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# TOWARDS THE THIRD LIBERATION .....

As prophesied by Swami Vivekananda, the Shudra Age has dawned and the balance of power has decisively shifted in favour of the Shudras from the grip of the Savarnas. In this sense, the Parliamentary Election of 1996 marks a watershed, the Second Liberation of the Indian Society, if transfer of power in 1947-1950 is interpreted as the First Liberation. Power was then transferred from the hands of a foreign imperial power to those of the Indian people. But the hands actually belonged to the Savarnas - who constituted the national bourgeoisie and the socio-cultural elite and provided the political leadership of the Freedom Movement.

The Wheels of History never stops moving and the masses are the prime movers. With the dawn of democracy, and the introduction of adult suffrage, slowly and steadily the cast-outs, the deprived, the depressed, the wretched of the earth - who form the overwhelming majority of the people - have been asserting themselves and seeking Equality, Justice and Dignity, asking for their share of power, their piece of the cake, their right to breathe the air of Freedom. Over the years, even though the party system, as it developed, is controlled by the high caste leadership, even though the administration is in the hands of the elite, even though the electoral system is subject to manipulation by the propertied classes, the face of the Legislatures - the central and the state, has changed beyond recognition, essentially reducing the preponderance and consequent dominance of the Savarnas and raising the representation of the Shudras. Today in all legislatures, the Shudras (alongwith the Achhuts and the Adivasis) form a majority. Today for the first time the Union Council of Ministers has very few Savarnas. Indian politics has been Mandalised and howsoever, one may decry the manners of the neo-political groups or deplore the fall in 'standards' or lack of manners and etiquette, or denounce the absence of 'merit', the situation is irreversible and the process shall inexorably move forward, towards a regime of Equality, Justice and Dignity for all the castes, classes and denominations, all identifiable and conscious social groups - Towards the Third Liberation.

## SOCIAL UPHEAVAL AND POLITICAL RECONSTRUCTION

The Indian society is undergoing both a social upheaval and a political reconstruction. The Indian Society, plural as it is, is both multi-segmented and multi-layered. A social group is defined both by the segment and the layer to which it belongs. Whether one cuts the cake first horizontally and then vertically, or first vertically and then horizontally, the size, shape and, above all, the volume of each piece will be the same. In India, self-definition is a very complex process. There can be no neat surgical operation. Somewhere the vertical knife is at work; somewhere else the horizontal scalpel is in operation. Wait and be patient, once the process is complete and it cannot be halted half way, each

identifiable piece would proclaim and achieve an identity of its own. The call of solidarity in the name of the Nation or the State or the Country or the Culture, or in the name of Caste, Religion or Language will not stop it, it may slow it down; it may even allow the elite within each group to assume leadership and become its spokesman and the beneficiary of the process but even that would be a temporary phenomenon.

To understand the dynamics of Indian Society, first we have to discard terms like High Castes, Scheduled Castes, Scheduled Tribes, Other Backward Classes and Minorities. These are broad categories, rather legal and constitutional, which conceal more of the social reality than reveal it. The High Castes consist essentially of Brahmins, Rajputs and Vaishyas - the twice born - each with its own sub-groups.

The Scheduled Castes bring together various out-castes which lived and died outside the Varna System and were regarded as being outside the pale and, therefore, untouchable; Gandhiji called them Harijans and Ambedkar fought for their rights. Today they call themselves Dalits. The Scheduled Tribes are the Adivasis - the original inhabitants of this land driven into the hills and forests, physically separated from each other and speaking diverse languages but suffering continuous encroachment on their land, water, forest, their way of living, their life, property and honour - all in the name of progress and development.

The Shudras are euphemistically called the Other Backward Classes because the original Backward Classes recognised in the 1935 Act and then in the Constitution were the SC's and the ST's. But the Shudras have many castes - in Bihar 96 are enumerated in the Reservation Lists - called Annexures I and II - varying widely in population, education, political experience and influence and, therefore, share of power. Today, 66% of the Shudras have virtually no representation in the power structure; they are educationally and economically and, therefore, socially at the bottom.

So are the 'Minorities', the Religious Minorities: the Muslims, the Sikhs, the Christians, the Jains, the Buddhists and the Parsis, of whom the Muslims constitute 75%. For historical reasons, they are cast in the role of political adversaries and subjected to ridicule, distrust and suspicion 50 years after independence, they continue to pay the price of Partition, though 90% of them were born in free India and have never known Pakistan - except as yet another Muslim country. Today they have virtually no representation in the power structures. Persistently, under-represented in several Legislatures, they have no presence in many. Once the beneficiary of separate electorate and reservation in legislatures, both abolished in 1950, they are practically disenfranchised - you may call it political genocide, though the first draft of the Constituted listed them with SC's and ST's as worthy of reservation under a joint electorate



system. They have very poor representation in the Executive and the Judiciary; they are educationally deprived and have a low profile in practically all professions and in all spheres of economic activity.

Secondly, we must view the quest for Dignity, Equality and Justice in a historic perspective. The quest began when the Vedic society had lost its dynamism and become a stagnant pool, a rigid system. Then Islam, with its message of Universality, Equality and Justice appeared on the scene and recharged the spiritual and religious impulses of the masses into the Bhakti movement. Subsequently India had its encounter with the West, which provided in Rabindranath Tagore's words something which was missing in our national make-up and showed it the way to modern technology and political democracy. Then the Indian people broke the shackles of slavery and gave themselves a Constitution which promised Freedom, Equality, Justice and Fraternity and a polity based on adult suffrage. This was a revolutionary move. Thus came the transfer of power to the people - first, in name, then gaining substance, in election after election, as the new Shudra elite acquired money and education, when after 50 years of democracy, the deprived and the dispossessed have stood up to claim their birth right - a share in power. Right to vote has transformed every social group, whatever its identity or size, into subjects, rather than objects, of the game of Power - into active players, from a frustrated and even bored watchers.

Many 'Backward' groups - liberated from the hegemony of the Forward castes - are now groaning under the fraternal embrace of their fellow 'Forwards' and protesting against inequity and crying for Justice.

Since the world as a whole has entered the age of ethnicity and most forgotten and suppressed identities are surfacing all over the world, since the processes of fission and fusion are simultaneously taking place, even in the far more homogeneous societies, restructuring nations and redefining the boundaries of States and redistributing the social space. In India the social boundaries shall be redrawn; no fissure, no crack, no cleavage, which shows, can be ignored as new identities will demand accommodation, equitably and justly, within the body politic, rejecting not only religious but caste solidarity. The winds of change, blowing across all social spaces, shall not bypass any crevice horizontal or vertical.

#### RESISTANCE WILL FAIL

No social group in human history has voluntarily forsaken power or let it slip out of its hands, without attempting to reverse the process, by manipulation, manoeuvre, deceit or force. So it is not surprising that in the Hindu society, the high castes - the hereditary beneficiaries of the Brahmanical system - are trying to retain power as much and as long as they can. The rise of the Hindutva forces is nothing more than the last flicker of the flame, the last manoeuvre to maintain the status quo or to retain their supremacy in the name of Hindu solidarity against the

'historic adversary' - the Muslims - and the enemies of the Nation within and without! But the battle cry is not going to deceive anyone permanently nor is the siege going to be lifted by the emergent forces until Social Justice prevails and the city of Inequity and Oppression surrenders. The conscious Shudras fully understand that the target of Hindu chauvinism is not the Muslims but the vast majority, 80% of the Hindus. The resistance will fail.

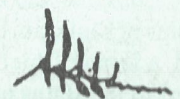
#### THE GOAL

Pressure for decentralisation of governance, for devolution of resources, for the federalisation of the political system, for autonomy right down to the Panchayat will grow. Pressure for smaller States will increase so that governance becomes more transparent and administration more responsive and development more meaningful and decision-making moves closer to the people. Nothing can stop this historic movement. India shall move from Union of State to a Union of States which are Unions of Districts, which are Union of Prakhands, which are Union of Panchayats.

Pressure for the reform of the electoral system will grow. The people have been living under 'minority government's which are based on the positive support of 20% of the electorate (considering 60% turnout in voting with 30% in favour of the party or alliance in power). The Party system knowing no inner democracy and revolving around party bosses, with built-in criminalisation, communalisation and corruption, will be reformed. The consolidation of the secular, progressive forces through the introduction of the proportional system and the run-off procedure, to secure greater legitimacy and representativity in the legislature will be based on the alliance of the emergent social groups.

The direction of movement is clear, the pace may vary. But at the end of the journey, every self-social group/sub-group shall stand empowered, proportionally represented at the policy-making and decision-making and executive levels, free from fear of discrimination or even being fraternal exploitation, free to contribute to the common deal and free to draw sustenance from it, and above all, free to maintain its particular identity or such elements thereof which it deems valuable and viable and free to accept or reject changes in them according to its own perception of the situation. That would be Third Liberation.

India is moving step by step, but fast, as the wheels of history today move faster, towards a working model for the world of tomorrow which shall be based on peaceful coexistence and fruitful cooperation of all ethnic, religious, linguistic, cultural, functional groups within States. Then the world government, of which humanity dreams today, will become a reality.



New Delhi  
1 December, 1996

(SYED SHAHABUDDIN)



## C.P. Bhambhri on Social and Ethnic Fragmentation

Political class has engineered the social and political fragmentation of India and its adverse consequences can be witnessed in the North-East... The fifty years of Indian democratic experiment had led to a situation where socio-cultural bonds have become weak, and the politics of identity versus identity has emerged in a big way.... Universal adult franchise in India has raised the levels of political consciousness in the whole country and the old social and cultural equilibrium has been disrupted.

The story of North-East India is being repeated in Uttar Pradesh; some facts about the forthcoming State Assembly elections may contextualise the ongoing phenomena of artificially manufactured social cleavages. First, every political party or group is ... forming coalitions for contesting the State Assembly elections of 1996, and it is clear that Uttar Pradesh does not have any political party which can contest all the 425 Assembly seats. The Congress and the Bahujan Samaj Party electoral alliance is based on a calculation that in a segmented society, the high caste vote will be the prerogative of the Congress and the real Dalits are the BSP's vote bank. Abdullah Bukhari, the Shahi Imam of Jama Masjid, Delhi, also has been brought in to influence the Muslim vote in favour of the BSP. In spite of the tall claims of the BJP, it has not only shared seats with the Samata Party, it also knows that only a section of Hindus will support the party during the elections. Mulayam Singh Yadav and other groups like the Janata Dal, CPI, CPI-M and Ajit Singh are clear that they have social acceptance in some castes and some districts. Ajit Singh will mobilise votes of the Jats in Western Uttar Pradesh, the Mulayam Singh will depend on the upper Backward Castes in Central and Eastern Uttar Pradesh and Narayan Dutt Tiwari (Congress) has been given charge of Uttarakhand territory.

Second, it is crystal clear that Uttar Pradesh does not have any socio-cultural identity which cuts across castes, communities and regions. Is Uttar Pradesh, an artificial social construct belonging to regional chieftains?

Third, V.P. Singh, Mulayam Singh, H.D. Deve Gowda, and every other leader big or small - are all committed to secular politics and their goal of elections in Uttar Pradesh is to ensure a victory for secular forces and a defeat for the communal politics of the BJP. Have they been able to present a reasonably united secular front to confront the BJP? The answer is a big "No". And has the BJP shown an effective political presence to confront and defeat the pseudo-secular forces of the Congress and the Janata Dal, and the casteist political fronts of Mulayam Singh or Kanshi Ram? Narayan Dutt Tiwari, a former Chief Minister of Uttar Pradesh, has been reduced to the status of a district level politician, and Ajit Singh and Mahendra Singh Tikait are declared leaders of a single caste and a limited territorial area of Uttar

Pradesh.

Politically stable Uttar Pradesh has become totally fragmented and all political parties, groups and leaders are on tenterhooks to evolve some viable coalition to win the election...

Political forces and groups opposed to the domination of the Congress party used the process of social change to create their political support base. The haphazard implementation of land reforms led to the displacement of traditional high caste landed gentry by the peasant classes represented by the backward castes. Since multiple jatis and upjatis are found in Indian society, the political class of Uttar Pradesh targeted some jatis and upjatis spawning many political claimants for assuming the leadership of the multiple social fragments. If Charan Singh and Ajit Singh emerged as leaders of the Jat peasantry, Mulayam Singh Yadav mobilised upper backward caste peasants like Yadavs, Kurmis, Koeris etc., and Kanshi Ram and Mayawati won the support of "very backward" castes who were the victims of upper backward castes. Since multiple castes were mobilised against each other by different political leaders, politics of caste versus caste emerged in a big way in Uttar Pradesh rural areas...

The most important consequence of multiple social divisions in Uttar Pradesh is the use of muscle power for capturing political power. It is for the first time that private Senas are ready to take on their political opponents during the forthcoming State Assembly elections. Rule of Law and formal institutional arrangements for governance have either collapsed, or are under severe strain because of casteism and communalisation of politics.

... If Uttar Pradesh elections cannot be held without the presence of outside police forces, it means that the state's civil and administrative systems have collapsed. The only goal of current political leaders is to get to the seats of power. But, social strategies adopted by the political class will not give them dividends, because political instability will be the order of the day. The country will suffer because political leaders will have neither the time nor the inclination to resolve the problems of 450 million people living below the poverty line. This phase of Indian democracy will witness sectional patronage based on governance as a quid pro quo between castes and their leaders. Government for the people is not possible if elections are won on the basis of limited sectional or territorial support structure.

(Source: *The Hindustan Times*, 23 September, 1996)



## Historian Harbans Mukhia on End of Communal Politics?

An interesting paradox seems to have marked the political scene over the past few years: a steady rise in the electoral acceptability of the BJP, invariably characterised as the archetypal communal outfit by its adversaries; and the absence of any major communal riot since the dastardly violence unleashed in the wake of the demolition of the Babari Masjid in December, 1992. ...

### BJP's Strategy

Understandably, several streams have contributed to the emerging denouement. The BJP's own extremist Hindutva project has got diluted as its space in the political mainstream expanded. Its strategy of forging a uniform identity of the Hindus had a degree of egalitarian appeal in it inasmuch as it sought to blur the sectarian and caste dividing lines under the single colour of the saffron banner. But the reality of caste identities forced a two-fold dilution. On the one hand, the upper caste core of its ideology as well as resistance from the upper caste supporters for pragmatic political considerations moderated the implementation of the strategy; on the other hand, the growing Dalit support for the BJP too generated its own increasingly aggressive refusal to be taken for granted without commensurate space within the BJP spectrum. This phenomenon is best symbolised in the virtual indispensability of Mr. Kalyan Singh as the BJP's projected chief minister in UP. ...

The forceful emergence of the SP-BSP alternative, first in combination and now separately, has also helped though it has, in turn, generated social and political tensions of a different kind.

There is also the counting of costs of communal riots - economic dislocation, political instability and cultural consequences of fractured inter-community ties. These seem to have been the chief lessons from the last bout of riots... And the lessons have not been lost.

Not least has been the contribution of the silent, and therefore decisive, withdrawal of the Muslim community from the siege mentality that had been stoked by virtually every political grouping: the Congress, BJP, the orthodox as well liberal leadership of the Muslim community and, indirectly, by the Left parties. All of them, except the BJP, created an ambience of total helplessness and hopelessness for the Indian Muslims; the BJP inverted the image by focusing on "minorityism" in search of an aggressive articulation of a majority's solidarity. The result was the same - aggressive Hindutva reinforcing Muslim defensiveness.

But then, the Muslim community seems to have responded to the challenge in two ways; on the one hand it forced its old leadership to tone down any aggressive

projection of the threat to its existence and on the other to explore alternative categories of self-assertion. ...

The increasingly voluble opinion within the community that the way to survival and prosperity is in modern secular education and in self-help rather than in self-pity and in blaming others goes hand-in-hand with the movement away from the half-century ... of Muslim politics. It is not insignificant that one no longer hears even the BJP haranguing the Muslims to be Indians first and Muslims second. The dichotomy embedded in being Indian-Muslim ... has perhaps been rejected in favour of being both Indian and Muslim without any structured prioritisation.

The absence of Muslim aggression moderates the aggression of Hindu solidarity. It is not easy to sustain one-sided communal hysteria of which communal riots are an extreme manifestation. The era of politics without communal riots may not be very far.

(Source: The Times of India, 23 October, 1996)

### BJP: Views of A.B. Vajpayee

We are against appeasement, not minorities. We are against appeasement of all kinds, whether it is towards the minorities or the majority community. I am also personally opposed to any minorityism or majorityism. We should run the state without discrimination or favouritism. Allegations such as these are basically spread by the so-called secular parties. Their only aim is to create a fear psychosis in the minds of the minorities.

Why is no one talking about their educational problems or emancipation of women? If I will give you a small example. The Congress government at the Centre had announced the formation of a finance corporation to help Muslims. It was to have started with an initial sum of Rs. 500 crore. Ultimately, only a token corporation got underway with a capital of Rs. 5 crore. When the corporation was announced, Hindus thought they were discriminated against and all benefits were being enjoyed by Muslims while the Muslims actually got nothing. It is such hoodwinking that has brought the Congress to its present sorry state...

(Source: The Indian Express, 29 September, 1996)

Basically, I am an RSS man, but not a bonded labourer of the VHP and Advani's other goons, setting principles on fire for their five-star culture.

- Shankarsinh Vaghela,  
Chief Minister of Gujarat



## Praful Bidwai on the Left and the United Front Government

The wholly indefensible manner in which (Deve Gowda) rushed to rescue Mr. Narasimha Rao by subverting every norm of political decency and good governance, by blatantly interfering with the CBI and ordering it not to oppose bail for Mr. Rao, and bypassing the home ministry while politically compromising the Delhi police, is the single biggest blackmark in the UF's record-book so far. The fact that the temporary reprieve granted to Mr. Rao on dubious legal grounds was preceded by Deve Gowda's highly controversial midnight meeting the Chief Justice of India, and then with Mr. Rao and his own law minister, further compounds this grave impropriety.

### Another Blow

By engineering this collusion ... Rao - gravely indicted by India's premier police organisation - inflicted yet another blow upon the credibility of the political system. It is another matter that his gain, mere postponement of court appearance, was unworthy of a senior politician. Earlier, he had managed to get the Pathak case transferred for no valid reason from Prem Kumar's court to Ajit Bharihoke's. The public is bound to be appalled not just because Rao is being granted undeserved preferential treatment at each stage by the executive and the judiciary, but also because this should happen just when hopes run high that those responsible for defrauding the public exchequer and other malfeasance will at last be held accountable and punished under the UF dispensation.

... The sordid episode ... represents a betrayal in four months of the hope that the UF would usher in a new kind of politics. In this regard, the UF's performance has been somewhat worse than the more fractious JD government's, barring the extraordinarily ugly Devi Lal episode. This puts the Left, a critical UF component, in a worse position than in 1989-90 when it supported V.P. Singh from the outside. The Left is earning all the opprobrium through association, while making few gains.

September 30 was not the first time that Deve Gowda put the Left in such a predicament. He has done so all along, whether on relations within the UF, issues of economic policy, vital political decisions or high-level appointments. Consider this ... Mr. Gowda first sent Mr. C.M. Ibrahim to hold 'political-cooperation' talks with the Naib Imam of the Jama Masjid and then himself held a controversial but prolonged meeting with Bal Thackeray, to widespread secular criticism and the UF's embarrassment. On other political reform issues too, the UF's performance has been unimpressive - witness the Lok Pal Bill, political autonomy for Jammu and Kashmir, electoral reform, and ... reservations for women.

On economic policy, the UF has failed to distinguish itself from the Congress...

### Little Efforts

Mr. Gowda has made little effort to build a consensus... Indeed, he tends to bypass the Steering Committee, relying instead on clandestine consultations with Narasimha Rao, whom he has met 27 times. The Left has had to beat a retreat on several important policy issues. It has also accommodated itself to a far more conservative, near-jingoistic, position on the CTBT, rather than the ambiguitist stand it originally favoured. None of this redounds to the Left's credit. Meanwhile, the Janata Dal ... is in disarray, and has all but collapsed as the UF's centre of gravity. This too leaves the Left with little leverage or room for manoeuvre.

There is simply no reason why the Left should attract opprobrium on the UF's behalf when it does not determine the Front's conduct or policies. The opprobrium is undeserved: the Left is the most stable, reliable, enduring representative within the UF of plebeian interests. It vests it with considerable moral and political credibility. The Left is the cleanest, most principled, part of the Indian political spectrum, with the least stake in manipulative politics and hence can guide the UF in a positive way. But if the UF goes wayward, the Left will be less and less able to play this function. Worse, its own greatest asset, viz moral-political authority, could be undermined. The Left cannot afford to lose this. If it dies, it will no longer just mark time, but go into decline despite having gracefully survived the collapse of the USSR... "Tailism", or following, rather than leading, a more conservative partner, is the worst thing that could happen to the CPI and CPM.

... The time has come for the Left to begin distancing itself politically from the UF on issues of policy and principle, indeed to issue an ultimatum to Deve Gowda: if he thinks he can outmanoeuvre it by making an alliance with the Rao Congress and through tactics aimed to manipulate or bypass judicial and political accountability, then the Left too can walk out of the UF. It will have no choice but to do so if the rightward economic policy drift continues and the CPM is selectively interpreted and implemented. It cannot stay in the UF unless the Steering Committee is properly institutionalised, and consulted at each critical step, on all major policies. Gowda simply has no moral-political authority to behave as if he were a "normal" Prime Minister with a single-party dominated majority government. If it is not to sound empty, such an ultimatum must be backed by action: public debate, trenchant criticism, cadre education, mobilisation in the streets. This is a hard decision, but the Left has few options. If it does not begin distancing itself from an increasingly compromised, Congressised, UF, it will risk getting discredited... And that is the path to ignominy, if not oblivion.

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



## Surendra Mohan on Electoral Reform

It is the second time in two years that the Election Commission (EC) has issued a notification requiring the political parties to elect their respective office bearers as per their constitutions. In July 1994, the first notification asking political parties to complete their organisational elections within four months was issued. But ... the notification failed to change the basic functioning of political parties. ...

On August 13 this year, the EC issued fresh notification to all recognised national and state parties, and all registered unrecognised parties urging them to submit complete lists of its elected office bearers, as per provisions and procedures in their respective constitutions. The EC argued that since it had registered them as political parties on the basis of the constitutions filed by them before it, it was only fair for it to insist that they adhere to the provisions of those constitutions. Parties were warned by the EC that if any of them "fails to do so, the EC may be left with no choice except to consider such legal measures as are available, necessary and appropriate". The measures have not, however, been specified. In the circumstances, it is doubtful whether this notification will be given greater attention by the political parties than the one issued in 1994. ...

Since the absence of internal democracy has afflicted almost every party the supremo is hardly under challenge. And, as almost all political parties have tasted power, the levers of patronage enjoyed by the leader silence every dissent. The supremo's power to nominate party candidate for elections to the legislatures, makes the whole party his handmaiden.

This is the situation despite the fact that transfer of power to the panchayati raj institutions, and restructuring of centre-state relations constitute the agenda of the new government. It is the same with the reservation of seats in the panchayati raj institutions for women or other 'weaker' sections of the society. **The candidates for the reserved seats represents the will of the supremo and his or her cohorts much more than the sections they are intended to represent.** The reservation of Lok Sabha and Vidhan Sabha seats for women looks in the similar danger of being compromised by the same undemocratic practices prevalent among the political parties.

All efforts to widen the parameters of people's power by amending the Constitution is likely to result in the cooption of favoured sycophants from the newer sections by the supremo. It has been argued, however, that organised groups from among various reserved categories can generate pressures on the leaders of political parties to ensure that their genuine representatives are given

party nominations. But, then, manipulation of the ambitions of those persons, distribution of patronage, the huge amounts of money involved in elections, the very multiplicity of reserved categories and rivalries among their sub-categories, could substantially reduce, if not nullify, these pressures.

The EC should be empowered by law to ensure democratic functioning by political parties. Such laws and regulations already exist in some countries where enrollment of membership, holding of periodic elections, and maintenance of account books are supervised by independent quasi judicial bodies.

The Election manifesto of the National Front issued in 1989 contained a promise under the chapter of electoral reforms for providing such an authority. But, when the late Dinesh Goswami, law minister in the NF Government, brought up such a proposal for inclusion in electoral reforms, most parties opposed it on the grounds of interference in their internal affairs. However, considering the influence of money and the induction of anti-social elements it is time that public opinion asserted itself in favour of such legislation.

