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Thoughts on the 'Future' of the Muslim Indian

Constantly, anywhere I go, I am asked 'Do the Muslims of India have a future?' or 'What future lies in store for Muslim Indians'? These questions reflect not only a sense of frustration, insecurity and pessimism, but a fatal lack of 'faith', and self-confidence I say faith because the Muslim Indians - individually or collectively - had no control on being born in India and Allah, in His benign wisdom made them Indians by birth and thus established an unbreakable link between the two. 'Self-confidence', because otherwise a religious community, which is the second biggest in the country and third biggest Muslim community in the world, which is around 120 million strong, thus constituting roughly 12% of the national population, and about the same proportion of the world's total Muslim population should not be questioning its future, its destiny, its role.

Since the advent of Islam on the coasts of Malabar, Gujarat and Sind, much before the Turkish-Afghan hordes galloped through the Khyber Pass, crossed the Indus, took Delhi, established a powerful Muslim state, which sought legitimacy in Islam but which was hardly Islamic, one must differentiate substantially between the ruling elite which were largely of foreign descent and the common Muslims who were local converts or their descendants Muslim India has passed through many ups and downs, many vicissitudes and many territorial fragmentations (the last being in 1947 and 1971), developed much social stratification (look at the numerous baradaris and jama'ats), seen sectarian struggle (the current strife between the Sunnis and the Shias in Pakistan is only an extension of the Tazia and the Madhe-Saheba agitation in Lucknow and elsewhere), risen and fallen economically, commanded and lost high prestige in the Muslim world and passed through both fraternisation and conflict within the country. They have faced invasions, massacres, migrations, deprivation, impoverishment, repression, and humiliation. They have sacrificed life and property, faced bullets and gallows with a smile and defended their faith and their mother land with their blood. But they have continued to grow, they have maintained, all said and done, their religious identity and a sense of brotherhood and unity. They have been led astray by false prophets, responded emotionally to real and artificial issues, national and extra-territorial question.

How can a community, so rich in collective experience, feel despondent and question its future? How can a creative community which played a historical role

in the evolution of Indian culture and the making of the Indian civilization, indeed, building the country and the nation-state, feel so overwhelmed by one tragic event, or even a series of tragic events over a short period of time, one act of injustice, one thrust of the poisoned rapier, one show of bad manners, one word of abuse, one show of 'Shanti', one look of suspicion, to begin questioning its very survival.

Yes, since the Partition of 1947, it has suffered in many ways; its elite having turned its back for greener pastures across the line drawn in tears and blood, it became a target of discrimination in public and private employment; it was deprived of its due share in the fruits of development, it fell increasingly behind in education, it had to gulp humiliation in religious matters; in the areas in which it was dependent on land and official patronage, it faced pauperisation. Above all, the sense of guilt over having supported the demand for Pakistan and the inability to adjust to the politics of democracy in a multi-dimensional society, the psychological shock overwhelmed one whole generation. The spell was broken in 1971 - with the emergence of Bangladesh; a new generation appeared on the scene which had no mental hangovers, no chips on its shoulders; it was committed to secularism and democracy. It was prepared to struggle for its rights but also ready to participate in development and to receive due share. Undoubtedly, this assertiveness was not always welcome in a society which had denied equality, justice, freedom and fraternity to the masses for thousands of years. So there was a hostile reaction - a sharpening of the knives;

But who can wish away the Muslim Indians? They are there and they shall always be there. The option of territorial migration or transplantation voluntary or forced, does not exist. Enough gas chambers cannot be installed. Millions cannot be driven into the Arabia Sea or the Bay of Bengal. Nor can they be assimilated or absorbed - not in the world where suppressed identities are surfacing everywhere.....

So the only solution which is in fact being implemented by all concerned, sometimes consciously, sometimes unconsciously, is political and economic integration with social and cultural autonomy, in a democracy based on rule of law and social justice.

Many trends and tendencies during the last 50 years support this great experiment in composite living, in peaceful coexistence, in creative cooperation, indeed the biggest in the world history and the most massive in the

contemporary world, that we have launched. Every identity, religious, linguistic, cultural, racial, regional, every ethnicity is to be accommodated on mutually acceptable and beneficial terms, to create a beautiful mosaic - a model for the rest of mankind.

Human race stands today on the threshold of self-discovery - equality of man and respect for man's multi-dimensional identity. As the twentieth century comes to a close (Bosnia, Rwanda - Brundi, Somalia, Afghanistan, Kampuchea notwithstanding) there is growing consciousness of Human Rights. And increasingly human rights take into account not only the rights of the individual but of the group. There is growing understanding of Minority Rights. The nation-state in a plural society cannot be majoritarian; it has to respect the rights of minority groups and at multiple functional levels, if it has a big area and a large population as it is in our case, to give every group a sense of participation.

Muslim Indians, with few exceptions e.g. the political demagogues who continue to sigh for the lost glory and wait for the Second Coming - have jettisoned the useless emotional baggage - the attachment to Pakistan or to pan-Islamism or to Khilafat's revival. There is a sense of belonging to the larger world of Islam but there is no element of political extra-territoriality in their mental make-up. They know that no Muslim state is an Islamic state and none will lift even a finger for them! This has liberated them from old bondage to the arid concepts of yesteryear and made them strive to strike roots in their motherland, identify themselves with the country of their birth which is the only place for them, in life and in death!

Muslim Indians have also been influenced by the emergence of their country as the regional power, pre-eminent in the Sub-continent, and they share the glorious vision of India's role in the New World Order.

Beneath the turbulence of day to day politics, Muslim Indians also see the inexorable, irreversible march towards federalization with decentralisation of functions, powers and responsibilities and devolution of matching resources rights down to the Panchayats, at village level. Above all, decentralisation and devolution shall give a sense of participation to every community or sub-community or social group and weave a web of mutual dependence and strengthen the national fabric. There is a social upsurge, the wretched of the earth have woken up and are making demands on the system: This is also a sign of progress towards Social Justice. So is ethnic upsurge which has acquired legitimacy. This will not lead to Balkanisation or disintegration, because after their urge

for participation and equality has been fulfilled, all the groups, which cannot be separated in space - will have to come together to create a new Society, to build a new India.

Muslim Indians, if they are really anxious about their future must identify themselves with the common struggle of the people for a life of dignity and the fight for equality and justice. They have to guard against apathy and disinterestedness, withdrawal and non-participation. On one hand, they cannot ignore the rise of fascism under the slogans of Hindutva. On the other, they have to strengthen and support and unite the secular forces, by acting as the catalyst and the cement. They have to invest in education and enterprise and acquire proficiency in all modern Indian languages and in English. They have to reduce the areas of conflict and confrontation and manage the interface, in the face of all provocation, through prudence and dialogue and by harmonization. They have a right to empowerment but through political participation and penetration of the institutions at every level - the Panchayat, the Prakhanda, the Zila, the State and the Union. They have to strive, through excellence, a place in the mass media and the higher reaches of the bureaucracy and the professions.

A minority group can demand equality but not parity; it can ask for justice but not for privileges.

The Muslim Indians, have the potential of being the most creative Muslim community in the world of Islam. Also they have the potential of being the most creative community in India - since they have many streams of thought and culture enriching their souls. They are Indians and Muslims and their double heritage is a unique possession.

But the Muslim Indian has to banish baseless fear as well as false motives from his mind, invest in education and enterprise, participate in the political process; work honestly, whatever the field of activity and set an example in personal and collective behaviour.

The Muslim Indian has to open the doors and windows of his dark room and look at the shining vista and step out to join the marching millions - towards the Future.

His Future is the Future of India and the Future of India is His Future.

And it is a Glorious Future.

New Delhi,

1 September, 1996

(**SYED SHAHABUDDIN**)

Ministry of Welfare: Annual Report, 1994-95 (Extracts)

Welfare of the Minorities

... As per direction of the Prime Minister in the review meeting taken by him, Ministry of HRD is carrying out a survey to assess the status of existing educational programmes their spread and relevance among the Muslims with a view of identifying measures which would make them more need based and culture specific. Ministry of Welfare set up an apex financial corporation, namely National Minorities Development & Finance Corporation (NMDFC) with an authorised capital of Rs. 500 crores...

During VIII Plan Rs.125 crores have been allocated to the Corporation. By the end of March 1996 the Corporation disbursed Rs. 36.53 crores as loan which will cover 13561 units and 14064 beneficiaries. ...

The Reserve Bank of India has been requested to identify areas in minority concentration districts where new branches can be opened to augment flow of credit to the minorities.... Those sections of minorities which have been included in the OBC list are eligible to take advantages of reservation provisions in the Civil Services and posts under Government of India at par with other OBC Candidates.

Ministry of Welfare has been operating a Scheme of Pre-examination Coaching for weaker sections among minorities and other backward classes to enable them to compete on equal terms with other candidates in competitive examinations for various jobs... Rs. 10.00 crores has been earmarked during VIIIth Five Year Plan for this purpose. Since its inception in 1992-93, the Scheme has covered 132 institutions where 8542 candidates have been coached for various competitive examinations. A similar scheme is being implemented by University Grants Commission in 21 Universities and 32 Colleges.

... The Ministry observed 20.11.1995 as National Integration Day when the officers and staff took collective pledge to re-dedicate themselves to the cause of national integration.

... The Minorities Commission has been sanctioned an outlay of Rs. 1.16 crores for 1995-96.

While the erstwhile Minorities Commission has submitted 13 Annual Reports, its 14th Report has been submitted by the statutory commission in February, 1995. The first 11 reports alongwith action taken memorandum have been laid before Parliament so far.

... The Commissioner for Linguistic Minorities ... has so far submitted 31 Annual Reports all of which have been tabled in Parliament.

The organisation of the Commissioner for Linguistic Minorities (CLM) has its headquarters at Allahabad with Regional Offices at Calcutta, Belgaum and Madras...

The office of the CLM has been provided a budget allocation of Rs. 38.00 lakhs for 1995-96.

Wakf Administration

... The new Wakf Law namely the Wakf Act 1995 has been enforced in the country (except J&K) with effect from 1st January, 1996 and a notification to this effect was published in the Gazette of India (Extraordinary) dated 27.12.1995.

The Salient Features of the New Wakf Law Namely The Wakf Act, 1995

The new Wakf Law has the following salient features:-

- (a) Uniform application of the Act throughout the country except the State of Jammu and Kashmir.
- (b) A more representative and democratic composition of the Board and a smaller wakf board is contemplated for UTs other than Delhi.
- (c) Strengthening of the finances of the Wakf Board by increasing the contribution of a Wakf from 6% to 7% of its annual income.
- (d) A more broad based composition of the Central Wakf Council.
- (e) Making Chief Executive Officer subordinate to the Wakf Board in most matters.
- (f) Appointment of Executive Officer for Wakfs not doing satisfactorily and having an annual income of Rs. 5 lakhs and more.
- (g) Making alienation of wakf property in general more difficult and prohibiting the alienation of wakf properties of religious character except in accordance with the Law.
- (h) Doing away with the period of limitation for filling a suit for recovery of wakf properties in adverse possessions.
- (i) Restricting the period of initial supersession of a Wakf Board to six months or less.
- (j) Simplifying the procedure relating to Budget and auditing of the accounts of a Wakf.
- (k) Provisions for quick removal of encroachments from wakf properties.
- (l) Curb on the powers of the mutawallies in the matter of leasing the wakf properties etc.

Supreme Court's Decision Regarding Payment of Remuneration to Imams

... The Supreme Court delivered a judgement in this case on 13.5.1993 and directed the Central Government and the Central Wakf Council to frame, within a period of 6 months from the date of judgement, a scheme for payment or remuneration to Imams of different kinds of mosques in the country taking the salary structure prevailing in Punjab Wakf Board as a model. ...

... A High Power Committee was, therefore, constituted under the Chairmanship of Union Welfare Minister which held five meetings. At the meeting, held on 13th December, 1995 the Committee noted the urgency of framing a scheme even in the absence of complete data in the light of the Supreme Court's order granting extension of time upto 31st December, 1995

only. A small committee under the Chairmanship of Shri Aslam Sher Khan MCS(W&PMO) was constituted to draft the scheme. The scheme as drafted by the Committee considered and approved by the Central Wakf Council and thereafter it was filed in the Supreme Court.

Maulana Azad Education Foundation

Maulana Azad Education Foundation was set up on 6th July 1989 as a registered society by the Central Wakf Council. The Union Minister of Welfare is the President of the Foundation. The general management and affairs of the Foundation now vests in a Working Committee consisting of:-

1. Executive Vice President
2. Treasurer
3. Two other persons elected by the Foundation from amongst its own members
4. Secretary of the Foundation, Ex-officio.

... During the year 1992-93, the Foundation was given a grant-in-aid of Rs. 5 crores which was to form its 'Corpus Fund'.

... The Foundation was given a further grant-in-aid of Rs. 25.01 crores in 1994-95... and released on 30th March 1995...

The expanded activities of the Foundation have the following thrust areas:-

1. Assisting Non-Government Organisations (NGOs) in setting up or strengthening of residential schools, preferably for girls, in low literacy pockets, slum and rural areas.
2. Setting up of chairs in selected Indian and foreign universities in the name of Maulana Azad to promote research into his contribution as a great freedom fighter and educationist.
3. Instituting an International Award of Rs. 15 lakhs to be given to an eminent person for promoting amity amongst individuals and peace among nations.

During the year 1995-96, the Foundation sanctioned a total grant-in-aid of Rs. 373.22 lakhs to 22 NGOs out of which Rs. 102.70 lakhs was released to 10 NGOs for the purpose of establishing a residential school/school for girls, construction of laboratories building, establishing a computer centre and women typing centres, purchase of computers and equipments etc.

Central Wakf Council

... The budgetary provisions for the grant-in-aid to the Central Wakf Council for the year 1995-96 was Rs. 120 lakhs... Total grant utilised for the 1995-96 was Rs. 140 lakhs ... for loans to 10 projects, 8 in Karnataka, 1 in Orissa and 1 in Maharashtra.

The Council also gives loan for minor projects upto Rs. 10 lakhs from "Revolving Fund"... During the 1995-96, the Council has given Rs. 30.60 lakhs out of this Fund to 10 minor projects - 4 in Karnataka, 1 in Kerala, 4 in Madhya Pradesh and 1 in Orissa.

Welfare Activities: The Central Wakf Council continued its welfare activities in the field of education...

The expenditure for 1995-96 for the educational activities was Rs.41.24 lakhs.

PM Deve Gowda's Addresses to the Nation

I - 16 June, 1996

... The vastness of our country, its diversity and our underlying unity are all reflected in this coalition of political parties. The United Front is not just a coalition to share power... It is also the beginning of a new way of governance - a governance based on federalism, decentralisation, equality and justice. Secular outlook and the democratic spirit are at the foundation of this coalition. ...My Government represents the empowerment of the downtrodden, empowerment of the SCs and STs and OBC. We want to enhance their dignity and self-confidence to get their due share in the society. I shall strive to ensure that the Central and the State Government take comprehensive measures for bringing economic freedom, educational equality and equal opportunities to these people... My Government will spare no efforts to guarantee that minorities live without fear and as equal partners in the country's progress. ...

The election to Parliament from J&K is a triumph for our democratic polity. It also shows the maturity of the people in rejecting militants including those inspired and abetted from across the borders. Building up on these positive developments, we shall complete the task of restoration of normalcy and popular Government in J&K.

II - 15 August, 1996 (Extracts)

... The beauty of national unity is that it is not only geographical or historical, but is based upon the firm conviction that this nation belongs to all its people and is plural and secular in character. ... Those who dwell within this great land, whatever may be their creed or colour, whatever may be their religion, they all belong to this country. They are all Indians. This is our heritage, this is our history and this is our civilization.

Whenever we surrendered this oneness, which is based on the principles of pluralism and secularism and resorted to fanaticism, our country suffered and declined. The greatest need now, as in the past, is to foster tolerance and goodwill among all our countrymen. ...

The Government will take all steps to ensure that harmonious relations are maintained between different communities and groups. We are committed to protect the lives and property of all the people, particularly the weaker sections and the minorities. ...

J&K is an integral part of India and will remain so for ever. The people of J&K are our own people. They are Indians. This situation prevails from centuries. You are aware that the problems in J&K are entirely those created by external forces. There should be no doubt in any quarter about our resolve to preserve the territorial integrity of India ... We are holding the Assembly elections in the state during the next month. We will complete the task of restoration of normalcy and return of a popular Government in J&K. ...

We have already announced our plan to reserve 1/3rd of the seats in the State Legislatures and the Parliament for women. A similar initiative to reserve 1/3 of the posts for women in Government is also under consideration. ...

The Real Face of BJP

Meraj Ahmad, Department of Sociology,
Lucknow University

The BJP is fascist in its outlook, approach and ideology... The BJP....:-

- i) has taken recourse to "politics of emotions" instead of rational politics.
- ii) has been guilty of extending and mixing religion (the Ayodhya issue) in politics, thus throwing to winds the Constitutional norms and ideals of secular states, secular politics and secular democracy.
- iii) has been motivated by a narrow concept of nationalism, that is, "Hindutva" defined by it as "cultural nationalism" (which comes dangerously close to fascism (of Italy) and Nazism (of Germany). In the ultimate analysis, the BJP wants to convert the Indian state into a theocratic one.
- iv) has been unable to appreciate and digest the time-old cultural diversity (pluralism) of India. Hence it wants to impose a common culture, a common way of life (Hindutva) and a common civil code on the people of India. The BJP has been deplorably blind and averse to the modern and enlightened perspectives like cultural and sociological relativism. It has been a victim of ethnocentrism.
- v) has been a covert believer in Machiavellian politics hinging upon "end justified means". For capturing political power, it has instigated the religious feelings of the people, divided them along communal lines and shattered to pieces communal goodwill and harmony and national integration.
- vi) has been responsible for creating the Frankenstein's Monster which brought the most tragic disaster to the nation in the post-demolition days of the Babari Mosque.... The Frankenstein's Monster is bound to turn towards, and eat its creator ultimately.
- vii) has been the most unprincipled political outfit...
 - a) ... Vociferous about protecting and promoting cultural nationalism (Hindutva) and Swadeshi... it upheld, when the occasion arrived, the new economic policy of the previous... government... to open the economy for easy entry of foreign firms and companies.
 - b) The contentious issues promoted (and given top priority) by BJP in its manifesto and election campaign were forgotten as soon as it saw the chance of assuming power. They did not figure (even symbolically) in the President's address to Parliament prepared hastily... Obviously to show a 'secular' and 'tolerant' face (persona) to other political parties and woo their support for remaining in power....

(Source: The Azad Academy Journal, 1-31 August, 1996)

E.P.W. Da Costa's

Analysis of BJP's Votes 1991-1996

... The popular vote of the BJP, even with its allies, was less than 25 per cent, and for the BJP alone, less than 21 per cent, just 0.6 per cent above its 1991 figure... There was virtually no "swing" in the popular vote of the BJP between 1991 and 1996...

With its low popular vote against the Congress and much lower vote against the UF, the belief that the BJP can defeat the UF in an election seems seriously in error. This is true for a Central election. In State elections such as in UP and Maharashtra, however, the BJP remains, with allies, particularly in Maharashtra, a powerful force likely to be dominant for a long period of time...

BJP: Vote Share %

State	1991	Intervening	1996
	Lok Sabha	Assembly elections (1991-95)	Lok Sabha
Andhra Pradesh	9.6	3.9	5.2
Arunachal Pradesh	6.1	3.4	17.6
Assam	9.6	9.6	16.5
Bihar	16.0	12.9	21.6
Goa	15.6	9.1	13.9
Gujarat	50.4	42.5	50.7
Haryana	10.2	9.4	21.5
Himachal Pradesh	42.8	35.8	39.9
Karnataka	28.8	17.0	25.0
Kerala	4.6	4.7	5.7
Madhya Pradesh	41.9	38.7	42.6
Maharashtra	20.2	12.6	22.2
Manipur	8.1	3.7	5.3
Meghalaya	6.9	—	9.3
Nagaland	3.0	0.3	—
Orissa	9.5	8.0	13.3
Punjab	17.0	16.5	6.6
Rajasthan	40.9	38.4	43.1
Tamil Nadu	1.7	1.7	3.1
Tripura	3.0	NA	6.6
Uttar Pradesh	32.8	33.4	34.3
West Bengal	11.7	11.3	6.9
Delhi	40.2	42.8	54.2
Union Territories	12.7	—	20.8
All India	21.1	—	20.7

(Source: The Indian Currents, 4 July, 1996)

(Contd. from page 427)

5. Rohingya people of Arakan.
5. To urge other ASEAN countries to prevent the Burmese regime from getting membership in ASEAN and to isolate it from other regional and international fora....
6. To provide ... assistance to the Rohingya refugees ... for their basic necessities such as shelter, food, clothing and medicine.
7. To ... support RNA in its just struggle for the Rohingya people's "right to self-determination" in Arakan.

(Source: The Arakan, July, 1996)

a Costa's

Votes 1991-1996

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share %

Intervening
Assembly
elections
(1991-95)

3.9
3.4
9.6
12.9
9.1
42.5
9.4
35.8
17.0
4.7
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Currents, 4 July, 1996

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Arakan, July, 1996

Sudheendra Kulkarni on BJP and the Muslim Indians

A very important aspect of its limited, albeit slowly growing social base is the wide gulf that separates the BJP and India's Muslim community... A recent article (May 7)... had argued why the Muslim community, for its own good, needs to make a positive re-appraisal of the BJP to bridge this gulf as much as is possible. In this article, we shall argue why the BJP too, for its own good, must play its part in bridging the gulf by taking a new, positive look at Indian Muslims and their predicament.

The starting point of the BJP's act of introspection must be the realisation that it cannot hope to govern the country with any degree of stability or efficacy by allowing a thick wall of misunderstanding, apprehension and hostility to divide it from the vast majority of India's 110 million Muslims. The practical problems of dealing with large alienated social constituencies are no doubt daunting. But there are far more weighty reasons why no notion of neglecting the Muslim community must even be entertained. First, it goes against the grain of democracy. But, more importantly, it does not square up with the BJP's own professed aim of strengthening the sense of substance of Indian nationalism. Of course, neither Vajpayee nor the so-called hardliner Advani, harbour any such notion of "living without the Muslims". Yet, the fact is that the BJP leadership has failed so far to break the wall that divides the party from the Indian Muslims. Why?

In today's frenzied debate on secularism, few have noted the fact that, more than any systematic anti-Muslim campaign by the Sangh Parivar, it is the twin effect of the Congress leadership's anti-RSS tirade and the effective whitewashing by the Muslim religious leadership which has raised this wall of misunderstanding. If the Sangh Parivar has so far done little to demolish this wall, it is because it has allowed its stance towards the Muslim community to be determined by the reactive principle. When the weight of the adversarial campaign is very strong it is often human nature to simply react - and not think. But today, nearly five decades after Independence, the Sangh Parivar is no longer a fringe phenomenon; it is a dominant socio-political power. It must, therefore, shift its response mechanism from the reactive gear to the active gear and initiate a fresh dialogue with the Indian Muslims. In this it will have to discard many attitudinal and behavioral patterns of the past which conform neither to the spiritual thrust of Hinduism nor to the nationalist underpinnings of Hindutva.

To begin, the leaders of the Sangh Parivar must show sincere appreciation and respect for the ethical and egalitarian content in the Islamic tradition. All great Hindus of our time, from Vivekananda to Gandhi, did so. They did so not for reasons of appeasement but because, as good Hindus, they were naturally open to noble

thoughts from all sides.

Greater Muslim Representation

This is not to suggest that Hindu intellectuals should keep mum on the many undemocratic, unscientific and even bigoted aspects of the Islamic tradition - especially those that directly concern them, such as the entrenched, egregious and scripturally sanctioned thought behaviour mode towards the "kafirs". But the Sangh Parivar's legitimate criticism of these things should not blind it to the ethical richness of Islam which creates much-needed God-consciousness in society.

A related issue is the Sangh Parivar's apprehensions about the extra-territorial bonds of Indian Muslims. The fact of the matter is that the origin, the geographical spread and the scriptural specificities of Islam make its adherents pre-disposed to taking a view of the religion-nation relationship that is different from the Hindus'. This is a fact of history which does not lend itself to any fundamental change. The Sangh Parivar should recognise this fact and guide the Muslim community's integration into the national mainstream within the parameters of this fact. What this means is that the Indianisation of Islam should in general be supported. What must also be recognised is that the extent and pace of Islam's Indianisation depends on Hindu unity and the cultural and spiritual efflorescence of Hindu society.

