... Should leaders of the Indian state openly identify themselves with places of worship and purely religious festivals and rituals? ...

In a multi-religious country, functionaries of the secular state end up patronising every religion, seer or place of worship on the basis of a spacious and facile argument of equal respect for all religions. Id milans, Iftar parties, Ram lilas, temples in Mathura and Varanasi, Tirupati temple and places of worship or rituals of an important religious sect receive great, though formally, equal attention of the leaders of the secular state. While playing this game of equal respect for all religions leaders of the Indian state have come to be identified with majority Hindu religious places of worship.

A distinction has to be maintained between the regulatory powers of the Indian state, and active promotion and patronage of places of worship by state functionaries... The functionaries of the secular state have to keep themselves at a respectable distance from religious functionaries in religious places because their public identification with places of worship or religious ceremonies has done harm to the actual functioning of the secular state of India which has come to be suspected to be a Hindu state.

Moreover, in a country where cultural practices and performances are intertwined with specific religions, public functionaries can not maintain that their association with a cultural festival is a secular activity...

Similarly, ... why should elected political leaders and permanent civil servants be associated with the actual management of temples or gurdwaras? Places of religious worship should be managed by the community of believers. In the age of the roll back state and amid the downsizing of the bloated bureaucracy, the Indian state should abandon its powers of regulation and management of the places of worship. The community should manage its own religious affairs subject to the ordinary laws of the land...

A religious believer has a right to build a place of worship and manage it. The Indian state while performing its regulatory functions in relation to the places of worship

A.G. Noorani

The UP Regulation of Public Religious Buildings and Places Bill 2000, as passed by the state legislature is a scandalous piece of legislation which bears on its person the tell-tale traces of two disreputable ancestors — the Rajasthan Religious Buildings and Places Act, 1954 and the Madhya Pradesh Sarvajanic Dharmik Bhawan Tatha Stan Viniyaman Adhiniyam, 1984.

... Both, substantively and procedurally, the Bill, if enacted into law by the grant of assent, would be unconstitutional... (What) really matters is that it gives the DM power to refuse - if he "is satisfied that it is necessary to do so (refuse) in the interest of public order, morality and health". These three criteria govern the exercise of the fundamental right embodied in Article 25: "freedom of conscience and the right freely to profess, practise, and propagate religion". It is preposterous to suggest that these would be attracted by allowing one's property to be used for religious worship or instruction...

As Justice Matthew of the US Supreme Court said: "Though the law itself be fair on its face and impartial in appearance, yet, if it is applied and administered by a public authority with an evil eye and an unequal hand, so as to make unjust and illegal discriminations between persons in similar circumstances, material to their rights, the denial of equal justice is still within the prohibition of the Constitution."

The manner in which the Bill was rushed through, the clime and context in which it was drawn up and the very language of clause 5, with its conferment of arbitrary power on DMs, reek of a clear intent to discriminate. The procedure it establishes suffices to establish its unconstitutionality... Let alone statutes, even constitutional amendments have been struck down as invalid by the Supreme Court because they barred judicial review...

This is not a piece of municipal legislation... It is always open to the state to enforce the law if (a) building or its use violates the law. There are standard municipal laws and local police Acts governing such cases. A central statute, the Religious Institutions (Prevention of Misuse) Act, 1988, takes care of the problem...

The Government of India would do well to advise the President to refuse assent to the UP Bill and, thus, to draw attention to the obnoxious Acts in Rajasthan and Madhya Pradesh...

(Source: The Statesman, 12 May, 2000)

should confine itself only to its essential role of maintaining law and order during religious festivals and implementing its normal ordinary laws while dealing with places of worship. A secular state, whose credentials are already suspect, should withdraw itself from promotion of religiosity in public and the management of places of worship...

(Source: The Pioneer, 12 May, 2000)

CPI: National Council on UP Bill, 23 April, 2000

The ... Regulation of Public Religious Buildings and Places Bill ... has genuinely caused grave fears and apprehension in the minds of minorities, particularly the Muslims, as the ostensible reason given by the UP government ... was its concern about the growing ISI activities. Madrasas and mosques were cited as the main hiding places and those from where the nefarious activities of the ISI are conducted.

The provisions in the Bill are draconian and fascist in character... The National Council of the CPI feels that there are enough laws and provisions to fight the activities of the ISI and the present Bill passed by the UP Assembly is not required for the purpose. Hence, it appeals to the President of India not to give his assent to the Bill...

AMU Old Boys Association, Aligarh All India Convention: Resolution

This Convention organized by AMU Old Boys, (Alumni) Association, Aligarh strongly condemns the communal bias of the state and Central Government especially the recent black legislation the "U.P. Regulation of Religious and Public Places Bill, 2000...

The Convention welcomes the action of all secular parties for opposing the above (Bill and) also congratulate (them) on their success in reversing the Gujarat Government's decision for allowing Government employees to join the RSS.

Minorities in general, and the Muslims in particular, believe that the above Bill in question of the U.P. Govt. is unconstitutional and is aimed at curbing their fundamental right to practice their religion and impart religious education... There can not be a bigger lie than to claim that any of the existing 35000 Madaras and the Mosques in the Country are involved in the activities of ISI...

If the present trends go unchallenged the next in line may be Muslim archeological sites Dargahas, Qabristan, Wakf premises, Qurbani and finally on Namaz and Quran... The same treatment is likely to be meted out to other minorities like Christians, Buddhists and Sikhs...

This Convention, therefore, requests the President of India not to accord approval to the "U.P. Regulation of Religious and Public Places Bill, 2000...

(Contd. from Page 259)

by successor State Government – Not fair of proper – State should not take repeated requests of High Court and views expressed by National Commission regarding formation of State Commission, lightly – Subsequently Notification quashed.

(Source: AIR 200 Allahabad 103)

Haj, 2000: Pilgrims Accommodation at Makkah

Category	Distance	Rate	Units Taken
I	0-600 mtrs.	SR 1800	32,044
II	0-800 mtrs.	SR 1235	30,444
II A	801-850 mtrs.	SR 1085	3,135
II B	851-1000 mtrs.	SR 900	2,258
Total			67,881

Downgradation: Due to last minute increase in quota, some Category I accommodation status had to be downgraded. As per records, 2419 Category I pilgrims were put in Category II and some Category II pilgrims were put in Categories II A and II B.

Category	Category I pilgrims downgraded	Category II downgraded
II	2029	
II A	106	3029
II B	284	1974
Total	2419	5003

7422 pilgrims are entitled to refund. Refund has been promised by Haj Committee within 2 months.

State-wise Actual Quota And Actual Number of Pilgrims

S.No.	State	Quota Based on NMP	Actual number	(±)
1.	A.P.	3885	3459	- 426
2.	Assam	4186	620	- 3566
3.	Delhi	581	3077	+ 2496
4.	Gujarat	2366	7250	+ 4884
5.	Haryana	504	867	+ 363
6.	J&K	3318	4443	+ 1125
7.	Karnataka	3437	4447	+ 1010
8.	Kerala	4452	6969	+ 2517
9.	Maharashtra	5005	10218	+ 5213
10.	M.P.	2156	3614	+ 1458
11.	Orissa	378	240	- 138
12.	Rajasthan	2317	3985	+ 1668
13.	Tamil Nadu	2002	3537	+ 1535
14.	U.P.	15827	13786	- 2041
15.	West Bengal	10549	2227	- 8322
16.	Others	644	714	+ 70
Total		70000	71033	+ 1033

S.C. Cannot Repeal/Amend Statute Shahabuddin's Letter to MEA, 6 May, 2000

While the Haj Committee Act, 1959 should be expeditiously replaced by a new Act, which has been on the anvil since 1978, the Order of the Supreme Court on 5 May, 2000 does not make sense to me. The Judiciary can neither repeal nor amend an Act. It was within its right to advise the Executive that some ex-officio members should be dropped or substituted because in the changed circumstances they have no role in the management of Haj. But how can it abolish the Haj Committee itself?

National Commission for Women: Status of Muslim Women in India

Recommendations

Our study has revealed that Muslim women suffer from two-dimensional disabilities, one as women, like any other woman in Indian male dominated society and two as members of the Muslim community that places them at a disadvantage in the social ladder of society. The second disability stems from the biased interpretation of the Muslim Personal Law by the conservative sections of their community... The National Commission for Women would like to address the Civil Society at large and the enlightened sections of the Muslims, in particular, to rid itself of the outdated and antiquated practices which are nothing more than distortions of their traditional law. In consideration of this need NCW addresses some of its concerns for the consideration of the Muslim intellectuals, lawyers and theologians.

1. ... The entire gamut of traditional laws governing the family life of the Muslims be codified into an intelligible compendium understood by the wider section of the Muslim society. For this purpose a Committee of Muslim intellectuals, Muslim lawyers and Muslim theologians, all categories to include women, may be formed who should work out a most acceptable and forward looking code that should govern the family matters of the Muslims...
2. ... Second marriage while the first wife is living should be made as difficult as possible. The permission of the first wife for the second marriage, as is the practice in other Muslim countries, should be made mandatory.
3. NCW has long been an advocate of compulsory registration of marriages... Muslim marriages already have some sort of registration/obligation, since the Nikahnama is a proof of marriage... Making (registration) mandatory... would make it difficult for a Muslim to marry a second time while his first wife was living...
4. ... The NCW would like to see (instantaneous verbal triple talaq banned forever... It is for the Muslim theologians, intellectuals and scholars to find a way within the ambit of Shariat...
5. ... The provision for maintenance in the 1986 Act beyond the period of Iddat is vague and imperfect which leads to the destitution of the woman... How a woman belonging to a particular religion could be deprived of her fundamental rights under the Constitution i.e. to be treated equally with non-Muslim women of other communities notwithstanding the fact the Constitution recognises the rights of the minorities to follow their religious practices? ... It is, therefore, necessary that Civil Society and the democratic

government accepts the principle that any practice or custom of any section of our society which impinges upon any of the democratic principles or the sacrosanct fundamental rights guaranteed under the Constitution of India would have to fall in line... Depending on what happens in the Apex court on the judgement of the Bombay High Court, the State should not sit idle if for some reason the Supreme Court is unable to uphold the Maharashtra Judgement.

6. ... The law (should be amended to) enable the woman to file suit for maintenance or relief of any other kind, at a place of her choosing.
7. ... NCW endorses the request already made to the Muslim Personal Law Board that a standard Nikahnama, such as the one drafted by women activists, be approved and adopted and that it should be made mandatory...
8. ... The Registrar General of Census (should) make available disaggregated data for Muslim girl child from 0-10 age group for the 2001 Census...

A.P. High Court on Children as Legal Disability for Panchayat Election

B.K. Parthasarathi and etc., Petitioners v. Government of Andhra Pradesh and others, Respondents.

Dr. MOTILAL B. NAIK AND J. CHELAMESWAR, JJ.

Section 19(3) does not directly curtail or directly interfere with the right of any citizen to take a decision in the matter of procreation. It only creates a legal disability on the part of any person who has procreated more than two children as on the relevant date of seeking an elected office under the Act... Only disqualifies any person who is otherwise eligible to seek election to various public offices coming within the ambit of the Andhra Panchayat Raj Act, 1994 or declares such persons who have already been holding such offices to be disqualified from continuing in such offices if they procreate more than two children.

Choosing to contest an elected office is not a fundamental right but only a right arising out of a Statute. That being so, no grievances could be made out on the ground that the right to liberty and right to privacy of an individual are deprived by the impugned legislation...

(Source: AIR 2000 Andhra Pradesh 156)

(Contd. from Page 283)

parents will stop sending their children to missionary schools ... for fear of attacks by the VHP. Universities like Jamia Millia and AMU which have at least 40-50 per cent non-Muslim students will become institutions for minorities. Segregation will create more misunderstanding between communities and the rise of bigotry. This is what the VHP wants, but is this what India wants? ...

N. Jamal Ansari

On Reform in Muslim Personal Law

The practice of triple *talaq* and polygamy among Muslims are two issues that required to be addressed with utmost urgency. In fact they should be abolished once and for all...

...The Muslim Personal Law, as practiced and applied in our country is ... originally an Anglo-Mohammedan law enacted by the British in the nineteenth century... There is a need to pay attention to the amendments in the Muslim Personal Law... (sic) ...

In June 1999, over 200 Muslim women from over 50 grassroot organisations met ... in Mumbai to demand radical changes in the Muslim Personal Law...

The Charter of Reforms demanded that unilateral triple *talaq* be banned, all *talaqs* should be registered; maintenance be paid to divorced women beyond the *iddat* and ... *mehr* be paid immediately after divorce in a form that appreciates its value over time...

