
RIGHTS OF RELIGIOUS MINORITIES IN SOUTH ASIA



Learning from Mutual Experiences



Islamabad Policy Research Institute
(IPRI)

**Rights of Religious Minorities in South Asia:
Learning from Mutual Experiences**

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Contents

Acknowledgements	i
Acronyms	ii
Introduction	1
Welcome Address Dr. Maqsudul Hasan Nuri	7
Opening Remarks Ms. Sarah Holz	10
Inaugural Address Dr. Samina Amin Qadir	12
Concluding Remarks Mr. I. A. Rehman	15
CHAPTER 1	
Secular State, Religion and Quota Politics in India Prof. Dr. Ram Puniyani	21
CHAPTER 2	
Religious Freedom and Equality of Citizens in an Islamic State Mr. Julius Salik	42
CHAPTER 3	
Ensuring the Access of Justice for Religious Minorities in a Muslim Majority State Prof. Dr. Imtiaz Ahmed	44
CHAPTER 4	
Sri Lanka's Civil War — Ethnicity, Class and Religion Ambassador (R) Nihal Rodrigo	62

CHAPTER 5	
Hindu Minority Rights in Pakistan: Present Status Pandit Channa Lal	70
CHAPTER 6	
Indian Nationalism or Religious Nationalism: Indian Muslims in a Multi-Religious Society Dr. Tanweer Fazal	73
CHAPTER 7	
Rise of Violent Sectarianism in Pakistan Raza Ahmad Rumi	86
CHAPTER 8	
From Bangalee Nationalism to Islamic Hegemony: Changing Dynamics for Bangladesh's Religious Minorities Saleem Samad	89
CHAPTER 9	
Politicizing Buddhism: Violence, and Religious Minorities in Sri Lanka Prof. K.N.O.Dharmadasa	93
Contributors	102
IPRI Publications	107

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Finally, our thanks are due to all those whom it would not be possible to thank individually for their help in making the Conference a success. ■

Acronyms

BJP	Bharatiya Janata Party
BNP	Bangladesh Nationalist Party
BSF	Border Security Force
CHT	Chittagong Hill Tracts
CISF	Central Industrial Security Force
CPM	Communist Party of India (Marxist)
CRPF	Central Reserve Police Force
DPR	Defence of Pakistan Rules
HUJI-B	Harkatul Jihad Al Islami Bangladesh
INC	Indian National Congress
IOR	Indian Ocean Region
JMB	Jamatul Mujahedin Bangladesh
JMJB	Jagrata Muslim Janta Bangladesh
JVP	Jantha Vimukthi Peramuna
LTTE	Liberation Tamils of Tamil Eelam
NGOs	Non-Governmental Organizations
OBC	Other Backward Classes
PPP	Pakistan People's Party
RSS	Rashtriya Swayamsevak Sangh
SAARC	South Asian Association for Regional Cooperation
SC	Schedule Caste
SSB	Sashastra Seema Bal
ST	Scheduled Tribes
UNESCO	United Nations Educational Scientific and Cultural Organisation
UNHRC	United Nations Human Rights Council
VHP	Vishva Hindu Parishad

Introduction

Dr. Noor ul Haq, Muhammad Hanif and Saman Zulfqar

The book presents the proceedings of a two-day international conference on “Rights of Religious Minorities in South Asia: Learning from Mutual Experiences” jointly organized by the Islamabad Policy Research Institute (IPRI) and the Hanns Seidel Foundation (HSF), Islamabad at Islamabad Hotel, Islamabad on July 3-4, 2012. The objective of the Conference was to discuss the rights of minorities and their violations in major countries of South Asia and suggest policy recommendations for governments of the concerned countries to ensure that those rights were protected. Prominent scholars, academicians, human rights’ activists and policy-makers from Pakistan, India, Bangladesh and Sri Lanka participated in the conference and shared their views about the status of religious minorities in their respective countries. The speakers and discussants identified the problems, discussed the remedial measures and offered practicable recommendations for their respective countries and governments to address the issues of religious minorities.

Islam, Hinduism, Christianity, Sikhism, Buddhism and Jainism are the main religions in South Asia today. Over hundreds of years, the region has provided fertile ground for growth of different religious creeds and sects. For years, adherents of these religions have been living side-by-side in relative peace and harmony.