(Source: The Times of India, 7 September, 1996)

### Bihar: Lok Sabha 1996: Break-up of MP's by Caste/Party

| Group                               | Caste         | Number of M.P. |        | Party Break-up    |
|-------------------------------------|---------------|----------------|--------|-------------------|
|                                     |               | Notional       | Actual |                   |
| Savarnas<br>(Higher Caste)<br>(15%) | Brahmin       | 8              | {4     | BJP - 3, CPI-1    |
|                                     | Bhumihar      |                | {2     | CPI-1, Ind. 1     |
|                                     | Rajput        | 14             | {6     | JD-2, BJP-2, SP-2 |
|                                     | Vaishya/Bania |                | {2     | BJP-2             |
| Shudras-I<br>(OBC's)<br>(19%)       | Yadavs        | 9              | [13    | JD-10, BJP-1      |
|                                     | Koeri         |                | [      | CPI-1, SMP-1      |
|                                     | Kurmi         | 20             | {3     | JD-2, BJP-1       |
|                                     | Kayasth       |                | [1     | BJP-1             |
| Shudras-II<br>(MBC's)<br>(30%)      | Badhai        | 16             | {1     | BJP-1             |
|                                     | Dhobi         |                | 3 {1   | SP-1              |
|                                     | Mallah        |                | {1     | JD-1              |
| Achhuts<br>(SC's)<br>(15%)          | Dusadh        | 8              | [4     | JD-3, BJP-2       |
|                                     | Chamar        |                | 7 {2   | JD-1              |
|                                     | Bhuiari       |                | [1     | INC-1, JMM-1      |
| Adivasis<br>(ST's)<br>(7.5%)        | Santhal       | 4              | {2     | BJP-1             |
|                                     | Oraon         |                | {1     | BJP-1             |
|                                     | Munda         |                | 5 {1   | BJP-1             |
|                                     | Ho            |                | {1     | JD-3, INC-1       |
| Muslim (14%)                        |               | 7-8            | 4      | SP-1,             |
| Christian                           |               | -              | 1      |                   |



# Shahabuddin and Aiyar on BJP's Concept of justice and Equality

**Syed Shahabuddin**

The headline of S. Kulkarni's article 'Babri or "Barabari" '? (Hindustan Times, 20Aug., 1996) except for the alliterative music, does not make any rational sense. The Muslim community's right to equality, as individual citizens or as a social group, is derived from the Constitution and not from the status of Babari Masjid. Nor does the demand for construction of the Ram Janambhoomi Mandir on the Babari Masjid site has anything to do with the transfer of power in 1947 or to the tragedy of Partition. Power was transferred to the people of India as a whole and not to one community or the other. Neither the Act of Independence nor the Constitution gave a higher status to one or a lower status to another community. Consciously or unconsciously Kulkarni equates India with the Hindu community. A part, howsoever big, cannot be equal to the whole.

Muslim Indians cannot be asked to pay continuously a price for Partition. Nor is it correct to say that the acceptance of the destruction of the Babari Masjid as a fait accompli is the sine qua non for Hindu-Muslim unity or national integration or inter-communal harmony. Nor will the construction of a Mandir on its site guarantee a secular order hereinafter!

Why was the issue not raised during the Freedom Movement? Why did the BJP (or its former incarnations) not take a decisive stand, when it shared power in the state and in the Centre in the 60's and the 70's? Why did not BJP adopt the issue till 1989?

The answer lies in that the Ayodhya issue is an artificial issue; above all, it is not a religious issue; as it has no scriptural authority. It is indeed a political issue and has, therefore, been used for electoral politicking; it is an assertion of the 'will' and the 'power' of the majority against a minority, which cannot but come into direct conflict with the Constitution and the Rule of Law.

Back in 1987, after the Babari Masjid had been turned into a de-facto temple with the collusion of the Central and the State governments and after the Hindu sentiments had been aroused through mass mobilisation, publicity and propaganda, I had suggested that although no Muslim has the authority to sign away a Masjid (or to 'relocate' it) if adjudication proved that a temple commemorating the birth-site of Ram stood on the site in 1528 and was demolished to construct the Babari Masjid in its place, I would plead with the Muslim community to accept the verdict. I went further to say that even if no temple existed in 1528 but if there was scriptural evidence that the Babari Masjid site was indeed the birth-site of Ram, I would beg the Muslim community to respect the sentiments of the Hindu community and hand

**Mani Shankar Aiyar**

... The equality granted by the Constitution of India to our Muslims was unconditional. Who is Vajpayee to make barabari for our largest minority conditional on their surrendering on Babari to the sangh parivar?

To become Prime Minister without a majority, Vajpayee donned an expression of pure innocence. It did not help him remain Prime Minister. So now that elections in UP are around the corner, the real face of the BJP has re-emerged... The BJP seeks to win UP by showing the Muslims their place in the hope that this will persuade the majority community to give up secularism in favour of majoritarianism.

Consider how ever priority item on its agenda - the masjids still to be demolished, the punyasthal still to be reclaimed, the uniform civil code, Article 370 - are all Muslim-related. To secure power at the Centre with under a third of the seats in the Lok Sabha, the whole of the BJP's Muslim-related agenda was put on the back-burner. That is now the programme being dusted off and brushed up with the gaddi of Lucknow in mind. ...

... Independent India could have imitated seceding Pakistan by basing the nationhood of residual Bharat on religion. This is what Hindutva is about. Alternatively, it could have decided to continue defining its nationhood in terms of its composite culture, notwithstanding the triumph of the two-nation theory in part of the subcontinent. The decision to opt for the latter carried with it the obligation to see what was to be done about the minorities. Even as reservations for the Scheduled Castes were written into the Constitution, so were provisions for protective discrimination relating to the minorities written into the Constitution.

These two sets of derogations from the principle of equality, designed to translate constitutional equality into societal equality, have in recent times been reinforced by "Mandalisation", the catch-all term for giving practical effect at the Centre for discriminatory action in favour of the backward classes. ...

It is the package of measures evolved over time for  
(Contd. on page 537)

it over to them. So far no judicially acceptable evidence, either of the birth-site or of the existence of the Ram Janambhoomi Mandir in 1528 has been offered.

Reconciliation cannot be purchased with assertion. Justice cannot be built through coercion; friendship cannot be based on humiliation. The issue is not 'Babari or Barabari', but 'Babri and Barabari', and the restoration of Babari Masjid site alone will be the test of 'Barabari', if the word has any meaning.



# Shahabuddin's Letters on Concept of Minorities

## I - On 21 September, 1996

Mr. Tufail Ahmad's article (H.T., 9 September, 1996) "Need to Redefine Minority" symptomatises academic indigestion resulting in conceptual confusion. He concedes that in a participatory democracy, the numerical strength of different communities are significant for political power. In fact, accuracy and realism would demand substitution of the word "significant" by "determinant", specially in a heterogeneous, plural socially like ours. The Constitution recognises the existence of religious, linguistic and cultural minorities and, by implication, of "caste" and racial minorities. There are even geographical minorities like "the weavers from UP and Bihar in Bhiwandi or Nepalis in Meghalaya or Chhotanagpuris in the tea estates in Assam.

What is erroneous is the misconception that at the national and state levels (with the exception of J&K) the Muslim Indians alone constitute a religious minority or that the Urdu-speaking people (mainly Muslims) are the only linguistic minority in every state of the Union. The Muslims are not the only minority. Therefore, the conventional use of the term minority to describe Muslim community, in fact, to equate the words "Muslim" and "minority" is totally misplaced in the Indian context. Indeed, if one takes into account the five operational/functional administrative levels of the Union, the State, the Zila, the Prakhanda and the Panchayat no particular community may be a majority or a minority at all levels, everywhere. This fluctuating pattern - vertical and horizontal - weaves a web of mutual interdependence and cooperation, leading to equality, justice and fraternity.

To sum up, in India's sub-continental context, every social group or sub-group or community or sub-community constitute a minority at some level, some where. What we need is a National Code for Minorities which should apply equally to all minority groups at the same level, irrespective of its identity in terms of religion, race, language, caste or whatever else.

## II- On 24 October, 1996

Prof. Imtiaz Ahmad's article "Defining Minorities in India" (H.T. 19 Oct) has created even more confusion. "Minority" or Majority basically a numerical concept, measurable at each level for each prescribed jurisdiction. In India, minorities states can be defined at Panchayat, Prakhanda, Zila, Rajya and Rashtriya level. It is true that no social group or sub-group is consistently a majority or minority at all levels in all jurisdictions. On a non-territorial basis, also one can define minorities within each social group like Shias among the Muslims or

Brahmins among Hindus or Syrian Christians among the Christians, for the country or for any part thereof.

The question whether a particular social group is disadvantaged or otherwise is related not to definition but to measures of social engineering. However, one fact is obvious that in any democratic and plural and segmented society, at any level, any social group or sub-group which is numerically a minority within a given jurisdiction, is likely to face disadvantages and therefore, seeks and deserves support from the State, the Constitution, the Law and the Polity.

(Contd. from page 536)

protective discrimination in favour of the minorities that is opprobriously labelled as "appeasement" by the BJP. The slogan of "Justice for all, appeasement of none" is, at bottom, a meaningless slogan because what the Constitution recognises as "justice" is what is described by the BJP as "appeasement". ...

...Protective discrimination in favour of the minorities was not the righting of an old historical wrong but aimed at protecting them from the consequences of immediate past history. A strong, self-confident minority in a united, independent India, which we might have had if Gandhiji had been able to work his magic on Jinnah as he had on Ambedkar, might not have required the kind of special constitutional recognition and protection that the new republic was required to give the minorities. But in the specific circumstances of the Partition being the condition precedent of Independence, the minorities left behind in India needed the assurance that their identity would not have to be bartered as the price to pay for equality. This the Constitution did. It is what the BJP is trying to undo.

What Vajpayeeji needs to understand is that the demolition of Babari was the denial of barabari. As equal citizens of India, the Indian Muslims (or Muslim Indians, whichever you prefer) who have gone to court to secure reaffirmation to title to their property will know there is barabari only if the court's judgement is accepted by all. They have said in advance that even if the courts were to decide the suit against them, they would accept such a ruling. The BJP has not. If, and only if, the BJP were to say as much, then, and then alone, might Babari give way to barabari.

(Source: The Indian Express, 20 August, 1996)

Thackeray frightens only the meek. The trick is to bully him and he backs off.

- Mrinal Gore, Janata Dal Leader



## Amulya Ganguli on Saffron Wave's Ebb Tide

The first sign that the BJP was no longer as happily placed as before was discernible in the Lok Sabha poll in which the party's share of the vote did not move up from what it was five years ago - 20 per cent. But, delighted by its emergence as the largest group in Parliament and by the impact of Atal Behari Vajpayee's oratory in the House, the BJP chose to ignore this tell-tale evidence... The party was convinced that it had won the semi-final and that victory in the final was just one election away to be held as soon as the fractious UF fell apart.

The Uttar Pradesh contest was to be the preparation for the final. Success in this crucial State, of which the BJP was certain because of the division among its opponents, would hasten the UF's demise, paving the way for the saffron flag to reach the portals of power in the national Capital. But its fond hopes have been belied by the dramatic drop in the BJP's number of seats which may affect its voting percentage as well. Between 1991 and 1996, it rose from 32.8 per cent to 33.5 in UP, but it may not be too far off the mark to suggest that the Hindutva tide is beginning to turn even in the State of Ram Janmabhoomi, the BJP's trump card at one time.

The setback in UP has been compounded by the BJP's unsatisfactory performance in the Madhya Pradesh by-elections. Nor have these reverses been adequately compensated by the party's ability to hold its ground in Rajasthan and Gujarat and secure a toehold in Orissa. What is more, the gains made by its ally, the Samata Party, in Bihar and the setbacks suffered by the Shiv Sena in Maharashtra are likely to introduce new equations in these partnerships which may not be to the sangh parivar's liking.

Whether the retreat is taking place at the all-India level cannot be said for certain but, in addition to the fact of the BJP having marked time at 20 per cent for five years, what has also to be considered is the change in the circumstances which had helped its earlier growth. It has to be remembered that till 1989, the BJP generally fought the elections in the company of other non-Congress parties and its growth was fairly consistent. The first election it fought alone was in 1991 and since then it has stopped growing.

The primary reason for its earlier accretion of strength is not far to seek. Apart from utilising the widely prevalent anti-Congress sentiments, the BJP was also hailed as a disciplined organisation. Then, the temple plank helped it to surge ahead. Now, all these factors have lost their earlier appeal. The Congress is not only less untouchable at present, the faint stirrings within it under Sitaram Kesri denote an awareness of the need to cleanse its corrupt image. If it manages to make a

beginning in accomplishing this admittedly superhuman task, the Congress can hope to start building on its nationwide 28 per cent vote bank, still higher than that of all other parties.

The BJP's reputation for discipline has suffered as its proximity to power made more and more time-servers jumps on to its band-wagon. But it is the party's temple campaign which seems to have caused the most political problems for it. If the 13-day Vajpayee Government failed to secure any support in Parliament, it is because this particular plank was recognised as the focal point of a revivalist programme which runs counter to the country's multicultural heritage to which all parties outside the Hindutva brigade subscribe.

If it was simply a question of building a temple in place of the demolished mosque, the BJP may have been able to gather much wider support. But those who do not accept the majoritarian saffron formula have little difficulty in seeing the temple programme as a thin cover for the sangh parivar's anti-minority philosophy. The cruder version of this world-view is propagated by the two virulent parivar outfits - the Vishwa Hindu Parishad and the Bajrang Dal - but essentially there is little difference between the provocative acts and utterances of these two and the BJP's theory of "cultural nationalism". This phrase is shorthand for the primacy of Hindu culture at the expense of the others and implies that only Hindus are nationalists while the patriotism of the others is suspect.

It is possible that the dangers of its xenophobic approach are gradually beginning to be appreciated.

What is more, the party's sudden upsurge of devotion for Ram may have also started fuelling the suspicion that its purpose is less spiritual than political. In all the manifestos of the Jan Sangh-BJP from the time of independence to 1989, the great urgency of the need to build a Ram temple in Ayodhya never found a mention. Even when the two foremost leaders of the Jan Sangh - L.K. Advani and Vajpayee - were important ministers at the Centre between 1977 and 1979, they uttered not a word about building the temple.

If the Babari Masjid was such a symbol of slavery and if a Ram temple at that very spot was the only way the national spirit could be revived, then these two stalwarts would have been expected to make this point time and again both when they were in the Opposition and in the government. But it was only after the crushing 1984 defeat that the BJP seemed to have woken up to the need for an emotional issue. The party did find one in the Ayodhya temple and made good use of it. But now the

(Contd. on page 560)



## Harish Khare on Possibility of Congress Revival

Barely six months after being booted out of power, Congressmen seem to have recovered their collective wits and appear on the verge of asserting their natural right to occupy the seat of national power. ... The country is moving towards a difficult and trying era when neither good intentions nor respectable pedigree nor the support of the beautiful set in the capital will be sufficient to enable a political leader to produce a workable mix of postures and policies. In this age of transition when the party system is on the verge of collapse, can the Congressmen reacquire for requisite ability to man the ramparts of the Indian State? ... But the fundamental question is whether a revival is desirable.

After six months of the Deve Gowda experiment - the Congress revival appears attractive on three counts. First, the body blows delivered to the Congress leaders by the judiciary should have exorcised a large number of Congressmen of their arrogance. ...

... A vigilant judiciary has probably helped the Congress become mindful once again of the virtues of integrity, honesty and accountability in public life. ... A Congress that does not behave like a rogue organisation should become - theoretically at least - attractive once again to the middle classes, that core social segment that provides the crucial and cementing elements in any workable governing arrangement in New Delhi.

The second development that makes the Congress revival a viable proposition is the failure of the BJP to emerge as an alternative capable of providing a responsible and reasonable governance. ... The BJP shine is gone - though it is too early to say whether those segments of the Congress constituency that defected to Advani and Vajpayee are ready to come back to the post-Rao Congress.

The third development that could contribute to the Congress' attractiveness is the apparent inability of the non-Congress dispensation in New Delhi to acquire a governing culture, befitting a continental polity. It is only a matter of time before the country gets tired of a non-performing ruling arrangement. Of course, inexperience in national politics and insufficient exposure to decision-making do not necessarily render a regime unattractive; but what will be the undoing of the UF regime is its continued and willful indifference to moral expectations....

... The two major non-Congress forces - the BJP and the Janata Dal-led United Front - are finding it difficult to respond to the national urge for redefining the relationship between the governing class and the governed. In short, to produce a viable and durable political order suitable to the changing environment, at

home and abroad. At home, the order has to be pan-Indian in its orientation and outlook; abroad, the order has to be sufficiently confident to deal effectively and assertively with an array of increasingly demanding forces... The art of governance involves implementation of an agenda which necessarily allocates resources (economic, social prestige, political power, etc.) among various competing groups... In India... the process of governance be carried out in such a manner as to inspire a minimum of respect for the institutions of the State. Any depletion in the respect and awe for the institutions produces a crisis of governability; which, in turn, demands political skills of the highest order to see that lack of respect does not degenerate into alienation and secession.

These political skills can only be provided by a political party - neither the bureaucracy nor the judiciary has the requisite competence, empathy and patience... The rites of power (acquiring, capturing and consolidating the levers of patronage and control) to be performed within the confines of electoral democracy carry with them their own compulsions - that a ruling party must demonstrate skills of accommodation, cooption and inclusion of the ambitious and the aspiring - as well as the discontented and aggrieved - individuals and social groups. The Congress once had these skills but ... two charismatic leaders, Indira Gandhi and Rajiv Gandhi ... made it turn its back on the masses.

And despite its aberrations and absurdities, the Congress remains the only all-India party. With the apparent inability of the BJP and the Janata Dal-led United Front to emerge as a cohesive all-India alternative, the Congress return to the centre stage seems inevitable. Such a return would become desirable and attractive only if the Congress and the Congressmen fulfil three conditions. First, pursuit of a politics of purpose... Yet in these times of change, the political discourse has to redefine a national purpose beyond worshipping at the altar of stability. A national purpose cannot be discovered in the absence of the second condition - respect for moral values. The Congress will have to lead the way in ensuring that the political disputes and disagreements with its opponents are sorted out within a reasonable framework of accountability and responsible governance. And, lastly, the Congress will have to demonstrate its willingness to usher in the regime of self-imposed restraint on its own functionaries. If it wants to preside over the historic transformation of the Indian polity, the Congress cannot remain the last refuge of the corrupt, the crooked and the criminals. ...

(Source: The Hindu, 6 November, 1996)



## Kalpna Sharma

### On Shiv Sena and the Constitution

The courtroom dramas in New Delhi have eclipsed to some extent the equally significant events that have been taking place in the precincts of the Mumbai High Court...

The venue of the drama has been the courtroom where the revived Srikrishna Commission is investigating the cause of the communal riots that irrevocably scarred Mumbai in 1992-93.

The Shiv Sena-BJP alliance ruling Maharashtra had arbitrarily wound up the commission in January this year... The provocation was the beginning of the cross-examination of a senior Shiv Sena functionary, now an MP and leader of the Sena's parliamentary party, Mr. Madhukar Sarpotdar.

Mr. Sarpotdar has the dubious distinction of having been apprehended by the army at the height of the riots, while travelling with seven others in a jeep during curfew hours. In the jeep were two unlicensed pistols, two choppers, two hockey sticks and two other sticks. For this he was arrested but released with a few hours.

A month later, on February 6, he was arrested again, for making provocative statements which the police held could incite communal hatred. Some of the quotable quotes recorded including this one: "Innocents have been killed in Behrampada. If you think Hindus are impotent, we can also kill"...

Mr. Sarpotdar (was) called to testify again. His testimony has caused more than a few ripples in a city...

The most significant of Mr. Sarpotdar's statements, for what it reveals - or rather confirms - about the Shiv Sena's philosophy, is his justification of retaliation as a policy, the ancient eye for an eye, tooth for a tooth dictum. Asked whether newspaper reports about Shiv Sainiks attacking Muslim-owned shops and homes in retaliation for an incident in which a Hindu family was burnt alive in Jogeshwari on January 7 were true, the Shiv Sena MP said: "It is true that this was in retaliation for what had happened at Radhabai Chawl, Jogeshwari and elsewhere. According to me, it was justified. If somebody attacks my house, I must defend. Retaliation is the only way. What other way can there be, in order to defend, than to retaliate?" When the judge asked Mr. Sarpotdar whether this theory of retaliation held good for his party as well, the latter answered in the affirmative. The fact that neither Chief Minister ... Manohar Joshi, nor Shiv Sena chief Bal Thackeray, has contradicted Sarpotdar ... is indicative. Thus, here we have a lawmaker stating that it was perfectly justified for citizens to take the law into their own hands at will.

Sarpotdar ... was apparently afflicted with selective

amnesia about virtually every event about which he was questioned... He even insisted that the Shiv Sena had not issued any directives to its cadres about participating in the kar seva at Ayodhya.

When he was shown an editorial in the Saamna, Shiv Sena's official mouthpiece, exhorting Shiv Sainiks to join the kar seva in large numbers, Sarpotdar claimed that the newspaper did not reflect the official party policy!

Sarpotdar also insisted that he did not know whether the Babari Masjid was a mosque. Here is his statement on that issue: "The stand (of the Shiv Sena) on the Ram Janmabhoomi-Babari Masjid dispute was that the Ram mandir was there at the place where Shri Ram was born at Ayodhya and we did not know whether the structure there was a masjid or not".

One cannot dismiss lightly some of the statements made by the Shiv Sena MP in the course of the Srikrishna Commission hearings. For one, they indicate a complete disregard for the rule of law... Shiv Sena is a ruling party in Maharashtra and is actively working with its electoral ally, Bharatiya Janata Party, to capture power at the Centre. Its commitment to and understanding of the Constitution must be seriously questioned.

There are other indications that the Shiv Sena subscribes to a similar disregard of the law.

A recent example is its response to the Ramesh Kini case... It publicly demonstrated its disapproval of the High Court ruling by urging its cadres to hold maha-artis on the Anant Chaturthi Day. Although the maha-artis turned out to be a mild affair, compared to the massive gatherings during the 1992-93 riots which resulted in organised attacks on Muslim enclaves, they were an extraordinary and blatant demonstration of the party's lack of respect for courts or the rule of law.

None of these developments augurs well for the future of the Shiv Sena-BJP alliance in the State... The only salutary fallout of Sarpotdar's testimony is that it has woken up a somnolent media to the existence of the Srikrishna Commission. For apart from his testimony, the Commission is exposing many important aspects of that unfortunate period in the city's life... Different police stations, for instance, (which) has clearly shown the complacency and complicity of the police.

Justice B.N. Srikrishna ... will probably have his report ready within the first quarter of 1997. The real test will lie in how his findings are acted upon... The people (who are) include those who were party, directly or indirectly to (the disturbances).

(Source: The Hindu, 11 October, 1996)



## Sunita Aron on UP Elections

"No winners - all losers" - what a tragic final (semi) of the intense political battle fought vigorously in Uttar Pradesh by all the players.

After a month-long gigantic exercise, the State is back under the President's rule. Newly-elected MLAs disgusted with their leaders' failure to restore political democracy in the State have started leaving the State Capital for their homes - to thank their electorate, who sent them to the Vidhan Sabha but denied a clear mandate to any party. After all they have been deprived of both the roles - of a hero as well as a villain - as they would neither occupy the treasury benches nor sit in the opposition.

In fact, political activity has come to a grinding halt... Mulayam Singh Yadav may be a contented man because he foiled the plans of installing Mayawati Government in Uttar Pradesh. He did not allow even the single largest party - BJP to be invited. But he failed in forming his own Government, he failed in breaking the Congress-BSP alliance, and he failed in pushing the BSP into the BJP's camp.

Politically, nothing could have suited him more than the BSP joining hands with the BJP. By this, Kanshi Ram and Mayawati would have lost all their credibility in the eye of the minorities they have been trying to win over from SP's bid.

Simultaneously, the Congress would have been forced to sever ties with the BSP and then with a strength of 33 legislators, Congress would have had no option but to support Mulayam Singh Yadav-led Government, even if for the purpose of defeating the BJP on the floor of the House. ...

The State Congress chief is confident that the secular forces would be forced to support Mayawati Government here. According to him, there was no need for the Governor to recommend the dissolution of the State Assembly as an acceptable Government would be formed in near future under the leadership of Mayawati. According to him, Mulayam Singh Yadav had failed in his main game plan of breaking Congress-BSP alliance. Now perhaps wisdom would prevail on him and under the pressure of the secular forces and voters he would accept Mayawati. But he admits that dalals armed with money and muscle power were quite active."

... What has the Congress achieved so far - the effort to win over Dalits was made by the BJP also, when it had propped up Mayawati Government.

But Dalits of UP had only rallied around the BSP. As for Kanshi Ram and Mayawati, nothing could satisfy more than the fall of the UF Government in Delhi, of which Mulayam Singh Yadav's SP is a constituent.

Mayawati had described United Front as a combination of ideology and policy-less parties who connive with the BJP for their political advantage. She had further said that an effort is being made to capture power in the State through money, muscle and mafia power, which the Dalits and downtrodden of the State would not allow.

However, she is faced with the problem of keeping her MLAs intact. With a strength of 67, they are most vulnerable. Both BJP and SP have an eye on them as it would be easier to engineer defection in BSP without inviting the provisions of the anti-defection law.

Mulayam Singh Yadav camp is trying to win over one dozen Muslims and two dozen backward legislators. BJP is trying their luck on nine uppercaste legislators...

As for the BJP, Kalyan Singh had lost the battle when their tally in the 425-seat State assembly had come to an end at 174 only....

Their game plan was foiled by the Governor, Romesh Bhandari who insisted on being convinced of majority support before an invitation was extended to them.

In all, there were three major contenders for the Chief Ministers post - Kalyan Singh, Mayawati and Mulayam Singh Yadav. All of them, have suffered political losses. None have made any major political gains in the UP battle. ...

(Source: The Hindustan Times, 19 October, 1996)

**P.K. Roy**

### On the Results of UP Elections

Uttar Pradesh is once again condemned to wallow in the quagmire of political instability, economic backslide, rising graph of social and communal hostility with its bearing on the law and order scenario. The hope that the electorate would opt for a stable Government to last full five years, a pre-requisite to bring UP back on the rails of development, has been belied.

With their preference running along caste lines more acutely now than ever before and the cynicism and apathy among the literate urban and semi-urban segments, the State has given a fractious verdict, same as in 1993. Given the intense distrust bordering on hostility between the three claimants for the Chief Minister's office, it is unlikely that coming together of any two combinations would ensure a stable Government, owing to inner contradictions, ego problems and eagerness to see that the beneficiary does not dig in to strike deep roots politically at the expense of the other...

