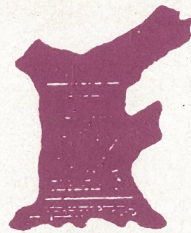


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For a Central University to Affiliate Muslim Educational Institutions

Under Article 30 of the Constitution all religious, linguistic and cultural minorities have the fundamental right to establish and administer educational institutions of their choice. Since the promulgation of the Constitution, all religious minorities including the Muslim community have taken advantage of this Constitutional provision and established educational institutions ranging from primary schools to degree and professional (medical, engineering etc.) colleges as well as religious madaras and seminaries, ranging from Maktabas to Dar-ul-Ulooms. Indeed, even the renowned Darul-Uloom at Deoband and the Nadwatul Ulema at Lucknow which have the status of private, non-statutory institutions, continue to exist under this constitutional guarantee.

There is growing consciousness in the Muslim community of the need for education - both secular and religious - at all levels, throughout the country. Educational societies and trusts are being registered all over the country to sponsor, promote and establish educational institutions. Some State Governments like Kerala, Tamilnadu, Andhra Pradesh and Karnataka have adopted a very scientific approach to promote education, general and technical, and adopt an annual programme for the establishment of secondary and higher secondary and technical schools, degree and professional colleges and, in order to supplement the state resources, mobilise the private sector by allotting a 'quota' to each community through registered societies/trusts. However, over the years, in many other states the minorities educational institutions have faced and are facing many handicaps, obstacles and difficulties in recognition by the State which would entitle them to grants-in-aid under Article 29(2). In some cases minority educational institutions have voluntarily asked for 'take over' by the State or the University, under economic pressure.

The questions of categorisation of institutions which come within the scope of Article 30, the limits to the right of management in terms of admission and other related questions are pending before a 7 judges-Constitutional Bench of the Supreme Court. Some slackness is visible in investment by the Muslim minority in professional institutions. However, the essential need of the community is to broadbase and modernise school education, as the only viable strategy for a widely dispersed and large community can be to supplement government activity, wherever deficient, so that there are adequate no. of primary or secondary and higher secondary schools, intermediate college, ITC's or ITI's in

all villages/tolas, panchayats, blocks and districts of Muslim concentration. But in the existing climate of bias and prejudice, the management committees are forced to run from pillar to post till they are exhausted and stop in a state of fatigue! Thus the letter and spirit of the Constitutional and the sanctity of a fundamental right are reduced to meaningless paper declarations.

Under the present system, the primary and secondary schools in a district are administered by the District Superintendent of Education or the District Education Officers. The State Secondary Educational Examination Board conducts the Secondary and Higher Secondary Examinations apart from the Central Board of Secondary Education. If the minority school is not a recognised institution, its students are sometimes permitted to appear as private candidates through a recognised school. In some states the Intermediate Colleges or Higher Secondary Schools are affiliated to Intermediate Council or Higher Secondary Board for purposes of examination. Degree colleges including professional colleges are affiliated to Universities, most of which are established by State legislation. Some State Legislations, in deliberate violation of the concept of autonomy, subject recognition and affiliation to the prior approval of the State Government. This may make financial sense but does not make any educational sense and only serves to enrich the coffers of the mediating level - the senior bureaucrats and the ministers concerned! Of course, professional institutions have to be inspected and approved by the national bodies - AICTE or the MCI, as they should be.

There is a general concern that the procedure for affiliation or recognition thwarts the operation of Article 30 of the Constitution and thus discourages educational initiative by the minority communities.

A basic solution would be to establish a Central University for affiliating Muslim educational institutions. This University would be a mechanism for standardisation, for defining syllabi and courses of study, for holding examination and awarding degrees, diplomas and certificates. This University would admit and affiliate post-high school institutions, degree colleges in Arts, Science and Commerce as well as Professional Colleges which may also offer post-graduate and specialised courses.

Any Muslim institution in any state may be admitted provided it has been established and is managed by the community; at least 2/3 of the facilities or seats at any point of direct intake is reserved for the Muslim

community. As far as the faculty is concerned, there shall be no reservation or at least no special treatment for the Muslim community. The community must get the best available teachers for its children. The management shall be exclusively in the hands of the community, excluding the statutory representation of the Central and State Governments, and the University Grants Commission.

In keeping with the spirit and purposes of Article 30, the University would have a Muslim character; it should serve not only as a 'teaching shop' but as a transmission belt for religious, cultural and social values associated with Islam and in particular with Indian Islam. This character may be reflected in its structure, in its work programme, in its educational culture, and in its ability to affiliate theological institutions such as madarasas - senior or high Madarasas, Jamias and Darul-Uloms. Such affiliation would help to modernise and standardise their courses of study and syllabi and make their products more employable in India and abroad, in vocations other than those of Khatibs and Imams of Masjids and, inter alia, stop the spate of 'Jamias' and 'Dar-ul-Uloom' whose signboards are visible in every Muslim locality.

Unfortunately, there is no scope, no place, no credibility for private universities in our country. A university is formally 'established' by an Act of the legislature. In this case, central legislation would be necessary. There is a model: the Indira Gandhi Open University Act - which permits the University to admit to its facilities, institutions established in any part of the country.

Establishment, recognition and support of minority institutions is essentially a political question. Whatever the Government or some others may claim, the Aligarh Muslim University is not, repeat not, a Minority University. The Muslim youth have no preferential access to its facilities, which is the real test. In fact, the situation has reached the point where but for the artificial props of preference for the 'insiders', the institution of interview in admission to some courses and the nomination quota of the Vice-Chancellor, the Muslims would form a minority of the students body, definitely at the post-graduate level and in professional courses. The Jamia Millia Islamia, New Delhi, today is simply a government university, no more, no less. It was simply 'acquired' with the willing consent of the then authorities. The Act does not even pay lip service or recall the name of its founders. For all practical purposes it is lost to the Muslim community.

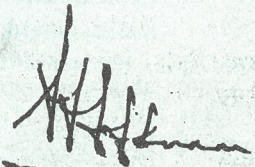
Recalling the Act which has been passed for establishing a Urdu University in the name of Maulana Abul Kalam Azad in Bhopal, we find that while it was much in the news before the General Election, 1996, today everyone has forgotten it. Even Mr. Arjun Singh no

longer mentions it. In any case, even if it takes shape in times to come, it shall not serve to promote Urdu as the medium of instruction for modern courses in Arts, Humanities, Science and Technology but to prepare Urdu-knowing youth to become employable in specialised areas.

Urdu, in any case is not the mother tongue even of 50% of Muslim Indians. With the deliberate destruction of the Osmania University which had tried to develop Urdu as the medium of expression and instruction in all modern subjects, the Urdu-speaking people have missed the bus. They realise the truth. Even those parents whose Mother Tongue is Urdu and who speak Urdu at home, do not want to have their children taught through the medium of Urdu - at least their brighter children who show promise of upward mobility. Urdu should not be the medium of instructions of the proposed University; it should be English but for all degree courses (Hindi or the Principal Language of the State of location) and the Mother Tongue shall be compulsory in order that the products are proficient in speaking and writing these languages.

To sum up, my concept of the proposed University is a Muslim University, established by the Muslim community, for the promotion of their educational cultural and social development, in exercise of their fundamental right under Article 30 of the Constitution. The Muslim University would need a legislative charter, so that it can award degree and receive due financial support from the Central Government. But to be a centre of excellence, it will have to have more than Government support: the resources of the Muslim Indians and even the resources of the friends of Muslim Indians abroad who have so far been distributing their resources, in the name of religion, to build more Masjids and set up more Madarasas, of which we have a surfeit.

To have a Central legislation will not be easy. The University shall not be offered to the community on a platter. The community will have to work for it energetically and mobilise all its contacts, apply political pressure, talk to its friends cutting across the political and the social barriers and convince them that well-educated Muslim Indians would be a national asset, that modern education would have a multiplier effect on the community and awaken it to its responsibility to play due and proper role, as the community advances into the 21st Century.



(SYED SHAHABUDDIN)

New Delhi,
1 August, 1996

Proceedings of the Parliament (May - July, 1996)

I - Rajya Sabha (178th Session)

Obituary:

- 23 July : Aziza Imam, ex-MP (Bihar).
30 July : Aruna Asaf Ali

Papers Tabled:

- 12 July : Annual Report of National Book Trust, India for 1994-95.
15 July : A.R. of National S.C. and S.T. Finance and Development Corporation for 1994-95.
18 July : A.R. of UPSC for 1994-95.
19 July : A.R. of National Institute of Educational Planning and Advancement for 1994-95.
24 July : A.R. of National Foundation for Communal Harmony for 1994-95.
: A.R. of H.H.E.C. for 1994-95.
26 July : A.R. of ICSSR for 1994-95.
: A.R. of IIAS, Simla for 1994-95.
: A.R. of IGNOU for 1994-95.
: A.R. of BHU for 1993-94.

Special Mention:

- 17 July : On Exchange of Fire in Siachin by S.S. Ahluwalia.
23 July : On Collection of Waived Loans from Bunkars in UP by H.R. Nomani.
24 July : On Cremation of 1000 unclaimed bodies by Punjab Police by B.S. Mann.
25 July : On Condition of Weavers in Bihar by J. Ansari.

Government Statement:

- 15 July : By Minister of Home Affairs Indrajit Gupta on Massacre in Bara Kharan, Bihar.
23 July : By Prime Minister Deve Gowda on Economic Development Projects in J&K.

Statutory Resolutions:

- 15- : Resolution extending President's Rule in J&K upto 17 June 1997 approved. Md. Salim, Sibtey Razi, A. Samadani participate.

Government Bills:

- 31 July : The Representation of the People (Amendment) Bill 1996, as passed by Lok Sabha, passed.

Private Bills - Introduced:

- 12 July : The Foreigner's (Amendment) Bill 1996 by R. Margabandu.
26 July : The Prohibition Bill by S. Pachauri.

II - Lok Sabha

(22-28 May, 11-12 June, 9-31 July, 1996)

Obituary:

- 30 July : Aruna Asaf Ali.

Panel of Chairman:

- 22 May : P.M. Sayeed nominated, first protom and then permanent.

Oath:

- 22-23 May : 10 Members in Urdu.

President's Address:

- 24 May : President's Address to Joint Sessions of Parliament.

Government Formation:

- 27- : Confidence Motion on Vajpayee Govt.
28 May Banatwalla and S.S. Owaisi participate. Vajpayee volunteers resignation.
11 June : Speaker introduces P.M. Deve Gowda.
: Confidence Motion on Deve Gowda Government passed.
A.R. Antulay, G.M. Banatwalla, S.S. Owaisi participate.

Statutory Resolution:

- 9 July : Extending President's Rule in J&K upto 17 June 1997 approved. G.M. Banatwalla and E. Ahamed participate.

Government Statement:

- 15 July : By MHA on Bhojpur Massacre in Bihar.

Government Bill:

- 26- : The Representation of the People (Second Amendment) Bill, 1996. Passed. G.M. Banatwalla participates.

Matters under Rule 377:

- 27 May : On aerodrome for Ajmer by R.S. Rawat.
: On Implementation of 15-Point Programme for Minorities by P.R. Das Munsi.
18 July : On grant of adequate funds for minorities welfare by S.S. Owaisi.
25 July : On telecast of Krishna Janmahotsav from Dwarka by C. Patel.

Special Submission:

- 27 May : On Ethnic violence in Assam by several members.

Private Member's Bills:

- 19 July : National Population Policy Bill, 1996 introduced by A.P. Singh.
: Compulsory Education Bill, 1996 by T.S. Reddy.
: Population Control Bill, 1996 by T.S. Reddy.

11th Lok Sabha: Parties and Leaders

S.No.	Party	Strength	Leader
1.	Bharatiya Janata Party	160	Atal Bihari Vajpayee
2.	Indian National Congress	139	P.V. Narasimha Rao
3.	Janata Dal	45	Sharad Yadav
4.	Communist Party of India (Marxist)	32	Somnath Chatterjee
5.	Tamil Manaila Cong(M)	20	Moopanar
6.	Dravida Munnetra Kazhgam	17	Murasoli Maran
7.	Samajwadi Party	17	Mulayam Singh Yadav
8.	Telugu Desam Party	16	Bolla Bulli Ramaiah
9.	Shiv Sena	15	Madhukar Sarpotdar
10.	Communist Party of India	12	Indrajit Gupta
11.	Bahujan Samaj Party	11	Kanshi Ram
12.	Samata Party	8	George Fernandes
13.	Shiromani Akali Dal	8	Surjit Singh Barnala
14.	Revolutionary Socialist Party	5	
15.	Asom Gana Parishad	5	Birendra Prasad Baishya
16.	All India Indira Congress(T)	4	Narayan Dutt Tiwari
17.	All India Forward Block	3	Chitta Basu
18.	Haryana Vikas Party	3	Jai Prakash
19.	Indian Union Muslim League	2	G.M. Banatwalla
20.	A.I. Majlis-e-Ittehadul Muslimeen	1	Salahuddin Owaisi
21.	Autonomous State Demand Committee	1	Jayanta Rongpi
22.	Jharkhand Mukti Morcha	1	Shibu Soren
23.	M.P. Vikas Congress	1	Madhavrao Scindia
24.	Maharashtra Gomantak Party	1	Ramakant D. Khalap
25.	Karnataka Cong. Party	1	S. Bangarappa
26.	Kerala Congress(M)	1	P.C. Thomas
27.	Sikkim Democratic Front	1	Bhim Prasad Dahal
28.	United Goa Democratic Party	1	Alemao Churchill
29.	Independents	9	Braz
30.	Vacancies	3	
	Total	543	(Excluding Speaker)

(Contd. from page 344)

even a simple majority.

As regards the Mandir, it is to be built by the religious fraternity, led by VHP, and not by BJP or the Government. That is why the BJP manifesto only said it will remove hurdles in the way of the temple.

Representation of O.B.C.'s in Lok Sabha, 1996

If the days of the national parties are over, as the composition of the present House shows, so is the hold of the upper castes. The Backwards are not only represented in sheer numerical strength but they also form an articulate lobby...

An analysis of the results clearly shows that the public now votes as members of castes and sub-castes even in a parliamentary election. A senior Congress politician, involved in an exercise to pinpoint the reasons for the decline of the over 100-year-old Congress as a national party, offers the following explanation: one, the lack of a charismatic leader to win an election like Indira Gandhi did on the slogan of 'Garibi hatao'; two, the 'Mandalisation and mandirisation' of the polity, which has broken the society into groups and sub-groups. According to him, "Rao was unable to translate economic liberalisation and national security as attractive alternatives".

The gradual rise of the backward castes (excluding SC/ST) in Parliament - from 13 per cent in 1971 to 23.3 per cent in 1984 - is continuing and interestingly, this class of parliamentarians is not restricted only to the social-reform parties like the Janata Dal, the SP and the BSP... Significantly, the rise of the Backwards is not restricted to the Hindi belt or in predictable states like Bihar and Uttar Pradesh, where politicians champion themselves as messiahs of the backward castes.

... Prime minister... Deve Gowda has considered this while constituting his cabinet...

According to V.B. Singh, professor at the Centre for the Study of Developing Societies, "A new class of elites has emerged from among the Backwards. They have made a forceful entry into Parliament, and while this is a positive change, the upper castes will have to do the adjusting". Says a former Speaker: "The House, because of its unique social composition, will be more difficult to manage as there will be pulls and pressures between the Backwards and the upper castes." Former prime minister V.P. Singh sums up the likely impact of this development with words of caution: "Now that the Backwards are making their presence felt, it is their duty to ensure that they do not create new victims in the process of erasing the victimisations of the past".

(Source: The India Today, 15 July, 1996)

Incidentally, it is surprising why, if the Nenru Government could okay the reconstruction of Somnath Mandir, a subsequent Government cannot do the same for Ayodhya Mandir.

A.G. Noorani on Hindutva in Election

In S.R. Bommai's case (1994), Justices P.B. Sawant and Kuldeep Singh pointedly recalled the following paragraph in the Bharatiya Janata Party's 1991 election manifesto: "BJP firmly believes that the construction of Sri Ram Mandir at Janmasthan is a symbol of the vindication of one cultural heritage and national self-respect. For BJP it is purely a national issue and it not allow (sic) any vested interest to give it a sectarian and communal colour. Hence party is committed to build Sri Ram Mandir at Janmasthan by relocating superimposed Babari structure with due respect" (emphasis added by the Judges).

The BJP's 1996 manifesto is far worse. The pledge is prefaced, in a separate section, by an exposition of Hindutva which makes a mockery of the Supreme Court's judgement on Hindutva and exposes the court's understanding of Hindutva to be utterly wrong and unreal. The manifesto endorses V.D. Savarkar's concept, propounded in his pamphlet Hindutva in 1923, and its corollary, the rejection of "territorial nationalism" - one born in India is not a national unless he accepts "Hindu culture" (read "religion"). It was picked up by Golwalkar in his book *We are our Nationhood Defined* (for a close analysis, see Sitaram Yechury, *What is this Hindu Rashtra?*, a Frontline publication, 1993), Golwalkar repeated the theme in his *Bunch of Thoughts* (1996). It is a rejection of India's composite culture and of its religious diversity.

The first prefatory paragraph of the election manifesto reads: "The BJP is committed to the concept of one nation, one people, one culture - our nationalist vision is not merely bound by the geographical or political identity of India, but defined by our ancient cultural heritage. From this belief flows our faith in 'Cultural Nationalism' which is the core of Hindutva. That, we believe, is the identity of our ancient nation, Bharatvarsha" (emphasis added here and below).

The manifesto concludes: "On coming to power, the BJP Government will facilitate the construction of a magnificent Sri Ram Mandir at Janmasthan in Ayodhya which will be a tribute to Bharat Mata. This dream moves millions of people in our land; the concept of Rama lies at the core of their consciousness".

In 1996, the BJP is committed to the construction of a Ram Mandir as it was in 1991, but this time with a prefatory explanation that makes plain the religious nature of the appeal and the BJP's concept of "cultural nationalism".

In Bommai's case two Justices cited the BJP's manifesto among the "professions and acts which are

evidently against the provisions of the Constitution". They, along with Justices S. Ratnavel Pandian, A.M. Ahmadi, K. Ramaswamy, B.P. Jeevan Reddy and S.C. Agrawal, ruled that secularism is part of the unamendable basic features of the Constitution. Justices J.S. Verma and Yogeshwar Dayal expressed no opinion on this point.

In his order on March 22, 1996 on a petition for review of his ruling in Manohar Joshi's case, Justice Verma rightly said that the Bommai case "did not relate to the construction" of the election law. But that does not support his assertion that "nothing in the decision... is of assistance for construing" that law and that reference to it is "inapposite in this context". The majority (7-2) view on the basics of the Constitution should inform any construction of the provisions of a statute which seek to ensure separation of religion and politics.

However, Justice Verma's ruling in Manohar Joshi's case delivered on behalf of a Bench comprising himself and Justices N.P. Singh and K. Venkataswami, and in five other cases - all concerning BJP and Shiv Sena men and delivered on the same day, December 11, 1995 - now stand referred to a larger Bench of five Judges of the Supreme Court. This reference was made by another Bench of the court comprising Justices K. Ramaswamy, S.P. Bharucha and K.S. Paripoornan on five issues specified in their order of April 16, 1996.

Two issues concerned the contents and timing of the notice to a person other than the candidate or his election agent who is alleged to have made speeches with the "consent" of the candidate and which constitute a "corrupt practice" in law. We are here concerned not with these but three other issues:

- 1) Can the consent be "inferred" or is it "required to be proved"? The order said that there "appears to be some inconsistency in the rulings". In truth, however, inference from circumstances is as good as direct testimony, oral or written, provided the tests for assessing circumstantial evidence are borne in mind.
- 2) "When and under what circumstances (do) speeches of the leaders of the political party or the appeal of any other person with the consent by a candidate "to vote or refrain from voting on ground of religion constitute "corrupt practice" in law?"
- 3) The order adds: "Its content and scope also require to be clearly laid down authoritatively lest miscarriage of justice in interpretation of "corrupt practice" involved in every election petition would ensue". In plain words, the ruling in Manohar Joshi's case that a plea for a Hindu State does not constitute a corrupt practice and the ruling in Dr. Prabhoo's case that a

Arjun Singh On Hindutva Judgement

... The BJP had no reason to gloat over the judgement and interpret it as a general licence to perpetuate their line of Hindutva since the Supreme Court has not given them a blanket clearance. "After analysing all the three judgements of the Supreme Court on the issue of Hindutva, it is clear that the Supreme Court affirmed two judgements of the Bombay High Court setting aside the election of the two BJP-Shiv Sena alliance candidates. The appeals of Mr. Bal Thackeray and BJP-Shiv Sena candidates Dr. R. Prabhu and Mr. Suryakant, have been rejected by the apex court which had held them guilty of corrupt practices for seeking votes in the name of religion and promoting enmity between religious groups as laid down under Sub-section (3) and (3A) of Section 123 of Representation of People Act (RPA). "The Supreme Court put its own gloss on the word 'Hindutva', and held that the context, place and audience has to be taken into account while considering whether the use of word 'Hindutva' can be held to appeal in the name of religion so as to be covered under corrupt practice in the election law or it is used in the broad sense of Indianisation.

... Section 16(a) has been added by the Parliament in 1994 to the symbol, allotment, reservation order to derecognise any political party which believed in communalism and seeks votes in the name of religion and promotes enmity between different classes of society and works against the secular ideals of the Constitution, thus empowering the Election Commission to act unilaterally

(Source: The Pioneer, New Delhi)

plead for Hindutva, by itself, does not either will both be reviewed. They can be and, one hopes, will be, overruled.

One hopes also, that one vital aspect of "consent" will be considered when the larger Bench reviews the earlier rulings. It is the candidate's tacit and explicit acceptance of the manifesto of the political party on whose ticket he agreed to stand as election candidate. He has clearly accorded his "consent" thereby to the contents of the manifesto in fact and must, in law in any event, be deemed to "consent" to them.

The Election Commission (E.C.) does not come into this. On April 17, M.S. Gill, an Election Commissioner, said that violations of the law on misuse of religion could be challenged in courts. The next day the E.C. decided to call for the manifestos of all parties to examine whether they violated the law. On April 22 the E.C. said it was a matter for the courts and the people to decide. Gill said, "We have asked for the manifestos from the political parties to enlighten us on their poll promises". ...

Iqbal A. Ansari On Muslim Representation

... Some analysts have pointed out in the columns of the TOI the distortions caused by the first-past-the post electoral system (FPP). The FPP marginalises smaller parties and sections of the people, a fact pointed out by Mr. Surendra Mohan, about Muslims who are totally absent from Madhya Pradesh, Gujarat and some other state assemblies. In the present Parliament, their strength is 23 (sic) out of 535 seats. From the first to the tenth Lok Sabha, Muslim strength has been: 36(1952), 24(1957), 32(1962), 29(1967), 27(1971), 32(1977), 46(1980), 41(1984), 33(1989) and 28(1991).

To remove the distortions caused by the FPP it is desirable to change over to some variant of the proportional representation system as obtains in Europe. There is a need to reopen the discussion on better alternatives to the present FPP ... and the list system, which used to be consistently championed by Mr. L.K. Advani.

The electoral system also needs to be reviewed keeping in mind the assurances of minorities given by Nehru, Patel and Pant in the Constituent Assembly in May 1949 while dropping the provisions of the Draft Constitution for reservation of seats to minorities under joint electoral that even without such a constitutional guarantee they would be given their due share.

(Source: The Times of India, 6 July, 1996)

The review petition dismissed by the same Bench - Justices J.S. Verma, N.P. Singh and K. Venkataswami - on March 22 was confined to the judgement in Manohar Joshi's (Hindu State) case... The Bench said that "there is nothing in the judgement in Manohar Joshi to give rise to any such apprehension that it can enable misuse of religion for making an appeal for votes in an election."

According to a press report, Justice Verma remarked during the hearing: "Those who seek votes on grounds of religion) have a surprise waiting for them (from the court)" (The Telegraph, March 23). That is warning enough.

Needless to add, if the larger Bench holds any appeal on the ground of Hindutva per se to be a "corrupt practice", that interpretation of the law will govern cases that arise thereafter as well as those that occurred before it. Those who cried Hindutva in the last election did so at their own peril. They had ample warning that the slogan might well be pronounced illegal by the Supreme Court.

(Source: The Frontline, 31 May, 1996)

BJP: Views of Atal Behari Vajpayee

... There are senseless questions based on the presumption that there are hardliners and softliners... To presume that the RSS takes decisions for the BJP is wrong.

... All this is part of the Left's Goebbelsian propaganda - I am a moderate, the party is not; I am secular, the party is not; I am a good man, the party is bad... It is pathetic.

Disputes like Ayodhya can be solved either through honest and sincere discussions or through legislation. Article 370, a temporary provision, has placed Kashmir on a separatist pedestal and is a faulty line in our nation's unity and integrity; it needs to be abrogated. As for the Uniform Civil Code, it is required to ensure that women belonging to all religions are not discriminated against. ...