Shahabuddin's Response

Letter to The Pioneer, 1 May, 2000

Apropos Mr. N. Jamal Ansari's article "Change Begins from Within" (1 May, 2000), since the Muslim Personal Law is customary and not statutory law, it cannot be amended, it should be codified. This is not difficult. What is difficult is to evolve a consensus among the Ulema on what is in accord with Shariat and what is not. Shariat is the code of conduct derived from the Holy Quran and the Traditions of the Holy Prophet and their interpretation by various Schools of Muslim Jurisprudence (Fiq'h) on any controversial point. The views of all the 4 principal Schools and the Family Codes of the Muslim countries which adhere to the Shariat can be kept in view while reaching a consensus on the most suitable course in the present circumstances.

In our urge for social reform, we cannot throw the Shariat out of the window but we may reinterpret it to find a solution to the social problems we face. The Muslim Code which is perceived by the people as being based on the Shariat will alone found social acceptance and thus be effective in meeting the social evils. Otherwise it will become part of the legal debris on our social landscape.

In my personal view, and I do not claim to be an A'lim, the unilateral, irrevocable, irreversible Triple Talaq is violative of both the letter and spirit of the Holy Quran. Similarly, any recurring maintenance of the ex-wife by her ex-husband goes against the Islamic view of marriage as a civil contract. However, in addition to her legal claims, the divorcee may receive from the ex-husband a reasonable sum as a parting gift, whose minimum may be prescribed by law keeping in view the fact that the Muslim Indian society looks upon divorce as a stigma and the divorcee has little possibility of remarriage as in other Muslim societies. I also endorse the idea of registration of Nikah and standardization of Nikahnama which should provide for indexation of Mehr to inflation.

- ❖ **MOHD. SHAMIM JAIRAJPURI** selected Fellow of Third World Academy of Sciences.
- ❖ **BASHIR BADR** (Urdu) **RASHID NAZKI** (Kashmiri) and **ABDUL RAHMAN** (Tamil) awarded Sahitya Akademi Awards, 1999.
- ❖ **MAULANA RABE HUSAINI** elected Nazim, Nadwatul Ulema, Lucknow. 5 January, 2000.
- ❖ **BASHIR AHMED KHAN** appointed Judge of Delhi High Court, New Delhi, 11 January, 2000.
- ❖ **A.R. KIDWAI** elected unopposed Member of Parliament for Rajya Sabha. 13 January, 2000.
- ❖ **AKHTARUL WASEY** appointed Member, Maulana Azad Education Foundation. New Delhi, 13 January, 2000.
- ❖ **JUSTICE MOHD. SHAMIM & SHAMIM KAZIM** appointed Chairman and Member respectively of the National Commission for Minorities. New Delhi, 15 January, 2000.
- ❖ **SYED SHAHID MAHDI** appointed Vice-Chancellor of Jamia Millia Islamia University, New Delhi. 15 January, 2000.
- ❖ **SHABANA AZMI** awarded 46th National Film's Best Actress Award. New Delhi, 15 February, 2000.
- ❖ **P. IBRAHIM KHALILULLAH** appointed Judge, Madras High Court. New Delhi, 20 February, 2000.
- ❖ **ALE AHMAD SUROOR** and **MOHAMMAD HASSAN** awarded Bahadur Shah Award for 1998 and 1999 respectively. New Delhi, 17 February, 2000.
- ❖ **A.P.J. ABDUL KALAM** awarded Hari Om Ashram Prerit Senior Scientists Award, 1998. New Delhi, 3 March, 2000 and also awarded Deshikottam by Viswa Bharti Award.
- ❖ **SIRAJ HUSAIN** appointed Vice-Chancellor of Jamia Hamdard University, New Delhi. 15 March, 2000.
- ❖ **SHAMEEM JAIRAJPURI** appointed President of Indian Society for Hyderabad, 28 March, 2000.
- ❖ **SIKANDER BAKHT** awarded Padma Vibhushan, **BEGUM QUDSIA AZIZ** and **WAHIDUDDIN KHAN** awarded Padma Bhushan, **ALLAH RAKKHA RAHMAN** and **ABDUR RAHMAN RAHI** awarded Padma Shri, 2000. New Delhi, 30 March, 2000.
- ❖ **MOHD. RABEY HUSANI NADWI** elected President of Deeni Taleemi Council. Lucknow.
- ❖ **EBRAHIM ALKAZI** conferred special honour by Chaman Lal Memorial Society. New Delhi, 5 April, 2000.
- ❖ **MUJAHIDUL ISLAM QASMI** elected President, All India Muslim Personal Law Board. Lucknow. 23 April, 2000
- ❖ **MOHD. HASAN** awarded A.I. Bahadur Shah Zafar Award by Urdu Academy, Delhi, 29 April, 2000.
- ❖ **KAIFI AZMI** conferred First Millennium Award by Delhi Government, 13 May, 2000.

Joint Memorandum of Eminent Muslims to President of India On AMU Vice-Chancellor's Appointment, 17 April, 2000

In view of the special and historical association of the Muslim Community with the Aligarh Muslim University, we, the undersigned representatives of the major non-political Muslim Organisations and Institutions of the country beg your leave to submit this Memorandum for your kind consideration in your capacity as the Visitor of the University.

At its meeting on 10 April 2000, the AMU Court has recommended the statutory panel of three names for appointment as Vice-Chancellor, on completion of the term of the present incumbent Mahmoodur Rahman, IAS, for your consideration as the Visitor of the University. The Panel includes the name of the present Vice-Chancellor, Mahmoodur Rahman.

It may be recalled that the AMU Staff Association had submitted a Memorandum to you as the Visitor on 30 January, 2000, and requested you to remove Rahman and to order an inquiry in the affairs of the University during his term. Now that his term is coming to a close the Memorandum has been overtaken by events. It may be added, however, that the Act does not envisage the reappointment of a VC, though it may not specifically bar such reappointment.

The tenure of Mahmoodur Rahman has been a period of tension, turbulence and turmoil, largely due to his divisive policies, authoritarian style of functioning, arbitrary exercise of power, rampant favouritism, gross maladministration, deliberate subversion of the authority of other University bodies which led to public controversies, students agitation and alienation of the minority community. The conduct of the VC has not been in consonance with the highest standards of dignity, decency and decorum or in full accord with the letter and spirit of the AMU Act and its Statutes and Regulations, as illustrated below: -

The VC arbitrarily and massively exercised emergency powers under Section 19(3) of the AMU and effectively undermined the statutory bodies including the Court, the Executive Council and the Academic Council. To quote an example, 447 instances were brought before the E.C. for information between February and September, 1998! Even appointments were made under emergency powers. In fact during his tenure, the University bodies were not convened to meet as required under the Rules. The Court never held any discussion on the Annual Reports of the University which were prepared by the VC, approved by the VC and transmitted by the VC to the Government of India. Without the consent of the Academic Council, he authorised private students to take University Examinations at Masters level in Sciences. In contravention of the Act and without approval of the Visitor, he established a teaching Centre in Dubai, UAE.

The VC brought down the prestige of the University with his many controversial public statements, such as those designating the University as 'infested with

terrorism', questioning the historical character of the University, proposing affiliation of local colleges which would have destroyed its residential character, removing the word "Muslim" from the name of the University, falsely alleging molestation of Harijan girl and demolition of a Shiv Temple on the Campus and accusing University students of complicity in riots in Aligarh city etc.

The VC publicly projected himself as enjoying the unqualified backing of the Central Government and ran the University as a personal fief, without any meaningful intercourse, even with the senior staff and students. Absenting himself from the campus during crises he nevertheless converted the V.C.'s Lodge into a fortress and the Campus into a police camp.

During his term, the University was closed 5 times in November 1995, September 1996, July 1997, October 1998 and in December, 1999 with the students forced to vacate the hostels and the parents burdened with additional expenditure.

He virtually abolished the University Union and thus deprived the student body of a valuable forum to provide a democratic channel for redressal of genuine grievances, for improvement of the physical and academic environment and, what is more important, to train them for their future role as responsible citizens.

The VC brought down the dignity of office by brandishing a revolver at and physically assaulting students and by threatening them with disciplinary action at every turn and, in fact, serving them Show Cause Notices and even rustication scores of them, some without observing due process.

The VC encouraged the culture of violence on the campus, gave recognition to known criminals. It is a different matter that some of his protégés later turned against him.

The VC tried to form a Volunteer Corps - as vigilantes - to 'maintain peace on the Campus' in every Faculty/Departments/Colleges

The V.C. distanced himself from senior teachers and alienated the teaching staff by refusing to meet the representative of the AMU Staff Association to discuss their grievances. He suspended teachers without due process. He violated the convention of appointing the seniormost Professor as the Acting VC in his absence. Bypassing legitimate claims, he kept the post of P.V.C. vacant and then appointed one of the Registrars, and a junior Professor at that, not only as Pro-VC but also as the Controller of Examinations, the Director of the Academic Staff College and gave him charge of several other posts.

In matters of selection, appointment, confirmation and promotion, even of grant of leave to teachers, the VC did not follow any consistent and uniform policy, resulting in pick-and-choose and open favouritism. He deliberately avoided making regular appointment to

senior posts including those of 5 Principals as it suited him to keep ad-hoc appointees under his thumb.

PRE-SELECTION MANIPULATIONS

In his bid for reappointment, Mr. Rahman adopted all possible means, fair and foul, to get himself included in the Panel. On one hand he ran a high power media campaign to glorify himself. On the other, he packed the Executive Council and the Court with his supporters, by replacing university officers and ad-hoc principals after the announcement of the dates for the special meetings of the Executive Council and of the Court.

He delayed the process of selection to the last minute, gave very short notice to the members of the E.C. and the Court and kept only a gap of 2 days between the meeting of the E.C. and the Court so that the external members would be discouraged from coming, without any knowledge of the decision of the E.C. The result was that the Special Meeting of the Court had poor attendance, though weighted in his favour.

In view of the above, we feel that during his tenure Mr. Rahman mismanaged the affairs of the University and failed to inspire the Staff and the Students. He failed because he tried to manage the affairs of the University with the methods and skills he mastered in dealing with the insurgency in J&K. Such methods may create an atmosphere of fear and sycophancy but cannot promote the academic enterprise. To sum up, Mr. Rahman has done considerable damage to the University and if reappointed, he will destroy it.

REQUEST

Fortunately the Panel includes the name of the distinguished diplomat M. Hamid Ansari, IFS (Retd.) who is himself a product of the University and is indeed today **the Aligarhian with the highest achievement.** Although Mr. Ansari has only 2 years to go before reaching the statutory age of retirement, we feel that with his past association with the University as student and teacher, and his vast diplomatic experience he can heal the wounded psyche of the University, restore normalcy in the Campus and put it back on the path of academic excellence.

We, therefore, humbly respectfully submit for your gracious consideration that Mr. Rahman should not be reappointed for the cogent reasons outlined above and Mr. Ansari be appointed as the next Vice-Chancellor of the AMU. We assure you that Mr. Ansari's appointment will be welcomed not only by the University community and its old Boys but the Muslim Indian community, as a whole.

Mohd. Salim Qasmi, Mohtamim, Darul-ul-Uloom, Deoband and President, A.I. Muslim Majlis-e-Mushawarat
Mujahidul Islam Qasmi, Secy. Gen., A.I. Milli Council
Mohd. Sirajul Hasan, Amir, Jamaat-e-Islami-Hind
Syed Ahmad Hashmi, Gen. Secy., A.I. Milli Jamiatul-Ulema-e-Hind
Syed Shahabuddin, Vice-President, A.I. Muslim Majlis-e-Mushawarat
Navaid Hamid, Secretary, Movement for Empowerment of Muslim Indians

SOME BOOKS OF INTEREST

- ALI, DAUD** : Invoking the Past: The Uses of History in South Asia. OUP, 1999.
- BHARGAVA, RAJEEV, CALDWELL, SARAH & RIZ, JANET** : Multi-culturalism, Liberalism and Democracy: Oh Terrifying Mother; Trans-Himalayan Caravans. OUP, New Delhi.
- CHANDHOKE, NEERA** : Beyond Secularism: Rights of Religious Minorities.
- DHAR, P.N.** : Indira Gandhi, the "Emergency" and Indian Democracy. OUP.
- GEORGE, T.J.S.** : India 1000 to 2000 (The Story of a Thousand Years). Express Publications (Madurai) Ltd., Express Estate, Anna Salai, Chennai-2.
- GHOSH, PARTHA S.** : BJP and the Evolution of Hindu Nationalism - From Periphery to Centre, 1999.
- HABIB, IRFAN** : Confronting Colonialism: Resistance & Modernisation under Haider Ali & Tipu Sultan.
- HANSEN, THOMAS BLOM** : The Saffron Wave: Democracy and Hindu Nationalism in Modern India. OUP, 1999.
- JONES, ROSIE LLEWELLYN KEAY, JOHN** : Engaging Scoundrels, True Tales of Old Lucknow. OUP.
- KUMAR, SUKRITA PAUL & KATHA, SADIQUE KRISHNA, R. GOPAL KULKE, HERMAN** : India: A History. Harper Collins India.
- LOW, D.A.** : Ismat: Her Life, her Times.
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- MAHESHWARI, A.P. MIR, MUSTANSIR (Tr.)** : The State in India, 1000-1700. OUP.
- NIZAMI, ZAFAR AHMAD** : Britain and Indian Nationalism: The Imprint of Ambiguity 1929-1942. Cambridge University Press.
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- : Communalism. Ajanta.
- : Tulip in the Desert: A Selection of the Poetry of Muhammad Iqbal. Orient Longman.
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- : The Making of Laloo Yadav - The Unmaking of Bihar. Harper Collins India.