Second, the Sangh Parivar has erred badly by not recognising the undeniable contribution of Indian Muslims to our multi-hued national culture. From architecture to music and from poetry to pottery, much that makes any patriotic Indian proud has a distinctive Muslim stamp on it. It is plain and simple chauvinism to deny or be silent about this contribution. This attitude has understandably isolated the Sangh Parivar from Muslim intellectuals and masses. Every community feels proud of its own perception of shared history. The Muslim perception of history is no doubt problematic because of its association with notions of political conquest, cultural superiority and religious expansionism. But when today's Muslims find that a growing political force like the BJP shares none of their pride in even those past achievements which ought to make every Indian proud, they are bound to feel alienated from that party. A change in this attitude is necessary even for the success of Sangh Parivar's legitimate demand that Muslims too, for their past, should feel proud of India's non-Islamic cultural heritage.

What is true about architecture and artisanry is truer still about the Urdu language. Urdu originated on the Indian soil and has every right to claim from Indian nationalists the same kind of patronage and protection as ought to be received by other Indian languages. Muslim separatists of course had a vested interest in projecting

(Contd. on page 392)

A Raghavan

On Cong(I)-BSP's Prospects in UP

The forthcoming Assembly elections in Uttar Pradesh (UP) are expected to set a new trend in India's national politics. The polls will have a serious impact on the Deve Gowda government at the Centre.

As things stand, the polls will be a three-cornered contest; the main contenders being the BJP, BSP-Congress and a block of the United Front constituents like the Samajwadi Party, Janata Dal, Tiwari Congress and the Left. Admittedly, the BJP is the front runner. Judging by the Lok Sabha poll outcome, which witnessed a multicornered contest, the BJP had won in 236 of the 425 Assembly segments. In other words, the BJP has already had the majority.

The statistics of the overall voting also give another message. The combined votes polled by all the secular parties like the SP, BSP, Janata Dal, two Congresses and the Left came to 47% as against the BJP's 34%.

The message is clear. If all the secular parties put up a joint fight, the BJP will be left to stew in its own Hindutva juice. The fly in the ointment here is the Bahujan Samaj Party of Kanshi Ram and Mayawati.

Keeping this in view, Deve Gowda himself took a certain initiative to woo Kanshi Ram and Mayawati through his confidant C.M. Ibrahim. It was, of course, hard going, given the untouchability the Dalit leaders practise towards Mulayam Singh Yadav whose Samajwadi Party is the most formidable adversary of the BJP in the state. ...

The BSP polled 20% of the vote in UP in the LS polls. The BJP's game plan is to isolate the votes polled by the BSP. The BSP has now an alliance with the Congress which polled 8% of the vote. The BJP can combat this alliance, but it would have a tough time fighting a united front.

The BSP's principal demand is that Mayawati be the next chief minister whatever the combination that spearheads the victory. As a corollary, the BSP wants the exclusion of the Samajwadi Party from the combination so that Mulayam Singh would not become a rival candidate.

The United Front set up at the Centre cannot afford to concede such a sectarian demand without jeopardising the new experiment. The fact is that BSP supremo Kanshi Ram is openly hostile to the United Front government at the Centre. He has gone on record that if the BSP-Congress alliance won in UP, the Congress could withdraw its support from the Deve Gowda government.

The BSP is, of course, a rising political force in

India. But there is little evidence of an all India programme except Kanshi Ram's erratic pronouncements...

After bad-mouthing Gandhiji, the party lined up with the Congress. One thought 'Manuvad' was its permanent bugbear till one fine morning it formed its government in UP, climbing over the shoulders of the BJP, the largest Manuvadi outfit in the country.

Time and again, Kanshi Ram has declared that taking the BJP on is not part of his party's agenda. But at no time has he spelt out its agenda.

Bharatiya Janata Party stalwart Sunder Singh Bhandari declared the other day in Delhi that in UP the BJP and BSP "are natural allies!" ... They have a common inspiration.

The ancestors of both the BJP and BSP had stayed away from India's freedom struggle. You will never get to hear a word of condemnation from Kanshi Ram on the Ayodhya outrage. Many of his pronouncements are anti-minority.

The UP polls will expose Kanshi Ram's bravado...

Kanshi Ram is all set to help the BJP to come back to power in UP. If the three-cornered contest results in a hung Assembly, Kanshi Ram will go with that combination that offers the post of chief minister to

BSP: Kanshi Ram's Views On Muslim Indians

... At my meetings with party workers I have made my stand clear. I want the victims of our social system to unite so as to end the injustices they suffer. But the Muslims have never agreed to this. They want to go with the strong, not with the weak and deprived sections.

V.P. Singh, Mulayam Singh tell them, "I'll protect you", so they follow such leaders. I tell them, "If V.P. Singh, Mulayam Singh, Kanshi Ram protect you, it's okay, but why can't you protect yourselves? Why can't you join hands with other oppressed people to fight for your rights? But they feel somebody should protect them. Muslims will not come to us unless we are in a position to protect them. If BSP becomes strong, they will come to us on their own, we need not woo them. So our effort is to get rid of our weakness. ...

(Source: The Week, 18 August, 1996)

Vidya Subrahmaniam on BJP's Prospects in UP

The BJP's plan for Uttar Pradesh would appear to be running to script. A year ago it broke the back of the Muslim-Backward-Dalit combination when it astutely split the match-winning partnership between the Samajwadi Party and the Bahujan Samaj Party. And now... the election-eve appearance of the Ramesh Chandra report has so quickly and so thoroughly reopened old wounds that the BJP's principal opponents can be expected to stay at each other's throats for the better part of the campaign. A BJP walkover would then appear to have been written into the three-cornered contest between the BJP and the two electoral combinations of the Congress-BSP and the SP-led United Front. And yet, it could be simplistic to conclude that the BJP has merely to sit back and watch while its enemies do its job for it...

Unassailable Position

Prima facie, the party is in an unassailable position. With an aggregate vote share of 33 per cent, it has a decisive edge over both the BSP-Congress (29%; 21 and 8) and the United Front parties of SP, Janata Dal, Congress-T and the Left (28; 21, 4, 2 and 1 respectively). The BJP is also ahead in 235 assembly segments as against the SP's 78, the BSP's 57, the JD's 12 and the Congress's 20 and the Congress-T's 9. The BJP can legitimately take comfort from several other factors, besides. Take, for instance, the BSP's 21% vote from 85 Lok Sabha seats (or 425 assembly segments). This has only to be measured against the 11% the party polled in 1993 from a mere 162 seats for it no longer to look quite so formidable. Add to this the Congress's pathetic 8 per cent, also from 85 parliamentary seats, and the result is nothing such as to upset the BJP camp. Indeed, it would be quite in order for the BJP to expect the BSP-Congress's combined actual strength to fall below 28%...

... The mainly upper-caste votes of the Congress will not be transferred to the BSP. The Congress polled a mere nine per cent of the Dalit votes in the Lok Sabha elections, according to an exit poll done by the Centre for the Study of Developing Societies (CSDS). Allowing for a similar lukewarm response from the alienated Muslim community, it follows that the bulk of the Congress's eight per cent vote came from the upper castes... Not only would the Congress's upper caste voters then refuse to transfer their votes to the BSP's Dalit candidates, but they might break away altogether... Should this happen, the Congress-BSP pact virtually collapses.

The BJP would be equally valid in disputing the sustainability of the UF coalition. The only reliable performer here is the SP, but even that party can be

expected to suffer an erosion in its base with the Dalits firmly closing ranks behind the Congress-BSP and the Muslims - who voted overwhelmingly with the SP-JD in the Lok Sabha elections - thrown into confusion by the emergence of a second, viable option.

The clue to the BJP's insecurity lies perhaps in the 1993 elections. At that time no one gave the SP-BSP ... a chance against the BJP because between them they had 22 per cent and 46 seats to the BJP's 32 per cent and 221 seats. In the event, the two raised their collective strength to 29 per cent and 177 seats. More importantly, they formed a government despite being five per cent ... behind the BJP. The 1993 elections proved two things: One, the viability of a combine decides whether or not its antagonistic constituents transfer their votes. Two, a combine with different support bases bags more seats for the same vote than a single party.

A region-wise analysis of the 1996 election results shows the BJP as having a clear lead over its rivals in only three of the state's seven geographical divisions - Uttarakhand, Ruhelkhand, Upper Doab, Awadh, Lower Doab, Bundelkhand and Poorvanchal. This could be because despite their smaller overall vote, the Congress-BSP and the UF - within the UF, the Congress-T and the Left - are strong in specific areas.

In the hills of Uttarakhand and the Muslim dominated Ruhelkhand, it is the SP-JD-Congress-T combination which is way ahead, polling 41 per cent and 36 per cent to the BJP's 30 and 29 per cent respectively. In the backward Bundelkhand, the Congress-BSP has 35 per cent to the BJP's 33 while in Poorvanchal or eastern UP, the BJP and the SP-JD-Congress-T-Left coalition are level with 29 per cent each. Of the remaining three, the upper Doab or the Jat belt (western UP) is potentially fertile territory for the Congress-BSP. The Dalits are in good numbers here and with a little help from the Jats - that, of course, would depend on Mr. Ajit Singh's ability to sell the combine - the Congress-BSP could considerably narrow the gap between its 32 per cent and the BJP's 40. At 37 per cent, the BJP's showing in the lower, Doab is impressive by any standards, but it must be remembered that this is Mulayam Singh Yadav country. The former chief minister is unlikely to want to concede a second defeat here. If the BJP has an unbeatable presence anywhere, it is in Awadh or central UP. This region sends up a 100-odd seats and here the Congress-BSP with its 26 per cent and the UF with its 24 per cent are up against the BJP's 35 per cent.

... In the Lok Sabha elections, the BJP had done well among the Dalits, picking up as many as 14 of the 18

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reserved constituencies. Its OBC candidates had fared equally well, winning 11 of the 14 seats allotted to them. This turf is now under attack on two fronts, from the Congress-BSP and the upper caste leadership of the BJP. The BSP, which had garnered nearly 60 per cent of the Dalit vote in the Lok Sabha elections, has since enhanced its appeal among this section. The party is also working assiduously to chip away at the BJP's most backward caste (MBC) support by presenting itself as the only option for the larger Bahujan Samaj. The fact that the MBC vote is more candidate-specific than party-specific should help the BSP in its task. Assured of its Dalit base, it can experiment with a larger share of tickets for the MBCs. Towards that end it has already appointed an MBC gadaria - the first party, in fact, to do so - as its state unit president.

The BJP can fight this in one of two ways. It can distribute the majority of its tickets among the Dalits and the backwards so as to divide the votes of its opponents. This is a sensible approach given that most upper castes would anyway vote with the BJP. But ... the party's entrenched upper-caste leadership wouldn't hear of it. This caste divide, in fact, explains why the party hasn't projected Mr. Kalyan Singh as its chief ministerial candidate. Alternatively, the BJP could focus on Ayodhya and hope that the temple tide will sweep away all casteist aspirations. But the issue can be revived only at the cost of alienating the southern regional parties, whose support is vital for the BJP to form an interim government. ...

(Source: The Times of India, 10 August, 1996)

Arun Nehru

On U.P. Assembly Elections

The political activity before September's Assembly elections in Uttar Pradesh has triggered off events which can lead to fresh general elections....

In a fast changing scenario, I see the BJP getting between 180-220 seats, the BSP-Congress alliance between 120-150, the United Front between 50-70 seats and a similar number to independents and others... The BJP seems to be on the up-swing, the BSP-Congress alliance is taking root and ... Mr. Mulayam Singh Yadav is losing ground rapidly.

... The CPI(M) and the CPI vote is one per cent in Uttar Pradesh and of little electoral effect... Wars within the Janata Dal are pulling (Deve Gowda) down and nobody seems to have a clue about what to do... The departure of Mufti Mohammed Sayeed, Ramakrishan Hegde and Maneka Gandhi and V.P. Singh's silence, merely confirm that the Janata Dal has little time and Deve Gowda is left to manage events which are clearly

S. Rajagopalan

On BJP Electoral Strategy in UP

... In a dexterous move, the "Sangh Parivar" is positioning itself to whip up the temple hysteria all over again. Given the fact that Ayodhya has somewhat lost its sting after the 1992 demolition, plans are afoot to turn the spotlight on the "liberation" of Kashi and Mathura shrines.

... The BJP itself will steer clear of Kashi and Mathura, in line with the assertion that these shrines are "not on the party's agenda". But the front organisations of the Sangh clan, namely Vishwa Hindu Parishad and Bajrang Dal, are to go full blast on this, even as the BJP confines itself to Ayodhya.

For all its overt distancing from the sensitive Kashi-Mathura issue, the BJP will not be put to any disadvantage. All the efforts of VHP and Bajrang Dal to whip up "Hindu consciousness" will, as per calculations enable the BJP to reap the benefits of "consolidation of Hindu votes"

The strategic move of BJP MP Vinay Katiyar to launch an "indirect campaign" on Kashi-Mathura liberation has to be seen in this light. Mr. Katiyar ... has ... agreed to confine his campaign to the repeal of the Places of Worship (Protection) Act. The move will target on Kashi-Mathura as far as public perception goes. For, a repeal of this law will "clear the decks for liberation of the two shrines".

... Speculation is rife that he may very well have embarked on it with "official approval, if not bidding". This should become clear ... from the way ... the matter is dealt with by the party.

Present indications, however, are that the BJP is unlikely to turn the heat on Mr. Katiyar even if he chooses to defy its directive to party members not to rake up Kashi and Mathura. At the most, Mr. Katiyar would be asked to send in his resignation so that the party is not seen to be compromising ... on the subject.

In the UP Assembly polls, likely to be held in early October, the BJP has left no one in doubt that it would continue to project the Ayodhya issue prominently. A meeting of senior leaders, convened by Mr. L.K. Advani... identified two broad themes: Ayodhya and Mulayam Singh Yadav's "misrule".

The BJP circles strongly disagree with the view that Ayodhya is a spent force. Although the Babari Masjid structure has been demolished in the complex, party leaders are convinced that the "inordinate delay" in construction of a ... temple at the site would keep the issue alive.

In the last UP Assembly polls in November, 1992

Parwez Hafeez On Muslim Leadership

A very significant aspect of the 11th Lok Sabha elections that appears to have gone almost unnoticed ... is the marginalisation of the Muslim leadership. Since the epoch-making 1977 general elections, when the multi-party, anti-Congress alliance shamelessly wooed and won Muslim support through the Shahi Imam of Jama Masjid, Abdullah Bukhari, the Muslim leadership has been unfailingly dominating the political scene, on the eve of every parliamentary election.

Although the psephologists have now debunked the myth that the Indian Muslims constitute a monolithic vote-bank, the Muslim leadership has always tried to keep up this charade, for obvious reasons. It is, after all, during the run-up to any election that the Muslim leaders come into their own, by holding secret parleys with political parties, for the en bloc "sale" of the Muslim vote... The Muslim leaders do not wrangle for some lucrative deal, some attractive pre-poll commitments for the removal of social and economic backwardness of the community, during their closed-door hectic negotiations with various political parties. It is always a Lok Sabha ticket for their sons/brothers, chairmanship of some committees for their friends or a cooking-gas agency or other such "rewarding" returns that the Muslim leaders are, invariably always, interested in.

These so-called leaders who comprise small-time, small-town politicians, ulema or clergy men and even editors of some Urdu rags, go out of their way to convince the parties that it is they and not others who wield the maximum clout and influence among the Muslims of the country and, therefore, virtually hold Muslim votes in their pockets. But by using their own independent judgement in exercising their franchise the Muslim masses have, time and again, demonstrated that they cared two hoots for the "expert advice" of these leaders....

Thankfully this time, sensing the prevailing disillusionment and disgust for them in the Muslim community, these discredited and demoralised Muslim leaders have been keeping a low profile. However, they have not completely discontinued their activities. With the arrival of the elections, they have again slowly started crawling out of the woodworks. Mostly they have been trying to mobilise the Muslim support for Prime Minister P.V. Narasimha Rao's Congress party. But the contemptuous manner in which the ordinary Muslims have been rejecting their pleas for giving another chance to the Congress, amply demonstrates both the political maturity of the Muslim electorate and the eroding credibility of the Muslim leadership.

Views of C.M. Ibrahim On Taslimuddin

... I saw a pattern in such attacks, and not merely now; they were either against members of the minority community or those who are committed to secularism. For instance, the press carried on a campaign against A.R. Antulay when he was chief minister of Maharashtra and hounded him out of office. He was finally exonerated by the Supreme Court... Similar was the case with (former Bihar chief minister) Abdul Ghafoor - eventually nothing was proved against him.

Recently, the press ran a similar campaign against Taslimuddin, so much so that he had to resign, even though nothing as yet has been proved against him. Now I am being targeted. Is it a coincidence that we are all Muslims? ...

(Source: The Times of India, 5 August, 1996)

List of Muslim M.Ps (Rajya Sabha)

Name (State)	Party
Aas Mohammad (Bihar)	JD
Abdul Gaiyur Qureshi (M.P.)	Cong(I)
Ahmed Patel (Gujarat)	Cong(I)
B.V. Abdulla Koya (Kerala)	IUML
C.M. Ibrahim (Karnataka)	JD
Ghufran Azam (M.P.)	Cong(I)
Jalaluddin Ansari (Bihar)	CPI
K.M. Khan (A.P.)	Cong(I)
K. Rahman Khan (Karnataka)	Cong(I)
Obaidullah Khan Azmi (Bihar)	JD
Habibur Rahman Nomani (Nomi)	Cong(I)
Mohd. Masud Khan (UP)	Ind.
Mohd. Saleem (W. Bengal)	CPI(M)
Mufti Mohd. Sayeed (UP)	JD
M.P. Abdussamad Samadani (Kerala)	IUML
Saifulla (AP)	
Sikander Bakht (M.P.)	BJP
Syed Sibtey Razi (UP)	Cong(I)

The demolition of the Babari Masjid has exposed these self-seeking, unscrupulous, hypocrite and opportunist Muslim leaders. They have been totally rejected by the community. Any other person with an iota of self-respect, would have beaten a discreet retreat and taken sanyas from politics. But obviously they find the attraction of pelf and privileges associated with power-brokering to resist. ...

(Source: The Asian Age, 10 April, 1996)

Jagmohan's Plea Against 'Maximum Autonomy' for Kashmir

... At every turning point of Kashmir's history since October 1947, the decision-makers became a victim of their blurred vision and took the wrong direction. Now, another wrong turn is being taken. And this may prove to be the most disastrous of all.

At the moment, fatigue is setting in amongst the militants, and events could be given a favourable turn by repairing and strengthening the integrative links. But our decision-makers seem hell-bent on closing the window of opportunity and instead planting new seeds of disarray and disruption which are bound to yield, sooner or later, another thick and thorny harvest of turmoil and turbulence in Kashmir. The cycle of destroying from within what is defended by the armed forces from without is likely to be repeated once again.

It is unfortunate that neither did the Narasimha Rao Government assess nor is the Deve Gowda Government assessing the deeper implications of the expression 'maximum autonomy'.

The poor understanding of the Narasimha Rao Government was evident from the statement he made on May 17, 1995 in Rajya Sabha. He said: "I can see some light at the end of the tunnel. By Azadi, the Kashmiri leaders may not mean total independence." The declaration of the United Front Government about maximum autonomy being granted to Kashmir is hardly different from this statement.

I have no doubt that, if leaders like Narasimha Rao and Deve Gowda persist with their present approach, they would cause new complications and make the future of Kashmir more uncertain and troublesome. Both of them fail to make a distinction between autonomy that leads to efficiency in administration, speed in development and fuller realisation of creative potential of a community and autonomy that breeds separatism, subversion and secession and provides fillip to the forces of parochialism and chauvinism. Both of them also do not realise that it is not the absence, but the surfeit, of powers that has given rise to a number of maladies from which Kashmir is presently suffering. And these powers have been misused with impunity to set up a self-serving oligarchy which developed a vested interest to encourage pro-Pakistan and anti-India sentiments. In the process, the common Kashmiri - the deprived and disprivileged - has suffered. He, in fact, has been exploited and prevented from realising that his interest lay in development and removal of poverty, ignorance and disease, and not in Article 370 or contrived notions of 'identity', 'personality' or ethnicity. To clear the cobwebs in the thinking of the United Front Government on the issue of maximum autonomy and for the public to have a clear picture, it is necessary to recapitulate the past development, state the current legal and constitutional position and spell out its implications.

on October 27, 1947, and adoption of the Indian Constitution on January 26, 1950, the Jammu and Kashmir was irrevocably brought under the territorial and constitutional jurisdiction of India. Article 1 made it a permanent part of the Indian Union. Article 370 provided for a special relationship which, to use the words of Jawaharlal Nehru, was temporary. While making a statement on the Delhi Agreement in Parliament on July 24, 1952, he said: "We all wanted to leave it in a fluid condition because of the various factors and gradually to develop the relation - legal and constitutional relations. As a result of this, a rather unusual provision was made in our Constitution"...

The sum and substance of Article 370 is that in addition to Defence, Foreign Affairs and Communications, the Union parliament can make laws with regard to the items in the Union and Concurrent Lists, but only with the concurrence of the State Government.

Obviously, after accession and provision of Article 370, a working relationship had to be established between the State and the Union. The other princely states were grouped or merged in the neighbouring states and their territories acquired the same constitutional status and their people the same rights as accorded to the territories and people of other states of the Indian Union. But (not) in the case of Jammu and Kashmir.

To define, in precise terms, the constitutional, legal, financial and administrative relations, a series of meetings took place between the representatives of the Union and the State. By that time, Sheikh Abdullah had started nursing ambitions of his own. He took full advantage of India's difficulty with regard to holding of a plebiscite in the State, and demanded far more powers for the State than were justified for establishing a smooth, sound and stable relationship with the Union...

After prolonged discussions, a broad consensus, loosely called the Delhi Agreement (July, 1952) was arrived at. It provided for abolition of the hereditary rulership; vesting of the residuary and 'concurrent' powers in the State; continuance of special citizenship rights for the 'State subjects'; flying of a separate flag for the State with the national flag also finding a 'supremely distinct place'; and, subject to certain limitations, extension of provisions of the Indian Constitution to the State.

Immediately after the 'Delhi Agreement', Sheikh Abdullah proceed to abolish the institution of hereditary Maharaja and got the necessary resolution passed in the State Constituent Assembly on August 21, 1952. ...

Unless accompanied by sincere and earnest intentions, agreements, treaties and conventions are hardly anything but mere scrap of papers. In the case of the 'Delhi Agreement', it was precisely the sincerity and earnestness that was lacking on the part of Sheikh Abdullah. Whatever suited him, he got it implemented

immediately. But with regard to items which made for the greater integration of the State with the Union, he started stalling implementation by referring these items to some sub-committees of the State Constituent Assembly or the other. He thus created a state of uncertainty. His tactics upset even Nehru. On August 6 and 7, 1952, Nehru wrote two letters to Sheikh Abdullah in which he expressed his deep disappointment. In utter exasperation, he again wrote to Sheikh Abdullah on June 28, 1953: "To me it has been a major surprise that settlement arrived at between us should be by-passed or repudiated. That strikes at the root of all confidence. My honour is bound up with my word".

Those who are presently talking about the alleged violation of the 'Delhi Agreement' or demanding restoration of pre-1952/1953 status ignore not only the practical aspect of establishing a working relationship between the state and the Union but also suppress developments that followed this 'Agreement'

.... It must have been clear to a leader of Sheikh Abdullah's intelligence that these arrangements could not, in any way, undermine the 'identity' or 'personality' of Kashmir. But he was actuated by different considerations. The bogey of 'identity' or 'personality' or 'Independence of Kashmir' was made merely a cover for his own ends of power. The truth is that by the beginning of 1948, Sheikh Abdullah had become over-ambitious. And he started thinking and working for a sort of Sheikhdom under his hegemony. In acquiring this frame of mind, Sheikh Abdullah was encouraged by the Anglo-American block...

The process of giving a concrete shape to the Delhi Agreement was set in motion by the promulgation of the Constitution (Application to Jammu and Kashmir) Order, 1954, by the President of India. This Order was amended from time to time, extending a few provisions of the Indian Constitution to the State. Financial integration was effected through the 1954 Presidential Order, and the jurisdiction of customs, central excise, post and telegraph and civil aviation were extended. The jurisdiction of Comptroller and Auditor-General was extended in 1958. In 1959, the legislative entry relating to the Census was applied. In 1960, the Supreme Court was given powers to entertain 'special leave to appeal' from the decision of the J&K High Court. The supervisory role of the Election Commission of India was also allowed, though the elections continued to be held under the laws of the State. Articles 356 and 357 of the Indian Constitution were extended in 1964 and some Central labour laws in 1965. In 1968, Entry 72 of the Union List, which provides for appeals to the Supreme Court from the decisions of the High Court on election petitions, was extended.