For us to tackle all these three issues we need a clear majority. And if we are in government in collaboration with others, we can at best take the first tentative steps. To say that we compromised on these issues is, therefore incorrect. And let me also assure you that there is no fissure in the party on these issues. We all think alike...

Secularism does not mean an irreligious state, but a state that accords equal respect to every religion. It does not mean vote-bank politics and minority pampering but ensuring equal opportunity to every citizen, irrespective of caste, religion and gender. We have been stressing both these points as well as the fact that if India is a secular state it is because of its Hindu majority; that it is this majority which has ensured that India never was and never shall be a theocracy where a prophet or a book supplant democracy...

As for our commitment to Hindutva, it is a reflection of our commitment to cultural nationalism. We cannot forget the fact that India is an ancient nation and our traditions date back to more than 5,000 years. The people of the various regions are united by this common heritage called 'Bharatiyata'. Hindutva is an 'inclusivist' concept, not an 'exclusivist' ideology.

The Muslims are not outsiders. They are part of the great Indian family and we share the same heritage. India existed prior to this millennium... I do not think that Muslims are uncomfortable with Hindutva. It is those whose political existence depends on vote-banks, on pitting caste versus caste and community versus community who are alarmed by the increasing acceptance of our commitment to cultural nationalism.

... We do not have to prove our secular credentials, because we are secular. It is the "pseudo-secularists" who have to constantly make a show of their "pseudo-secularism" because deep down they know that their so-called secularism is only a means of winning votes.

(Source: The Sunday, 30 June - 6 July, 1996)

RSS: ABKM Resolutions, Bhopal, July, 1996

The RSS has demanded expulsion and externment of foreign Christian missionaries for their divisive, violent and subversive role in the North-east ... and ban on foreign aid received by them.

* Took AGP to task for taking the help of Muslim infiltrators and militant separatist organisations like ULFA, and Communists who were deadly opposed to the Assam agitation against foreigners... The AGP ... has dropped its demand for externment of infiltrators....

The ABKM reminded the AGP as to how the people had forsaken it earlier because they got disenchanted with it due to soft approach of AGP towards the militants. The RSS therefore wanted the AGP to identify anti-national elements wearing many masks join hands with foreign forces and endanger the unity of the country.

The ABKM reiterated with great emphasis that a Hindu-majority is essential for the security and prosperity of Assam.

* ... Warned that the talk of maximum autonomy and pre-1953 status in Kashmir will only embolden terrorists to work for complete separation in due course.

* ... The temporarily intended Article 370 becomes totally redundant (and) it should be done away with at the earliest.

* ... Urged the Central Government to allow the security forces a free hand to deal with terrorism...

* ... That construction of Ram temple at Ayodhya will automatically solve the issue of Kashi and Mathura where the mosques constructed by the invaders adjacent to the Hindu shrines still stood as a blot on the country's national pride.... These structures were symbols of slavery.

(Source: The Organiser, 21 July, 1996)

Malkani's Reply to Mulk Raj Anand's Open Letter to Vajpayee

Mulk Raj Anand's open letter to Atal Behari Vajpayee, (June 10) will be of interest to many. Anand talks of 'remote control of RSS'. RSS does not need to 'control' BJP either remotely or closely. Most BJP workers and leaders themselves belong to RSS. AS for the accusation that Vajpayee dropped references to Article 370 and construction of Ram Janmasthan Mandir in the President's Address, the address refers to things proposed to be done by a Government in the current year - and not to everything included in a party's election manifesto!

There would have been no point in talking of deleting Article 370 because that would require two-thirds majority in both Houses; and BJP did not have

(Contd. on page 341)

Ali Sardar Jafri's Open Letter to A.B. Vajpayee

... There is nothing common between us except the love of the country and the love of poetry. It is sufficient for a friendly dialogue.

... On May 27 and 28, I have a feeling of the tremendous waste of time, not of my time but the time of the whole nation and millions of viewers outside India. They expected a great debate on the fate of the democracy... But what they witnessed can be expressed in the words of Ghalib, "Hota hai shab-o-roz tamasha mere aagey" (Every day and every night unusual events happen before my eyes)....

... And yet it was an experience. It gave me a better perception of the political parties and their leaders.

I remember my meeting with you in October 1977 India was celebrating the 100th birth anniversary of Iqbal I was the general secretary of the committee with Inder Gujral as chairman... By the time of the international seminar in October and November the government of Morarji Desai had come to power...

The celebration started at Vigyan Bhawan on 29 October, 1977 with an all-India mushaira, inaugurated by the Chief Justice of India, Mr. M.K. Beg... You graced the occasion and sat till the end of the mushaira...

According to K.A. Abbas in his book, Janata in a Jam, it was during this mushaira that you decided to visit Pakistan as the foreign minister of India. And when you visited Pakistan in March 1978 you took with you as a gift from India the documentary film, Dr. Mohammed Iqbal, written and produced by me and directed by K.A. Abbas.

Your official visit created a tremendous impact. You were applauded as a friend. The goodwill between the two countries increased....

At that time you were occupying a chair that was occupied by no less a man than Pandit Jawaharlal Nehru. After 19 years you again got the opportunity to occupy the same chair in a heightened position - the Prime Minister of India. But, unfortunately with a declared programme and intention of making atom bombs. This deadly gift for Pakistan, some of whose immature leaders have been shouting at the top of their voices that they possess atomic weapons to deal with India. Meaning that in case of an unfortunate war both sides would employ atomic weapons for self-destruction. Lahore cannot be destroyed without destroying Amritsar and the Golden Temple, a symbol of love and compassion. The poisonous effect would engulf the entire green belt of Punjab and Haryana. Thus we will be punishing ourselves instead of punishing the enemy. An atomic attack on any part of Kashmir will affect Islamabad.

War is evil, nuclear was is the worst evil. It cannot

solve any problem. The Indo-Pak question requires political wisdom to handle it. How can a mature leader of your experience believe for a moment that revised nuclear policy is the need of the hour?

Your first statement on becoming the Prime Minister of India was about building the Ram mandir in Ayodhya. This statement could not save your government. After the demolition of the Babari Masjid in December 1992, a fruit-seller in Lucknow said, "They should build Sita mai ki rasoi (Sita mata's kitchen) to feed the hungry". There is a common saying that Bhooke bhajan na hoi (you cannot sing bhajan with empty stomach)...

Mahatma Gandhi said, "Even God does not appear before the hungry except in the form of bread". (This is the essence of his statement not the exact words). ...

This is the true Hindu heritage, universal in its value and its appeal...

Iqbal, in May 1937, 11 months before his death, wrote to Mohammed Ali Jinnah in a letter, "The League will finally have to decide whether it will remain a body representing the upper class of Indian Muslims or Muslim masses. Who so far with good reasons have taken no interest in it. Personally, I believe that a political organisation which gives no promise of improving the lot of the average Muslim cannot attract our masses."

Do you think it applies to your party also, Atalji?

... The emotional and sentimental religious slogans cannot make people forget their hunger and poverty.

I have great respect for Ram. I come from the land of Ram and Gautam Buddha. Before the temple is made, make Ayodhya a land of no war, a garden of love and peace. The garden should have flower plants from all parts of the world, a good hospital and home for children, a palace of culture representing all the cultures of India, with arrangements for Sufi and Bhakti songs, joint celebration of Dussehra, victory of good over evil, and joint celebration of Id - these are some of the ways to pay homage to Ram. Let us make Ayodhya a proud city of India.

The approach of your party to the communal problem also needs your attention. Is it possible for the Muslims to forget they are educationally and economically backward and cannot compete with the majority community in modern times? There are historical reasons for this backwardness...

The human situation affecting the fate of Muslims can be described in cold words by politicians. But a poet cannot dismiss it without the agony of the soul. In his article Hindu Universal published in 1911 Tagore wrote with deep feelings:

"There is a very real difference between the Hindu

and the Muslim which it is not at all possible to ignore. If in our pre-occupation with our own needs we do not recognise that difference, neither will it recognise our needs. We have called in the Muslim not as our own but as an aid in the accomplishments of our ends. If we ever find that he is no longer of our use, we shall have no qualms in throwing him overboard. We have not felt for him as a real comrade but have regarded him merely as instrumental to our purposes. (Page 145).

Tagore gave true vision to India when he said, "The worldwide problem today is not how to unite with wiping out all differences, but how to unite with all differences intact, for it permits no trickery and calls for mutual give and take." (page 148).

How different and how magnanimous he was, the great sage of Santiniketan, as compared to the champions of modern day Hindutva when he wrote in clear words:

"A day came when the Hindu started being conscious of the glory of Hinduhood. He would no doubt have been highly pleased if the Muslim had then acknowledged his glory and kept quiet, but the Muslimhood of Muslim started asserting itself for the same reason as the Hinduhood of the Hindu. Now he wants to be strong, not be merging with the Hindu, but by being a Muslim. (pages 145-46).

... The poet came to the conclusion that it is in the interest of the Hindus themselves that the Muslims become their equal in dignity and status. (He warned) "A suppressed separateness is a terrible explosive force. Some time or other it would create a mighty upset by blowing up suddenly under pressure."

And actually after 36 years of Gurudev's warning the country below up in 1947. Now, after 49 years of the partition of India, we find that the problem has not been solved. It has become more complicated and aggravated...

I have written this letter to a political leader who happens to be a poet whose sensitive soul can share my pain and agony.

(Source: The Asian Age, 3 June, 1996)

Kar Sevaks, Pakistani Agents!

Letter of Gautam Navlakha

One is thankful to Mr. K.R. Malkani for his courage in exposing Pakistan's insidious plans to demolish the Babari to "destabilise India" and get four BJP governments "dismissed"... Where does this leave the sangh parivar which had rejoiced over this crime and whose members and sympathisers have continued to claim it as their own handiwork? Am I to believe that the parivar has now been taken over by Pakistani provocateurs? That they waive the saffron flag to fight the tricolour.

(Source: The Times of India, 28 July, 1996)

BJP: So Near and Yet so Far Radhika Ramaseshan on BJP's Prospects

... The BJP's near miss must be particularly galling, having gone through pre-electioneering and campaigning with clinical efficiency. It was the most cohesive party, despite factionalism in Gujarat and Madhya Pradesh. It was the only party which managed to showcase a consensus Prime Minister in Vajpayee. It is the only party to boast of a tightly-knit organisation supplemented with the resources of the extended Sangh parivar. And it was the only party which wove its campaign around identified themes.

Notwithstanding efforts to build an issue-based campaign designed to corner the Congress(I) on corruption and criminalisation and the National Front on stability and "minority appeasement", none of them gelled. The BJP list its cutting edge on the two Cs (corruption and criminalisation) once its president Advani was implicated in the hawala scandal and a party MP from Uttar Pradesh Brij Bhushan Singh, was booked under the Terrorist and Disruptive Activities (Prevention) Act for links with the Dubai-based underworld don, Dawood Ibrahim.

The stability plank was blunted once the party began hobnobbing with regional allies to cobble support for a government at the Centre. While the alliance with the Shiv Sena clicked largely because of an ideological match, the BJP was hard put to explain to its committed cadres its eagerness to rope in socialists and ex-Congressmen like Madhavrao Scindia. It was not just the ideological mismatch that mattered, but the ambition of individual allies like Chandra Shekhar, George Fernandes and Scindia which threatened to upset Mr. Vajpayee's appiecart. The overtures also detracted from the BJP's boast that it would provide a "unified one-party rule" which would last five years.

Minority-appeasement planks like the demand for a uniform civil code and Kashmir were never played with the conviction which had suffused the Ayodhya campaign. Trapped between the compulsion of underplaying its communal credentials and emphasising its secular one, the BJP's Hindutva campaign ended up sounding more rhetorical than committed.

The Vajpayee build-up worked limitedly, even in the Hindi belt...

In Uttar Pradesh and Bihar, the Vajpayee hype has helped consolidate Brahmins but had little impact on the upper castes. Like other parties, in the absence of a wave or the rallying strength of a central charismatic personality, the BJP has had to grapple with nitty-gritties like the image of the candidate, regional issues and caste equations. ...

Rajni Kothari on BJP's Future?

... The message of 1996 seems to have gone almost completely unregistered in the case of the BJP. Advani's claim to return to power made after the election sounds no different from the one he made before the election, the only change in thinking based on a realistic assessment being that in its march to power in New Delhi it will have to count on the support of a few other parties (most of them local or regional) and individuals, but all of them under the dominant imprimatur of the BJP...

... President Shankar Dayal Sharma's invitation to Mr. Vajpayee to try and form a Government because his party had got the largest number of seats ... was an extremely clever move that exposed the BJP, showed its severe limitations when it came to transforming the "single largest" number into a majority, demonstrated its complete isolation with not only no other party but not one more individual... Instead of drawing additional support the BJP invited strong reactions from quarters it may not have expected. First, from Mr. Narasimha Rao, the former Prime Minister who for the first time and better than anyone else underscored the sharp polarisation between the BJP on the one hand and the Congress and the United Front on the other. Second, not one of the regional parties (beyond Haryana Vikas Party and the Akali Dal) ... was available to join with this party of the Hindi heartland... Third, for the minorities and the Muslims in particular the BJP quite clearly emerged as a party detrimental to their interests. All the points that Mr. Vajpayee made in the course of the two confidence votes - that the BJP stood for a more genuine form of secularism, that the Muslims had injected a minority complex among the Hindus who were in fact a majority and that the concessions that he had made by not including demands like the abrogation of Article 370, the building of the Ram Temple and the insistence on a common civil code in the President's Address to Parliament were only because his party had not been given a majority by the electorate and once it gets the majority, it will revert to its old position - went against him as far as the Muslims are concerned. As the debate moved from the opening of the first confidence vote to the closing of the second one, Mr. Vajpayee was visibly seen to have hardened his stance and become more combative, almost falling in line with the RSS-VHP-Advani line of thinking.

His tributes to the RSS ... established Vajpayee's return to the RSS bandwagon despite some continuing differences that he might have had with its advocates, both on the Babari Masjid issue and on handling the affairs... in Gujarat. ...

The BJP's real problem is that despite its growth in votes and even more in seats thanks largely to the vacuums created by the collapse of the Congress its core

identity is still drawn from the past. From the heart-rending stories about the Muslim conquests in the camps organised by the RSS shakhas to Nathuram Godse's denunciation of Gandhi in a powerful defence speech before the trial court vindicating his vision of a Hindu rashtra to the most recent accusations about appeasement of the Muslims by the Congress and other secular ... forces is one continuing threat of Hindutva which designs its identity and self-definition. There has been little change in this... Even from the point of view of its desire to assume the reins of power in this highly diverse and complex and both regionally and socially varied land of ours. No thought has been given to how and why the Congress could wield power for so long or how and why a baffling phenomenon like the United Front could come into being and get the better of the BJP and all its attempts to expand its socio-linguistic base and its ideological appeal. The strategy that seems to be emerging, namely to (a) fill up the vacuums left behind by the Congress, (b) wait for, work for and take advantage the downfall of the UF, (c) revamp the organisation and the mobilisation base to coopt the dalits and the backwards, (d) also coopt vulnerable individuals (Fernandes, Hedge, Parvati, Jayalalitha, having already coopted or contained Mayawati), (e) foment further fissures in the social justice alliance and target at leaders having large followings among the lower classes and castes like Mulayam Singh and Laloo Prasad whom the middle classes and the media abhor and, (f) to present "Hindutva" as a forward looking model of governance, is not likely to pay much dividends... It will not work for one simple reason: Such an ambition of almost replacing the Congress in the corridors of power is not accompanied by the necessary ideological mutation that this calls for. The RSS imprint is too powerful to live down. Hindutva has lent it an edge that has made it still more doctrinaire. And whatever ... Vajpayee's moderate pretences be, he is already failing to carry conviction. With the passage of time, he is more likely to fall in line.

(Source: The Hindustan Times, 12 July, 1996)

BJP: Views of L.K. Advani

... It is a fact that in India, besides the BJP, every party's share of votes and the seats have gone down continuously. In the 1996 Lok Sabha elections, the Congress received a severe drubbing. The Party's percentage of votes and seats declining; the same is valid for the Left and the Janata Dal. But the BJP has grown from two seats in 1984 to 86 in 1991 to 161 now. The BJP's growth is phenomenal. Yet, the tendency on the part of many people is to generalise that the BJP has declined.

(Source: The Hindustan Times, 28 July, 1996)

RSS Ideologue K.R. Malkani On BJP as the Nationalist Party Par Excellence

In the last Lok Sabha elections the BJP emerged as the largest single party. However, we have a government that includes every party but the BJP - on the specious ground that it is not secular.

The Muslim League had demanded the partition of India along religious lines, something the Communists had supported. And the Congress had acquiesced in that demand. But today, ironically they are all "secular"; and the BJP, whose ideological guru, the RSS, had opposed partition is "communal"

Secular Tokenism

From time to time, the Congress and its pseudo-secular allies have indulged in cheap publicity stunts. They carved up Malabar district just to create the Muslim-majority district of Malappuram. They banned Satanic Verses - even before Pakistan or Arab countries had done so. They negated the Supreme Court judgement giving relief to Muslim divorcees in the Shah Bano case, just to pander to communal reactionaries. On the eve of elections, they even thought of sarkari salaries for poor Imams - but not for poor ... priests or ... pujaris. There are states where even if there are only two Muslim students in a class, the whole school get half a day off on Friday - to offer namaz. And, of course, it is routine to run up to Jama Masjid to salaam its Imam. While they have indulged in all this tokenism, they have never done anything for the education and modernisation of Muslims - on which alone depends their progress. However, when the BJP points out the utter insincerity of it all, it is dubbed "communal"....

BJP Progressive - Non-Communal

Indeed, everything that the BJP says or does - whether it is cow protection, deletion of Article 370, adoption of a uniform civil law or end of Bangladeshi infiltration or Ayodhya is viewed in a communal light. ... The courts ... have interpreted this article to mean that aged or disabled bulls can be slaughtered. Taking advantage of this loophole, cattle are being maimed, "certified" as disabled and slaughtered. No wonder in the years from 1976 to 1992, beef sale has gone up from 70,000 tonnes to over 11 lakh tonnes... (This) not only goes against the grain of this country, but it is making cattle scarce and milk expensive. The BJP would like to amend this article to explicitly ban all cattle slaughter. What is communal about that?

... The BJP feels that (Article 370) fosters a separatist psychology in J&K. It would, therefore, like to amend the Constitution and delete this Article, as and when it has the necessary two-thirds majority... What is communal

about the demand for its deletion?

As regards the uniform civil code... all that BJP - and even the CPM - wants implementation of Article 44. Two of the more important features of such a law would be a ban on polygamy and instant talaq. This will not only give greater security to Muslim womanhood, but also prevent irresponsible Hindu males from embracing Islam just to be able to marry more than one woman. We could have a commission of jurists to work out a model civil law for all Indians. And meanwhile polygamy and instant talaq could be banned - even as they already stand banned in Pakistan under Ayub Khan's Family Laws Ordinance. ... What is communal about that? ... Over the years, and particularly since 1971, millions of Bangladeshi Muslims have ... come over. These people... have no legal or moral right to come this side. Their flooding the labour market depresses wages in India... This influx of Muslims poses a great potential threat to the unity and integrity of India.

The rationale behind the VHP's demand for a Ram temple in Ayodhya is that during the medieval period thousands of temples had been desecrated and destroyed. They have requested the restoration of three of the more important sites - in Ayodhya, Kashi and Mathura - as a symbolic rightening of medieval wrongs... If the Nehru government could decide on the reconstruction of Somnath, which had been destroyed by Mahmud Ghaznavi, why not Ayodhya desecrated by Babar?

As regards the unfortunate incident of December 6, 1992. I can only describe it as a "a mystery wrapped in a riddle inside an enigma." ... We don't know who did it!...

Not Kar Sevaks but Pakistani Agents

Was Pakistan (responsible)? Or did it have other accomplices, local and/or foreign? Only history can tell. But obviously it was the handiwork of forces that wanted to try to destabilise India - and to see four BJP state governments dismissed....

What the BJP wants is the implementation, in letter and spirit, of the Indian Constitution. Its position is national and not communal...

Was there a foreign dimension to the recent gang-up against the BJP? ... There is nothing communal or unsecular about the Islamic Salvation Front of Algeria, the Welfare Party of Turkey or the BJP of India. All of these are nationalist parties... In country after country, people are throwing up nationalist forces to protect and promote the unity, identity, sovereignty and development of their respective countries. And they are being subverted by "secularists" reinforced by foreign forces.

(Source: The Times of India, 22 July, 1996)

Meenakshi Jain's Comments on Malkani

Will the real BJP step forward? ...Is the Hindu agenda on or off? ...All along we were told it was a struggle for the reassertion of Hindu civilisation. Then comes a thunder-bolt. The revised Malkani thesis. I am of your flock, he now informs his detractors, just a shade less dark. I merely wish to implement your stated policies. A uniform civil code because Article 44 of the Constitution says so: abolition of Article 370 for Nehru himself had hoped it would 'erode away', Ayodhya merely as a follow-up of Somnath. The other items on the list also smack of rationality, he assures. Ban on cow slaughter for shortage of cattle raises the price of milk; check on illegal immigrants for such an influx 'depresses wages' in India. Nothing religious about it. So admit me into the fraternity, I can no longer shoulder the non-secular tag.

Islamic Tradition

What is one to make of this new found obsession for a fair name? Is dilution of issues a workable solution? Our past experience is a guide to the dimension of the problem... There is a whole Islamic tradition to contend with...

Whatever one may think of Hindu insensitivity to power, Muslims are alive to all its nuances. Finally, that alone explains their conduct during the freedom movement, their veto of the composite secular nationalism propounded by Congress which threatened their political existence but left intact the notion of an integrated community.

Muslims who opposed the League and stayed back followed the separatist tendencies of their faith in all else. They were very clear about it. Their religion did not permit otherwise. So the jockeying for position. The willingness to align with SP, BSP, JD, anyone who promises them a fair share of power. The question is how does cultural nationalism deal with the situation. Is avoidance the best form of defence?

Which brings us to the piece de resistance of the Malkani manifesto. 1992 was trumpeted as the Year of Ayodhya. A sure sign that the Hindus were finally arriving. So one waited on the sidelines with bated breath. Only to be told, four years on, that the moment of triumph was the handiwork of Pakistani agents provocateurs! Is this equivocation or the final party position? The answer "a mystery wrapped in a riddle inside an enigma". But thereby hangs a civilisation...

... So many have openly asserted that without Hinduism there can be no future for India. "I do not mean Hinduism narrow, unenlightened, dogmatic; I mean Ancient Hinduism, enlightened, intellectual, full of vigour and strength..." (Annie Besant). Complete transparency. No subterfuge. No hemming, no hawing...

(Source: The Times of India, 28 June, 1996)

N. Ram on BJP and Power

... The three-way, or even four-way, fragmentation which has occurred in the polity has provided the party of the Hindu Right its main chance. However, the very process (made up of long term as well as immediate factors) that has enabled the BJP to emerge as the number one party has ensured its containment and its ideological and political isolation. ...

Certainly over the last decade, no other all-India player has made more rapid electoral gains than the party of Hindutva. From a one-fourteenth share of the national vote in 1984 (when a hugely abnormal election was held), the BJP climbed, in three steep steps, to a one-ninth share in 1989 to a 1/5th share in 1991 to a 1/4th share in 1996. In contrast to its status of half a decade ago, it is widely recognised today as a potential party of Central government. The BJP might be dreaming of a one-third share in the next general election, whenever it comes...

... The BJP is India's party of the new Right, comparable in some ways to the new Right parties of Europe, including neo-fascist organisations. It is the chief political vehicle of an ensemble of organisations and players for whom the command centre has always been the RSS. Aggressive Hindutva is, above all, a political mobilisation strategy. It is a response to an overall national situation where the dominant party has become decrepit, the system has been downgraded, and 'de-institutionalisation' has proceeded apace.

'Hindu Rashtra' is an emotional-ideological platform which has been systematically and cynically constructed at the mass political level from 1986. With its repertoire of fascist ideology, transparent myth, false history and cold-blooded communal politics and with its mastery of tactics and timing, it has been able to gather force in a menacing way. It has a proven capacity to unite against and prey on the weaknesses and contradictions among its opponents. The whole movement strikes at the root of communal harmony, secularism and democratic values in India as it moves towards the twenty-first century. It deliberately mixes up religion and politics and targets minorities. It denies the pluralistic and diverse character of India's history, civilisation and present. It defies the writ of courts, flouts the rule of law, and endangers the constitutional edifice. It spreads the dangerously fundamentalist and reactionary idea that matters of 'faith', as determined and exploited by fanatical anti-secular organisations and leaders, must prevail over the jurisdiction of courts, Parliament and other democratic-secular institutions. The BJP and the Hindu Rashtra project suffer from a number of weaknesses and contradictions, but they pose a live and present threat to secular, democratic and progressive India...

(Source: The Frontline, 31 May, 1996)

Do Not Appease But Heal Their Wounds

M.K. Narayanan on Minorities

... Religion and religious minorities are becoming an even more important factor than before in the calculation of all political parties... Dependence on the religious minority vote bank for success at the polls by Indian political parties, is surely a sad commentary on the state of polity in a country which has now had half a century of democratic rule.