Kuldeep Kumar on Race for Vice-Chancellorship

... The term of the present vice-chancellor, Mahmoodur Rahman, IAS, has expired on April 30, but the university is yet to send the panel of three names to the President of India who happens to be its Visitor.

Since AMU is a central university, the HRD Ministry headed by Murli Manohar Joshi is very much in the picture. Mr. Rahman has time and again declared with obvious pride that he not only has the "blessings" of the HRD Minister but also has a "mission" to complete.

A glimpse of this mission can be perceived from the fact that Irfan Habib, one of the eminent historians of India, is yet to be made Professor Emeritus several years after his retirement... Mr. Rahman's ineptitude is evident if one looks at the way the university has been frequently closed, hostels vacated and students arrested during the past five years.

It is a pity that a university that was once presided over by such men of stature as Zakir Husain, Ali Yavar Jang and Badruddin Tayyabji has been thrown into a turmoil only because the incumbent vice-chancellor wants to continue in his present assignment by any means. He does not seem to mind if provisions of the AMU Act are violated, unhealthy precedents are set, and the university is rendered dysfunctional.

As things stand today, the university statutes do not permit re-appointment of a VC after he has completed his five-year term. Not even Zakir Husain, or anybody else after him, was re-appointed as vice-chancellor. While the university statutes clearly speak about the re-appointment of chancellor, pro-chancellor and honorary treasurer, they are silent about the VC, clearly indicating that he must demit office and make an honourable exit after completing his five-year term...

But such legalities are not enough to deter a "man of mission" like Mahmoodur Rahman. He has got himself elected by the University Court at a meeting that he himself presided. (And he himself was a candidate.) He also saw to it that more than 40 vacancies in the court were not filled, transferred or removed a few "inconvenient persons" who were ex-officio members of the court, and inducted four new members in the Executive Council and nine new members in the University Court. And he won bagging the highest number of votes at a meeting of the court held on April 10, 2000...

Why is Mr. Rahman so keen on continuing as the AMU vice-chancellor? And why has he been blessed by the HRD Minister? A simple conjecture can be: To change the character of the university.

... The saffron brigade eyes the university with unconcealed dislike. After Independence, the university went through a turbulent history and its students waged a nationwide struggle to secure a minority status for it. They succeeded in 1981 when Indira Gandhi relented and the University Act was amended...

Any change in its minority character is going to

disturb the Muslim masses... The saffron brigade realises that the Ayodhya card has become unplayable and is in search of another issue that can emotionally disturb the Muslims and has the potential of mobilising the Hindus. The importance of the AMU can hardly be overestimated in this regard.

It is not surprising that Mr. Rahman has made certain suggestions to inflame sectarian passions. He is of the view that the word "Muslim" should be removed from the university's name and has also floated the idea about the advisability of affiliating the three city colleges with the AMU, thus giving rise to fears about a move to change the minority character of the university once again.

If the university has to be put back on the rails, the President in his capacity as Visitor must appoint a man of stature who can command the respect and receive the cooperation of all the components of the university community...

(Source: The Hindustan Times, 5 May, 2000)

Note on Question of 2nd Consecutive Term for the Vice-Chancellor of AMU

AMU Statutes, 1920

- 2(a) The Vice-Chancellor shall hold office for three years and shall be eligible for re-election.

Comments

2nd Term Allowed.

AMU Statutes, 1951

- 2(3) The Vice-Chancellor shall hold office for a term of six years and shall not be eligible for re-appointment.

2nd Term Disallowed.

AMU Statutes, 1965

- 2(3) The Vice-Chancellor shall hold office for a term of six years and shall not be eligible for re-appointment.

2nd Term Disallowed

AMU Statutes, 1972

- 2(4) The Vice-Chancellor shall hold office for a term of five years from the date on which he enters upon his office and shall be eligible for re-appointment for not more than another term.

2nd Term Allowed

AMU Statutes, 1973

- 2(4) The Vice-Chancellor shall hold office for a term of five years from the date on which he enters upon his office.

2nd Term Disallowed
(Reappointment Clause Dropped)

AMU (Amendment) Act, 1980

1973 Statute in this regard not amended

-do-

NOTE: AMU Statutes, as they stand today, expressly allow a 2nd Term for the Chancellor, Pro-Chancellor and the Treasurer, but not for the Vice-Chancellor.

Indian Social Institute: Fact Finding Team's Report

Jamia Millia Islamia (JMI) is a secular University and one of the prestigious educational institutions of the country. It has a history of contributing to the promotion of a secular and democratic India. It is one of the first Universities of India. The police and administration however appear to have carefully forgotten the University's secular credentials and used the incident to inscribe a communal colour to its students, teaching faculty and other members...

The Jamia Incident in Perspective

The brutal attack on the students of JMI by the Delhi police is not a isolated incident. It needs to be analysed within the context of the growing communalisation of the state and the community-centric discourse of the state which is being developed by the RSS and BJP. The basic objective of the RSS and "Sangh Parivar" is to raise socially divisive issues and subvert the secular agenda of the Indian State. The BJP led coalition government at the Centre has been making concerted attempts at saffronising the various state institutions. Political institutions and processes are increasingly becoming a threat to the security of its citizens, especially the minorities. Within the context of a communalised state apparatus, the definition of citizenship based on secular, modern and democratic notions of inalienable rights undergoes severe stain. Incidents such as the one at Jamia indicate that secularism as state ideology is not being transformed into secularism as state practice since those who controlled state power are either perpetuating - or turning a blind eye to - violence against a minority group.

With the state talking on a community-centric approach to politics, one needs to discern the underlying framework of relationship between police and minorities. Our investigation in the aftermath of the Jamia incident has brought to light the vicious mindset of the police who perceive religious minorities, especially Muslims, in a communal manner - the police question their patriotism, their legitimate rights as citizens and their socio-cultural mores and values. The conduct of an average policeman is guided by the same preconceived notions and misconceptions which influence the mindset of a fundamentalist or a person from a communalised civil society. It is such a psychology that governs police reactions during incidents like the one at Jamia. The act of violence and the attempt to rationalise the same after the incident is an indicator towards a dangerous trend of the communalisation of police and other state institutions.

The RSS/BJP attempts at communalising state institutions are part of their larger agenda of changing the character of educational institutions run by minorities and

the recent violent attack on missionary run schools in Uttar Pradesh and the Jamia incident are testimony to this fact. Subversion of secularism and the attempts at changing the character of an institution like Jamia, where Muslim students are in large numbers cannot be done without covert assistance from state institutions. In a liberal democratic and plural society, the police are considered to be a living expression, an embodiment, an implementing arm of democratic law which is not an end in itself, but a means to higher ends on human affairs, such as good order, justice and liberty...

As is expected from a democratic, informed and proactive civil society, the Jamia incident has evoked sharp criticisms and condemnation from various sections of the people. Peoples' representatives cutting across party lines have joined hands and raised their voice against the police and the government in the Parliament. Dharnas, protest marches and rallies have been organised by the student's community in New Delhi. The teaching community of the University also stood by the students and provided sureties for 66 students in the courts. The incident has also been taken up by civil society groups to call for change in not just the laws but also the mind set of the law enforcers.

Even with all this action one can claim that the civil society has not done enough. The "false cases" against the student's have not been withdrawn and the state officials who were responsible for this reprehensible act have not been booked. It is time that citizens, not just in Delhi but across the country, express their solidarity with the unfortunate students of Jamia who had to undergo this traumatic experience. Citizens need to come out of their narrow and parochial interests and condemn such acts and their actors. Given below are some of the responses of the different groups:

State, Police, Higher Education and Ideology

For the State and Police force JMI is a "Muslim" University. What makes it a minority University is that roughly 50 percent of its students hail from the minority community and the name of the University is in "Arabic" (sic), even though the University was established by an Act of the Parliament. Do our other Universities which have practically 100 percent students from the majority community become Hindu universities because the student population hails from the majority community. The manner in which the state and police handled JMI as an institution of higher learning is communal.

Such perceptions can lead to serious consequences. We could see that the police had homogenised the University and its environs. Everybody in the constituency was viewed as a culprit, anti-national and thus lacking

participation in nation building endeavours. The crime of two criminals, who were not directly connected to the University, becomes the crime of the entire JMI if not the entire "Muslim" community. Slogans like Jamia Millia students are ISI agents, Pakistani infiltrators; anti-Indians are a consequence of such perceptions. The slogans and behaviour of the police is a mere reflection of a communalised civil society. The police force represents our civil society. To the extent civil society remains communalised, the police force can be no different.

There are reasons to believe that the police did not act on their own. The police had to receive their orders from the Union Ministry to enter a University Campus. That the situation was "extraordinary", as was allegedly told by a police officer to a University official present in the hostel, and police entered the campus on their own will not have many takers.

A communal government acts communally and through its communal orders further communalises civil society. A consequence of such communalisation is that the distinction between citizen, community and society get blurred. **Every "Muslim", even though he/she is a citizen of this country and a responsible member of the civil society is seen with prejudice. So is the Muslim community. This is communalisation of civil society...**

What has happened in Jamia is merely a reflection of the furtherance of the ideology of "Hindutva" adopted by the BJP, the leader of the NDA coalition government at the Centre. With BJP in power the police force is further communalised. They are willing to do whatever their political masters want them to do. Society cannot go on in this manner. The fascist forces have to be defeated.

Recommendations of the Fact Finding Team

- a) The Police Force should have proportionate representation of people from the minority communities. Immediate steps should be taken towards its realisation.
- b) JMI should evolve an effective Proctorial Committee consisting of students, teachers and administrators to handle all anti-social activities inside the campus.
- c) A special professional police force be created to deal with students' unrest, if at all needed, when University administration requests for the same.
- d) Attempts should be made to reorient the police force on the secular ideology of the Indian state through seminars, workshops and training programmes.

The public reaction to the crimes committed by the police in Jamia Millia has been subdued. It appears as if civil society is silenced or paralysed. In a secular country if secular and progressive groups do not come together to publicly denounce and discourse such acts of police vandalism, the future of the country may be at stake.

CPI: National Council on Jamia Violence, 23 April, 2000

The National Council of the Communist Party of India expresses grave concern on the growing attacks on the renowned educational institutions of the country. The latest in the series is the police violence on the campus of JMI on April 9, 2000.

... Earlier in January the UP police has meted out the same treatment to the students and teachers of the Shibli National Post Graduate College of Azamgarh. There the police collaborated with the frontal organizations of RSS in organising anti-minority violence... These attacks reflect the saffronisation process of the police force under BJP. The CPI National Council wants the secular forces to take notice of the sinister designs of the BJP in regard to such educational institutions.

The CPI National Council supports the demand of the JMI students for a time-bound judicial enquiry ... and also demands withdrawal of all cases against the students.

CPI Leader Shameem Faizee On Jamia Violence

The brutal lathi-charge and merciless beating of students of JMI by Delhi Police is not an isolated event. It is almost the repetition of what the UP Police did to the students and teachers of Shibli National Post-Graduate College on January 27 this year. The two institutions founded during the freedom struggle to impart nationalist education are now facing the ire of BJP controlled Police...

The Police claim that it resorted to lathi-charge on Jamia students stoned them when they went there to arrest a former student of the university for some crime committed months ago. It seems to be a cooked up story to cover the atrocities committed on the students...

A PUCL inquiry in the events on April 9 has concluded that the incident reflected "saffronisation process" within the police...

Jamia whose foundation was laid by none other than ... Mahatma Gandhi has received a big blow... It appears that this institution has been targeted with ulterior motives... The ... inquiry teams that visited Azamgarh ... have concluded that the whole incident was pre-planned and pre-mediated by the RSS and its allied organizations (and) Police ... collaborated with the hooligans... (A) section of judiciary too showed communal bias in dealing with the matter... Coupled with these two incidents, the continued attacks on the missionary schools in Gujarat, Haryana and now Western UP, the picture becomes clear.

It appears that RSS is targeting all those institutions, which have stood out as the symbols of communal harmony, secularism and patriotism...