(Source: The Hindu, 14 October, 1996)



# Ajit Kumar Jha on the Saffron Surge in UP

... Despite ... the Hindutva wave sweeping north India, the party failed to get beyond 20% of the popular vote in the country between the 1991 and 1996 Lok Sabha elections. A four per cent additional support came by only because of allies such as the Samata Party in Bihar and others. Although its vote percentage in UP increased marginally from 32 in 1991 to 34 in the 1993 assembly elections, its share of seats fell from 217 to 175. But what is much more worrying for it is that in the 1996 Lok Sabha polls the BJP once again failed to go beyond its one-third popular vote in what many consider as the country's bell-wether state.

The fact that the BJP commanded a lead in almost 236 assembly segments of the Lok Sabha polls in UP is hardly a comforting thought today what with the new equations prevailing in the state. Consider this: if the Congress-BSP votes polled during the Lok Sabha are added up by assembly segments given the recent alliance between the two, 45 of those leads disappear. This also includes the damage done to the party in the Upper Doab region by the recent formation of the Bharatiya Kisan Kamgar Party (BKMP) under the leadership of Ajit Singh and Mahendra Singh Tikait. Even considering that the Lok Sabha strongholds of the BJP are more or less intact, given the new permutations and combinations in UP, the party commands a lead in only 191 assembly constituencies. The only way out for the BJP is to concentrate on a second surge... After being reduced to an "untouchable" following the Lok Sabha polls, the BJP leaders have resisted the VHP's exhortations to exploit the Jalabhishek campaign around ... the Gyanvapi Mosque in Varanasi.

Therefore, the party efforts are all geared towards increasing popular support in UP through innovative strategies... Towards this end, the BJP has come up with a definitive plan: of fighting the dominant with the decisive. Both the SP and the BSP are essentially coalitions of dominant castes, whereas the BJP has relied on a coalition of decisive castes. The BJP hopes to use the same strategy by which Lord Ram defeated the mighty forces of Ravana with the help of the tiny but well-organised Vanar Sena, and the five Pandavas overcame the Kauravas in the battle of Kurukshetra, according to some RSS leaders in Lucknow.

On the one hand, Prime Minister Deve Gowda has been attempting to revive Chaudhury Charan Singh's classic Ahir-Jat-Gujjar-Rajput (AJGAR) coalition with an election plank, empowering the peasant proprietors in UP. Muslim support has been roped in with the help of the SP leader, Mulayam Singh Yadav. On the other hand, Ms. Mayawati of the BSP has united all scheduled castes

under the leadership of the numerically dominant Jatavs. The BJP on a poll plank of skimming the creamy layer has made fresh inroads among the decisive "most backward castes" (MBCs) from Rajbhar to Chauhans, from Nishads to Kushwahas, from Kurmis to Lodhs...

... The BJP has relied on the slogan of Jaldar. Taking its cue from the anti-zamindari campaigns launched in favour of the Bhumidars which attracted the small peasants to the Left parties, the BJP has concentrated on the Jaljivi campaign for building cooperatives for fishermen. This has attracted the support of the Kevats, the Mallahs and the Nishads. Coupled with the support of a majority of the Brahmins, Bhumihars, Rajputs and Vaishyas, and progress with the MBCs has the potential of becoming a winning combination.

This combination, however, will suffer owing to a traditionally low electoral turn-out. The turn-out among upper caste women is generically low and a large number of upper caste males migrate in search of employment. To overcome this, the BJP has chalked out a comprehensive poll management strategy. For the purpose of keeping a close tab on all potential votes, a single constituency has been divided into 37 sectors. Each sector consists of three polling stations, which are further sub-divided into three to four polling booths. On an average, a single polling booth has about 1,000 voters. Teams of two to three workers have been assigned to take care of 100 voters each ... to explain the intricacies of the ballot paper, the significance of a high turn-out rate and other poll-related matters... The trouble with the "dedicated team" campaigning for the BJP in ... eastern UP ... is that it is predominantly from the upper castes... The impact of such savarna campaign managers on the more backward castes ... is extremely limited.

The BJP's new strategy faces a greater challenge from the BSP than the SP. Although backward empowerment led by the Yadavs in the 1970s and 1980s has been vibrant, it has also been exclusivist. They have risen at the cost of the MBCs and other deprived castes. The rise of the Dalits is much more recent and now encompasses the MBCs too. While the BJP is attempting to penetrate from the top downwards among the MBCs, the BSP is launching a bottom up incursion into those groups. Although the broad battlelines in UP seem to be drawn between the BJP and the UF coalition, the competition at the ground level is between the BJP and the BSP. While the turn-out rates for the BSP is high, those for the BJP is low. The answer to whether the BJP can cross the Rubicon lies in its ability to increase the electoral turn-out rates.

(Source: The Times of India, 4 October, 1996)



### Ahtesham Qureshy on UP Assembly Polls

... The election results clearly bring out the fact that Muslim voters, who constituted 18% of the electorate, have missed the opportunity of asserting their position as a decisive factor in tilting the balance in favour of a political party.

Before the polls were held, it was estimated that the Muslim voters would be able to determine the fortune of the candidates in at least 130 out of the 435 assembly seats. Based on this calculation, the SP, the BSP, the Congress and the JD adopted strategies to secure the support of this minority vote. It was also that the choice was mainly between the Samajwadi and the BSP nominee. But two poll results in Muslim dominated areas like Moradabad, Rampur and Meerut showed that they lost the position of being a determining factor. Far from influencing the fortunes, they were at some places reduced to the position of being inconsequential.

In concrete terms, only about 35 Muslim candidates have made it to the coveted Vidhan Sabha in Lucknow. Of this, 21 belong to the Samajwadi Party and 12 to the rival Bahujan Samaj Party. But it is not just the question of how many Muslims have been successful in the battle. The real issue is in how many constituencies they exercised their voting strength in a manner to decide who will win? It is here that they showed political immaturity in making the choice. They fell into the trap of those skillful pull managers in various parties whose main aim was to divide the Muslim vote bank and nullify its strength. The best way was to get it divided by putting up Muslim candidates on rival tickets in the same constituency.

It is in this context that we find the Bharatiya Janata Party easily securing seven out of 12 assembly seats in Moradabad district. Bareilly is another Muslim dominated district. But the BJP won in six out of nine constituencies. In places like Rampur, Bijnor and Muzaffar Nagar, the fight was mainly between a Muslim candidate on SP ticket and another one on the BSP front. Interestingly, the split in the Muslim vote was not so sharp in constituencies like Jahanabad and Gangwar where the rival on the BJP or BSP ticket was not a Muslim.

Another clear lesson of the UP elections is the failure of religious leaders like Abdullah Bukhari to carry influence among the Muslim voters. It is not only ... Bukhari whose appeal for Kanshi Ram's Bahujan Samaj Party did not carry much weight, but the "advice" of others including those in the Milli Council or the Bareilvi Dargah was rejected by those to whom it was addressed. These appeals only added to the confusion and succeeded in causing split in the Muslim vote.

Generally Muslims in UP did not trust Kanshi Ram, not with standing his poll eve assurances that the BSP would not seek the BJP's support in Government

### Sayed Naqvi on Muslim Voting in UP

... Should elections take place (in Bihar) who stands to gain? The fodder scam has debilitated Laloo. He has performed poorly in the general as well as the State Assembly by-elections... The Muslims are disenchanted with him. So the JD is a declining force in Bihar. It has been reduced to rubble in UP. It won six out of 60 seats...

By contract, Mulayam has zoomed ahead with 110 seats in the total UF tally of 134....

In this acutely personalised politics the real message of the UP verdict is in danger of being lost. And it is an important message.

Mandir and Mandal agitations brought communalism into a head-on clash with casteism. The BJP emerged as the flag bearer of the communal forces with an upper caste Congress playing second fiddle. Mulayam and Kanshi Ram surfaced as OBC and Harijan leaders.

Since the 1960s Harijans have had an 18 per cent reserved quota in Government jobs... Kanshi Ram's politics has so far consisted in using electoral gains, in alliance with whoever is available, to enlarge Harijan control in the Secretariat and the key districts....

Reservations for OBCs has just begun. There is, therefore, fierce hostility built into the Mulayam-Kanshi equation on this count - quite independent of the personality clash. But Mulayam has risen above his Yadav base and moved a larger coalition with Thakurs and Muslims. Amar Singh, a Thakur leader on the rise, persuaded Mulayam to field 25 Thakurs and 17 have been returned. Muslims, on the other hand, rejected the pretensions of Imam Bukhari ... and C.M. Ibrahim as "Muslim leaders". They have an overwhelming numbers voted for Mulayam, a Hindu they perceived to be secular. Not since the days of Nehru has the Muslim vote been so secularised. This is the message Kesri must recognise. Kesri is a Congressman Muslims could turn to. In this scheme of things Mulayam is his natural ally. ...

formation after the polls. But (Bukhari) made people believe otherwise during the election campaign... As against this, Mulayam Singh retained his position as a dependable preference in the Muslim eye.

... The minority community was divided on the basis of "biradaris" - Ansaris and Quroshic are two influential and rich communities in UP, and the Lok Sabha as well as the Assembly elections this year generated animosity between these two "biradaris" in western UP. It is the equivalent of the caste factor among the Hindus so far as election strategies go. ...

... While the elections have produced only a hung state assembly reflecting the uncertain or indecisive mind of the people, the margin of victories or defeats of candidates in Muslim-dominated constituencies has been decisively large. This is irrespective of the fact that the winner was the BJP or the SP....

(Source: The Pioneer)



## Vidya Subrahmaniam and Smita Gupta on UP Elections

The midnight hour at the Jatav-dominated assembly constituency of Agra chhawani finds an impressive line-up of cheer-leaders frenziedly working up enthusiasm at an election meeting. The subject of the declamation on stage is Mayawati, the current icon of the Jatav community. The speakers are uniformly proud of her brief reign as chief minister; they, in fact, take credit for it. Yet, they also rain the choicest abuse on her. Soon the air resounds with cries of "Jai Bhim". ...

As the results of the assembly elections show, image confusion has cost the party dear. It is down from 236 seats in the Lok Sabha elections to 176, besides suffering setbacks across the state, in all geographic divisions barring Uttarakhand. Indeed, the BJP's split personality - an upper caste mind and heart trapped in an OBC frame - has never been as much in evidence as in these elections. In a way this is a withdrawal symptom from Ayodhya. Ayodhya not merely raised passions to a fever pitch, it cemented the fractures in Hindu society to the BJP's advantage. The temple frenzy suppressed the backward caste aspirations... Ayodhya was a larger than life cause and it allowed only one identity - the Hindu identity.

This cohesion was already cracking in the aftermath of the December 6, 1992 demolition. It now appears to have crumbled. What better proof of this than the BJP's singularly unimpressive performance in the district of Faizabad? And yet, the removal of the Ayodhya crutch only partly explains the upper caste backlash from within the party and the leadership's reluctance till the very end to aggressively market Kalyan Singh. Another major reason for the flip-flop is the Congress-BSP alliance. The BJP appears to have been convinced ... that the Congress's upper caste voters would shift en masse to it, seeing the party as the only stumbling block in the way of Mayawati. But this also required that the BJP double its appeal to the upper castes, which was not possible in a situation where Kalyan Singh was dominating the show.

In the end, the BJP settled for a near equal division of tickets between the forward and backward castes and a somewhat muted projection of Kalyan Singh. But the identity crisis that haunted the party through this period evidently took its toll... While the BJP's opponents - BSP and SP - have recovered the ground they lost since they broke up in 1995, the party which was enjoying the fruits of that bitter separation till three months ago, is back where it was in 1993. Worse still is the fact that the BJP is frozen at the 1993 level despite divided opposition, which suggests that it has also taken drop in its vote percentage... That the Congress-BSP tie-up actually worked is now apparent. Similarly, the entry of the Bharatiya Kisan Kamgar Party and the Tiwari Congress into in United Front - though of marginal value in terms of seats - appears to have imparted to the UF the umbrella

look so necessary for widening a party's appeal...

A third reason why the complexion of the game changed was Prime Minister Deve Gowda. This election was as much Gowda's as it was Mulayam Singh Yadav's. If the latter fought all odds to raise his individual tally to above 100, the former showed rare pluck in overcoming his many handicaps - unfamiliarity with the local culture, people and language, lack of charisma etc. Braving all this, he resolutely fought his way into the consciousness of the people... He toured the state like a man possessed, he determinedly wooed Ajit Singh and Mahendra Singh Tikait and, above all, overturned the agenda. Imperceptibly, as it were, the business on hand changed from Mandal and Mandir to something more positive... The concessions he lavished on the state were populist, yet. But they took away the sting from sectarian propaganda.

What now? Uttar Pradesh seems headed for further uncertainty. Not just because it has produced a hung house. Not even because the BSP and the BJP seem game for further political dalliances. In these elections not one party retained even half its existing seats... The churning that this all-round discontent portends can only bring more instability and more elections.

(Source: The Times of India, 13 October, 1996)

### UF's Gains in UP Polls

... For the UF, the fact that its seemingly disparate elements have in a space of four months made good its promise to not just halt, but reverse the forward march of the BJP... The UP polls have acted as a confidence-building measure. Barring the Uttarakhand region, where the BJP has won 17 of the 19 seats, the UF has made gains in all other parts of the state. And in Central UP, the Hindutva heartland, the UF has trebled its seats since the Lok Sabha polls.

A victorious BJP in Lucknow would have been a thorn ... for the UF in Delhi, but these results, regardless of who actually forms the government in UP, have ensured that it is the UF which can, for the moment, continue to read the psychological high ground. For the voters have given in effective reply to the BJP's pre-election rhetoric that the UP polls would be a referendum on the performance of the Centre...

... Prime Minister H.D. Deve Gowda's capacity to lead from the front and blunt the supremacy of caste as the major criteria in the polls will ensure that the UF remains a factor in UP.... As for Mulayam Singh ... the fact that he has not only regained what he won in 1993, but is in a fair way... with the further consolidation of the OBC vote in his party's favour to recapturing Charan Singh's old Lok Dal base.

(Source: The Times of India, 13 October, 1996)



### Samir Kumar Mishra

#### On Bihar Assembly by-election, 1996

The BJP-Samata Party alliance, which has wrested four out of the ten seats in the October 11 assembly byelections in the state, is being viewed as a viable emerging political combination against the ruling JD. Out of the ten seats, the JD won six but laid down four of its strong-holds to the BJP-Samata Party alliance.

Analysts say the JD's losses are significant. Especially in view of the fact that in last year's assembly elections three of these constituencies had returned JD nominees.

They ascribe the ruling party's defeat to the cracking up of the party's vote bank coupled with the raging storm over the alleged Rs. 950 crore fodder scam. They maintain that by forging a complete alliance the BJP and the Samata Party ensured that the voters of the backward Kurmi-Koeri castes, which until the last Lok Sabha elections rallied behind the Dal, plumped for the combine. ... The three JD strongholds that fell to the BJP-Samata Party combine were Balsand, Piro and Paliganj. These seats were earlier won by Janata Dal candidates. The fourth to fall to the combine was Navinagar.

Out of the four seats that the Samata Party contested, won three... Political observers feel that the widening rift between the JD and its Left allies also had its effect on the performance of the Dal at the hustings.

The two main Left parties, the CPI and the CPM, remained largely aloof all along from electioneering. The CPI even supported the Samajwadi Party candidate in Balsand and CPI(ML) nominee in Paliganj seats. ...

Moreover, the presence of Samajwadi Party candidates in quite a few constituencies further queered the pitch for the JD, as it resulted in split of OBC-Muslim vote-bank of the Dal. Though the performance of the combine as a whole was quite impressive, the BJP, the alliance's major partner, could not repeat its performance during the general elections. Of the six seats the party contested, only Paliganj returned the BJP candidate....

(Source: The Times of India, 18 October, 1996)

### Rajeev Ranjan Roy

#### On Congress(I) Prospects in Bihar

... The recent by-election to the Bihar Assembly ... has rung the death knell for the Congress in the State... These byelections have shattered the Congress myth and proved that the party has become hollow from within in Bihar. ...

... The septuagenarian Congress president ... is aware of the ills having almost eaten into the party's vitals... But ... many remotely controlled factions are at work in the State party unit, the going may not be easy for Kesri...

Kesri will have to contend with the factional fights of Dr. Jagannath Mishra, Tariq Anwar and Ram Lakhan Singh Yadav to name a few. Furthermore, Kesri himself is said to promote one faction which owes allegiance to the Mandal cause. His political proximity to the beleaguered Laloo Prasad Yadav has earned him a pro-Laloo image...

... Even caste factors do not tilt the scale in Kesri's favour. Though himself a Bania, Kesri holds no sway over

### Sidharth Mishra

#### On Laloo's Strength in Bihar

... Though Mr. Yadav felt rattled after the fodder scam came to light, the bypoll results must have given him some amount of assurance that there has been no further erosion in his vote-bank... Victory of (Samata leaders) may personally trouble Mr. Yadav, their success, however, does not show any major swing or undercurrent in Bihar's electoral politics. These bypolls have also reflected the fact that BJP has failed to further its base in the State - only one out of six candidates put up by the party has managed to win.

Incidentally, "tainted" JD leaders like former Home Minister Taslimuddin and Mr. Shahabuddin have managed to maintain their sway over the voters. The Janata Dal managed to win both the Jokihat and Jeradei seats, vacated by these two leaders after their election to the Lok Sabha.

That the caste factor mattered more than anything else to the voter is also obvious from the victory of Lovely Anand (Samata) from the Rajput-dominated Nabinagar constituency. ... Anand Mohan Singh has emerged as the strongest leader of the Rajputs in the State.

Mr. Yadav's continued sway over the majority of backward voters and a greater section of the minorities should alarm his detractors in JD like Mr. Sharad Yadav and Mr. Ram Vilas Paswan, who have been angling for the party chief's post and the chief ministership, in case of Mr. Yadav's fall from grace. The rout of the Congress in the AICC chief's home State should worry Mr. Sitaram Kesri, who is talking about the revival of Congress in the North.

The failure of Congress to make its presence felt in any of the 10 constituencies across the State speaks volumes on the degeneration of the party. ... It will take a long time, and would be very creditable, if Mr. Kesri is able to restore the Congress to a position of primacy in the State. ...

With names of BJP leaders also appearing in the fodder scam, and one of their MLAs already under arrest, the party will have to rethink its strategy to strengthen its base in the State, as the bypoll results show that mere Laloo-baiting will not help the party.

(Source: The Pioneer)

his castemen who are standing behind Sushil Kumar Modi, the BJP heavyweight and leader of the Opposition in the State Assembly who too is a Bania. The backward castes are either with Laloo Yadav or ... Nitish Kumar. The Congress is no more the choice of the upper castes who are rallying behind the BJP.

... The Congress has lost its grip over the State's Dalits... Of course, Kesri is earning plaudits for his resolve to see the Dalit icon Mayawati as UP's CM. But this will hardly pay any dividends to the Congress Party in Bihar nor will it help him to project himself as the 'messiah' of Dalits in the State given Ram Vilas Paswan's hypnotic hold over them. As the same time ... his willingness to forge an alliance with the JD may open the floodgates in the Congress... Given this background ... the task before Kesri of providing a firmer footing to the Congress in Bihar seems to be gargantuan...

(Source: The Pioneer, 4 November, 1996)



## Sanjay Kumar

## On Muslim Voting Pattern in Bihar

If viewed in terms of minority voting and minority representation, the results of the Bihar Assembly elections 1995 are a puzzle. On the one hand the success of a large number of Muslim candidates from non-Muslim constituencies (constituencies having below 20% of Muslim electorate) as compared to their success in Muslim constituencies (constituencies having between 25-45 per cent Muslim electorate) is a pointer to the fact that Bihar politics is not communally polarised. But at the same time the exceptionally high success rate of the BJP in the Muslim constituencies compels one to rethink: is Bihar politics really not polarised on communal lines?...

In spite of the fact that a large number of Muslims got elected from non-Muslim constituencies, their representation is as low as 7.1% in the present Bihar Assembly. In a State where Muslims share about 12.5 (sic)% of population, their representation (which otherwise has been as low as 5.6% in 1967, 5.9% in 1969 and 6.1% in 1990) has only once touched the 10.1% mark in 1985. Such a low representation of Muslims in 1990 and 1995 is quite surprising since the ruling Janata Dal in Bihar owes much to the Muslim electorate for its success.

... In the Assembly elections (of 1995), out of a total of 23 Muslim legislators, eight were successful from the Muslim constituencies, while the rest 15 won from non-Muslim constituencies. Of these 8 Muslim representatives, three owed their allegiance to the JD, two to the Congress and one to the CPI. The Samajwadi Party, which has only two seats, is represented by Muslims from both the constituencies...

There are nearly 40 Assembly constituencies in Bihar where Muslims account for more than 25% of the electorate. Party performance in these constituencies reveals that the BJP, which has a total tally of 41 seats, managed to win 16 of these constituencies followed by the JD which won 12 of them. The CPI and Congress shared and Independents were successful in two constituencies each. The CPI-ML candidate was victorious in one seat and the only Bihar People's Party seat came from among these Muslim constituencies.

The BJP has emerged as a two-faced party in Bihar. But the dilemma is in respect of drawing a conclusion as to whether it reflects a religious or a geographical divide of its support base. Whereas its overall success rate is 12.7 per cent, if looked only in the context of Muslim constituencies its success rate is as high as 40%. The contrasting performance of the BJP may lead one to think that even if not visible, the BJP did manage to consolidate the Hindu votes in its favour in the Muslim constituencies. This might be true for constituencies having a communal history but this assumption may not apply for most other constituencies. In a parallel proposition, quite similar to its success in the Muslim constituencies, the BJP did manage to win most of the urban Assembly seats... This points more towards the

(Contd on page 547)

## Shahabuddin's Response

I see nothing puzzling about the results, if one makes a micro-analysis, constituency-by-constituency, of the candidates of major parties.

Muslim Biharis initially reacted favourably to the Samata upsurge but in the distribution of tickets, while Cong(I) and BJP favoured the Brahmins and the other higher castes and the Janata Dal favoured the Yadavs, the Samata Party had its Kurmis. No party put up adequate number of Muslim candidates and some Muslim candidates were no more than tokens whose purpose was to get the favoured caste (belonging to the other party) elected! Thus a Muslim candidate put up by Samata against a Kurmi or Koeri of Congress/Janata Dal was forced to fend for himself. Similarly a Muslim candidate put up by Janata Dal against a Yadav candidate of any other party was on his own. Ultimately this meant a net fall in the number of Muslim MLAs.

The fact is that Bihar politics is more caste-oriented than communal oriented. And in the political equation the Muslims figure as yet another "caste". Thus the political battle is being waged with the participation of the Brahmins, the Bhahans and the Rajputs and to a lesser degree the Vaishyas, the Yadavs, the Kurmis, the Koeris and lastly, the Muslims. The Kayasthas do not figure in the equation, because of their small population and wide dispersal. Each party has one of the castes as the "core". Thus the core of the Congress is the Brahmins, of the JD, the Yadavs, of the Samata, the Kurmis-Koeris. The SC and the ST operate in their own fields. The BJP is no longer an urban party or a Bania party, it has penetrated the Brahmins and other high castes, the Kurmis and other 'forward' Shudras, the Kayasthas and even the SC and ST.

Muslim under-representation in legislature is due to: 1) both to the unwillingness of the secular parties to put up Muslim candidates from Muslim concentration constituencies and the division of Muslim votes among the Muslim candidates, so that BJP can easily get through on a solid 'Hindu' vote. In 'non-Muslim' constituencies generally the Muslims have no chance to win, even if they are put up by secular parties because the latter are unable or unwilling to transfer their "core" votes to their own Muslim candidates. Sometimes, a Muslim candidate may win, even a marginal seat (just below 20%) because of a balance among the "core" castes of rival parties.

Whatever their claim, every political party builds itself around a core-group and the seeks support of secondary groups. This explains the poor representation of Muslims not only in the Bihar Legislature but in the composition of the state government.

Janata Dal's 1995 victory was due to the return of the Muslim voters to the JD, followed by the return of the high-caste votes towards the Congress/BJP and the consequent failure of Samata assault.

No doubt, there is a limit to Hindu consolidation and mobilisation when there is no, Muslim threat and the

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(Contd. from Page 546)

assumption of urban middle class support for the BJP in particular than to the overall support of Hindus in the Muslim constituencies, as a result of the religious divide created by the BJP. These urban areas certainly have more upper caste population as compared to the rural areas; and this points towards more upper caste support for the BJP.

The JD won 12 of these Muslim constituencies, but only three of them are represented by Muslims. The remaining 10 Muslim representatives elected on the JD ticket have won from constituencies other than those 40 seats. The success of non-Muslims on the Janata Dal ticket from the Muslim constituencies indicates that the Muslims voted for the JD in the Muslim constituencies even if it mattered voting for a non-Muslim. Vice-versa the success of 10 Muslims from the non-Muslim Assembly constituencies on the JD ticket, points to the Yadav's support for the JD even if it led to voting a Muslim in a non-Muslim constituency. By putting more non-Muslim candidates from the Muslim constituencies and vice-versa, Laloo Yadav tried to make the Muslims as well as Yadavas depend upon each other for their success. This master strategy, the "MY alliance", which accounts for nearly 23.5% of votes, led to the commendable victory of the JD in Bihar. Muslim support for the Congress like its overall support in Bihar is very low. The overall success rate of the Congress is as low as 9.0% which goes down further to 7.5% in the Muslim constituencies. This gives an indication of the eroding support base of the Congress in Bihar.

In spite of the tall claims of different political parties as the protectors of minority interests, it is quite evident that political representation of the Muslims has always been very low in the Bihar Assembly. ... While taking shelter under the umbrella of one or the other political party on flimsy issues. Muslims as a community must put pressure on the government to ensure a better socio-economic and political status.

(Source: The Mainstream, 7 September, 1996)

(Contd. from Shahabuddin's Response)

fragmentation of the "Hindu" vote follows the caste cleavage lines.