India's pluralistic background and social resilience have been acclaimed by many perceptive observers of the Indian political and social scene - the latest being Lord Rees-Mogg who predicts that India will become "an international and irresistible force" by the year 2025. According to Lord Rees-Mogg, former Editor of the *The Times*, London speaking at ... New Delhi recently, India would be among the four great economic powers alongside the United States, the European Union and China by the end of the first quarter of the 21st Century. Lord Rees-Mogg's estimate of India's future potential is on all fours with that of USA's Henry Kissinger, but as before the issue is whether the potential will be fulfilled if India does not accept the harsh realities and seeks, instead, to slip back in time rather than move forward...

Instead of facing up to this challenge of modernism and the winds of change sweeping across the globe, India's political leaders seem to find it safer to rely on the "Middle Ages" syndrome. Hence, come election time, no opportunity is overlooked to appease the religious minorities by exploiting their "backwardness" and deliver the community faithful into the hands of preachers and the priesthood who don the mantle of leaders of the community. The result is, that instead of taking their rightful position in society, the minorities - more specifically the Muslim minority - are perpetually consigned to second class status, bartering away their precious votes for promised dollops of short-term gains negotiated by their religious and community leaders for personal ends.

... Today, and despite the continuing gap between the rich and the poor, class conflict is not the explicit political issue that it might well have been. The resultant vacuum has been filled by minority politics employing the medium of religion. The image created is that a religious minority deprived of its rights and rendered inadequate, which now requires a crutch, that is, external, social and governmental support - to revive itself. This can be self-fulfilling.

This less than flattering image of the Muslims minority hardly squares with facts as they exist, though this may be what their self-styled leaders wish to project.

Members of the community are talented, possess good business acumen and are highly skilled artisans. Many have started their own business ventures and are self-employed. Muslims are, no doubt, less well represented in areas of government and large corporations. To this extent, they are shut from the many new opportunities that have arisen as a result of liberalisation. More significantly, their education credentials have suffered by failing to partake of the vast expansion that has taken place in the realm of higher education. They, hence, face the danger of losing out on the benefits that accrue from meritocracy. The community leaders and the religious orthodoxy share a sizeable part of the blame, as also the mainstream parties and successive governments at the Centre, for this state of affairs, and the situation cannot be improved by emphasising backwardness and putting a premium on dependency.

Unfortunately, the trends now discernible are far from reassuring. Rather than improve matters, the religious minority seems intent on compelling the polity to effect basic structural changes...

Nowhere ... have the more pertinent reasons for so-called backwardness and drop in education credentials of the community been addressed. The National Minority Commission is one of its reports had mentioned that the prevailing prejudice among sections of Muslims to western education was an important reason for this state of affairs. All this will hardly be rectified by the government resorting to a policy of temporary appeasement of the community, usually on election eve with an eye on the Muslim vote. Recent decisions such as increasing the quota of Haj pilgrims, increasing the salary of Imams, reviewing the implementation of the Prime Minister's 15-Point Programme for the welfare of minorities clearly beg the main issue.

Mainstream parties like the Congress must know that while professing to remain faithful to their "mainstream convictions" and secular ideals, their attempts to curry favour with the more communal segments and fringe leaders who claim to speak for the minority, would not only mean mocking those convictions but would do irreparable damage to the future interests of the minority or minorities. In the interest of electoral gain or advantage, appeasing the occupants of the margins would be self-delusion and tarnish the credentials of the mainstream parties. A marriage of convenience of this kind will also eventually sour. To respond to any and every available demand on the plea of minority rights would Balkanise sentiments in the polity, creating a

groundswell of opposition and backlash from the majority leading perhaps to even greater irrationality on their part. Examples such as the "faintheartedness displayed by the authorities in executing a warrant against the Naib Imam of Delhi Jama Masjid (in a case of sedition dating back to 1993) in which he had been charged with spreading hatred and disaffection towards the government and attacking the constitutionally elected government and some religious communities, cannot but be viewed with repugnance by the vast majority of the population. It would be seen as evidence of government's desire to solicit the Naib Imam's help to secure the Muslims vote bank. In the late Eighties, there was another similar instance where the Delhi Police failed to execute a summon issued by the Kerala high court demanding the presence of the Shahi Imam of the Jama Masjid, on the specious plea that his whereabouts were not known.

It is far more important than appeasement or palliatives to see that both the majority and the minority display moderation, tolerance and forbearance. Otherwise, the spiral of action and reaction would go on endlessly enabling sectarian and communal forces to gain ground... Given the bitter competition and struggle for votes among both the minority and majority segments, the more radical and shocking the agenda the more its seductive appeal.

... The government should take constructive steps for improving the quality and status of the minority by channelising their energies into productive endeavours and upgrading educational opportunities for them. Side by side, the government and other mainstream parties should deal firmly with the so-called "Hindu Agenda" proposed by the Vishwa Hindu Parishad... Without this, the cycle of minority - majority demands would continue unabated....

Indulgence can be a serious, and possibly the ultimate, danger to secular polity. There is hardly any such thing as a temporary appeasement, whether of the minority or of the majority. The real need is to do something substantial to raise the status and standards of the minority communities, but expression, or evidence, of a pronounced "tilt" at election time towards the minority at the expense of the majority can have unfortunate repercussions. If the mainstream parties are not to surrender their initiative to communal and sectarian forces and deny extremist elements in both the minority and majority an opportunity ... they need to make major mid-course corrections. If we are to avoid the grim scenario of communal and caste dominated politics - and possibly even a holocaust - then greater enlightenment rather than the demands of narrow vote dominated politics will be needed.

(Source: The Asian Age, 11 March, 1996)

WITH BEST COMPLIMENTS

FROM

KALEEM KAWAJA

**THE ASSOCIATION OF INDIAN
MUSLIMS OF AMERICA**

**THE ORGANIZATION FOR UNIVERSAL
COMMUNAL HARMONY**

WASHINGTON DC USA

Form Secular Front and Give One-to-One Fight to BJP in UP

Insaf Morcha: Convener Shahabuddin's Call to all Secular Parties, 4 July, 1996

In the fall of the Vajpayee Government and the installation of the Deve Gowda Government, the secular parties, thanks to the alliance and understanding among themselves, have won a respite in the on-going struggle between the forces of Secularism and the forces of Communalism. This respite should not be frittered away.

The City of Secularism is still under siege and the next determined assault by the forces of Hindutva shall be to break through the last outer rampart which Uttar Pradesh represents. The secular forces have no option but to bury the hatchet rise above the past and join the battle, by constructing an impregnable defence line, through extension and consolidation of secular unity.

In the 1996 Parliamentary election, according to the available reports, the segment-wise results were as follow:

Party	No. of Segments		Total
	with First Position	with 2nd Position	
BJP	242	122	364
SP	76	125	201
BSP	58	98	156
Cong(I)	20	24	44
JD	10	25	35
Cong(T)	9	5	14
CPI/CPM	1	10	11
SJP/Others	9	16	25
TOTAL	425	425	850

The discrepancy between the second and the third column arises because some segments were 'won' by one secular party against another, relegating the latter to the second position. A rational, objective and honourable electoral adjustment is immediately possible by taking the following steps:-

1. The secular parties namely, the SP, the BSP, the Congress(I), the JD, the Congress(T), the CPI/CPM and the SJP form a Secular Front.
2. By mutual agreement they allocate the segments 'won' by each of them whether against the BJP or any other secular party, to the winner.
3. Allocate other segments to the runner-up against the BJP.
4. Allocate, in accordance with the principles of Social Justice, the segment (Constituency) to a candidate belonging to a sympathetic social group/sub-group which commands demographic pre-eminence therein.
5. As well as, ensure that any self-conscious and identifiable group/sub-group which forms at least

0.25% of the population of UP receives equitable representation in the joint list of candidates.

There is no doubt that the alliance and such a representative list will be welcomed by and receive unanimous support of all social groups/sub-groups, particularly by the OBC's the Muslims and the SC's.

I have already written on these lines to the leaders of the above mentioned parties I am now making a public appeal to them immediately to commence mutual consultation which may be initiated by the Congress(I), the SP, or the JD first to make a Declaration of Intent and then finalise the list of joint candidates, at least one month before the electoral process begins. Today the nation faces a historic moment which may decide the survival of the Secular State.

CPI(M): Statement On UP Elections, 29 July, 1996

... The forthcoming assembly elections in Uttar Pradesh... will have major repercussions for national politics... The BSP did not respond to the call for joining a wider unity against the BJP and has chosen to have an alliance with the Congress... It is necessary for all the United Front constituents in Uttar Pradesh like the Samajwadi Party, Janata Dal, the Left Parties and the Congress(T) to launch a united campaign to mobilise all secular sections to defeat the BJP and to minimise any disruption in the unity of the secular forces.

General Election, 1996: Vote Tally in UP

	Seats Won	% of Votes Received
BJP	52	33.43
JD	2	4.26
Cong	5	8.14
SP	16	20.83
BSP	6	20.60
Left	0	1.02
INC(T)	2	3.03
Others	2	8.69
Total	85	100.00

The Congress has fallen between two stools. A sizeable section of Hindus feel the party pampers Muslims who are rigid and unreasonable. Similarly, Muslims feel that the party has links with the RSS, and was responsible for the demolition of the Babari Masjid. Both of these are not true.

- V.N. Gadgil, Congress(I) Spokesman

Ashok Ma'lik on Congress-BSP Pact

... The BJP has stopped growing socially in UP. Its savarna vote has more or less reached a plateau. The party can now only hope for mortality and attrition to chip away at what remains of the Congress' upper caste base. Yadavs are still largely estranged from the BJP. The Kurmi vote is divided and the Chamars - the largest Dalit group and, at 10 per cent, the biggest social unit in UP - remain firm behind the BSP. ...

There is sufficient evidence to argue that there is more posturing and less substance in the Congress-BSP alliance...

P. V. Narasimha Rao has ensured that the United Front cannot woo the BSP alone and ignore the Congress as irrelevant - though it is so - in UP...

... Kanshi Ram ... certainly realises that there is little to be gained by tying up with the Congress. The savarna alienation from the Congress is unlikely to be reversed and, whatever the status of other non-BJP forces, a section of Muslims will not vote for Mr. Rao's candidates.

... Who then does Ram see as his real ally? The UF has to be ruled out because of its multiplicity of leaders and because of BSP's antipathy towards Mulayam Singh Yadav. That leaves Mr. Ram with only the BJP.

Despite their shortlived marriage in 1995, which led to Mayawati becoming UP's chief minister, the BSP and the BJP have enough reason to renew their links and even extend it in the next Lok Sabha polls. The BJP would be looking towards winning at least 200 seats in the next general elections. Only then can it woo regional parties in, say Tamil Nadu and Andhra Pradesh, and assure them of its ability to lead a lasting coalition at the Centre.

With the potential for increment in the south and the east fairly limited, the BJP's best hope is to maximise its strength in the north and the east. IN UP... it is no longer a question of the 52 seats which were won but of the 33 which were not. This is where a partnership with the BSP seems logical. If Mr. Kanshi Ram is convinced that some power is better than none, he may agree to be a junior partner in New Delhi in return for a chunk of UP's 425 assembly seats and, perhaps, the chief minister's post in Lucknow.

Despite its unruly finale, the upshot of the coalition the BJP and BSP forged in 1995 has been positive for both parties. Fears that the BJP's savarna voters would revolt against the support rendered to a party abusive of them have proved unfounded. Similarly, the initial misgivings in the Chamar intelligentsia about grasping the BJP's hand have not translated into poll reverses for the BSP. In the absence of specific opponents, both parties can take these segments somewhat for granted. In fact, Ram can even promise his supporters a longer Dalit

The Sunday Report

On the Changing Muslim Psyche

... Syed Shahabuddin lost... Mohsina Kidwai, Salman Khurshid, Akbar Ahmed, Arif Mohammad Khan, Aslam Sher Khan and several others did not win either. There are then only 21 Muslim MPs in this Lok Sabha and it has never been lower. Why?

Jaffer Sharief, too, would have lost if he had contested from Bangalore North despite its large number of poor Muslims for whom he did much when he was the railway minister.

As questionable is the victory of Salahuddin Owaisi of the Majlis-e-Ittehadul Muslimeen from Hyderabad. The fatwa was to vote for the candidate of the breakaway Majlis-Bachao Tehrik. And most Muslims care little for Owaisi's kind of politics now.

Mulayam Singh Yadav and Laloo Prasad Yadav drew similar responses. And though a bulk of the Muslims of their two states voted for them, they are examining other options. In many places, too, many of them did not vote at all. ...

... And why do some Muslims like Atal Behari Vajpayee despite the BJP and Kanshi Ram in spite of Mayawati? Do the ulemas matter politically any more? Why have Muslims in many places stopped voting? And is there anything like a Muslim factor anymore?

... Vajpayee was voted out of office because more than 20 national and regional parties came together against the BJP. Plus, larger Muslim suspicions about the BJP remain. ...

On one level, the Muslims have no love lost for the Samata-BJP alliance...

And yet, Ejaz Ali, the son-in-law of the former Bihar Assembly Speaker, Ghulam Sarwar, pulled off a backward-forward divide among Muslims in Nalanda in support of Fernandes.

And nearly 40 other places, including Dhanbad, Palamu, Godda, Bettiah, Motihari, Chapra, Munger, Basti and so on, the Muslims either voted against the Janata Dal or boycotted the polls.

The reason for this is that Laloo Yadav has been taking the Muslims for granted. ...

Even so, there is real little fear just yet that the regime as reward for the compromise.

The problem with this scenario is that it suits the BSP more than the BJP. Mr. Ram is ever unreliable and may change tracks between the assembly and general elections. The BJP's grip on non-Yadav OBCs loosened during Mayawati's rule; this threat remains. Related to this will be Kalyan Singh's reluctance to sacrifice the chief minister's post..

(Source: The Times of India, 15 July, 1996)

NATIONAL POLITICS

Muslims will desert Laloo Yadav. But ... their hurdles have been put in his way. And more and more, Muslims have taken to not voting at all. And this is not just in Bihar.

In Madhya Pradesh, especially in Bhopal, which has the largest number of Muslims in all of the state (3.23 lakh), this was still more evident. "... 30 to 40 per cent Muslims did not vote at all," says an assessment made by the state government. ...

Prof. Imtiaz Ahmad, a sociologist in the Jawaharlal Nehru University, thinks that a section of the Muslim upper classes might not have voted...

And it has happened in more places with Muslims and not just with the upper classes. In the walled city area of Delhi, many Muslim women did not vote...

Many Muslims kept away too in Gujarat where they are 12 per cent of the population. And in Karnataka, says Mumtaz Ali Khan, a Bangalore sociologist, "No more than 60 per cent of them voted. They feel nobody will help them and they have resigned themselves to the situation.

There is less of such feeling in the countryside, however. It has been Imtiaz Ahmad's old thesis that Muslims and non-Muslims vote together here because they have similar stakes and that, therefore, there is little or no sense of alienation. ...

In the villages, Mulayam Singh Yadav's Samajwadi Party got votes of the forward class of Muslims, for instance, while the backward class of Muslims together with Dalits voted for the Bahujan Samaj Party.

And Muslim support to the BSP is growing... And by putting up 23 Muslim candidates in this election, and not just in Muslim-majority areas, the BSP has strengthened itself with Muslims.

This is not so with the Samajwadi Party. It has been fielding Muslim candidates only from Muslim-dominated constituencies and not from either Yadav - or OBC - majority places...

In the cities and big towns, however, Muslims have voted tactically to keep out the Bharatiya Janata Party...

... The biggest fear of Muslims still is that the BJP will come to power...

And the Congress party has benefited the most from it. J.P. Agarwal won from the walled city area...

And Narasimha Rao's son, Rajeshwar Rao, got 2.5 lakh votes over his BJP rival, Bandaru Dattatreya, in Secunderabad because Muslims backed him solidly...

But city and village Muslims were no different in one respect. They did not vote as the ulemas might have wished.

In Bahraich, UP ... the local clergy opposed Arif Mohammad Khan... Arif Khan lost the elections. But

reports from his constituency show that but for 4,000-5,000 Muslims who might have been swayed by the ulemas, the rest voted for him...

In Hyderabad, the clergy opposed Salahuddin Owaisi, but he won. In the Telengana region and in Secunderabad, their appeals were ignored. And in Delhi, the Shahi Imam of Jama Masjid did not issue a fatwa because there was a good chance that it would be disregarded.

In An earlier Assembly election in UP, he had asked Muslims to vote for the Janata Dal. They all went for the Samajwadi party. This time, he put to Narasimha Rao such demands as proportional representation in Parliament and the Assemblies and quotas for Muslims that Rao expectedly rejected.

Even so, Muslims voted in large numbers for J.P. Agarwal, the Congress candidate...

The political influence of the ulemas has been declining since the demolition of the Babari Masjid...

Fatwas, then, have come to have little sanctity and even less political impact.

So there is no set pattern to Muslim voting. Some of them like Vajpayee... Then, voters in cities and villages have voted differently. The rich among them haven't voted at all.

There is more. Mulayam Singh Yadav and Laloo Prasad Yadav are facing, for the first time, a run on their vote-banks... Fatwas do not work.

On top of this, this last election has returned the lowest number of Muslim MPs ever. It was only higher in the first election (22 MPs in 1952) and it is way below the tally of 47 in the 1980 polls.

What can be done? ... It would help if they are put up from places where Muslims number little. Their identity, then, would be not just of a Muslim alone...

This is Atal Behari Vajpayee's big chance. He says that the Bharatiya Janata Party is secular and some Muslims in Uttar Pradesh, Bihar, Gujarat and Karnataka even believe him.

(Source: The Sunday, 30 June - 6 July, 1996)

(Contd. from page 357)

from propagating his doctrine that would certainly affect the religious freedom guaranteed under Article 25. Math or a specific endowment per se cannot practice or propagate religion. It can be done only by individual persons. Whether those persons propagate their personal views or the tenets for which the institution was started, is immaterial for the purposes of Article 25. Only propagation of beliefs is protected, it does not matter whether the propagation takes place in a temple or any other meeting.

(Source: AIR 1996 Supreme Court 1414)

Bhila Bose on Freedom to Kashmir

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that most problems are complex, entrenched and contentious as people of Jammu, Ladakh and the have different visions of what they It is true that there are multiple as they fight the Indian state.

en have long been locked in their hmir that is rooted in their identity political life of its own. Yet for all e Kashmir issue also has some es that stare one in the face. To at of complexities and pitfalls is to al simplicities which contain the might resolve the conflict.

al is the simple fact that the Kashmir use the people of that territory have the freedom to decide their own another simplicity is that the entity r the creation and sustenance of the the Government of India. It follows Pakistan, the key to resolving the marily with India.

actual resolution of the conflict can international participation, in the form ision and peace keeping. Finally, there lution without a popular referendum tion of independence for all or part of he Kashmir conflict is the defining issue of these times in this region. It is problem, but without resolving it the no peace, security or prosperity of any outh Asia, nor any pride in the strength on.

o live far away from the conflict and r own problems to worry about, it may Kashmir grind in the background or to al assurances about what is going on is being done about it. But this is an

ir conflict not only inflict unspeakable ts people, it affects the well-being of the weakens India's constitutional structure, political system, drains the economy, erty forces, destabilises regional and elations, and destroys India's moral world community. India can and should ase who are responsible for this state of are in a position to change its course for

ormation void has been filled largely by al propaganda about Kashmir, structured

around nationalistic and jingoistic rhetoric between India and Pakistan. Thus, in spite of some notable exceptions among Indian intellectuals and journalists, the Kashmir issue has typically been reduced to a crude "patriotism" test.

... Accession to India ... was conditional upon a ... plebiscite to ratify it. This was guaranteed by the Government of India and personally by Prime Minister, Jawaharlal Nehru, clearly an i repeatedly, in statements to the press, to Parliament and to international bodies. It is a fact that this plebiscite was never held. India's claim to Kashmir is thus founded on deceit.

... New Delhi would not allow Kashmir to be ruled by the leaders and governments of the people's choice...

Deprived of the freedom to choose who would govern them and how ... the Kashmiris finally rose in revolt in 1990. New Delhi has tried ever since to militarily crush the people whose political voice it repeatedly stifled. Inevitably, the exercise of military might has solved none of the political problems, but unleashed a reign of repression, detention, torture and killings that has made a travesty of the political and human values India is supposed to stand for and shamed India across the world.

The alk of elections in Kashmir has a hollow ring... The ritual of elections does not constitute true democracy and the paraphernalia of statehood do not amount to true freedom. Repeating "Kashmir is an integral part of India" ad nauseum is an irrelevance in this context. So is the ... claim that the Kashmir dispute is a "bilateral" matter between India and Pakistan.

The reality is, that India raised the Kashmir issue in the United Nations in 1947 and it has remained an international issue ever since. Nor is there any prospect of the conflict being resolved without mediation by other countries... without the third party to the dispute - the Kashmiris - in some representational form.

Finally, there is no getting away from that elusive plebiscite, updated to reflect current realities... The plebiscite must include option (of independence) along with a well-considered constitutional arrangement within the state of India. It is upto India to offer Kashmiris a convincing package of self-rule and security. But true freedom requires the inclusion of all options and the readiness to accept the verdict of the people, whatever that may be...

The political exit of any part of Kashmir will not cause the rest of India to fall apart. Rather its forcible inclusion insults India's professed political values, obstructs the economic prosperity of the whole region and disgraces Indians in terms of morality, humanity and civilisation. India should own up to its shameful record in Kashmir and start to set things right. It is the only way forward and it is the only decent thing to do.

(Courtesy: The Telegraph, Calcutta, 5 April, 1996)

Ashok Malik on Congress-BSP Pact

... The BJP has stopped growing socially in UP. Its savarna vote has more or less reached a plateau. The party can now only hope for mortality and attrition to chip away at what remains of the Congress' upper caste base. Yadavs are still largely estranged from the BJP. The Kurmi vote is divided and the Chamars - the largest Dalit group and, at 10 per cent, the biggest social unit in UP - remain firm behind the BSP. ...

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... Who then does Ram see as his real ally? The UF has to be ruled out because of its multiplicity of leaders and because of BSP's antipathy towards Mulayam Singh Yadav. That leaves Mr. Ram with only the BJP.

Despite their shortlived marriage in 1995, which led to Mayawati becoming UP's chief minister, the BSP and the BJP have enough reason to renew their links and even extend it in the next Lok Sabha polls. The BJP would be looking towards winning at least 200 seats in the next general elections. Only then can it woo regional parties in, say Tamil Nadu and Andhra Pradesh, and assure them of its ability to lead a lasting coalition at the Centre.

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... And why do some Muslims like Atal Behari Vajpayee despite the BJP and Kanshi Ram in spite of Mayawati? Do the ulemas matter politically any more? Why have Muslims in many places stopped voting? And is there anything like a Muslim factor anymore?

... Vajpayee was voted out of office because more than 20 national and regional parties came together against the BJP. Plus, larger Muslim suspicions about the BJP remain. ...

On one level, the Muslims have no love lost for the Samata-BJP alliance...

And yet, Ejaz Ali, the son-in-law of the former Bihar Assembly Speaker, Ghulam Sarwar, pulled off a backward-forward divide among Muslims in Nalanda in support of Fernandes.

And nearly 40 other places, including Dhanbad, Palamu, Godda, Bettiah, Motihari, Chapra, Munger, Basti and so on, the Muslims either voted against the Janata Dal or boycotted the polls.

The reason for this is that Laloo Yadav has been taking the Muslims for granted. ...

Even so, there is real little fear just yet that the regime as reward for the compromise.

The problem with this scenario is that it suits the BSP more than the BJP. Mr. Ram is ever unreliable and may change tracks between the assembly and general elections. The BJP's grip on non-Yadav OBCs loosened during Mayawati's rule; this threat remains. Related to this will be Kalyan Singh's reluctance to sacrifice the chief minister's post...

(Source: The Times of India, 15 July, 1996)

NATIONAL POLITICS

Muslims will desert Laloo Yadav. But ... their hurdles have been put in his way. And more and more, Muslims have taken to not voting at all. And this is not just in Bihar.

In Madhya Pradesh, especially in Bhopal, which has the largest number of Muslims in all of the state (3.23 lakh), this was still more evident. "... 30 to 40 per cent Muslims did not vote at all," says an assessment made by the state government. ...

Prof. Imtiaz Ahmad, a sociologist in the Jawaharlal Nehru University, thinks that a section of the Muslim upper classes might not have voted...

And it has happened in more places with Muslims and not just with the upper classes. In the walled city area of Delhi, many Muslim women did not vote...

Many Muslims kept away too in Gujarat where they are 12 per cent of the population. And in Karnataka, says Mumtaz Ali Khan, a Bangalore sociologist, "No more than 60 per cent of them voted. They feel nobody will help them and they have resigned themselves to the situation.

There is less of such feeling in the countryside, however. It has been Imtiaz Ahmad's old thesis that Muslims and non-Muslims vote together here because they have similar stakes and that, therefore, there is little or no sense of alienation. ...