With the beginning of the decolonisation process after the Second World War and the emergence of modern nation-states, this religious heterogeneity posed a challenge to the concepts of nationalism. Large parts of the population were displaced and one national identity had to be evolved out of diverse ethnic, linguistic and religious affiliations. The partition of British India brought religion to the fore as a primary marker of national identity, some states opted for a secular constitution while others formulated constitutions which were guided by religious precepts.

India, Pakistan, Bangladesh and Sri Lanka are home to substantial religious minorities. Though states provide various constitutional guarantees and safeguards regarding freedom of religion and religious practices, legal equality and social justice, yet when it comes to implementation of these laws, governments find themselves incapable of enforcing them. That’s why religious minorities have been the most vulnerable segments of these societies.

How can governments ensure protection of the rights of religious minorities? How can a culture of religious tolerance and inter-faith harmony be promoted? How to evolve a national identity while maintaining unity in diversity? How can the grievances of the minorities with regard to their deprivation be addressed? These were some of the questions that were discussed at this international conference.

The book contains eight papers and presentations read in the Conference by the scholars. The book is organized into two parts. The first part includes Inaugural Address by the Chief Guest, Dr. Samina Amin Qadir, Vice Chancellor, Fatima Jinnah Women University, Rawalpindi, Welcome Address by Acting President IPRI, Dr. Maqsoodul Hassan Nuri, Opening Remarks by Ms. Sarah Holz, Programme Coordinator, Hanns Seidel Foundation, and Concluding Remarks by the Chief Guest of the final session, Mr. Ibn Abdur Rehman, Director, Human Rights Commission of Pakistan. The second part comprises presentations and papers that were read at the Conference.

In his paper on “Secular State, Religion and Quota Politics in India”, Prof. Dr. Ram Puniyani gives a detailed account of conceptual framework of secularism and its development. He highlights that after partition India adopted a secular constitution and handled many contentious issues to maintain the delicate balance between religion and politics. He points out that the death of Pundit Jawaharlal Nehru was a setback to Indian secularism. He discusses the assertive influence of religion on the secular state in the 1980s and its impact on Indian minorities, especially Indian Muslims. He asserts that despite constitutional guarantees that provide for the protection of minorities, perpetual communal violence against the Muslims has made them insecure. He suggests introducing institutional safeguards for preserving secular democracy and rights of minorities in India.

Mr. Julius Salik, in his presentation titled “Religious Freedom and Equality of Citizens in an Islamic State” identifies the unique characteristic of Pakistan as the only country that was created for a religious minority. He highlights that the white portion of Pakistan’s national flag shows the commitment of the state towards minorities. He points out that after the death of Quaid-i-Azam Muhammad Ali Jinnah, the vision of Pakistan got obscured and the political system came to be dominated by feudal lords. He states that in Pakistan minorities were denied representation in the 1956 and 1962 Constitutions. He suggests that United Nations should observe a ‘Minorities’ Day’. Admiring Pakistan’s track record of protecting rights of minorities till 2008, he criticized the then government for failing to protect the Christian minority.

Prof. Dr. Imtiaz Ahmed in his paper “Ensuring the Access of Justice for Religious Minorities in a Muslim Majority State” highlights the concept

of justice and quotes Amartya Sen's argument that justice should be viewed as 'arrangement-focused' (the roles of institutions, rules and organizations) and 'realization-focused' (the manner in which justice is actually realized). By recognizing the concepts of *niti* (organizational conformity and behavioural exactitude) and *nyaya* (state of justice) as part of South Asian tradition, he discusses the dichotomy between legal provisions that govern the rights of religious minorities in Bangladesh and the social, economic, political and cultural complexities that hinder the actualization of these concepts.

Ambassador Nihal Rodrigo in his paper "Sri Lanka's Civil War-Ethnicity, Class and Religion" refers to the SAARC Summit Declaration adopted at the tenth SAARC Summit held at Colombo in 1998, that recognized South Asia's "complex, varied plurality of cultural and religious traditions" and recognizes that none of the South Asian state is monolithic in terms of religion, ethnicity or class structures and this diversity has sometimes led to internal conflicts as well as interventions from neighbouring countries. He highlights the demographic structure of Sri Lanka and identifies Buddhism as the religion of the majority population. He also mentions other communities such as Muslims, Hindus and Christians and traces the historical origin of all these religions in the Island. He gives a detailed account of Sri Lankan civil war that was waged on ethnic grounds against the demand of a separate Tamil State. He appreciates the people of Sri Lanka who showed resilience and maintained their unity and harmony. He highlights the post conflict situation in Sri Lanka and refers to the concerns of Human Rights Council.