The BJP has won "Muslim" seats in urban areas but it has to contend with the caste struggle within the Hindu society. If the Brahmins (read high castes) dominance was re-seated, so is Yadav or Kurmi dominance. The other Shudras which form 30% of the population but who are today ill-organised and leaderless, may come into their own. In fact, the Muslims are not the most deprived and under-represented group in Bihar, it is the other Shudras, the MBC's. Who knows they may combine and out-vote the high castes as well as their successors, the Yadav, the Kurmis and the Koeris.

Fair and equitable representation of all social groups can be secured only through proportional representation or through reservation.

## Bihar: 1995 Assembly Election:

### Muslim Candidates, 1st and 2nd Position

| Constituency       | District     | Name of Candidate     | Position |
|--------------------|--------------|-----------------------|----------|
| Amour              | Purnea       | Muzaffar Hussain      | 1st      |
|                    |              | Abdul Jalil Mastan    | 2st      |
| Ara                | Ara          | Abdul Malik           | 1st      |
| Bahadurganj        | Kishanganj   | Zahidur Rahman        | 2nd      |
| Bahera             |              | Abdul Bari Siddiqui   | 1st      |
| Baisee             | Katihar      | Syed Moinuddin        | 1st      |
|                    |              | Abdus Subhan          | 2st      |
| Banka              | Banka        | Javed Iqbal Ansari    | 1st      |
| Barari             | Katihar      | Mansoor Alam          | 1st      |
| Brauli             |              | N. Nematullah         | 1st      |
| Bermo              | Bokaro       | Shafique Khan         | 2nd      |
| Barsoi             | Katihar      | Munna Alam            | 2nd      |
| Bisefi             | Madhubani    | Dr. Shakil Ahmad      | 2nd      |
| Darbhangha         | Darbhangha   | Abdul Majid Ansari    | 2nd      |
| Deoghar            |              | Hussain Ansari        | 1st      |
| Dhaka              | E. Champaran | Motiur Rahman         | 2nd      |
| Dumri              | Giridih      | Maqsood Alam          | 2nd      |
| Gurva              | Gaya         | Masroor Alam          | 2nd      |
| Hazaribagh         | Hazaribagh   | S.A. Rizvi            | 2nd      |
| Jalley             | Darbhangha   | Abdus Salam           | 1st      |
| Jamtara            |              | Furkan Ansari         | 1st      |
| Jameshedpur        | E. Singhbhum | Md. Hassan Rizvi      | 2nd      |
| Jehanabad          | Jehanabad    | S. Asghar Hussain     | 2nd      |
| Jokihat            | Araria       | Taslimuddin           | 1st      |
| Kadwa              | Katihar      | Khaja Ghulam Ashraf   | 2nd      |
| Kanti              |              | Mufti Mohd. Qasim     | 1st      |
| Keoti              | Darbhangha   | Ghulam Sarvar         | 1st      |
| Kishanganj         | Kishanganj   | Rafique Alam          | 1st      |
|                    |              | Md. Mushtaque (Munna) | 2st      |
| Kurtha             | Jehanabad    | Naushad Ahmad         | 2nd      |
| Laukaha            | Madhubani    | Abdul Hai Payami      | 2nd      |
| Mahishi            |              | Abdul Gafoor          | 1st      |
| Manihari           | Katihar      | Mubarak Hussain       | 1st      |
| Munger             | Munger       | Monazir Hasan         | 1st      |
| Nabi Nagar         |              | Md. Ilyas Hussain     | 1st      |
| Nathnagar          | Bhagalpur    | Lutfar Rahman         | 1st      |
| Pakur              | Pakur        | Alamgir Alam          | 2nd      |
| Pandaul            |              | Naiyar Azam           | 1st      |
| Ramgarh            | Hazaribagh   | Sabir ahmad Qureshi   | 2nd      |
| Samastipur         | Samastipur   | Shahid Hasan Khan     | 2nd      |
| Sarath             | Madhupur     | Abu talib Ansari      | 2nd      |
| Sikti              | Araria       | Jamil Akhtar          | 2nd      |
| Sikta              | W. Champaran | Faizul Alam           | 2nd      |
| Simri Bakhtiyarpur | Saharsa      | Chou. Md. Mehboob     |          |
|                    |              | Ali Kaiser            | 1st      |
| Sindri             | Dhanbad      | Hafizuddin Ansari     | 2nd      |
| Sitamarhi          | Sitamarhi    | Shahid Ali Khan       | 2nd      |
| Sonbarsa           | Sitamarhi    | Md. Anwarul Haque     | 2nd      |
| Thakurganj         | Kishanganj   | Dr. Md. Jawed         | 2nd      |
| Tundi              |              | Saba Ahmad            | 1st      |
| Zeeradei           | Siwan        | M. Shahabuddin        | 1st      |



## Shahid A. Chaudhary on Pretensions of the Bukharis

(Abdullah Bukhari) came into limelight on Friday 2, 1975. On that day he marched to the office of Delhi Waqf Board at Daryaganj and created a violent scene so as to be in total control of the Jama Masjid. Ever since he has used the mosque, built by mughal emperor Shahjahan, as his private property.

This incident was enough for the maverick of Indian politics, H.N. Bahuguna, to convince himself of the fact that the imam could be used as a symbol of Muslim anger against the government of Indira Gandhi. Due to the oppression of Muslims during Emergency, the public in general and the minority communities in particular had developed a dislike for the Congress party and the Nehru-Gandhi family. Bahuguna exploited this resentment and another self-styled leader in Syed Abdullah Bukhari was dumped on the Muslim community.

Elevated to a position of strength by both Bahuguna and the media, the imam has been exploiting the changed scenario to his advantage. On the eve of every election in the country he appeals to Muslims to vote for a particular political party. In general elections of 1977 he worked for the Janata Party. However, within three years he got disillusioned with it for reasons best known to him. In 1980 and 1984, he issued appeals in favour of Congress.

In 1989 he again switched sides and showed his preference for the Janata Party. This liking continued till 1991. However, in 1996, his utterness and antics indirectly helped Congress, as in 1977, 1980, 1984 and 1991. Muslims had already made up their mind to support the party for which the imam appealed. An impression was created that India's largest minority exercises its right to franchise in accordance with the wishes of Bukhari. The imam was caught on the wrong foot during the Lok Sabha election of 1996. He and his son Ahmad Bukhari spoke in favour of Congress. Muslims were not in a mood to forgive the party which they believed was instrumental in demolishing the Babari Masjid at Ayodhya and forcing thousands of innocent youth into jails under TADA.

Summer 1996 conclusively proved that the imam had no control over the votes of Muslims... In 1993 the imam had a dislike for Kanshi Ram and BSP. The reasons were obvious: Kanshi Ram had called Muslim traitors. Time and again he said from public platforms that he did not need Muslim vote and his language for Muslim leaders had always been abusive. Now the question arises: why has the imam come out in favour of BSP?

According to Babari Masjid Action Committee leader Javed Habib: "The Imam had no other alternative. Muslims cannot vote for the BJP and they are still angry with the Congress, particularly in UP. Therefore, these options were counted out. The United Front was overlooked because of Mulayam Singh Yadav, who has

... challenged the imam's supposed influence with the Muslims. So the choice ultimately narrowed down to the BSP." However, it is reliably learnt that the imam's appeal for BSP came in lieu of ten assembly seats and two Rajya Sabha seats for his confidants. A source close to the imam revealed that the exchange of money could also not be ruled out.

Be that as it may, the all important question is as to how effective (was) the imam's appeal... Bukhari is a creation of the media. He does not influence Muslims but his opinion works as a catalyst for Hindutva activists. No sooner than the imam's appeal is issued a message is spread by the Hindu communalists that they should also listen to their religious leaders because Muslims obey their clergy. As a result the appeal of Bukhari is counter-productive...

... The reports emanating from different Muslim pockets in UP suggest that the imam (was) condemned by Muslim organisations both political and social. At places like Meerut, Roorkee and Saharanpur his effigy has also been burnt in protest...

(Source: The Nation and the World)

### BSP: Views of President Kanshi Ram

**On BJP:** Neither I nor my party have ever called the BJP communal; this is a lie.

**On Communalism:** I believe that 'gangsterism is more dangerous. Communalism comes next. Communalism is a bigger threat for Muslim society but the bigger threat to Bahujan Samaj is the politics of gangsterism.

**On Formation of Government in UP:** When our government is formed with the support of the BJP, Congress will separate itself from us. If the BJP or the UF agrees to extend unconditional support to us, we are prepared to ditch Congress.

**On Muslim Vote:** Ask Bukhari how many Muslim candidates of the BSP won because of him. Bukhari has to answer why he could not deliver Muslim votes to the BSP.

(Source: Rashtriya Sahara, 21-27 October, 1996)

### UP Election, 1996: Voting Intention by Caste/Religion (% of Voters)

| Caste/Religion                                                        | BJP | BSP/<br>Congress | UF |
|-----------------------------------------------------------------------|-----|------------------|----|
| Brahmin/Vaishya                                                       | 85  | 6                | 4  |
| Other Forward Castes<br>(Rajputs, Bhumihars,<br>Kayasthas, Jats etc.) | 79  | 5                | 10 |
| Yadavs                                                                | 14  | 9                | 74 |
| OBC (excluding Yadavs)                                                | 55  | 18               | 20 |
| SC                                                                    | 5   | 81               | 11 |
| Muslim                                                                | 1   | 25               | 66 |

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



## Vir Sanghvi on Ayodhya Revisited

... In the early 1970s the temple and the mosque came to an understandable about which area belonged to whom. This arrangement endured till the mid-1980s when a riot broke out but a new compromise was reached and peace restored.

By then however, the dispute had acquired a new and more worrying dimension. The way the VHP saw it, the problem was not one of access or ownership. It was one of faith. The reason the Mathura temple and the surrounding area were important was because it was in this area that Lord Krishna was born.

Of course, there was no historical evidence - or no convincing evidence at any rate - to prove that this was the birthplace. But a large number of Indians believed it to be so. In matters of faith, historical evidence is not important: belief is enough.

If all of this sounds familiar, then you will not be surprised by the name that the VHP uses when it wants to refer to the disputed area. It calls it Krishnajanmasthan.

Few disputes can have divided India as completely and as unnecessarily as the fuss over Ramjanmabhoomi. The essential ingredients of the Mathura problem are the same as they were in Ayodhya. The VHP, a mosque, a temple, the claim to be the birthplace of a Hindu god and a complete disregard of historical accuracy in the name of faith. And the solution that is proposed is exactly the same: shift the mosque.

When it came to Ramjanmabhoomi, many of us took the line that even if Ram had not been born on that spot, even if a temple had not been destroyed to build the mosque, it was in the interests of the Muslim community to enter into negotiations and to consider some kind of compromise. We argued that the Babari Masjid was not worth fighting over and that by refusing to enter into some kind of arrangement, the Muslim leadership risked turning the mosque into a symbol of minority appeasement and the Hindu backlash.

At that time, many Muslims responded that it was not the Babari Masjid that mattered. Yes, all right, it was just another mosque while Hindus claimed that the spot marked the birthplace of a great god. But the moment Muslims said that they were willing to relocate the mosque, a sort of saffron domino effect would come into play and they would be forced to abandon one mosque after another on similar grounds.

They pointed out that the VHP had already identified Mathura and Kashi as suitable locations for Ayodhya-style agitations. Muslims could not, therefore, afford to give way on the Babari Masjid.

This argument was repeatedly put to the BJP leadership by the media. Without exception, the party's senior leaders - L.K. Advani, A.B. Vajpayee, Murli Manohar Joshi, etc. - reiterated that Mathura and Kashi were VHP issues. They were not on the BJP agenda and Muslims were mistaken about the domino effect.

I was never terribly convinced by this assurance. Hadn't Ayodhya been a VHP issue as well? That didn't stop the BJP from clambering onto the rath when there were votes to be garnered.

My doubts grew in the aftermath of the Ayodhya demolition. I still remember the scene in the Lok Sabha after L.K. Advani was arrested. BJP members stormed the well of the House and prevented the proceedings from taking place.

One of their slogans had a familiar ring to it. It was "Yeh to keval jhaani hai, Kashi Mathura baaki hai".

That's right. The old VHP issue was now a BJP slogan. And far from backing down after the Ayodhya debacle, the BJP was actually flaunting its willingness to create more trouble on the same kind of issue. ...

After Ayodhya, we know the pattern. The VHP raises the issues, the BJP distances itself from the demands and then when the time is right, makes the issues its own.

The VHP has now raised the Mathura issue again. And I wonder how the BJP will react. It has portrayed itself as a moderate party that has left the madness of the Ayodhya years behind and moved to the middle ground under the leadership of A.B. Vajpayee.

It is easy enough to test the BJP's new-found moderation. Under Advani, the formula was always the same: distance yourself from the VHP but never condemn its demands... If the party has really changed, then there is a simple enough test... It cannot take much for Atal Behari Vajpayee - so moderate and reasonable in his public statements - to see that what the VHP is asking for poses a threat to the stability of India. All he has to do is to condemn the VHP's objective.

He needs to say that it is quite intolerable for one community to keep demanding that another shift its places of worship and that the BJP guarantees to the Muslims that it will oppose any attempt to move or demolish the Mathura and Kashi mosques. ...

Will he do it? ...

(Source: The Sunday, 29 September - 5 October, 1996)

### SP: Extract from

#### Mulayam Singh Yadav's Speech in London

We are helping the Muslims because they are in a minority... Had the Muslims been in a majority, they would not have dared look in the direction of Ayodhya, what to talk of demolishing the mosque.

These communal forces are demanding Ayodhya, Mathura and Kashi. But I am in favour of a confederation that would include Delhi, Dhaka and Lahore. These forces will not then be able to prevail against us.

The dispute in India is not between Hindus and Muslims; it is between the extremist Hindus and Sarfatani Hindus. The extremist Hindus are out to break the country. ...



## Paromita Mukhopadhyay

### On Mathura as VHP's Next Target

The VHP is desperately trying to start a campaign no one seems to want to back. The BJP has consistently denied that it has any plans of reclaiming the Kashi & Mathura temples. ... And the RSS is maintaining a discreet silence over the VHP's plans to 'liberate' the two temples. Just a month ago, Vinay Katiyar, VHP activist, MP and member of the Ayodhya demolition squad, threatened to resign from the BJP if the issue of Kashi & Mathura were not taken up by the BJP. ... The Mathura temple and the Idgah share the same wall. A narrow tunnel on the side of the temple leads to what is called the garbha griha (sanctum sanctorum). The VHP claims that the birthplace of Krishna lies buried under the Idgah.

There is a sense of hurt among the VHP activists that the cause has been abandoned by the BJP. "It (the BJP) only adopted the Ayodhya issue so long as it could get political mileage", said Acharya Giriraj Kishore, the General Secretary of the VHP. The bottomline? The VHP wants the mosque to be removed and the temple built on the spot. At the southern entrance stands a 12-feet high iron barricade. This is a recent addition and has been put up just before Janmasthami this year. ...

As there has to be a political motive behind everything, Kishore alleges the barricade was put up by the government to curry favour with the Muslims. ... However, this contradicts with what the president of the VHP, Ashok Singhal, had said on his visit to the site. "Let the barricades remain. We will be able to use the iron rods to demolish this mosque," he is reported to have said at a press conference. ... There is filth heaped up everywhere in the town, even outside the temple. The nullahs give out an unbearable stench. Those who are really poor have nowhere to stay - the VHP has done nothing for these devotees. If the VHP really wants to prove its commitment to making Mathura a Krishna Janmasthan, shouldn't it clean up the town to make it a place befitting the birthplace of Krishna?

(Source: The Sunday, 6-12 October, 1996)

### A Rebuff to M.F. Hussain

In protest against M.F. Hussain's portraying the Hindu Goddess Saraswati in the nude, a Madras-based Muslim artist ... on Monday publicly drew a naked Husain... "Artistic freedom should be tampered by artistic responsibility, especially in a country like India, where peace between religious communities is very fragile," said the 36-year-old protestor, Syed Ali Husaini alias Sheehan Husaini... "As a responsible citizen ... I consider it my duty to reawaken in the great artist Hussain, his sense of social responsibility. Ninety-five per cent of our people cannot distinguish between art and obscenity or between art and blasphemy"...

"Hussain and his elitist supporters must realise that a small spark can set off a major communal conflagration. People roused to a frenzy would not think of Husain's

(Contd. on page 553)

## MUSLIM INDIA

**Mourns the death of Nehal Amanullah  
(and Mrs. Ishrati Amanullah),  
in the Air Disaster of  
12 November, 1996**

**Technocrat, Social Activist,  
President of the Muslim India Educational and  
Cultural Trust, Patna**

**Offers Sincere Condolences to the  
Bereaved Family and Prayers to Allah for  
Eternal Peace to the Departed Soul.**

**Text of the Resolution  
Adopted by the Board of Trustees  
On 15 November, 1996**

"The Board of Trustees of the Muslim India Educational and Cultural Trust (MIECT) expresses its deep sense of shock and sorrow at the sudden demise of Mr. Nehal Amanullah, the Chairman of the Trust, alongwith Mrs. Ishrati Amanullah, in the air crash in New Delhi on 12 November, 1996, while on their way to Saudi Arabia for Umra. The Board recalls his great qualities of head and heart, his dignified simplicity, his sociability and his contribution to the community life through his capacity to attract people of all class and creed. The Board recalls his services to the Trust and places on record its deep gratitude.

"The Board conveys its heartfelt sympathy to the bereaved family and prays to the Almighty for eternal peace to the departed souls and for spiritual strength to the members of their family and the wide circle of friends and relatives to bear the loss with fortitude.

"The Board also adopted a Resolution of Condolence and sympathy to the other Bereaved Families."



**Nikhil Chakravartty**

### **On the Promises to the Kashmiris**

The re-installment of Dr. Farooq Abdullah as the Chief Minister of J&K ... was certainly an important occasion in the chequered journey of the trouble-tossed State. Particularly significant was the splendid poll victory of the National Conference (NC) under Dr. Farooq Abdullah's leadership, which now dominates the Assembly with more than a two-third majority...

The successful completion of the election process ... has been an achievement in itself, falsifying many of the critical observers, both foreign and indigenous. Obviously the militants have not yet given up their objective, and it would be futile to think that they would quietly accept the poll verdict and turn away from the path of armed confrontation.

... The common folk in the State, and even in the Valley, were tired of the strains of abnormal conditions and seemed to be pining for peace and normalcy... The people are now wistfully looking forward to peaceful conditions... A significant development is that this time the NC has made heavy inroads into Jammu and thereby has exploded the myth of the NC being a peripheral party insofar as Jammu is concerned... The underlying theme in the Valley during the election campaign was the demand for autonomy of the State of J&K...

Now that an elected Government is in office in Srinagar ... it would be proper for New Delhi to start discussing with him the nature and quantum of autonomy to be given to the State. It is imperative that the Prime Minister make a clear-cut declaration about his Government's readiness to discuss the question of Jammu and Kashmir getting autonomy.... That peace has to be consolidated before any talk of autonomy ... would be a thoughtless approach which may destroy most of the goodwill secured through the ... elections... There can be no peace in the Kashmir unless the question of autonomy is seriously taken up by the Centre

... The goodwill generated on trust would melt away the moment Kashmiris get the impression that the Central Government has no immediate intention of extending autonomy to the State.... New Delhi is committed to grant a greater degree of autonomy to J&K than ... to the other states. For reasons which are now history, the State has a right to be treated with special consideration. That was the origin of Article 370 of our Constitution. ... Precisely in this background the question of autonomy has to be placed before the Government and the people of Kashmir... A sense of disillusion with New Delhi that it was not ready to keep to its word would weaken the position of the Farooq Government (and) may even touch off a new round of militancy in the State.

(The) breathing space .. if squandered, can bring fresh threat to the integrity of our Republic.

(Source: The Pioneer, 11 October, 1996)

**Bee Kay**

### **On Assembly Elections**

Galbraith is once reported to have remarked that "India is not a nation, it is a notion". Probably, he was more influenced by the complex diversity ... on the surface. Obviously, he had not experienced and felt the strong under-current of a civilizational unity existing in this country. The Indian civilization, dating back to more than 8500 years, has woven strong threads of bond between the various groups in spite of ethnic and other differences. No doubt, groups and sections jealously guard their own sub-cultural existence. Yet (they pay) the final tribute to the core of the civilization. Each community had its own god, each family its deity, yet the ultimate reality of the divine trinity reigned supreme. Our two great scriptures, Ramayana and Mahabharata, have been held sacred whether it was east, west, north and south... We are a one people with diverse cultures but one common civilizational focus. The moment we tend to lose the sight of our rich past local conflicts begin to appear... A people who are not aware of their past and who find no pride in it cannot lay foundations of a great society. ...

The Jammu and Kashmir State has successfully undergone ... Assembly elections... Looking at the overall turnover which has been in the vicinity of 50 percent, one can say that the people of the state have delivered the first determined blow to senseless terrorism which brought about nothing but death and destruction. There is, however, no room at the moment for believing that all the troubles for Kashmiris are over. This is only a small but positive beginning....

(Source: The Salook, October, 1996)

### **World Kashmir Freedom Movement, International Conference, Leicestershire, UK, 6 August, 1996 Extracts from Inaugural Address by Dr. Ayyub Thakur**

... More than a year has passed since the four foreign tourists were kidnapped and there are unconfirmed reports of their death. The entire Kashmiri nation observed a strike on 16th August last year to condemn and to protest against the kidnapping and killing of the Norwegian hostage. We firmly believe that Indian Intelligence is behind the kidnapping for which it set up a fake militant group Al-Faran. Kidnapping and hostage-taking by Al-Faran has served India's cause admirably, since it did as it was meant to, heap denunciation on the Kashmir freedom struggle. It has given a bad name to the struggle....

(Source: The News from India)



## A 'Firangi's View of Elections in J&K

... Why did the Kashmiris vote? The first illusion would be to think that they genuinely want a return of democracy. Those who are well acquainted with the Valley know for a fact that from the humble shikara boatman, to the retired High Court judge, Kashmiris share one thing in common: a loathing of India and everything that is Hindu. The Kashmir went to the polling booth quite simply because - at least for the moment - he wanted a return of stability: since 1989, most of the shops have been closed, thanks to the countless bandhs called by the militants; there are no tourists left... For the time being, he is fed-up with seven years of violence.

The second illusion is to think that this thirst for some kind of economic and social normalcy, changes in any way his political attitude towards India. Kashmir is not Punjab, where 49% of the population is Hindu and where Sikhs after all, do share a lot with Hindus. In Kashmir, Islam is the rallying flag and it is violently anti-Hindu and pro-Pakistan, whatever the JKLF, an outnumbered, ineffective and spent force, says. There is only one election Kashmiris are craving for and that is a plebiscite on whether they want to stay with India or secede... The answer in the Valley, would be a massive "no" to India (95%).

The third dangerous illusion is to repeat like a Christian agonising over his sins ... that India alienated Kashmir through 50 years of wrong policies. But actually, from 1947 onwards, Kashmir became one of the most pampered territories in the Union, the only State where Indians were not allowed to buy land... And even today, the Government is pumping massive amounts of money into the Valley, sometimes to the point of absurdity, like rebuilding the town of Charar-e-Sharif... or paying every year, crores of rupees towards the salaries of the State civil servants, who most of the time are on strike and whose sympathies are often with the militants. The Centre is also continuing to subsidise industries in Kashmir; so that they can export their carpets and papier mache artifacts. As a result, even after seven years of total economic collapse, Kashmir still looks fairly prosperous...

... If India decides to keep Kashmir, it has to do so according to the rules set by the militants: violence, death and treachery are the order of the day. ...Nevertheless, it should be clear that the Kashmiris are not going to surrender their aspiration towards independence. It should be equally evident that Pakistan will also never surrender its claim to the Indian part of Kashmir, for in the mad logic of partition, the Valley of Kashmir, with a majority Muslim population, should have gone to them. Furthermore, Kashmir is probably one of the few factors that keeps Pakistan together: it's a convenient tool for politicians of all hues to rally the masses around them and whip up their frenzy for a last jihad, an

ultimate raid on the Hindu infidels, who after all were under the rule of Islam for so many centuries.

India, too, will never surrender Kashmir. And why should she? The Valley has been hers for 5000 years... Kashmiris were almost entirely Hindus or Buddhists, before they were converted by the invading Muslims six centuries ago... Today these Muslims in Kashmir ... have also often taken up the strident cry of Islam... At the beginning of the century, there still were 25% Hindus in the Valley and that today the last 350,000 Kashmiri Pandits are living ... in camps near Jammu and Delhi, refugees in their own land?

All right then, we have a total dead-end: neither will the Kashmiris surrender their cry for independence, nor will Pakistan give-up its claim over the Valley, nor will India ever let go of Kashmir. So what then? But isn't the Kashmiri problem a direct result of Partition...

... Pakistan has now evolved its own identity and it stands on its own as a nation, with its particular ethos. Yet ... the only lasting solution to peace in the sub-continent, the only way to avoid a nuclear conflict in South Asia, which could even drag the world in its horror, is the reunion of India and Pakistan. The evolution of our earth tends towards unity, oneness, towards the breaking up of ... borders, the abolishing of passports, bureaucracies, no man's lands; not towards the building up of new borders, new customs barriers, new smaller nations. India cannot let herself be broken up in bits and parts just to satisfy the West's moralistic concerns. What we see today in the reunification of the two Germanies, of the two Vietnams, of the two Koreas eventually, is a manifestation of this evolutionary movement towards unity.