In the villages, Mulayam Singh Yadav's Samajwadi Party got votes of the forward class of Muslims, for instance, while the backward class of Muslims together with Dalits voted for the Bahujan Samaj Party.

And Muslim support to the BSP is growing... And by putting up 23 Muslim candidates in this election, and not just in Muslim-majority areas, the BSP has strengthened itself with Muslims.

This is not so with the Samajwadi Party. It has been fielding Muslim candidates only from Muslim-dominated constituencies and not from either Yadav - or OBC - majority places...

In the cities and big towns, however, Muslims have voted tactically to keep out the Bharatiya Janata Party...

... The biggest fear of Muslims still is that the BJP will come to power...

And the Congress party has benefited the most from it. J.P. Agarwal won from the walled city area...

And Narasimha Rao's son, Rajeshwar Rao, got 2.5 lakh votes over his BJP rival, Bandaru Dattatreya, in Secunderabad because Muslims backed him solidly...

But city and village Muslims were no different in one respect. They did not vote as the ulemas might have wished.

In Bahraich, UP ... the local clergy opposed Arif Mohammad Khan... Arif Khan lost the elections. But

reports from his constituency show that but for 4,000-5,000 Muslims who might have been swayed by the ulemas, the rest voted for him...

In Hyderabad, the clergy opposed Salahuddin Owaisi, but he won. In the Telengana region and in Secunderabad, their appeals were ignored. And in Delhi, the Shahi Imam of Jama Masjid did not issue a fatwa because there was a good chance that it would be disregarded.

In An earlier Assembly election in UP, he had asked Muslims to vote for the Janata Dal. They all went for the Samajwadi party. This time, he put to Narasimha Rao such demands as proportional representation in Parliament and the Assemblies and quotas for Muslims that Rao expectedly rejected.

Even so, Muslims voted in large numbers for J.P. Agarwal, the Congress candidate...

The political influence of the ulemas has been declining since the demolition of the Babari Masjid...

Fatwas, then, have come to have little sanctity and even less political impact.

So there is no set pattern to Muslim voting. Some of them like Vajpayee... Then, voters in cities and villages have voted differently. The rich among them haven't voted at all.

There is more. Mulayam Singh Yadav and Laloo Prasad Yadav are facing, for the first time, a run on their vote-banks... Fatwas do not work.

On top of this, this last election has returned the lowest number of Muslim MPs ever. It was only higher in the first election (22 MPs in 1952) and it is way below the tally of 47 in the 1980 polls.

What can be done? ... It would help if they are put up from places where Muslims number little. Their identity, then, would be not just of a Muslim alone...

This is Atal Behari Vajpayee's big chance. He says that the Bharatiya Janata Party is secular and some Muslims in Uttar Pradesh, Bihar, Gujarat and Karnataka even believe him.

(Source: The Sunday, 30 June - 6 July, 1996)

(Contd. from page 357)

from propagating his doctrine that would certainly affect the religious freedom guaranteed under Article 25. Math or a specific endowment per se cannot practice or propagate religion. It can be done only by individual persons. Whether those persons propagate their personal views or the tenets for which the institution was started, is immaterial for the purposes of Article 25. Only propagation of beliefs is protected, it does not matter whether the propagation takes place in a temple or any other meeting.

(Source: AIR 1996 Supreme Court 1414)

Sarmila Bose on Freedom to Kashmir

... The fundamental problem in Kashmir looms as steadfastly as ever - what Kashmir needs and Kashmir lacks is freedom.

It is a cliché to say that most problems are complex, especially those as entrenched and contentious as Kashmir. It is true the people of Jammu, Ladakh and the Kashmir Valley may have different visions of what they wish for themselves. It is true that there are multiple groups operating in Kashmir, sometimes fighting one another as ferociously as they fight the Indian state.

India and Pakistan have long been locked in their own rhetoric over Kashmir that is rooted in their insecurities and has a political life of its own. Yet for all its complexities, the Kashmir issue also has some beguiling simplicities that stare one in the face. To endlessly chant the list of complexities and pitfalls is to miss the fundamental simplicities which contain the pointers towards what might resolve the conflict.

Most fundamental is the simple fact that the Kashmir problem exists because the people of that territory have long been denied the freedom to decide their own political destiny. Another simplicity is that the entity most responsible for the creation and sustenance of the Kashmir problem is the Government of India. It follows that regardless of Pakistan, the key to resolving the problem also lies primarily with India.

However, the actual resolution of the conflict can only come through international participation, in the form of pressure, supervision and peace keeping. Finally, there is no long term solution without a popular referendum that includes the option of independence for all or part of the territory.... The Kashmir conflict is the defining political and moral issue of these times in this region. It is not India's only problem, but without resolving it the country can have no peace, security or prosperity of any lasting value in South Asia, nor any pride in the strength of Indian civilisation.

For many who live far away from the conflict and have plenty of their own problems to worry about, it may seem easier to let Kashmir grind in the background or to believe the official assurances about what is going on there and what is being done about it. But this is an illusion.

The Kashmir conflict not only inflict unspeakable suffering on all its people, it affects the well-being of the rest of India. It weakens India's constitutional structure, pollutes the political system, drains the economy, misplaces security forces, destabilises regional and international relations, and destroys India's moral position in the world community. India can and should honestly recognise who are responsible for this state of affairs and who are in a position to change its course for the better.

... The information void has been filled largely by relentless official propaganda about Kashmir, structured

around nationalistic and jingoistic rhetoric between India and Pakistan. Thus, in spite of some notable exceptions among Indian intellectuals and journalists, the Kashmir issue has typically been reduced to a crude "patriotism" test.

... Accession to India ... was conditional upon a ... plebiscite to ratify it. This was guaranteed by the Government of India and personally by Prime Minister, Jawaharlal Nehru, clearly and repeatedly, in statements to the press, to Parliament and to international bodies. It is a fact that this plebiscite was never held. India's claim to Kashmir is thus founded on deceit.

... New Delhi would not allow Kashmir to be ruled by the leaders and governments of the people's choice...

Deprived of the freedom to choose who would govern them and how ... the Kashmiris finally rose in revolt in 1990. New Delhi has tried ever since to militarily crush the people whose political voice it repeatedly stifled. Inevitably, the exercise of military might has solved none of the political problems, but unleashed a reign of repression, detention, torture and killings that has made a travesty of the political and human values India is supposed to stand for and shamed India across the world.

The alk of elections in Kashmir has a hollow ring... The ritual of elections does not constitute true democracy and the paraphernalia of statehood do not amount to true freedom. Repeating "Kashmir is an integral part of India" ad nauseum is an irrelevance in this context. So is the claim that the Kashmir dispute is a "bilateral" matter between India and Pakistan.

The reality is, that India raised the Kashmir issue in the United Nations in 1947 and it has remained an international issue ever since. Nor is there any prospect of the conflict being resolved without mediation by other countries... without the third party to the dispute - the Kashmiris - in some representational form.

Finally, there is no getting away from that elusive plebiscite, updated to reflect current realities... The plebiscite must include option (of independence) along with a well-considered constitutional arrangement within the state of India. It is upto India to offer Kashmiris a convincing package of self-rule and security. But true freedom requires the inclusion of all options and the readiness to accept the verdict of the people, whatever that may be....

The political exit of any part of Kashmir will not cause the rest of India to fall apart. Rather its forcible inclusion insults India's professed political values, obstructs the economic prosperity of the whole region and disgraces Indians in terms of morality, humanity and civilisation. India should own up to its shameful record in Kashmir and start to set things right. It is the only way forward and it is the only decent thing to do.

(Courtesy: The Telegraph, Calcutta, 5 April, 1996)

Pushp Saraf On Kashmir Situation

Greater autonomy for Jammu and Kashmir? Past records show that it is merely a slogan, often used by leaders in the Valley and outside for temporary gains...

It is mainly because no national political party is prepared to spell out the quantum of autonomy. The United Front has promised "the maximum autonomy" in its Common Minimum Programme, which is a vague assurance. Home Minister Indrajit Gupta ... has said that the issue will be decided by the new State Assembly...

Two attempts have been made so far to define the quantum of autonomy. The first was on July 24, 1952, when an accord widely known as the Delhi Agreement was reached between Sheikh Abdullah and the Central Government, providing limited Central jurisdiction over the State. It went haywire in less than a year. Sheikh Abdullah was dismissed and arrested on August 9, 1953, as, according to the then Government's perception, he began dreaming of an independent Kashmir.

Another attempt to define the quantum of autonomy was made in November (1995) - in a rather dramatic manner. In an unprecedented address to the nation from ... Burkino Faso, the then Prime Minister, P.V. Narasimha Rao, said the Government was prepared to change the nomenclatures of State Governor and Chief Minister to those of Sadar-e-Riyasat and Wazir-e-Azam, respectively.

The concession was sought to be made to lure the National Conference to participate in the Lok Sabha polls. It boomeranged. The NC rejected the offer and it insisted on the restoration of the pre-1953 dispensation, which means the implementation of the Delhi Agreement.

There is no change in the NC's stand. It is unlikely that any political party will endorse... the restoration of the nomenclatures which were abolished by the Sadiq Government in the State on April 10, 1965.

A historic fact is that even Sheikh Abdullah had settled for the nomenclature to the Chief Minister when he returned to power in February 1974, following his accord with Indira Gandhi. Indira Gandhi had clearly stated, rejecting any return to the past, "the hands of the clock could not be put back". In this milieu, it is little surprising that few leaders talk about Article 370 of the Indian Constitution guaranteeing special status to the State. The Article has ceased to be on the agenda of the majority of concerned parties.

The secessionist groups in the Valley are looking beyond it. The NC is harping on the Delhi Agreement. The minorities in the State want Article 370 to be

Sabina Inderjit On Kashmir Situation

... The government's attempt should be to involve as wide a spectrum of people as possible and not just political parties. 'Encompass all those who have not participated in past elections for some reason or the other. For, a wider base is the essence of democracy'...

... "All those who want to participate for a peaceful solution should be treated at par and not as a secondary. Both the Home Minister and Prime Minister should be talking to everyone. There should be no two levels - you cannot talk to some persons at political level and some others at the official level."

... "It is to be admitted that in the past leaders have emerged, who do not have political background. But quite a section has a faith in them. It should be seen that they are being talked to. Unilateral announcement is not going to take you far."

"My appeasement is that people are fed up with violence either on behalf of the state or by others. In the whole process there is a feeling they have lost much. At the same time there is an alienation, but this should not be misread as support to anti-India forces. There is also disillusion with Pakistan as they now feel used.. and there is an urge for a dignified and peaceful solution"...

At the same time ... "fairness of election should be religiously ensured, with no government or state agency backing a group"... Even if a package cannot be announced immediately, it is more important that a broad understanding with the larger spectrum of people of Kashmir is arrived at.

"A more intense dialogue can take place after elections. For, a solution has to be found between dignity of Kashmir and sovereignty of country"...

... "The thinking today that there is a sense of dejection, helplessness and therefore one could easily impose a humiliating solution may work for some few years but it is not a lasting solution.

(Source: The Times of India, 8 July, 1996)

abrogated as they are for stronger ties with New Delhi.

In this backdrop... a resolution... to assure the State-level political parties that the issue of autonomy will be decided by the new State Assembly... is expected to be presented in Parliament for its endorsement.

Government circles hope that the resolution will encourage the State-level parties to wholeheartedly participate in the Assembly polls, expected to be held in September or early October...

(Source: The Indian Express, 7 July, 1996)

US: Frank G. Wisner, Ambassador to India on Kashmir Quetta (Pakistan), 10 July, 1996

... The list of disagreements between India and Pakistan is long... No issue is more vexing than Kashmir... The challenge that (India-Pakistan) face is how to overcome passion in the cause of peace, in the interests of your people and the generations to come. Neither of you has a monopoly on pride, character, or strength of feeling and principle.

... A solution does not lie in re-visiting the troubled history of the Kashmir dispute...

* A new government in Delhi has spoken of its desire to offer "maximum autonomy" to the people of Kashmir. This is a positive step forward, one that challenges Indians of good will to accept that the unique character of Kashmir requires unusually creative solutions. The Indian government's offer speaks volumes about the spirit of the Kashmiri people, who have demanded their voice be heard...

* An incipient dialogue has begun between political leaders from Kashmir and the government in Delhi. Prime Minister Deve Gowda has lent his support to dialogue, ... meeting with political parties and former militants in Delhi and travelling to Kashmir. Growing numbers of Kashmiris are engaged and hopefully more will join. This new disposition to communicate can serve to develop confidence between the parties, an essential element if a reconciliation and peace are to emerge. This dialogue gives us hope that while India and Pakistan talk, one day Kashmiris on both sides of the border may speak to one another and add their voice to the quest for peace.

* Elections in the state... I am realistic enough to know that in circumstances of continuing violence a perfect poll is difficult to achieve. But it must be aspired to.

... The elections, by the Election Commission's own account, were imperfect and still ... they contributed to the empowerment of the Kashmiri people - and to the beginning of a political process in the state. That, after all, is the objective. Elections are not an end in themselves. They contribute to a political process. Elections that could now take place for a state government in Jammu and Kashmir represent an alternative to the conflict that has produced six years of suffering and impoverishment for the people of Kashmir.

Elections in Indian Kashmir address a long-standing concern of Pakistan's - that the Indian government seeks to impose a solution to the conflict in the state from outside. The United States has long maintained a binding solution in Kashmir can flow only from an understanding reached between India and Pakistan, one reached by taking into account the wishes of the Kashmiri people.

Finally, elections in Indian Kashmir pose no threat to

Pakistan, to (its) borders, (its) sovereignty, (its) principles, or to (its) claims to Kashmir. A political process that enjoys broad participation is the single best antidote to the violence that plagues the Valley. It will rejuvenate a weary people and revitalize a moribund economy.

... All concerned (must) acknowledge that, after nearly 50 years, there are certain fundamental realities that will not be changed. Acceptance of reality as it exists may provide a useful point of departure when serious discussion of the state's future begins, at the governmental level between India and Pakistan, and in talks between the Indian government and Kashmiri interlocutors, and one day between Kashmiris. No thoughtful Indian ... argues that the reality of partition should be ignored or reversed.

CPI(M): Statement On J&K Elections, 29 July, 1996

The ... elections for J&K assembly in September will be the next step towards restoring the democratic process in the state after the Lok Sabha elections... It is necessary that the conditions be created for the widest participation of all political forces including the National Conference and those groups who have been fighting for the identity of the Kashmiri people... The central government should declare in parliament its commitment to provide maximum autonomy to J&K on the basis of ... Common Minimum Programme. Successful ... elections will be a rebuff to those extremist forces backed by Pakistan...

WAKF

Supreme Court on Propagation of Religion

Sri Sri Sri Lakshmanan Yatendralu and others etc. etc., Petitioners v. State of Andhra Pradesh and another, Respondents.

K. Ramaswamy and B.L. Hansaria, JJ
Constitution of India, Article 25 - Scope
Propagation of religious beliefs - Protected under Article 25.

Article 25, as its language amplifies; assures to every person subject to public order, health and morality, freedom not only to entertain his religious beliefs, as may be approved of by his judgement and conscience, but also to exhibit his belief in such outwardly act as he thinks proper and to propagate or disseminate his ideas for the edification of others. Mahant as head of the spiritual fraternity and by virtue of his office has to perform the duties of a religious teacher. It is the duty of Mahant to practice and propagate the religious tenets of which he is an adherent and if any provision of law prevents him

PERSONAL LAW

protagonists and antagonists of contemplated rationalisation. Given the hardline position of the large majority of the ulema and leaders of conservative Muslim opinion who find and use the Muslim personal law issue as a means of consolidating the community and whose political interest... such rationalisation would threaten substantially, strong opposition and resistance from them against any attempt towards rationalisation and/or reform is to be anticipated. Hence, also the necessity for a dialogue.

As this campaign is under way, concerned Muslims as a collectivity or any group among them should set up a committee of Muslim jurists, lawyers, willing ulema, law teachers, social scientists, professionals and members of the middle classes to work out in detail the precise form the rationalised provisions should take. In other words, the precise wording of the provisions should be worked out. The provisions could then be codified. Once such piecemeal codification has been achieved, the groundwork for codification of the entire corpus of Muslim personal law would have been laid.

Nishtha Desai on Common Civil Code in Goa and Muslims

From 1968 onwards, the Government of India had set up various commissions to examine the feasibility of extending personal laws prevalent in the rest of India to Goa. This would have meant replacing the Portuguese Civil Code (PCC) which applies uniformly to all the communities.

The Personal Law Committee, appointed in 1981 asked the heads of all the religious communities to forward their views regarding the extension of personal laws operational in the rest of India to Goa. Only the Muslim community responded to the committee's request.

The Muslim Youth Welfare Association and the Goa Muslim Women's Association led by Rashida Mujawar, a law student at that time, campaigned for continuance of the PCC and claimed that they had support from a majority of the jamats in Goa.

Opposing the PCC were various organisations that came together under the banner of the Goa Muslim Shariat Organisation. The issue fizzled out as the government, faced with stiff resistance from a significant section of Muslims, and a lack of enthusiasm from other communities, abandoned any attempt to change the family laws operational in Goa.

What is the attitude of the Muslim community to the PCC 10 years after the great debate has died down? ...

Many Muslim women believe they are fortunate to be in Goa. ...

In addition to deterring men from practising polygamy and pronouncing talaq, the civil code is also viewed by many in the younger generation as contributing to a more rational way of life...

BJP: L.K. Advani's Opening Remarks at the National Executive, Bhopal, 21 June, 1996

... Repeated pronouncements of the Supreme Court admonishing successive Congress Governments for disregarding the Constitutional mandate for a uniform civil code are not just glossed over, Shri Rao has had the temerity to cite BJP's advocacy of such a code as evidence of its non-secular character!

In fact, compressed to essentials, the only two aspects of BJP's manifesto dealt with by Shri Rao in his speech to substantiate why a secular party like his was "diametrically opposed" to the BJP were:

- a) BJP advocates a uniform civil code; and
- b) BJP wants Article 370 to be scrapped.

BJP is committed to both these issues, we hold that opposition to these issues is pure vote-bank politics, and we challenge our adversaries for a national debate on these issues.

In a recently published brochure, "Uniform Civil Code for India", veteran jurist and author of the 18-volume commentary on the Indian Constitution Shri Durga Das Basu has said:

"The question whether India should adopt a uniform (or common) civil code is a legal question because it is a mandate addressed to the 'State' by Article 44 of the Constitution, - which is the highest law of the land.

"Unfortunately, however, in India, legal questions are often politicised and thereby confused, - particularly when the issue relates to the election prospects of each political party and, particularly, when it affects the Muslim vote bank on which most of the Parties have to rely.

"For the same reason, even an academician who writes on such Constitutional provisions has the risk of being dubbed a 'communalist' by interested politicians. A crucial instance of this sort is the topic of a Uniform Civil Code".

Whether the demand for a separate Muslim personal law is an outsider's demand is worthy of examination...

Enforcement of the law is possibly the crux of the issue... The women who spoke in favour of the PCC also strongly asserted their identity as Muslims.

Is the experience of the Muslim women in Goa indicative of the fact that laws can become a part of culture over time? In Goa, the PCC in general and the registration of marriage in particular appears to have become an important component of peoples' culture. At the same time, people continue to observe the customs particular to their own religious traditions. Shaikh Hassan, a former law minister, characterises the PCC as colonial and outmoded, but vigorously asserts that the prevalence of the PCC has in no way undermined the cultural identity of Muslims in Goa...

(Source: The Times of India, 30 June, 1996)

A Voluntary Common Civil Code

Inder Jit on Ambedkar's Middle Path

An ugly and wholly unnecessary controversy has come to be generated over the important but sensitive question of a common civil code. In the bargain, India has been recklessly pushed towards a communal divide, which could even blow up one day. Ironically, those who are for the code or against it swear equally loudly by secularism, national integration and India's unity.

In their quest for one-upmanship, both sides have sadly allowed their enthusiasm to run away with their good sense. None has spared a glance at the Constituent Assembly debate on the issue and the reasons which prompted the father of the Constitution, B.R. Ambedkar, to favour the common code. The result? The middle path wisely advocated by Baba Saheb has been spurned negligently, leading to the present impasse.

Justified Stand

Mr. Atal Behari Vajpayee and his BJP are justified in demanding a common code on two grounds. First, Article 44 of the Constitution... Second, the Supreme Court has directed the Union Government at least twice in the last 10 years in no uncertain terms to secure a common civil code for the citizens of India. ...Mr. P.V. Narasimha Rao and a whole lot of other leaders, including those of the Left and the Muslim League, feel equally justified in opposing a common code. They strongly believe that the majority has no business to "impose" a common code on the Muslims of India, who have their own personal laws, and on other minorities. Article 44 of the Constitution, they assert, should be implemented only with the full consent of the minorities. Any arbitrary imposition would fly in the face of secularism.

Much of the trouble has arisen because of widespread ignorance among the powers that be and casualness in dealing with serious national issues. Even those who loudly swear by Ambedkar have chosen to remain blissfully ignorant about his views. They should know that Ambedkar would never have favoured a common civil code without good reasons.

Ambedkar spoke at some length on the subject during the Constituent Assembly debate on Article 35, now Article 44 of the Constitution on November 23, 1948. He appears to have been provoked to do so on two counts. First, when some Muslim members repeatedly asserted that every community and group had a right to follow its own personal law, which was a part of their religion and culture. Second, when they went on to contend that a common civil code would clash with and undo Article 19 of the Constitution, which provides for "freedom of conscience and the right freely to profess, practice and propagate religion."

Characteristically, Ambedkar went to the heart of the matter and made observations. He pointed out that the Muslim Law was not immutable and

uniform throughout India, contrary to what had been claimed in the amendments (moved by Muslim members). He said: "Most of my friends who have spoken on this amendment have quite forgotten that up to 1935 the North-West Frontier Province (NWFP) was not subject to the Shariat Law. It followed the Hindu law in the matter of succession and in other matters, so much so that it was in 1939 that the Central Legislature had to abrogate the application of the Hindu Law to the Muslims of the North-West Frontier Province and to apply the Shariat Law to them. ..."

Ambedkar was at his brilliant best in his second observation, which needs to be comprehended by people on both sides of the communal divide. He said, "I think they have read too much into Article 35, (which is now Article 44) which merely proposes that the state shall endeavour to secure a civil code for the citizens of the country. It does not say that after the code is framed the state shall enforce it upon all citizens. It is perfectly possible that the future Parliament may make a provision by way of making a beginning that the code shall apply only to those who make a declaration that they are prepared to be bound by it, so that in the initial stages the application of the code may be purely voluntary."

"Parliament may feel the ground by some such method. It was adopted in the Shariat Act of 1937 when it was applied to territories other than the NWFP. The law said that here is a Shariat Law which should be applied to Mussulmans provided a Mussulman who wanted that he should be bound by the Shariat Act should to go an officer of the state, make a declaration that he is willing to be bound by it, and after he has made that declaration the law will bind him and his successors. ... Where do we go from here? Will we resurrect Ambedkar's middle path or will we let his sagacity gather dust? More time should not be lost in giving India a "purely voluntary" common civil code...."

(Source: The Times of India, 17 July, 1996)

Perils of Voluntary Civil Code

Nazeer A. A. Majeed Reply to Times of India

Mr. Inder Jit ... 'middle path' ... not really in the 'middle'. Dr. Ambedkar's 'brilliant' idea of a voluntary common civil code is all about 'how to make a beginning'. He wanted the common civil code to be 'purely' voluntary in the 'initial stages', in order for Parliament 'to feel the ground' by 'some such method' by 'some such methods'. The idea provides no solution at all to the vexed issue. If the government introduced a voluntary common civil code, 'rath yatra's' would be unleashed to pursue it to the 'logical end' of a compulsory common civil code. And then we would be back to square one.

(Contd on page 382)

Rajiv Shukla

On the 'Backwardness' of the Yadavs

There is no reason whatsoever for the Yadavs to enjoy the benefits of the Mandal Commission recommendations. The Yadavs have been classified as backwards, but the truth is that its members are mostly rich landlords and everywhere they are doing extremely well for themselves. In many states, the Yadavs are in power.

In such states as Uttar Pradesh, Bihar, parts of Madhya Pradesh, Haryana, Tamil Nadu and Andhra Pradesh, the Yadavs are an extremely militant and influential community. They control the economy of the villages and look down on the other backward castes. They even send their children to the best of schools and colleges with the result that the Yadavs manage to corner all the benefits... The truly deserving castes among the Other Backward Castes (OBCs) are thus left out.

And that's not all. Of late, the Yadavs, by virtue of their political clout, are making money like never before... Today, many Yadavs have secret overseas account where they keep all their black money...

With power, comes greed. No wonder, Yadavs are getting involved in some scam or the other these days. It is not coincidental that most of the politicians and bureaucrats involved in the fodder scandal in Bihar are Yadavs...

In many parts of the country, Yadavs are synonymous with muscle and money power. Most government contracts in such states as Bihar and UP are bagged by the Yadavs...

... Many Yadavs are doing extremely well for themselves in different spheres of life. Many doctors and engineers from the community have made for themselves abroad...