... The nomenclature, status, functions and mode of appointment of Sadar-e-Riyasat and the Prime Minister of Jammu and Kashmir... were (changed) in 1966 by the State Legislature itself by way of amendment of the Jammu and Kashmir Constitution...

What is wrong with these modifications? In what

way do they harm the interest of the common Kashmiri or undermine his identity, his religion, his culture, his language or any other aspiration? ... The truth is that the bogey that was raised by Sheikh Abdullah about erosion of Kashmir's autonomy was nothing but a ruse to exploit the constitutional ignorance of the common Kashmiri and to present himself to the people as a champion of their cause.

... There is still a vast area which remains under the exclusive jurisdiction of the State Government. It includes a substantial portion of the Concurrent List and also residuary powers. The citizens of India are not ipso facto the citizens of Jammu and Kashmir. Even if they have been residing in the State for years, they cannot acquire right of settlement and hold property in the State. They have no right to vote in the election to the State Assembly or the local bodies or the panchayats. What is worse, a woman citizen of J&K loses her property and other rights if she marries a non-State subject. No declaration of financial emergency can be made with regard to J&K as Article 360 of the Indian Constitution has not been applied to it. Article 365, which authorises the President of India to issue directions to the State Government, in exercise of the executive powers of the Union, has not also been extended to J&K. Article 352, too, has only limited application.

After the Bangladesh was... negotiations took place between the representatives of Sheikh Abdullah and Mrs. Indira Gandhi. As a result thereof, what is known as Kashmir Accord was signed in February, 1975.

In essence, the Kashmir Accord did not change the constitutional relationship between the Union and the State. It was primarily a device to bring Sheikh Abdullah back to power and also give an impression that certain aspects relating to autonomy could be reviewed.

Neither the Government of Sheikh Abdullah nor that of Dr. Farooq Abdullah could formulate, in concrete terms, any proposal and send the same to the Government of India, with regard to withdrawal of any law or provision of the Indian Constitution which had been extended to the State during the period August, 1953 to February, 1975...

Those who demand pre-1952/1953 status or advocate maximum autonomy for J&K ... suppress the fact that, in the absence of full financial integration with the Union, J&K would have no resource at all for development. It is the Union finances that provide the entire funds for the State's five-year Plans and also for a substantial part of the non-Plan expenditure. According to the Reserve Bank bulletin (December, 1995; Appendix I & II), per capital Central assistance for 1994-95 was Rs. 3010 for J&K, as against Rs. 190 for Bihar, Rs. 305 for Tamil Nadu, Rs. 385 for Rajasthan and Rs. 341 for UP. In case of J&K, 90 per cent of this assistance is in the shape of grants and 10 per cent as loans; while for the four State mentioned above, it is 30% grants and 70 loans. Likewise, per capita non-Plan grants for J&K in the same year comes to Rs. 720 while it is Rs. 72 for Bihar, Rs. 23 for Tamil Nadu,

KASHMIR SITUATION

Rs. 81 for Rajasthan and Rs. 23 for UP. All this shows the tremendous gains that have flowed to the J&K State from the financial link with the Union. What will happen if this link is now ended? Who will fill in the gap? Will it not be the United States and the other Western powers? And will it not place Kashmir virtually in their hands?

Take, likewise, another example - extension of Article 356 of the Constitution which ... if there is a breakdown of the constitutional machinery in the State or if the State refuses to comply with any direction concerning Defence, Foreign Affairs or Communications, what will happen in the absence of President's powers under Article 356?

... Kashmir ... could enact Islamic civil and criminal laws and even set up Shariat courts, on the same lines as has been done in Pakistan, and make it virtually a theocratic entity. Would not such a scenario do violence to the very preamble of our Constitution and also amount to secularism financing theocracy and that, too, propelled by forces of bigotry and fundamentalism?

The problem of J&K has not been insufficiency but surfeit of powers.... It is not in the erosion of autonomy but in the erosion of earnestness and sincerity that the seeds of ... troubles of Kashmir are embedded... A great many instruments of power available to the State leaders ... have been used less in the service of the State than in the service of the self.

These crucial questions that need to be asked of the singers of the autonomy ode... The advocates of more autonomy or of pre-1952/53 position are misleading the people, planting untenable and unworkable notions on their minds and arousing false and dangerous hopes. They are, wittingly or unwittingly, strengthening those forces which have been working, both beneath and above the surface from 1948 onwards, for securing secession and establishing 'Sheikdom' in Kashmir in one form or the other. For what is implied by 'more autonomy' today will mean 'independence' tomorrow. Such a development would have serious repercussions and ultimately lead to Balkanisation of India with all its bloody and tumultuous consequences.

It is, indeed, tragic that to serve their ends of power quite a few of our leaders are confusing the people, dividing them and indirectly facilitating the task of those who want to see a torn and tormented India, an India that is continuously at war with itself.

(Source: The Hindustan Times, 14-16 August, 1996)

J&K: Parliamentary Election, 1996

Constituency	Total Votes	Votes Polled	Invalid Votes	Poll %age
Srinagar	785,293	321,928	24,037	40.99
Baramulla	710,401	328,688	22,948	46.27
Anantnag	765,571	383,861	26,003	50.14
Jammu	1206,499	581,307	14,009	48.18
Poonch Udhampur	868,361	459,456	17,149	52.19
Kathua Leh	131,281	106,243	1,470	80.96
Total	44,67,406	21,81,483	105,616	48.83

(Source: The Salook, July, 1996)

S.S. Banyal on Election in Kashmir

... While dealing with Kashmir, the powers that be the Centre had placed their political interest above everything else and had taken decisions which were subservient to their political thinking and interests. This had resulted in further alienation of the Kashmir masses ... The United Front Government has not been able to come out of this malaise and has tried to placate the people of Kashmir on the eve of Assembly election by offering financial sops. What is most desirable is an emotional rapport with the people of Kashmir who have come to believe that they are not part of India and, therefore, they need special treatment...

The question of autonomy which the National Conference has been raising from time to time was never given a serious consideration by the Centre and even now the Prime Minister has said that this question would be addressed only after a new State Assembly has been constituted. This has put the National Conference in an embarrassing position whether or not to participate in the elections. And any election which is held without the National Conference being a participant would not have legitimacy whatever the perceptions of the leaders at the Centre. Rather than persuading the National Conference to participate in the elections covert efforts are being at the behest of the Congress party to create a situation in which the National Conference boycotts the election...

... Once the National Conference (NC) decides to participate in the Assembly election, not only the legitimacy of the election would be restored but the possibility of a genuine election would be much higher. Peace if ever returned to the Valley, has to be with the consent of the militant outfits and the NC.

The Janata Dal is a new phenomenon in Kashmir.... How that Mufti has decided to quit this party, it is bound to wipe out in due course. Mr. Maqbool Dar, the new leader of the party from Kashmir, has spent a long time in the Congress... Ultimately the JD will not hold for long in the Valley as there is not much acceptability.... Credit, however, goes to be UF Government for breaking the deadlock in Kashmir. Not only the Prime Minister has visited the State, he has taken considerable interest in finding out a way to solve the Kashmir problem...

(Source: The Hindustan Times, 5 August, 1996)

(Contd. from page 403)

state.

Economic Freedom: At this stage political sagacity and realism call for the revival of measures initiated by the late Sheikh Abdullah, such as a 99-year lease for non-state subjects to set up industry in J&K. This would bolster the state's moribund economy and open up employment opportunities for the youth caught in the crossfire of militancy and joblessness. Let the stress be on economic rather than political freedom with a view to winning back the people's confidence in the Indian polity as a welfare state.... if the Gordian knot in the Valley is to be cut.

Mufti Mohammed Sayeed's Letter of Resignation from Janata Dal, 29 July, 1996 (Extracts)

... The manner in which the affairs of the Janata Dal are being run for the past few months is completely at variance with the lofty ideas of inner party democracy not a participatory decision making process which was the hallmark of the political culture Janata Dal aspired to promote.

Almost all the party fora have been rendered non-functional or ineffective. Decisions on important matters and major political issues are taken arbitrarily and presented to the partymen as fait accompli. There is a growing feeling that debate and discussion have become anathema to the present leadership. Process of consultation has been given a go by. Inner party democracy has become a thing of the past. It has been replaced by clique type operations. National interest has ceased to receive overriding priority. Even the interest of the party is being seriously undermined. And all this disastrous deviation from healthy democratic norms, for what purpose? Merely to satisfy the whims and fancies of some individuals... With the every passing day I am being forced to the conclusion that the situation is beyond redemption.

The mishandling of the highly sensitive issue of Kashmir has come almost as the last straw. Both at the party and Government levels this problem is being handled in a cavalier fashion. There is a shocking lack of seriousness, dangerous ignorance of the history of the tragic events in the State and a disastrous repetition of the blunder which resulted in the trauma suffered by the people of that beautiful State... Once again a significant opportunity to bring about a healthy democratic policy in the State is being wasted. ...

... There is total lack of understanding of the basics of the Kashmir problem... The real problem today in Kashmir is the emotional alienation of the local people which is being exploited by forces inimical to our country. The people are trapped between deadly jaws of the gun culture. Instead of providing a healing touch to their wounded sentiments, the Government and the party seem to be indulging in manipulating political levers. The so-called Kashmir package announced by the Prime Minister left much to be desired (to) evoke any notice, much less elicit a popular response in the State...

... The need for exploring the possibility of dialogue with representatives of different shades of local opinion should have naturally been the foremost priority for the government and the party. Instead, manipulating electoral politics becoming a full-time engagement...

Winning back the hearts of the estranged countrymen in J&K, is more important than winning a few seats and votes... There is urgent need for holding a purposeful dialogue with various leaders from Kashmir including those the Hurriyat Conference. It is time to break fresh ground in Kashmir and the ground situation is quite responsive to any such initiative. ...

... I cannot remain a mute and passive spectator in such a situation. My conscience does not allow me to remain quiet at this juncture. I once again feel called upon by my conscience to stand up and be counted rather than make any compromise... Today, I feel I have no other option than to discontinue my association with the Janata Dal...

I am, therefore, tendering my resignation from the party and am also relinquishing the office of the Chairman of the Janata Dal Parliamentary Board. I am separately sending my resignation to the Chairman, Rajya Sabha from the Membership of the Upper House.

JD: Muslim Leaders

Memorandum to PM, July, 1996

... The foremost need is to energise all channels of dialogue with various segments of the local population.... The dialogue should not be confined to political parties but should extend to all other elements who are willing to lend their hand in restoring peace and normalcy. Nor, far that matter, should there be any discrimination between groups or individuals...

There should be no hesitation in exploring the possibility of dialogue with the All Party Hurriyat Conference. An influential section of its leadership has indicated its desire to sit across the table and sort out issues.

The dialogue should necessarily focus on the problems, grievances and aspirations of the local population...

... One thing to guard against is to avoid giving any impression of the election result sought to be manipulated or pre-determined by contriving some pre-election political arrangement...

Mufti Mohd. Sayeed, MP
Chairman, JD Parl. Board
M.A.A. Fatimi, MP
Wasim Ahmed,
General Secretary, JD

O.K. Azmi, MP
General Secretary, JD
Mohd. Afzal, ex-MP
Sr. Vice President,
Uttar Pradesh JD

India Today: A Plea for a New Initiative

... The announcement of elections to the state Assembly has set in motion dynamics that could help revive the democratic process in the state...

Any government that is seriously set on solving the problem of Kashmir's status within the Indian Union must first deal with the issue of J&K's promised autonomy within the Union. Despite securing its accession on the promise of maximum freedom from Central authority permitted to any state under the Constitution, the Centre has manipulated and controlled Kashmir ruthlessly. J&K, after all, is the only Indian state with a Muslim majority and one that shares borders with Pakistan. Having fought three wars with Pakistan over Kashmir, India's stakes in holding onto the state can hardly be exaggerated.

... Only two Articles of the Indian Constitution were made applicable to J&K: Article 1 which defines India's territorial jurisdiction and Article 370. But over the years, successive governments at the Centre have treated Kashmir's merger with India as a fait accompli and have seen little reason to abide by the terms of the original treaty of accession.

No sooner had the other two princely states, Hyderabad and Junagarh, been incorporated into the Union - the former by force and the latter through a plebiscite - than Delhi began pressuring Sheikh Abdullah to accept other provisions of the Indian Constitution... The modified interpretation of the terms of accession was finally agreed to in July 1952 and came to be known as the Delhi Agreement. But Delhi wasn't satisfied with even this modified agreement. Following Abdullah's arrest in August 1953, the Delhi Agreement was practically rescinded as other constitutional provisions - including those that allowed the Centre to issue directions to the state government or even to dismiss it - were made applicable to J&K. In 1975, Abdullah signed the Kashmir accord with Indira Gandhi which reiterated that Article 370 would continue to govern relations with the state, but ensured that all the other constitutional provisions that had been extended to J&K remained in force.

Having 'legitimised' its powers to intervene in Kashmir, the Centre lost no opportunity to ensure that power in the state remained in safe hands. Elected governments were dismissed, leading politicians arrested on conspiracy charges, elections rigged, and when all else failed, the state was placed under President's rule... The people of Kashmir have been denied legitimate political activity in the name of national security. In fact, in the decades since Independence and the linguistic division of states, the Centre has consciously sought to down play the ethnic Kashmir identity, preferring instead to deal with the different groups that inhabit the state as distinct religious communities. Thus, as far as J&K is concerned,

secular India would rather maintain a delicate balance between the interests of the Muslims, Hindus and Buddhists who reside there lest they be subsumed by Kashmiri nationalism and the prospect of independence from India.

The United Front (UF) Government is in a unique position to break with this policy of manipulation and repression that has cost thousands of lives over the past seven years and brought the state to the brink of open insurgency. Leading a coalition which derives its strength from the support of a range of regional parties, Prime Minister Deve Gowda is well placed to appreciate the particular sensitivities of the Kashmiri people. The UF has come to power on a political platform that emphasises national unity through a coalition of states and a federated political structure. Deve Gowda is not encumbered by the legacy of the Congress which feels bound to adhere to the shortsighted policies pursued by Jawaharlal Nehru, Indira Gandhi and Rajiv Gandhi. Nor is he a votary of a strong Centre, premised on dubious notions of cultural homogeneity. The people of Kashmir chose to join India because they believed that its secular polity corresponded closest to their own traditions of a multi-religious, multi-ethnic society. Despite the sorry record, we can still prove them right.

JD: V.P. Singh's Views On Kashmir Situation

... Opposition space is very important in a democracy. Suppose all political parties in Jammu and Kashmir unit, who will they unite against? The people? This is the mistake which the Congress under Rajiv Gandhi made with it tied up with the National Conference. With one stroke, it wiped out the opposition space and pushed dissent into militant channels. ...

... The parameters of autonomy for Jammu and Kashmir need to be discussed, at least informally, prior to the elections. India's sovereignty and the Kashmiri people's urge for dignity are the two poles within which the dialogue can take place.

"After all, a national consensus is also necessary on the quantum of autonomy to be given.

No Government in Delhi can survive if it gives more autonomy without trying to evolve a consensus.

This Government has excellent federal credentials and they can use it to advantage...

... It would be better to initiate a dialogue with various groups in the Valley (including surrendered militants...) than enforce an election as well as a "solution" drafted in Delhi on the State: ...

(Source: The Pioneer, 2 August, 1996)

Autonomy; No Panacea Ramesh Khazanchi in The Times of India, 12 August, 1996

Every incumbent Prime Minister after Indira Gandhi has deemed it politically expedient to promise a fresh dose of autonomy to J&K, perceiving it to be the way out of the seemingly dead end... This approach can at best be qualified as cosmetic. In the recent past, Narasimha Rao, declared "anything short of azadi" with a view to alluring militants to the negotiating table.

Similarly, PM, Deve Gowda's promise for "more autonomy" for the state is a preposterous and retrograde step. For one, the people of Kashmir have never demanded "more autonomy", let alone violently demonstrated against its erosion - real or imaginary. The insurgency since 1989, is unmistakably Pakistan-sponsored and has nothing to do with autonomy. And "dilution" of Article 370 has been endorsed and ratified by ... the duly elected assembly of J&K from time to time since 1947... and, without a whiff of protest, "extensions to, or dilution Article 370" have in due course become an inalienable part of the state's socio-political milieu.

Dangerous Results: Once autonomy is made "negotiable"... it will surely open up a Pandora's box... Restoration of pre-1953 status. "Tampering" with these laws is fraught with dangerous consequences as it will be tantamount to turning the clock back, and further "alienating" Kashmiris from the Union.... Article 370 was envisaged by its architects as a provision which would facilitate as a provision which would facilitate to bring Kashmiri masses into the national mainstream, and fall like deciduous leaves once the people there took root in the pan-Indian democratic polity. Pandit Nehru, an ardent advocate of preserving Kashmir's identity, had at the very inception said that Article 370 was an "unusual provision" which was by no means final." This was reiterated by him in a 1962 letter in which he said "it (Article 370) was gradually waning away". Even the 1975 accord, which saw Sheikh Abdullah catapulted back to power... after a protracted incarceration outside Kashmir, was to all intents and purposes evasive on the polemics of autonomy.

If, at this stage, original nomenclature - titles such as Sadr-i-Riyasat for the governor of J&K, Wazir-i-Azam (Prime Minister) for the CM - is reverted to as a sop, among other things, it will, ipso facto, amount to conceding that the state is not an integral entity of India... Is the intention, under the garb of more autonomy that the Centre propose to undo what (US) has assiduously achieved during the last four decades? If the idea is to declare null and void the laws that have been made applicable to J&K... the proposition will be more flawed and perilous than one granting total independence to the

(Contd. on page 400)

OIC: Declaration on Jammu and Kashmir, Islamabad, 13 August, 1996

The Ministerial Meeting of the OIC Contact Group on Kashmir held at Islamabad on 13 August, 1996. ...

Concerned over the staging of fraudulent elections for the Lok Sabha in Occupied Kashmir, an outrage that was exposed and denounced by international media and human right organizations;

Deeply concerned over announcement by the Indian Government of its intention to hold State Assembly elections in Occupied Kashmir in September, 1996 and noting that the All Parties Hurriyat Conference has in its capacity as the true Representatives of the Kashmiri people rejected the holding of sham elections and the imposition under duress of the so-called political process in Kashmir. ...

Noting the Memorandum submitted by the True Representative of J&K, which inter-alia, asserts that the people of J&K will not accept the imposition of a fraudulent political process in Kashmir and that the so-called political a process or elections could not be a substitute for a plebiscite as is affirmed in Security Council Resolutions No. 91 (1951) and 122(1957); ...

Welcoming the offer of the P.M. of Pakistan to have a substantive and meaningful dialogue with India with a view to finding a peaceful solution to the J&K dispute; ...

Reaffirming its solidarity with the suffering people of Kashmir:

1. Reaffirms the right of the people of Jammu and Kashmir to self-determination in accordance with the relevant United Nations Resolutions.
2. Calls for a peaceful settlement of the J&K issue in accordance with the relevant UN resolutions and as agreed upon the Simla Agreement.
3. Rejects India's efforts to maintain its illegal occupation of Kashmir through the holding of sham elections and by initiating a fraudulent political process.
4. Reaffirms that any political process/elections held under foreign occupation cannot be a substitute to the exercise of the right of self-determination of people of Kashmir...
5. Condemns the continued massive violations of human rights of the Kashmiri people and calls for respect of the human rights. ...
7. Calls upon the Government of India to respect the human rights of the Kashmiri people, rescind forthwith all repressive measures and endeavour to improve the situation in Kashmir.
8. Endorses the ongoing efforts of the Government of Pakistan to seek a peaceful solution to the Kashmir issue through all possible means including substantive bilateral talks with India....

Chidanand Rajghatta**On US Interest in Kashmir Problem**

The Kashmir issue is gradually moving to the frontburner in the American scheme of things and the United States is actively engaged in seeking a solution to the dispute...

Indications available here jell with the activity on the ground, where Ambassador Frank Wisner... and Hank Brown, the Senator who oversees a committee on South Asia, are on a back-to-back visit to the troubled states. ...

The official, who spoke on the entire gamut of Indo-US relations on condition of remaining unnamed, said the upcoming Assembly elections in the state provided New Delhi the opportunity to identify the representatives of the Kashmiri people and engaging them in a dialogue. ... The official ... indicated a subtle but significant shift in the US position by the very act of acknowledging the legitimacy of the poll exercise in what is considered a 'disputed area' by the US.

Remarkably, the official also recognised that the situation in the troubled state had improved. "The human rights situation has improved although there have been no prosecutions... but then there has been no more Sopores either," the official said, while adding that the people of Kashmir had grown sick and tired of the terrorists.

Pakistan, the official said, had failed to recognise all these factors... US Ambassador to India, Frank Wisner... endorsed the poll in Kashmir (much to the dismay of his hosts) during a recent address in Quetta, Pakistan. This seems to mark a new phase in the Kashmir tangle - a phase that marks increasing American involvement despite Indian reservations.

The official also repeated what now appears to be a new American tack that is increasingly rankling Pakistan: "History is not going to solve the Kashmir dispute," the official said. Elaborating, the official explained that harking back to the UN resolution on the plebiscite (as Pakistan does) or the Instrument of Accession or the Shimla Accord (as India does) will not help find a solution... The official's remarks suggested a new American enterprise in the Kashmir issue which New Delhi has so far sought to keep on a bilateral plane.

The official also acknowledged that this could only be the beginning of the US initiative which could unfurl fully during a second Clinton term. ...

(Source: Indian Express, 6 August, 1996)

G.S. Bhargava**On Political Process in J&K**

... All Party Hurriyat Conference leaders and their protagonists in Delhi ... are naturally very cross with both the Government and the ex-militants. They question the fairness of the elections on the ground of the participation in it of the ex-militants and also the massive deployment of para-military forces on election duty. It has been alleged that voters had been forced into the polling stations. On the face of it, the charge is baseless. About 1.2 million people had voted in the three Valley constituencies. The quantum of force required to make so many people act in a particular way - in this case, go

Aasha Khosa**On Wisner Visit to Kashmir**

The visit of American Ambassador Frank Wisner to Kashmir has helped the All Parties Hurriyat Conference (APHC) to give up its facade of unity and exposed the serious internal rifts within this 31-member secessionist conglomerate. ...

Shabbir Shah, (according to his) supporters had always felt uncomfortable with the APHC leaders who appeared to be always playing to the galleries. Shah had been privately accusing the Hurriyat leaders on inaction and held them responsible for the ongoing blood-letting in Kashmir.

Shah, on many occasions, had stayed away from joint appearances with other APHC leaders in public. At a recent meeting Jamia Masjid, Shah openly said the age of rhetoric was over and something concrete needed to be done to extricate the Kashmiris from the curse of gun.

Shah's friends claim he had a "cleaner image and a higher stature as a freedom fighter for independence" as compared to others like S.A.S. Geelani and Abdul Gani Lone, who have contested elections and enjoyed all perks in the Indian set-up. Hurriyat leaders are facing barrage of accusations from public about the alleged swindling of funds sent by the Islamic countries for distribution among victims of insurgency in Kashmir.

The palatial houses of a number of top-rung APHC leaders in Kashmir have become eyesore of all. Local newspapers, for which the APHC had been sacrosanct, have begun commenting editorially about the "insincerity and dishonesty of APHC leaders". ...

... Moulvi Omer Farooq had also, of late, been avoiding attending the APHC meetings... Sources said the Moulvi, whose father was assassinated by Hizbul Mujahideen, is under family pressure to give up the chairmanship of APHC.

As the APHC looses its sheen, chances of a new secessionist front, headed by moderate secessionist leaders, are increasing. Azam Inqulabi, the middle-aged founder of Kashmiri secessionist movement and several other leaders are forging a parallel front. Azam is highly critical of Pakistan and the existing APHC leadership.

(Source: The Indian Express, 3 August, 1996)

to the polling booths and cast their votes - has not been available in the Valley, nor could it have gone unnoticed if deployed. Relatively, it is easier to intimidate the people not to vote. The terror let loose in the name of boycott of and resistance to elections by the Hurriyat Conference and its promoters, for instance, had kept normal life in Srinagar and other places paralysed for days on end during April-May last.