The question is: how to reunify the two enemies? It certainly cannot be done in a day. First there has to be an understanding among both the people, an acceptance of that possibility, which up to now has not even been thought off seriously. Once the idea has started to work among people, the process may begin - at the heart of the matter, where things are most difficult between India and Pakistan; in Kashmir...

For Kashmir represents the perfect impossibility, the absolute dead-end, and symbolises the irrevocable enmity between Pakistan and India. Let the two enemies sit down and hammer out, not an idiotic splitting of Kashmir, as already done of India, which will solve nothing and only postpone a later confrontation, but a just reunion. Let both India and Pakistan administer a united Kashmir, which would retain its identity and culture as a member of a greater India confederation... A joint government of Kashmir ... would be a prelude to an eventual reunification of India and Pakistan in a loose confederation...

(Source: The Hindustan Times, 22 September, 1996)



### Aabha Dixit on Kashmir Problem

... Having pushed through two successful elections in Jammu and Kashmir and with the installation of the Farooq Abdullah government in Srinagar, there now is need for New Delhi to take some fresh individual initiatives to domestically resolve the J&K issue to a point where Pakistan has no option but to agree to negotiate a final and lasting solution to the issue, keeping changed ground realities in mind. Towards this goal, New Delhi cannot afford to rest on its laurels... It needs to build up consensus within the country on the quantum of autonomy that J&K should get... Autonomy for J&K will also have implications for the evolution of a truly federal polity in India... The United Front government should publicly outline its proposed course of action, which in turn could form the foundation for a national consensus on the autonomy package. Most political parties are committed to the concept of autonomy, but what needs consensus about is the shape and quantum of this autonomy.

Secondly, the administration tightly marshalled by the Governor, General Krishna Rao, now needs to hand over gradually power and administrative responsibilities to the elected government, keeping however, a watchful eye on the security situation... The credibility of the mandate should be utilised by Farooq Abdullah.

The third element of the J&K strategy that New Delhi needs to implement with great speed is an economic revival programme. The enthusiasm for both elections was caused in great measure by the fact that not only had militancy debauched itself into extortion, kidnapping, rape and other anti-social activities, but also by the fact that fatigue and economic depression had set in among most of the population. With tourism losing its appeal, the J&K economy was entirely propped up through subsidies and grants. Taking advantage of the positive atmosphere in the State, New Delhi needs to urgently work out plans for the economic development of the region... We need to ensure that the gains ... are not squandered in scoring propaganda points vis-a-vis Islamabad, but rather in consolidation of the Republic, with J&K safety and securely within.

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

(Contd. from page 550)

work as mere art but as blasphemy, and attack Muslims...

"If Hussain really believes in art for art's sake, he should pose in the nude here publicly... Will he dare to portray Prophet Mohammad or even his own sister or mother in such a way?" ...

Hussain in the nude was bought in the instant auction by Rakesh Sarin, a Chennai-based film financier, for Rs. 60,000...

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



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## Sandhya Jain on Uniform Civil Code

... The judiciary has taken a gratifying lead (on) the uniform civil code, a matter has been handing fire since the Constituent Assembly ruled on its desirability, but declined to clinch the issue. This one issue, more than the crusades for probity in public life and political reservations for women, will set the agenda for the kind of nation we will be in the next century. For, at its crux lie the basic issues of human dignity, gender justice, equality and, above all, natural justice.

The Supreme Court has struck a powerful blow for reform with its recent ruling that the Ecclesiastical Tribunal (Church court) is not empowered to interfere in matrimonial matters, and Christians can seek divorce under the Indian Divorce Act (The Times of India, October 9, 1996). Justices N.P. Singh and S.B. Majumdar decreed that the second marriage by a Christian woman, following the annulment of her first marriage by the church, is invalid.

This brings us to the ticklish issue of whether "personal laws" can legitimately claim immunity to change and reform. The issue is especially pertinent in the context of the Union Government's stand before the Supreme Court (September 3, 1996) that it cannot enact a uniform civil code as it is against its policy to interfere with the personal laws of minority communities.

The Government was responding to a Supreme Court directive to inform the court what steps it had taken to enact a uniform civil code. The directive arose in connection with a judgement last year in the case of Sarla Mudgal, Kalyani and others (petitioners) versus Union of India and others (respondents), in which the second marriage of a Hindu husband after conversion to Islam while the first marriage was subsisting, was held to be void.

The Government was only reiterating conventional wisdom since Independence...

(Justice Kuldip Singh said) with refreshing candour, that those who preferred to remain in India after the partition fully knew that the Indian leaders did not subscribe to two-nation or three-nation theory and that in the Indian Republic there was to be only one Nation - and no community could claim to remain separate entity on the basis of religion".

... a similar plea for a uniform civil code, which fell on deaf ears, was made over a decade ago by the Constitution Bench comprising Chief Justice Y.V. Chandrachud, in the Mohammed Ahmed Khan versus Shah Bano case. In a sharp indictment of the executive, the Bench observed: "A belief seems to have gained ground that it is for the Muslim community to take a lead in the matter of reforms of their personal law... It is the State which is charged with the duty of securing a

common civil code for the citizens of the country and unquestionably, it has the legislative competence to do so ... we understand the difficulties involved in bringing persons of different beliefs and persuasions on a common platform. But, a beginning has to be made if the Constitution is to have any meaning".

The unhappy aftermath of the Shah Bano case ... is too well known to need reiteration. Justice Chandrachud's sad warning, however, remains relevant: "Inevitably, the role of the reformer has to be assumed by the courts because it is beyond the endurance of sensitive minds to allow injustice to be suffered when it is so palpable. But piecemeal attempts of courts to bridge that gap between personal laws cannot take the place of a uniform civil code. Justice to all is a far more satisfactory way of dispensing justice than justice from case to case.

It is an unfortunate paradox that while the need to reform personal laws is widely acknowledged, talk of a uniform civil code is construed as an attack on minorities.

It is nobody's case that Hindu personal law is so perfect that it is above amendment. The Hindu Marriage Act, 1955, the Hindu Succession Act, 1956, the Hindu Minority and the Guardianship Act, 1956, among others, are proof of reforms sorely needed in traditional Hindu law. And it is an on-going process.

Nor is the bogey of an attack on religious freedom tenable. Article 44 rests on the premise that in a civilised society, there is no necessary connection between religion and personal law. Religious freedom is guaranteed by Article 25, while Article 44 separates religion from social relations and personal law. The Constitution-makers believed that while marriage, succession and like matter had a sacramental origin in all faiths, they are essentially secular matters, and cannot be brought within the guarantees enshrined under Article 25, 26 and 27.

The argument for a uniform civil code ... is a struggle for human rights, freedom, dignity, and above all, justice. Whether it is triple talaq, sati, human sacrifice or polygamy, any practice that derives its legitimacy from religion and yet is violative of human rights and dignity, is - and must be acknowledged as - unjust and oppressive.

...It is highly unlikely that our minority vote-wooing politicians will agree to bell the cat. There is a silver lining. The courts are alive to the cause, and can be relied upon to ... justice on a case-to-case basis. Even piecemeal justice is better than no justice at all.

(Source: The Pioneer, 12 November, 1996)

Its not fair! Its like asking Deve Gowda about Taslimuddin.

- L.K. Advani, BJP President when asked questions about Sadhvi Ritambhara



### Shahabuddin's Letter to The Pioneer, 12 November, 1996

Sandhya Jain's "Pleading for Uniformity" (12 Nov., 1996) only traverses the well-beaten track and makes the familiar error of confusing uniformity with national unity and identify the secular order with a uniform civil code. She quotes the Supreme Court orders in the Sarla Mudgal and Shah Bano cases and omits to mention the most recent order in the Shahnaz Sheikh case on the constitutionality of Muslim personal law. Historically, in the course of the Freedom Movement, the Congress had repeatedly vowed to protect the Muslim personal law. Successive Governments have abided by what Sandhya Jain calls conventional wisdom of refraining from imposing reforms in personal laws against an unwilling religious community which derives its personal law from its scriptures and considers it to be an unseverable extension to its religious faith. Even Ambedkar cautioned against any imposition.

Sandhya Jain has once again confused two issues - reforms in and codification of Muslim personal law, within the framework of the Shariat and the imposition of a uniform (Common?) civil code on the Muslims. Indeed Muslim personal law has been statutorily "reformed" twice during the British Raj in 1937 and 1939 and at least once in 1986 after independence, on the basis of a Muslim consensus. Muslim Indians reject religious assimilation and believe that different religions can safely co-exist within a national framework which is democratic and secular. But they see a uniform (common?) civil code as a majoritarian manoeuvre to submerge and efface their religious identity.

In my personal view, the State is free to follow up on the civil Marriage Act and introduce a model common civil code which would be optionally applicable to any citizen on the basis of a voluntary declaration to opt out his religious code. It would be for each religious community to organise and protect its flock.

### Union Government's Submission Before the Supreme Court, October, 1996

"Bringing in a Uniform Civil Code (UCC) will necessarily involve changes in the personal laws of the minority communities and it has been the consistent policy of the Central Government not to interfere on its own in the laws of the minority communities unless the initiative for the changes come from those communities"...Ever since the apex court ... pronounced its judgement in case of Mrs. Sarla Mudgal, president, Kalyani, the Government have been receiving considerable number of representations from the Muslim community vehemently opposing bringing in the UCC, as they consider it to be an interference in the personal laws of that community.

The total number of such representations run into 1,19,980 which includes 1,16,539 post cards, 3010 letters and telegrams from individuals and office-bearers of religious bodies and 439 joint representations by them...

... It may be appreciated that many of the representatives reiterate the view that matters relating to marriage, divorce, succession or the like were essentially religious matters and they were included in the freedom of religion guaranteed under Art. 25 of the Constitution.

... The founding fathers of Indian Constitution had occasion to deliberate on the same. Dr. B.R. Ambedkar, while dealing with the question of saving personal laws, made it clear that what is all that the State was claiming was a power to legislate.

"There is no obligation upon the State to do away with personal laws. Therefore, no one need be apprehensive of the fact that if the State has the power, the State will immediately proceed to execute or enforce that power in a manner that may be found to be objectionable by the Muslims or by the Christians or by any other community in India...

... "Bringing such a uniformity is not sought to be achieved by undertaking a comprehensive legislation, but slowly and steadily. "The enactment of such a code is thus a continuous process. The personal laws of different communities in this country have not remained static. They have undergone changes in a number of aspects. All such changes constitute steps in this direction.

... Due to absence of uniformity of views among the different sections of the citizens in the country as to the enactment of a UCC of laws relating to marriage, succession etc., it is not possible for the Union Government to enforce a UCC for all the communities in the country... The laws contained in the Caste Disabilities Removal Act, 1850, the Indian Evidence Act, 1872, the Child Marriage Restraint Act, 1929 and the Special Marriage Act, 1954 are some of the steps towards

(Contd. on page 558)

**MUSLIM INDIA**  
*Offers*  
*best wishes for the New Year*  
*to its*  
*Patrons, Subscribers and Readers*  
*and*  
*Prays for Peace,*  
*Progress and Prosperity*



**Jamia Millia Islamia  
From a Muslim Institution to a  
Sarkari University**

- 9 September 1920 : AMU Act, 1920 Passed by Viceroy's Legislative Council.
- 12 October, 1920 : M.A. Ansari, Ajmal Khan and M.K. Gandhi visit Aligarh and call for boycott of the AMU in the address to students.
- 23 October, 1920 : Mohammad Ali, M.A. Ansari, Ajmal Khan, A.K. Azad and Abdul Majid Khwaja visit Aligarh and address students.
- 29 October 1920 : Establishment of a national university for Muslims announced by Ajmal Khan. Shaikhul Hind Maulana Mahmoodul Hasan inaugurates it and declares its objectives to keep education of Muslims in Muslim hands. Mohammad Ali depicts its objective to transform the AMU into a truly Muslim University. Mohammad Ali takes charge as the first Sheikh-ul-Jamia.
- 1924 : Abdul Majid Khwaja takes over from Mohammad Ali on his prosecution in Karachi.
- 3 January, 1931 : Mohammad Ali dies in London. Jamia constructs Mohammad Ali Hall to commemorate him. Students Union names its organ as "JOHAR".
- 4 June, 1939 : JMI registered under Societies Registration Act. Sheikh Mahmoodul Hasan, Mohammad Ali, Shaukat Ali Ajmal Ali and M.A. Ansari named as Founders. Later names of A.K. Azad and Zakir Husain added; Object and purpose is revised to substitute 'Muslims' by 'Indians', Muslims in particular.
- 19 June 1962 : Recognised by the UGC as Deemed University. Memorandum of Association amended to bar discrimination in admission on the basis of class, race, caste/ baradari.
- 26 December 1988 : President sign the JMI Bill which omits the objects and purpose as modified in 1962, opens admission and recruitment to all religions, introduces reservation for SC, ST, the disabled and women.

**Haji Gulam Mohammed Azam Education  
Trust & Maharashtra Cosmopolitan  
Education Society, Pune**

**List of Institution**

1. H.G.M. Azam College of Education
2. A.K. Khan Law College
3. Allana College of Pharmacy
4. Abeda Inamdar Sr. College for Girls
5. Abeda Inamdar Jr. College for Girls
6. Institute of Career Development
7. M.C.E.'s I.T.I.
8. Computer Academy
9. Anglo Urdu Girls High School
10. Anglo Urdu Boys High School
11. Anglo Urdu Night High School
12. M.C.E.'s English Medium Primary School
13. H.G.M. Azam Urdu Primary School

**Educational Institutes managed by  
Seethakathi Trust and the All India Islamic  
Foundation, Chennai**

1. Crescent Residential Higher Secondary School, Vandalur, Chennai-600048
2. Crescent Matriculation Higher Secondary School for Girls, Nungambakkam, Chennai - 600006.
3. Thassim Beevi Abdul Kader College for Women, Kilakarai, Ramnad District.
4. Islamic Studies and Cultural Centre, Chennai - 600006.
5. Yousuf Zulaikha Medical Centre, Kilakarai.
6. Crescent Engineering College, Vandalur, Chennai - 600048.
7. Nagore Crescent Matriculation Higher Secondary School for Girls, Nagore-611002.
8. Madurai Crescent Matriculation School for Girls, Madurai - 625020.
9. Crescent Career Guidance and Coaching Centre, Chennai - 600048.

**All India Muslim Educational Conference,  
Aligarh is holding its Annual Session in Patna  
on 19-20 December, 1996.**

**The All India Muslim Women's  
Educational Conference is being organised in  
Madras on 21-22 December, 1996 by the  
Seethakathi Trust Trust.**



## Iqbal A. Ansari on Aligarh Muslim University

The indefinite closure of the Aligarh Muslim University on October 1, 1996... should make the well-wishers of the University sit up and take stock of ... the underlying causes of the malaise ... which is both pervasive and deep... The University and its old boys were involved for full 15 years (1965-1980) in getting it ensured under an Act of Parliament that the University was founded by Muslims for their educational uplift. Since 1981 when such an Act was enacted, there has been no effort unfortunately to systematically secure without recourse to ad hoc measures the twin objectives of legitimate interests of the Muslim minority... and academic merit and excellence...

It is still not too late to salvage the University, enabling it to function efficiently with a sense of purpose and direction. Initiative needs to be taken by members of the University statutory bodies, the Staff Association, the alumni and some enlightened community leaders to undertake a review of the Act, statutes, and ordinances of the University on the one hand and its academic and administrative functioning on the other. It will also require constructing the sociology of the University ... us understand the reasons of appointment of teachers and non-teaching staff for considerations other than merit and efficiency or for admission of students who are neither equipped nor motivated for any learning... A comprehensive study of the 'law' and 'sociology' of the University along with empirical data will (be revealing)...

Even without waiting for the findings of such a comprehensive sociological-legal study of the University as an institution, what can be said with certainty is the fact that unless there is transparency and accountability in all administrative and academic processes, and unless admissions and appointments are made on the basis of merit among Muslims to the extent permissible on an all India basis, nothing can prevent the decay of the University.

The category of 'internal' and 'external' was created for admissions of the students in 1960s to accommodate a large percentage of Muslim students in the name of 'internal'... To this category of 'internal' was added a whole list of nominated categories of old boys, employees, sportsmen etc. All this process of back door entry has been going on for full three decades in the name of Muslim interest. Actual beneficiaries of this mode of admission have not been Muslims of India as a community, but the group of privileged people who enjoyed the benefit of 'proximity' and access, i.e., presence on or near the campus and influential connections... This protective and distorting admission process ... ensured neither ... legitimate interests of

Muslims (nor) academic merit, led to a scramble among both Hindus and Muslims for internal seats right from primary even nursery stage of schooling. This protective process also caused slackness and inefficiency in internal schools and the university ... by attaching premium to just being internal...

Muslims as a community or the University as an institution ... never made any attempt to legitimise front door entry of Muslim students transparently selected on the basis of an all India merit list without any nomination. Effort was not made because it suited to those who enjoyed the benefits by virtue of proximity and access ... including the employees, and it also suited... Some Vice-Chancellor(s) for safeguarding their own 'seat of power' by extending such patronage... The admissions become a part of loot and booty system (and) were made available for a price under the table.

It is just absurd that the highest governing and policy laying body of the University having directed the Academic Council to admit students according to a formula which by and large tried to reconcile considerations of Muslim interest, all India open merit and regional and internal categories were never implemented.

The Supreme Court judgement (1991) in St. Stephen's College case (provided) the opportunity of front door admission of Muslims upto 50%. Such a process of legitimacy of front door entry of Muslim students will eradicate most sources of corruption in admissions on which student leaders and a few among the administrative staff thrived. It will also general a real competition among all Muslims students internal - as well as ... the unfortunate externals...

For appointment of meritorious teachers and other employees (what) is required is the will ... on the part of members of the Selection Committee. But this 'will' is a function of the social-cultural ethos of a community/group...

The last neglected area of reform is the administrative wing and the technical and library personnel whose functioning should be geared towards supporting pursuit of knowledge by students and faculty members. Suitable inquiry will reveal that the entire system, including the library, is geared towards obstructing the process of learning and generation of knowledge... Even if all students were admitted on the basis of merit and all the teachers were qualified and proficient, the administrative-technical junk existing in the University will prevent any academic excellence to grow.

(Source: The Radiance Viewswweekly, 10-16 November, 1996)



## Shahabuddin on the Reforms of the AMU

Prof. Iqbal A. Ansari's article on the AMU in your issue of 10-16 November, 1996 is based on certain inaccurate assumptions. Contrary to official propaganda and public belief, the Act of 1980 did not provide that "the University was founded by Muslims for their educational uplift!" In other words the Act and, therefore, the Union Government has never accepted the assertion by the Muslim community that the AMU is a minority institution within the meaning of Article 30 of the Constitution. This is the reason why the University cannot enjoy freedom either in selection of students for admission or in recruitment of teaching or non-teaching staff, it cannot create even a reasonable quota for admission for Muslim students and has, therefore, to continue with many subterfuges and commoflages and introduce deliberate distortions to maintain a reasonable proportion of Muslim in the Students Body which incidentally has been falling since 1980, as far as professional and more marketable courses are concerned.

There is no point in studying the Sociology of admission or employment, until the law is clarified. This cannot be done by a review of the students and the Ordinances set only by an amendment of the Act itself - something which is beyond the purview of the University bodies, including the Court. But the E.C. and the Court can certainly propose a Scheme of Admission and suggest amendment to the Act, if necessary, to implement it - particularly to declare it a Minority Institution without ifs and buts and reserve 75% of the seats for the Muslim community.

I fully endorse the diagnosis of Prof. Ansari that the categorisation of applicants as "external" and "internal" and the inbuilt weightage for the products of the Schools attached to the University is at the heart of the graduate but inevitable looming of standards. Lack of transparency in admission and examination, surfeit of nepotism and "sifarish-Pairvi" and the V.C's quota in the long run ensure recruitment of sub-standard teachers sets the cycle of excellence in reverse gear. The final result is what we see happening in the campus.

AMU is a national asset, it is a Milli asset. It should cater to the entire Muslim community of India without any undue favours to students from Aligarh or the neighbouring districts or the sons and daughters of Old Boys.

Prof. Ansari has not mentioned one noticeable omission in AMU's advertisements to admission various courses. The advertisements never mention the number of sanctioned seats in any course. This makes even the backdoor flexible enough to admit any pulls or pressures.

In my view, the AMU authorities must, even with the limit of the present Act, such as

a) limit nomination to 5% for excellence in non-

academic fields sports, debate, literary activities etc. subject to inter se merit.

- b) Announce the number of available seats for each intake point - degree, diploma and certificate.
- c) Hold competitive examination plus Two and First year Year Degree Courses on the all India basis - in places other than Aligarh.
- d) Stop preferential admission to products of AMU's schools.
- e) Publish admission lists with aggregate marks, in order of merit, with 10% additional places and supply marksheets to any applicant on request.
- f) Reserve viva voce test in addition to written test, only for admission to Masters and Professional Courses. The composition of the interview boards should not be limited to the University staff. If possible, the Viva voce tests should be recorded and the marks awarded by each member of the Board should be preserved. At least the number of available places should be called for the interview in order of merit judged either by referee to the common written test or the academic record of the qualifying examination.
- g) Stop all adhoc appointments and recruit the best available teacher on All India basis through properly constituted Selection Committees, without any consideration of religion or university. Selection Commissions should be constituted in advance and meet regularly, in advance of the date when the vacancy is likely to occur.

Some of these suggestion, it is realised, will not be appreciated by the vested interest, which have the university in their grip. But if the University is to be saved, talent and excellence can justify the expenditure of nearly Rs. 75 crore every year, in the name of the Muslim community.

Letter to The Radiance Viewsweekly, 12 November, 1996

(Contd. from page 555)

achieving the Uniform Civil Code.

In the post constitutional period, the first major step taken was the enactment of the Special Marriage Act, 1954 which enables people of all religious denominations to solemnise their marriage or to get their marriages earlier solemnised under their respective personal laws to be registered under the Act. With the enactment of the Hindu Marriage Act, 1955, the Hindu Adoptions and Maintenance Act, 1956, the Hindu minority and Guardianship Act, 1956 and the Hindu Succession Act, 1956, the law governing the majority population of the country which included the Hindus in its various forms, the Sikhs, Jains and Buddhists by religion has been streamlined and a uniform law has been formulated....

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



## The Hindustan Times Report: Municipal Toilets over Zauq's Grave

The Archaeological Survey of India (ASI) report on renowned poet Shaikh Mohammed Ibrahim 'Zauq's' grave in Paharganj substantiates the allegation that the Municipal Corporation of Delhi (MCD) has constructed toilet blocks on the grave.

According to an ASI report submitted before Mr. Justice Kuldip Singh (of the Supreme Court), the enclosure wall containing the grave of Ustad Zauq was removed and levelled to the ground for providing public conveniences to the residents of Nabi Karim, Paharganj. The Court had asked the committee to locate the exact place where the tomb of Shaikh Mohammed Ibrahim Zauq is situated.

The report, prepared by a committee of experts from ASI, Delhi University and other institutions, the lavatories are situated on the grave of the great poet...

... An outstanding poet, ... the court poet and literary guide to Mughal emperor Bahadurshah Zafar, Zauq died on October 17, 1854 was buried in 'Kallu-ka-Takiya', which formed a part of Nabi Karim graveyard. ...

No evidence in any form nor any vestiges of this grave of the famous poet are now left so that the grave's existence can be identified.

The earliest reference to the existence of the grave of Zauq is available in the book of famous historian Bashiruddin Ahmed. The book, titled 'Waqiat-i-Darul Hukumat-i-Dihli' (History of the Imperial City) published by Shamsi Press, Agra in 1919. Bashiruddin Ahmed has given a vivid description of the grave as well as its condition then prevailing. According to the writer, the grave of Zauq is situated in 'Kallu-ka-Takiya' a graveyard near Qadam Sharif. There were seven more graves near the grave of Zauq. It had an enclosure and there was a tablet on the head side of the grave containing an epitaph in Urdu verse with the date of his death.

Bashiruddin Ahmed also mentions that the grave was lying in an uncared for condition and its boundary wall had fallen at several places... The book did not contain any photographs or any other illustration. The committee, however, discovered some photographs in the Delhi Wakf Board, which give a fairly good idea of the grave. On the basis of these photographs, the committee concluded that the grave of ... Zauq was built on a platform and had a stone sacrophagus with a head stone with an epitaph within an enclosure wall.

... It appears that after 1919, the original tablet was destroyed and a new square stone tablet with Persian and Urdu inscriptions with the date of Zauq's death was fixed at the head side of the grave. The Delhi Wakf Board has some photographs to prove the same. The later epitaph in Urdu was composed by Sahil Dehlavi in 1938.

An interesting piece of evidence regarding the existence of the grave till the end of 1950 is the inspection note drawn on December 16, 1950 by Maulana Hifzur Rehman of the Delhi Wakf Board and the action taken by the Wakf Board Committee for carrying out

repairs to the grave as well as its enclosure. The inspection note mentions the condition of the grave, the inscription and the repair work that was carried out for its preservation.

The next reference to the existence of the grave till the end of July 1952, comes from the action taken by police authorities on a complaint lodged by Mohammed Jafri on July 23, 1952. The police report submitted on Mohammed Jafri's complaint mentions that the grave of Zauq was quite intact. The tablet of the grave was, however, missing and the police officials attributed that to the communal disturbance during 1947.

As per the revenue records available in the Deputy Commissioner's office and the Delhi Development Authority (DDA), a public latrine block was constructed in 1961 by the MCD in Nabi Karim graveyard...

"It is now learnt that this latrine block is situated on the grave of Ustad Zauq, a noted Urdu poet and it is desirable that the same is removed from its present site. The proposal was placed before the standing committee for according sanction for acquiring the land measuring 150 sq. yards under Khasra Number 52, Mauja Qadam Sharif and the same was duly approved by the committee, but nothing concrete was done... All research, verification, surveys on the subject lead to the conclusion that an enclosure wall containing the grave of Zauq was removed along with several other graves to construct public latrines", read the report compiled by Superintending Archaeologist, Delhi Circle, Mr. D.V. Sharma.