(Source: The New Age, 23-29 April, 2000)

G.M. Banatwalla on Reservation Lok Sabha, 9 May, 2000

... In *Indra Sawhney and others versus the Government of India and others* (AIR 1993 SC 477) the Supreme Court (i) has limited the total reservation under article 16(4) to 50 per cent; (ii) has put certain sectors of employment like teaching, medicine and so on outside the purview of reservation; and (iii) has introduced the economic criterion and held that the so-called creamy layer among the backward classes must be excluded from the reservation.

... Apart from these points, there are several other points. But the present Bill addresses itself only to one question of excluding the filling up of the backlog vacancies from the limit of 50 per cent... This partial response to the legal difficulties has created several other problems. This partial response really makes matters worse... You are accepting, and ... giving Constitution sanctity to this concept of overall 50 per cent limit... This is a betrayal of the nation.

... With the increase in the population, SC proportion must increase. You cannot now increase it because (of the) limit of 50 per cent. So, the aspirations of the Scheduled Castes have not been met.

Then there is the question of giving reservation to the Muslims... If you have accepted 50 per cent as the outer limit, how will ... you be able to respond to the aspirations of the Muslims for reservation because the present reservations have already reached the limit of 49.5 per cent? ...

Then there is the question of the economic criterion. It is alien to the Constitution... Even when the so-called creamy layer is included in the backward class reservation, the quotas are not filled up. Therefore, ... the economic criterion (need) not apply...

... I request the Government to give fresh thought and see that the various aspects of the reservation receive due attention.

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Forum for Democratic Rights Statement on Women's Bill

The Forum for Democratic Reforms, consisting of Jayaprakash Narayan of Lok Satta, Hyderabad, Dhurubhai Sheth, Lokayan, Delhi, Yogendra Yadav of CSDS, Delhi, and Madhu Kishwar of Manushi, New Delhi, have suggested an alternative to the proposed Bill for Women's Reservation.

... Therefore, the alternative bill proposes to amend the Representation of the People Act, 1951, to make it mandatory for every recognised political party to nominate women candidates in one-third of the constituencies. There will be a similar provision in respect of seats reserved for SCs and STs. Each party can choose where it wishes to nominate women candidates.

To prevent a party from nominating women candidates only in States or constituencies where the party is weak and to ensure an even spread, the unit for consideration (the unit in which at least one out of three party candidates shall be a woman) for the Lok Sabha shall be a State or Union Territory, and for the Assembly, a cluster of three contiguous Lok Sabha constituencies.

In the event of any recognised party failing to nominate one-third women, for the shortfall of every single woman candidate two male candidates of the party shall lose the party symbol and affiliation...

(Source: The Hindu, 28 April, 2000)

Caste Census in 2001 Essential Shahabuddin to M. Khan, 1 May, 2000

Thank you for your letter of 26 April 2000. I agree with you in principle that there should be universal reservation but the quota for each social group will not depend on its population **only** but also on its level of relative backwardness which can be measured with the backwardness level of SC/ST, indexed as 100.

The upper limit will be the total of the quotas of various groups. It cannot be set at an arbitrary figure.

The quota should apply not only to public employment but to professional education, development benefits, welfare programmes, representation in legislature and access to bank credit.

Social groups whose population is less than 1% of the state (or national) population should either join a large group of their choice or aggregate among themselves to form a larger group.

For all this, **it is essential to have caste census so that for each identifiable group, one can have cross-tabulated data which can help in determining its level of backwardness.**

Modasa - Town in Gujarat: Profile of Progress in Two Decades

Modasa is a Taluka town in Sabarkantha district in Gujarat. Out of a population of about 50,000, Muslims number are 22,000. Here is a brief report on the Progress of the Muslims of Modasa during the last 2 decades.

Economic Organisation:

To improve the economic condition of the community, the Muslims have established financial institutions like banks and credit societies whose profit is generally used for the development in the field of education, health and social welfare. (See Table Below)

Business/Professional Services:

Drawing upon the resources of the financial institutions the Muslim community established a business and services enterprises.

S.No.	Particulars of Unit	No. of Unit
1.	Retail Trade (Upto one lakh investment)	370
2.	Wholesale Trade (> one lakh investment)	65
3.	Small Scale Industries (Five lakhs to one crore)	12
4.	Truck Operations	1642
5.	Auto Operations	256
6.	Agriculture	
	(a) Less than five hectors Irrigated Land	170
	(b) Non-Irrigated	102
7.	Professional officers, Doctors, Advocates, Engineers etc.	103

Employment Pattern:

S.No.	Class	No.
1.	Government - A Class	32
	B Class	256
	C Class	279
	D Class	205
2.	Semi-Government - A Class	24
	B Class	342

3.	Abroad	Labour	230
		Services - A Class	22
		B Class	14
		Private Business	16

4.	Private Employment	Accountant,	
		Driver, Cleaner, Sweeper	2140

Physical Assets:

	No.
Housing: RCC	2530
Rough Concrete	962
Brick/Earthen	847
Huts	267
Motor Cars	85
Scooters/Bikes	642
Tractors	24
Telephone	1228
Television	2634

Social Institutions

S.No.	Institutions	Total
1.	Mosques	22
2.	Schools	16
3.	Library	3
4.	Youth Club	4
5.	Muslim Mahila Mandal	2
6.	Sports Club	1
7.	Girls & Boys Hostel	1 each

Health Facilities:

Muslims have organised M.R.T.C. General Hospital in Modasa with all medical facilities and 70 beds and 24 hours ambulance facility.

Services rendered in 1999:

Indoor	Outdoor	X-Ray	Sonography	Laboratory
1440	45660	804	1380	4658

Economic Organisation

S.No.	Institute	Total Members	Muslim Members	Deposits	Loan	Profit	Fund for Public
1.	The Sarvodaya Coop. Bank	6200	5500	14 Cr.	12 Cr.	62 Lakh	9 Lakh
2.	The Modasa Road Transport Coop. Ltd.	2740	2560	18 Cr.	16 Cr.	70 lakh	13 Lakh
3.	The Peoples Credit Society	912	912	1.25 Cr.	1.10 Cr.	8 Lakh	1.2 lakh
4.	The Navjivan Credit Society	385	385	47 lakh	40 lakh	2.5 lakh	20,000
5.	M.P. Farmer Mandali	850	742	37 lakh	32 lakh	3 LACS	32,000
6.	Bahavir Credit Society	296	296	12 lakh		(Still unregistered)	
Total Bank Accounts = 30,642		Total No. of Insurance = 8,322					

Educational Organisation

S.No.	Institution	Established in	Boys	Girls	Result	Status
1.	Makhdum High School	1965	1895	1608	62%	Granted
2.	Madni High School	1990	105	92	100%	Granted
3.	Karimiya Girls High School	1992	-	308	85%	Granted
4.	Ghanchi High School	1994	95	72	78%	Non-Granted
5.	Gaushiya Primary School	1994	307	275	-	Non-Granted
6.	Navjivan Primary School	1995	108	96	-	Non-Granted
7.	Sadat Primary School	1997	128	66	-	Non-Granted
Total			2638	2517		

(Courtesy: Md. Yusuf I. Tadha, Modasa)

Amanath Cooperative Bank Ltd. - A Report

Largest Urban Cooperative Bank in Karnataka

... Starting off with a small capital of Rs.3 lakhs, the Amanath Bank has grown to be the largest Urban Cooperative Bank in the state, with a deposit of over Rs.237 crores, working capital of Rs.281 crores and net owned funds of Rs.27 crores. The Bank's profit for the year ending 31st March, 1999 was Rs.5.06 crores, which incidentally, was the highest by any Cooperative bank in Karnataka so far.

The Bank that began with just 3000 members, now boasts of nearly 35,000 members. The depositors and account holders, who exceed 1.6 lakhs in number, are serviced by the 10 branches in the State...

... Amanath Bank opened branches in such areas which are predominantly resided by middle/lower class people and the areas concentrated by minorities and backward classes to whom commercial banks are not easily accessible...

Particulars	(Rs. in lakhs)	
	Position as on	
	30.6.78	31.12.99
Paid-up Capital	7.35	235
Reserves	0.01	2022
Deposits	43.18	23738
Advances	23.84	13109
Working Capital	52.01	28129
Profit	0.41	NA
Membership	4691	34860

... The bank has 384 employees on its roll, including 58 officers... The bank has bagged the "Best Urban Cooperative Bank" award for the second successive year from the Karnataka State Cooperative Federation and Karnataka State Urban Banks Federation...

The Reserves Bank of India conferred the 'Scheduled Status' on Amanath Bank effective from 29th January, 2000... Amanath Bank is the first urban cooperative bank in Karnataka to be awarded this prestigious status...

Future Plans and Prospects

- Extension of area of operation ... to the entire State of Karnataka
- Opening of branches at all district headquarters and minorities concentrated centres
- Installation of ATMs for better customer service
- Introduction of more value-added services such as Home Banking, Tele Banking Service, Networking Services and E-banking.
- Expansion of credit for Medium Scale Industries
- Foreign Exchange business
- Opening of "Ladies Branches" in minorities concentrated residential areas
- (New) schemes for financing priority sector/weaker section
- Opening of currency chest and small coin depot
- Launching of Mobile Banking
- Deposits (includes) lucrative schemes suited to the

clientele like Rozana Bachath, Recurring Deposits, Term Deposits, Cash Certificates, etc.

- Loans (includes) for Business Ventures, Industrial units, purchase of vehicle, Housing, Professional offices and education

Many Firsts to its Credit

- The first Urban Cooperative Bank in South India to be permitted by RBI to open Non-Resident External and Non-Resident Ordinary (NRE & NRO) Accounts.
- The first in Karnataka to computerize all its operations and introduce Wide Area Network (WAN)
- The first in Karnataka to establish its own Staff Training College.
- The first in Karnataka to install ATM facility.
- The first in Karnataka to introduce MICR cheques and install V-SAT.
- The first in Karnataka to get Scheduled Status.

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Board of Directors

President

: K. Rahman Khan, MP

Directors

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Mohamed Azam Jan

Sadath Ali Khan

Syed Sadaqath Peeran

Ziaulla Sheriff

Azeez Mohamed

T. Kempamma

Jameela Khaleel

Ateeq Ahmed

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Mohamed Asadulla

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34th Annual Report of Commissioner for Linguistic Minorities, 1996-97 From Introduction to the Report (Excerpts)

... Safeguards for Linguistic Minorities ... derive their authority from two sources:-

- (i) The Constitution of India; and
- (ii) The scheme of safeguards agreed to at the all-India level from time to time.

The Constitutional safeguards for linguistic minorities are enumerated in Articles 29, 30, 347, 350, 350A and 350B of the Constitution... The provisions contained in these Articles, in a nutshell, are :-

- (i) Article 29 gives the linguistic minorities the right to conserve their language, script and culture;
- (ii) Article 30 gives them the right to establish and administer educational institutions of their choice;
- (iii) Article 347 provides for a Presidential direction for official recognition of a language;
- (iv) Article 350 provides for one's right to submit representations for redressal of one's grievances to any authority in the Government in any of the languages used in the States/Union;
- (v) Article 350A provides for facilities for instruction through mother-tongue at the Primary stage of education; and
- (vi) Article 350B provides for the institution of the CLM in India.

The basic function of the CLM, as enjoined by Article 350B (2) of the Constitution, is to investigate all matters relating to safeguards provided for linguistic minorities and report to the President upon those matters at such intervals as the President may direct, and the President shall cause all such Reports to be laid before both the Houses of Parliament. ...

The other safeguards evolved and agreed to at the all-India level from time to time are contained in the decisions evolved from various documents/conferences, etc. such as Provincial Education Ministers' Conference 1949, Government of India Memorandum 1956, Statement on Language 1958, Southern Zonal Council Decisions 1959, Chief Ministers Conference 1961 and Meeting of the Committee of Vice-Chairmen of Zonal Councils 1961... The detailed scheme of safeguards ... includes, in the nutshell, provision for the following: -

- (i) Translation and publication of rules, regulations, notices etc. in minority languages in areas where their speakers constitute 15% or more of the local population;
- (ii) Declaration of minority language as second official language in districts where their speakers constitute 60% or more of the

population;

- (iii) Receipt of, and reply to, representations in minority languages;
- (iv) Instruction through mother-tongue at the primary stage of education;
- (v) Instruction through minority languages at the Secondary stage of education;
- (vi) Advance registration of linguistic preference of linguistic minority pupils, and inter-school adjustments;
- (vii) Provision for text-books and teachers in minority languages;
- (viii) Implementation of Three-Language Formula;
- (ix) Place of minority languages in matters of recruitment to State services;
- (x) Setting up of proper machinery for implementation of safeguards for linguistic minorities at the Zonal, State and district levels;
- (xi) Issue of Pamphlets in minority languages detailing safeguards available to linguistic minorities.