Further, the voting did not have a uniform pattern. Areas with over 40% polling were cheek by jowl with places where nobody turned up at the polling booths. There were also about ten per cent wasted votes. Many persons who had participated in the elections claimed before the foreign media that they did so under pressure. It was apparently to escape reprisals by the terrorists...

(Source: The Janata, 18 August, 1996)

Supreme Court

On 'Religion' and Religious Freedom

A.S. Narayana Deekshitulu, Petitioner v. State of Andhra Pradesh and others, Respondents.

K. Ramaswamy and B.L. Hansaria, JJ.

Constitution of India, Article 25 - Religious freedoms - Scope and ambit - Spiritual religion and religionism - Religionism not always necessary for spiritual religion - Law seeking to separate non-essential from essential - Not unlawful but visionary.

Religious freedom - Dharma or Hindu Dharma - Connotation - Constitution protects the core religion.

The word 'Dharma' or 'Hindu Dharma' denotes upholding, supporting, nourishing that which upholds, nourishes or supports the stability of the society, maintaining social order and general well-being and progress of man kind; whatever concludes to the fulfillment of these objects is Dharma, it is Hindu Dharma and ultimately 'Sarva Dharma Sambhava'. In contradistinction, Dharma is that which ... springs from due deliberation for one's own happiness and also for welfare of all being free from fear, desire, disease, (for) good feelings and sense of brotherhood, unity and friendship for integration of Bharat. This is the core religion which the Constitution accords protection.

... Word 'religion' in Articles 25, 26 - To be construed in its strict and etymological sense - Every aspect of religion is not safeguarded by Constitution.

A religion undoubtedly has its basis in a system of beliefs and doctrine which are regarded by those who profess religion to be conducive to their spiritual well-being. A religion is not merely an opinion, doctrine or belief. It has outward expression in acts as well. It is not every aspect of religion that has been safeguarded by Articles 25 and 26 nor has the Constitution provided that every religious activity cannot be interfered with. Religion, therefore, be construed in the context of Article 25 and 26 in its strict and etymological sense.... Secular activities and aspects do not constitute religion which brings under its own cloak every human activity... The approach to construe the protection of religion or matter of religion or religious practices guaranteed by Articles 25 and 26 must be viewed with pragmatism since by the very nature of things, it would be extremely difficult, if not impossible, to define the expression religion or matters of religion or religious belief or practice.

Therefore, the right to religion guaranteed under Articles 25 and 26 is not an absolute or unfettered right to propagating religion which is subject to legislation by the State limiting or regulating any activity - economic, financial, political or secular - which are associated with religious belief, faith, practice or custom. They are

subject to reform or social welfare by appropriate legislation by the State. Though religious practices and performances of acts in pursuance of religious beliefs are as much a part of religion as faith or belief in a particular doctrine, that by itself is not conclusive or decisive. What are essential parts of religion or religious belief or matters of religion and religious practice is essentially a question of fact to be considered in the context in which the question has arisen and the evidence - factual or legislative or historic - presented in that context is required to be considered....

... Scope and ambit - Religious practice - Whether is integral part of religion - To be primarily ascertained from doctrines of that religion - Concept of essentiality is not itself determinative of the question.

All secular activities which may be associated with religion but which do not relate or constitute an essential part of it may be amenable to State regulations but what constitutes the essential part of religion may be ascertained primarily from the doctrines of that religion itself according to its tenets, historical background and change in evolved process etc. The concept of essentiality is not itself a determinative factor... It must be decided whether the practices or matters are considered integral by the community itself. Though not conclusive, this is also one of the facets to be noticed.

(Source: The AIR 1996 Supreme Court 1765)

Supreme Court

On TADA - Effect of Expiry and Scope

State of Maharashtra, Etc. Etc., Appellants v. Som Nath Thapa, Etc. Etc., Respondents.

A.M. Ahmadi, C.J.L., B.L. Hansaria and S.C. Sen, JJ.

Terrorist and Disruptive Activities (Prevention) Act (28 of 1987), Section 1(4) - Expiry of Act - Effect - Investigations, enquiry, trial initiated under Act - Do not come to end on expiry of Act - Section 1(4) protects and keep them alive. ...

... Sections 3(3), 2(1)(a)(iii) - Criminal P.C. (2 of 1974), Sections 228, 240, 245 - Abetment of terrorist act - Criminal conspiracy to commit bomb blasts in Bombay - Accused charged of, on ground that he booked tickets out of his own funds of some persons to undergo weapon training to Pakistan - Allegation of funding of tickets by accused based merely on credit entry made in name of accused by booking agency in its account books - It is a weak circumstance to infer abetment - Accused entitled to be discharged.

(Source: AIR 1996 Supreme Court 1744)

T.N. Madan on Religious Pluralism

... The Preamble describes India as, among other things, a secular democratic republic... The authorised Hindi version of the Constitution... employs the phrase *pantha nirpeksha* (non-sectarian) for secular... that is significant ideologically.

Neutral State: The non-sectarian or religiously neutral state is supposed or expected to reflect the prevalence of an attitude of respect for all religions (*sarva dharma samabhava*) among the citizens. Indian secularism thus stands for a combination of the two principles of a non-discriminatory or non-preferential state and a religiously plural and tolerant society. The two principles entail each other one without the other does not make sense nor indeed is it practicable. But they are distinct, and any blurring of the distinction can only create confusion... Mahatma Gandhi ... maintained that, while society cannot do without religion (moral and spiritual values), the state should be secular and have nothing to do with it.

The notion of religious pluralism is not, however, any less ambiguous than secularism or fundamentalism. It stands for one of the following three positions.

First, it simply acknowledges the existence of a plurality of religions and denotes mutual exclusiveness: "To you your religion, to me mine". At the one extreme it stands for total indifference though not hostility; at the other it is best expressed by the Sufi notion of goodwill towards all (*sulh-i-kul*). It is, I think, the most widely prevalent attitude in India. It is passive.

Second, religious pluralism affirms that, apparent differences notwithstanding, all religions essentially express the same truths. This attitude has been traced back to the *Rig Veda*... Vivekananda stressed that the message of India to the world was religious tolerance. Azad argued for the mutual compatibility of such key ideas as the unity of God (*tauhid*) in Islam and non-dualism (*advaita*) in Vedantic Hinduism.

... More outward-looking and positive than the notion of coexistence, this version of religious pluralism, focussed on convergence, remains trapped in the hierarchical mode of thinking... Vivekananda, while recognising the legitimacy of religious difference, described Vedanta as the mother of all religions. He denied that it had anything to learn from other religions, for they were all included or anticipated in it... Azad ... felt obliged to believe that although God had sent messengers to all peoples. Islam was the most perfect of all religions revealed to humanity.

Third, religious pluralism could mean that dialogue should replace both indifference and hierarchy. The argument is that every religion requires the others, for no religion is complete in itself, nor does it have monopoly over truth. The issue is not one of tolerance or respect but of understanding and experience. The basic assumption is that the acknowledgement of difference, rather than convergence alone, can contribute to a creative

understanding. By this definition, a religious person will not merely tolerate or respect other faiths, but actually discover in them elements of belief and practice that are subdued or missing in his or her present faith. This is more than a simple and sincere desire to experience other religions... it is a moral and intellectual position grounded in an acknowledgement of the incompleteness of every single religion.

Religious Conversion: Gandhi's distrust of religious conversion was based on the assumption that the sincere seeker will find the Truth in his own religion, for all religions are equally true. He asserted, however, that while he was a committed *sanatani* Hindu, at a deeper level the religion he lived by transcended Hinduism. Within the *sanatani* framework he had equal respect for the folk tradition (*Ramacharitanamas*) and Vedanta (*Bhagavad Gita*). Moreover, he openly, in fact joyously, expressed his indebtedness to other religions, particularly Jainism and Christianity.

It is religious pluralism in the third sense.. that those who conceive of India as a basically religious country must seek to cultivate... Our failure to successfully implement the three-language formula is significant in this context. If most Indians are reluctant to seriously learn a second Indian language, what are the chances of their willingness to adopt an affirmative attitude towards other religions, particularly those that have been reviled in the past? Just as a second language must be used, a second religion must be understood and experienced alongside one's own.

Daunting Challenge: Europe today faces a similar daunting challenge of overcoming the bitter and divisive legacy of nation states... Some of the greatest European thinkers are seized with this problem. One of them, Paul Ricoeur, has written about the 'exchange of memories', 'promotion of plural readings of founding events', 'hospitality' and above all, 'forgiveness' as the means of revising the past to build a new future, common though diverse. If the West... can think in such terms ... why not India?

It will be objected to by some readers that I have .. excluded the real alternative to religious conflict, namely, secular humanism. It is, of course, one of the options which Indian secularism must accommodate. Many enlightenment philosophers welcomed religious pluralism in the conviction that it would ultimately undermine the religious impulse. Many contemporary social theorists also have written about the compatibility between pluralism and secularisation. The closing decades of the 20th century have, however, exposed the limitations of secularist optimism.... A definition of secularism that stands for the limitation of the role of religion in society, its privatisation, if not its elimination... does not fit into the pluralist definition currently favoured in India.

(Source: The Times of India, 9 August, 1996)

A.G. Noorani

New Light on Babari Masjid Demolition - I

... New light on Rao's role in the affairs has just appeared. It shows that what was ever suspected to be murky was, in fact, far worse. It was sordid. The source is of impeccable authority and highest credibility.

It is none other than the Union Home Secretary who did his utmost to prevent the demolition but was thwarted at every single step, from July 1992 onwards, by the Prime Minister and had to suffer the mortification of listening to his lies in the cover-up. Dr. Madhav Godbole's memoirs should be read widely... (Unfinished Innings; Orient Longman; Rs.400). ...

The 87 pages of the chapter, "The Ayodhya Debacle", prove to the hilt that while the Union Home Ministry had, since July 1992, drawn up detailed contingency plans, Rao rejected them consistently and denied their very existence after the demolition. He denied also that the Centre had power to intervene, despite the fact that he had himself twice agreed to intervene only to back out. The power has been recognised by every commission which considered the subject....

Godbole's account confirms authoritatively and in detail the findings of the Citizen's Tribunal on Ayodhya comprising two former Judges of the Supreme Court, Justices O. Chinnappa Reddy and D.A. Desai, and a former Chief Justice of Calcutta High Court, Justice D.S. Tewatia: "We are of the view that the Government of India was guilty of culpable negligence and a willful refusal to discharge its obligation as a constitutional Government. The inaction was deliberate and with full knowledge of the likely outcome (*italics mine*, throughout).

Chandra Shekhar told this paper (The Statesman) on December 12: "It does seem there was deliberate dereliction of duty". He revealed that he had met Rao on November 30 to convey "certain information" on the threat to the mosque. "I personally explained my apprehensions". They were ignored. A fortnight later, he amplified that he had told Rao and his colleagues that "they should prepare for the worst and take preventive measures. Everyone present in the National Integration Council (November 23) was of the same view".

Rao's lies were also as well known as his culpability for "deliberate" inaction. His speech in the Lok Sabha on December 21, 1992 was an exercise in deception. He said, for instance, that at no point of time did the State Government tell me that they will not use them (paramilitary forces sent by the Centre to U.P.)... I have yet to come across a scrap of paper from Shri Kalyan Singhji to say that he refuses to use the paramilitary forces sent by the Centre. The Home Minister will bear me out". On December 9, Home Minister S.B. Chavan had told both Houses of Parliament in a formal prepared

statement that "instead of utilising the force, the Chief Minister criticised our action in stationing the force and demanded its withdrawal. He went to the extent to challenging the constitutional validity of the State Government's action". Kalyan Singh's refusal to use the Central forces could not have been more explicit.

Godbole's first-hand account confirms the impression of Rao's culpability on both counts - deliberate inaction and deception. By exposing his conduct in detail, it provides a damning indictment of Rao. "Sheer travesty of the truth" and "shocking" are his remarks a props Rao's denial, in a Press interview (January 5, 1993), that there was a plan to send forces "under the Central Command by (sic) Article 355". He has good reason to resent this denial; for, he had himself drawn up the plan and Chavan had approved of them. Rao vetoed them. When the worst happened, he pleaded he had no such powers. ...

But Rao ... detected a lacuna in Article 356. He told the Lok Sabha on December 21, 1992: "If only one word had been there, in Article 356, which says, 'a situation has arisen' - if after that it could have been added 'is likely to arise' - then the Governor gets (sic), the President gets a greater leeway". He went so far as to remark: "What happens to Article 356? It lies shattered".

This was no mere legal error. Godbole's book proves that this disclaimer was untrue to Rao's own knowledge; in short, it was a lie. For, Rao himself had approved of imposition of President's rule. Of a piece with this is his persistent trivialisation of the tragedy. Rao told foreign correspondents on December 11 "because a few persons going (sic) into the temple does not mean the breakdown of law and order. Only when they started pulling the structure down, one could say something unconstitutional... was being done." In January 1993, he said: "Five lakh people come here and collect at the Boat Club... Just because two lakh people have come (at Ayodhya) doesn't mean anything to me".

Godbole's comment on this remark is devastating. "Of course, it is not true that the Prime Minister was not warned. In fact, all implications of not taking a decision early enough were fully and repeatedly impressed on the Home Minister and the Prime Minister by me personally, often in the presence of Naresh Chandra (Rao's adviser on Ayodhya) and Law Secretary P.C. Rao. The Prime Minister was also told that all his options would be closed once the kar sevaks congregated in large numbers at Ayodhya. At no stage had the Prime Minister said that the crowds in Ayodhya were no different from those which collect in rallies at the Boat Club. But if that was his real assessment, then all one can say is that there you have the answer as to why the highest political executive decided not to act but to sit back and let

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events take their own course".

In order to appreciate the import of Godbole's warnings and the Home Ministry's contingency plans, the background must be borne in mind. Kalyan Singh made no secret of his plans no sooner he became Chief Minister in 1991. As early as May 2, 1992 he threatened to mobilise the people. On July 9 he began the construction of a concrete platform, after acquiring the land adjoining the mosque on false pretexts, and committed various violations of the Court's orders. As the Home Ministry's Annual Report (92-93) records, his Government "expressed its inability to enforce the court orders keeping in view the possibility of violence".

July 9 was a dray run for December 6. The Sangh Parivar's strategy was obvious - surround the mosque with an enormous crowd and hold it hostage. The BJP's whizkid K.N. Govindacharya told this paper (The Statesman) (December 30-31) that the plan was to "collect crowds to foil the dismissal plan".

Game Plan

Its organ, Organiser, revealed it in detail on December 7 (when its issue of December 13 hits the stands): "The game-plan was not to allow the Centre to pre-empt the arrival of kar sevaks at Ayodhya by dismissing the UP Government and deploying para-military forces... L.K. Advani and M.M. Joshi were asked to set out on yatras commencing from Varanasi and Mathura respectively" as a warning of a widening of the conflict. By December 4, more than two lakhs had been collected near the mosque. Meanwhile, as Organiser admits, precious time was gained by filing reassuring affidavits in the Supreme Court.

There were only 500 men on November 25 near the mosque. They rose to 17,500 on November 30. The decisive days were December 1 to 3. Three events preceding them are of crucial importance. On November 23 the National Integration Council gave Rao *acarte blanche* - "support and cooperation in whatever step the Prime Minister considers essential in upholding the Constitution and the rule of law, and in implementing the Court's orders." The next day 195 companies of Central para-military forces (20,000 men) were stationed "in the proximity of Ayodhya so that these could be made available at short notice if and when required by State Government for deployment to protect the mosque" - as if that was at all its intent. It lost no time in telling off the Centre.

On November 25, the Attorney-General, Milon Banerji told the Supreme Court Bench considering the case, Justices M.N. Venkatachaliah and G.N. Ray: "The Court must do something today since one or two days may be absolutely vital". He was making the statement "with the fullest sense of responsibility since reports showed that the situation was building to a boiling point". The State was only playing for time to gather men and material for the December 6 "kar seva". He added: "Any further delay might make the situation irreversible in practical terms". Were the gravity and urgency of the

situation, so well described by the AG, not evident to the P.M.? The Bench chose to ignore the warning and instead granted time to the State to carry out its orders. During the proceedings it observed "we can't act in aid of the Central Government". The Court's written order pointedly said: "The Central Government is, of course, at liberty to make its own assessment of the matter and take such action on its own as may appear to it proper and permissible." In plain words, the proceedings in court did not bar imposition of President's rule in UP. By November 25 Rao had the Supreme Court's permission, the NIC's mandate and the means to enforce both. In such a context, his persistent veto of the Home Ministry's plan reveals his own game-plan. Godbole writes: "A detailed contingency plan was drawn up, first, for implementation in July 1992. This was later refined in great detail for being put into operation in November 1992. I would underline that this contingency plan involved taking over the BM-RJB complex by invoking provisions of Articles 355 and thereafter imposing President's rule under Article 356, and not merely giving the Government of Uttar Pradesh the assistance of central para-military forces."

Both the procedure for the orders "a late night meeting of the Cabinet" and the manner of their implementation were worked out thoroughly. Even aerial photographs were ready. "With such a detailed contingency plan worked out, I asked for clearance to put the plan into operation from the Home Minister and the Prime Minister in the second week of November 1992 before the kar sevaks started arriving in Ayodhya. According to the original time-schedule at the official level in the Home Ministry, the whole operation was to be completed on the night of November 22-23, 1992 so that a statement could be made on the opening day of the winter session of Parliament on November 24, that the Centre had taken action under Article 355 and had taken over the state under Article 356". (italics here in the original).

He adds: "However, the Prime Minister changed his mind again and decided to wait for a few days". Since November 15, commandos of the National Security Guard were kept "in readiness to proceed in civilian clothes" to Ayodhya. "Each day the orders used to be countermanded in the evening for want of clearance from the Prime Minister". Both, Chavan and Sharad Pawar, the Defence Minister, spoke to Rao but to no avail, "I met the Prime Minister several times, but every time I was told to wait".

Rao was in sole command. The Home Ministry had been totally excluded from his talks with the Sadhus and parivar leaders. The PMO felt that no harm could come to the structure. It was against any action. So, even more enthusiastically, was Cabinet Secretary S. Rajagopal. Naresh Chandra had a touching faith in the discipline of the RSS and the "maturity" of the leadership of the BJP and the RSS.

(Source: The Statesman, 11-13 June, 1996)

(To be concluded)

Views of Shahabuddin

Letter to Indian Express, 31 July, 1996

Shri K.R. Manohara in his letter (A Monument to Harmony, 31 July, 1996) has suggested the construction of a multi-religious place of worship. This is an impracticable idea as the modes of worship vary. At best it can be a place for meditation.

Also it would be unfair and antithetical to usurp and then to destroy a place of worship of any religion, to build a monument to multi-religion harmony!

The other solution - construction of a mosque and a temple on adjacent site. The Wakf land, adjacent to the Babari Masjid proper, had been offered to construction of a temple even in 1986, so long as the Masjid was restored, with the Ram Chabootra as the Sanctum Sanctorum. But this was rejected as on the specious plea that the Babari Masjid site itself was the birthsite of Ram.

Raj Kamal Jha's article ("A four-year hangover", 17 July) focussed on the strictly legal aspect. If a property in dispute is destroyed, first it must be rebuilt, whatever the final verdict. Moreover, Mr. Manohara has failed to appreciate that a forcible occupation (in December 1949) neither extinguishes nor creates title.

II- Letter to Indian Express, 12 August, 1996

Shri A.K. Sharma's letter (Indian Express, 9 August, 1996) is indeed a classic. He writes of 'divine facts' but without revealing the name of the Scripture, that Babar invaded Hindustan in 1526 and took Awadh in 1528 but he took both Delhi and Ayodhya from the Pathans and not from the Hindu Rajas. The structure in Ayodhya built under his command was and served as a mosque from 1528 to 22-23 December, 1949.

It is also a fact that 90-95% Muslim Indians are descendants of those who embraced Islam. But does it mean that like the mythical Ram Janambhoomi Mandir said to have been converted by Babar into Babari Masjid, they should all be converted back to Hinduism?

While Mr. Sharma condemns discrimination on the basis of creed or faith as a crime against humanity and against principle of equality, he upholds the demolition of a Masjid and its conversion, in broad day light, in the full blaze of history, into a Mandir! Is he living in two worlds - the Hindu world of tolerance and non-violence and the Hindutva world of intolerance and violence?

III- Letter to Hindustan Times, 12 Aug., 1996

Ref. the article "Ayodhya tangle" by S. Sahay (HT, July 24). I propose a fresh legislation for the take-over of the disputed site and the attached land. This 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

is decided and revived the Special Bench.

(Contd. on page 410)

K.J. Alphons

On Responsibility of Demolition

... Who demolished the mosque at Ayodhya? Were they some isolated fundamentalist hoodlums? Hardly. They had the support of all the leaders and thinkers of the BJP, except Vajpayee... Did the BJP do it alone? Certainly not. I was with a powerful Union Minister on 6 December when the mosque was being demolished. When the hoodlums charged into the mosque, the minister rang up the Union home secretary and asked him why the central police force was not being sent in at least now when the demolition of the mosque was imminent. After all there was the Supreme Court order to ensure that the mosque was not demolished. The central police force was stationed just a ten-minute drive from the mosque. The home secretary told the minister categorically that he was powerless to do anything. The demolition of the mosque was pre-planned. The Intelligence Bureau had reported three days in advance to the Prime Minister that the mosque would be demolished. Mr. Harkishan Singh Surjit, general secretary of the CPM, had met the Prime Minister days before the incident and told him categorically that the mosque would be demolished and the PM should take appropriate action. The PM said he would.

The Prime Minister's Office put out the story that he was cheated by the BJP leadership. They had promised that the mosque would be spared. They betrayed him.

Extract from K.J. Alphons: **Making a Difference**
(Source: The Sunday, 7-13 April, 1996)

Prafull Goradia

On Role of Kar Sevaks and Narasimha Rao

... It is true that kar sevaks did cause the three domes of the edifice to be brought down between 2 pm and 4.30 pm on December 6, 1992, there is more to the story.

For the Hindutva forces, the collapse of the domes signified the end of the edifice. At 5.15 pm on the same evening, Mr. Kalyan Singh had resigned. By 6 pm the Central government had dismissed the Uttar Pradesh ministry and put the state under governor's rule. Over the following 60 hours or so, the walls and the plinth were broken and all the debris removed, evidently under Central government supervision.

Through all of December 7 and 8, no photograph was taken, and no picture of the Babari Masjid, with its walls standing but with the domes gone, appears to be available. The post-demolition photographs all show the flat ground on which the Masjid had stood as well as the small makeshift Ram temple built overnight.

This means that other than its domes, the Babari Masjid was demolished by a government agency under Central rule...

(Source: Letter in The Times of India)

Judicial Activism Bypasses Demolition of Babari Masjid

A Raghavan in The Blitz, 27 July, 1996

As is known, 'judicial activism' is a current coinage. It is highly lauded in the context of criminalisation of politics. The hawala racket gave it a permanent niche in the print media...

... Judicial activism has completely bypassed the perpetrators of the horrendous Ayodhya vandalism. The Babari Masjid was demolished on December 6, 1992. But, till today not even a beginning had been made to punish that crime against man and history.

And worse, the Liberhans-headed Commission of Inquiry probing the demolition, is virtually defunct with his appointment as the acting chief justice of the Punjab and Haryana High Court. That apart, the Delhi High Court, which had stayed the Commission's proceedings in August, 1995 has yet to pass its order. The Commission of Inquiry took a year to decide on the place of hearing, the presiding judge and the witnesses.

It examined 53 witnesses. Later, it served notices on 41 persons and five organisations. Those who were served notice included the former Home Secretary and UP's then DG of Police. Both of them approached the Delhi High Court for stay orders, in August, 1995. A judgement on their petition is yet to be delivered.

The Government of India set up a Commission of Inquiry ... on December 13. On October 6, 1993, the CBI filed chargesheets against 40 persons before a Special Magistrate in Lucknow... The magistrate issued bailable warrants against the accused. But the accused unsuccessfully challenged the warrants by filing more than 100 interlocutory applications in the lower court.

They later moved the High Court which also rejected their plea. In the process, their bought time, sufficient enough for the people to forget ... the Ayodhya vandalism... Finally, the cases were committed to the sessions court on August 17, 1994. The charges were not framed in the first five sittings. But before that could be done..., the sessions judge Vimal Kishore was transferred. The vacancy, created by his retirement on December 4, 1995 has not been filled, till today. ...