Several Yadavs, too, have made a mark in national politics. In fact, the present Deve Gowda government is heavily dependent on two Yadavs; ... Laloo Prasad Yadav and Mulayam Singh Yadav. In Madhya Pradesh, the Digvijay Singh's deputy is a Yadav - Subhash Yadav....

In short, the Yadavs certainly do not deserve to be classified as backwards. In fact, they have the education, clout and economic power to compete with the most advanced among the upper castes. If this be the situation, it is certainly not unfair to demand that the Yadavs should be taken off the Mandal Commission list of backwards.

(Source: The Sunday, 23-29 June, 1996)

Secularism should not be such that it gives the majority a minority complex.

- Atal Behari Vajpayee, BJP Leader

VHP: Campaign for Reconversion of Dalits and Backwards

... As a part of anti-conversion and reconversion programme VHP proposes to recruit 10,000 fulltime Hindu missionaries to work in the backward and tribal areas in the country. The share of Gujarat will be about 400 fulltime missionaries, both young and retired (vanprasthis). A convention of vanprasthis of Gujarat as well as India will be held on September 25, 1996, which will be attended by the Working President of VHP Shri Ashok Singhal. For meeting the maintenance cost of fulltime missionaries VHP plans to collect Rs. 10 crore annually of which Gujarat's share will be Rs. 2 crore. The collection will be made by enrolling special well-wishers on payment of Rs. 1,00,000 and a common well-wisher on payment of Rs.25,000.

For training these missionaries a permanent training centre is being established at Ayodhya which will start functioning from October 1996 and the first batch from Gujarat comprising 124 male and 26 female workers will proceed to Ayodhya.... Detailed papers for ... 18 areas of thrust in social activities to be undertaken have been prepared and necessary projects will be prepared for their implementation...

(Source: The Organiser, 21 July, 1996)

The Government of India (Scheduled Castes) Order 1936, 30 April 1936

PRESENT THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL

WHEREAS by certain provisions of in the First, Fifth and Sixth Schedules to the Government of India Act 1935, His Majesty in Council empowered to specify the castes, races or tribes or part of or groups within castes or tribes which are to be treated as the Scheduled Castes for the purpose of these Schedules:

AND WHEREAS a draft of this order was laid before the Parliament in accordance with the provisions of sub-section (1) of section three hundred and nine of the said Act and an Address has been presented by both Houses of Parliament praying that an order may be made in the terms of this Order:

NOW, therefore, His Majesty, in exercise of the said powers and other powers enabling him in that behalf, is pleased by and with the advice of his Privy Council to Order, and it is hereby ordered as under:

- (1) This order may be as "The Government of India (Scheduled Castes) Order, 1935.
- (2)
- (3) Notwithstanding in the last preceding paragraph,
 - (a) **No Indian Christian shall be deemed to be a member of a Scheduled Caste".**

(Source: The Gazette of India, 6 June, 1936)

Mohammad Amin on Problems of Wakf Properties in West Bengal

... Number of complaints were received by the state government between August and December 1995. Among the complainants were senior leaders of the Congress Party. The government therefore, ordered a departmental enquiry to be conducted by the Judicial Secretary who submitted his report within 12 days.

However, the report proved to be unsatisfactory and incomplete, with neither any in-depth study nor any suggestion for remedial measures... As the opposition insisted on the placing of the report in the assembly, the Judicial Secretary's report was duly presented to the assembly on July 1, with its own comments.

The report, amongst other things, had suggested a number of reasons for transfer of Wakf properties, some of which are given below:

- 1) That some properties were transferred because there was no income from those properties.
- 2) That there are a number of old tenancies which pay a very low rent.
- 3) In some cases the tenant has refused to pay any rent. In addition there are many cases of encroachment and forceful occupation.
- 4) Many Wakf properties face difficulties because of countless litigation.

The report further commented that the Wakf Board functioned in a closed circuit... No advertisements were being issued before leasing out of some of the properties.

... On scrutiny it was found that advertisements in some cases had been issued...

The state government has ordered a judicial enquiry to look into all aspects of the problems of Wakf estates, and it is expected that the findings of the judicial commission will identify the issues and suggest overall remedial measures...

The state government has also taken a number of steps to protect the Wakf properties and bring about positive improvement... For the first time a detailed survey has been ordered by the state government which will be conducted by the Director of Land Records so that the number of actual Wakf estates is determined, along with their valuation. The I.G. of Registration has been intimated not to register any wakf property until further orders...

The Calcutta Corporation has been directed not to sanction any plan of any Wakf estate in the city. The state government is also taking steps to set up one tribunal in Calcutta so that aggrieved persons can approach it for remedy of their grievances. According to the new Act the decision of the Tribunal will be final...

Steps have already been taken to constitute the new Wakf Board... In the meantime the judicial commission will probe into the alleged irregularities with regard to the Wakf properties. Its findings will help the state government to undertake further measures...

(Source: The People's Democracy, 21 July, 1996)

Shahabuddin's Letter to Mohd. Amin, Minister of Wakfs, West Bengal, 29 July, 1996

... I am glad to note that remedial steps have already been taken by the Government to protect and preserve the Wakf properties and bar their alienation. However, the fact remains that some Wakf properties were illegally alienated by the mutawallis concerned with the tacit approval of the State Wakf Board.

You have stated that some Wakf properties were alienated because the income therefrom was nil or very low. I would, therefore, suggest for consideration that the State Government should exempt all Wakf properties, as some States have already done, from the operation of the Rent Control laws, particularly, the properties which can be classified as public wakf as distinct from private wakfs.

Secondly, I would also suggest that the Wakf properties should be exempt from Urban and Rural Land Ceiling laws.

Thirdly, I would request you that the definition of 'public premises' should be amended in the West Bengal Act relating to the vacation of unlawful occupation of public premises to include all public wakf properties.

These three steps coupled with an absolute ban on transfer of wakf properties without the approval of the Wakf Board, would ensure that mala fide transactions do not recur in future.

Subrata Nagchoudhury On Wakf Properties in Calcutta

... As chief minister of West Bengal, Jyoti Basu has rarely succumbed to pressures from political rivals. But he did ... twice in rapid succession. First... Basu ... tabled a confidential "administrative inquiry report" of the Left Front (LF) Government that pointed to a major Wakf property scam in the state. A week later ... Basu announced a judicial inquiry...

... The administrative inquiry report was submitted by Judicial Secretary P.K. Sengupta to the Government in December 1995... considering that ... over the past several years, at least 160 Wakf properties in the state, worth crores of rupees, were leased out to private developers and promoters without open tenders or quotations. "The facts have exposed the dealings to charges of nepotism, corruption, malpractices, etc."... There is no estimate of the current value of the Wakf assets. But the magnitude of the scam can be well imagined: one property alone in Calcutta's Shakespeare Sarani, which was leased out to a private developer in 1991, commands a market price of approximately Rs. 5.5 crore today...

There is evidence that the LF Government knew for long that things were not quite right in the Wakf Board. In September 1995, the Government had dissolved the board and appointed an administrator as an interim measure....

(Source: The India Today, 31 July, 1996)

**Shahabuddin's Letter to Inderjit Gupta
On Ayodhya Dispute, 2 July, 1996**

"I have just seen your statement that the Government would like to resolve the Ayodhya dispute before the Assembly elections are held in Uttar Pradesh. As you are aware, we have reservations on the question of transfer of the title suit from the Special Bench of the Allahabad High Court which is now hearing it to the Supreme Court under Article 138(2) of the Constitution.

Even if our reservations are disregarded and the Government go ahead with this proposal, I think that it would be impossible to complete the necessary formalities for the hearing of the title suit by the Supreme Court to commence, far less for it to pronounce a judgement before the President's Rule in Uttar Pradesh comes to an end. Indeed if the elections are to be held in Uttar Pradesh, the judgement of the Supreme Court will have to be pronounced before the electoral cycle begins. It is, therefore, not clear whether the Government propose to extend the President's Rule in Uttar Pradesh.

I must caution you that there are many pitfalls before the transfer proposal can be effected.

The consent of the Government of Uttar Pradesh while it is under President's Rule may be technically valid but its ethical and political legitimacy will be challenged.

Secondly, the Parliament will take its time to consider such a controversial bill particularly if it includes any provision to abate all pending legal proceedings related to the Babari Masjid, apart from the title suit.

Thirdly, even if the Bill is passed and enacted, its constitutionality may be challenged.

Fourthly, even if the Supreme Court is empowered, it may in its wisdom decide, as a matter of caution and prudence not to venture out on such a mine-field. As you know, the Supreme Court refused to reference under Article 141 and sent the matter back to the Special Bench of the Allahabad High Court to decide the question of title.

The proceedings in the Special Bench are at a very advanced stage. I can easily foresee the reluctance of the Supreme Court to try the case in its original jurisdiction when its own capacity to record the evidence, examine and cross-examine the witnesses is so limited.

You have spoken of requesting the Supreme Court to hold day-to-day hearing. I would suggest that the Government should ask the Special Bench to hold day-to-day hearing and offer all possible facilities in this regard. This would be much less time consuming than the course you are considering."

**JIH: Naib Amir Syed Yusuf
On Supreme Court Proposal**

... First, howsoever, well-intentioned, it is sure to delay the settlement of the title suit and other related matters. Besides the main title suit pending before the ... Special Bench of the Allahabad High Court at Lucknow, there are writ petitions and appeals pending before the Supreme Court(SC) (apart from the) two contempt cases... are also pending without any rhyme or reason.... The criminal proceeding before the Special Court in Lucknow ... has not yet moved... It is genuinely feared that all these cases may be abated once Parliament enacts a legislation to refer the dispute to the SC under Article 138(2). Again there is every likelihood of such legislation being challenged... by those not interested in the expeditious disposal of the title suit... Furthermore, ... who knows which party comes to power in UP after the Assembly elections... during September-October, 1996, and whether it agrees with the proposal...?

In view of these intricacies, it would be better ... to take steps for day-to-day hearing of the title suit by the special bench of the Allahabad High Court and expedite the disposal of all the other relevant cases. ...

(Source: The Pioneer, 13 June, 1996)

**All India Muslim Personal Law Board:
Working Committee Resolution, 7 July, 1996**

... We appreciate the concern of Government of India for speedy disposal of the Babari Masjid issue and final disposal of the suits directly by the Supreme Court of India. However, we wish to make it clear that the hearing of the suits in the High Court should not be hampered with and be allowed to continue and request be made for day-to-day hearing of the suits till the suits are taken up for disposal by the Supreme Court under the appropriate provisions of the Constitution.

The proposal in the CMP of the United Front Government to refer the Babari Masjid dispute to the Supreme Court under Article 138(2) of the Constitution does not contain details of the proposed agreement between the State and the Union Governments and of the proposed legislation in terms of Article 138(2). Therefore, the all India Muslim Personal Law Board feels that this requires a detailed examination and discussion between the Board and the Government of India.

The Board ... set up a Committee ... with Y.H. Muchhala, Advocate as the Convener and G.M. Banatwalla, MP, Ebrahim Sulaiman Sait and M. Afzal, ex-MPs, Zafaryab Jeelani, Advocate and Secretaries of the Board Abdul Rahim Quraishi and Maulana Wali Rahmani as Members... The Board authorised the same Committee for negotiations with the Government.

S. Sahay On Scope of Article 138(2)

Some constitutional experts argue that a distinction needs to be made between governance and Government. According to them when a State is under President's Rule there is governance but no Government, which is possible only under a constitutionally elected regime. This is a plausible argument and hence even if one were to assume that the state of UP under President's Rule would agree with the Centre and throw the Ayodhya dispute into the lap of the Supreme Court(SC), and Parliament would pass the necessary law, it would be open to challenge and a legal challenge would imply delay.

The Government may win or lose this round. If it loses, it is back to square one; if it wins, the problem of another kind will begin. For Parliament has the power to confer fresh jurisdiction on the SC; it cannot set the pace for it. All that it can do is to pray for a day-to-day hearing of the case and even if the court were to agree to it a constitutional expert estimates that it would continue beyond this century. Why? Because neither the court nor Parliament can short-circuit the substantive law, including the Indian Evidence Act. Our SC is one of the most overworked in the world and it would be difficult to assign five judges, which one imagines would be the minimum required by the new legislation for the case. To make matters worse, the present crop of judges would be retiring one after another and only very few of them would be seeing the advent of the new century in office. There will be legal complication as and when a judge sitting on the Bench retires.

It will be recalled that the SC, after what some consider to be an unconscionable delay, refused to give advisory opinion on the Ayodhya issue. It refused to go into the question such as whether a temple existed where the Babari Masjid stood. This refusal was possible under the SC's advisory jurisdiction because the court had earlier held that it was by no means bound to give advisory opinion on vague issues. Clearly this will not be possible under Article 138(2) because this is one of the main issues in the suit figuring before the High Court. Evidence on the existence or otherwise of a temple on the site will necessarily have to be a detailed one and very time-consuming.

The conclusion is inevitable that while the wisdom of referring the Ayodhya issue to the SC under Article 138 (2) is in doubt, it was sheer ignorance on the part of the Home Minister to suggest a day-to-day hearing by the court would solve the issue expeditiously. ... The United Front Government may not reap any political benefit by bringing Article 138(2) into play... The matter is sub judice even now and yet the Ayodhya issue is being publicly debated. There is need for greater clarity over the application of the sub judice rule in matters of public importance. ... (Source: The Hindustan Times, 9 July, 1996)

Unfinished Innings by Madhav Godbole Review by Inder Malhotra

In the last week of March 1993, in the aftermath of the dastardly demolition of the Babari Masjid, Madhav Godbole, then Union home secretary, put in his papers and sought retirement 18 months before the due date. He had every reason to feel disgusted....

Now that Godbole has chosen to tell all in his book, appropriately titled *Unfinished Innings*, it turns out that things were a lot worse than appeared three years ago. Not only had Godbole, ready with a succession of contingency plans to prevent the easily anticipated disaster at Ayodhya, been thwarted at every step but a whispering campaign was also started against him. When the prime minister and the home minister, who knew the truth, did nothing to counter the motivated propaganda, he had no option but to quit.

"The hero or the villain of the piece (depending on your perception) was Rajesh Pilot with a supporting cast of (S.) Rajgopal (cabinet secretary) and Sharad Pawar, defence minister," records Godbole... From Godbole's account S.B. Chavan emerges as a spineless wonder... However, the man whose contribution to the sordid drama was even more dishonourable was P.V. Narasimha Rao. In order to escape accountability, he was happy to let Godbole be made a scapegoat. ...

... The most important part of Godbole's book (is) the chapter on "The Ayodhya Debacle". As a first-hand account of the events and non-events leading to the tragedy of December 6, 1992, this chapter, spread over 87 pages, has a ring of both authenticity and credibility. He has made detailed references to many top-level meetings. Other participants in these confabulations can surely controvert him if he is wrong. Significantly, no one has done so, at any rate, not so far. Moreover, Godbole's meticulous mention of numerous documents prepared by the Home Ministry, often with the cooperation of the Law Ministry, is compelling.

The sum of Godbole's revelation is that the charge of the Narasimha Rao government's "negligence and willful refusal to discharge its obligations" (in relation to Babari Masjid), endorsed by the Citizens' Tribunal comprising some of the country's eminent judges, was right - and Rao's excuses for his deliberate inaction, profoundly wrong.

Indeed, in the light of what Godbole has to say and what is on official record, Rao's subsequent apologia in Parliament amounts to misleading the two Houses. His more recent declaration that there never was, nor ever could be, a meeting ground between him and the BJP turns out to be totally disingenuous. ...

(Source: The India Today, 31 July, 1996)

Anti-BJPism cannot be that glue that keeps people together..

- L.K. Advani, BJP President

People's Movement for Secularism Demands Expeditious Adjudication, Prosecution of the Culprits

Statement, New Delhi, 3 July, 1996

... Under the P.V. Narasimha Rao-led Congress government... the Sangh Parivar demolished the Babari Masjid in Ayodhya on December 6, 1992. For more than 48 hours after the BJP's supporter terrorised the town, killing 14 Muslims, destroying 267 houses, damaging 19 Mazars/Madrasas and forcing 4500 Muslims to flee... Under public pressure, the Government of India set up a Commission of Inquiry headed by Justice Liberhans, a sitting judge of the Punjab and Haryana High Court. The CBI was asked to investigate and file charges against those responsible for the Babari Masjid's demolition and the police in various States was expected to begin criminal prosecution against those who were responsible for the killing, looting and burning which took place after December 6, 1992. Despite the passage of three-and-a-half years not much is known about the fate and progress of the various cases and inquiries instituted by the Government of India...

CBI Case

The case was taken up for investigation on December 13, 1992. On October 5, 1993 the CBI filed chargesheets before the Special Magistrate in Lucknow against 40 persons (supplementary charges filed against nine more persons on January 11, 1996) in cases involving criminal conspiracy (Section 120 B of Cr. P.C.) and intentional destruction and defilement of a place of worship (Section 295 of IPC), with additional charges of criminal trespass, intimidation of public servants, etc. The CBI claimed that they examined 850 witnesses and seized 705 documents and 112 articles.

Bailable warrants were issued against the accused who, through a battery of lawyers, contested the charges by filing more than hundred interlocutory applications before the magistrate. When their application were turned down, they went to the High Court where too their motion failed. However, they managed to gain time... The case was committed to the sessions court only ... on August 27, 1994.

Normally, once a case is committed to the sessions court, the judge listens to the arguments and then frames charges. In this particular case, five sittings had taken place before the special sessions court judge Vimal Kishore. One more sitting was needed but before that could happen and charges could be framed the judge was transferred on December 4, 1995... Each time a new judge takes over, arguments have to be heard afresh. In other words, according to the CBI, one years work was lost. ... Since December 1995 no new judge has been

appointed and that is where the case stands.

Liberhans Commission

Appointed in December 1992, it took more than a year for the Commission to begin public hearings. For almost a year, the Commission faced logistic problems, with the judge from Chandigarh, the headquarters of the Commission in Delhi, and most of the witnesses in UP... In January 1994, the Union Home Ministry proposed dissolving it. It was only then that the Commission actually started its work.

... As for the stay order issued by Justice Wadhwa of Delhi High Court on August 23, 1995 against notices issued on August 4, 1995 by the Commission to 41 persons and five organisations indicted by the Commission, we were told the matter is sub judice...

The Commission summoned and examined 53 witnesses. On the basis of this, they indicted and served notices on 41 persons and five organisations, giving them eight weeks to appear before the Commission. Some of the persons served these notices, including the former Home Secretary of UP and the DGP of UP, went to the Delhi High Court on August 23, 1995 praying that the Court stay the proceedings of the Commission. A two-member bench of the Delhi High Court then heard arguments which ended on November 22, 1995, but the judgement has not been delivered. Thus, the Commission's work has been stalled... Justice Liberhans ... having been appointed to the Punjab and Haryana High Court in February 1987, is one of the Senior most judges in reckoning for the post of the Chief Justice. Once that happens, the Commission is all likelihood will formally become non-functional.

UP Police

More than 60 FIRs were registered before Faizabad Kotwali, Ayodhya Kotwali and Thana Ramjanmabhoomi. A separate cell headed by Poornima Singh, IPS investigated the assault on media person and registered FIRs. There has been no progress in this case.

Ayodhya Cell in the Union Home Ministry

The Home Ministry's Ayodhya cell is to coordinate all the civil and criminal cases and is privy to all the decisions and information about progress or non-progress of the cases. It was headed by a Special Secretary, SD Trivedi who retired on April 30. His replacement has not been announced. ...

Supreme Court

The highest court had issued a suo moto contempt notice on December 7, 1992 on BJP leader Kalyan Singh.

Tourism Secretary Alok Sinha, District Magistrate R.N. Srivastava, Additional District Magistrate, U.C. Tewari and SSP Faizabad D.B. Rai, who had filed sworn affidavits before the Court. There has been no progress.

In sum, four things stand out about the legal proceedings. First despite the extraordinary nature of the crime which resulted in massive loss of lives and property and brought the country to the brink of a civil war, this case is being treated casually. Judges are not interested in being appointed to the special session court. The Allahabad High Court in particular and the Central Government in general (Since UP is under President's Rule) have made no effort to find someone whose tenure would not be short. In fact in the past seven months they have found no replacement for Judge Vimal Kishore who was transferred on December 4, 1995.

Secondly, unlike other cases involving terrorists, the Sangh Parivar has been treated with kid gloves. The Government of India's agencies have used TADA against even petty criminals. In contrast, this crime has been treated differently. CBI officials say that the reason was because emotions were running high and criminals admitted their role, declaring it to be their religious duty... The GOI must be condemned ... for indulgence carried too far.

Thirdly, as the CBI case shows it is not draconian laws that are required to deal with crimes of this type. Provisions under CR PC or IPC suffice. But this case shows how these procedures are subverted from within by the dillydallying of the government and especially the Union Home Ministry...

Fourthly, our impression is that where the Sangh Parivar is concerned, officials become coy, unavailable, and develop cold feet. Surprisingly, the CBI was the only organisation willing to share and provide information. They are convinced of the soundness of their case and confident that they will be able to prove the charge once the trial begins.... The people accused of the crime ... go about their normal routine, participate in elections, and continue to escape punishment. Officials who connived in this crime or who refused to intervene and stop this crime have either been promoted or have joined the Sangh Parivar (for example, the District Magistrate of Ayodhya and the Superintendent of Police).

If the process of justice is stalled and criminals remain at large, then people will take the law into their own hands. The indulgent attitude of the GOI towards the Sangh Parivar has cost the country dearly. Its democratic institutions stand compromised and its system of justice subverted from within. Since the United Front Government has staked its claim on the principle of secularism and social justice, it must expedite the prosecution of these accused of conspiring to demolish

the Babari Masjid and the violence that was unleashed.

... Despite overwhelming evidence in the form of affidavits, police FIRs, the CBI's investigations, the Citizens Tribunal on Ayodhya headed by two former judges of the Supreme Court and an ex-Chief Justice of the High Court, cases stemming from the demolition of the Babari Masjid are languishing due to official apathy.

... We, therefore, demand:

- * That the Central Government request the Allahabad High Court to immediately appoint a judge to fill up the vacancy left behind by Judge Vimal Kishore's transfer.
- * That the Special Sessions Court be requested to expedite the hearing and framing of charges so that the trials can be last begin. This will help in speeding up the legal process since the accused can no longer prolong or delay the judicial proceedings.
- * That the Central Government move the Supreme Court to vacate the stay order issued against the Liberhans Commission by the Delhi High Court on August 23, 1995 and to request that the judgement of the High Court pending since November 22, 1995 be delivered.
- * That the Government of India ask the UP Governor to order the UP Police to register cases and begin prosecution under the FIRs filed by them.
- * Finally, that the Government of India request the Supreme Court to take up contempt proceedings against those who had submitted sworn affidavits before it on November 27, 1992.

(Source: The Mainstream, 13 July, 1996)

Shahabuddin's Reply to Mainstream, 13 July, 1996

The report on the progress of the judicial proceedings relating to the demolition of the Babari Masjid on December 1992 [published as a document ("Babari Masjid Demolition: Expedite Judicial Prosecution of the Guilty") in Mainstream (July 13, 1996)], admirable in itself, omits to mention the contempt to the illegal construction of the concrete platform to the east of the then standing Babari Masjid during July 9-26, 1992, in violation of the orders of the High Court and the Supreme Court. In this case Kalyan Singh, the then Chief Minister of UP, was awarded one day's token detention as punishment; but the case is still pending. The structure, constricted in contempt of the law, continues to stand.

The Supreme Court should be requested to hear the case and dispose it of by passing suitable orders. Contempt proceedings are by their very nature summary proceedings and deserve urgent hearing in the interest of the majority of the law.

Eminent Journalist S. Sahay on Ayodhya Dispute

... The presidential reference to the Supreme Court would not have met the fate it did had the Government assured the court that, in the event of the court holding that no temple existed at the Babari Masjid site, the Government would construct a Masjid at the spot it stood. The Government counsel gave vague, round-about, answers. In his dissenting judgement Mr. Justice Bharucha made pointed reference to it. To quote Mr. Justice Bharucha: "Asked to obtain instructions and tell the court that the mosque would be rebuilt if the question posed by the reference was answered in the negative, the learned Solicitor-General made the statement quoted above. It leaves us in no doubt that even in the circumstances this court opines that no Hindu temple or no Hindu religious structure existed on the disputed land site before the disputed structure was built thereon, there is no certainty that the mosque will be built." ...

What then is the way out? ... The vast majority of the Muslims are now reconciled to the fact that the Masjid exists no more. Likewise the saner Hindus did not approve the destruction of the Masjid...

As we know, there is no serious move for a negotiated settlement of the dispute, and, the apex court's observations in the presidential reference case indicate the temper of the court, should the problem be hurled back to it by the use of Article 138(2). Therefore, the only viable alternative is legislative initiative. The land on which the Masjid existed and surrounding areas can once again be taken over through legislation. The majority ruling upheld the acquisition of the property but declared as unconstitutional that part of the statute that abated all pending suits without providing for an alternative dispute resolution mechanism. This was held to be an extinction of the judicial remedy for resolution of the dispute amounting to negation of rule of law...