... During my visits to States and UTs I have sensed a simmering discontent amongst the speakers of minority languages, particularly in border areas of States and also amongst tribal/ethnic groups, many of whom feel that not enough is being done for the development of their language and script. It is time we woke up and understood the logic of linguistic and cultural pluralism in handling linguistically sensitive areas.

... I am pained to observe that while dealing with us many of the States just adopt a pedestrian approach and their approach is casual to a fault. First, they do not reply to the questionnaire of the CLM, despite repeated reminders at such a high level as the Chief Minister and Chief Secretary. When they do reply, it is after much delay. Not only this, they often supply half-baked information. They state something this year and then next year they just state the opposite. From my two years of experience I can say that the manner in which they treat the information solicited by the CLM is often very casual and slipshod. Our work remains hamstrung by such an unresponsive attitude.

Each State and Union Territory is supposed to nominate a senior officer as the Nodal Officer for liaisoning with the CLM and supervise the implementation of safeguards for linguistic minorities... Many States do not make any such appointment. When made, often such appointments are at a very low level...

Coming to the implementation aspects of the Scheme of Safeguards for linguistic minorities, I feel, much is left

to be desired... The right to education through mother-tongue at the Primary stage of education is a safeguard of vital importance for linguistic minorities... However, the scheme of safeguards agreed to at the all-India level restricts instruction through mother-tongue to cases only where a minimum of 10 students in a class are available. This deprives that section of linguistic minority students who are less than 10 in number. This provision, therefore, requires to be reviewed. Moreover, this provision of 10 students in a class depends entirely on the scrupulous maintenance of advance registers in the schools (which) leaves much to be desired...

...Fill now 33 Annual Reports have been presented. This is the 34th in the series. But unfortunately Annual Reports of the CLM one after another are simply presented to the President, laid in the Parliament often with no discussion and then shelved to gather dust. The recommendations made meet but a casual look, are rarely taken note of and are hardly ever acted upon by many of the States and UTs who are the actual implementing agencies. This is so because the Institution of CLM is spineless... The CLM has no administrative powers, what to speak of judicial or even semi-judicial powers. So obviously ... cannot take any action against any body for non-implementation or serious lapses in implementation of the Constitutionally enjoined scheme of safeguards for linguistic minorities...

I would ... plead for certain measures...

Primary Issues

- a) That the State Governments and UT Administrations be sensitised to accord the required priority to linguistic issues and adopt a more responsive approach towards the speakers of minority languages...
- b) That another Chief Ministers' Conference with Prime Minister as Chairman be held to review the entire gamut of the scheme of safeguards for linguistic minorities... The establishment of a permanent and viable machinery to monitor effective implementation of safeguards for linguistic minorities is absolutely essential...
- c) The institution of Nodal Officer needs to be effectively strengthened. He may be appointed in consultation with the CLM...
- d) That the role of the Union Government in protecting the rights of linguistic minorities be augmented by creation of a separate Wing headed by a Joint Secretary in the Ministry of Social Justice and Empowerment with the specific objective to constantly study and review the language policies of the States and Union Territories... Any change in the language policy be considered only in consultation with the CLM.

- e) That the Three-Language Formula be thoroughly reviewed.
- f) The problem of script for tribal languages be endeavoured to be sorted out...
- g) That the Department of Education, Ministry of HRD may hold regular meetings/conferences/seminars on languages and scripts with full participation of the CLM. ...
- i) That the Government of India establish a Linguistic Minority Commission on the lines of the Minorities Commission ... and vest it with judicial, semi-judicial and administrative powers and authority.
- k) That the headquarters of the CLM Organisation be shifted from Allahabad to Delhi...
- l) That the Gujral Committee Report on Urdu as a linguistic minority needs complete implementation.

Secondary Issues

... Unfortunately, the concept of minority is made to be religious. But language has nothing to do with religion at all. Any attempt to link or identify any language with a particular religion or community has, of necessity, to be discouraged because language belongs to the people and people alone.

Linguistic harmony in a multi-lingual society can be an effective step towards political stability and social cohesion. It is only a definite linguistic policy and planning that can define the role of language in socio-economic development as also the administrative and political relations of the citizens...

It needs to be realised that lack of a definite language policy and planning can lead to a disturbing situation... I have sensed a peculiar kind of situation where due to the linguistic hegemony of majority language speakers, the linguistic minorities are getting restive and are making conscious efforts to protect their language, script and entire cultural folklore...

M.T. as Medium of Primary Instruction

Shahabuddin's Letter to Hindustan Times,

27 April, 2000

Your editorial "Yes for English" (25 April, 2000) confuses between the teaching of English and its use as medium of instruction. I feel that the Mother Tongue, as declared by the parents, should be the medium of instruction at the primary level. All children should be taught English as a language from Class V onwards, while Tamil may be introduced for non-Tamil children from Class III. Tamil children may learn any minority language of the State from Class III. This would give equitable academic space not only to English but to all minority languages in the State of Tamil Nadu like Hindi, Urdu, Telugu, Kannada and Malayalam.

State-wise Extent of Implementation of Safeguards for Linguistic Minorities

1. **Status of Minority Languages**
 - a) **Receipt of and reply to representations/petitions**
FI: UP
PI: AP, Bihar, Delhi, Karnataka, M.P., Maharashtra, Rajasthan
 - b) **Notification of Tehsils, Talukas, Municipalities and Districts**
FI: AP, Bihar, Delhi, Karnataka, M.P., Maharashtra, Rajasthan, U.P.
 - c) **Arrangements for translation of laws, rules etc. in minority Languages**
FI: AP, Delhi, Karnataka, Maharashtra, Rajasthan
PI: Bihar, MP, UP
2. **Primary Education: Instruction through Mother-Tongue**
FI: AP, Bihar, Delhi, Karnataka, MP, Maharashtra, Rajasthan
- Secondary Education: Instruction through Minority Language**
FI: AP, Bihar, Delhi, Karnataka, Maharashtra, Rajasthan, Tamil Nadu
PI: UP
4. **Maintenance of Advance Registers with Inter-school adjustments for linguistic minority pupils at Primary and Secondary level.**
FI: AP, Delhi, Karnataka, UP
NI: Bihar
5. **Three-Language Formula, 1986**
FI: AP, Karnataka, MP
PI: Bihar, Delhi, Maharashtra, Rajasthan, UP
NI: Tamil Nadu
6. **Teachers in Minority Languages**
 - (a) **Availability**
FI: AP, Bihar, Delhi, Karnataka, Maharashtra, Rajasthan, Tamil Nadu, UP
PI: MP
 - (b) **Training Facilities**
FI: Delhi, Karnataka, MP, Maharashtra, Rajasthan, Tamil Nadu, UP
PI: AP
NI: Bihar
7. **Availability of Text-books in Minority Languages**
FI: AP, Bihar, Delhi, Karnataka, MP, Maharashtra, Rajasthan, UP
8. **Guidelines for Recognition of and Grant-in-aid to Linguistic Minority Institutions.**
FI: Bihar, Delhi, MP, Rajasthan, Tamil Nadu
PI: Maharashtra
INA: UP
9. **Knowledge of Official Language not a pre-requisite for Recruitment to State Services.**
FI: AP, Bihar, Karnataka, MP, Maharashtra
NI: Delhi, UP

FI: Fully Implemented PI: Partially Implemented
NI: Not Implemented INA: Information Not Available

Minority Rights Day, 18 December, 1999 Minorities Council's Appeal to the State and the People

1. Data on the social, educational and economic condition of minorities collected by the Census from 1951 to 1991 (should be published) and the Census Commissioner (should be directed to publish) such community-wise data in future.
 2. The Composition of the proposed Commission for Review of the Constitution should reflect the social diversity of the people of India and its terms of reference should include bringing the provisions of the Constitution into full conformity with the UN Declaration on Minorities, 1992.
 3. ... Stop all measures underway for cultural assimilation of minorities in the name of Indianisation or value education. On the other hand, the governments should fulfil the positive obligations put on them by the UN Declaration to create conditions favourable for preservation and promotion of linguistic, cultural and religious identity of minorities.
 4. Stop periodic recurrence of violence against minorities - Muslims, Sikhs and lately Christians - impunity enjoyed by perpetrators of violence, their instigators and erring officials should end. All of them must be speedily brought to justice including political leaders and officials responsible for anti-Sikh riots of 1984 and those responsible for the demolition of Babari Masjid and the widespread riots in 1992-93, and those involved in hate campaign and violence against Christians during 1998-99.
- Compensation to all victims of riots irrespective of their faith ... in accordance with the Delhi High Court judgement of July 1996 for victims of Delhi Anti-Sikh Riots of 1984.
5. Implement the recommendations submitted by the National Commission for Minorities (NCM) for Prevention and Control of Riots (1998), especially its recommendation to establish a Statutory Community Relation Commission and to provide 25 per cent representation to minorities in the police and all other wings of law enforcement machinery.
 6. Review the electoral system, the constituency formation and other related matters with a view to ensuring adequate representation to minorities in all elected bodies under the system of joint electorate.
 7. Take special measures by way of affirmative action, including reservation for backward minorities inadequately represented in public services and educational institutions.
 8. Give adequate representation to minorities in all official panels, commissions, committees, boards, university system and judiciary.
 9. Establish an Equality Commission to study the sources, nature and modalities of discrimination and for taking measures for ensuring equality of opportunity to all citizens irrespective of group affiliation.

Wasbir Hussain on Natives and Aliens

On April 10 ... representatives of the Centre and the All-Assam Students Union sat down for a meeting in Guwahati and evolved, what both sides called, a definition of the indigenous people of the State... The definition ... those whose names figure in the 1951 National Register of Citizens and their descendants. And for the seven districts in Assam where the NRC is not available, (those who figure in) the electoral rolls of 1952 would be taken as the basic document.

... The stage is set for a major confrontation and possibly a legal battle too.

The search for the definition was necessitated by the AASU demand for 100 per cent reservation of Assembly and Lok Sabha seats in the State to the indigenous people... This (aspect) found an echo in the Assam Accord of 1985, clinched between the AASU and the Centre. Clause VI says: "Constitutional, legislative and administrative safeguards, as may be appropriate, shall be provided to protect, preserve and promote the cultural, social, linguistic identity and heritage of the Assamese people." ...

In the present case, the dispute is over the new cut-off date of 1951 (NRC) and 1952 (voter list) to determine who would be regarded as the indigenous people. Already, the Assam Accord provides for a March 25, 1971 cut-off date for detection... Now, it seems the Centre has agreed to push back the cut-off date by another 20 years.

... Minority organisations such as the United Minorities Front say it would go totally against the interests of the post-partition migrants and the riot-affected people from parts of Assam who had fled to East Pakistan only to return later.

An estimated 3,00,000 Muslims from western Assam fled to East Pakistan in 1950 in the wake of a communal riot. Following the Nehru-Liaquat Pact later that year, these people returned to Assam. They were returning in batches till about 1952, by which time the exercise of preparing the NRC of 1951 as well as the voter list of 1952 got over. The names of this category, the absentee Muslims, therefore, did not figure in the two documents. There is another category whose names apparently do not figure in the NRC of 1951: the Bengali Hindu refugees from East Pakistan. Large-scale influx of this group began only in 1950 and continued thereafter. These are the displaced persons and the Assam Act XVI of 1951 made elaborate provisions for granting rehabilitation loans, thereby formally welcoming them back...

Illegal infiltration as a problem in Assam cannot be denied. As early as June 27, 1962, Jawaharlal Nehru, speaking to the Assam State Committee of the Congress in

Parliament, said: "You refer to Pakistani infiltration. This is perfectly true. But you will appreciate that this infiltration from Bengal to Assam has been taking place for a very long time past... this infiltration should be stopped and effectively dealt with... Probably it will be difficult now to deal with illegal immigrants who came before 1952. We might, therefore, fix 1952 as the date of our enquiry."

The AASU or even New Delhi may now find Nehru's 1952 cut-off date proposal handy. But the document that is proposed to be taken as a reference point to determine who a native of Assam is, is the 1951 NRC whose justifiability in court is a matter of debate. Legal opinion varies on whether the NRC can at all be accepted by as a piece of evidence to prove a person's claim to Indian citizenship.

The former Chief Justice of the Assam & Nagaland High Court, P. K. Goswami, in a judgment (ILR, Assam & Nagaland, 1970), said: "This document (1951 NRC) is not a public document within the meaning of Section 74 of the Indian Evidence Act." He further said the National Register of Citizens was a contemporaneous register prepared by the officers appointed under the Census Act in the course of census operations. If so, Section 15 of the Act will make such records of census not open to inspection, nor admissible in evidence...