Though the CBI, in charge of investigation, believes that it has a strong case against the 40 chargesheeted

(Contd. from page 409)

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 should not exert undue

Sheer Mischief

Editorial, The Hindustan Times, 3 Aug., 1996

It is highly reprehensible that a section of the Sangh Parivar is keen on "liberating" the Kashi and Mathura shrines. As long as the BJP does not check this section, it will be considered a supporter of the objectionable move... Is there any sense in reviving emotive issues like Kashi, Mathura and even Ayodhya when the country's problems are essentially political, economic and social? The nation has not yet recovered from the after-effects of the Ayodhya incident and it can well be imagined how much harm the revival of the Mathura and Kashi issues will cause to peace and communal harmony. The BJP MP and VHP leader, Mr. Vinay Katiyar ... says instead of directly campaigning for the "liberation" of the shrines, he will demand the withdrawal of the legislation on status quo of religious shrines of 1947. This is nothing but sheer mischief and it is indeed a pity that the BJP has not pulled him up for this. The real issue is not any temple of any other place of worship but the coming elections in UP. Like him, several others in the VHP believe that the Kashi and Mathura issues can bring the Hindus together and the only beneficiary in the process will be the BJP. But the BJP will be committing a mistake if it accepts the Katiyar plan even indirectly.... The Ayodhya incident is still fresh in the minds of the people.

accused, they have not been tried yet, because of the non-availability of a sessions judge to try the cases. It feels terribly let down by both the Allahabad HC and the UP government. There is overwhelming evidence against the demolition squad in the form of affidavits, FIRs, CBI's own investigation reports, the report of the Citizen's Tribunal, headed by two former Supreme Court judges and chief justice of a High Court. But these do not help long as there is no judicial machinery to process them. ...

... The United Front's common minimum programme makes no mention about punishing the accused in the Masjid demolition.

If the current wave of judicial activism side-steps the Ayodhya outrage and overlooks its perpetrators, the UF government, pledged to fight communalism and uphold secularism, cannot afford to do so. It's a question of the collective political will of the United Front.

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 ever 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.

Mohd. Zeyaul Haque on Bhatkal; A Divided Town

Bhatkal (Karnataka): This picturesque coastal town of 45,000 inhabitants is sitting atop a seething volcano of hatred and latent violence. The locals who had been living together in peace for centuries are now firmly divided on communal lines, thanks to political mechanization.

For the first time the population was communally polarised in 1991 at the height of the all India anti-Muslim campaign in the name of Hindutva and Ayodhya... Communal hatred was being consistently built up through yatras, shakti pradashan (show of force) and venomous speeches of Sadhvi Rithambra and Uma Bharti. Together, they built up a mass hysteria that destroyed Babari Masjid and 23 other mosques and mazars in Ayodhya...

... In 1991, Hindus brought out the annual chariot procession and, under the stewardship of local BJP leaders, insisted on making a long halt at the gate of a mosque... "Soon they started playing a cassette of Uma Bharti at the gate of the mosque", recalls Aftab Kola, a local journalist. Muslims objected to the highly inflammatory speech which sought to demonise them... Argument led to exchange of hot words, which degenerated into fisticuffs and, finally, into communal riot...

"The whole episode was planned to trigger a riot and cripple Muslims financially"... says a veteran journalist... The partisan police role fuelled animosities... "We are treated like the enemy by our own police", says a victim. "The police allowed BJP rioters to create havoc and shot two Muslim teenagers without rhyme or reason", says Kola.

What happened in 1991 was mere warm-up for the bigger trouble to come... The storm finally hit the town in early 1993. After the Bhatkal began to have riots every other month. All of them were engineered by political interests inimical to Muslims. "The main idea was to polarise the population to make BJP victory easy", says Kola.... Finally, BJP's Dr. U. Chitranjan entered Karnataka assembly in 1994 riding a wave of anti-Muslim hysteria. Sadly, the MLA was shot dead in April 1996 in mysterious circumstances.

... The local Muslims form a distinct ethnic group called Nawayats. Their forefathers came sailing from Arabia and settled here a thousand years ago. They have a distinct cultural identity, sartorial preferences and cuisine... They constitute 70 per cent of the town's population...

Intermittent riots caused demoralisation and huge loss of property. Their's is a remittance economy: 8,000 Nawayatis are NRIs working in South-East Asia, West Asia, the Gulf, Europe and America... (This) gives them a financial edge. It also created... jealousies among the less privileged sections. BJP has encashed the resentment to its advantage.

... Nawayat Muslims have taken care that some...

benefits of affluence percolate down to others as well. They have subsidised a bus service and given interest-free loans to Hindus from their Cooperative Bank... Anjuman Arts, Science and Commerce College built and run by Nawayats, caters to all. ...

If you talk to the Nawayat or Hindu leaders like Dr. Suresh Naik, Surendra Shanbagh or N.G. Kolle, you find that beneath the burning ambers of resentment lurks a grudging affection for each other. ... The Hindu-Muslim relationship is a fine example of love-hate pattern. ...

Muslims, who feel that Dr. Chitranjan was killed by political interests which want communal animosity to prevail in Bhatkal, are bitter at the police and the local media... A delegation of Muslim NRIs met the chief minister and complained against police harassment. They have some ghastly tales of police highhandedness to tell. Their version of police brutality has been corroborated by the deposition of T.Y. Nayaz Ahamad, the ex-deputy commissioner of Karwar (of which Bhatkal is a taluka). before Justice Jaganath Shetti Commission. The Commission is investigating the causes of the 1993 riots in which the police took a partisan position.... Many Muslims and Hindus today want to forget about the bitter past and concentrate on the future. ... Many people do want to make a fresh-break rather than apportion blame, even at the cost of being denied justice...

The desire for peace notwithstanding, it would be against all norms of fair play if the victims of the riots go uncompensated and the perpetrators unpunished. In 1993 alone many lives were lost and property belonging to Nawayats worth Rs. 4 crore was destroyed...

The latest in the anti-Muslim campaign is the concocted story of massive arms dumping in Bhatkal through the sea route by Pakistan's Inter Services Intelligence and other shadowy outfits in foreign countries...

In the final analysis, there are five different features at play in Bhatkal: BJP, Muslims, common Hindus, police and press. Fortunately, today the chances of peace are bright because:

- * With ... Anand Kumar Hegde as MP, BJP is no longer in need of playing the Hindutva card, at least till the next election;
- * Muslims are fed up ... with communal discord;
- * Common Hindus never wanted to quarrel with Muslims until hate-mongers like Uma Bharti or Rithambhara urged them to take on the Muslims...
- * The police have yet to promote peace but with the above three being pro-peace, police cannot remain far behind.
- * Muslims have begun to appeal to newspapers to keep restraint and verify anti-Muslim reports before publishing them... The press on its own too might know the futility of canard-mongering.

In short ... the lurking affection between local Hindus and Muslims would reassert itself sooner than later...

(Source: The Nation and the World)

Madras High Court

On Limits to Rights of Foreign Nationals

Gilles Pfeiffer, Petitioner v. Union of India and others, Respondents.

Shivaraj Patil, J.

Foreigners Act (31 of 1946), Section 3 - Expelling foreigner from country - Passing of order by Government - Foreigner have no right to claim stay in country much less a fundamental right - Said order cannot also be challenged on ground of violation of principles of natural justice.

Petitioner being a foreigner has no fundamental right under Article 19(1)(e) of the Constitution. The Act of 1946 vests the Central Government with the absolute and unfettered discretion and unrestricted right to expel a foreigner. There is no dispute that the petitioner is a foreigner. Once the application of the petitioner seeking extension of his stay in the country is rejected, he shall have no right to claim to stay in the country, much less a fundamental right. Further the impugned order is not vitiated on the ground that either it is not a reasoned order or that it is one passed in violation of the principles of natural justice. The petitioner being a foreigner, cannot claim that there was violation of the principles of natural justice in passing the impugned order.

It is not a case of deprivation of life or personal liberty of a person within the meaning of Article 21 of the Constitution. The petitioner is not an accused and is not to be tried before any criminal Court. Even in the absence of any such application for extension of stay, the Central Government was competent under the 1946 Act to pass an order deporting the petitioner without affording any opportunity, and in that event the petitioner could not claim any violation of the principles of natural justice. The Central Government in regard to foreigners, either who enter the country without the necessary permission or authority, or remain in the country, after the expiry of the period for which permission is granted, could straightway take necessary action; to deport such persons from the country without there being anything more. ...

(Source: AIR 1996 Madras 322)

Nirmalya Banerjee

On Santhal Minority in Bodoland

Incidents of arms snatching by Santhals in Kokrajhar and Dhubri districts of Assam have become "a matter of concern" with the authorities. ... Since the beginning of the ethnic violence between Santhals and Bodos in May, there are reports that Santhals are organising themselves in a militant fashion. The district authorities have received reports that some leaders of the CPI(ML) and the United Revolutionary Movement Council of Assam are campaigning among the Santhals, particularly in the Srirampur area, near the inter-state boundary.

Immediately after the riots, Santhals youths could be seen moving in groups in the relief camps, armed with bows and arrows. These were used in attacking the Bodos as well. Subsequently, the Army and para-military forces

Asghar Ali Engineer On Triple Dviroce

In India, pronouncing triple divorce in one sitting is, unfortunately, widely prevalent among the Sunni Hanafi Muslims. It is part of the Muslim personal law in this country... A close study clearly shows that it is not at all an Islamic way of pronouncing divorce.

Firstly, it is not mentioned in the Koran at all (the Koran mentions divorce in three separate periods, not at one time or in one sitting itself). Secondly, marriage is a contract in Islam (the Koran describes it as a mithaq al-ghaliz i.e. firm agreement). A contract between two parties can be entered into with mutual agreement (in Islam, marriage cannot take place without the specific consent of the woman) and, therefore, it cannot be dissolved without mutual consent.

How then can a unilateral divorce be valid? If a contract is validated through mutual agreement, it cannot be dissolved unilaterally. Thus triple divorce, which is absolutely unilateral, cannot be Islamic in spirit.

There has never been any unanimity among Muslims over triple divorce. The Shia Muslims maintain that one cannot pronounce more than one divorce at a time. The Ismailis also reject the concept of triple divorce in one sitting. Among the Sunnis as well, there is no unanimity on this issue. The Hanbalis do not accept it. The Hanbali Imam, Ibn Taymiyyah, wrote a book arguing against it. He vehemently rejected the very concept as un-Islamic and suffered greatly for his views.

Ahl-e-Hadith, among the Sunnis, also do not accept triple divorce. Ahl-i-Koran also reject it as un-Koranic. Even the Sunni Hanafi Muslims, who practise it, consider it as a talaq-i-bid'ab (i.e. sinful form of divorce). ...

Many Muslim countries, including Pakistan, have used a verse of the Holy Koran to make arbitration compulsory. Thus, there is no place for triple divorce in one sitting at all. There is no certainty in hadith literature as well about the validity of triple divorce in one sitting. There are serious differences on the issue... There is no unanimity on this core... The concept of three divorces given together is against the Book of Allah. Even hadith literature is far from unanimous in upholding its validity... Triple divorce is totally against the Koranic spirit. Its validity is not proved by the Prophet's Sunna...

There is, therefore, no point in retaining it as a part of Muslim personal law... The Muslim Personal Law Board should itself take the initiative to abolish it and replace it with the more just form of talaq mentioned in the Koran.. which (alone) is divine, not the opinion of jurists and the ulema...

(Source: The Times of India, Bombay, 26 June, 1996)

seized the bows and arrows in the camps but sporadic incidents followed in which Bodos were killed.

Santhals youths in the ... camps, however, deny attempts by Santhals to arm themselves in an organised fashion.... But (they) demand that some Bodo organisations, equipped with firearms, should be disarmed. ...

(Source: The Times of India, 5 August, 1996)

Ahtesham Qureshy On Waqf Management

... The Waqf Bill was passed by Parliament (in August, 1995) and the President's assent came last November making it effective from January 1 this year.

The new Waqf Act, however, has not yet been implemented by any state, except Andhra Pradesh. The Act replaces all the parallel state laws relating to the management of Waqf properties... It has a uniform application, and makes it obligatory for the state governments to constitute new state Waqf Boards with elected as well as nominated members. And it will be for the first time that states like Maharashtra and Gujarat will have such Waqf Boards.

But there is a flaw in the law which undermines the basic objective of strengthening and improving the management of Waqf properties. The 1995 Act provided that all previous laws for Waqf shall stand repealed with effect from January 1 this year. Consequently, all state Waqf Boards constituted under old laws by the state governments as in Uttar Pradesh, Karnataka, West Bengal, Bihar, Delhi, Punjab and Haryana, became "extinct". Even the Central Waqf Council has not yet been reconstituted. All these Waqf Boards, however, continue to exist, contrary to the law. The decisions taken by them after January 1, including the disposal, sale, or transfer of Waqf properties are "illegal". New Waqf Boards have not yet been constituted... Several state governments have sought clarification from the Centre about the legal flaw. The Union Law Ministry, to which a reference was made by the Ministry of Welfare, has turned down the suggestion for an amendment to the 1995 Act. The Delhi High Court, in a recent public interest litigation, directed the Central Govt. to delegate the necessary powers to the Delhi Govt. to enable the framing of rules and to constitute the new Waqf Board.

The Management of Waqf properties in almost all the states has been in a mess, with the "loot" of such properties even by the members of Waqf Boards and their "mutawallis" (managers) becoming a common malice. Most of the state boards have gone bankrupt, as the collection of rent and other recoveries have fallen to a dangerous level... The only exception is, perhaps, the Punjab and Haryana Waqf management, with a senior IAS officer as administrator, the state board having been superseded: it has now shown a revenue surplus of Rs. six crore. The new law provides that a local "mutawalli" shall be liable for up to six months' imprisonment if he submitted false or incorrect statement of a Waqf property and its income under his supervision.

It also authorises the chief executive officer of the board to take action for the removal of unauthorised possession or encroachment on Waqf property. One of the problems faced by the state boards has been the encroachment on Wakf land by Central or State government departments and agencies, like the police. Although the late Prime Minister Indira Gandhi had given

Sudhir K. Singh on Transfer of Waqf Properties in West Bengal

The fact that the electoral resurgence of the Congress in West Bengal has put the ruling Marxists on the defensive was apparent from Chief Minister Jyoti Basu's sudden decision to table the P.K. Sengupta report on the irregular transfer of waqf properties in the Assembly...

Most political observers (feel) that by choosing to rubbish the basic findings of the State government's own representative in overtly strong language, Mr. Basu had unwittingly betrayed the need for a wider investigation of the scam in which prime waqf properties valued at over Rs. 1000 crore might have changed hands under suspicious circumstances. Most of them (estimates put their number at 16,000 - 20,000) were donated by Muslim nawabs and zamindars over a period of 200-250 years to ensure the socio-religious well-being of their community. Mr. Basu claims that the report is in conflict with the judgement and order of the Calcutta High Court dated January 20, 1995. Whereas the charge that its contents are "vague, perfunctory, inconsistent, and self-contradictory on material aspects" may not be entirely misplaced, there is little doubt that the 11-member waqf board was guilty of mismanagement. Unfortunately, Mr. Basu's written statement on the subject not only refused to admit this but sought to prove instead that his judicial secretary was a crashing incompetent.

In fact, Mr. Sengupta's seemingly 'wishy washy' report is a brave balancing act. Given his position as a government servant, he has tried to be honest without ruffling too many feathers. That is why he has refrained from pointing finger at anyone in particular. But there is enough substance in his findings to make them the basis for a deeper probe. He says the majority of the waqf

(Contd. on page 414)

an assurance that such encroachments shall be vacated, the new law does not provide relief in this matter by way of any compensation. It, however, provides a safeguard for the future by stipulating that the district authorities shall have to give prior notice to the Waqf Board for acquiring a Waqf property in public interest.

An innovative feature of the 1995 law is that special tribunals are to be set up in each state for speedy settlement of disputes. Their decisions shall be final, and they shall have exclusive jurisdiction... The Waqfs are exempt from the Limitation Act of 1963.

But the new law fails to fulfil another assurance, given by successive governments, to exempt Waqf properties from the Rent Control Acts in various states. The position is that the rent payable for prime properties ... is ridiculously low... There is yet no methodical survey of Waqf properties in any state...

(Source: The Hindustan Times, 29 July, 1996)

Haj 1996: Composition of Official Goodwill

1. M.H. Ansari, Ambassador of India, Leader
2. A.M. Khusro, ex-Chancellor, AMU
3. M. Kadharsa, ex-MP
4. S.H. Khan, Chairman and MD, IDBI
5. C.M. Habibullah, Director, Centre for Liver Diseases, DCM&A, Hyderabad
6. Shariful Hassan Naqvi, State Chief Commissioner of Scouts, Delhi
7. Mujtaba Hussain, Urdu Writer and Journalist
8. Masood Ahmed, Physician
9. Samad V. Valiullah, Ahmedabad
10. Syed Shahabuddin Shuttari, Sajjadanashen, Aurangabad
11. Abbas Ali, ex-MLC, UP
12. L.R. Laskar, Director, Food and Civil Supplies, Mizoram
13. Salamatullah, Chairman, Haj Committee
14. Shahazad Mohd. Khan, Dy. Principal Information Officer, CBI (Member Secretary).

(Contd. from page 413)

properties were not being properly maintained largely due to the abominably low rentals. Lacking the experience to manage their real estates, the "mutwallis" or trustees, approached the waqf board to sanction their sale or lease to commercial developers on certain terms and conditions. The waqf commissioner's records showed that at least 160 properties had been leased out, and a few sold outright. "Strictly speaking, it cannot be said that the transfers by way of lease were illegal, but it appears that the transactions were not discreet in most cases", the report says.

Additionally, the Board shirked its statutory responsibility (under Section 53 of the Bengal Waqf Act, 1934) of satisfying itself that the sale/lease was indeed dictated by unfavourable circumstances. "It would have been judicious and proper for the board to make discreet inquiries into each case before giving sanction", the report said. But not a single inquiry of such a nature was conducted. Again, there was no open invitation of offers or quotations from interested parties. There were no public advertisements asking for tenders from promoters. In some cases even the express instructions of the waqf commissioner that the lease offer be published in newspapers (in atleast three languages) was ignored.

Predictably enough, none of the lease agreements were vetted by lawyers or legal experts on behalf of the "mutwallis" or the board. What gave the game away was the unduly favourable terms offered to the lessees. Another disturbing feature, according to Mr. Sengupta, was the board's failure to have the waqf fund audited for more than a decade. The last audit had been conducted by

The All India Haj Conference, New Delhi, 11 July, 1996: Resolutions

The Conference ... requests Government of India to introduce the new Haj ... Bill in the Parliament during the coming monsoon session and to have it enacted in the same session.

... Resolves that ... Air-India should provide the aircrafts for ... Haj 1997 ... in consultation with and under the direction of the Haj Committee (and) that the Haj Schedule should be finalised ... as early as possible, ... not later than 31st December, 1996.

... Resolves to have 3 Tier system of accommodation for the pilgrims in Makkah in the following manner:-

- | | | |
|--------------|---|--|
| Category I | - | New buildings located upto 600 meters from the Haram Sharif... |
| Category II | - | Buildings within the distance of 850 meters from the Haram Sharif... |
| Category III | - | Buildings within 851 to 1250 meters from the Haram Sharif. |

... Resolved ... not to grant any exemptions beyond the authorised capacity of each Rubat... or if the certificates are received after the prescribed date. ...

... Resolves that from now onwards pilgrims will be asked to deposit only Rs. 5280/- along with his/her application form instead of Rs. 17,280/-... and that the State Haj Committees will immediately transfer this amount within 15 days of the closing date....

If the State Haj Committees are failed to keep this assurance from next year, all the payments will be made directly to the Haj Committee...

That the pilgrims will deposit the air fare atleast three months in advance before the commencement of flights along with remaining amount of foreign exchange.

... Resolves that in order to provide a better network of communications and assistance to the pilgrims, one among 100 pilgrims will be nominated as Amir-ul-Haj ... on honorary basis. ...

(Rejects) the demand of the Haj coolies to allow them to work on all the embarkation points in India for loading and unloading of pilgrims's baggage ... on payment as there are voluntary Anjumans and organisations who serve the pilgrims/Hajis free of cost.

the Examiner of Local Accounts for the years 1978-79 to 1980-81. Though Mr. Sengupta's report does justify the Congress' contention of wrongdoing in the management of waqf properties; it is unlikely to result in any major political fall out. The probe might well have brought out some skeletons in the Left Front's cupboard, ... Mr. Basu, on his part, has already ruled out a CBI inquiry. ...

(Source: The Pioneer, 8 July, 1996)

Urdu as an International Language - Nand Kishore Vikram's Role Yogendra Bali in The Times of India, 17 July, 1996

... Nand Kishore Vikram of Delhi, writer, literary historian, journalist and translator, is a one-man achieves of world Urdu literature. Since he started his Alami Urdu Adab, an annual publication encompassing the global world of Urdu literature, he has singlehandedly accomplished which the Government of India and Pakistan, both swearing by Urdu when it so suits them, have not been able to accomplish. He has preserved and projected the best of Urdu writer's and scholars works and provided personal and literary data and documentation as part of his one-man literary crusade which is incomparable.

An example of Vikram's devotion and daring was the 1994 issue of Alami Urdu Adab with the famous non-conformist "people's poet" of Pakistan, Habib Jalib as the theme personality. The book was published and released in New Delhi to mark the first death anniversary of Jalib in March 1994, among a select group of Indian friends and admirers of the poet. For some reasons the Pakistani literary circles could not accomplish what Vikram did.

Among the famous men and women of contemporary Urdu work, whom Nand Kishore Vikram managed to persuade to contribute, through original or published works, were Ahmad Nadeem Qasmi, Intezar Hussain, Anwar Sadeed, Tauqeer Chughtai, Zahinda Hinna, Zohra Nigah, Sibte Hasan, Wazir Agha, Altaf Gauhar, Ameen Mughal, Saeeda Gazdar, Prem Pal Ashk, Fahmeeda Riaz, Saleema Shahid, Mohsan Bhopali and Baksh Lyallpuri.

The Alami Urdu Adab had also managed to publish rich tributes to Jalib by Altaf Hussain Qureshi, Rasheed Misba, Zia Alig, Feroze Mukerjee, Qateel Shifai, Shaukat Chaudhari, Qamar Yorish, Yusuf Hassan and Yunus Adeep. This trans-continental literary effort would have been impossible for anyone else. But he managed to do it.

What is Nand Kishore Vikram, the most significant among the "masters of the special number" upto now? In an informal ... chat ... he took time off to confide that his next issue of the Alami Urdu Adab would be themed around the famous Urdu poet Ahmad Nadeem Qasmi, an icon in both Indian and Pakistani literary circles.

He also talked with deep concern about the disintegrating value system of the society and about Unneeswan Adhyay or the 'nineteenth Chapter'. That is the work he had been dreaming to create for many years which is now a reality. The blurb for the book had said that the great epic on life and death, Geeta was created during the great war of Mahabharata, almost 4,500 years before today. It ran into 18 chapters. Now Nand Kishore Vikram presents in his Unneeswan Adhyay, a critique and analysis of events, life and environment in our own times.

He is not new to the art of writing, translation or journalism. Born in Rawalpindi on September 17, 1929, he was forced by the partition to abandon his home and come as a migrant to Ambala where he started his literary

life. For some time he was associated with the newspaper Qaumi Akhbar and Amrit. In 1953-54 he edited the monthly magazine Nai Kahani. He came to Delhi in 1954 and joined the government service in 1957. From 1964 to 1979 he was associated with the Urdu journal Aaj Kal as Assistant Editor and later served with Press Information Bureau as an Assistant Information Officer. But bureaucratic responsibilities did not kill his literary soul. It flourished and flowered in his 1961 novel "Yaadon Ke Khandhar" published in Hindi and Urdu. In 1969 his work Ghalib, Hayat-O-Shairi was published and it was followed by the publication of his translation of Grihdah by Sharat Chandra Chattopadhyay. His works Cooperative Dairy and Safed Inqilab won him a lot of acclaim and awards. He also selected, arranged and edited Pahelian aur Rang Birange Phool for children, on behalf of the Publications Division.

Is living in the world of "Special Number" more profitable than other remunerative jobs like translation or public relations or journalism...? Nand Kishore Vikram said, "Not more profitable, but much more rewarding. You feel that you are collecting and leaving for the future generations a wealth of literature and literary documentation which they would need and which would otherwise be lost".