The new piece of legislation should merely take over the property without extinguishing any legal remedy. Later a consensus can be reached by the two communities that the right of worship of both the communities has elapsed with the take over of the property and appropriate applications filed before the High Court...

(Source: The Hindustan Times, 24 July, 1996)

Shahabuddin's Letter to The Hindustan Times, 29 July, 1996

... A fresh legislation for the take over of the disputed site and the land attached thereto is not called for as the Supreme Court has ruled that the State under the existing Act of 1993 is no more than a custodian till the title is decided and revived the Special Bench. What is important is to note that the take over or custody by the State pro tem does not extinguish any right including the right to worship. If the title is decided in favour of the Muslim community the rule of law demands that the site be restored to them for reconstruction of the Masjid if they so wish. Similarly, if the title to the Babari Masjid

site is finally decided in favour of the Hindu community, the Muslim community will accept the judgement. The State committed to the rule of law as it is should not exert undue pressure on either party to abdicate its legal right. Even if it cannot rebuild the Babari Masjid today, as it should, it should guarantee that it shall execute the final judicial verdict whatever the political cost. What has hurt the Muslim psyche even more than the demolition of the Masjid is the deliberate and unlawful construction of a makeshift temple with the State support on the debris of the demolished Masjid. Mr. Sahay is silent on it.

Editorial, Marathi Daily Maharashtra Times, 5 December, 1994 (Extracts)

... Recently a new book has been published and it is written by Prof. Shekhar Sonalkar, Jalgaon. He has gone through the writings of native as well as foreign writers, researchers and officers. He has not written anything of his own. Prof. Sonalkar has referred to the **Dharmashastra of Mahamahopadhyaya Kane. It contains information about religious pilgrim places in India. But Ayodhya has not found place therein.** Though there is a mention of the capital of Rutuparna in Atharva Veda, there is nothing like the rajdhani of Ram. Kane has expressed astonishment over this. In Ayodhya, the most important place is related to Vishnu, not Ram. It requires discussion why, upto the seventeenth century, Ayodhya was not an important place of pilgrimage. Nothing of the kind has been done. Sonalkar has relied upon archaeology and the excavations... He has shown that British officers and some historians changed their

stand after the rebellion of 1857. It cannot be criticised that Sonalkar has become partisan just because he has inquired into the excessive claims made by some Muslim writers and propagandists also. There are no conclusive evidence and hence many contradictory claims. The known history of Ayodhya begins from the sixth century before Christ. Contrary to this it is believed that the period of Ramayan is over five thousand years old. There is not a single Ram Mandir in India which was built before the tenth century.

It has been claimed that the Hindus had undertaken 67 armed campaigns for Ram Mandir. But there is no proof of it in any scripture. Nobody explains this.

Sonalkar says it is difficult to prove that the pillars of the Babari Masjid are those of a temple. They might have been brought from anywhere. This appear to be more

(Contd. on page 375)

Government should First Reconstruct Babari Masjid

Raj Kamal Jha on Ayodhya Dispute

... The United Front Government seems to be making a mess of things with Ayodhya.

What is the situation in Ayodhya? On the legal front, the three-judge special bench of the Allahabad High Court is expected to begin recording oral evidence in the batch of civil suits (soon)... On the political front, despite the Congress-BSP alliance, the BJP is the only party in a position of strength before the elections; the VHP and the RSS have begun making disturbingly familiar noises over Kashi and Mathura. Mulayam Singh Yadav is alone and the Janata Dal is still testing the waters searching for allies. As for the Government, confusion is the buzzword. Home Minister Indrajit Gupta announces that the Ayodhya issue will be "settled" before elections in Uttar Pradesh; the CPI(M) says no, there should be no such time frame. A few days later, Prime Minister H.D. Deve Gowda meets Muslim leaders in Lucknow and says nothing is final yet, there could also be negotiations.

At the centre of this is the Government's Article 138(2) proposal. On the face of it, it seems reasonable and well-intentioned: refer the Ayodhya dispute to the Supreme Court under Article 138(2)....

The Government's argument is that the issue is sensitive; has been hanging fire for decades; and therefore, the judicial process needs to be expedited. What better way to do this than to ask the highest court of the land to adjudicate? A closer look, however, shows that the Government's proposal could end up achieving exactly the opposite.

It will give the sangh parivar the fuel to stoke its Hindutva fire; if the suits are transferred to the apex court, Muslims will be denied the right of appeal. Moreover, so tortuous is the entire process that the proposal, if put into effect, is likely to get mired in a legal and legislative thicket. That will certainly undermine the progress already made in the high court. And at the end of it, even if all the hurdles are cleared, there's no guarantee that the Supreme Court will agree to take on the cases.

... In December 1992 ... weeks after the demolition, the Narasimha Rao Government decided to acquire the site, abate all pending suits and refer, under Article 143(1), what was clearly a biased question to the Supreme Court: "Whether a Hindu temple or any religious structure existed prior to the construction of the Ram Janmabhoomi-Babari Masjid (including the premises of the inner and outer courtyards of such structure) in the area on which the structure stood?"

If the Government was really interested in finding a solution, argued the non-BJP opposition, primarily the Left parties, why did not it refer the pending suits to the Supreme Court under Article 138(2)? That way, the court would be seized with the real issue, not a question of

dubious merit. At that time and during those circumstances, this stand had its appeal. For, it was certainly better than the Congress Government's politically suspect move. But circumstances changed in October, 1994.

The Supreme Court dismissed the reference and declined to go into the ... question. The majority ruled that the reference was "superfluous" and "does not require to be answered". The minority called it unconstitutional... All suits were revived and reverted to the Allahabad High Court. The majority upheld the acquisition of the site and appointed the Centre as the receiver till such time as the dispute was resolved. The minority was against the acquisition.

Once the suits were revived, circumstances changed and Article 138(2) was robbed of much of its relevance. But the UF Government seems to be stuck in a mental groove. In fact, the All India Babari Masjid Action Committee (AIBMAC) and the Babari Masjid Movement Coordination Committee have criticised the Government's proposal; the latter even demanded the dropping of that provision from the Common Minimum Programme. (The sangh parivar has also criticised it but for altogether different reasons: it is against any judicial solution for it sees Ayodhya as a matter of faith, not of law). Criticism of the Article 138(2) solution revolves around the crucial questions of process, time and constitutionality....

Let us assume the proposal weathers all this and Parliament passes the requisite legislation. Its constitutionality will most likely be challenged. First, on grounds of jurisprudence; that is, whether the law is valid under Article 138(2) since the article was meant for classes of cases, not transfer of disputes. Second, the denial of fundamental rights since the law will deprive the people of the right to appeal in a civil suit.

Adding yet another twist to the Government's stand is Deve Gowda's recent statement in favour of a negotiated settlement... It was during the talks in 1992 that the VHP had snubbed the AIBMAC saying that the question of handing over the site to the Muslims even if the verdict was in their favour "does not arise". Four years later, there is not much evidence to show that the sangh parivar has had a change of heart.

What about rebuilding the mosque? That's one question that few in the Government want to confront. It seems to matter little to the United Front constituents that they got up in Parliament, one by one, to put up an impressive display of their secular credentials. In a way, Ayodhya was the pivot of their anti-BJP plank. And even if the court verdict goes against the Muslims, the mosque needs to be rebuilt since it was the mosque

(Contd. on page 376)

Ali Sardar Jafri on Urdu Script

... Asked why Urduwaale do not accept Devnagri script?, I said, "Let Hindiwaale bring back the use of bindi in the Devnagri script which had been dropped only to corrupt the Urdu pronunciation. That's why Ghalib becomes Galib and ghazal is reduced to gajal. In fact I become Japhri instead of Jafri. The second condition is that Ghalib and Meer be given prominent place in the curriculum and Urdu literature being taught along with other subjects..."

I know it for sure that these suggestions will never be accepted by the Hindiwaalas. The reason for this was best recounted by Firaq Gorakhpuri. He would say that Hindiwaalas were afraid of the beauty and sweetness of Urdu. They also apprehend that the sarkari Hindi which was being forged would fail miserably... The fact remains that in the Hindi world there exists a consummate anti-Urdu lobby. This was confirmed also, by none other than former editor of the Times of India Late Girilal Jain in some of his articles. Some excerpts of them I have used in one of my articles which dealt with common cultural heritage.

The best solution to the Urdu-Hindi issue was offered by Gandhiji. But after independence the Congress government which had stalwart leaders Nehru and Abul Kalam Azad, declared Hindi in Devnagri script as the lingua franca of the country. And Urdu was given a separate status in the Constitution. It was hounded out of the administration by the officialdom and suspended from the school text-books.

Till now four to five generations have been deprived of Urdu education and this trend seems to have come to stay... in the northern part of the Hindi-Urdu belt. There is no Urdu state. The three language formula has been discontinued. Only in Uttar Pradesh and Bihar it has the status of a secondary language. But this is only peanuts. Today Urdu remains shorn off all its ethos, culture and society (in) Aligarh, Jamia and Hyderabad.

This is an unpalatable truth. It is also a fact that people who speak and understand Urdu are more than those whose mother tongue it happens to be. Such lovers of the language have a wide circle. It is they who use the Devnagri script.

Hence it has become imperative for the existence and well-being of the language that books periodicals or newspapers of the language be published in the Devnagri script simultaneously. This Urdu will become widely accessible. The language which is being put out by radio, television and the films is only confined to entertainment. And languages of entertainment soon lose their charm, greatness and maturity. This is why it is important that

Urdu publications are brought out in both the scripts. This will salvage the language from becoming extinct.

During the last 50 years Urdu's popularity has certainly increased but proficiency in its rich and varied literature has declined...

... This is the state of the affairs of the language. It will be a tall order to change the situation. We are passing through that era of history where our splendid past and its mixed (Ganga-Jamuni) culture are being mutilated.

To salvage the culture, Urdu too can play a very important and positive role. In this we have to win over the Hindiwaalas and seek the assistance of intellectuals of the non-Urdu areas. Urdu should reach out to all and sundry, this is the condition for its successful existence. Publishing Urdu books in Devnagri script as well would ensure its stronghold. Some of the publishers have on their own begun this trend Javed Akhtar's first collection of poems "Tarkash" is a recent example. It was published in Urdu and Hindi simultaneously and within two months, three Hindi editions were sold out. Complete works of Saadat Hasan Manto and Rajendra Singh Bedi have also been published in Hindi. Asmat Chughtai's works are being done. In December 1996 there will be 'Jashn-e-Ghalib'. Hindi and Urdu books will be brought out at a large scale. We should welcome this.

To conclude... I am not against the Urdu script at all. There is no question of changing it.

(Source:)

Demand for Hindi as Official Language in Nepal

Nepalese Supply Minister and Nepal Sadbhavana Party President Gajendra Narain Singh has demanded that Hindi be made the National Language of Nepal alongwith Nepali.

... His party would continue its struggle to bring Hindi on par with Nepali... His party had achieved the right to speak in Hindi in Parliament.

Hindi ... was the language of more than 50 per cent of the Nepali people. Neglected and even banned by the monarchy, it could not find place even in the new democratic constitution of the country.

(Contd. from page 368)

logical. In such circumstances how will this problem be solved. There will remain no reason for fighting about history if both the parties show understanding. ... Sonalkar's research should be taken note of with an unprejudiced mind.

Supreme Court's Judgement on Katiyar Medical College

Al-Karim Educational Trust and another, Appellants
v. State of Bihar and others, Respondents.

A.M. Ahmadi, CJI, S.C. Sen and K.S. Paripoornan,
JJ.

Constitution of India, Articles 226, 133 - Education - Medical Course - Affiliation - Grant of - Ordinarily it is to be decided by State Government after consultation with Medical Council - Unreasonable withholding of decision by State Government - Supreme Court would be constrained to exercise jurisdiction.

Constitution of India, Article 226 - Education - Medical College - Affiliation - College started by minority community - Temporary affiliation granted years before - Students admitted, allowed to take exam, but results withheld - Inspection of college by Medical Council ordered thrice - Each time old deficiencies shown to be complied but new deficiencies pointed out - Indicative of fact that affiliation is unnecessary delayed - Only minor deficiencies remaining to be complied with - State Government directed to issue orders immediately - Insistence on absolute adherence to requirements without regard to their relevance, for the purpose of imparting education - Not proper when institution has begun to function, students admitted, have taken examination and their results withheld.

... 11. In the matter of grant of affiliation, it is ordinarily for the State Government after consulting the Medical Council of India to arrive at a decision. However, if it is found that the affiliation is being withheld unreasonably or the decision is being prolonged for one reason or the other, this Court would, though reluctantly, be constrained to exercise jurisdiction. We must make it clear that we are not diluting the importance of fulfilling the essential pre-requisite set by the Medical Council before granting recognition. The facts of this case are very special and exceptional. In the present case, we take note of the following aspects:

(a) The appellant institution was granted temporary affiliation nearly 6 years ago (29.12.1989).

(b) More than three years ago, (on 16.7.1992) this Court directed that students may be admitted and permitted to take examination, subject to certain conditions and this has been so done.

(c) In view of the earlier orders of this Court dated 28.9.1993, the only question that survives for consideration is whether affiliation should be granted to the appellants.

(d) On more than three occasions, this Court, after perusal of the affidavits, of the parties and report of the concerned authorities about the deficiencies pointed out, directed time-bound inspections, by Medical Council of

India, along with other authorities bearing in mind that we are concerned with the post-establishment stage.

(e) At one stage, it came to light that the original deficiencies having been removed, new or further deficiencies were pointed out by the Medical Council of India, which were ordered by this Court to be removed.

(f) Finally, the appellants filed a tabular statement along with an affidavit dated 4.9.1995, stating that even the new deficiencies pointed out have been removed and the averments in that behalf stand uncontradicted.

(g) The appellants, claim to be a minority institution and the difficulties/or even the imponderables to start a new institution, cannot be gainsaid. To insist on fulfilling all requirements, at a stretch in modern conditions, is not a practical proposition and ordinarily, only those aspects or requirements, which in the minimal will give a good start for effectively imparting education, with ancillary requisites may be considered sufficient, in the extraordinary circumstances of this case.

(h) It is impractical to insist, for a fool proof or absolute adherence to all requirements without regard to their importance or relevance, for the purpose of imparting education, in a practical way, especially because the institution has begun to function, students admitted to institution have taken the examination and the fact of a good many number of students should not hang in the balance in an unending or everlasting manner.

(i) In the final analysis, the question to be posed, is whether there exists the minimal and satisfactory requirements to keep the matter going, and not whether better arrangements that will render the set up more efficient and more satisfactory, should be insisted as "a wooden" rule.

(j) It may be that there are some minor deficiencies here and there which call for rectification. Time can certainly set right such matters. What is required is a total, practical, overall view in the light of the latest tabular statement filed along with the affidavit dated 4.9.1995. Material placed before the Court goes to show that there has been "substantial" though not literal compliance with the deficiencies pointed out in the latest report dated 28.6.1995.

(k) Lapse of time and the turn of events call for urgent action and any delay on that score will entail untold hardship to the students and the institution.

12. In the totality of the circumstances disclosed in the case and having regard to the fact that at each stage new deficiencies are being pointed out, the latest being the report dated 28.6.1995 (explained by the subsequent affidavit of the appellants dated 4.9.1995), we are satisfied beyond any manner of doubt, that the deficiencies have been substantially complied with and

AMU: List of Elected Members of the AMU Court, 31 March, 1996

Learned Professions, Industry and Commerce:

1. Prof. Zahoor Qasim, New Delhi
2. Ms. Justice Fatima Beevi (Retd.), New Delhi.
3. Professor Ram Sharan Sharma, Patna.
4. Mr. Zafar Alam, Aligarh.
5. Mr. Khalilur Rab, Allahabad.
6. Mr. Saifuddin Soz, New Delhi.
7. Mr. Z.K. Faizan, Delhi.
8. Dr. S. Farooq, Dehradun.
9. Mr. Ishtiaq Husain Qureshi, Lucknow
10. Mr. Rashid Jilani, New Delhi.

Oriental Learning:

11. Maul. Mohd. Salim Qasmi, Saharanpur.
12. Maul. Mujahidul Islam Qasmi, Patna.
13. Maul. Nizamuddin Islahi, Azamgarh.
14. Maul. Syed Kalbe Sadiq, Lucknow.
15. Maul. Muqtadar Azhari, Varanasi.
16. Maul. Ziauddin Islahi, Azamgarh

Waqf:

17. Dr. Farooq Abdullah, Srinagar.
18. Maul. Nizamuddin, Bhopal
19. Mr. Naseem Zaidi, Lucknow
20. Mr. Niyaz Ahmad, Lucknow.

Urdu:

21. Prof. Aley Ahmad Suroor, Aligarh
22. Prof. Zaheer Ahmad Siddiqui, Aligarh

Muslim Scholars Outside UP:

23. Dr. Maqbool Ahmad, Calcutta.
24. Maul. Abdul Karim Parikh, Nagpur.
25. Mr. Ahmad Rashid Sherwani, New Delhi.
26. Dr. Asghar Ali Engineer, Bombay.
27. Dr. Ishaque Jimkhanawala, Bombay.

minor deficiencies pointed out in the last mentioned report of 28.6.1995 are not such as to permit withholding of the affiliation to which the appellants' institution is entitled. From the manner in which the deficiencies have been pointed out from time to time, each time the old deficiencies are shown to have been removed, new deficiencies are shown, gives the impression that the affiliation is unnecessarily delayed. For the removal of the minor deficiencies pointed out in the report of 28.6.1995, a compliance affidavit dated 4.9.1995 is filed. Once the institution feels secure on the question of affiliation, we have no doubt that these minor deficiencies, if they exist shall be taken care of by those in charge of the institution. For taking such further steps, the grant of affiliation need not wait. We make this position clear. The steps for the grant of affiliation to the appellants institution may now be expedited and we direct the respondents to issue the necessary orders without loss of time:

(Source: AIR 1996 Supreme Court 1469)

Misappreciation of Islam by Non-Muslim Leaders: Ambedkar's Statement

"The riots are a sufficient indication that gangsterism has become a settled part of their (Muslims') strategy in politics. They seem to be consciously and deliberately imitating the Sudetan Germans in the means employed by them against Czeches... The question, however, is: Is the Congress way the right way? The first thing which the Congress has failed to realise is that there is a difference between appeasement and settlement... Appeasement means buying off the aggressor by conniving at his acts of murder, rape, arson and loot against innocent persons... On the other hand settlement means laying down the bounds which neither party to it can transgress. Appeasement sets no limits to demands and aspirations of the aggressors. Settlement does".

"The second thing the Congress has failed to realise is that policy of concession has increased Muslim aggressiveness, and what is worse, Muslims interpret these concessions as a sign of defeatism on the part of the Hindus and the absence of their will to resist" (Dr. B.R. Ambedkar, Partition of India, p.269)

"Among the tenets one that calls for notice is the tenet of Islam which says that in a country which is not under Muslim rule wherever there is conflict between Muslim law and the law of the land, the former must prevail over the latter and a Muslim will be justified in obeying the Muslim law and defying the law of the land" (Partition of India, p.292).

"There is another injunction of Muslim Cannon Law", says Dr. Ambedkar, "called jihad (crusade) by which it becomes incumbent on a Muslim ruler to extend the rule of Islam until the whole world shall have been brought under its sway. The world being divided into two camps, Dar-ul-Islam (abode of Islam) and Darul-ul-Harab (abode of war), all countries come under one country or the other. Technically, it is the duty of the Muslim ruler, who is capable of doing so, to transform Dar-ul-Harb into Dal-ul-Islam" (ibid p. 295).

"Another illustration of this spirit of exploitation is furnished by the Muslim insistence upon cow-slaughter and the stoppage of music before mosques. Islamic law does not insist upon the slaughter of cow for sacrificial purposes and no Musalman, when he goes to Haj, sacrifices the cow in Mecca or Madina. But in India they will not be content with the sacrifice of any other animal. Music may be played before a mosque in all Muslim countries without objection. Even in Afghanistan, which is not a secularised country, no objection is taken to music before a mosque. But in India the Musalmans must insist upon its stoppage for no other reason except that the Hindus claim a right to". (ibid p. 269).

Vivekanand on Islam

Think of the good Mohammed did to the world and think of the great evil that has been done through his fanaticism! Think of the millions massacred through his teachings, mothers bereft of their children, children made orphans, whole countries destroyed, millions upon millions of people killed!

There has not been any religion which has shed so much blood and been so cruel to other men. In the Koran there is a doctrine that a man who does not believe these teachings should be killed. It is a mercy to kill him! And the surest way to get to heaven where there are beautiful hours and all sorts of sense enjoyments, is by killing these unbelievers!

Mohammedans talk of universal brotherhood, but what comes out of that in reality? Why, anybody who is not a Mohammedan will not be admitted into the brotherhood; he will more likely have his throat cut.

Ram Gopal on Hindutva

... Hindutva... is a political thought or ideology, a sanskrit word for Indian nationalism, founded on Indian culture. Hindutva was the essence of India's freedom movement up to 1920. The principles and the outlines of India's freedom struggle enunciated by Mahatma Gandhi in Hindi Swaraj, written in 1909, just reflect the ideals of Hindutva. Catholicity, equal respect for all religions, protection of the cow (symbolizing the women and the weaker sections of society) and the learned ones (brahmins) are essentials of Hindu culture. In the sixteenth century Emperor Akbar did work for Hindutva when he dissociated his empire from the dominance of the Khalifa ... abolished the jazia, gave equal treatment to Islam, Hinduism, and other religions, and allowed forcibly converted Muslims to return to their original faith.... Hindutva stands for a united India or Bharat as one nation as against the two or multi-nation theory being propagated by certain political parties since pre-Independence.

It is noteworthy that ... Savarkar, the most vocal leader of Hindutva ideology, was an atheist. Hence, Hindutva should not be confused with Hindu religion.

(Source: The Organiser, 4 August, 1996)

BJP: Views of L.K. Advani

The BJP does not have to even talk about (the Ayodhya issue) The United Front Government is itself bringing the issue to the limelight. Some Minister in UF Government makes statements and senior leaders are forced to contradict it... It could be an issue in the UP elections. It also depends on what our adversaries talk about.

(Source: The Hindustan Times, 28 July, 1996)

On Hindu Fundamentalism

Is Hindu fundamentalism somewhat like driving a car looking only at the rear view mirror?

... "One may be mesmerised by the glorious vista of the past, but the existing inequities could be leading up to a tragic accident up ahead." ... The rise of political and cultural Hindu assertiveness... has more to do with notions of pride than any form of religiosity (like) the demolition of the Babari Masjid in Ayodhya being billed as an attempt to restore Hindu pride.

"This reference to pride clearly indicated that being Hindu to these people meant something quite different from what millions of Hindus have believed or practised as part of their daily lives for centuries".

"There is no shortage of evidence, to show that the sort of Hindutva being preached by organisations like the RSS, the VHP, and the BJP is contrary to many of the liberal, humane, and even radical traditions contained within the broad category we call Hindu"

An interesting aspect of the history of modern Hindutva... is that until the very recent intervention of the sadhus and mahants associated with the VHP, religious figures did not play a significant leadership role in modern politicised Hinduism.

... Since way back in the 1920s, it was laymen provided the cadres as well as the ideological and political leadership to the politics of Hindu assertiveness.

... The propagation of a modern, public-sphere Hindu religiosity became one way for middle class men to seek empowerment and authority. ... Savarkar, who first coined the term Hindutva, claimed in his 1922 book titled Hindutva, that the term had very little to do with any particular theocratic or religious dogma or creed.

Overwhelming concerns for self-respect, and a desire to assert a more commanding presence in the public sphere rather than forms of worship or devotion drove middle class politics to construct the modern Hindu persona...

(Courtesy: Himal South Asia, Kathmandu)

M.V. Kamath

On Vande Mataram

... Though there is a reference in the fifth stanza to Durga, it is not a religious song. In the early days, Hindus and Muslims both sang it with fervour, shouting taken out in Calcutta to the singing of Vande Mataram while marching in protest against an alien rule. Maulana Syed Fazlur Rahman made it clear that Vande Mataram did not "smack of idol worship" but was "an expression of love for the Motherland" ... It was only in 1937 that the Congress Working Committee decided to sing only the first two stanzas in order to appease the Muslim fundamentalists who did not like the reference to Durga. It was a wholly unnecessary compromise. ...

(Source: The Organiser, 4 August, 1996)

Weak Secularism: No Antidote to Hindutva

C.P. Bhambhri on Cultural Nationalism

... India is witnessing a fundamental struggle between two concepts of nationalism, and the future of society and politics will depend on the solution of this question. Indian struggle for independence witnessed contest between secular, cosmopolitan, pluralist and democratic nationalism, on the one hand, and, on the other sectarian nationalism of the Hindu, Muslim and Sikh political organisations. The history is repeating itself because the BJP in the name of cultural nationalism has emerged as the vanguard of Hindu religion based national identity and the Congress is campaigning in defence of plural and secular nationalism as the foundation of unity of a diverse multi-cultural country.