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

### Shahabuddin's Letter to Minister of HRD, Govt. of India, 27 October, 1996

The Archaeological Survey of India on instructions from the Supreme Court, has reported that in 1961 the Municipal Corporation of Delhi constructed a public latrine block on the grave of the eminent Urdu poet Zauq and adjacent grave which lay even the enclosure. It is amazing that such deliberate desecration of a graveyard went unnoticed even though the grave included that of the poet Zauq Delhi as a Union Territory directly under the Central Government and the MCD was functioning under the Lt. Governor appointed by the Central Government. The Central Government, therefore, cannot escape responsibility for this desecration.

The question arises whether the decision to locate the toilet at the particular site was inadvertent or deliberate needs to be looked into.

I would, therefore, request you to take the initiative to have an administrative inquiry set up to establish the genesis of the decision and whether all facts then available were taken into consideration.



### Ather Farouqui On Urdu's Struggle for Survival

For the past 50 years Urdu has been engaged in a relentless struggle for survival... The first threat to its survival was posed when it was made out to be language of Muslims. ... Once this association was clearly established in the popular mind, Urdu came to be targeted through slow exclusion from the syllabi, gradual diminution of facilities for instruction to Muslim children in state-run schools and the decline in circulation of Urdu magazines and newspapers. All these developments have threatened Urdu with virtual extinction and Muslim literary elite have failed to respond to this deplorable situation with creative imagination.

What is, then, the solution? First, Muslims shall have to undertake a complete change in the syllabus and policies of the Madaris... The reforms should be such that those who study in them can acquire a degree of proficiency to survive in the contemporary changing world and lead a worthwhile secular existence.

The Aligarh Muslim University ... shall have to ... impart education for B.Ed and M.Ed with Urdu as medium as done by Jamia Millia in New Delhi. Urdu is taught as a compulsory subject in AMU even today, but only on paper...

... Urdu has been a victim of the same step-motherly treatment by the government to which Muslims in India have been a victim. One of the consequences of this has been that in comparison to other minority communities. Muslims have been rendered particularly backward and Urdu virtually on its way out.

After independence Muslims in India could not develop the courage to wage a struggle for Urdu, or Urdu occupied a low priority among the issues raised by Muslims after independence... The Muslims in India now live by the hope that Urdu will live on in South India and Bihar.

... What will be the linguistic scenario of South India and what linguistic issues will raise themselves is difficult to predict. Through re-organisation of educational institutions (Madaris) ... not only can Urdu be saved but the pace of spread of education among Muslims can be accelerated. This process of re-organisation can also be extended to other parts of India.

Through linking the system of Madrasas to an influential all India religious movement like Tableeghi Jamat the network of such schools can be utilised for promotion of Urdu... On the whole in today's secular India, the guarantee of Urdu's survival paradoxically depends upon its ability to rely on religion and religious institutions.

(Source: The Times of India, 21 October, 1996)

(Contd from page 538)

principle of diminishing returns has begun to operate.

First, its insincerity has become apparent and, secondly, the aggressive anti-minority outlook has come up against the age-old tolerance of Hinduism. When the BJP says that India is secular because of the Hindus, it is absolutely right. But, for that very reason, it should realise that its own distorted version of the great religion has no future in this country. Hindus are perhaps the only people who pray with total devotion in all places of worship, whether a temple or church or mosque or gurdwara or synagogue. For a Hindu, God resides everywhere and so the demolition of a house of prayer is a sacrilegious act.

In targeting mosques to make a political point, the BJP has made a serious mistake, which will become more evident as the other factors which propelled it forward, including the Congress's decline, lose their validity. As its fair weather friends drift away, the party will be reduced to its original core group of supporters and return to the periphery of Indian politics which is its natural place... The only way out for the BJP is to return to the non-Congress camp or form a camp of its own, of which it has made a beginning by aligning with Shiv Sena, Samata Party and the Haryana Vikas Party. But they are too peripheral to be of much solace. The party has gone too far along the revivalist road to be able to find worthwhile allies. ... And if it changes direction too abruptly, opting for moderation, it will lose the support of its core group which will look for another ultra-rightist party.

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

### South Africa: Commission favours Polygamy

The South African Legal Commission has ruled in favour of polygamy, stating that the practice maintains traditions and is not necessarily demeaning for the several wives of one man.

"In a patriarchal world, where there is no economic, social or political equality between men and women, it is the institution of marriage itself, whether monogamous or polygamous, which disadvantages women," the Commission declared in a Report submitted on September 25 to Deputy Minister of Justice Manto Tshabalala. While Christian communities practice monogamy but many illegally have mistresses, on the other hand Muslims and many South African black men legally and traditionally take more than one wife. It is common for black men in rural areas to live with his wives in a kraal, consisting of a central hut and separate huts for each of the women. Men who work in the towns also tend to take a second wife there.

(Courtesy: The Muslim World, Karachi)



## Mani Shankar Aiyar's Open Letter to Shahabuddin

... The concept of the "backward classes" was introduced into our Constitution through the First Amendment in 1951. While great care was taken to use the expression "class" rather than "caste", the Mandal Commission, in its wisdom or lack of it, chose to take caste as the basic unit of our society and so based its identification of the "backward classes" on caste rather than class. The Supreme Court has sought to reintroduce the distinguishing element of "class" rather than "caste" by ordering the exclusion of the "creamy layer" from the special measures that are taken in favour of "backward castes". ...

... The Muslims, as a community, (are) as a backward class. I am sure you would have no objection to the creamy layer of Muslims being excluded from the operation of (any) affirmative action...

Even the Mandal Commission, however, restricted itself to proposing reservations in Central Government employment and educational institutions for the identified backward castes. It did not suggest reservations in our legislatures. ...

The local bodies constitute the third tier of governance, not the third tier of government precisely because they are empowered through devolution and decentralisation, not through legislative authority of their own. Therefore, reservations for the backwards in the local bodies does not of itself legitimise similar reservations for them in the legislatures. That will require a Constitutional amendment... No one, thank God, has proposed that - yet!

... The legislative proposal for reservations for women does not base itself on Articles 15 and 16 of the Constitution. Nor does it base itself on the Mandal Commission recommendations. Mandal did not consider

women a "backward class". Nor does the argument in favour of reservations define or treat women as a backward class. The argument in favour of reservations for women is based on recognising that women are woefully under-represented in our legislatures and considering that it would be beneficial to the polity as a whole...

I think Muslims, other than those in the creamy layer, should be included among the beneficiaries of all employment and, above all, educational programmes based on Mandal. And I think you should persuade your party colleagues... to extend to backward Muslims the special measures that have been devised for backward Hindus... You would agree with me that if Mandal were extended to backward Muslims, Mandal should also be extended to backward segments of other minority religious communities. I would take that logic further to include the backward segments of the so-called "forward castes"...

... Community-based reservations cannot, however, be limited to one community; all unrepresented or under-represented communities would, in equity, have to be given the same opportunity. Since India is a congeries of communities, we will end with a congeries of reservations. In effect, proportionate representation for the communities will have the same consequence as separate electorates... That is a disaster both of us would want to avoid.

The way forward ... is for ... us, jointly and severally, to press for more allotment of seats to Muslim candidates in our respective parties while, at the same time, ensuring that, as a mature democracy, it is not left only to Muslims to take up Muslim issues or to Hindus to take up Hindu issues...

(Source: The Indian Express, 6 November, 1996)

## Shahabuddin's Letter to Mani Shankar Aiyar, 11 November, 1996

Thank you for your open letter in the Indian Express of 6 November, 1996.

Permit me to correct your impression that I belong to Janata Dal. For the moment I do not. I am enjoying this spell of partylessness, though I remain committed to the ideological goal of Social Justice.

Secondly, much before Mandal Commission wrote its report, Caste had been recognised as a social unit for the measurement of backwardness. There is no other convenient label under which the vast Indian Society can be dissected for close examination. In any case, as Lohia pointed out, in the Indian context caste is largely synonymous with class. The lower one goes in the caste hierarchy, the more he is likely to encounter deprivation, injustice and adverse discrimination. The only other basis for classification is religion. But, once bitten twice shy,

we remain allergic to religion, after it led to the tragedy of Partition, though religion as a factor in politics appears to retain, nay, to have increase its hold.

Thirdly, the creamy layer must apply to all social groups based on caste, religion, race, ethnicity, language and culture, wherever affirmative action is prescribed to ensure that the benefits thereof are not tapped by the elite, the upper strata of the group who least deserve it but are best equipped to take advantage. So, on this point, we stand together. You should have no doubts on this score.

Logically, every social group or sub-group is horizontally stratified in both the social and economic sense. Therefore, the measurement of backwardness must not be based on the identity of the group but on its level of backwardness. The level can be scientifically measured on the basis of a set of nationally accepted parameters and



the position of the group in relation to each parameter, above or below the average (for the country, the State, as the case may be). For greater accuracy, the exact degree of variation, plus or minus, for the average can be taken into account, though it may not be necessary. The SC and the ST receive now full weightage for their population. Their index can be taken as 100 and the rating of other groups can be fixed in relation thereto. Thus, for example, the index of backwardness of Muslim community, as a whole (including the creamy layer) may be 90 and of the Brahmin (again including the creamy layer) may be 20. The reservation quota for Muslims should be 90% of their population and that of the Brahmin 20% of their population. Mandal has arbitrarily taken the index of backwardness of the so-called OBC's as 50. Perhaps he was trying to go along with the ruling of the Supreme Court or his misunderstanding thereof.

The total or maximum reservation should therefore be:

$$R_M = P_G \times B_G$$

$P_G$  = Population of a Group  
 $B_G$  = Index of Backwardness of the Group with SC/ST = 100, as the base

It would and should obviously vary from State to State and for the Union as a whole, depending upon the number of social groups within their jurisdiction which are found to be backward by a competent authority and their respective indices of backwardness. The Supreme Court "limit" is arbitrary. So are the limits set by various States. In the case of your State, it is arbitrary to the point of absurdity and your party wanted to amend the Constitution to accommodate it!

Having determined the group quota, the real question is the identification of the individual beneficiaries. They can only be individuals belonging to the families which are in fact "backward". Therefore, the Supreme Court has applied the correction though it has left the states free to nullify it in practice as Kerala is trying to do and as Laloo Prasad Yadav did it by drawing the line so as to include practically the entire creamy layer and not to exclude it!

In the process of implementation of reservation, it has become crystal clear that neither the SC nor the ST nor the OBC's constitute a socially or economically homogeneous category. The result is the emergence of some social groups (castes or tribes) among each of them which are lapping up their entire quota to the continued deprivation of the other groups bracketed with them. Under non-reservation, the high castes had the whole cake at their disposal. Now within each reserved category, the "dominant" or the most advanced group has the whole of the share of the cake assigned to the whole group. Thus in Bihar, the Yadavs, the Kurmis and the Koeris are the main beneficiaries of the OBC quota. They constitute only 20% of the 52% of the population of Bihar which OBC's form. Thus 40% BC's are feasting,

free of competition from the higher caste, at the expense of 60% - the MBC's.

Theoretically some Muslim Sub-communities are included in the list of OBC's. By Mandal's arithmetic 4.3% of the 27% OBC quota should be available to the Muslim OBC's. BUT IT IS NOT. Firstly, because the Muslim BC's are not "forward" enough to compete with the "Forward" Hindu Backward Classes. But also because the Muslims, whatever be their caste and class, suffer bias and prejudice - the end result of the Partition and the communal poison in the system.

The question, therefore, is not the "extension" of Mandal to other Backward groups. There can be no equality among unequals. And, therefore, the Mandal's OBC quota has to be distributed among various Backward groups which are lumped together and asked to compete against the Forward among themselves. Also among the Forward BC's themselves there is rising rivalry. This is what gave rise to the Samata Phenomenon in Bihar - a counter-weight the Kurmi demanded to balance the Yadavs!

What is the solution? The only solution is Universal Reservation. Each self-conscious and identifiable group should, in theory, be entitled to its quota, determined by a multiple of its population and its index of backwardness, subject only to a cut-off limit of, say, 1% quota. Micro groups, defined as a group which is entitled to a quota of less than 1%, should either aggregate among themselves to form a viable group or join a large group of its choice with which it feels a sense of affinity. May I add that since many groups will not enjoy full weightage of their population, there shall be a residual pool for the operation of the merit principle - for the induction of Aiyars and Syeds!

It is in this context that I have been pleading for a separate reservation quota for the Muslim community which, I am glad, you agree, is a Backward Class today. Yet even within this community, there are layers and strata. If any Muslim Sub-community feels apprehensive of losing out to the Syeds, the Sheikhs and the Pathans, it should be allowed a quota of its own *mutatis mutandis*. But I do not concede the view that because the Hindus are having caste quotas, so should the Muslims! After all the Hindus form 82% of the population and do not suffer the thrust of majoritarianism! Muslim solidarity in the face of continuing religious bias and prejudice calls for a Muslim quota. But I cannot stand in the face of social logic. So if the Momin Baradari wants to stick out on its own, so be it.

I would like to emphasise that the Muslims do not demand reservation on the ground of religion alone, as a religious community but on grounds of persistent backwardness. Article 14 and Article 15(1) apply to religion and caste both and if caste coupled with

(Contd. on page 567)



# National Human Rights Commission:

## Salient Extracts from Annual Report, 1995-1996

... In the third year of its existence, the Commission increasingly worked on the premises that human rights whether civil and political, economic, social and cultural were, in the words of the 1993 Vienna Declaration and Programme of Action, universal, indivisible, inter-dependent and inter-related and that it was necessary for the Commission to remain keenly aware of this when deciding whether or not to take cognizance of particular complaints or issues. This was all the more necessary in a country where the seeds of unrest or grievance arising from human rights violations often resulted from a complex mix of reasons that were historical, social, economic or cultural and in which particular groups, not least for reasons of caste or community, economic deprivation or gender continued to be especially vulnerable. The Commission was determined to ensure that it functioned in a manner that was sensitive to the concerns of such groups...

For similar reasons, the Commission reached out to non-governmental organizations, human rights activists and others, receiving and acting upon complaints submitted by them, benefitting from their vast network with the people of India, drawing upon their studies and analysis of particular problems and associating them with the educational and other activities of the Commission. And it also turned its attention to reviewing factors, such as violence in all its manifestations whether in the form of terrorism, the criminalisation of society, communal riots, gender related cruelty or in the media that, in the words of Section 12(f) of its Statute "inhibit(ed) the enjoyment of human rights" and that called for "appropriate remedial measures". ...

### Recommendations:

... The Commission had in its report for the period ending 31 March 1994, made certain recommendations for amendments to the Protection of Human Rights Act 1993, which were repeated in its report for the year ending 31 March 1995. This matter was pursued... The Commission recommends that this matter may be reconsidered at an early date.

... The Commission has ... repeatedly recommended openness and accountability as attributes essential to good governance, not least when acts of States are themselves called into question, and urged that the measure of our conduct should be the exacting standards set by our Constitution and our treaty commitments, especially those arising from the two International Covenants to which India is a party.

... The Commission has advocated that the approach

to resolving such problems must also, essentially, be political. Insofar as economic, social and cultural factors add additional dimensions to grievances in such areas, the Commission has recommended ... that such factors should be fully taken into account. ...

... The Commission has repeatedly recommended that the (security) forces must act in close coordination with the civil administration. It has been the Commission's experience that violations of human rights are far less likely to occur when the role and the responsibilities of the civil authorities under the law are fully respected not least in respect of cordon and search operation, arrest, interrogation and detention...

The Commission has also been keen to ensure that the right of the victims of terrorism and armed militancy are not neglected and that they are assisted by all appropriate means. While the most affected State have schemes to provide relief or rehabilitation to such persons, the Commission has, on occasion, found it necessary to recommend additional assistance, or the inclusion of further categories of persons. ...

The Commission has expressed its disappointment that its recommendation suggesting that India accede to the 1984 convention against Torture and Other Forms of cruel, Inhuman and Degrading Treatment or Punishment has not yet been acted upon... The Commission strongly recommends that this matter be the subject of early and renewed attention, both by the Central and State Governments.

... The Commission is of the view that a recommendation of the Indian Law Commission (ILC) made in its 113th report of 29 July 1985 on a reference by the Supreme Court of India, should be acted upon. In that recommendation, the ILC suggested the insertion of a Section 114(B) in the Indian Evidence Act, 1872, to introduce a rebuttable presumption that injuries sustained by a person in police custody may be presumed to have been caused by a police officer. ... Further, this Commission supports the recommendation of the Indian Law Commission that Section 197 of the Code of Criminal Procedure be amended to obviate the necessity of governmental sanction for the prosecution of a police officer where a prima facie case has been established, in an enquiry conducted by a Sessions Judge, of the commission of a custodial offence. This Commission also endorses the view of the view of the National Police Commission ... that there should be a mandatory enquiry, by a Sessions Judge, in each case of custodial death, rape or grievous hurt.



... The Commission attaches particular importance ... to the implementation of the decision of the Supreme Court in the case of Joginder Singh vs. the State of Uttar Pradesh and others (JT 1994(3)SC 423) wherein it is laid down that an arrested person being held in custody is entitled, if he so requests, to have a friend, relative or any other person who is known to him, or likely to take an interest in his welfare, to be informed that he has been arrested and told of where he has been detained... The Commission believes that there is also need for greater care in the observance of the UN Body of Principles for the Protection of All Persons under Any Form of Detention and Imprisonment and the UN Standard Minimum Rules for the Treatment of Prisoners. It recommends that appropriate instructions be issued by the Central Government....

... The Commission has taken the view ... that the compensation due to the next of kin of those who have died in custody should be the liability not just of the State Government, but of the offending police officials themselves.... The Commission would like all postmortem examinations in respect of deaths in police or jail custody to be video-filmed and the cassettes sent to the Commission together with the written reports of the postmortem examinations...

... Recommendations contained in ... the Second Report of the Police Reforms Commission which ... in particular, that ... the investigative tasks of the police should be placed beyond any kind of intervention by the executive or non-executive... Report also urged a statutory tenure of office for Chiefs of Police in the States ... that Report recommended the constitution of statutory State Security Commission in each State to help the State Government "to discharge its superintending responsibility in an open manner, under the framework of law".

This Commission hopes and recommends that these key proposals... will be re-opened expeditiously for consideration and positive decision. ...

... The Commission is at present finalizing the draft of Prisons Bill to replace the Indian Prisons Act, 1894. It recommends that legislative action be undertaken, at an early date.... The Commission has continued to press for specific actions to improve the situation in the jails of the country. In particular ... special arrangements for women and juveniles and for reducing over crowding...

... The Chairperson recommended in a letter to all Chief Ministers that they undertake a review of the system of premature release, so as to avoid inconsistencies ... in the interpretation of the law....

... The Commission believes that when large-scale violence occurs and lives are lost in acts of murder and mayhem, it becomes the duty of the State to bring the

guilty to book in order to establish the principle that the law will apply equally to all and that justice shall prevail. ... The National Human Rights Commission is in favour of (the Sri Krishna Commission) being revived.

... (The TADA under-trials) numbered 6060 on 30 June 1995. The Commission urged that the Review Committee ... in States meet regularly, as directed by the Supreme Court and interacted with those States where the periods of detention were the longest and the numbers of detainees were the largest, urging an increase in the number of trial courts.

The Commission recommends that well-coordinated steps be taken to act upon the Declaration and Programme of Action adopted at the Fourth United Nations Conference on Women, held in Beijing in September 1995 and also to oversee the implementation of the commitments of India under the Convention on the Elimination of All Forms of Discrimination against Women. ...

... The Commission would urge ... that its views be taken fully into account, in the interests of protecting the rights of millions of Indian children who may otherwise remain trapped in the cycle of child labour and poverty....

The Commission has recommended that the Source Book (on Human Rights) prepared by NCERT be translated into all national languages...

... The Commission wrote to all Vice-Chancellors asking them to ... include human rights in the curriculum at the under-graduate and post-graduate levels and promote research, seminars and publications on human rights. ...

High priority has been accorded by the Commission to the training and re-training of police personnel...

... A three-tier model syllabus has been prepared for Constables, Sub-Inspectors/Inspectors, Deputy Superintendents of Police and other senior officers. ...

... The Commission is also continuing to encourage ... para-military forces to step-up the training of their cadres in human rights.

... All political parties were requested ... to constitute 'Human Rights Cells' at the central, State and District levels for promoting and protecting human rights and for overseeing the conduct of their members (and) designate a senior leader to liaise with the Commission...

... The Commission ... is pleased to record that, by 31 March 1996, State Human Rights Commissions had come into existence in West Bengal, Himachal Pradesh, Madhya Pradesh and Assam, in that order. The Commission recommends that other States follow suit.

The Commission welcomed the creation of District-level Committees, in which Kerala provided the lead... The Commission recommends that other States and Union Territories should proceed in the same way.



**Statement Giving Number of Cases Registered,  
Considered by the Commission and Pending as on 31.3.1996**

| S.No. | Name of the State/UT | Cases Pending consideration on 1.4.1995 | Total No. of cases registered | No. of cases considered | Dismissed in limini | Cases Taken Cognizance of   |            |                        |
|-------|----------------------|-----------------------------------------|-------------------------------|-------------------------|---------------------|-----------------------------|------------|------------------------|
|       |                      |                                         |                               |                         |                     | Disposed of with directions | Concluded  | Pending on 31 March 96 |
| 1.    | Andhra Pradesh       | 85                                      | 411                           | 411                     | 217                 | 19                          | 14         | 161                    |
| 2.    | Assam                | 28                                      | 134                           | 134                     | 70                  | -                           | 4          | 60                     |
| 3.    | Bihar                | 151                                     | 1242                          | 1242                    | 640                 | 137                         | 80         | 373                    |
| 4.    | Gujarat              | 15                                      | 120                           | 120                     | 49                  | 12                          | 2          | 57                     |
| 5.    | Haryana              | 27                                      | 300                           | 300                     | 162                 | 31                          | 33         | 74                     |
| 6.    | J&K                  | 15                                      | 162                           | 147                     | 35                  | 9                           | 10         | 93                     |
| 7.    | Karnataka            | 4                                       | 121                           | 121                     | 46                  | 11                          | 5          | 59                     |
| 8.    | Kerala               | 1                                       | 202                           | 202                     | 117                 | 22                          | 9          | 54                     |
| 9.    | Madhya Pradesh       | 259                                     | 977                           | 973                     | 702                 | 92                          | 25         | 154                    |
| 10.   | Maharashtra          | 26                                      | 476                           | 451                     | 227                 | 20                          | 8          | 196                    |
| 11.   | Orissa               | 50                                      | 547                           | 505                     | 286                 | 56                          | 32         | 131                    |
| 12.   | Punjab               | 80                                      | 400                           | 400                     | 141                 | 69                          | 25         | 165                    |
| 13.   | Rajasthan            | 88                                      | 536                           | 536                     | 236                 | 88                          | 11         | 201                    |
| 14.   | Tamil Nadu           | 55                                      | 1165                          | 1165                    | 712                 | 165                         | 58         | 230                    |
| 15.   | U.P.                 | 209                                     | 2888                          | 2769                    | 1409                | 295                         | 103        | 962                    |
| 16.   | W. Bengal            | 44                                      | 538                           | 504                     | 265                 | 56                          | 47         | 136                    |
| 17.   | Delhi                | 120                                     | 1020                          | 955                     | 496                 | 93                          | 67         | 299                    |
| 18.   | Others               | 20                                      | 233                           | 218                     | 84                  | 3                           | 13         | 130                    |
|       | <b>Total</b>         | <b>1277</b>                             | <b>11472</b>                  | <b>11153</b>            | <b>5894</b>         | <b>1178</b>                 | <b>546</b> | <b>3535</b>            |

**WITH BEST COMPLIMENTS**

**FROM**

**KALEEM KAWAJA**

**THE ASSOCIATION OF INDIAN  
MUSLIMS OF AMERICA**

**THE ORGANIZATION FOR UNIVERSAL  
COMMUNAL HARMONY**

**WASHINGTON DC USA**



## Ganesha: As the Fundamentalist Symbol of Hinduism at War

Sadanand Menon in *The Times of India*, 2 November, 1996

... The years have not been kind to that memory of Ganesha. One sees this apparently neutral benefactor, now trapped in a roulette game of intra-cultural manipulations...

In a span of two decades, Ganapatibappa has transformed before our eyes, the auspicious symbol slipping into an image that is increasingly threatening. The alchemy is alarming...

Befitting Ganesha's distinction as being the most contentious icon of our self-torturing sub-continent, the ruling DMK government, in Chennai, rightly resolved this season to restrict the route along which his procession would be allowed. ...

Though everyone knows that the amalgamated "procession" with hundreds of idols is just 13 years old in Chennai there is a concerted plan now to make it appear an ancient custom. More tellingly, the attempt is to foist a notion of antiquity and sanctity to the route the procession should take, predictably including going past a couple of mosques.

The Madras High Court ruled, on October 1, that while, per se, there is a right to take out a procession as part of "religious belief", there is no "absolute right" as part of that belief on any fixed route, which is subject to prevailing conditions of convenience, traffic and logistics of the metropolises.

The Vinakaya Chaturthi Central Committee, Chennai, a cover for the Hindu Munnani (Front) has decided to move the Supreme Court against this order and to continue performing poojas and not take idols for immersion till a ruling by the apex court. This means days of continuing attrition and the slow spread of communal poison in the name of religious rights.

Contention, however, is not new to Ganesha... This half-animal, half-human deity ... constitutes a socio-religious device through which primitive animism was absorbed by organised religion and has been at the centre of controversy.