Urdu: State-wise Status, 1981

S.No.	State/ Main Language	Percentage of Population		
		Main Language (if other than Hindi)	Hindi	Urdu
1.	Andhra Pradesh/Telugu	85.13	2.60	7.84
2.	Assam/Assamese	59.54	5.34	NIL
3.	Bihar/Hindi	—	80.16	9.99
4.	Goa/Konkani	61.21	2.09	2.81
5.	Gujarat/Gujarati	90.73	2.13	1.80
6.	Haryana/Hindi	—	88.77	1.77
7.	Himachal Pradesh/Hindi	—	88.95	—
8.	J&K/Kashmiri	52.73	17.03	—
9.	Karnataka/Kannada	65.69	1.78	9.54
10.	Madhya Pradesh/Hindi	—	84.37	2.18
11.	Mahrashtra/Marathi	73.62	6.66	6.94
12.	Orissa/Oriya	82.23	2.28	1.42
13.	Punjab/Punjabi	84.88	14.60	—
14.	Rajasthan/Hindi	—	89.89	2.10
15.	Tamil Nadu/Tamil	85.35	—	1.80
16.	Tripura/Bengali	69.59	1.28	—
17.	Uttar Pradesh/Hindi	—	89.68	9.74
18.	West Bengal/Bengali	86.34	5.94	2.21
19.	Andaman & Nicobar Islands/Hindi	—	18.14	1.00
20.	Chandigarh/Hindi	—	55.11	—
21.	Dadra & Nagar Naveli/ Bhili/Bhilodi	68.69	1.70	—
22.	Delhi/Hindi	—	76.29	5.88

(Source: Ministry of Welfare, GOI's Annual Report, 1995-96)

M. Rahman, Vice-Chancellor, AMU

Appeal for Donations for Development

... The AMU is regarded today as the most prestigious central residential university...

The University has 12 Faculties, comprising 78 Departments of Studies. It is a predominantly residential University with 14 Halls (67 Hostels) of Residence including 3 for women students and Centre for Non-Resident Students. It has a medical College, a Tibbiya College, a College of Engineering and Technology, Polytechnics for Men and Women, a well-equipped Computer Centre and a Central Library... More than 17,000 students are enrolled in the University and about 7000 students in various schools maintained by it, including more than 600 foreign students from 26 different countries... It has a budget of Rs. 100 crores.

Although the Government is providing adequate financial support to the AMU, there are certain areas, where owing to various constraints, the Government's assistance is not possible or cannot be easily procured, and it is in this context that voluntary and private financial support would be a great help keeping in view the socio-economic factors of the students receiving education in the AMU and also the need to preserve, protect and promote the unique character of this great institution.

The changing pattern of government funding of higher education also calls for public support...

Recognising the inadequacy of available resources as also the paramount need of the expansion and modernisation of the available infrastructure. The UGC and several Committees appointed by the Government have recommended that additional resources should be generated by the University as well, which may be kept in a separate fund to be utilized for furtherance of the objectives of the University and that the UGC may provide a matching grant as an incentive....

The Government have also granted 100% income tax concession on all endowments and contributions to the University particularly concession to the donors sponsoring selected research projects...

The University has visualised a number of projects which it would like to finance by private donations (which shall be used as) a corpus (whose) interest can be utilised for items like ... repairs of building, improvement in sewerage and internal roads, construction of the boundary wall of the campus, AMU House at Delhi, market complexes, construction and revamping of the existing laboratories and expansion of the existing and creation of new libraries, opening of a Dental College and increase in number of seats in M.B.B.S. Course. The priorities can be determined by an Advisory Committee

(with the Hony. Treasurer as the Convener).

The Executive Council of the University may accept the donations from any citizen of India or from Non-Resident Indians or from any public or private organisation or institution or Union Government or State Government for the purpose of developmental activities of the University...

Donations may be sent by crossed bank draft (in the name of the Finance Officer or the Hony. Treasurer) along with a covering letter to ... clearly indicating the purpose for which the donation has been given.

The present Hony. Treasurer, Dr. Mumtaz Ahmad Khan has kindly taken upon himself the responsibility of creating a corpus of over 25 crores for the purpose...

Incentive to Donors

The donors of the Aligarh Muslim University are entitled to claim rebate from Income Tax as permissible under Section 80G of the Income Tax Act 1961...

Names of the donors shall be included in the list of donors to the University to enable them to vote at and be elected to the University Court from Donor's Constituency...

Rooms and buildings constructed from the donations may be named after the donors or in accordance with the desire of the donors, with the approval of the Executive Council, provided full cost ... is borne...

Such other incentives to donors as may be offered by the Executive Council from time to time.

The ... University ... has helped students, ... irrespective of caste, creed or religion, to obtain higher education. The backward Muslim community of India has, however, been assisted in its efforts to modernise itself and keep pace with the need of the time...

Delhi Government's Order on Singing of 'Vande Mataram' in Schools, 25 Jan., 94

... It has been decided by the Government of Delhi that the National Song "Vande Mataram" composed by Shri Bankim Chandra Chatterjee in praise of the Mother Land, will be sung in each recognised school with effect from 27th January, 1994.

In order to instill sense of pride and reinforce national identity among young minds, it is necessary that singing of 'Vande Mataram' at morning prayers in each recognised school should be scrupulously followed... It should be ensured by the Head of Government/Government Aided/Unaided recognised schools including the schools run by MCD, NDMC and Cantonment Board that "Vande Mataram" is sung at Morning Assembly every day. ...

World Assembly of Muslim Youth, Riyadh Scholarship Programme

WAMY Scholarship Program is for needy and meritorious students of higher students (M.A./M.Sc./Ph.D.) as a loan payable after their graduation in ratio of 15% of their monthly income.

Information required:

1. Name of last qualification and percentage of marks obtained (attested);
2. Acceptance letter from the university mentioning the date of the commencement and the duration of the courses;
3. Photocopy of passport/residence permit/identity card;
4. Photocopy of last year/semester attested marks-sheet;
5. Name and address of the nearest Islamic organization whether in your native country or the place of your study mentioning name of its president.
6. Names and address of three well-known Islamic personalities who can recommend;
7. Names and address of 2 persons prepared to undertake guarantee to repay the amount after your graduation or discontinuation of your study;
8. Character certificate from the last institution you attended;
9. Personal bio-data;
10. An affidavit form is prescribed which can be obtained from:

**WAMY,
P.O. Box 10845, Riyadh 11443
(Tel:(01)4641669).**

The application is submitted to the WAMY Scholarship Program Committee in the month of May/October every year for appropriate action.

IOS Scholarships/Fellowships Programme for 1996-97

- SSS Post-graduate Courses in Social Sciences, Humanities, Law, Management
- SLP Degree Courses in foreign languages except English and Sanskrit and Persian for Arabic students only [B.A. onwards].
- SMS Degree Courses in Social Sciences and Humanities for Madarsa graduates.

For details and scholarship forms please write to:

**IOS Headquarters,
162, Joga Bai Extension,
P.O. Box 9725, Jamia Nagar,
New Delhi - 110 025.**

IDB

Scholarship Programme, 1996-97

The Islamic Development Bank (IDB) is pleased to announce 100 Scholarships for students from the Muslim community of INDIA for a study in a recognized university/college in their own country during 1996-97.

The scholarship is for the meritorious but financially needy students in the first year of the professional degree course in the field of Medicine, Dentistry, Pharmacy, Veterinary, Unani and Ayurvedic, Engineering including Computer and Communication Engineering and of Agriculture (including Fisheries, Forestry and Food Technology). The Scholarship is offered as an interest free loan to be refunded in installments by the students to any body or organisation in the country named by the IDB after the students completes his/her education and starts employment.

The scholarship covers monthly stipend for 12 months plus three month equivalents for clothing and books plus the tuition and other official expenses and the cost of treatment in government or university hospitals.

Last date for receipt of application is 1 October, 1996.

Details and application forms are available, free of charge, from:

**Students Islamic Trust,
E-3, Abdul Fazl Enclave, Jamia Nagar,
New Delhi - 110 025,**

Central Wakf Council, New Delhi Programme of Scholarships/ Financial Assistance, 1996-97

1. Scholarship for students of Technical Education (First Degree Course) MBBS, BAMS, BIMS, BUMS, BHMS, BDS, B. Tech., B.E., B.Sc.(Agri.), BVSc and MCA.
2. Ad-hoc grant-in-aid to needy students for first degree courses of Maths, Science, Commerce, Economics, Political Science, Public Administration and Business Management.
3. Financial Assistance to Muslim Voluntary Organizations/Educational Institutions for Vocational Training Centres.

The details and prescribed application forms may be obtained from the office of the

**State Wakf Board or
Central Wakf Council, 14/173,
Jamnagar House, Shahjahan Road,
New Delhi - 110 011.**

The Christian Union of India: Open Letter to Parliament on Dalit Christians

... The BJP argument that Christian Dalits do not qualify for the reservations because Christianity does not sanction caste will apply equally to Sikhs and Buddhists also. Neither of these religions approve of the practice of caste. The real ground for the extension of reservations to dalits of non-Hindu faiths is that the notion of pollution of caste and the disabilities arising out of the Hindu caste system have been so deep-rooted that conversion to other faiths has not been able to obliterate them either in the dalits or in the rest of society. Conversion to Christianity has not liberated all the dalit converts from their social and economic disabilities. Most of the Christian Dalits continue to experience the state of deprivation and the indignities of untouchability in the larger caste-ridden society, contrary to Article 17. As long as this reality continues, the Christian Dalits as well as Dalits of any other religion should be made eligible for the reservation.

Another argument is that the Christian community is comparatively better educated and owns a number of institutions in the fields of education and health care. We would like to point out that the Christian institutions benefit people of all faiths, and their policy has been not to run institutions exclusively for Christians. Though many Dalit Christians have benefitted from these institutions, the majority of Dalit Christians, unfortunately, remain untouched.

We do recognise the responsibility of the Christian churches to be concerned about the condition of their dalit members. But there are serious limitations to their ability to uplift all their dalit members because, with the exception of Kerala and North East India, about 85 per cent of the Christian Community in India are poor Dalits. The percentage of Dalits among the Hindus is far less. It would be legitimate for Hindu dalits to expect substantial assistance from the more affluent Hindus. However, we are not aware of any case where the state has abdicated its responsibility for the welfare of a section of its citizens on the argument that this is the responsibility of the rest of the community alone. ...

Article 341 providing for reservations to Scheduled Castes (Dalits) and some other categories in the name of social reform and justice places no limitation of religion on the eligibility of these communities to benefit from the measures that might be introduced in the implementation of this Act. The limitation was arbitrarily introduced only by the Presidential Order mentioned above.

The Presidential Order in its effect on Dalit Christians violates their freedom of conscience by discriminating against them and excluding them from its benefits solely on the basis of religion. They end up by being punished in this way for exercising their right to

(Contd. on page 422)

Proportional Representation for Minorities Iqbal A. Ansari in The Radiance Viewsweekly, 28 July - 3 August, 1996

... Under the JP movement in 1970s - all parties, except the then ruling Congress, had committed themselves to adopt PR instead of first-past-the post-British system for which a scheme had been worked out by the Citizens for Democracy Committee headed by Justice V.M. Tarkunde. Unfortunately neither the Janata (1977-80) nor the National Front (1989-91) governments assigned any priority to this reform. During the last decade the domain of electoral reforms has been limited to making it fair and free from money and muscle power. But the distortion that the Westminster model introduces in the political process by making the legislatures unrepresentative of the diversity of political opinion and interests of the groups and sections that obtain in the country, has been (accepted). The first-past-the post system marginalises smaller parties and groups, enabling the winners take almost all. A swing of, say, five per cent of votes in favour of a party gets converted into disproportionately large number of seats. The terms of reference of Goswami Committee on electoral reforms appointed by the then Prime Minister, Mr. V.P. Singh, included review of electoral system. But it was shelved "for the time being", and continues to be ignored by all...

From the Muslim point of view the election has again proved that given the electoral system and distribution of population and delimitation of constituencies they can never expect to get adequate representation in the Parliament and State legislatures according to their population. Under representation has been the fate of Muslims in all Parliaments from the first to the present... Madhya Pradesh and Gujarat Assemblies (1993) have not a single Muslim member.

The Motilal Nehru Committee report of 1928 ... commended the Proportional Representation system for ensuring all groups their due share in legislatures. During the Constituent Assembly Debate on Minority Rights Report in July-August 1947 again the PR system was strongly and convincingly advocated by several members, not all of whom were from among the minorities.

A promise was made to Muslims in the Constituent Assembly in May 1949 while deleting the provision made for reservation of seats for minorities on the basis of population under the joint-electorate, that even without such a Constitutional safeguard minorities would be ensured their fair share in political power.

Some variant of PR would seem to be overdue in India from the point of view of giving due share to all social groups. The apprehension about PR perpetuating, even aggravating caste and (religious) divisions are ill-founded (as) is possible to work out a suitable form of PR....

Jamaat-e-Islami Hind: Policy and Programme, 1995 - 1999 (Extracts)

Directive Principles

The Jamaat's Programme, as formulated in accordance with its Policy, shall be governed by the following Directive Principles:

- 1) The first priority of every Jamaat worker shall be the Tarbiyah (character-building) and reformation of his/her own personal life.
- 2) The priority of the Jamaat's endeavour shall preferably be on Dawah work among the countrymen.
- 3) The Jamaat shall also pay special attention towards the Tarbiyah (character building) and reformation of the Muslims.
- 4) The Jamaat shall emphasise upon the true role of women in society.
- 5) Containing the rising surge of fascism in the country shall also form part of the Jamaat's priorities.
- 6) The primary concern of an individual worker shall be the members of his family and the immediate neighbourhood while the area of activity of Jamaat's local unit or circle of workers or associates, as the case may be, shall be its locality, village or town.
- 7) As for the remaining part of the Programme, each zone shall chalk out its own scope and measure of activities while keeping in view the local conditions and requirements.

Jamaat's Policy Guidelines

Dawah: The focus of Jamaat's Dawah activities shall be to generate in our countrymen the awareness and understanding of the basic concepts of Islam (Monotheism, Prophethood and the Life after Death) and their implications. It would strive to bring home that Islam is the only just and humane order... It would endeavour to acquaint them fully with the irrationality and harmful effects of polytheism, atheism and other false ideologies and systems of life ... to allay people's misgivings about Islam, Muslims and the Islamic movement.

Islamic Society

- a) The Jamaat will endeavour to highlight before the Muslims the true concept of Islam in its totality and to underline prudently its bearings on their individual and collective lives... so that their living is patterned on the Islamic Shariah and its complete obedience. It would further persuade them to unite... on the basis of Islamic teachings and bear witness to the truth of Islam by word and by deed and thus discharge their basic obligation to establish the Deen.
- b) The Jamaat will also pay due attention to such important issues and problems of the Muslim community as are relevant to the preservation of its physical existence and its religious and cultural identity.

National and International Issues

- a) The Jamaat will strive to uphold basic human rights

and work for the attainment of social, political and economic justice for all. It will promote brotherly feelings in the country and seek the ascendance of moral values. It will also strive for the safeguarding of the religious, linguistic and cultural identity of minorities. It will also endeavour its level best to counter all such measures and activities as are detrimental to the basic rights and human values. The Jamaat will direct its criticism against tyranny and exploitation at every level and life-style based on violence and militancy. And it will also emphasise upon the need for value-based politics.

- b) (i) The Jamaat will take due cognizance of and express its views judiciously, as and when necessary... on such international issues that impinge on justice and equity, and involve wider considerations on morality and good ... behaviour, human fraternity and ... Islamic brotherhood.
- (ii) The Jamaat will also raise voice against the rising trends of obscenity and nudity, sexual anarchy and economic exploitation at the international level.

Social Service

The Jamaat will strive to provide, within its means, help and succour to the sick, the needy, the handicapped, the oppressed and the victims of calamities, irrespective of their caste or creed.

Tarbiyah and Organisation

The Jamaat will take special care to implement a comprehensive Tarbiyah (Character building) programme encompassing the mental, academic, practical, moral and religious aspects of the personality of its members and workers, besides ensuring organisational consolidation and discipline... This shall constitute the area of highest priority for the Jamaat.

AIMMM: Resolutions

New Delhi, 29-30 June, 1996

The All India Muslim Majlis-e-Mushawarat demands:

1. Reservation on the basis of population in the Central and State Legislatures and public employment, through appropriate legislation.
2. Transfer of Protected Mosques by the Archaeological Survey of India to the State Wakf Boards and their availability for namaz.
3. Amendment to the Wakf Act 1995 as proposed by the All India Muslim Personal Law Board.
4. Vacation of illegal occupation of various mosques and their transfer to the Wakf Boards.
5. Legislation for payment of uniform compensation for those affected by accidents or social violence.

Muslim and Christian View of Islam in India in Early 20th Century

E.M. Wherry, D.D.

Condition of Moslems in North India

When we consider the fact that for many centuries the Moslems held the supreme power in India, especially in the great political and literary centres of North India, we should naturally have expected them to have held a leading position under the new regime inaugurated by the British conquest. That such is not the case requires some explanation. The first influence operating against Moslem advancement was the unprogressive character of their religion. Everything is cast in a mould. The mould is believed to have been made upon a Divine pattern in consequence of which the idea of possible development or improvement is, in the nature of the case, impious.

Everything necessary to Moslem perfection is found in the Koran, the Traditions and the Deliverances of the Majtahiddin. History proves that the progressive movements of the Caliphs of Baghdad and Cordovan, or of the Emperors of Delhi, were made in spite of the teachings of Orthodox Islam. Accordingly, what was accomplished in the artistic and literary age, that is to say, in the reigns of Akbar, Jahangir and Shah Jahan, was in great measure undone by the fierce repressive measures of Aurangzeb. The empire dissolved with the close of his reign, and the disunited fragments were unable to contend against the onslaught of the Mahrattas in the south and the Sikhs in the north. A long period of internecine warfare and anarchy resulted in breaking up the social and intellectual fabric of the Moslems. Education was limited to the schools of a very few centres and the teaching of the Mullas in the local Musjids. The range of instruction given was that of reading and writing the Arabic character, with a knowledge of Persian necessary for the duties of public office. In the higher schools at Delhi, Agra, and Lucknow, education was along the lines of the seven sciences - Language, Logic, Mathematics, Rhetoric, Jurisprudence, Theology and Exegesis.

Mission Schools Oppose

Most of these had relation to the propagation of the religion of Islam. Secular knowledge, especially of science, has always been regarded by orthodox Mohammedans as dangerous to the faith, and for this reason has been discouraged. In the disturbed state of the country in the two centuries preceding the establishment of British rule, the amount of education given, even along these narrow lines, was naturally very small. At the same time the ignorance of the mass of the Mullas led to extreme narrowness of thought and intense bigotry among the people.

This leads up to another influence operating against

the social and intellectual progress of Moslems in North India. When the way was being opened up by missionaries to give the people of India the advantages of Western science and knowledge, the Mohammedan Mullas everywhere discourage the people from sending their children to mission schools. Only a few of the poorer people were willing to allow their boys to attend the schools, and that when a monthly stipend was given to the pupil. When, later on, the government undertook to establish a system of public instruction, and pledged the people that there would be no religious instruction given, many, who had refused to send their boys to the mission schools, were ready to patronize the secular schools of government for the sake of the knowledge which would fit for government office. But those who patronized the secular schools formed a small minority, even in the cities, while in the country the mass preferred to bring up their sons to the agricultural calling of their fathers, or to induce them to take service in the army or police corps.

English Knowledge Discouraged

Thus it came about that schools were for the most part patronized by the Hindu and Christian population rather than by Mohammedans. Consequently, the numerous offices, open to those who had acquired the necessary English education, were closed to Moslems, who had refused to qualify for them. Hindus and Christians took the lead. To amend this state of things, and to avoid the secularizing influences of government schools, the Moslems organized numerous schools under the direction of the Anjuman-i-Islam, the society for the defense of Islam. These schools undertook to impart a knowledge and of Western science as taught in the Indian government schools, and at the same time to instill into the minds of the pupils a knowledge of the Arabic language and the tenets of Islam. These schools have rarely exhibited the efficiency of the rival schools, but on the whole, they have done much to advance the social condition of Moslems. They have done much to arouse a more progressive spirit, and while their value to orthodox Mohammedanism may be questioned, they have raised up a class of men who have secured some of the emoluments of office, and the influence which office and wealth usually bring with them.

Aligarh Muslim University

Perhaps the institution which has done most to further the social and material interests of Mohammedans in North India, is the college at Aligarh, founded by the late Sir Sayed Ahmed Khan, who was most liberally aided by Sir William Muir, then Lieutenant Governor of the Northwest Provinces. For a long time this college was

discredited by the orthodox leaders because of the liberal views of Sir Sayed Ahmed Khan, but the liberal spirit bred through English education in mission and government schools has rapidly grown, so that to-day all educated Mohammedans are proud of their great college, which is likely to become the Moslem University of India. It should be here noted that mission schools should have some of the credit for bringing about this important change in the material and social life of Moslems. The sons of the weavers, cooks and tailors, who were among the first students of the mission schools in North India, were thereby enabled to secure lucrative positions in the public service, or to become masters in the mission and government schools. Their success naturally inspired others to seek for education in the mission schools. Many Mohammedan parents preferred, and still prefer, to patronize mission, rather than government schools, because they were sure their boys would receive a sound moral and religious training, which they rightly believed to be better than the godless training of the government schools. They also observed that the superior training of students in mission schools enabled them more readily to secure appointments in the public offices, than the training in the less efficient Moslem schools. Hence it has been found that the alumni of our Christian schools prefer to patronize the mission institutions, and often do so in spite of the pressure brought upon them by their co-religionists. Under these new conditions of Moslem community is making progress in material and social life; while in religious life many are prepared to study the claims of Christianity, and some have openly identified themselves with the Christian church.

Urdu, Persian and Arabic

The education received by Moslem youth in North India is for the most part imparted through the Urdu language. Persian is also taught as a second language necessary to a proper knowledge of Urdu. Arabic is taught as a classic. All higher education in the mission and public schools is imparted through the English language. And yet it remains true that the Moslems speak every language in India, and many of them can only be reached through a provincial tongue. This is especially true of the Mohammedans of Bengal, the Punjab, and the Northwest Frontier Province.

For the reasons already mentioned, illiteracy among Mohammedans is very great, the percentage of literates given by the last census being about 3.27 per cent. In the average village, the adult population is almost entirely ignorant of even the alphabet. The boys who learn to read in the public schools rarely continue in the callings of their fathers, but find their way into the army, the police or the public office. The various educational institutions are, however, rapidly educating

the boys. At the same time there is a growing desire among Mohammedans to educate their wives and daughters. The Mohammedan custom of secluding the women in the harem, while not so rigid in India as in Turkey, nevertheless operates against female education. The social and family system is also affected most unfavorably by polygamy, divorce and concubinage, and there is little to induce women to desire education. These customs also affect the moral life of Moslems in India very unfavorably and so stand in the way of racial, material, social and religious development.

Seclusion of Women

It is not surprising therefore to find some of the most prominent men ready to reform these customs to the extent of abolishing the seclusion of women. Such men also advocate the abolition of polygamy and concubinage, claiming that the ideal of the Koran is monogamy. It goes without saying that these reform movements are in no sense a movement of orthodox Islam, but grow out of the liberalizing influence of Western education and the impact of Protestant Christianity. But we believe the new Islam has come to stay and that it will continue to draw to itself educated Mohammedans, especially those who have lost faith in the doctrines taught by the orthodox Mullas and Moulvies, and who cannot accept the Christian religion...

(Source: The Dalit Voice, 1-15 August, 1996)

RSS: Sarsanghchalak's

Call for Akhand Bharat, 15 August, 1996

On this day let us remind ourselves that ours is still a divided country. Let everyone therefore feel the pain of a partitioned Motherland and strive to restore the undivided Bharat. That was also the vision of Sri Autobindo whose birth anniversary is also being celebrated today....

"Bharatiyas who have enjoyed the fruits of Independence, must pray and work for Akhand Bharat because then alone will the people living in Pakistan and Bangladesh be able to enjoy the freedom that we enjoy". "Rishi Autobindo has prophesied that sooner or later Akhand Bharat will come to be. Let us pray for it. ...