It is essential to look into the slow and gradual development of multi-cultural nationalism of the Congress in the twentieth century when it started expanding its social base and social agenda. Multi-cultural claim of the Congress was contested by the Muslim League and the Hindu Mahasabha which were established in 1906 and 1907. Not only this. Ramaswamy Naickar of the Madras Congress and many important Dalit leaders of the Bombay Congress revolted against the Brahmanical orientation of the Congress leadership. Bal Gangadhar Tilak was a great national leader but his identification with Ganesh Puja and other Hindu symbols for political mobilisation did not impress the Dalit leadership who kept away from the Congress platform. Similarly, Ramaswamy Naickar walked out of the Congress by revolting against the Brahmin-led Madras Congress and he established a separate Dravida Kazhagam to mobilise the oppressed castes of his socio-cultural region. The 1940s witnessed a great intensification of the struggle for Independence. Mohammad Ali Jinnah characterised the Congress as a Hindu organisation and he championed the Two-Nation Theory in describing the Indian social reality. Similarly Veer Savarka and the Hindu Mahasabha opposed the Congress for its policy of appeasement of Muslims and ignoring the interests of the Hindu Nation i.e. India.

The Congress concept of multi-cultural nationalism was contested by the League and the Sabha. The Congress philosophy of democratic and pluralist secularism was contested by Dr. B.R. Ambedkar in the 1930s and 1940s. The Ramsay MacDonald Award of according separate identity to the Muslims and the Scheduled Castes brought the issue of religion and caste in the centre stage of Indian politics. How did the Congress tackle this challenge? it projected itself as an all-India national and non-sectarian movement by evolving many strategies.

Gandhi launched successful struggles to accommodate the political interests of the Scheduled Castes. In Gandhi's agenda of secular nationalism, the Harijans occupied a very special position and he really

and genuinely worked for their social uplift. The result of Gandhi's efforts was that B.R. Ambedkar could not emerge as the 'sole' leader of the Harijan, and the Congress platform was made really hospitable for the oppressed castes.

Similarly, in the broad platform created by Gandhi, many important leaders of the Congress were always identified with Hinduism. Pt. Madan Mohan Malviya was a great national leader but a practising Hindu. Lala Lajpat Rai was a Congress leader and his Servants of the People Society was in reality a Hindu reform movement.

(But) conservative Hindu leaders ...co-existed with great secularists like Pt. Nehru.

The Congress till the end contested Jinnah's claim to be the sole representative of the Muslims, and many important Muslim leaders preferred Congress secularism and rejected Jinnah's sectarianism. The tallest of such leaders were Azad and (Abdul Ghaffar Khan).

Since the Congress leadership accommodated multiple social tendencies of the country, it practised accommodative secular nationalism irrespective of the fact that many of its leaders were openly identified as Hindus. This weak secular nationalism of the Congress was a kind of reply to aggressive and militant religion-based nationalism of the Hindu Mahasabha and the Muslim League.

The Congress party is the inheritor and the practitioner of weak secular nationalism where public policies are always evaluated on the basis of secularism, and the practising Hindu or Muslim leaders do not find any difficulty in the Congress party organisation. After Independence, Nehru, Indira Gandhi, Rajiv Gandhi and others practised this inherited legacy of the Congress. It is a difficult legacy because it requires a lot of social balancing in actual governance. Nehru differed with Rajendra Prasad and Purshottam Das Tandon because Nehru on the one hand, and ... Tandon, on the other, had derived different meanings from the Congress legacy of weak secularism. Nehru did not accept that the Head of the State should associate himself with the ceremonies of Hindu Somnath Temple. Similarly, Rajiv Gandhi was castigated by Muslim modernists because it was perceived that on the Shah Bano Case, the Congress Government was compromising with the Muslim fundamentalists. Since the Congress practised its secular nationalism by maintaining social equilibrium and also by respecting the religious sentiments of every community, it always raised controversies and the bubble was burst on Ayodhya Temple-Babari Mosque dispute. The Congress party governments of Rajiv Gandhi and P.V. Narasimha Rao were accused by the large sections of Muslim community for betrayal on the issue of Babari Masjid.... The BJP which was a minor factor in Indian politics in the 1950s, 1960s and 1970s, emerged in a big

way in the 1980s on the basis of an alternative concept of cultural nationalism i.e. Hindutva. If weak secular nationalism of the Congress was suspected by the minorities, the BJP attacked the Congress as a "pseudo-secular" party which in reality practises appeasement of the Muslim minority. The religion-based so-called Cultural Nationalism targeted 120 million Muslims and other minorities as a privileged social group because of the Congress type of secularism.

The BJP polarised India on the issue of nationalism. The BJP and its other organisations like the RSS, the VHP, the Bajrang Dal etc. appeal to the past and humiliation of the Hindu by the Muslim conquerors. Only a Hindu State can defend the interests of the Indians i.e. the Hindus and only such a state can set the historical record straight by constructing a Ram Temple at Ayodhya. The agenda of historical humiliations does not end with Ayodhya, Mathura and Varanasi are standing monuments to be demolished. Hindu self-respect can be assured by a Hindu state only. This was the demand of Veer Savarkar, Hedgewar, the founder of the RSS, Golwalkar and the inheritors of this legacy are Advani, Vajpayee and others.

India is at the cross-roads because the inheritors of the secular legacy are weak, vacillating and compromising and the successors of Hindu nationalism are aggressive and militant. While the Congress party leadership of the 1980s and 1990s should be castigated for making some opportunist compromises with the forces of Hindutva, the other weak secular political formations have made full contribution in encouraging the ongoing polarisation in India. In 1977, and in 1989, the Jan Sangh/BJP was brought into the national political mainstream by Jayaprakash Narayan, V.P. Singh and others... (They) cannot turn around and disclaim role in legitimising the BJP at the national level.

... Compromising politics of the weak secular parties including the Congress has provided new space to the forces of aggressive Hinduism. In a formal manner, the Congress party has never shared power or common political platform with the Hindu party. In reality it has been perceived as becoming 'soft' on Hindutva. If this perception about the Congress becomes real, Narasimha Rao's claim that the Congress has fundamental differences with the BJP will not carry political weight. The Congress cannot defend secular nationalism... without politically confronting the practitioners of cultural nationalism who will divide the country. A multi-lingual, multi-national, multi-cultural and multi-religious country will get balkanised in the absence of democratic secular nationalism. Cultural homogenisers and political hegemonisers are involved in constructing Indian nationalism in their own image which is based on distortion of rich Indian historical traditions and heritage. Politics of secular nationalism has to grapple with the misrepresentation of Indian history because the founders of Hindutva are playing politics with history.

(Source: The Hindustan Times, 2 July, 1996)

Javed Anand on the Secular Leadership

... The fact that a growing section of the electorate sees nothing wrong with the BJP should be cause enough for anxiety. Far more worrisome is the casual-at-best and hypocritical-at-worst commitment of the major political players to the very credo by which they swear. ... How does one explain the fact that while communalism was one question which pitted almost the entire political spectrum against the BJP, well over half the respondents to (a recent) poll believe the BJP is not a community party?...

To leave such a discrepancy between the pronouncement of the secular leaders and the led unaddressed is to ask for trouble. The parties which swear by secularism must either revise their own views about the BJP or think seriously about a mass education programme to help the ordinary voter understand what Hindutva is all about and how support to the BJP will only add to the nation's misery.

The major parties which stood firm in their resolve not to allow the BJP to preside over the nation's destiny ... include the Congress, the JD and the Samajwadi Party. Which of these parties are capable of going beyond the empty "Hindu-Muslim bhai bhai" rhetoric?...

... The secular credentials of the party of Gandhi and Nehru had been so badly compromised by India Gandhi (in her last phase), Rajiv Gandhi and Narasimha Rao that it cannot be expected to be taken seriously by any community unless it does honest introspection and makes a public admission of the way it has pandered both to majority and minority communalism...

To be fair to the JD (and its splinter, the SP), its secular conscience is not as smeared with all the bloodshed during riots under successive Congress govts. at the Centre and in the states. But even VP Singh cannot disown the role his party played, may be unwittingly, in accelerating the process of communal polarisation in recent years. His repeated prostrating before a bigot like Imam Bukhari, giving pride of place in his party to communalists like Maulana Obaidullah Azmi and Syed Shahabuddin (sic - Editor) his tokenism in declaring Prophet Mohammed's birthday did not help India's impoverished and insecure Muslims one bit. They did, however, provide sustenance to Hindutva's charge of the "appeasement of minorities".

Hopefully, today, Singh realises his folly. But there is not much to be hoped from yesterday's champions of secularism, Mulayam Singh Yadav and Laloo Yadav. In a hard-hitting article last month, Seema Mustafa, a JD member, looked out at the two Yadavs, calling them both cynical politicians interested in nothing more than feeding on Muslim insecurity to ensure Yadav dominance in UP and Bihar. She ... wondered what brand of secularism will follow when casteists and criminals lead the campaign against communalism ... With the future of Indian secularism in such safe custody, Hindutva should really have very little to worry about.

(Source: The Pioneer, 1 July, 1996)

Delhi High Court Judgement On Compensation for 1984 Riot Victims

Summary of Judgement of Justice Anil Dev Singh, 5 July, 1996, in Civil Writ Petition 1429 of 1996

The State and the Union, as the case may be, will be well advised to locate the responsibility for the riots whenever and wherever they occur and the persons held responsible for the same should be made to pay compensation and the law should provide for confiscation of their properties so as to secure payment of compensation out of the assets so confiscated. In case it is found that an official or officials of the State did not act in time or were indifferent to mob violence, they should also be required to make reparations to the victims and face disciplinary proceedings. ...

Communal violence and riots keep on manifesting with alarming frequency. It is the State's obligation to create conditions where rights of individuals or group of persons under Article 21 are not and cannot be violated. There will be no use of the rights conferred by Article 21 if the State does not exact compliance of the same from its officials and functionaries and private persons. It is not open to the State to say that the violations are being committed by private persons for which it cannot be held accountable. Riots more often than not take place due to weakness, laxity, and indifference of the administration in enforcing law and order. If the authorities act in time and act effectively and efficiently, riots can surely be prevented.

Personal liberty is fundamental to the functioning of our democracy. The State must shape the society so that the life and liberty of an individual is safe and is given supreme importance and value. Article 21 should serve its purpose of ensuring human dignity, human survival, and human development. It is a pulsating reality throbbing with life and spirit of liberty, and it must be made to reach out to every individual within the country. It is the duty and obligation of the State to enforce law and order. Its violation cannot and must not be tolerated or condoned. The sweep of Art. 21 is wide and far reaching.

Equality before law and equal protection of laws is ensured to all the communities who are equal members of the Indian society, by Article 14 of the Constitution. It is the duty of the State to create a climate where the cleavage between members of the society belonging to different faiths, castes, and creeds are eradicated. Like disease prevention, the State must take every precaution, measure and initiative to prevent terrorism populi of the magnitude represented by 1984 riots. In the event of an outbreak of riots it must act swiftly to curb the same and not allow time to slip by. If it is not able to do all that then it cannot escape the liability to pay adequate compensation to the family of the person killed during riots as his or her life has been extinguished in clear

violation of Article 21 of the Constitution which mandates that life cannot be taken away except according to the procedure established by law. ...

Riots are manifestations of the illness. There has been little or no effort to cure the illness.

Fundamental rights and directive principles of State policy have been founded on the bedrock of morality, human values and concept of justice. ... After about two years of Narain Singh's death, the Delhi Administration awoke to the need to compensate the petitioner Smt. Bhajan Kaur for her loss and made an ex-gratia payment of Rs. 20,000 to her. This compensation to a widow or the family of a person who lost his life during the riots is highly inadequate. It is a mockery of compensation for a riot victim. When a wife loses her husband, children their father, parents their son in a riot, it amounts to cruel joke to give Rs. 20,000 as financial aid to the family of a deceased. The very offer of such a sum would aggravate the pain and suffering, rather than reducing the same. The time when the blow is fresh, it is then that the family should receive adequate financial aid or compensation to tide over immediate financial crisis and look to the future with a glimmer of hope. It is true that the life of an individual cannot be compensated by payment of money, but at the same time it relieves financial strain and alleviates the sufferings of the victims and their families. Financial aid of Rs. 20,000 is grossly inadequate and is far from being just, fair and reasonable.... I am of the opinion that the petitioner Smt. Bhajan Kaur should have been paid at least a sum of Rs. 2 lakhs as compensation. Since the petitioner has already been paid a sum of Rs. 20,000, the respondent (government) is directed to pay a sum of Rs. 1,80,000 with interest from October 1984 to the date of payment... This direction to pay enhanced compensation would be applicable to similar cases - to the families of the victims who lost their lives during the Delhi riots of 1984.

(Courtesy: PUCL Bulletin, August, 1996)

(Contd. from page 369)

that was destroyed. Supreme Court advocate Rajeev Dhavan, who argued aspects of the case, wrote recently that the Government should, without delay, start the process of rebuilding the mosque. That is, if its "moral courage is not as supine as its political will". For, neither the Ayodhya Act nor the Supreme Court's 1994 ruling prevents it from doing so. The actual site can be fixed once the court rules on the claims. However, given the cynical criteria of realpolitik, if the United Front's secular coalition does not want its politics to be based on its principles, let it, at least, be based on procedure. Let the Allahabad High Court first decide.

(Source: The Indian Express, 17 July, 1996)

Sanjoy Hazarika on Immigration in Assam and Other N.E.

... The Congress is unwilling or unable to take a ... position (on infiltration) because of fear of hurting its vote bank of its "secular" image. But why blame the Congress? Few parties, apart from the Asom Gana Parishad at the regional level and the Bharatiya Janata Party at the national level, are prepared to tackle this question head-on. Of course, one has very strong reservations about the exaggerated figures relating to the size of the migration from both these parties as well as their emphasis on "Muslim infiltrators" as against "Hindu refugees".

Let us briefly examine the recent roots of alienation and conflict in Assam and the region.

First of all, it was a head court in 1979 - not the census but an electoral check - that laid the basis for the fear in the Assam Valley that the indigenous people were being swamped by an unregulated influx of foreigners.

The All Assam Students Union, the traditional torch-bearer of agitations in the Assam Valley, allied with other organisations to launch a movement against settlers. The consequences of that agitation are still being felt: it threw the region into turbulence, created deep divides among the communities and led to conflicts and wounds that have not healed but are being opened again.

We are familiar with the events that followed the student agitation: first a series of strikes leading to the boycott of the 1980 elections and gheraoing of candidates that forced cancellation of balloting in 8 of 14 Parliamentary constituencies. Then followed a sustained campaign, despite crackdowns by police and paramilitary forces, that crippled the state administration and the economy. Several rounds of negotiations between Indira Gandhi ... and the agitators failed. The Prime Minister called for an election to force the issue and settle the political instability in the state.

The 1983 February elections to the State assembly and to fill the vacant Lok Sabha seats were an unmitigated disaster. The students launched not just a boycott but active resistance... The election brought a Congress Party Government to power under Hiteswar Saikia, but is widely regarded as one of the most unfair elections to be held in the history of independent India. The death toll has not been matched by any election: the figures vary between 3,000 and 5,000 dead.

The anti-foreigner movement turned slowly into an anti-Saikia agitation, as the agitation lost momentum. But it retained enough clout to enable its leadership to sign an agreement in August 1985 with the Central Government (with) Rajiv Gandhi Rajiv Gandhi (as) Prime Minister ... Under the terms of the accord, Saikia demitted office, the state legislature was dissolved and new elections were

held that brought the agitators to power. The Centre pledged to deport illegal immigrants who had come after 1971, promised to set up a third oil refinery, reopen a sick paper mill, establish an Indian Institute of Technology and a Central University in the State.

But on the core issues of identifying and deporting aliens, the agitators compromised: they sought the disenfranchisement of immigrants who had come between 1961-71 (large number of them were Bengali Hindus from East Pakistan) but permitted them to vote in the very elections that brought them to power in 1985.

By agreeing to 1971 as the cut off year, the agitators accepted the very formula that Mrs. Gandhi, had offered as far back as 1980 and which they had spurned.

In 1985, the students came to power under the banner of ... the Asom Gana Parishad. But they failed to redeem their pledges of deportation and detection. Only about 900 illegal migrants were ousted during their tenure and they lost credibility. In the process, an armed insurrection grew in the State under the leadership of the United Liberation Front of Asom. Its activities were curbed by two major army operations that followed the dismissal of the Asom Gana Parishad Government and new elections that brought Congress and Saikia back to power. But in recent months, its activities have been on the upsurge, especially in collaboration with two other underground groups, the powerful National Socialist Council of Nagaland and the Bodo Security Force...

What must be pointed out here is that a series of elections and confrontations has not resolved the crisis before Assam. Prime Minister Narasimha Rao recognised the legitimacy of the student grievances - much to the dismay of his party followers - at a public rally in Guwahati in July 1992. The Prime Minister surprised Assam ... by declaring according to one newspaper account, that the Centre was prepared to consider amending the Illegal Migrants (Determination by Tribunals) Act of Assam (IMDTA). But little has happened on that front.

Rao ... understood the deep-seated feeling of alienation and anger of the youth of Assam which he identified as having been born out of the influx of foreigners to the state. This was a remarkable stand by the chief of the ruling party, in a State where the Congress is identified with establishing vote banks and tacitly if not overtly encouraging immigration.

Surely, nearly four years after that statement, it is time to ask if the ruling party or any other party - barring the BJP - has a view on immigration and foreign nationals settling in India? ...

(Source: The Hindustan Times, 8 July, 1996)

Dileep Padgaonkar on Indo-Pak Relations

... India and Pakistan are about to resume their dialogue at the official level after a gap of more than two years. (Some) people ... claiming to possess an authentic pedigree of pragmatism and some divinely ordained guardianship of the national interest, debunk the very thought of such talks... The basic assumptions on which the two nations are built are so divergent that their interests can never be reconciled. A small, theocratic state with a history of military rule cannot seek normal relations with a large, secular and democratic state. Pakistan will at all times try to disrupt India's unity and integrity by engaging in proxy wars and indulging in belligerent propaganda. The only language it understands is force. That is why it will construe any concession ... as a sign of weakness. Compromise will not beget compromise but only contempt. The best that can be expected, then, is a stalemate of discord. Otherwise, India must be prepared to counter belligerence with belligerence.

(Some) tend to go overboard in the opposite direction. It assumes that since the people of India and Pakistan share both a common heritage as well as a stake in economic development and an equitable social order, they are "naturally" inclined to prefer cooperation rather than confrontation, friendship rather than hostility, understanding rather than an adversarial relationship. (They) argue that if only the two governments were to renounce their nuclear ambitions, reduce their defence spending, facilitate exchange of persons, goods, information and services, the problems bedevilling their relations will melt away.

Paradoxically, both sets of people are agreed on one point. Both want to blur and eventually eliminate the borders the two countries inherited in 1947 - the hawks with Akhand Bharat and the doves through some sort of a confederal arrangement...

However, it is precisely such ambitions articulated on the right and the left that provide grist to the mills of the establishment in Islamabad. They serve to heighten the fairly widespread feeling that India has not reconciled itself to the existence of Pakistan. The Indian who harps on the theme of the "shared culture" in fact adds to the sense of insecurity of the Pakistani. Any talk that Indians and Pakistanis are one people... sends alarm signals in the Pakistani psyche.

Given these constraints are compulsions, it is difficult for the two governments to deviate from entrenched attitudes, approaches and mindsets. They will do so only under pressure of public opinion. While it is tempting to be starry-eyed about what public opinion actually wants - or, indeed, about how far ahead it is of

the political, bureaucratic and military establishments - the fact remains that some elements are now available to New Delhi and Islamabad to engage in an official dialogue with cautious optimism.

Possible Areas of Progress

These elements have emerged from a large number of non-official meetings held by Indians and Pakistanis over the past two years. (Most of) the participants have ... held influential positions in their countries' political, bureaucratic, economic and media fields. Consequently, they cannot be charged of lacking in realism or patriotism. What they share in common, however, is an abhorrence of religious fundamentalism, a commitment to democracy and to territorial integrity, mounting concern over military expenditure and the neglect of social problems.

As a former Pakistan Minister, Dr. Mahbub-ul Haq, has pointed out, both countries are spending around \$20 million a year on defence. They buy twice as many arms from the global arms bazar as Saudi Arabia, which is 25 times richer. Pakistan recently purchased two French submarines at a cost of \$1.2 million which could have financed education and drinking water for all Pakistanis. Indeed, South Asia has fallen behind several sub-Saharan countries as far as social indicators go mainly, if not exclusively, because of massive military spending.

The various non-official meetings have yielded some insights about how the official-level dialogue can proceed. It is felt, for instance, that the dialogue must begin without pre-conditions, that it must be comprehensive and substantive; ... the less intractable problems must be delinked from the more sensitive ones... It is possible to set up a mechanism which will separately examine the Kashmir and the nuclear issues while other groups will simultaneously focus attention on matters of lesser complexity.

Among the problems that can be solved without too much of a hullabaloo in either country is Siachin.... Diplomats on both sides have also worked out solutions to two other territorial disputes - Tulbul/Wular and Sir Creek - which can be implemented if both governments summon the requisite political nerve.

Another area where tangible progress is possible is trade. At present illegal trade between the two amounts to more than a billion dollars. Neither the governments nor consumers stand to gain from this state of affairs.... Pakistan's ... concerns can best be addressed if New Delhi takes unilateral measures to throw open India's markets to Pakistani goods and to let various players in Pakistan determine the pace and quantum of the flow of Indian

(Contd. on page 379)

'Mazdak' on Indo-Pak Relations: A Pakistani View

... In Pakistan, past campaigns of the 1948 and 1965 wars have been endlessly and passionately described and romanticised. While the exploits of the heroes of these conflicts are taught to every schoolboy, the death and destruction caused by these wars ... are glossed over. It goes without saying that the lessons of the 1971 war are taught neither in schools nor in our military academies. Although it is the best teacher, defeat seldom makes for edifying reading.

After the shattering military and political reverses of 1971 as well as the sweeping geopolitical changes that have taken place in the last quarter century, the entire balance of power in South Asia has undergone a sea change... India now enjoys a preponderant and overwhelming qualitative and quantitative military advantage over Pakistan; its economy is far larger and more diversified, and thus able to support a sophisticated defence industry; and perhaps most crucially, it is training tens of thousands of engineers and scientists every year. And although the collapse of the Soviet Union has cost it an important ally, it has improved its relations with the United States. On the other hand, we can no longer expect the same degree of unstinted support from China and Iran that our planners had earlier factored into their war games. The Americans have clearly distanced themselves from us after the exit of Soviet forces from Afghanistan.

All these factors underline our increasing isolation and a proportionate tilt in the power equation between India and Pakistan. Our nuclear programme keeps an uneasy balance, but in the absence of tests and a proven delivery system, this is not a very credible deterrent. As long as relations between the two countries remain tense, and weak governments remain hostage to their own rhetoric and the hysteria they have themselves whipped up, the chances of a bloody and costly war are uncomfortably high. But this time... given the technological advances made in the last two decades, the level of destruction will be unprecedented, even without recourse to nuclear weapons...

Mercifully, there are still sensible people on both sides of the border who are convinced that we must de-escalate and come to some kind of agreement over Kashmir... The nature and composition of the Indian government (has changed). The new Prime Minister is from the South, and has no emotional tie with the Valley; Inder Gujral, India has a foreign minister who has repeatedly argued for better relations with Pakistan. Granted, a large country like India does not change its policies and long-held positions overnight with a change in government, but ... there is window of opportunity that we must exploit.

For a start, we must step back from our maximalist, all-or-nothing position. **Nothing is going to hand over Kashmir to us on a platter, and whatever the hawks in and out of the army may think, we cannot wrest it from India by force of arms.** This is an unpalatable fact of life politicians and military planners must come to terms with. Basically, we must decide who and what we are really concerned with: the Kashmiri people, or the territory of Kashmir. If we care about the former, then we should be doing something about ending the bloodshed and the Indian occupation. Since we can do neither by force, we have to negotiate. So far, India has taken the position that since the events in the Valley are an internal problem, it will not discuss them with anybody else. It is time India got off its high horse as well.

... Both sides will have to show more flexibility and imagination if an acceptable solution to all three parties to the conflict is to be found. Whether we like it or not, the UN Resolutions of 1948 have lost much of their force: apart from lip-service from a few friends, no major player in the comity of nations thinks they are workable or enforceable. So instead of flogging a dead horse, we have to take a fresh approach.... Number of plans and possible solutions have been floated from time to time, but have been stillborn because of obduracy on both sides of the border. But, perhaps, the time has come to dust them off and let somebody mediate between India and Pakistan. So far, the former has shot down any such offer, but with the recent change in government, perhaps a behind-the-scenes initiative can work. Next year, both countries will celebrate 50 years of Independence. It would be a fitting anniversary gift to the people of the region if an end to the permanent state of hostilities could be negotiated...

(Source: The Dawn, Karachi; Courtesy: The Asian Age)

(Contd. from page 378)

goods into Pakistan.