... Census of 2001 could indeed be a testing time for the mainstream Assamese. Going by the sub-national fervour that has gripped the Bodos, the Karbis, the Misings and many others and their systematic attempt at retaining their distinct tribal identities, it is unlikely that these groups would identify themselves as Assamese-speaking during the next census. This poses a real threat of the Assamese (as distinct from the people of Assam) being reduced to a minority in the State... The Assamese society, (sociologists) reiterate, is the result of assimilation of Aryan and Tibetan-Burman migrants, among others.

(Even if) some of the Assembly and Lok Sabha seats may be reserved for the indigenous people. It would then have to be seen who are ... voters... After all, organisations such as the AASU still maintain that the voter list in Assam contains names of a large number of illegal Bangladeshi settlers.

The last thing Assam needs at this juncture is a fresh bout of politics over the citizenship issue. It is easy to define who is a citizen and who is not. But, it is extremely difficult to define who the indigenous people of a particular place are and who the aliens are. Caution, therefore, must be the catchword of the Government before it tries to fish in the Brahmaputra's troubled waters.

(Source: The Hindu, 24 April, 2000)

Shahabuddin on Migration to Assam

Letter to The Statesman, 12 May, 2000

The article "Migrant Issue" by Sanjoy Hazarika (11 May, 2000) leaves the issues involved, suspended in thin air, he fails to propose or define the essentials of the 'legal regime' he would like the Government of India to institute to govern migration. He also makes no distinction between the migrants from other parts of the country and the immigrants from Bangladesh. He mixes up the immigrants with refugees and he forgets that the Assam Accord was nothing but an attempt to lay down a legal regime.

The question one must answer is: should all States of the Union be protected in the same manner from internal migration as Jammu & Kashmir and some States in the N.E. are? Wouldn't that militate against the unity of the country? Wouldn't it deprive in the long run the protected peoples from benefitting from the growing national economy?

The Bangladeshi issue has two aspects: identifying the persons of Bangladeshi origin who have come in, at least since March 1971, and having a formal agreement with Bangladesh for their repatriation and for regularisation of seasonal entry and exit in the future. The legal process to

identify the foreigner having proved to be slow and time-consuming, one has to consider how to improve its efficiency, without permitting continual harassment of those who qualify to be citizens or disenfranchising them. Assam is the only State where nearly 4 lakhs voters continue to be disenfranchised because of suspicion about their status.

In this context, I endorse the idea of issuing voter cards to those who are or qualify to be citizens and of identity cards-cum-work permits to the immigrants who do not qualify.

Disenfranchising those, who supposedly came in during 1951-71, and their descendants or 100 per cent reservation in the legislature for the Assamis will not work, for the simple reason that the Assami-speaking people in fact form a minority group, though they enjoy an artificial majority because Bengali-speaking people recorded Assamese as their language. 2001 Census is not far off. Proportional reservation in legislature and public employment may then be introduced for all social groups on the basis of their population.

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Hashimpura Massacre, 22 May, 1987**Counter-Affidavit of R.R. Pal, Inspector, CB CID, CIS-III, Lucknow dated 13.3.97 Extracts)**

... C.B.C.I.D. conducted investigation of the occurrence relating to 22.5.87 occurred in Mohalla Hashimpura and subsequent to it found that on 22.5.87 at about 8.00 P.M. about 30-42 persons were taken in PAC truck URU 1493 from Mohalla Hashimpura for taking them to P.S. Civil Lines or Police Line, Meerut. But Sri S.P. Singh, P.C., instead of taking them to the above destination carried them upper Gang Nahar, Murad Nagar, Ghaziabad and shot them one by one and threw them into the canal. When some of the detainees tried to escape they were shot at. During this firing spree one of the occupant of PAC truck Constable Lila Dhar sustained bullet injuries. Sri Muzeeburahaman, Zulfikar Nasir, Naim and Arif were the survival who could come out of the canal by catching the grass. Muzeeburahaman lodged oral FIR at P.S. Murad Nagar and a case at Crime No. 141/87 U/S 364/307/201 IPC was registered. Injured Kamaruddin expired in the midway. The aforesaid persons have sustained fire Arm injuries. The remaining detainees were taken in the PAC truck URU 1493 to the Hindon Canal (Vill. Makanpur) and the above Platoon commander and PAC men shot them dead. One of the survivals Babuddin came out of the canal and he lodged FIR at P.S. Link Road which was registered as case Crime No. 110/87 U/S.364/307/302/201 IPC.

C.B.C.I.D. after completing the investigation identified 13 dead bodies out of 16 recovered from Hindon river and found 19 officials liable for the same and charge sheet was submitted after getting prosecution sanction u/s. 197 Cr.P.C. from the Government on 20.5.96. ...

...It is submitted that the findings of C.B.C.I.D. were concluded on 3.8.94. The prosecution for Hashimpura incident was sanctioned on 1.6.95 while the efforts were made to arrest the charged personnels 12 charged PAC personnels place a Cr. Misc. application bearing No.3827/95 before Hon'ble High Court of Judicature at Allahabad. In the matter Hon'ble Court has given directions for disposing of their bail applications in 3 days time if charged incumbents produce /surrender themselves before Hon'ble court. The petitioner failed in the same and accordingly these charged persons were charge sheeted on 20.5.96...

(Contd. from Page 286)

Sikhs: *RSS Chief Sudarshan inaugurates RSS-affiliated Rashtriya Sikh Sangat meet in Chandigarh and declares Khalsa Panth as part of Hindu mainstream. Sikh leaders protest (28 Apr). Ban on RSS demanded (13 May). Akal Takht proclaims separate Sikh identity (14 May).

*Government appoints one man commission to investigate 1984 Anti-Sikh riots afresh (9 May).

Buddhists: *Anti-Christian books circulated in Meerut and Gujarat (15 May).

*Govt. seeks World Heritage site for Bodh Gaya (27 Apr).

Tribals: *Some Gujarat tribals disown Hinduism (15 May).

Nothing Drastic, Only Systemtic**H. Quraishi on Minority-Bashing in Gujarat**

First, there appeared a signal to go ahead, a camouflaged invitation to Government servants to join the RSS in Gujarat. Now there is a telling pause – time to allow the reality to sink in before the agenda is once again taken up, perhaps with even greater force and enthusiasm. The day this agenda succeeds, the minorities will be reduced to the status of second class citizens. The message: "Toe the line or live in fear" will be broadcast loud and clear, which could well lead to the mushrooming of a whole new set of reactionaries who could take to terrorism.

Such a development could spark off a chain reaction seriously detrimental to national interest. The very security of our citizens, who would be left at the mercy of RSS-oriented Government servants, could get endangered. Who would trust a superintendent of police or a district collector or even a Government doctor, who visits the shakhas in the morning, during communal disturbances? ...

The partisan role played by the supposedly secular civil servants is shocking. And when they have the option of being RSS "servants" too, one can well imagine the havoc they have the potential to create. Visualise a situation wherein the administration itself becomes communal. Not only will it affect the chain of command, there remains this grim possibility of recalcitrant civil servants unprepared to carry out orders. The frustrated elements, pushed to the wall, would obviously react...

Members of the minority community have still not recovered from the effects of the demolition of the Babari Masjid...

Till now, people were being alienated by the communal elements in a guarded, camouflaged way. But once such a ... rule is brought into force or given wider legitimacy, whatever chances that peace and brotherhood have had till now too will diminish. All this will be done very smoothly, like one of those bloodless coups. Nothing very drastic yet very systematic.

(Source: The Pioneer, 4 April, 2000)

Salman Rushdie's Visit: *Rushdie pleads for lifting of ban on Satanic Verses (19 Apr). Shahabuddin opposes it (24 Apr).

Ethnic Groups: *Sindhi Council of India holds 4th National Convention in Delhi (26-27 Apr).

Indo-Pakistan Relations: *First SAARC Writers Conference held in New Delhi (28 Apr).

*India and Pakistan agree to continue Samjhauta Express between Attari and Lahore (26 Apr).

*Pakistan Women Delegation visits India.

Muslim World - Pakistan: *Supreme Court legitimises army take over (12 May).

*Religious parties oppose change in blasphemy law.

Israel: *PLO agrees to share Jerusalem as Capital (24 Apr).

Chechenya: UNCHR urges cease-fire and respect for human rights (25 Apr).

Neera Chandhoke On Formal and Substantive Equality

The issue of minority rights, that has been historically negotiated through the freedom struggle, and that has been granted constitutional sanction, should have been settled by now. The uncomfortable truth is that it has, in recent times, been re-opened and challenged. Whereas, well meaning sections of public opinion wonder why minorities should possess cultural rights at all, rabid groups affiliated to the Sangh Parivar have been repeatedly targeting the minorities. Witness the (recent) attacks on Christian missionary establishments in Mathura and in Agra and read it along with reports of police brutality on the students in Jamia Millia Islamia.

The PM ... has stated that ... "our" secularism ... treats all religions equally without making any distinctions... On the face of it, this is not an illegitimate reading of secularism, which has been interpreted in and for the country as *sarva dharma sambhava* or equality of all religions. In effect, note that secularism is a derivative principle; derived from the precept of formal equality. Formal equality tells us that each individual or group should be treated with equal care and concern, and that no one will be discriminated against on any ground that is morally irrelevant such as class, caste, gender, or religion. This is a familiar reading of liberal equality, and it continues to attract many informed minds...

But matters are infinitely more complicated when we look closely at the principle of formal equality. It, in effect, may actually prove the ultimate chimera. For defenders of formal equality just do not take into account the fact that the constituency we intend to treat equally - "without making any distinctions" - is profoundly unequal. Inequality takes many forms: some are powerful others powerless, some wealthy others poor, some effective and authoritative others neither, and some are numerically superior and others numerically inferior. We, accordingly, realise that in our constituency some are disprivileged and unequal by virtue of the fact that they possess less resources or no resources for reasons that are outside their control - historical deprivation for instance. We also realise that some by virtue of numerical inferiority are simply outnumbered on matters that are vital to them, such as religious belief and practices. Therefore, they are profoundly vulnerable to majority decisions.

Note that if we treat all of them equally, we land up reproducing inequality. This is known as the "equalitarian's dilemma". **In fact, equal treatment of unequal agents cannot rectify their inequality; it may well further it.** ... Formal equality reproduces and intensifies inequality within society. It is quite likely - given social and cultural inequalities - that no commitment to formal equality would prevent some from having an undue advantage over all others. The moment we

recognise this, we recognise the difference between equalitarianism and egalitarianism.

There is, therefore, need to go beyond formal equality to the domain of inequality, to understand the dynamics of the equality principle, (just) Marx invited us to leave the market place with its pretensions of formal equality, and go beyond to the sphere of production, where ostensibly equal persons, turn out to be the capitalist and the worker - the former strutting and simpering, the latter expecting nothing but a hiding. And here we may realise, that in **order to ensure equality, we may have to protect the weaker sections or the minorities through special measures, so that they can aspire to some form of equality with the rest.** It is only then that we make the transition from formal to substantive equality, or from equalitarianism to egalitarianism. **The paradox of the equality principle is that to ensure a rough equality among groups that are unequally situated in society, we may need to treat them unequally.** ... There is nothing contradictory about an argument that states that (a) we need to distribute rights unequally to ensure equality, or that (b) we protect whatever rights minorities already possess through the institutionalisation of measures that the majority does not require. For the latter are already secure in their possession of the good, whereas the former are always vulnerable.

Therefore, we adopt both differential rights, as well as protective measures to realise the fundamental assumptions of equality - in this case secularism. It was this recognition that underlay the Motilal Nehru report of 1928. The rights of minority communities to their religion in the 1928 Constitution were recognised for a variety of reasons: but primarily to guard the minorities against majoritarianism and in order to prevent harassment and exploitation of one group by another. Whereas the broader principle, i.e. *sarva dharma samabhava*, served to regulate relations between communities in general, minority rights were granted to offset the fears of the religious minorities that they would be swamped in a majoritarian India.

Minority rights were ... instituted in the Constitution according to the same logic that dictated protective discrimination for the weaker sections. In both cases, special protection was enacted to institute substantive equality. **And it is only substantive equality that underlies secularism. Otherwise, secularism, operating on the understanding of formal equality, can easily slide into denial of minority rights, and the legitimization of majoritarianism.**

(Source: *The Hindu*, 2 May, 2000)

[Neera Chandhoke is Professor of Political Science in Delhi University]

The RSS Strategy: Test the Water and Retreat

It's as mysterious as the Rashtriya Swayamsevak Sangh (RSS) can get. The newspapers in Chandigarh are full of the Rashtriya Sikh Sangat, there are vociferous protests when RSS chief KS Sudarshan inaugurates the Sangat's national executive meet — and yet this RSS affiliate hasn't set up shop in the city...

... It's typically RSS — create a controversy, retract and recant, lie low for a few months and then return to test the water again...