... For Hindus the motherland is synonymous with their lives, and the two cannot be separated... Those who understood this ... rekindle their belief in Akhand Bharat, they have taken a vow to repair the damage-done by reunifying the country and bringing back the past glory. A united nation with its head high in self-respect... is essential in the interest of whole world".

... The 15th of August of 49 years ago was a black day in the history of Bharat. ... Unless we remove this stigma from our national life, the country cannot hold its head high....

(Source: The Organiser)

Sudhir Kumar Mishra on Sher Shah's Mausoleum in Sasaram

... Sher Shah himself laid the foundation of his tomb in AD 1539 and it was completed three months after his death by his son... Islam Shah Suri, in 1545. This magnificent mausoleum is one of the finest specimen of Pathan architecture in India. Its dome rises more than 100 feet high from the floor of the octagonal chamber and is the second highest in India. Sober style, artistic setting in a tank and elegant kiosks grouped around the grand dome to relieve the severity of the composition are the unique features of the tomb.

Located about a half-kilometre off the Grand Trunk Road, the great mausoleum is situated in the middle of a large excavated tank. The original dimensions of the lake were about 1200 feet x 950 feet, now reduced to 100 feet x 800 feet. The main mausoleum is of two storeys. The lower or larger platform is a square measuring 243 feet... The sides of the upper terrace face the cardinal points correctly and are 216 feet long, 212 feet wide and 22 feet high. The height from the water level of the tank is about 30 feet. Its parapet walls have octagonal domes chambers at the four corners, two small projecting pillared balconies on each of its four sides and a doorway in the east which is the only approach to the tomb.

The actual mausoleum lies in the middle of the upper storey on a low octagonal plinth 135 feet wide and 1.5 feet high. The octagonal chamber is 71'5" wide, surrounded by a 10-foot wide verandah. The verandah has 24 small domes each supported on four arches... The verandah roof is a pillared cupola decorated with glazed white tiles.

The walls of the tomb chamber are 16 feet thick with three lofty arches on each of the eight sides. They rise 22 feet high about the verandah and support the dome.

The main dome is surrounded by eight pillared cupolas in the corners of the chamber walls. Buchanan describes a similar cupola which was on the summit of the central dome when he visited the place in 1812 or so. But, Cunningham pulled it down in 1882 when the restoration work of the building was in progress and replaced it with the present pinnacle...

The great dome has a diameter of about 80 feet at the base, the top of its final being about 120 feet above its plinth and 150 feet above the water levels of the tank. It is said to be the biggest dome in India.

... The interior of the tomb is well ventilated and lighted by large windows in the top of the walls, fitted with stone jail fretwork in varying patterns. Sher Shah's grave lies in the centre of the chamber on a low plinth...

The grave is surrounded by 24 other graves... The jambs and spandrels of the arch of the mihrab on the western wall were once profusely adorned with verses

from the Quran with glazed tiles of various colour arranged in geometrical patterns, with floral carvings in stone enclosed in enamel borders. However, much of this decoration has already vanished. Similar tile work is also seen on the interior of the dome, the walls and on the cupolas on the outside.

The idea of building a tomb in the middle of a tank is a unique example of Sher Shah's creativity...

The tomb has often been neglected... Originally it was approached from the north over a bridge of arches, which had crumbled by the time of Buchanan's visit in 1812. It was then accessible by a raft made of eastern pots which was constructed only when a stranger visited the place.

The bridge was in ruins even in 1880-81, when William Hodges made a visit. In 1882 the tomb was repaired and the present causeway was built in place of the old bridge by the British government during the viceroyalty....

Even today, the condition of the tomb is little better. The monument has begun to crumble at several places. Local men use the tank for bathing and washing. It is used as a garbage dump and idols are immersed here after worship... In 1979, the local administration allowed the immersion of the idols in the lake for that year only because all the other ponds in the town had dried up. Since then it has become the practice.... Local men cannot be stopped from using the tank because there is an acute water crisis in the town....

(This writer has not mentioned the construction of a temple complex on the eastern bank of the tank - Editor)

(Source: The Pioneer, 4 August, 1996)

(Contd. from page 418)

freedom of religion (Article 25[1]) in converting to Christianity. This also acts as a disincentive to freely chosen conversions to one particular religion. This indirect protection to Hinduism (in this case) by the state is untenable in a secular state as it is violative of the secularism enshrined in the constitution.

Further, the later amendments of the original order to include Sikhs and Buddhists shows that there is now no bar to extending the scope of the order to SCs (Dalits) of religions other than Hinduism.

It is well-known that Dalit Christians are subjected from time to time and in various parts of the country to atrocities and denial of civil rights in the same way as Dalits of other religious persuasions. Yet, because of their exclusion from the Presidential Order, the Dalit Christians are denied protection and relief which Acts like the Civil Rights Act 1955/76 and SC/ST (Prevention of Atrocities) Act 1989 provide to other Dalits. ...

(Source: The People's Reporter, 16-31 July, 1996)

Malaysia Prime Minister Mahathir Mohamad On Islam and Non-Muslims

On account of incorrect interpretation there is a misunderstanding among Muslims regarding the teachings of Islam on relations with non-Muslims. The Qur'an clearly states that the Christians are the friends of Muslims. It was this that prompted Prophet Muhammad (Salla Allah alaihi wa sallam) to advise his followers who were being persecuted by the idol-worshippers of Makkah to seek refuge in Abyssinia (modern Ethiopia). The Christian king provided the Muslims full protection.

The relations with non-Muslims are fully explained by the Qur'an: "Fight in the cause of Allah those who fight you. But do not transgress the limits for Allah loveth not transgressors" (2:190). It further advises: "IF the enemy inclines towards peace do thou (also) incline towards peace and trust in Allah, for He is the One that heareth and knoweth" (8:61). Certainly the Zionists and their supporters who advocate violence against Muslims must be regarded as enemies. However, those who do not fight the Muslims should not be treated as such. ...

... It was during the time of the Crusades that Christian Europe really worked up feelings against Islam. Since then the deliberate whipping up of anti-Muslim feelings has continued unabated to this day. Thus the fact that Christians and Jews could freely practice their religions in Muslim Spain was hardly ever mentioned in European history books. The fact that the Christian reconquest of Spain led to the expulsion of Muslims and Jews, or forced conversions or executions has never been condemned. Or, that the Jews actually preferred migrating to Muslim North Africa rather than stay in Christian Spain is regarded as of no consequence.

In the Balkans the Christian Slavs actually helped the Muslim Turks defeat the Byzantines. Despite the Turkish rule, most remained Christians, surely testifying to the liberalism of the Turks toward non-Muslims.

The misunderstanding of Islam by the West today is perhaps at its peak...

No Muslim or non-Muslim can deny that some Muslims have committed terrorist acts. But then a lot of terrorism has been perpetrated by non-Muslims. The difference is that if a Muslim is involved, the deed is immediately attributed to his faith, but if a non-Muslim commits the most heinous of terrorist acts, his deed is not linked to his religion. ...

It has not been noted that the victims of Muslim fanatics and misnamed "fundamentalists" are insignificant compared to the number of Muslims and non-Muslims massacred by terrorists of the Christian faith. The misunderstanding of Islam and Muslims is such that the West naturally assumes that terrorism is a Muslim creed and is confined to Muslims. Evidence to the contrary is ignored.

Fundamentalism ... is equated with extremism. Yet if the teachings of Islam are studied, it would be clear that

the best Muslims are the fundamentalists. The fundamentals of Islam are based on peace. On the contrary those who ignore these fundamentals or deviate from them fall into the trap of fanaticism. ...

Malaysia has a Muslim majority and the government is Muslim dominated; despite their numbers the Muslims have not chosen to rule the country on their own. Instead they deliberately chose to share power with the non-Muslim minorities. The official religion is Islam but Buddhist, Hindu and Taoist temples and Christian churches are to be seen everywhere. The different races and religions join each other's celebrations, and non-Muslims in Malaysia do not regard Muslims as terrorists or Islam as violent creed.

Despite this interreligious harmony, the West and its media refuse to recognize that the Malaysian Muslims actually exemplify the teachings of Islam. Instead the West prefers to regard Malaysian Muslims and their behavior as aberrations and continue in their futile search for "fundamentalism" in Malaysia.

Islam is indeed a misunderstood religion. Such is the misunderstanding and prejudice against it that Muslim and non-Muslim alike often regard it as an impediment to peaceful relations between Muslims and non-Muslims and even between Muslims and Muslims. Instead, both regard this religion that brought greatness to the Arabs as being responsible for everything bad that happened to non-Muslims and Muslims.

Ignorant of the teachings of Islam and frustrated by the apparent failures of Islam and their own countries, some Muslims tend to deride and even condemn the religion. Some of their kind even fault the Qur'an and suggest its revision. The Western media makes heroes and heroines out of such religiously ignorant and untutored people. I suspect that all the West wants to see is the removal of Islam as a faith, the way that communism was debunked. However, this will not serve the cause of good interreligious or non-religious relations between Muslims and others. The answer lies in correcting or abandoning the tendentious and incorrect interpretations of Islam by some scholars...

What Muslims must do is to go back to the Qur'an and the genuine hadith, study and interpret them in the context of the present world. It is Allah's Will that the world has changed. It is not for humankind to reverse what has been willed by Allah. Islam is not meant for seventh century Arabs but it is for all times and for every part of the world. If the Muslims understand this, then there will be fewer misunderstandings among them. If the non-Muslims appreciate the problems that Muslims have in trying to adjust to modern changes, then they will not misunderstand Islam and the Muslims as much as they do now...

(Source: The Islamic Horizons, July/August, 1996)

The Economist, London on West's Coexistence with Islam

Think of Islam, and bombs and bigots may come to western minds...

Despite the unpromising context, the merits of coming to terms with political Islam are being cautiously debated. Should the movements which act in Islam's name be kept out of power at all costs, or given the chance to promote their causes by non-violent means? The experiment underway in Turkey - an important Muslim country with a foot inside Europe - gives the debate new urgency. Turkey now has an Islamist prime minister, Necmettin Erbakan, leader of the Welfare Party. Should the West respond with horror to political Islam gaining a toe-hold in NATO? Or applaud the historic compromise that has been achieved by a resilient democracy?

... There are grounds for cautious hope that the more accommodating trends within political Islam are beginning to assert themselves well beyond Turkey. It is sometimes supposed that Islamic politics are special, that normal rules do not apply. Part of the myth is that Islamism - the "fundamentalism" of the popular imagination - is homogeneous. In fact, ... it has numerous currents: violent and non-violent, revolutionary, reactionary and middle-of-the-road. The typical Islamist movement is a loose, and often not very coherent, coalition of different trends. The radical trends make news. But their victory is far from inevitable.

Radical Islam, epitomised by Iran and Sudan, is showing signs of exhaustion...

The attempts by these two regimes to export their revolutions have not had much success. There has been no "domino effect" in the Muslim world... No regime has fallen as a result of their efforts. Many Islamists have stopped seeing them, if they ever did, as models to be emulated. Instead, they are more likely to learn from their mistakes than their achievements.

None of this means that militant Islam is a spent force. Its grassroots appeal remains impressive. But the old-fashioned, largely secular, nation-state is proving surprising sturdy. Even states which Islamists regard, with some justice, as corrupt and incompetent - Algeria, Egypt and Saudi Arabia, to name but three - have succumbed to the jihad (holy war).

This is leading some thoughtful Islamists to reassess their prospects. If more Islamic revolutions are, from their point of view, wishful thinking, should they settle for less? It is in this context that the Turkish test-case is important.

... The liberal trend ... is not going unchallenged. It has to compete, and compete hard, with authoritarian

trends still stubbornly persistent in Muslim societies as well as Muslim politics. But ... there are Muslim thinkers who are eager to engage with "Modernity", not turn their backs on it, and who believe Islamists must come up with clearer programmes. (They) see themselves, self-consciously as the children of Mohd. Abduh, the 19th century Egyptian reformer who set out to reconcile Islamic and modern western thought. They accept democracy and political pluralism, and on this basis say Islamists should be allowed to compete with other parties and, if they win, take power. But do they speak with forked tongues? Sceptics argue that, given the chance, Islamist, will use democracy as a ladder to power, then kick it away. The possibility should not be ignored. But the evidence suggests that the alternative - bottling up Islamist dissent - simply does not work.

Take Algeria, where democracy was suddenly introduced and just as suddenly withdrawn when a well-organised Islamist party came within a whisker of winning power through the ballot-box. The result has been four years of brutal conflict at a cost, so far, of perhaps 50,000 lives. Most observers still find it hard to imagine a way out unless the military-backed regime allows genuine outlets for Islamist opinion.

... (Is) it reformable? And can we live with it? ... West should perhaps be asking the ... questions about political Islam. One answer might be that, though detente with Islam is hard and occasionally painful, the alternative could be much worse.

(Courtesy: The Hindustan Times, 30 June, 1996)

(Contd. from page 396)

held nearly a year after the demolition, the BJP's vote share went up considerably...

Although the advantage clearly rests with the BJP in the triangular contest that is in the offing... the party does not want to leave anything to chance. This is why it has opted to resurrect the Ayodhya issue, while leaving it to the VHP and Bajrang Dal to posture on Kashi and Mathura.

... The failure to forge a larger "secular front" has greatly enthused the BJP...

Besides resurrecting the temple issue, the BJP also proposes to employ its "social engineering" strategy ... Under this, more Dalit, OBC and women candidates are proposed to be fielded...

To send the right message, the party has let it be known that Mr. Kalyan Singh who belongs to the backward Lodh community, would be the chief minister...

(Source: The Hindustan Times, 3 August, 1996)

USA: Emergence of Muslim Politics

... A meeting of humanitarians, educators, social workers and mosque leaders... organized by the American Muslim Council (AMC) in Washington, Muslims were urged to participate in school boards, city councils and state legislatures.

Both the African-American and immigrant Muslim communities agree that civics is not only smart politics, it is part of being a good Muslim.

For now, the phrase "Muslim voter" means little in US politics. But with an estimated 4 million Muslims in the country, a new breed of more assertive American Muslims wants to change that lack of clout and secure a foothold in the American power structure.

"We are witnessing the beginning of an important process", says AMC director Abdulrahman Alamoudi, "but there is a long way to go"

Though modest in size and funding, Muslim groups are slowly gathering a scattered and diverse community, leaving behind old suspicions about involvement in government, and making inroads in local, state, and national politics. Muslims ... see themselves at the start of a long road. ... In the 1994 elections, Muslim groups backed 77 congressional and gubernatorial candidates. This year, for the first time, a coalition of Muslim groups will back a presidential candidate.

Like any ethnic or religious newcomers in America, Muslims have won elected office mainly at the local level. They are on city councils in metropolitan areas such as Oakland, Calif., Charlotte, N.C., and Chattanooga, Tenn. But this year Muslims will tie a presidential endorsement to a promise to appoint a Muslim to a high-ranking post in the next administration.

In part, Muslims are shifting from support of overseas causes to a broader and more carefully defined domestic agenda. The idea to form a Muslim lobby dates to the 1980s. It is spurred by a fear that if political clout is tied to public perception, the constant linking of extremism with Islam will unfairly marginalize Muslims from the political process.

Besides the Washington-based AMC, other leading groups in this effort are the Committee for American Islamic Relations (CAIR) in Washington, and the Los Angeles Muslim Public Affairs Council (MPAC). These groups specialize in public relations, lobbying with minimal use of religious rhetoric, and shaping positions on issues such as abortion, hate crimes, and Bosnia.

Increasingly, the new groups are helping develop a grass-roots lobby that educates local Muslims about their rights, and advises them in shaping their media image...

At the national level, Muslim inroads are mostly symbolic.

Vice President Al Gore visited a mosque last fall, the

highest ranking US official ever to do so. President Clinton's July 12 speech on religious freedom mentioned Muslims several times. Black Muslim leader Waris Dean Muhammad recently read the invocation at the US Senate, popular New York Imam Siraj Wahaj did so at the House. AMC... met with State and Justice Department ... to lobby against (unfair) provisions ... in the recent Anti-Terrorism Bill.

The first Muslim chaplain to serve the 10,000 Muslims in US armed forces, Abdul Rasheed Muhammad, was recently sworn into the Air Force....

As a group, American Muslims have traditionally voted Republican - though Muslim groups are bipartisan.

But the community, complex and diverse, defies pigeonholing. Muslims tend to be liberal on minority rights and immigration laws. But they link arms with conservatives on family values in attacking sex and violence in Hollywood films, for example. ...

On foreign policy Muslims tend to scrutinize and shift support based on what the US is doing abroad more than most main-stream American voters. Presidential candidate Bob Dole (R) of Kansas, was a darling of the Muslim community due to a strong pro-Bosnia stance. But lately many Muslims have left Dole over his introduction of a bill to move the US Embassy in Israel from Tel Aviv to East Jerusalem. But having an influence on US foreign policy still largely remains beyond Muslim political grasp.

Thirty years after the first wave of immigrants, Muslims do not have the money or experience of most ethnic lobbies. The American Jewish Congress, to cite one of many, has a budget of \$6.5 million and employs 100 people. The AMC has an operating budget of \$40,000 and a staff of 10. ...

The emerging lobby has also fought Muslim attitudes, dating to the 1960s, that politics would corrupt the Muslim soul and identity. Yet the lobby has grown, partly out of necessity. Muslims need a place to turn as their mosques, for example, come under attack. In the past 18 months six mosques, including those serving hundreds of families in Greenville, S.C., Springfield, Ill., and Yuba City, Calif., have been damaged or destroyed by arson, according to police authorities.

CAIR (has) produced a detailed report on 227 hate crimes against Muslims after the Oklahoma City bombing, which killed 168. The report was the first of its kind. CAIR increasingly finds itself dealing with local issues like workplace discrimination, or defamation. ...

Spearheading efforts to coordinate and bolster Muslim political power is the AMC. The group monitors and coordinates action on Capitol Hill. AMC is looked to and given legitimacy by the two leading American

(Contd. on page 426)

UK: Ethnic Minorities, Disadvantaged and Marginalised

A recent study ... entitled 'Social Focus on Ethnic Minorities', while concentrating on social and economic indicators suggests that by and large Britain's ethnic minorities (including Asian and black people) are worse off and at a disadvantage than the white population when it comes to employment, housing, pay, or as victims of crime.

An estimated 3 million people in Britain are non-white. People of Indian origin form the single largest group among the ethnic minorities, and at the last census their numbers stood at 8,40,255. A significant section of this came from Uganda, Kenya and Tanzania, and increasingly identifies itself as East African Asian.

People of Indian origin in Britain have over the last 20 years been the ethnic minority "success story". The stereotype of the hard working, family minded, pragmatic Indian businessman encompasses a large group from the Gujarat corner-shop owner... to the industrialists ... Swaraj Paul. Newspaper reports about British Indians concentrate on this very visible and vital segment of what we call the NRIs.

In fact, comparative statistics dealing with educational achievement and home ownership do see people of Indian origin doing relatively well. Over 80% of the Indian population live in homes that they either own or are in the process of buying, as compared with 66 per cent of whites, 76% of Pakistanis, 48% of Black Caribbeans, and 45% of Bangladeshis. Educationally too Indians appear to do well, with a large number of them (65%) in full time education at the age of 18.

Yet when it comes to employment, people from ethnic minorities, including Indians have a slimmer chance of finding work than whites with the same qualifications. While unemployment figures for the white population stand at 8 per cent, among the people of Indian origin the figure is over 12 per cent. Among the Black Caribbeans, Pakistanis and Bangladeshis an average 25 per cent of the work force is unemployed.

Another study on the ethnic minority population, 'Ethnic Minority Populations of Great Britain' published earlier ... describes this discrepancy between academic attainment and occupational achievements as an "ethnic penalty" that non-white minorities pay. Less ambiguously, this is described as racism. Despite various correctional mechanisms including an equal opportunities policy, racism is a fact that any non-white job seeker has to take into consideration while looking for employment.

Among Indians the "success" label ignores the disparities within the group defined as Indian. According to the 1991 census the population of Indian origin had "an above average percentage with higher qualifications and an above average percentage with no qualifications"....

These disparities are a function of when, where and how the different groups arrived in Britain. Those with educational and professional qualifications had an edge over those who came to work in Britain's then flourishing manufacturing sector, Vaughan Robinson, a demographer, concludes, in a study of the Indian population, "The Indians: Onward and Upward", that pre-existing differences among Indians who immigrated to Britain over the last 30 years have widened, even as "differences which exist between them and their white peers are beginning to narrow"

Some 15 per cent of Indians have qualifications beyond A-level (class 12). The majority of this 15 per cent is in the 18 to 29 age group. This may give credence to predictions that among the ethnic minorities, people of Indian origin have a brighter future than an other ethnic minority. But this ... ignores a very large chunk of the population of Indian origin, which shares with the successful ethnic minorities the "double disadvantage" of being forced, by being both non-white and non-affluent, to the periphery of the British society. ...

Just as there will be a class of affluent Indians in Britain, whose successes will be recorded in the lists of the 500 richest people of the country, there will also be an Indian underclass which will make up the numbers of low educational achievers and the unemployed.

(Contd. from page 425)

Muslim immigrant organizations, the Islamic Society of North America (ISNA) in Jamaica, N.Y., and the Islamic Circle of North America (ICNA) out of Plainfield, Ind. It is also turned to by the Muslim Mission of black leader Waris Dean Muhammad in Chicago. These groups supervise a national network of thousands of mosques and schools. ...

Both the ISNA, formed by the Arab Muslims and the smaller ICNA, more conservative and Indo-Pakistani, were student groups in the 1960s. But their goals changed as students became citizens ... and taxpayers. When ISNA took no position on the Gulf War in 1990, the Saudi Royal Family cut its funding. Members today see this as a blessing since the group then had to stand on its own feet.

One of the best known Muslim leaders in America, the Rev. Louis Farrakhan, is a controversial figure in the US Muslim community. Farrakhan's Million Man March on Washington, under the auspices of his group, the Nation of Islam, has made him a powerful force in the black community, and among many black Muslims.

Yet the separatist black nationalism of Farrakhan and his openly racist rhetoric ... have made Farrakhan a difficult figure for many American Muslims to support. A basic requirement of Islam is to treat every person as equal in the eyes of God. ...

Reuter's Report On Chinese Muslims

They live far from Mecca in caves and mud-walled houses hidden in the arid hills of northwest China, where food is scarce and religion is run by bureaucrats of the ... Communist Party, reports Reuter. For many Chinese Muslims in poverty-stricken Ningxia region's southern Guyuan County, just scraping a living from the dry yellow earth can be an unending war against the elements.

But decades of grinding poverty, official restrictions on religion and more than four years of drought have failed to dim the Islamic faith of the country's Hui ethnic minority... Even the most destitute of the country's Muslim villages boast an ornate mosque built with money donated by poor farmers, many so poor they cannot feed their families and rely almost totally on Government grain aid.

"The people are believers, they are very willing to give money", said Ma Shengli, Imam of Guyuan's Gongbei mosque. Gongbei was one of more than 1000 Ningxia mosques destroyed by radical supporters of Mao Zedong during the decade-long cultural revolution launched ... in 1966. The mosques, under reconstruction in an architectural mingling of traditional Chinese and middle eastern design, is just one of many reborn since restrictions on religion have eased in the past 10 years.

While the scores of new and rebuilt mosques scattered around the Guyuan hills are a source of hope for Muslim farmers, officials argue the money invested in faith could be better spent elsewhere.

"Everyone is very poor, with no money to build schools and no money for school books, but still they build beautiful mosques", said county Communist Party secretary, Mr. Wang Delin. The burden on farmers of supporting more than 500 mosques, along with resident Imams to lead the faithful in prayer, was too heavy for many communities, Mr. Wang said in an interview.

"In some poor areas the spending on religion exceeds tax revenues", said Mr. Zhiren, vice-president of the Ningxia Islamic Association... Since 1994, communities had been required to seek official permission before building mosques, as officials moved to slow the growth in the number in each village. The rules had been only highly enforced, partly because of difficulties in even registering existing halls of worship, said Ma, himself a member of the Hui minority that accounts for around a third of Ningxia's 5.12 million people. ...

All Imams must be approved by the Islamic Association before being appointed to mosques, each of which has a management committee to guard against "bad influences", officials say. ...

"All Hui believe in Islam, but the degree of belief is different", said Ma, tacking cautiously through what are potentially stormy waters for a Hui minority party member in a region dominated by Islam for centuries.