... Kosambi ... hints at Ganesha being a victim of Hindu syncretism, a mechanism created for the acculturation of newly absorbed deities and practices into the mainstream...

... What is interesting for us today is how the Ganesha totem is being commandeered for a rather forced bringing together of the fractured Shaivite and Vaishnavite limbs of the pan-Hindu collective. In the past 15 years, we have seen in Bombay, Pune, Nagpur, Hyderabad and Chennai a curious pantheon of made-to-order Ganeshas - a 25-foot Hanuman like Ganesha,

tearing open his chest, to reveal Rama-Sita-Lakshmana: a 40-foot Ganesha holding the earth in his boar's tusks, in the manner of Vishnu's Varaha-avatar, Ganesha like Vamana; Ganesha like Krishna dancing on the serpent Kaliya; and just to round it up, even a Ganesha with ten arms like Durga, riding a lion and destroying Mahisha.

At once clever, it also represents the desperation of fundamentalist organisations spearheading this plastic surgery, to unite a base that has little potential for such a consolidation. In fact, as these attempts turn more gimmicky and less effective, we may find ... the Hindutva brigade reverting to the less complex image of ... Veer Vinayak, who has no scriptural lineage, but whose increasingly gigantic, fierce and domineering figure, pushed through the narrow streets of our cities, unambiguously spreads the message of a religion at war. Maybe it will take an enlightened court, once again, to rule that there is no 'absolute right', in our times, to such malevolent gigantism.

### Harbans Mukhia On Hindu Mindset

... The (Hindutva) mindset down to its essentials, the mindset is that every human being who has ever borne at Muslim name must for ever remain on trial before a jury that is also the accuser. Indeed, the trial is not on merely for Muslim individuals amidst us, but history itself, if associated with a Muslim, must account for whatever (and at whichever point in time) may in the eye of the accuser-jury constitute an injury to his body, mind, and above all sentiment and must be made to pay for it.

From Mahmud of Ghazni, to Babur, Aurangzeb and now Husain there is only one identity and motivation possible - the Muslim identity and Islamic zeal as their driving force. Not all the sophistication of historical explanation in terms of multiple motivations, not all the complexities of a human being's psychological make-up, not all the beauty of the formation and evolution of one's sensibilities through a grand cultural flux can balance the one single fact of being a Muslim.

The mindset is that once one is a Muslim, he is a Muslim - what else need be said about him? ...

... All complexities, ambiguities, subtleties dissolve before the stark clarity of (one) bearing a Muslim name. ...

(Source: *The Pioneer*)



## Bhupendra Yadav on the Ethos of the RSS

... There are some non-nationalisms which masquerade as nationalisms. ... The RSS (comes) into this category. They might consider themselves ultranationalists or super-patriotic entities but this self-image is at variance with reality on several counts.

Take this most obvious thing first, viz the dress prescribed for the RSS shakha. What is it? Among other things, a thick leather belt fastened to an ill-fitting khaki knicker. Who wore this dress around 1925 when the RSS was born? Not the so-called Hindu nationalists like Madan Mohan Malaviya or Lajpat Rai. The thick belt and loose khaki knickers were a part of the uniform of the colonial military police.

Then let us take the weapon used in the RSS' drill. The Lathi. To defend themselves against British might, militant nationalists like Shahid-e-Azam Bhagat Singh had to resort to bombs and pistols. So, what purpose could a lathi serve? Logically speaking, it could only be used in creating ugly street brawls for hitting the malechhas or for scaring those whose Holy Lands were not in aryavrat. Around 1900, maintenance of law and order had become the sole justification of colonial rule since Lokmanya Tilak's Congress had rejected the British right to preside over the "Moral and Material progress of India". By training its cadres in wielding lathis and egging them on to use it on the streets, the RSS gave the colonialists one legitimate reason to declare the permanence of their empire. "If we withdraw, you will bleed each other while", they were found of saying.

Even the ideological programme of the RSS contained elements inimical to national honour and national reconstruction. The one thing which received (and continues to receive) priority in the RSS's scheme of things was character-building. What was (or is) wrong with Indian character? The colonialists debunked Indians as morally corrupt and physically weak. Macaulay's much quoted statement that Indians had neither character nor morals was characteristic of that attitude. Instead of challenging this colonial nonsense, the RSS endorsed this understanding. Not only this, the RSS inaugurated a programme to rectify the alleged cowardice and immorality of Indians, nay, Hindus.

Nations are ideologically sustained by the use of symbols on an everyday basis. So, saluting the national flag, singing the national anthem and even worshipping the national heroes are rituals necessary for India's sustenance. But who are the RSS' heroes? The Trimurti of Rana Pratap, Shivaji and Guru Gobind Singh. Did they fight colonialism? No

Why couldn't the RSS choose its heroes from tribal revolutionaries like Birsa Munda, peasant leaders like Baba Ram Chandra or Moplah rebels like Saiyad Fadl? All of these fought colonialists and were nationalists by

virtue of the sacrifices made by them to oust British rule. Not opponents of British colonialism but combatants against the Mughals were celebrated as national heroes by the RSS. But the Mughals had been already pushed into the dustbin of history when the RSS was born. What remained instead for the RSS to oppose were Muslim commoners, their personal laws and their religious beliefs.

Incidentally, after the fade out of socialism, Islam is projected as the new global enemy by imperialists. And by doing whatever it keeps doing in the name of cultural nationalism, Hindutva etc. the RSS is only singing the fresh signature tune composed by Lord Imperium. This Lord Imperium is the new God the RSS seeks to add to our Hindu Pantheon of 33 crore Gods...

(Source: The Pioneer, 7 October, 1996)

(Contd. from page 562)

backwardness can escape free into the realm of positive discrimination, so can religion, if coupled with backwardness. In any case, reservation does not amount to separatism or secessionism. Partition cannot be used as an argument against the right of Muslims to equality under the Constitution.

You are not right when you say that the OBC's have not demanded reservation in legislation. They have and they are. In the last session, a Private Member's Bill was long debated - I myself took part in it and a large section of the OBC MP's, cutting across party line, supported it. I have been drawing the attention of the parties and the government to the fact of dwindling representation of Muslims in the Union and State legislature. Today the situation is scandalous. In some legislatures like those of MP, Rajasthan and Gujarat, they are not represented at all or hardly, would you blame them, if the political parties continue to deny them tickets and set them up in constituencies where they have a reasonable chance to win by virtue of Muslim concentration, or Party following, if they demand reservation in legislature? After all it was proposed by the Committee on Fundamental Rights of the Constituent Assembly and was provided for in the Draft Constitution. I do not and shall never support Separate Electorate which was and is the key to political mischief. And you know that I consider Partition to be an unmitigated tragedy for the Muslims of the Sub-Continent, in particular:

I shall not cross swords with you on the question of reservation for women. But you have yourself pointed out how "local government" is different from legislation. Yet, if you insist and if you want to be fair to all sections of the Society, let there be quotas within the quota, 30% reservation for women in the reservation for each social group, the SC's, the ST's (and the OBC's) for the present)



## Vir Sanghvi on Semitisation of Hinduism

... M.F. Husain's ... paintings are not obscene - nudity is not the same as vulgarity - and are unlikely to cause offence to anybody except perhaps for those VHP/Shiv Sena members who believe that the approved dress code for heaven is khaki knickers. ...

... I object to what the Shiv Sena and the sangh parivar are doing not because I am a liberal ... but because I am a Hindu.

... In some dep, almost subconscious sense, we Hindus regard ourselves as being followers of the world's greatest religion. It is not just that Hinduism predates Christianity by thousands of years (and Christianity predates Islam) or that its essential themes of the primacy of the soul and the universality of creation are far more complex. ...

It is more that Hinduism - despite such medieval developments as the caste system - remains an individualistic religion. We are content to let each other be. There is no crusading church, there are no mad mullahs, and there is no hysterical clergy to lay down the law. Our beliefs are personal, not congregational. With the individual approach comes a certain kind of tolerance.

Six years ago, Dr. Karan Singh ... described the organised hysteria of the anti Babari Masjid movement as an example of the semitisation of Hinduism. It is one of the lasting ironies of secular conflict in the country that many of those who took to Islam regret only that Hinduism is not more like Islam itself.

There is a reason for this. An organised religion, with a clergy or a church, is much more to political organisation...

Hinduism is more individualistic. In the 1940s, a section of India's Muslims chose to join the Muslim League and eventually, the Islamic Republic of Pakistan. The Hindus stuck with the Congress which promised a secular state...

This has been a regret for the BJP. As a Hindu party it would like to be in power in a country where Hindus are a minority... Many Hindus

reacted to The Satanic Verses agitation by saying, "Oh god! Those fanatical Muslims are at it again". The patronising response was occasioned by the certainty that Hindus would never behave in this manner.

Similarly, when Ayatollah Khomeini issued his fatwa against Salman Rushdie or when Taslima Nasreen had to flee Bangladesh, Hindus clucked their tongues superiorly. In India, they said, Hindus would never use the power of the state to impose religious judgement on other people.

The ... biggest miscalculation by the BJP ... has been its belief that everybody who regarded the Babari Masjid as a symbol of pseudo-secularism or minority appeasement would rejoice when it was pulled down.

In fact, Hindus reacted with revulsion, shame and horror. The destruction of other people's idols or places of worship has never been part of the Hindu tradition. There are no crusades in our history; no kings who want to be known as ... the Idol Breaker... The BJP's understanding of Hinduism far moved from the reality. And it has taken the party years to recover.

The Shiv Sena and the Sangh Parivar are now repeating that mistake... Hindus are not offended by the notion that their gods and goddesses might sometimes be portrayed nude...

... Muslims used as justification, Rushdie's statement that he was trying to shock. Husain has never tried to give religious offence.

... The Rushdie and Nasreen affairs were seen by Muslims as intra-Islam matters... The Shiv Sena ... are using an alleged offence to Hindu sensibilities to persecute a Muslim. What could be more medieval?

And finally ... (is being) misused. The power of the state to persecute non-Hindus in the name of (Hinduism).

The real problem is that it also goes against the principles of Hinduism... Tramples over thousands of years of tradition. And ... makes every Hindu feel small and demeaned.

(Source: The Sunday, 20-26 October, 1996)

### Shah Waliullah's Letter to The Sunday, 11 November, 1996

I appreciate much of Vir Sanghvi's "Demeaning Hinduism" (20-26 October 1996) but it is based on a narcissistic assumption of Hinduism being the world's greatest religion and that Hindus are a tolerant, peace-loving people. While I would like to convince you to the contrary, I must first admit the indefinability - absence of scriptural authority - and always be as a virtue. Over the ages Hinduism has absorbed other religions and cultures for the social

hegemony of a particular class under the banner of universality of the Dharma. As you may be aware even under the Constitution a Hindu has been defined negatively - one who is not a Muslim, Christian or Zoroastrian or Jew. This definition is being increasingly challenged by the Sikhs and the Jains who would like their religions to be outside the circle of assimilation.

(Contd. on page 569)



# Abhas Chatterjee: The Concept of Hindu Nation and N.S. Rajaram: Secularism: The New Mask of Fundamentalism

Review by Prem Nath Luthra

The books under review belong to the same genre whose main theme is the glory of Hinduism, not merely as an ancient religion but also as a vital political instrument. The authors of the books put forward a vigorous plea for the regeneration of Hinduism as a cultural, religious and political force. In "The Concept of Hindu Nation", Abhas Chatterjee, develops his tour de force to explain the true implications of the word Hinduism and the imperative of formulating and achieving the Hindu national goal. He claims that Hindus have for some 6,000 years inhabited India whose traditional boundaries are marked by Nature as extending from the Himalayas and the Hindukush to the Indian Ocean, the Arabian Sea and the Bay of Bengal. Thus ... the Supreme Being ... especially created India as the motherland of a nation, namely the Hindus. Therefore, Hindus are a nation and not merely a community professing the Hindu religion. To add further validity to his concept of the Hindu Nation, the author borrows support from the words of Swami Vivekananda, Bankimchandra and Shri Aurobindo who have in their writings and speeches observed that Hindus are a nation.

The author rejects the geographical connotation of Hindu. According to this concept which was initiated by Sir Syed Ahmed Khan in 1884, every inhabitant of Hindustan is a Hindu. The author considers it wrong to characterise Hindus as a geographical unit instead of cultural national entity.

In his thesis, the author demolishes the Nehruvian concept of Bharat, the idea of composite culture of India and the Constitutional and legal provisions that contend against his claim of Hindus being a nation. The book is certainly thought-provoking although it may not enlist many supporters in its extremist standpoint.

In his book "Secularism: The New Mask of Fundamentalism", ... N.S. Rajaram not only attacks secularism as practised by the Government of India but also warns that secularism is providing a hideout to left-wing academics and right-wing clerics to develop into dangerous fundamental forces as would threaten the unity of India. The author draws a contrasting difference between secularism as a Western notion and as an Indian reality. In the West, secularism is nothing less than the total isolation of religion from the State. But in India, secularism has come to mean the very opposite in that special groups are claiming extra privileges from Government in the name of religion. The author quotes

the Shah Bano case ... and the ban on Salman Rushdie's book (as) hardly secular acts. The net practical effect of the Government's secular policy results in suppressing pluralism inherent in Hinduism and sheltering exclusive ideologies of Islam and Marxism. In effect, thinks the author, **secularism in India is leading to eschewing everything Hindu and espousing everything Islamic.** If this continues, the danger is that India may become the battleground between exclusivism and pluralism.

(Source: The Hindustan Times, 6 October, 1996)

(Contd. from page 568)

Historically, you ignore the violent conflicts between Shaivism and Vaishnavism, between the Buddhists and the Hindus, between the Jains and the Hindus and in this century between the Hindus and the Muslims, for which both share the blame.

In our age and time there are efforts, as Karan Singh and before him Morarji Desai pointed out, Hindus have been "progressing" towards adoption of a set of dogmas to define Hinduism, the establishment of a Church (Sant Sansad), its own set of 'Mad Mullahs' (the assorted Sadhus, Sants and Shankaracharyas who have been fielded by the Sangh Parivar, including the VHP) and a 'hysterical clergy' who have not only laid down the law in Ayodhya but even written a new Constitution for the country. If imitation is the best form of flattery, surely the neo-Hindus are suffering not from a superiority complex as you seem to be but from a deep-seated inferiority complex!

Personally speaking, I believe that every conscious individual has the right to choose his religion (not necessarily the one he is born into - for that was not a choice) and freely profess practise and preach it, without showing any disrespect to any other religion and, what is more important, without discriminating against the followers of the others, in his personal or social life or in his functional role as a wielder of the power and authority of the state, be he a beat constable or a Minister.

The collective rights of a community are above the rights of an artist. All Muslims who want to be known as progressive or secular are the community's worst enemies.

- Iqbal Masud on Mushirul Hasan Case



## Supreme Court

### On Limits to Freedom of the Press

**KULDIP SINGH AND FAIZAN UDDIN, JJ.**

**Contempt of Court - Constitution Article 19(1)(a)**

- News items published by the Sunday Tribune and Punjab Kesari alleging that two sons of a senior judge of the Supreme Court and two sons of the Chief Justice of India were also favoured with the allotments of petrol outlets form the discretionary quota of Ministry - Later found to be false - Court while finding publisher, editor, and writer guilty, accepting their unqualified apology. Held.

The Editor of a Newspaper or a journal has a greater responsibility to guard against untruthful news and publications for the simple reason that his utterances have a far greater circulation and impact than the utterances of an individual and by reason of their appearing in print, they are likely to be believed by the ignorant.

It is the duty of a true and responsible journalist to strive to inform the people with accurate and impartial presentation of news and their views after dispassionate evaluation of the facts and information received by them and to be published as a news item. The presentation of the news should be truthful, objective and comprehensive without any false and distorted expression. ...

... Freedom of press is not absolute, unlimited and unfettered at all times and in all circumstances as giving an unrestricted freedom of the speech and expression would amount to an uncontrolled licence. If it were wholly free even from reasonable restraints it would lead to disorder and anarchy. The freedom is not to be misunderstood as to be a press free to disregard its duty to be responsible. In fact, the element of responsibility must be present in the conscience of the journalists. In an organised society, the rights of the press have to be recognised with its duties and responsibilities towards the society. Public order, decency, morality and such other things must be safeguarded. The protective cover of press freedom must not be thrown open for wrong doings. If a newspaper publishes what is improper, mischievously false or illegal and abuses its liberty it must be punished by Court of Law. The Editor of a Newspaper or a journal has a greater responsibility to guard against untruthful news and publications for the simple reason that his utterances have a far greater circulation and impact than the utterances of an individual and by reason of their appearing in print, they are likely to be believed by the ignorant. That being so, certain restrictions are essential even for preservation of the freedom of the press itself. To quote from the report of Mons Lopez to the Economic and Social Council of the United Nations "If it is true that human progress is impossible without freedom, then it is no less true that ordinary human progress is impossible without a measure of regulation and discipline". It is the duty of a true and responsible journalist to strive to inform the people with accurate and impartial presentation of news

## BSP: Amulya Ganguli

### On Kanshi Ram as Leader of the Hit Squad

In the heat and dust raised by Kanshi Ram's decision to take matters into his own hands, ... vis-a-vis journalists, an important aspect of what can well be described as an epoch-making event is in danger of being overlooked... what happened on the fateful Friday afternoon in front of the BSP supremo's New Delhi residence marked a kind of a watershed in Indian politics... It introduced an element of honesty and forthrightness in public life that was hitherto sadly missing. From this standpoint, October 25, 1996, may well prove to be as crucial a day in the history of post-independence India as December 6, 1992.

Both events obliterated a line which used to be considered earlier as inviolable. On December 6, the line that was crossed was the one dividing religion and politics... (but) the sanctity of another line - that between leaders and followers (the latter were subsequently described as "criminals" by the Supreme Court) - had been scrupulously maintained.

The leaders sat on the dais while the followers did their own thing. The advantage of this routine is that the leaders can always disown their responsibility if the behaviour of the followers later creates a controversy - the standard practice in Indian politics. In any act of either assault or trespass or booth-capture, it is the followers who always takes the risk. ...

October 25 has changed all that. To his credit, Kanshi Ram led the attack himself... when the captain leads the charge, the followers have to follow and, in one swift movement... the entire political course of the country may have been given a new direction.

In may well be that, from now on, when a leader asked a follower to beat up, or even berate, a rival, the follower will demur, citing Kanshi Ram's brave example of taking to the streets himself and that, too, in full view of the television cameras. ... About the Ayodhya demolition, for instance, it is now customary for the leaders not only to express regret for what their followers had done, but even claim that they did not know who did it! Such subterfuge will no longer be possible...

... The full impact of such a development cannot be judged immediately. But certain conclusions can be drawn. For a start, such openness in word (maro salon ko) and deed will show the leader in his true light, ... bring the leader in closer contact with his followers, making the party more democratic and perhaps even encouraging a burly ... follower to knock down the leader and on the mantle himself!

(Source: The Indian Express, 29 October, 1996)

and their views after dispassionate evaluation of the facts and information received by them and to be published as a news item. The presentation of the news should be truthful, objective and comprehensive without any false and distorted expression. ...



### Gautam Roy on "Talking, Healing Tree"

First it was milk-guzzling Ganesha, then came herbal fuel. Now it's a talking, healing tree. As the legend goes, Lord Mahua Baba has incarnated in a mahua tree in a 20-acre orchard near BK-II block of Shalimar Bagh.

Since then, over a lakh of worshippers have thronged the orchard, which till recently only had local children filching berries and guavas.

This has become a problem for the police which believes it to be a tick to capture DDA land by building a concrete shrine around the tree. ... The worship cycle started on October 17, when four old women came to Mr. Singh, asking him if there was a mahua tree in the orchard. Coming to know of one, they rushed to the spot, cleaned it up and within half-an-hour the place was turned into a shrine, replete with marigold garlands and incense stuck into the bark.

Next, they began to act possessed and ran towards the sabzi mandi yelling that there was a divine power in the tree. Word spread and the worshippers steadily increased. Initially, the talking tree was said to be dispensing solutions for problems. Then it came to be known as an exorciser of bad spirits, and lately it has acquired healing powers too. ... For the devotees there's magic in the roots. Thus, the blind have recovered their sight, the mute their voice, the impoverished their money and the infirm their health. ...

(Source: The Pioneer, 27 October, 1996)

### S.N.M. Abdi

#### On Tax Concession to Sai Baba in W. Bengal

The Left Front Government has granted sales tax exemption to the tune of Rs. 60 lakhs to an organisation run by Sathya Sai Baba...

Informed sources revealed that Sri Sathya Sai Central Trust's unsigned petition for exemption of Central sales tax leviable on purchases made in West Bengal, for a drinking water supply project in Andhra Pradesh, was placed before chief minister Jyoti Basu in October by Padma Khastagir, leader of the Congress opposition in the Calcutta Municipal Corporation and a former judge of Calcutta High Court.

... She is a self-confessed Sai Baba acolyte for 25 years, frequently visiting the godman's ashram. Her four-storey house in Southend Park here is named Sai-Sudha after the controversial godman.

... On November 8, the chief minister agreed to the finance department's recommendation to treat the Trust as a charitable organisation for granting sales tax exemption under Section 8(5) of the Central Sales Tax Act, which empowers the state government to "reduce sales tax to zero rate". ...

(Source: The Indian Skeptic, October, 1996)

### Laloo Seeking Divine Grace!

... (On 30 October, 1996) when the dissidents were plotting his fall, Mr. Yadav was closetted with about half a dozen sadhus at his official residence...

... The Laloo-loyalists are convinced that the Chief Minister needed to appease the stars to come out of the mess he is in. His accident on dussehra day, the chopper's failure to take off from his home-town Gopalganj, where he had gone to offer puja to "Thawe Mai" on "asthami" day, are being looked upon ... as signs of bad omen.

Mr. Yadav's wife Rabri Devi also drove to the local Hanuman temple early on 31 October morning to offer prayers. This was the second time, in last one-and-a-half years, that Ms. Rabri Devi has visited the Hanuman temple.... Contrary to his public stand, Mr. Laloo Yadav has all along had an abiding faith in "pandits" and "mantras". Prior to the Assembly polls last years "baglamukhi jap" was done at the Vindhyaachal Devi temple in Uttar Pradesh.

After his success in the polls, Mr. Yadav along with then State unit president Ramai Ram had flown to Vindhyaachal for "puranahooti" (end of the yagna). The Chief Minister had then reportedly distributed largess to the local pandas (priests) and the head panda is said have received Rs.75,000 as "dakshina" (fee). On assuming office as JD president in January, Mr. Yadav had gone to Varanasi to pay thanks to Lord Viswanath. Seeing sadhus and tantriks milling around the CM's residence, a JD worker wondered "Is he the same Laloo Yadav who at one time had nothing but disdain for 'puja-path'".

(Source: The Pioneer, 1 November, 1996)

### Neel Gai Equals Gai

A major controversy has erupted in Alwar district over Forest Minister Raghuveer Singh Kaushal's announcement that the Blue Bull (Neel Gai - of the deer species) can be killed with the permission of the Forest Range Officer. The announcement has angered groups espousing the cause of non-violence and vegetarianism.

The controversy snowballed last month when the Forest Minister informed villagers at a function that they could kill the animal with the permission of the Range Officer... The minister reassured them that the animal did not belong to the cow species and they did not have to take the permission of the Deputy Conservator, Forest (under the amended law).

However, this announcement was greeted with skepticism by some social organisations like the Arya Samaj, Akhil Bhartiya Digambar Jain Maha Samiti, Manav Uthan Seva Samiti and Shakahari Samiti have represented to the chief minister demanding the stoppage of killings....

(Source: The Pioneer, 28 October, 1996)



## The Economist, London on Living with Islam

Islam at its most ferocious is cutting a bloodstained path to the front of the world's attention... The world is justly alarmed. But if Western governments are to think intelligently about their relations with the Islamic world, that alarm needs qualifying. It would be wrong to see the current upsurge in Islamic militancy as a single malevolent trend. It is far from that. The Islamist movement... is diverse, with almost as many manifestations as there are interpretations of the Koran. At its best, radical Islam is a force for good, offering a moral underpinning for a world that surely needs one. But the benign aspects, as so often, are eclipsed by the malign.

Outsiders' relations with the Islamist movement are murky, criss-crossed with contradictions...

Clearer thinking calls for another fact to be recognised: the non-Islamic world is hamstrung in its response to fundamentalism. The upsurge in violence cannot be fought head-on: anything that smacks of a crusade would be counter-productive... The West should be ultra-cautious at involving itself in a bid for a military solution.

Islamists can be cowed - at least for a time - if a regime strikes early and ruthlessly... These are not models to emulate. The West should back the political alternative of absorbing dissident movements into the body politic. This too carries risks. But the riskiest course of all is when a country first tries to reach an accommodation with militant Islam and then, on second thoughts, tries to destroy what it once tolerated...

... Islamist leaders, out of power in Algeria or in power in Iran, profess an attachment to economic liberalism and to the people's will. The first can be believed; the second is unproven...

Even so, unless an Islamist regime breaks the loosely defined rules of international behaviour - not grabbing any neighbour's land, not promoting terrorism and not grossly abusing the rights of its own people - the West should be prepared to deal with it in the same way as it does with many another unprepossessing regime. Sending a country, Islamist or secular, to Coventry is seldom a useful procedure and nowadays seldom used: witness the decision to keep on track with China despite its treatment of its dissidents. But a wide range of sanctions, from diplomatic to economic, can be applied for specific reasons, and to achieve a specific result.

Besides Saudi Arabia, Iran is still the only full-blown example of an Islamist regime, though Sudan is close. The West has never quite decided how to treat Iran... This is a pattern not to be repeated with, say, Algeria.