... The Sangat was formed in 1986 in Lucknow... The country had witnessed Operation Bluestar, the assassination of Indira Gandhi, and the macabre riots of 1984. Earlier, the terrorist movement in Punjab had targeted the Hindus. The RSS feared that exodus of Sikhs into Punjab, and migration of Hindus from the state, would only give a fillip to terrorism — and even bolster the claims of the Sikh community being a separate nation.

It was around this time that the RSS initiated a socio-religious movement among the Sikhs staying outside Punjab; it harped on the ties between Sikhism and Hinduism, celebrated Sikh festivals, and added the Sikh gurus to the pantheon of national heroes. In fact, despite bloody attacks on RSS shakhas in Punjab, the RSS restrained its activists from treading the path of vengeance.

Post-terrorism, the BJP and the Akali Dal have together come to power, and the RSS thinks the moment is opportune to become proactive — and change tack.

Already, RSS shakhas have mushroomed statewide. The goal ... is to ensure that terrorism does not strike root in Punjab again. For that, the militant leaders must be denied the fodder that the Sikhs are a separate nation. How can this be achieved? Cite Sikh scriptures to harp on the

common strands between Hinduism and Sikhism, undermine their separate identity, and gradually bring the Sikhs into the RSS. Once this happens, an alternative Sikh vote bank would silence the guns forever...

But hasn't all this backfired? Doesn't this threat of eating beef militate against the goal of the RSS?...

RSS leaders admit that they have to still go a long way in Punjab. For one, there aren't many Sikhs in the RSS, yet, nor are there exclusive Sikh Sangat shakhas.

Attempts are afoot to lure the youth into the RSS shakhas. But RSS leaders say that their recent camps have elicited good response — in some, 15 to 20 per cent of participants were Sikhs...

BJP leaders, though in coalition with the Akali Dal, are nurturing the hope of splitting the Sikh vote bank. Quoting former RSS chief Balasaheb Deoras — "every Sikh is not an Akali and every Akali is not a Khalistani" — they say there's room for them to represent the religious Sikh politically. With the Shiromani Gurdwara Prabandhak Committee (SGPC) playing a key role in Akali politics, the BJP leaders intend to provide an alternative religious platform for the Sikhs...

Indeed, some BJP leaders see a political opportunity in the Supreme Court ruling that the Gura Granth Sahib is

an entity that can own property... Once selected individuals are assisted in building gurdwaras, and huge funds donated to the Granth Sahib, these could then be insulated from the influence of existing Sikh institutions.

All agree that the RSS has retreated only temporarily. Quite equable about the virulent opposition, the RSS is willing to lose a few battles to win the war — of turning rural Punjab saffron. (Source: The Hindustan Times, 7 May, 2000)

RSS: K.S. Sudarshan On Ultimate Goals of RSS

"At the appropriate time, we will form akhand (composite) Bharat. We have to regain the area which we lost in 1947. We have to regain Lahore — the capital of Maharaja Ranjit Singh's Khalsa Raj. We have to reclaim Nankana Sahib and several other religious places, as also Sindhu (Indus) and Kasoor. The feeling for "akhand Bharat" has to survive because it is akin to the feeling that led to the unification of Germany, Vietnam and Poland. Partition of India was wrong."

... Maximum sacrifices for the country were made by the Khalsa Panth... The ninth guru, Guru Tegh Bahadur ... made the supreme sacrifice of his own life when he refused to bow before Mughal Emperor Aurangzeb only for Hinduism... The Sikh gurus belonged to the entire country and also talked of "Hindustan" in their writings.

... Those who didn't agree with the RSS are free to say anything but that would not affect RSS policies or programmes in the least... The masses (should) beware of elements who were attacking the RSS while stressing on a separate, distinct Sikh identity ... it was because of such people that Punjab had to witness bloodshed for almost 13 years. Even now, they didn't want peace to be maintained.

... India was a Hindu 'rashtra'... Hindu in this context referred to the nationality. There were many religions in India and the correct translation for this term in Hindi was not "dharma" but "panth" or "sampradaye".

The RSS had been accused of being anti-Muslim and anti-Christian in the past, but of late some elements had even gone to the extent of dubbing it anti-Sikh...

(Source: The Statesman, 30 April, 2000)

Special Peoples' Security Force Bajrang Dal's New Formation

The Sangh Parivar has added a new item to its agenda; fighting Pakistan's Inter-Services Intelligence (ISI) and its associates on the ground...

... The VHP and the Bajrang Dal ... have decided to set up at the national level a "special people's security force" (Prateyak Suraksha Samiti) with approximately one lakh units. Each unit would consist of between 20 and 25 volunteers. The professed idea is to emulate the Mossad, the Israeli Intelligence organisation, which makes use of the common people to counter the activities of the country's enemies and to provide counter-intelligence...

The primary tasks of the special Bajrang Dal units would include the surveying and listing of areas that are prone to ISI activity, surveillance of specific groups and people on the basis of these studies, reporting to the police and other security agencies on suspicious groups and people, and proactive action to prevent anti-India manoeuvres by the ISI. Giriraj Kishore said ... "While the focus would be principally on frontier areas with a problem record such as Jammu and Kashmir and Punjab, other regions and States such as northeastern India, Uttar Pradesh, Bihar, Andhra Pradesh, Tamil Nadu and Kerala would also get special attention, as ISI activities are growing in these areas".

... To focus on the security concerns ... the Bajrang Dal invited Joginder Singh, former Director of the Central Bureau of Investigation (CBI), as the chief guest at (its Convention [3-5 March, 2000]). Senior office-bearers of the Bajrang Dal said that the training for the special force was to begin at its national convention, which had been scheduled to be held in Bhopal from February 18 to 20... The tone was set by VHP international president Ashok Singhal, who said at a ... press conference that the Bajrang Dal would utilise "Hindu Shakti" to safeguard the country from ISI machinations...

Joginder Singh ... was in complete agreement with Singhal... In his opinion, the biggest contribution of organisations like the Bajrang Dal and the VHP was that they gave Hindus the confidence to say proudly that they are Hindus. He added that most Hindus were shy to call themselves Hindu, despite belonging to a very tolerant and liberal religion.

The former CBI Director also agreed with the idea of emulating the Mossad... Joginder Singh added that in a country like India, where terrorism had acquired gigantic proportions, people's participation in counter-espionage operations was of utmost importance. However, he was evasive whether counter-espionage would be effective if it alienated whole communities and led to minority-bashing...

Singhal advised Bajrang Dal activists that they did not have to use force always. "We just have to show our strength. The enemies would fall in line"...

... That the political objective of the so-called anti-ISI

(Contd. on Page 281)

Hindutva -- an Aberration, not Indian French Economist Guy Sorman's Views

... Gandhi wanted every Indian to have drinking water. Nehru wanted the atom bomb. He got the atom bomb but Indians did not get clean drinking water. So a frightening strategic mistake was made right at the beginning... Nehru and his entourage wanted India to be a great power...

... Pakistani and terrorism have become a convenient excuse to pursue a policy of heightened militarism. And India has placed itself in this situation, in this spiral of violence. In reality it has become almost impossible to negotiate with Pakistan. India has never attempted to negotiate with Pakistan. The mistake was made right from the early days of independence. Nehru's first error was to accept the partition of the country. His second mistake was to believe that problems could be resolved through violence, such as the takeover of Hyderabad. Thousands died in that operation. The same thing was repeated in Goa and the northeast. It is understandable. Nehru wanted to be seen as virile... India has created this spiral of violence and has now become its own prisoner.

When Gandhi says one must treat today's enemy as tomorrow's friend, he is right. It's like the relation between France and Germany. Either one learns to co-exist or one is condemned to collective suicide. So its better to have a strategy where one is thinking of conciliation rather than aggression. Gandhi's thoughts on the subject were much more practical, more pragmatic than Nehru's. Successive Indian Governments have refused to accept that non-violence works because of psychological reasons: for over a century the British tried to paint the Indians as docile, passive people. And Indians have since tried to tell they world that they are not a feeble people.

... Part of the genius of India is a blurred identity. Because it is also an identity made up of many minorities - no one in India is in a majority... Time this concept is now being questioned. I think the Hindutva phenomenon can be explained by the deracination, the uprooting and alienation of the middle classes. At the same time, Hindutva is important but limited and not strong enough to transform India in a radical way. We can see this in the functioning of the present Government - the BJP does not dare to apply its programme...

... Only time will tell whether (Babari Masjid episode) was really a turning point or if it was merely anecdotal. The two interpretations are possible and admissible... On the level of the quotidian, it's tolerance which dominates. I think India demonstrates phenomenal tolerance... Also in India violence is more urban, related to the modern way of life rather than traditional. It has to do with the stress of survival, linked to slums, social envy. It's the violence of the have-nots against the haves. Traditional India is more non-violent.

... The idea of Hindutva (may) damage diversity, this

(Contd. on Page 281)

Rajesh Joshi on Test Flights of Hindutva Dream

It's the biggest laboratory of its kind – a state that is a test-case for the BJP-RSS brand of social engineering. Gujarat is not just the realisation of the Sangh's vision of a saffronised landscape. The results of its exertions here, believe its proponents, shall influence the future shape of Indian polity. Why is Gujarat a natural choice for locating this experiment? Because, for historical and contemporary reasons, ideal laboratory conditions exist here.

- It's the only state where the BJP rules with the benefit of an absolute majority.
- This means little interference from Opposition parties or allies. The BJP, thus, has no need for 'hidden' agendas – it can openly employ the Hindutva one.
- In Keshubhai Patel, they have a helmsman who even flaunts his RSS credentials.

The total identification of the government apparatus with a saffron 'infrastructure' was never more evident than with the ... decision to lift restrictions on state employees from participating in RSS activities... Gujarat, always a solid base for orthodoxy, had moved overtly into saffron mode with the mass-scale riots of 1969. That process was now close to fruition.

... A Bill seeking a total ban on religious conversions... A Bill on enforcing checks on population growth is on the anvil... A ... campaign to implement anti-cow slaughter laws...

... Part of the state government's strategy is working in tandem with the Sangh Parivar – should the government find it difficult to implement a decision, the more rabid cousins of the RSS, the VHP and the Bajrang Dal, come to the fore. Indeed, having a friendly government in place means the Bajrang Dal has acquired the status of a thought police which unleashes its cadres on whoever it thinks is against Hindutva.

During the last five years the Bajrang Dal has methodically targeted minorities in different parts of the state. It has disrupted beauty contests, burnt copies of the Bible in a school in Rajkot, threatened Muslims in Randhikpur after two Muslim youths eloped with Hindu girls... The VHP-Bajrang Dal directed their wrath against Christians in the Dangs area in '98... It's all part of the well-synchronised march of the saffron brigade in Gujarat. And the government no longer denies that it's implementing the partisan ideology of Hindutva. Home minister Pandya admits, "Good governance is no doubt our priority but it's equally necessary to see that the finer points of the ideology are also implemented".

Political observers feel the process of saffronisation that began with the '69 riots has been accelerated after the BJP came to power with an absolute majority... Indeed, the secret of the BJP's success lies ... in breaking the Kshatriya-Harijan-Adivasi-Muslim (KHAM) alliance forged by the Congress.

The great Sangh dream is gradually being accomplished – that of a dominant and aggressive Hindu

society. The communal riots of Surat after the Babari demolition is considered by the RSS family as one of the indicators of the growing "capability" of Hindu society to "retaliate". In these riots, Muslim women were stripped and paraded naked, an event recorded by video cameras.

... The P. Jagmohan Reddy Commission on Inquiry looking into the biggest-ever communal riots in Gujarat had indicted the Jana Sangh in '70 when it was still a fledgling in Gujarat politics. Notes the report: "...the agitation had received the blessings of the local Bharatiya Jana Sangh workers who did not want to involve themselves directly but suggested the formation of an organisation known as Hindu Dharma Raksha Samiti with Harishchandra Patel, an old RSS worker, as its convenor".

For the RSS, Gujarat is a unique model where the glimpses of a larger Hindu dream can now be seen... Vaghela now predicts (a) downslide... But for the RSS it's just a small step in the direction of achieving its ultimate goal of Hindu rashtra.

(Source: The Outlook, 31 January, 2000)

(Contd. from Page 280 - Special Peoples' ...)

crusade was to target the minorities and once again queer the Hindutva pitch was clear from the tone of the deliberations. The strategy is similar to the one employed during the Ayodhya agitation and in the attacks against Christians last year.

At the organisational level, however, there is a difference – this time the police and the security forces would also be used to harass the minorities in the name of anti-ISI action...

Many participants admitted that there was a brief to strengthen Hindutva politics. By all indications, the pursuit of politics based on the "anti-ISI campaign" would unravel itself in full might in Uttar Pradesh, where Assembly elections are due next year...