Similar unilateral action as regards cultural and academic exchanges, visits by businessmen and professionals, of students, journalists, and parliamentarians should meet with the Indian Parliament's approval too. Such actions are required not necessarily to impress public opinion in Pakistan but because it is in India's own national interest to do so. Once businessmen in both countries develop shared interests and once opinion makers come to terms with ground realities, the way will be clear for India and Pakistan to conduct themselves as sovereign entities which are alive to the larger interests of their respective peoples in a rapidly changing international environment....

(Source: The Pioneer, 20 July, 1996)

Yojana Sharma on Islamic Revival in China

A grassroots Islamic revival among Turkic ethnic minorities in Xinjiang, north-west China, is being closely watched by the Beijing government. China is concerned that the development could fan a separatist movement in the region. While Beijing insists that the separatist movement of the Uigur ethnic minority, who have been calling for an independent homeland of "East Turkestan" for decades, represent a tiny minority, recent reports out of Xinjiang say that China has resorted to a severe crackdown on religious activity in the region. In April, for example, the local communist authorities banned publication of any books or cassettes on Islam without official approval.

"All books dealing with Islam must be published by the Xinjiang People's Publication House after approval from the authorities", the official "Xinjian Daily" said. "It is absolutely forbidden to publish books and cassettes that go against the policies and laws of the country."

Analysts said religious books and cassettes were increasingly being smuggled across the border from the Central Asian republics of Kazakhstan, Kyrgyzstan and Tajikistan - all former Soviet Republics - as well as Pakistan and Afghanistan.

Even state-sanctioned religious activity has revealed an Islamic revival, albeit in a typically controlled manner. For example, this year a record number of Chinese Muslims were sponsored by the State-run Bureau of Religious Affairs in Beijing to travel to Mecca... for 'Haj'... At least 1,000 had applied... this year a dramatic rise over the average 200 annually travelling to Mecca since 1949 when the Communists came to power.... Religious leaders among the Muslim community do not play the same role in the Uigur nationalist movement as Tibetan monks play in Tibet's struggle...

Nonetheless, the perceived threat posed by the rise in "religious fanaticism" has led to a clampdown on what Beijing and local communist authorities say are "illegal and reactionary activities" among religious leaders in Xinjiang... Only these "politically loyal" religious leaders would be allowed to serve in mosques...

Analysts links the resurgence of religious fervour to the collapse of the Soviet Union, which has led to Muslims in the Central Asian republics taking a more important role in local politics making it easier for Xinjiang Muslims to seek assistance from over the border, including religious texts and arms. The May 7 edition of the Xinjiang Daily cited an increase in bombings and "terrorist activities" in the region, claiming that extremists were "using the cloak of religion to incite holy wars". Referring to a "revived dynamism" and "intensified infiltrative, splittist and subversive activities", of the nationalist groups, the paper quoted local Communist Party leaders as saying that separatism

The Association of Indian Muslims of America, Silver Spring, USA's Memorandum to President of India, 20 May, 1996

The anti-minority government of the Shiv Sena/Bharatiya Janata Party in Maharashtra... recently completed one year in office. In this one year, this government has violated many basic human rights of the Muslim citizens ... in Maharashtra. A few notable examples are:

In January 1996, the Enquiry Commission headed by Justice Srikrishna to enquire into the horrendous anti-Muslim violence in Bombay in December 1992 and January 1993, was abolished by the State Government...

In February 1996, Mr. Manohar Joshi, the Shiv Sena Party Chief Minister of Maharashtra, led a 20,000 strong contingent of his followers, with the abetment of the Maharashtra police, in a march to the ancient shrine at the tomb of the revered Muslim saint Baba Abdur Rahman Malang. They desecrated the shrine known for centuries as Haji Malang shrine, performed Hindu religious rites and forcibly converted the shrine into a Hindu shrine supposedly for a Hindu saint, Baba Machandar Nath... This incident is very similar to the forcible demolition of the ancient Babari mosque in Ayodhya in December 1992.

In March 1995, the Shiv Sena/BJP Government of Maharashtra deleted the names of several thousand Muslim citizens of Bombay from the electoral rolls...

In March 1995, the Shiv Sena/BJP Government of Maharashtra abolished the Minorities Commission of the State... In December 1995, the Shiv Sena/BJP Government ... abolished the Urdu Academy.... These acts of the Government of Maharashtra has created an atmosphere of tremendous insecurity and fear among the Muslims in Maharashtra... In the name of ... the Constitution of India... we appeal to you to take effective steps to prevent the Maharashtra Government from violating the human rights of Muslims. We also appeal to you to roll back the unjust decisions of the Maharashtra Government...

and religion were the main factors affecting Xinjiang's stability. Beijing had hoped to counter such activity when China last month signed a treaty with Russia. Tajikistan, Kazakhstan and Turkmenistan aimed at securing a lasting peace along its long border with the former Soviet Union. But activists acting independently from the Kazakh Government, claim they have more than one million supporters across the border and that 27 secret organisations are active in China.

Such claims may have triggered the latest crackdown on suspected terrorists and separatists... in the province ... which led to 1,700 arrests during a six-day purge...

(Source: The Pioneer, 18 July, 1996)

Muslims in East Europe: Challenge of Re-Islamization

George Lederer in Islamic Horizon, USA

The forebears of today's Balkan Muslims were either Turks, who settled there during the Ottoman rule, Albanians or Slavs who embraced Islam in the same period...

Turks and their religion were not separate notions in the minds of the Orthodox Christian Balkan peoples. They tended to hate both. Their 19th century nationalisms were markedly anti-Turkish, thus anti-Islamic. Their historians still blame the Ottomans for their countries' backwardness. At the turn of the century, even the predominantly Muslim Albanian intelligentsia distanced themselves from the Turks and any "non-European" tradition and ideology.

Ethnic and religious minorities, including Muslims, became the primary victims of the authoritarian nationalistic regimes of the region in the post-Ottoman era before and after First World War. The situation worsened considerably in the Communist (regions) following the Second World War. Religious life and institutions were destroyed and banned in Albania. They were harshly repressed for their Turkish character in Bulgaria and also heavily controlled by the party-state's police as they also were in Romania. Ironically, Yugoslavia was the only socialist country where Muslims were more or less free to practice their creed and keep their mosques, schools and other religious institutions as well as their contacts with the Islamic world. Unlike their fellow-Muslims in the Soviet camp where material conditions were also much more difficult, they were allowed to travel, study and work abroad. The Serbian persecution of Kosovarş, from the early 1980s, had an anti-Albanian rather than anti-Islamic motive. In 1983, the trial of Dr. Alija Izetbegovic (who was elected the President of Bosnia upon independence) showed nevertheless the limits of post-Titoist tolerance; appreciation and support for apolitical and subservient religious leaders; 14 years of jail for principled and consequent Islamic reasoning.

...The U.S. Congress has been practically alone in the western world to oppose the arms embargo on Bosnia and to condemn, for other reasons,, the U.N. bureaucracy which encouraged the Serbian genocide...

This is not at all to say that Balkan Muslims do not consider themselves "European". This term designates a peculiar civilization which is often hostile to Islam in the western part of the continent. It also means that religion is a private matter in a secular state. Very few East European Muslims question this basic principle. They, or at least many of their intellectuals and opinion-leaders,

are westernized, secular and deeply committed to their countries' integration into Western Europe. Due to their prolonged isolation from the mainstream Islamic world, their assimilation to their non-Islamic environment, and particularly Communist terror and education, these communities have lost most of their Muslim traditions and belief. It might be often more appropriate to call them people of Muslim origin.

Since the end of totalitarianism ... the Turks and Tatars of Bulgaria and Romania in quest of their Islamic and national identity and roots may receive assistance from religious foundations of increasingly Muslim Turkey as to millions in the former Soviet Union. Common ethnicity and heritage make this support affective and effective. International Islamic organisations are also able to help the impoverished new mosques and schools.

A number of young Muslims, mostly Arabs, have volunteered to teach Islam in Eastern Europe... These da'wah missions are often financed by Saudi-sponsored agencies which publish brochures and booklets by scholars like Abul Aala Maududi and Syed Qutb. Many of these publications are not always well-translated and often anti-secular and anti-western. The main problem is not whether this message is authentic (licentiousness, secularism, consumerism are often incompatible with Islam) but whether it is counterproductive. Such a message will hardly attract East Europeans who have been shaped by their own ... history, not that of the Middle East. No one reminisces the times when the Balkans were part of Dar ul-Islam.

Most Muslim "missionaries" seem to avoid the cumbersome task of studying the particularities of socialism and post-socialism in those countries. Their credibility is not increased by their sharp criticism of the West and the U.S.... The anti-American arguments of a sizable part of the Islamic world sound irrelevant in East Europe which has been harmed neither by the U.S... nor by the (Israel). The latter was not an ally of the Soviet Union unlike yesterday's and today's "anti-imperialist", "revolutionary", "socialist" and nationalist Arab leaders whom many East Europeans identify with Islam, by ignorance.

The local Islamic teachers should explain to their fellow-Muslims and others what Islam can mean in that unstable part of the world but few are up to this difficult task...

(Source: The Islamic Horizons, March/April, 1996)

Cracks in the Red Fort

... Red Fort, the majestic redstone monuments lies in shambles. The 400-year-old sandstone structure... has fallen prey to human marauders, pollution and climatic changes. The Archaeological Survey of India has launched a much-delayed renovation programme to restore the monument's lost grandeur.

Worried archaeologists pointed out that air pollution has eaten into the marble structure while fungal growth has destroyed redstone walls and famous jalis of the Fort. Despite the ASI claims cracks are visible in the Diwan-i-Khas...

The ASI officials explained that the renovation work has been divided into two parts - segmented repairing and chemical preservation... The ASI ... said that repairs are being made at the Diwan-i-Khas, Diwan-i-Aam, Rang Mahal and Moti Masjid. Mr. Sharma insisted that traffic on the Ring Road was the prime culprit for the monument's decay. Gaseous pollutants have gnawed at the redstone walls and marble structures... Cracks in ceilings and walls are also due to pollution.

... Thousands of people visit the Red Fort everyday... Some scribble on the walls, remove the marble inlay work or break the jalis... The ASI is at its wit's end trying to grapple with the problem of cracks.

The worst affected structure in the Red Fort is the famed Moti Masjid. This pearl mosque, built by Aurangzeb for his personal use, has been closed for months for repairs... A crucial aspect of the ASI's renovation plan is chemical preservation... The walls have been cleaned with a special mixture of ammonia and teepol. Special chemical formulae are made at the in-house laboratory. Mr. Raghavan, Assistant Superintending chemist, said that the chemicals used for preservation depend on the stone and extent of damage. Mixture of mild alkalies and organic detergents is used on the marble structures to regain the lost sheen.

At the moment the ASI chemists are working on the marble walls in the Sawan-Bhadon Pavilions. Sawan-Bhadon (which) represent two primary months of the rainy season... The ASI ... said that the renovation work at the Red Fort is a costly affair. The ASI has allocated Rs. 10-15 lakh for chemical preservation of all Delhi monuments. Out of this budget about Rs. 7 lakh is spent on ... the Red Fort alone...

(Source: The Hindustan Times, 21 July, 1996)

After coming to power, the only Ram they were interested in was Aaya Ram but that Aaya Ram did not oblige. For this act of treachery, the BJP voters will punish them in the next electins.

- V.N. Gadgil, Congress Spokesman

Unique Copy of the Holy Quran in Baroda Mosque

This historic city, known for its rich cultural heritage, has many gems in its treasure-trove to draw public attention and awe. One such (gem) is a copy of the Holy Quran in the Jama Masjid in Mandvi. It is perhaps the largest and the only one of its kind in the world.

(It is) six feet three inches high and three feet six inches wide. Each page has 11 lines of Arabic text and as many lines of the Persian translation.

It is in 15 volumes and each volume has 80 pages, weighing 100 kg. There are 1,200 pages of the book with the total weight of the book being 1.5 MT. Each page has a cloth lining to ensure longevity... It takes four persons to carry it, while three persons are required to read it (one to recite and two for turning the pages).

It is more than 200-year-old and was written by calligrapher Mohammed Ghouse who was said to have migrated from Punjab in his childhood. He started writing it at the age of 15 years and took 45 years to finish it.

Each page has been ... decorated ... with golden borders which still retain the sheen. Some believe the paper used was made by the calligrapher, while others say the paper and the ink were brought from Ahmedabad.

The book has been in this mosque since 1912 when it was rebuilt on the orders of Maharaja Sayajirao Gaekwad. The original Jama Masjid was built some 400 years ago by Sultan Muzaffar Shah of Gujarat.

Syed Masood Ali, the Keeper of the Holy Book, says when it was shifted from the Wadi Masjid, elephants; were engaged to carry the volumes. And Maharaja Sayajirao had ordered everybody residing along the route not to climb the first floor of their houses till the book reached the destination. "This was done to ensure that none, at no time, was perched higher than the Quran on the elephant-back".

... This copy is read twice a year: on Shab-e-Miraj (the Night of Elevation) and on Shab-e-Baraat (the Night of Salvation).

(Source: The Indian Express, 9 June, 1996)

(Contd. from page 361)

... To hold, as Mr. Inderjit does, that national integration 'demands' a common civil code is to agree with the RSS notion of 'cultural nationalism'. With the main corpus of the law of the land being common, it makes no difference to have 'disparate loyalties' to different personal laws, as long as we have faith in the Indian secularism of toleration and accommodation of religions.

Introducing a common civil code against the wishes of the Muslim community and allowing a directive principle to take precedence over the fundamental right to practise one's religion will alter the basic character of the Constitution and be a slap in the face of the secular and democracy ideals of its framers...

(Source: The Times of India, 31 July, 1996)

Chronology of the Month (16 June - 15 July, 1996)

NATIONAL POLITICS

Government: *Union Council of Ministers expanded twice; only Muslim included is the only JD MP elected from J&K, Maqbool Dar. Taslimuddin, Minister of State for Home Affairs, dropped following nation-wide controversy about antecedents.

*Narasimha Rao cautions Deve Gowda not to take Congress support for granted and indicates reconsideration of support if it commits 'any grave mistakes' (19 June). Congress decides to field a candidate against Deve Gowda against the wishes of Karnataka unit (25 June). BSP leader Kanshi Ram indicates eagerness of Congress (and the BSP) for an early mid-term poll (9 July). Congress leaders take exception to Home Minister Indrajit Gupta's remarks about impact of Lakhubhai Pathak case on Narasimha Rao's political future and warn Government (14 July). Gupta apologises for remarks (15 July).

Congress(I): *Dissidents intensify move to dislodge P.V. Narasimha Rao from Presidency with gathering legal clouds but fail to agree on successor. *Congress(I) and BSP enter into formal alliance for contesting UP Assembly elections with BSP contesting about 300 seats out of 425. BSP leader Kanshi Ram advises Congress(I) to field 100 Brahmin candidates out of its quota (9 July). *Congress(I) and BSP invite JD to join them.

Sangh Parivar: *RSS leadership holds conclave at Bhopal to formulate political strategy and issues fresh guidelines for BJP. Emphasises 'Hindu agenda', construction of Ram Janmabhoomi Mandir and 'liberation' of Mathura Idgah and Varanasi Masjid, military solution in Kashmir and abolition of Article 370. Also suggests special measures to integrate SC/ST into Hindu Society.

*VHP reiterates determination to establish Hindu Rajya.

BJP: *BJP National Executive meets at Bhopal; President Advani describes Congress(I) support to UF as 'protection racket' (21 June). Decides to expand national base with focus on South and N.E. as target. Also decides to launch national campaign on cultural nationalism versus pseudo-secularism (23 June).

Shiv Sena: *Thackeray severely criticises BJP (15 July).

Akali Dal: *Decides to have seat adjustment with BJP in Punjab (9 July) despite PM Deve Gowda's gestures; visit to Golden Temple and describing Operation Bluestar as 'the most unfortunate event' (18 June).

Janata Parivar: *JD and SP differences crop up on question of UP Chief Ministership. Deve Gowda visits Lucknow, addresses JD cadres, calls on Maulana Abul Hasan Ali Nadwi and offers reservations for Muslims to attract Muslim support and rebuild JD base. *Sharad Yadav appointed Working President (16 June). Expelled, R.K. Hegde establishes contact with Chandra Shekhar, George Fernandes and Vajpayee; explores possibility of floating national party (26 June). Janata Dal dissidents in UP form Pragatisheel JD.

Samajwadi Janata Party: *Breaks alliance with Samata Party and seeks alliance with Samajwadi Party (23 June). President Chandra Shekhar describes Congress as only national party and calls for revival; expresses readiness to join if there is a concrete proposal.

UP Assembly Elections: *All efforts to establish united secular front against BJP flounders on rocks of irreconcilable stand of BSP and SP. BJP leaders express confidence about victory, plan to hot up Ayodhya Mathura and Varanasi issues, directly or indirectly, as well as launch campaign for total ban on cow slaughter on eve of election.

Assam Situation: *Bodoland leadership revives demand for statehood and disclaims responsibility for Santhal massacre (30 June).

BABARI MASJID QUESTION

VHP: *Singhal owns responsibility and takes credit for demolition of Babari Masjid; warns government against delay in construction of proposed Mandir; rejects jurisdiction of Supreme Court and opposes transfer of cases thereto under Article 138(2); instead demands transfer of site by legislation.

Babari Masjid Movement: *Both BMMCC and AIMMAC oppose transfer of title suit to Supreme Court. BMMCC reiterates move for reuniting Babari Masjid Movement (25 June). Mulayam Singh Yadav indicates possible reconsideration by Government in view of adverse Muslim stand (19 June). But Home Minister Indrajit Gupta wants transfer and judgement before UP election; Proposal considered impracticable by all concerned, unless election postponed. PM Deve Gowda does not rule out out-of-court settlement of dispute (3 July).

*AIMPLB agrees to discuss details of proposal with Government but demands continuance of hearing by Special Bench (7 July). IUML emerges as only Muslim organisation to support government proposal (7 July). AIMPLB delegation calls on PM and urges detailed consultations before transfer and continuance of hearing (25 July).

*Special Bench appoints Survey Commissioner for re-measurement of disputed land (9 July). Supreme Court stays fresh measurement.

*Peoples Movement for Secularism urges Government to expedite Sessions trial, proceedings of Commission of Enquiry and hearing of other pending related cases.

*Taslimuddin, MOS, proposes removal of idols from Babari Masjid site and construction of national monument. CPI(ML) supports proposal (27 June). RSS and VHP and Shankaracharya Swaroopanand react strongly against proposal. Muslim organisations also oppose construction of national monument.

*SP leader Mulayam Singh demands clarification of BJP's stand on Kashi and Mathura issues (5 July). RSS calls for demolition of Mathura Idgah and Varanasi Masjid as 'vestiges of national shame' (6 July).

KASHMIR SITUATION

Insurgency: *Newspapers reappear in the Valley (18 June). Unidentified persons attempt to set on fire historic Jama Masjid in Srinagar, matter under investigation. Hurriyat condemns and suspects government hand (13 June).

*Pro-India militants free 21 journalists after holding them hostage for 7 hours (8 July). Shahabuddin expresses concern at attack on Hurriyat leaders and their homes;

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demands State protection. Former NC MLA Syed Ahmed Syed shot dead (12 July).

*Only Farooq Abdullah but no Hurriyat leader permitted to visit graveyards of martyrs; Section 144 imposed. Shabbir Shah arrested (13 July).

Government: *Some ex-militant leaders from J&K meet PM; subsequently call on Home Minister Indrajit Gupta.

*PM Deve Gowda visits Srinagar; announces early elections and negotiations on quantum of autonomy with elected government (6 July). Discusses situation with leaders. Farooq Abdullah, G.R. Kar and A. Qayyum present among others. First visit by Indian P.M. since 1986 (6 June).

*All parties meeting called by PM unanimously decides to hold polls by end September (8 June). *Statutory resolution approved by Lok Sabha (12 July).

Newly appointed Minister of State Maqbool Dar calls Farooq Abdullah 'an absconder' and wants JD to have no truck with NC (13 July). Visits Valley and announces former militants as 'hard-core criminals, killers and looters'; accuses Special Operations Group of J&K Police for supporting them.

Assembly Election: *Differences surface between Hurriyat and JKLF on question of participation in Assembly Election. *NC leader Farooq Abdullah organises meeting of all parties; all demands restoration of Article 370; Farooq Abdullah charges Centre with ignoring autonomy question (22 June); defers final decision to participate but asks partymen to prepare for polls (9 July); expresses bitterness on delay and confusing signals from Central Government. Farooq Abdullah demands CBI enquiry in foreign donations received by Hurriyat leaders for reconstruction of Char-e-Sharif and relief and rehabilitation of affected people (24 June). Central Government proceeds with enquiry on receipt of foreign contribution through hawala by Hurriyat leaders (7 July).

*BJP demands to all parties meeting before any commitment on autonomy (27 June). Vajpayee suggests abrogation of Article 370 (30 June). RSS calls for destruction of militant training camps in POK (8 July) and free hand to Army to restore order and suppress terrorism (7 July).

Pakistan's Reaction: *MQM leader Altaf Husain favours solution through negotiations (18 June) while Foreign Minister blames stalemate over Kashmir for non-initiative of bilateral talks, PM Benazir Bhutto expresses optimism for early solution through dialogue (19 June). President Farooq Leghari wants India and Pakistan to avoid war (3 July).

*POK PM Qayyum Khan rejects poll results and demands fresh election in POK (5 July). Pakistan army takes over Gilgit, following widespread disturbances (7 July).

Other Countries: *USA: *President Clinton condemns holding of hostage by Al-Faran as despicable (9 July). Clinton welcomes prospects of Indo-Pakistan talks (14 July).

UK: *Government sees free and fair elections in J&K as step towards dialogue and political settlement (13 July). Labour Party offers mediation. *Amnesty Annual Report indicts India along with other countries for massive violation of human rights.

OTHER MATTERS OF CONCERN

Muslim Organisations: *A.I. Muslim Majlis-e-Mushawarat meets in Delhi (29-30 June); announces its

Working Committee and adopts several resolutions.

*Jamaat-e-Islami-Hind Central Majlis-e-Shura meets in Hyderabad and adopts several resolutions (3-6 July).

*All India Milli Council calls on PM and submits memorandum (10 June).

*Sir Syed Foundation, New Delhi, holds Seminar on Role of Muslims in Changing Political Scenario with JD leader Sharad Yadav as Chief Guest.

Communal Violence: *PM announces waiver of loan upto 50,000 taken by victims of anti-Sikh riots in 1984 (July). *Delhi High Court orders Rs.2 lakh compensation to next-of-kin of those killed in those riots.

*Communal violence reported from Pilibhit; one killed (26 June).

Reservation: *PM Deve Gowda promises reservation for Muslims and Christians in public employment. Lucknow (3 July). *S. Hamid pleads for reservation for Muslims. AIMMM, Milli Council, JIH, JUH and A. Mashaikh Conference support reservation.

*Insaf Morcha Convener Shahabuddin demands inclusion of Dalit Muslims as SCs on par with Dalit Christians (1 June). Former Bihar Speaker Ghulam Sarwar supports inclusion of Dalit Muslims in list of SCs. *Delhi University Teachers Association seeks reconsideration on reservation for SC/ST for faculty appointment.

Haj: *All India Haj Conference held in New Delhi (10-11 July) decides to utilise Air India for procuring aircrafts for charter flights, demands early passage of new Haj Act, proposes 3 tier accommodation in Makkah and lowers advance payable by Haj pilgrims with application to Rs. 5,280/-.

Wakfs: *Following agitation by legislators, Government of West Bengal tables Sengupta Report on Management of Wakf Properties (1 July). Also orders judicial enquiry in allegation of unauthorised alienation by wakf properties (9 July).

Personal Law: *AIMPLB appoints committee to examine new Wakf Act and suggest amendments thereto (7 July).

Education: *Al-Ameen Educational Society distributes Scholarships in Delhi. Sharad Yadav chief guest announces establishment of one residential school exclusively for minorities in every district.

AMU: *Reported fall in proportion of Muslim admission to medical, engineering and other technical courses revives demand for reservation in AMU (18 June).

Indo-Pakistan Relations: *Foreign Minister Gujral announces liberal issues of visa for Pakistani nationals (1 June); also promises special facilities for visits of Pakistani journalists, intellectuals and social workers (3 June).

Obituary and Commemoration: Zafar Oganvi, eminent Urdu litterateur and Chairman of Bengal Minorities Commission, 57, passes away in Calcutta (22 June). Qazi Athar Mubarakpuri, eminent historian, 80, passes away in Mubarakpur, Azamgarh (14 July). Ali Ashraf, former VC, JMI, 68, passes away in Delhi (4 July). Nawabzada Syed Zainuddin Hussain Mirza, Scion of Murshidabad Nawabs passes away at Kishanganj (3 July). Akbar Ladakhi, veteran communal leader in Ladakh, 68, passes away (29 June). Maulana Mohd. Ali commemorative symposium held in New Delhi (22 June). Services of Brig. Mohd. Usmah recalled (1 July). Portrait presented to Chief of Army Staff (15 July).