Islamist leaders want trade, but the West should not

necessarily oblige. Iran's evident ambition to acquire nuclear weapons should be brought to a full stop, with a careful eye on technology that may have sinister as well as benign uses. The regime protests that it has no territorial ambitions, beyond a speck or two in the Gulf. Nevertheless, the concept of fundamentalist Iran armed to the teeth is intolerable. So is its promotion of terrorism: witness its call, still unreversed, to Muslims to murder a British author, Salman Rushdie...

Is there a general principle to adopt? Islamic fundamentalism is certainly not like communism, something to be resisted tooth and nail. It may be more like socialism, an -ism with many facets, some entirely compatible with liberal democracy, some more hostile to it, some perhaps wholly at odds with it. Living with Islam involves discrimination, as well as vigilance.

(Source: The Economist, 18 March, 1995)

### Teheran Declaration On Afghanistan (Extracts)

... The Conference expressed concern at the escalation of armed hostilities in Afghanistan...

The Conference deplored recent flagrant violations of human rights in Afghanistan, particularly the rights of women... The Conference underlined the imperative of respect for sovereignty, independence, territorial integrity and national unity of Afghanistan, and emphasised the necessity of cessation of foreign interference in the internal affairs of Afghanistan.

The Conference ... called upon conflicting Afghan parties to refrain from resorting to force and to settle their differences by peaceful means through inter-Afghan negotiations for a durable political solution and the establishment of a broad-based government...

(Source: The Hindu, 31 October, 1996)

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### Umar Abd Al Aleem On Muslims in Alaska

In Fairbanks, Alaska, the winter temperatures can reach below -50 F and for almost three months residents live in neartotal night punctuated by a fuzzy orange-blue twilight for two hours a day. The reasonably warm summertime greets residents with an almost opposite effect. The sun barely skirts underneath the northern horizon for two still-brightly-lit hours after a 22-hour day. A hundred miles below the Arctic Circle, Fairbanks scarcely sees day in February and night in July. So when is a Muslim supposed to say his or her prayers in such a place? ... According to (a local Muslim) several different solutions exist for the prayer quandary. One scholar suggested praying according to Seattle's prayer schedule, another suggested using a prayer schedule from Makkah or combing prayers as if they were traveling. Yet another scholar said the three-dozen Muslim families of Fairbanks should pray the local time - meaning it would be difficult if not impossible to follow sunnah instructions on praying Fajr and Isha' in the summer and the other prayers in the winter. ... Resting at the same latitude as Iceland's capital city Reykjavik, the town of 30,000 is home to what is probably the northern-most group of Muslims in the world ... brought together by ... work and study...

They don't have a Masjid of their own, praying in various rooms... Halal meat must be flown in from Seattle if it is to be had at all. But like the gold prospectors who founded (their banks) in 1902, the Muslim pioneers ... want to create a permanent a community even if they don't stay. ... Resources are scarce... Recently, the community had to stop the Sunday Arabic and Qur'anic instruction classes for its children after losing its most competent Arabic speaker. However, the Fairbanks Muslims have been working hard to inform the community around them about Islam. ... Muslims were involved with a coalition of Fairbanks Jews and smaller Christian denominations to both understand each other and inform the wider community about Islam. ...

The Ramadan fast can also be a problem. While fasting in February presents no problem, a summertime dawn-to-dusk fast is difficult if the sun doesn't really set. Again, the Fairbanks Muslims make their own decisions on how long to fast and which time to use, everything from fasting the length of the day in Makkah to fasting the two-hour winter days. ... The small Muslim community has already had an impact on Fairbanks. "One salat al jumu'ah a young white teenager came in and started praying with us. He said he had learned a little about Islam in school, that he saw us and that he wanted to join us," A.R. Chowdhury said.

(Source: The Islamic Horizons, September/October, 1996)

### UN Sub-Commission on Protection of Minorities & Resolution of Minority Situation

The Sub-Commission, at its fortieth session, in resolution 1988/36, invited Ms. Claire Palley to prepare a working paper on possible ways and means to facilitate the peaceful and constructive resolution of situations involving racial, national, religious and linguistic minorities.

At its forth-first session, the Sub-Commission, in resolution 1989/44, having examined the working paper (E/CN.4/Sub.2/1989/43) prepared by Ms. Palley, decided to entrust Mr. Asbjorn Eide with the preparation of a further report on national experience in the protection of minorities, and decided to consider those issues at its forth-second and future sessions under a separate agenda item. ...

At its forth-fifth session, having considered the final report submitted by Mr. Eide (E/CN.4/Sub.2/1993/34) and Add. 1-4, the Sub-Commission, in its resolution 1993/43, entrusted Mr. Eide with the task of preparing a working paper containing suggestions for a programme for the prevention of discrimination and protection of minorities.

At its forth-sixth session, having examined the working paper submitted by Mr. Eide (E/CN.4/Sub.2/1993/36 and Corr. 1), as well as the final report, submitted in 1993, the Sub-Commission, in its resolution 1994/4, requested the Secretary-General to invite Governments and competent intergovernmental and non-governmental bodies to submit their comments on the recommendations contained in addendum 4 to the final report and to make the comments available at the forty-seventh session of the Sub-Commission.

The Sub-Commission also recommended that the Commission on Human Rights request the Economic and Social Council to authorize the establishment of an inter-sessional working group of the Sub-Commission to examine, inter-alia, peaceful and constructive solutions to situations involving minorities....

The Commission, in its resolution 1995/24, decided to authorize the Sub-Commission to establish, initially for a three-year period, an inter-sessional working group consisting of five of its members, to meet each year for five working days....

The first meeting of this working group took place from 28 August to 1 September 1995. The second session of the working group was held from 29 April to 3 May 1996. At the 48th session, the Sub-Commission had before it the first two reports of the Working Group on Minorities ... (E/CN.4/Sub.2/1996/2 and E/CN.4/Sub.2/1996/28)...

(Document: E/CN.4/Sub.2/1996/1/Add.1 (Pages 49-51))



## USA: Anti-Muslim Phobia A Result of Communication Gap

If one were ... to explain ... why Muslims and Islam are still viewed with distrust by some Westerners, we would arrive at something like All Arabs are violent (major premise), and Islam is the religion of Arabs (minor premises), ergo, Islam breeds violence (conclusion)... The bout of Islamophobia which the majority of Westerners are inclined to is more a result of plain ignorance, rather than calculated and scheming vindictiveness. Although there have been occasions where the defamation of Islam has been accomplished with malicious intent ... thankfully, a minority with limited influence.

... Islam is hardly known to most Americans, despite the fact that it is the fastest growing, and second largest religion in the United States. The Muslims themselves, ex-Congressman Paul Findley said, were partly to blame for not making any ... attempt to educate the American public on Islam, or make any significant attempts to correct the misconceptions... As a result ... other parties who have reasons to fear and hate Islam have taken advantage of this void to spread their twisted and inaccurate interpretations to the uninformed. On the other hand, there are Muslim groups whose strong sense of boundary blind them to the virtues and values inherent in other faiths and cultures, even if these virtues accord with universal Islamic ethics. A blatant disregard for anything 'non-Islamic' coupled with an attempt to isolate themselves only serves to provide fuel to the fire of ignorance. Clearly ... Muslims and Muslim groups in America (and probably the rest of the world) need to be (re)organized into a cohesive whole to challenge these misconceptions, and Muslims need to (re)examine themselves critically.

It was partly a result of this very urgent need that several significant Muslim organizations have been formed in the United States in the last one or two decades. The notable ones include the American Muslim Council (AMC), the Islamic Circle of North America (ICNA) and the Council on American-Islamic Relations (CAIR). CAIR, a non-profit organization dedicated to presenting to the American public issues of importance from an Islamic viewpoint, was formed in June 1994. Since then, it has structured a formidable network with individuals and organisations around the world. One of its main concerns is to right the wrongs that have been inflicted on Muslims in America... It has published several reports based on these cases, including A Rush To Judgement (a special report on anti-Muslim harassment, following the bombing of the Murrah Federal Building in Oklahoma) and The Price of Ignorance, which is actually the first report of a series called The Status of Muslim Civil Rights in the United States. Research for this report was carried out by the American Muslim Research Centre, an organizations funded by CAIR. ...

The Price of Ignorance covers a wide range of specific acts of bias and violence directed against Muslims and their property-Muslims who also happen to be ordinary American citizens. Although defamations of

Islam in the print and visual media feature quite prominently in CAIR's electronically transmitted newsletters, they are not included in this report. The cases are divided into several categories, including job discrimination, police abuse, physical assault and vandalism. ... Any callous and needless act of violence inflicted on innocent lives and their properties, whether in the form of physical outrage or mental bullying, will unfailingly result in a great deal of anguish and suffering for the victims. A common form of mental bullying directed as Muslims is discrimination based on one's 'appearance', usually occurring at the work place of the victim. In the case of women, it involves, more often than not, her headscarf. Men too, have been confronted by their employers for sporting beards and wearing kufis. ...

More unfortunate, it seems are cases where victims are needlessly humiliated and harassed in public by, ironically, the very people who have been appointed to uphold the law. Muslims have been, in various instances, accosted, abused and interrogated by overzealous law-enforcement authorities on the flimsiest of 'evidence' and sometimes, even arrested on trumped up charges.

Inanimate objects have also not been spared from the worst excesses of ignorance and bigotry. Mosques, and Islamic centres have been broken into and desecrated, with damage done to windows, light fixtures, carpets and walls. Obscene messages were sprayed onto windows, walls, trees and doors. ...The final parts of the report details a statistical profile of the number of reported anti-religious, anti-Muslim acts for the year. At 57% occurrence, incidents of verbal abuse ranks first, followed by threats of violence (20%) and civil and human violations (13%). When comparing the frequency and types of anti-Muslim acts immediately following the Oklahoma incident to the rest of the year, CAIR discovered that although there was a decrease in minor cases of harassment (from less 69 to 25%), there was a startling increase (from less than 5 to 25%) in serious acts of violence such as shooting, beating, physical assault and vandalism. Even more alarming was the percentage increase in civil & human rights violations, from 1 - 46%.

In their summary, CAIR urges local organizations to educate Muslims about joining community groups that will support their legal rights, and more significantly, to learn about themselves and be made aware of their collective potential. Muslims have also been encouraged to effect kinship with other groups that cherish religious values and respect diversity... Much, of course still needs to be done to eradicate old biases and rethink outdated cliches, and CAIR, in their outspoken concluding statement, pose a challenge to all Muslims: "They have to deal with such episodes (of discrimination and stigmatisation) not by isolating themselves in cultural ghettos or closed communities, but by educating and by reaching out to others".

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# Chronology of the Month

(16 October - 15 November, 1996)

## NATIONAL POLITICS

**Government- Union:** \* P.M. Gowda sworn in as Member Rajya Sabha (26 Sept). \* Congress(I) G.S. G.N. Azad denies withdrawal of support to Deve Gowda Government (25 Oct). President Kesri demands consultations on major policies (31 Oct). CWC decides against withdrawal of support (4 Nov).

**UP:** \* President's Rule immediately reimposed in UP; Congress(I) objects but indicates support, BJP regards it as conspiracy to keep it out of power. intensive negotiation between Congress and UP for supporting 'secular' government headed by BSP leader Mayawati and between BJP and BSP for a coalition fail. UP rejects Congress appeal for support to Mayawati; BJP unable to satisfy Governor on majority support.

**Gujarat:** \* Vaghela sworn in as CM with Congress support (26 Oct), wins trust vote (29 Oct); denounces RSS for holding BJP to ransom.

**Congress(I):** \* Acting President Sitaram Kesri consolidate grip; appoints Ahmed Patel as Treasurer (23 Oct), appoints Tariq Anwar as Political Secretary (25 Oct), appoints Policy Committee with Manmohan Singh as Chairman (29 Oct), meets Sonia Gandhi; Criticises P.M. Deve Gowda who begins to face heat (31 Oct), adopts strategy of seeking support of minorities, SC, ST, women and OBCs (1 Nov), embraces Madhavrao Scindia (5 Nov) vows to fight corruption (14 Nov).

**JD:** \* 10 Orissa Janata Dal leaders join BJP (2 Nov). 2 JD MLAs demand resignation (29 Oct). Laloo plans counter-moves for regaining hold in Bihar on party (29 Oct).

**Samata Party:** \* Youth Rally against Laloo in Patna flops (4 Nov).

**Left:** \* Left parties hold joint rally in Patna and warn Laloo (7 Nov).

**BSP:** \* President Kanshi Ram assaults journalist (25 Oct). Journalists demand arrest and criminal action. FIR recorded but Kanshi Ram remains free.

**Corruption:** \* Ex-PM Narasimha Rao charge-sheeted in JMM Case. Buta Singh and Satish Sharma also named. Finally appears in court in St. Kitts Case. Bail plea rejected by Magistrate (30 Oct).

**Constitutional Reform:** \* BJP leader Vajpayee declares parliamentary system a failure; suggests systemic change: Favours presidential system and proportional representation.

**Election Commission:** \* EC announces electoral revision throughout the country till 1.1.1997 as cut-off date.

**Muslim World:** \* PM and visiting Russian Defence Minister appeal against fundamentalism and oppose foreign interference in internal affairs of states in the region (22 Oct).

**External Affair:** \* India defeated by Japan in election to UN Security Council. Congress blames government (23 Oct). \* Pakistan announces fencing of Indian border (28 Oct). \* India rejects Pakistan proposal on regional disarmament (31 Oct).

\* SAARC SG proposes simplification of visa (22 Oct). \* Bangladesh FM Azad visits India to discuss bilateral problem, suggests task force to expedite border demarcation (11 Nov). \* Iran Foreign Minister Velayati visits India and holds talks on Afghanistan (17 Oct).

## KASHMIR QUESTION

**Militancy:** \* Level of militant violence and counter-insurgency operation shows rising trend. 7 family members of NC activist killed in Anantnag (21 Oct). Car bomb explodes near MLA's Hostel, Srinagar, 2 killed (23 Oct). Counter-insurgent Ikhawul-Muslimeen Camp near Baramulla attacked, 4 killed (27 Oct). ASI (Police) killed; grenade hurled at another police officer; Awami League leader Ashraf Hajan's house attacked (28 Oct). 6 Ikhawul activists killed (28 Oct). DSP and Janata

Dal activists killed (29 Oct). Congress activists killed (30 Oct). 2 NC activists and 6 militants killed (2 Nov). NC leader and 2 others killed (3 Nov). A Lt. Col., a NC activist among 15 killed (4 Nov). SSP Srinagar attached (5 Nov). Police officer killed (7 Nov). Head of pro-India Muslim Mujahideen abducted (8 Nov), released (11 Nov). NC leader and MLA G.A. Shah attacked (12 Nov). Muslim Mujahideen leader N. Azad killed (12 Nov). 4 Congress and NC activists killed; SP attached (14 Nov). Army smashes camp of pro-Pakistan Harkat-ul-Ansar and Lashkar-e-Tolaba. 1 Lt. Col. and 1 Jawan killed (12 Nov).

\* 144 militants surrender to CM (4 Nov).

**State Government:** \* J&K Assembly meets, elects Ali Md. Naik as Speaker, Governor Krishna Rao in address to joint Session of Assembly and Council spells out government priorities including return of Pandits to Valley and restoration of State's autonomy (18 Oct). \*C.M. Farooq Abdullah serve 30-days ultimatum to militants to surrender and announces unified command for pro-India counter-insurgent (19 Oct) wants central para-military forces to stay (23 Oct). \*CM announces formation of Committee to negotiate terms of autonomy with Dr. Karan Singh as Chairman on the basis of developments from Delhi Agreement of 1952 to Accord of 1975 (19 Oct). Jammu intellectuals speak against withdrawal of S.C., EC and CAG's jurisdiction. CM reiterates demand for autonomy (7 Nov). \* CM proposes LOC as permanent border (19 Oct). MLAs urge Assembly Resolution on autonomy (23 Oct). \*CM promises restoration of normalcy, good governance and reconstruction (27 Oct). \*CM felicitated by National Citizens Committee; warns Pakistan (27 Oct). \* NC leader Soz publicly blames central government for situation in State (30 Oct). \*CM gives promises and assurances to Pandits in New Delhi (3 Nov). \*CM addresses senior Army officers; announces establishment of State Human Rights Commission (7 Nov).

**Hurriyat:** \*Farooq Abdullah asks Hurriyat leaders to quit India \*JKLF leader Yaseen Malik and other leaders detained and put under house arrest (18 Oct). \* Shabbir Shah detained (22 Oct). \*Hurriyat leader Umar Farooq criticised for not asserting option of independence in Declaration adopted by Kashmiri leader in Washington (30 Oct). \*Umar Farooq attributes India's defeat in election to UN Security Council to its Kashmir policy (4 Nov).

**Foreign Reaction:** \*Vice Chairman of Foreign Policy Committee of Iran Majlis supports India (28 Oct).

\***Kazakhstan** President backs plebiscite (31 Oct). \***UK** - British Labour leader Robin Cook, on 2 day visit to J&K, meets CM and Hurriyat leaders and discusses post-election scenario (3 Nov), suggests bilateral negotiation (4 Nov). \***Turkey** plans to hold meeting of Kashmiri leaders from both sides, says Umar Farooq (4 Nov).

**India-Pakistan:** \*Indian Foreign Minister Gujral warns Pakistan against subversion. \*Pakistan separates bilateral economic relations from stand on Kashmir dispute (23 Oct). \*President Leghari indicates willingness to hold bilateral talks (6 Nov).

## MATTERS OF CONCERN

**Babari Masjid Case:** \*Special CBI Magistrate commits 9 accused (in addition to 4 already committed) to Sessions in Ayodhya Demolition Case (15 Nov). \*TUMI demands transfer of title suit to Supreme Court under Article 138(2) (14 Nov).

**Mathura Idgah:** \* VHP leaders convene Dharam Sansad and Marg Darshak Mandal to consider agitation for taking over Mathura Idgah and Varanasi Masjid (15 Nov).

**Revision of Electoral Roll:** \* E.C. announces revision of



electoral rolls with 1.1.1997 as the cut-off date (12 Nov).

**Afghanistan** - Regional Conference on Afghanistan adopts Tehran Declaration for restoration of peace and national unity in Afghanistan and criticises violation of human rights (by Taliban regime) and asks all countries to respect its sovereignty and territorial integrity (30 Oct).

**Pakistan:** \*President Leghari dismisses PM Benazir Bhutto, swears in Meraj Khalid as caretaker PM, dissolves National Assembly and announces fresh election on 3 February, 1997; Bhutto accused of corruption; Zardari detained (5 Nov). MQM leader Altaf Quraishi welcomes dismissal.

**Muslim Minorities:** \*USA President Clinton promise justice to Muslim Americans (31 Oct).

**Other Minorities:** \*President Sharma inaugurates Vishwa Shanti Stupa at Vaishali, seat of Buddhist ruins in Bihar (23 Oct). \*Buddhists demonstrate in Delhi for possession of Mahabodhi Vihar in Bodh Gaya (1 Nov).

**Muslim Organisations:** \*Institute of Objective Studies celebrates 10th anniversary in New Delhi with Agriculture Minister Chahiranan Mishra as Chief Guest organises exhibition of publications and programme of lectures and announces scholarships for 100 students (9-10 Nov).

**AMU:** \*Dr. Farooq Abdullah seeks cooperation in reconstruction of education in J&K (27 Oct). \*University reopens in phases (1 Nov). \*18 students rusticated and 5 suspended (4 Nov). \*UGC order for reservation for SC/ST causes unease (9 Nov).

**Reservation:** \*RSS criticises reservation for women. \*SC orders review by a Commission of Kerala's claim of absence of creamy layer (4 Nov). \*Minister of Welfare reiterates Government demand to introduce a bill to remove bar on SC converts to Christianity from enjoying benefits including reservation (9 Nov). \*PM Deve Gowda announces appointment of a Commission to consider demands from other castes, Groups for inclusion in List of OBCs (12 Nov). Ajit Singh President BKKP supports proposal and urges inclusion of Jats (15 Nov).

**Muslim Politics:** \*Abdullah Bukhari, Imam, Jama Masjid accuses BSP Leader Kanshi Ram of political opportunism (16 Oct). Markazi Jamiatul Ulema-e-Hind Working Committee demands proportionate reservation in public employment and legislatures as well as instruction through medium of mother tongue and removal of legal difficulties in protection of wakf properties. \*AIMMM holds Seminar on Muslim Problems in New Delhi under Presidentship of Syed Shahabuddin. Seminar inaugurated by Kuldeep Nayar and addressed by Ameer-e-Jamaat-e-Islami Sirajul Hasan (24 Oct). \*SIO, Students Wing of JMI, organises Northern Zone Conference at Patna (2 Nov).

**Hindu communalism:** \*VHP asks painter MF Hussain to destroy 'objectionable' paintings before Dussehra. \*RSS holds National camp of Rashtra Sevika Samiti (27 Oct). \*VHP Working President Ashok Singhal announces appointment of 10,000 Hindu Missionaries to propagate Hindutva. \*RSS Chief Rajendra Singh criticises caste politics and reservation (23 Oct). \*RSS backed Akhil Bhartiya Vidhyarti Parishad (ABVP) wins students union election in JNU. \*RSS National Executive holds 3 day meeting in Hyderabad to review political situation. \*RSS backed Bharatiya Itihas Sankalan yojana formed with objective of re-writing Indian History holds 3-day Session in Bhopal (1-3 Nov).

**Personal Law:** BJP leader Advani attacks UF Government's negative stand on Uniform Civil Code as unconstitutional (29 Oct).

**Freedom Movement:** \*Rafiq Zakaria in 'Sardar Patel Memorial Lecture' blames Patel for accepting partition when faced with civil war (1 Nov).

**Communal Violence:** \*Sri Krishna Commission decides to

summon CM of Maharashtra and Shiv Sena leader Manohar Joshi (30 Oct). \*11 Muslims convicted by TADA Court for death of 6 Hindus in Radhabai Chawl during post-Ayodhya riots.

**Animal Slaughter:** \*Digambar Jain Parishad calls upon Jain community to struggle against establishment of abattoirs and export of meat (31 Oct). \*Hindu Munnani decides to organise a 3-day rath yatra in Tamil Nadu to ban cow slaughter and export of meat (9 Nov). Supreme Court orders closure of Idgah slaughter house and shift to Loni in Ghaziabad.

**Communal Problem:** \*Muslims protest against sacrilegious writing against the Holy Prophet by Shiv Sena leader Bal Thackeray in his paper Do pahar ka Samna. Raza Academy protests to Home Minister, files writ petition (31 Oct).

**Infiltration:** \*Responding to AASU/CNP demand P.M. Deve Gowda announces intention to repeal IMDT Act, 1983 (27 Oct). Congress and the Left oppose repeal (8 Nov). NHRC considers IMDT Act irreversible (11 Nov). Home Minister promises discussion in parliament (12 Nov); UMF, Assam, opposes repeal (14 Nov). Shahabuddin writes to PM/Home Minister against repeal.

**Education:** \*Founder's Day celebrated in JMI in the absence of Acting VC M.Hasan who later entered University campus despite protests and threats under security cover (31 Oct). 29 students detained. Students observe indefinite strike on Nov. 6; campus life becomes normal after protesters let off on bail.

**Wakfs:** \*Rajya Sabha establishes a 9-Member Committee to review working of Wakf Boards under chairmanship of BJP Leader Sikander Bakht (4 Nov). \*AIMM opposes trifurcation of Punjab Wakf Board as against the interests of the community (17 Oct). Shahabuddin writes to Minister of Welfare.

**Human Rights:** \*National Human Rights Commission asks Government of Bihar to expedite investigation of killing of political activists by Police and payment of compensation to next-of-kin. \*Tamil Nadu Police alleges involvement of unidentified Muslim groups in bomb blasts in Madras (27 Oct). **Mass Media:** \*Andhra Pradesh High Court decides that song "Mustafa" in Telugu film is not objectionable from religious angle (16 Oct).

**Prohibition:** \*Religious leaders led by Swamy Agnivesh submit memorandum to Government demanding total prohibition (12 Nov).

**Urdu:** \*Delhi Urdu Academy holds 2-day Seminar on Delhiwale in Delhi (2 Nov). \*President honours Arabic, Persian and Urdu scholars recognised by Government of Andhra Pradesh (2 Nov). \*Anjuman-e-Taraqqi Urdu and Anjuman Taraqqi Pasand Musannafin honour Raj Bahadur Gour recently appointed as Vice Chairman of National Council for Promotion of Urdu (2 Nov). \*Supreme Court declares Ghalib's Mazaar as a protected monument (24 Oct). \*Supreme Court also orders demolition of public toilets built on Zauq's grave and construction of a suitable monument (6 Nov). \*Delhi HC takes notice of dilapidated state of Ghalib Haveli (16 Oct).

\*Head of Al Azhar University, Cairo Sheikh A. Tantavi pays official visit to India and holds discussions with Muslim intellectuals, scholars and Ulema endorse Ijtihad and favours family planning (22-24 Oct).

**Obituary and Commemoration:** \*179th Birth Anniversary of Sir Syed Ahmad Khan observed at the AMU (17 Oct). 119th Birth Anniversary of Poet Iqbal observed jointly by Ghalib Academy and Iqbal Academy in New Delhi (9 Nov). President distributes prizes of Maulana Azad Essay Competition organised by ICCR (11 Nov). Dr Majid Ali Khan, Professor of Islamic Studies, JMI passes away in Delhi (23 Oct). Ansar Harwani, Freedom Fighter Ex MP passes away in New Delhi (29 Oct). Qazi Jalil Abbasi, Freedom Fighter and Ex-MP passes away in Lucknow (7 Nov).