(Source: The Statesman, 12 August, 1996)

Statement of Br. Salimullah, Representative of the Rohingya National Alliance, Press Conference, Kuala Lumpur, 18 June, 1996

"Burmese leaders have been pursuing the policy of de-Muslimization, Burmanization and assimilation. They wish to transform the strategic region of Arakan into a purely Burmanized Buddhist region."... "The Rohingya Muslims have been subjected to worst kind of human rights abuses. Crimes such as extra-judicial killings, summary executions, arbitrary arrests, torture, restriction on movement, slave labour, uprooting of villages and forcible eviction of residents, confiscation of Muslim land and private properties (including food grains), desecration and destruction of mosques, cemeteries and religious schools, rape and molestation of womenfolk are being perpetrated at will against the Rohingyas by the beastly security forces of the SLORC regime."

The Rohingyas have been denied their right to nationality. Despite worldwide condemnation of the Burma Citizenship Law of 1982... which defines three kinds of citizenship, viz; Citizen, Associate Citizen (Guest Citizen) and Naturalized Citizen, the SLORC has already implemented this discriminatory law. All the ethnic people of Burma are already issued with certificates of citizenship, except the Rohingyas... They have been accused of being illegal immigrants from Bangladesh in utter disregard of their history and glorious past. Thus they have been reduced to the status of "stateless people"... The recent ... influx of Rohingyas into Bangladesh is "due to another large-scale persecution by security forces in Arakan..."

Br. Salimullah, a member of the Central Committee of the Arakan Rohingya Islamic Front as well ... of the Executive Committee of the Rohingya National Alliance (RNA) reiterated, "we support the democratic struggle in Burma led by Daw Aung San Suu Kyi with the hope that it will help solve the Rohingya problem peacefully through negotiation." He expressed surprise that neither the SLORC nor the Burmese opposition groups recognise the citizenship of Rohingyas "Now we are in serious Dilemma." On behalf of the RNA ... he appealed to the international community to take the following immediate measures:

1. To explore a permanent solution of the ... Rohingya Problem within the framework of international law, pacts on human rights/other international practices.
2. To pressurize the SLORC military regime to stop forthwith all its repressive measures and human rights abuses against the Rohingyas... and to withdraw its forces from the Muslim areas of North Arakan.
3. To urge the SLORC to initiate proper and meaningful dialogue with RNA for a negotiated settlement of the problem.
4. To urge the OIC member states to grant Observer Status to the RNA as the sole representative of the

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Abhay Vaidya

On India-Pakistan Conundrum

... The Indian and the Pakistani people want to break free from the prisons of their past, but find that they continue to be in a state of siege. Held hostage by their respective establishments of jingoistic politicians, religious and military zealots - and one may add, subversive elements - they are yet to benefit from the potential of the post-Cold War era.

A minuscule section of the intelligentsia in the two nations has now decided that it wants peace and not warmongering to be the priority. But this yearning is still to expand from closed seminars to becoming a mainstream dialogue. ...

More bombs, more arms and more posturing has led the two nations on the never-ending spiral of wanting to be one up on the other on the arms front. India wants to keep up with China, and Pakistan with India.

Consequently, there never comes a time when the two sides feel that they have acquired sufficient deterrent capability and could now shift the focus to development.

... Any amount of emphasis may seem inadequate to express the depth of the feelings, particularly of the post-partition generation that now finds an echo among sections of the society in India and Pakistan: That they are tired of the war-mongers of our nations. That they want peace, stability and development to be the priorities in their nations. And that they want to break free from the shackles of the past.

This may amount to nothing more than... sentimentalism to those in the ruling groups - be they the politicians, bureaucrats and the defence strategists - in the two nations. For them, the romanticism of a harmonious coexistence with Pakistan - and vice versa - may be bereft of all realpolitik considerations and one deserving scant attention. But then, the matter is serious. What the establishment in the two nations has done is compromise the hope of future generations and leave them a legacy of hatred, bias and prejudice in the garb of national security concerns.

Development, literacy, better health facilities and a stronger economy are also parts of national security; but are always treated as a non-priority. However, mere weaponisation at exorbitant costs to the exchequer and the threat of retaliation by a half-starving nation cannot ensure national security in the truest sense. ...

What remains of the subcontinent after (a nuclear) exchange? A radioactive wasteland with millions dead, maimed and genetically mutated? Isn't the painful past of Hiroshima and Nagasaki horrendous enough to drive us away from the possibilities of a nuclear exchange? ...

The dilemma is thus of the need for security and deterrence on the one hand and on the other, the greater responsibility of preventing a nuclear exchange. Balancing the two is important and now that both India and Pakistan are de facto nuclear states, the focus needs to urgently shift to a peace initiative. The India-Pakistan

Vigil at Wagah: 14-15 August, 1996

Statement of the Concerned Citizens

A candle-light vigil was held at mid-night of 14-15 August, 1996 at Wagah Indo-Pak border in Amritsar district by about 300 human rights activists and other citizens to mark the eve of 50th year of attainment of freedom by both India and Pakistan. The programme was initiated by the Citizens For Democracy.

We have assembled here on this day which marks the eve of the 50th year of independence of both countries, India and Pakistan, to extend our warmest salutations to our brothers and sisters across the boundary line between the two countries. For nearly 5 decades now, we have lived as neighbours with ups and downs in our mutual relations. There are forces at home and abroad that are keen on keeping us apart and thrive on spreading bitter acrimony and conflict between our two countries. The present generation, especially the youth in both countries, need to evolve a more humane, friendly, trustworthy and mutually beneficial relationship between their countries.

It is precisely for this very reason that we stand here to proclaim our determination that we shall strive our best to remove the wall of hatred that keeps us apart. We are confident that there are millions of people in both countries who want to remove the barriers of suspicion and mistrust that stand between them.

We pledge here on this site enriched by the blood of martyrs who gave their lives to free us from the foreign rule, that we shall strive to our utmost to bring about an enduring relationship built on goodwill and mutual trust with our brothers and sisters across this frontier. We proclaim, here and now, our conviction that through the selfless efforts of men and women of goodwill in both countries that we shall come together, hand in hand, and turn this into a frontier of peace and friendship. We hereby pledge ourselves to secure a better order for peace in both countries.

We have no doubt that we shall succeed. We have dreams, we have hopes, we shall overcome.

Kuldip Nayar	Rajinder Sachar	Amrik Singh
Vinod Mehta	Nikhil Chakravarti	Saeed Naqvi
Dilip Swami	and Others	

People-to-People Initiative is a step in that direction...

... Since 1987, only two regions in the world have increased their military spending - South Asia and Sub-Saharan Africa. That both India and Pakistan spend twice on arms as compared to Saudi Arabia - a nation 25 times richer. The two countries are spending nearly a million dollars a day on the dispute over the Siachen Glacier. And that both countries have six times more soldiers than doctors...

Such a state of affairs might make sense to the establishment, but ... it is clearly unacceptable to the civil society. We need to rebel against this in our own interest and ... declare: "Enough is Enough."

(Source: The Mainstream, 9 March, 1996)

Khushwant Singh On British Loot from India

All victorious armies plunder, rape and kill. Some go on the rampage without the slightest concern with public opinion, but the British did it with finesse and more thoroughness... There is of course the diamond Koh-i-noor taken from the boy Maharajah Dalip Singh, the youngest son of Maharajah Ranjit Singh. It was cut into three; one piece each in the crowns of the King and Queen of England, one piece in the Tower of London Museum. There was Ranjit Singh's gold-leaf covered throne in the Victoria's Albert Museum. There are innumerable weapons: cannons, muskets, swords, spears, shields and chain-coat shirts in the War Museum. Manuscripts, documents, miniature paintings, scriptural texts, ceremonial robes - you name them, they had them, looted from all parts of India in the process of expanding their empire from the Arakan to the Indus. More than what could be seen in museums were priceless artifacts taken by Governor-General, army commanders, Residents and senior civil servants. These were in private collections in castles and country mansions now divided between descendants of the predators... The biggest haul was made by Lord Dalhousie who annexed the Punjab after Sikh Darbar's troops were finally defeated in the battle of Gujarat on February 21, 1849. On March 29, 1849, the Koh-i-noor which British envoys had seen earlier was handed over to the English.

Then followed systematic loot of everything worthwhile in the Punjab. Queen Victoria desired certain objects for Windsor Castle; Directors of the East India Company wanted their share, Dalhousie wanted to keep a lot for himself; other English officers took whatever was left. Some of these items were recorded in the correspondence which passed between Calcutta and London. But most of what was pocketed by English officers, both military and civilians, there is no record.

In the correspondence on record is a letter dated 19th December 1850 from Dalhousie to Directors of the East India Company stating that he was forwarded to them two swords - one given by Holkar to Ranjit Singh and another known as "Rustum" which had the genealogy of its wielders written on the blade in letters of gold. He added "with these also, I have sent some singular documents worthy of preservation in England". Among them a copy of the Dasam Granth handwritten by Guru Gobind Singh. In the same letter he asks whether they would be interested in having "the golden chair in which the Burra Maharajah held his state", spear and sword which "according to the Sikh traditions belonged to Gooroo Gobind" and "a silver bungalow". If the Directors were not keen to have them, could Dalhousie keep them for himself?

Ratnottama Sengupta On Shahjahan's Badshahnama

... On the 50th year of independence ... the Badshahnama (Chronicle of the Emperor) at the National Museum ... the only surviving volume of this 17th century work commissioned by Shahjahan will be on public view for the first time, (in Delhi in January, 1997).

"The 44 paintings and two illustrations from what is known to be the only surviving volume of this imperial manuscript will be shown to public for the first time in an exhibition opening at the National Museum, Delhi in January 1997", according to Oliver Everett, Librarian, Royal Library... The exquisite miniature paintings illustrate not only the Ascension to throne and the wedding of Shahjahan's son Dara Shikoh, but also other aspects of life of the builder of Taj Mahal, including war, architecture, carpets, costumes and jewels. The Nawab of Oudh purchased the Badshahnama along with other objects from the Mughal court - then in decline - for a royal sum of Rs.12,000. And in 1797, then the governor general of India, visited Oudh, he was offered the volume as a gift from the Nawab.

(He) declined to take it, observing that "it was fit for a royal library". That observation suggested the next move, and the Badshahnama was presented to the King George III in 1798. It has, ever since, been in the possession of the British royalty. Two years ago it came close to destruction when a devastating fire at Windsor Castle stopped the room adjacent to the one housing the Chronicle. A recent conservation programme led to the opening of the bound volume... Now, with each painting and folio being conserved, people in the country of its origin will get to see what is one of the finest surviving manuscripts of the Mughal era. The exhibition in India has been organised by the British Council along with the Royal Library, Windsor Castle...

(Source: The Indian Express, 14 August, 1996)

These are only some relics of the Sikh Raj. Much more was taken from Madras, Karnataka, Bengal, Avadh and the Marathas both by the East India Company and thugs like Clive and Warren Hastings. Even after the winding up of the East India Company, Viceroys and Governors received valuable gifts from Indian princes when they visited their states. Some of them went to the treasury, some to line pockets of the recipients. All the loot taken from India is now in England. Is there anything we can do to get some of it back to our country? Our best bet is to persuade the United Nations or one of its organisations like UNESCO to pass a resolution that items of historical or artistic value taken as war booty should be returned to the countries of their origin.

(Source: The Hindustan Times, 19 August, 1995)

Chronology of the Month

(16 July - 15 August, 1996)

NATIONAL POLITICS

Government: * United Front Government faces major crisis due to disagreement between Andhra Pradesh and Karnataka, both headed by its constituents, on Almatti dam issue. TDP threatens to withdraw support and C.M. Naidu affirms separateness of Federal Front, consisting of TDP, TMC, DMK, AGP and N.F. within the UF (9 Aug). , PM endeavours to diffuse crisis. * P.M. Deve Gowda fails to make any substantive offer to minorities.

Congress (I): * Delhi H.C. rejects former PM Narasimha Rao's petition against personal summon in Lakhbhai Pathak cheating case (30 July). Narasimha Rao appeals to Supreme Court. *Narasimha Rao resists all pressure from dissidents to step down (31 July). *Jaffer Sharief faces disciplinary action for anti-party utterances and denies hostility towards leadership (29 July).

Janata Dal: *Former PM V.P. Singh suggests electoral arrangement with Congress in States where UF has no direct conflict with Congress (19 July). *JD President L.P. Yadav absolves Narasimha Rao's responsibility for demolition of Babari Masjid, holds several parleys with him and with Congress(I) leaders Sitaram Kesri and Jagannath Mishra, giving rise to speculations about possible tie up (8 Aug). *Mufti Sayeed unhappy with isolation and critical of Janata Dal's overtures towards Farooq Abdullah, criticises decision to hold Assembly elections in J&K, without negotiations with newly emergent political forces (27 July). Resigns from Janata Dal and Rajya Sabha (29 July). Rejoins Congress (14 Aug). *Muslim leaders in JD form pressure group to promote Muslim interests and ensure due consultation and implementation of assurances on Babari Masjid dispute, reservation in public employment, Kashmir situation, UP elections and representation of Muslims in party and government (21 July).

BJP: *BJP leader Vajpayee hints at realignment for forming alternative government, in case UF government falls (19 July), claims increasing proximity with regional parties in South India now in UF (27 July). *BJP holds 2-day Conference of its Minority Morcha, calls upon Muslims to seek 'barabari' (equality) and not 'Babari'. No Muslim leader of any consequence attends meeting (11 Aug). *BJP expels Gujarat dissident leader S.S. Vaghela (9 Aug). Vaghela announces formation of new party and convenes State Conference (19 Aug).

UP Assembly Elections: * JD's effort to rope in BSP, which already has electoral alliance with Congress, fails. Kanshi rules out poll pact with JD, if alliance includes Mulayam Singh Yadav (17 July). Efforts for electoral understanding between UF and Congress-BSP alliance also fail, thus preparing ground for triangular contest. BJP likely to benefit. *PM Deve Gowda mobilises JD workers and Kisans in UP, counts Kisan leader Tikait under pressure from Left, projects Mulayam Singh as future Chief Minister. PM rejects Congress-BSP demand for publication of administrative report on June 95 assault on then CM Mayawati by SP workers and for CBI probe (12 Aug). Mulayam Singh demands publication of reports on Meerut, Hashimpura and Piliphit (5 Aug). *Dissident elements from JD, SP and other non-BJP parties form political front called "Lok Panchayat". *BJP reaffirms Ayodhya Mandir issue as a major poll plank (22 July). Party overcomes division between high castes and OBCs and declares Kalyan Singh as future Chief Minister.

Election Commission: *Reacts to reports on formation of private Senas by BJP, SP and BSP and asks them not to take law in their own hands (4 Aug). *Takes up review of status of recognised parties. *Asks registered parties to complete internal elections by 1 January 1997 and submit accounts of Parliamentary elections within a month (14 Aug).

Insurgency: *Several underground and ethnic organisations in North-East including ULFA boycott Independence Day celebrations (14 Aug).

Secularism: *Delhi Government decides to appeal against acquittal of VHP leader Sadhvi Rithambara's communal speech case of 1990 (12 Aug).

Panchayati Raj: *Patna High Court criticises Bihar Government for not holding Panchayati elections and finds that Constitutional machinery has completely broken down. BJP and Congress demand dismissal of Bihar Government (9 Aug).

KASHMIR SITUATION

*Parliament extends President's rule for 6 months after July 18, 1996. *Home Minister Inderjit Gupta criticises for remarks on BJP securing high votes in two Muslim-dominated Parliamentary constituencies (17 July). *Government announces second economic package for J&K including waiver of outstanding loans upto Rs 50,000 with interest (2 Aug). *PM assures negotiations with elected State government for more autonomy after Assembly polls (5 Aug). *Election Commission announces Assembly elections in 4 phases between September 7 and 30 (7 Aug). Home Minister Gupta visits Srinagar and expresses confidence, reiterates maximum autonomy after the polls (8 Aug), offers unconditional talks with militants (9 Aug). *JD toys with idea of alliance with National Conference, finally decides to go it alone (13 Aug). Congress also decides to go it alone (8 Aug). National Conference refuses overtures by counter-insurgents, decides to participate and on its own (11 Aug) but later woos BSP for adjustment. All Party Hurriyat Conference (APHC) decides not to take part in elections unless held under UN supervision (18 July). Mahaz Azadi leader Azam Inquilabi demands proclamation of Independence for Kashmir by India and Pakistan (22 July). Hurriyat suspends Shabbir Shah from membership for receiving the US Ambassador. Shabbir Shah ignores expulsion. *Minister of State for Home Affairs, M. Maqbool Dar accuses security forces, counter-insurgents and special task force of Kashmir police of atrocities and embarrasses State Government (16 Aug). *Hurriyat delegation attends OIC Contact Group meeting in Islamabad, calls on Pakistan President (13 Aug).

Insurgency: *Militants abduct and kill 6 Indian tourists (16 July). *Security forces kill insurgent leader Bilal Ahmed Baig. Police resort to fire to disperse funeral procession and arrest Hurriyat leaders (17 July). *Acting Chief of Jamatul Mujahideen Ghulam Rasool Mir killed. *Delhi Police arrests head of Al-Omar Manzoor Ganai (22 July). Insurgents kill 13 non-Muslims in Doda (24 July). *Bomb blasts rocks Anantnag (27 July). *Editor, Al Safa, abducted and later released (2 Aug). High alert in Valley on Independence Day (15 Aug). *Farooq demands probe in killing of National Conference workers. *Harkatul Ansar withdraws ban on Amarnath Yatra due to comments on August 16.

Foreign Reaction:

USA: *US Ambassador Frank Wisner pays 2-day visit to

Srinagar. Hurriyat leaders refuse to meet him. US Senator Hank Brown on 2-day visit to Kashmir briefed by State Government and received by Foreign Minister Gujral (5 Aug). Wisner and Brown visit criticised as interference by CPI.

OIC: Contact Group meets in Islamabad (13 Aug). PM Bhutto criticises elections in Kashmir which would vitiate atmosphere for bilateral talks. Turkish PM Erbakan, then on an official visit to Pakistan pleads for settlement through dialogue. Group condemns elections and issues a 12-point Declaration.

BABARI MASJID QUESTION

*Special Bench begins to record evidence in Title Suit with examination of first witness Hashim Ansari (24 July). *Delhi High Court rejects petition by VHP against notices issued by Liberhan Commission of Enquiry (23 July). PM Deve Gowda clarifies transfer of Babari Masjid cases to Supreme Court only after consultations with both parties and after elections in UP (14 Aug), expresses hope for negotiated settlement. *VHP threatens to revive agitation (17 July). *Shankaracharya Swaroopanand announces Sant Sammelan in September to consider issue.

Varanasi and Mathura Question: *BJP MP Vinay Katiyar announces plan for campaign for withdrawal of 1991 law to maintain status quo of religious shrines, to facilitate liberation of Gyanvapi Masjid and Shahi Edgah (1 Aug). BJP denounces Katiyar's move (2 Aug). *VHP-Bajrang Dal Jalabishek plan to assert claim on Gyanvapi Masjid fails (5 Aug). VHP claims partial success (12 Aug). *VHP S.G. Ashok Singhal plans to construct model of temple to be built on Gyanvapi Masjid site and seek approval of Sant Sansad (13 Aug).

OTHER MATTERS OF CONCERN

Personal Law: *Supreme Court dismisses Shahanaz Sheikh case challenging constitutionality of Muslim Personal Law (26 July). Cricketer Azharuddin's divorce of his wife widely criticised by Muslim community.

Haj: *Budget proposes 140% increase in Haj subsidy to take care of additional cost of air charter for 1996 Haj. *Government announces plans for improving facilities for Haj in 1997 and fixes quota at 52,000.

Reservation: *Addressing Muslim Intellectual Forum PM expresses intention, after consulting UF colleagues, to introduce reservation for Muslims in education and employment and take other welfare measures (16 July), assures enactment of laws for providing reservation to poor among upper castes (28 July). *BJP opposes reservation for Muslims (20 July). PM admits Muslim status in some places as lower than that of Dalits, recalls measures by Karnataka Minorities Finance Development Corporation for upgrading skills and employability. Jama Masjid Advisory Council demands greater representation in Government, administration, public employment and welfare schemes (22 July). *Union Minister CM Ibrahim assures Muslims of early decision on reservation after consulting all political parties (2 Aug). Railway Minister Paswan gives direction to Railway Board to ensure due representation of all communities in recruitment and to have at least one Muslim and one OBC member in each recruitment committee. *All India Milli Council demands declaration of Muslim community as a community, a Backward Class (21 July). *A.I. Muslim Backward Federation demands reservation for Muslim sub-communities in OBC list (31 July). A.I. Momin Conference (Rauf Ansari) delegation demands separate quota of 8.4% for Muslim OBCs (29 July). *Various Hindu organisations oppose inclusion of Dalit Christians among S.C.'s, including BJP, Hindu Mahasabha, VHP and Arya Samaj. National Minorities Forum demands inclusion of Dalit Muslim (21 July). Insaf Morcha President Shahabuddin demands

withdrawal of religious test for recognition as S.C.

Infiltration: *Home Minister Inderjit Gupta admits continuing infiltration from Bangladesh (23 July).

Wakf: *Delhi High Court directs ASI, Wakf Board, DDA, MCD and DUAC to find acceptable solution to Jama Masjid Wuzukhana dispute. ASI opposes proposed construction (16-24 July). *Administrator, West Bengal Wakf Board serves notice on tenants to vacate wakf property on low rent. *Delhi High Court calls upon Government to reconstitute Delhi Wakf Board under the new Act.

Cow Slaughter: *VHP plans months long mobilisation campaign for total ban on cow slaughter from 25 August, 1996.

Education: *Government announces decision to make primary education a fundamental right (8 Aug). *Supreme Court gives 3 months to concerned authorities to finalise fee structure for private professional colleges (9 Aug). *Chief of the Army Staff Gen. S.R. Choudhary addresses AMU Women's College. *Jamia Urdu, Aligarh locked by Registrar on his suspension by new Vice-Chancellor Khaliq Anjum.

Communal Violence: *Violent clashes between Bodos and Santhals continue in Bodoland, All Bodo Students Union organises 36 hour bandh (2 Aug).

Communal Riots: *National Human Rights Commission asks Maharashtra Government to take action against policemen for use of excessive force in Ayodhya-related riots in Aurangabad and pay compensation of Rs. 1 lakh to next-of-kin of each person killed (21 July).

Family Planning: *MOS for Family Planning Saleem Sherwani announces plan for popularising population control programme among Muslims (24 July).

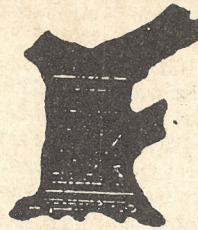
Muslim Leadership: *Maulana Abul Hasan Ali Nadvi desires Congress to retrace its path and regain its stature but generally extends support to Mulayam Singh Yadav. *Some Muslim intellectuals held dialogue with RSS leaders in Mumbai.

Mohajirs in Pakistan: *Speaker Sind Assembly asks Mohajirs to give up Pakistan (8 Aug). Mohajirs demand separate State (20 July). MQM highlights persecution of Mohajirs in Minorities Sub-Commission of UN Commission of Human Rights.

Indo-Pakistan Relations: *International Conference on Kashmir convened by World Kashmir Freedom Movement, attended by former MOS Subodh Kant hopes for tripartite talks under mediation of UK, USA or UNO. *Pakistan Army Chief Jahangir Karamat rules out talks unless Kashmir tops agenda (1 Aug). Pakistan Foreign Minister Asif Ahmed Ali prepared for talks with India on all issues including Kashmir, under mediation or proximity talks but in accordance with the UN Resolutions (4 Aug). Pakistan leader Nawaz Sharif favours "No War Pact" and resumption of bilateral talks to settle all outstanding issues (8 Aug). PM Deve Gowda blames Islamabad for avoiding bilateral talks (8 Aug). PM Bhutto rules out No War Pact until Kashmir issue resolved (10 Aug). Foreign Minister Gujral expresses disappointment on Pakistan's response to initiatives for improving bilateral relations (11 Aug). Pakistan President and Prime Minister accuse India for recent bomb blasts at Lahore airport and other places. Charge denied by India.

Obituary: *Eminent scholar Ziaul Hasan Farooqui passes away in Delhi (31 July). Aziza Imam, former MP, 72, passes away (22 July). Islamic scholar Mohiuddin Alwaye, 71, passes away at Kochi (23 July). Tablighi Jamaat leader Izharul Haq Kandhalvi passes away in New Delhi (13 Aug). Freedom Fighter Aruna Asaf Ali, widow of national leader Asaf Ali, 87, dies in New Delhi (29 July).

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