(V. Ramakrishnan in The Frontline, 31 March, 2000)

(Contd. from Page 280 - Hindutva - an ...)

multi-faceted identity of India? ... The paradox in this situation is that Hindutva is almost contrary to the history of India. If one accepts that the history of India is made up of different strata of experience which amalgamate to give us this multicultural, tolerant India, Hindutva appears to be a recent aberration. Like a copy of a European movement with a single, virile God, a single, unified nation. It's like one of these European ideologies, fashionable in the Thirties, which propagated sport, virility...

Those who invented Hindutva were very westernised. So Hindutva is westernised and goes contrary to the genius of India. It works because it appeals to the great Indian middle class which has been made rootless by urbanisation. Given the scale of the country I do not think it is really a threat... Hindutva is not Indian. It is an imported political product.

(Source: The Hindu, 18 April, 2000)

Hindutva Undermines Equal Respect for All Religions

Anil Nauriya in *The Hindu*, 8 May, 2000

The Prime Minister has spoken of his Government subscribing to the concept of equal respect for all religions... How do we relate to the equal respect concept? First, it is useful to specify whether what is being discussed is the individual, society or the state. The norms to be expected at the three levels are a set of complementary ideas which cumulatively support one another.

But these do not need to be identical ideas. So if the state is religiously neutral it is not necessary for its sustenance that all individuals should be, say atheists. They could be religious. Individually they may, and many probably will, give priority to their own faith. What is required of them here is no more than a sense of humanism or respect for difference.

Similarly, at the level of society at large it is not necessary, even if it may in one view be desirable, that the religious element be eliminated. It is enough that groups and individuals, or the vast majority of them, are prepared in their social intercourse to meet on a par, without claiming in civic space priority over one another on account of their religion. Equal respect for all religions is primarily a concept of the social domain, though the state may seek to internalise it consistent with other applicable obligations.

At the level of the state, additional norms apply. Yet the religious neutrality of the state and equal respect for all religions are not inconsistent ideas ... but are complementary ones... The state must make this claim good in its attitude to governance, with the protection of the lives and property of, and provision of opportunities of growth and development to, all sections. Obviously, protection would in the first instance be for the ones threatened. In focussing on them the state only enforces the equality principle. It does not amount to bestowing a special favour...

Equal respect for all religions is not a concept which offers any shelter to beliefs or activities that violate the civil rights of others. The Bajrang Dals cannot hide behind the equal respect concept. The concept implies equal respect only for the humanistic tendency in each religion. It is not a passive, static or hold-all concept, as the BJP seems to believe, but an active, dynamic and discerning one. It strives continually to seek out the humanist underpinnings of society.

... While he speaks of equal respect for all religions, he retains as his Home Minister (an) accused in the Babari Masjid case. And is it merely coincidental that the attacks on Christians have become frequent and systematic after Mrs. Sonia Gandhi became the leader of the Congress(I)? Are these attacks not politics by other means and are not the BJP Government's low-key condemnations of them a confirmation of this? ...

A struggle against the Raj conducted for nearly three decades at the mass level did not take on an anti-Christian character. On the contrary, the message of the Sermon on the Mount was popularised by Indian nationalists in a manner that has never happened in any country not predominantly Christian.

The Hindutva organisations, on the other hand, as their track record after Mrs. Sonia Gandhi came to the fore in the Congress(I) suggests, are incapable of internalising the concept of equal respect.

At the state-level, equal respect for all religions cannot mean a state without humanism. Humanism is the key element in the making of a secular state. That the state in independent India would be religiously neutral was stipulated in the 1931 Karachi resolution to which Gandhi, Azad and Nehru were all party. Neutrality does not mean that the state would stand by while people did what they liked in the name of each religion. It cannot be neutral between humanistic and anti-humanistic religious impulses. It would respect religion; but it would also offer a humanistic critique of it.

Constitutional safeguards for minorities are important. But they too rest upon the existence in society of feelings of equal respect for all religions...

Feelings of mutual respect among the communities are the ultimate safeguard. The moment that respect goes, no Constitution can substitute for it. No safeguards will count if society does not find it within itself to live by them.

That is why Hindutva is so pernicious a phenomenon. If it undermines mutual respect in society, what it does or does not do to the state will only be consequential to the damage it would already have inflicted. That is also why the notion of equal respect ... may be further refined. It may be supplemented. It must never be dismissed...

Nationwide Attacks on Christian Institutions

C.R. Irani

On Enforcing Law Against Goons

Within a fortnight of the unprovoked assault on a Christian priest and two nuns in Mathura and within days of a clear warning by the Prime Minister himself to desist from such vulgar displays of ignorance, intolerance and brute force, it has happened again and in the same district of Uttar Pradesh. A group of Christians distributing religious literature in the village of Nagla Ajita were set upon by what are euphemistically described as villagers egged on, at the very least, by activists of that notorious organisation in which the Home Minister sees no criminality, the Bajrang Dal. They burnt their bibles and other literature, and for good measure took away the van they were using. Not content with that, they carted the 14 missionaries to the local police station and got some solitary local to file an FIR against them. Is it suggested that all this happened without official connivance? No details of the alleged offence committed are available for the simple reason that none was committed. It is the constitutionally guaranteed right of every citizen to practise and propagate the religion of his choice. It was with considerable difficulty that a Walter Robinson, representing the missionaries was able to register a counter FIR.

It is time to draw attention to the contradiction between constitutionally guaranteed rights and the reluctance, nay the determination, of politicians in office and the police they have subdued to do their bidding, not to enforce it... The fault lies at the level of law enforcement and the total lack of accountability of those who, with malice aforethought, do not choose to enforce the law and when they feel obliged to apprehend culprits, to see to it that proceedings do not commence. At long last when proceedings do commence, official agencies ensure that witnesses do not come forward because of terror and intimidation...

How is this problem to be tackled? ... At the end of the day is it not a simple matter of enforcing the law? And visiting exemplary punishment on those, police, bureaucrat or politician involved in abuse of the legal process in order to shield the guilty?

In the meantime, those who filed the fake FIR against the missionaries who were victims in Nagla Ajita, not offenders, must be dealt with under the law, the FIR filed against the mischief makers must proceed to trial and conviction. It is time we acted to bring the rule of law into its own. In a word, enforce the law and be seen to be enforcing it. That is the need of the hour.

(Source: The Statesman, 25 April, 2000)

Sikhs Reject RSS Assimilation

Editorial, The Statesman, 6 May, 2000

The RSS's strategy of riding roughshod over India's diversity is part of a wider objective of making India more Hindu. Having taken on the Muslims and Christians, it has now turned to the Sikhs. Some time ago K.S. Sudershan told a convention of an RSS front organisation, the Rashtriya Sikh Sangat, that Sikhs were basically Hindus. Sikh organisations protested against the RSS's attempt to deny Sikhs their separate identity. And representations are being made to the Akal Takht jathedar about RSS designs.

What should worry the saner elements – if there are any – in the Hindutva brigade is that the RSS's rhetoric could trigger off a Sikh backlash... Militancy has died down, but it would be unwise to assume that scars have healed or that the militants' cause is dead. Punjab has traversed years of bloodshed, which it must want to forget.

The RSS's assimilationist rhetoric will certainly not help Punjab to move in that direction... The movement for Khalistan was ... fuelled by a sense of an identity besieged by majoritarian invasiveness. What Punjab needs now is good governance (and) strengthening of the moderate, liberal political space, so that (it) can move more rapidly towards political normalisation. If the RSS goes forward with its assimilationist programme, Sikhs will resist... It will also force moderate elements into extreme postures. Among them will be the BJP's ally – the Akali Dal...

Minority Schools Under Attack

Editorial, The Statesman, 16 May, 2000

Watching a film on Jesus Christ, even for a Christian, has become a hazardous occupation and requires informing the police if one wants to be saved from violence... VHP goons recently ransacked a Christian girls hostel, burnt three vehicles and damaged school equipment to protest a Bible reading programme followed by a film on Jesus... The police have acknowledged that the attackers were local VHP elements but argue that the organisers should have informed them in advance for protection. Does that mean from now on every minority community which wishes to practise its faith even in the privacy of their homes, has to seek police protection.

Attacks on minority educational establishment have become the norm, and the BJP Government have done nothing to stop them... There is also the vicious police violence on the Jamia Millia Islamia campus... The government refused to order an inquiry.. This supports the hypothesis that such behaviour is impossible without political support. If such attacks continue, religious segregation, in schools will become inevitable. Hindu

(Contd. on Page 262)

Praful Bidwai on Communalism in Security Discourse

... (An) exceptional synergy has developed between two processes in this society: the hardening of a rabidly anti-Pakistani sentiment among policy-makers and shapers, itself duly reflected in the Indian media; and secondly, the growing takeover of the security discourses in India by rank communalists.

One only has to browse through *Organiser* and *Panchajanya* to find evidence for the second process and see how pathologically obsessed the Sangh Parivar is with nuclearism. And even a cursory glance at the thoughtless anti-Pakistan pronouncements of most of India's strategic affairs "experts" should convince one of the first process. Usually, the "experts" provide "secular" grist – of the anti-Pakistan, even seemingly anti-imperialist, variety – to the communalists' mill. Typically, they suppress the link between ethnic exclusivism and jingoistic nationalism. Remarkably, none of them speaks out against the communal inspiration behind the BJP's nuclear policy... Only very rarely the ideological-political continuum between nuclearism and communal nationalism comes into full evidence.

This has now happened. Under the combined influence of the Pakistan-bashing by the security 'experts', the Sangh Parivar's viciously anti-Muslim agenda, and the "proactive" policy pursued since January 17 in Kashmir, there is a real danger that India and Pakistan will move towards another military confrontation... Clinton's overtures to New Delhi, his hyperbolic statements about Indo-US "strategic partnership", and his tough talking in Islamabad, have generated a terrible smugness which can only aggravate matters further.

Amidst this comes India's forceful rejection of Pakistan's March 30 formal offer of unconditional resumption of talks, at any time, any place, any level – the first such offer since the October 12, 1999 coup. In response, New Delhi only reiterated its condition of "cessation of Pakistan's cross-border terrorism"... It also added another condition: namely, that Pakistan abandon its "vicious propaganda". And for good measure, it wants the dialogue to be "composite", that it, include seven unresolved issues, besides Kashmir.

This is the toughest anti-Pakistan posture adopted in peacetime by an Indian government, just when India-Pakistan diplomatic relations plumb the abyss. The content of their mutual exchanges – "loudspeaker diplomacy" of abuse and bellicosity – has never fallen to a lower level. Nor has public apathy... Vajpayee casually delivers a serious threat (at Jalandhar, February 5) to Pakistan that India's No First Use policy does not mean that "we'll wait and watch while Pakistan destroys us with its nuclear weapons..." And George Fernandes recklessly advocates

the doctrine of "limited war", which India can fight and win "at a time and place of Pakistan's choosing". But few people raise an alarm.

New Delhi is more to blame than Islamabad for this unacceptable situation. Not only has it used tougher and more reckless language, but it has done so sanctimoniously on "principled" grounds – opposing military rule – when in reality it has routinely broken bread with a range of military rulers. This is not to claim that Pakistan does not support militant groups in Kashmir. Many of its policy-makers lack a rational, unobsessed view of the Kashmir problem. But such support, going by India's allegations and other evidence, is not new. Nor has it been greatly stepped up post-Kargil...

The reason for India's refusal to engage, even properly recognise, the Musharraf regime has more to do with its pique over Kargil ... embarrassment at its own mishandling of the Kandahar hijacking, and its growing fears over the rapidly deteriorating situation in Kashmir, for which it expediently blames "cross-border terrorism". This last is itself related to two factors: the Central and State governments' ineptitude, which has increased popular alienation in the valley, reviving the militancy, and the larger reordering of US-India-Pakistan relations, which Clinton's visit carried forward and formalised. New Delhi's effective alignment with the US has given it a certain false confidence that it can counter international pressure on human rights violations in the valley and thus operate with a virtual licence to commit excesses against the civilian population to crush the militancy.

That is the precise meaning of the "pro-active policy" launched three months ago...

This strategy has led to the harassment of innocent civilians through intensive cordon-and-search operations, disruption of economic activity, "collective punishment" of villages, and increasing "disappearances". In effects were demonstrated on March 25 when the security forces gunned down five men in Anantnag district, claiming that they were militants responsible for the Chittisinghpura massacre. This caused a huge uproar. Local residents charged that the five were not militants, but innocent civilians. (A judicial magistrate has ordered a full inquiry). A series of bandhs and demonstrations followed. Then, on April 3, a Special Operation Group unit, composed of (typically criminalised "surrendered militants"), opened fire on a peaceful march, killing seven people. This has outraged the public in the valley.

Clearly the "pro-active" strategy has failed to contain the militancy... By all indications, the number and level of activity of the militants have increased, with audacious attacks being made on army units. The ordinary people's