Pandit Channa Lal in his presentation "Hindu Minority Rights in Pakistan: Present Status" says that different religious communities who live in Pakistan are provided full protection. The Ministry of National Harmony organizes Hindu festivals officially. He notes the establishment of a separate ministry for minorities and the present Ministry of Interfaith Harmony. He refers to the Quaid-i-Azam's August 11, 1947 speech in the Constituent Assembly in which he declared that all citizens would have equal rights in the affairs of the state but the constitution denies those rights since a non-Muslim cannot be the Prime Minister or President of the country. He recognizes that no religion including Islam teaches terrorism. Therefore, all should endeavour to create better harmony between the majority and minority communities.

Dr. Tanweer Fazal in his paper "Indian Nationalism or Religious Nationalism: Indian Muslims in a Multi-religious Society" highlights the three distinct phases of Muslim politics in India. He describes the first phase in terms of the demand by a Muslim minority for cultural and political safeguards, the second as characterized by the theory of Muslim nationalism with claims over power, and the third phase in the shape of

what he calls minority-ism. This post-independence phase posed the challenge of multi-cultural coexistence for the Muslims who were facing psychological as well as social upheavals. He says that Muslims of India faced a situation *unparalleled and unenvisaged* in Islamic political theory, but they however adjusted to the idea of Indian nationalism. He recognizes that intellectual innovations gave rise to theological discourse to give new meaning to Muslim existence in a multi-religious society governed by a secular state. He identifies that partition-migration pattern upset the urban-rural balance of Muslim population as it deprived the Indian Muslims from the emerging middle class while it hardly disturbed the rural social matrix of Muslims in India. He points out that the formation of Bangladesh had socio-political implications for Indian Muslims that contributed to mould the political consciousness, challenged the validity of the two-nation theory and made Muslim Nationalism concept questionable.

Mr. Raza Ahmad Rumi in his presentation “Polarization of Identities: The Rise of Sectarianism in Pakistan” identifies that sectarian violence in Pakistan has its roots in the policies of 1980s when the state attempted to forge a national identity based on Islam. He explains that the more rigid Deobandi creed started to dominate the ideological orientation of Pakistan and expanded its influence on seminaries in urban centres while the Barelvi creed that was more tolerant towards other sects was deliberately sidelined. He says that violence against Shia Muslims has increased. He also highlights the role of external powers in enhancing sectarian strife in Pakistan. He puts forward some policy recommendations to resolve the sectarian conflict in Pakistan.

Mr. Saleem Samad in his presentation “From Nationalism to Islamisation: Changing Dynamics of Bangladesh’s Religious Minorities” points out that Bengal was partitioned thrice in its history. It was Bengal which spearheaded religious politics that ultimately gave birth to Pakistan and since 1947 Bengal has been experiencing low intensity violence against religious and ethnic minorities. The independence of Bangladesh has not brought much peace for the Hindus, Christians, Buddhists and other ethnic, cultural and linguistic minorities. Bangladesh’s 1972 Constitution enshrines secularism as one of the fundamental principles of state policy. It abolishes all kinds of communalism, political recognition of religion by the state, exploitation of religion for political purposes and any discrimination on religious grounds. He highlights the contribution of military rulers in scrapping secularism and later on the constitutional amendment brought in 2011 under the leadership of Sheikh Hasina to retain Islam as state religion. He also touches upon the issue of Biharis, an Urdu speaking minority who were stranded in post-independence Bangladesh but given citizenship under a series of verdicts by higher courts. He suggests that Bangladesh’s

Constitution should recognize the state as a multinational state rather than a homogenous one.

Prof. K.N.O Dharmadasa in his paper “Politicizing Buddhism: Violence and Religious Minorities in Sri Lanka” highlights the fundamental principles of Buddhism and emphasizes that it preaches non-violence. He traces the history of Buddhism in Sri Lanka and describes the different phases of colonialism in Sri Lanka that tried to transform the culture and religious traditions of Sri Lanka but could not succeed in this attempt due to resistance of the natives. He points out that some of today’s cultural and religious problems have roots in the policies of colonial rulers. He asserts that Buddhism and Hinduism preserved themselves by promoting education while Muslims could not modernize that eventually put them in a disadvantageous position vis-à-vis Hindus and Buddhists. He recognizes that the twentieth century’s Buddhist revivalist movements in colonial Sri Lanka lacked the political programme of action. Buddhist clergy’s political involvement can be noted in the “Free Education Movement” to have state funded education system for all citizens and then in the demand to make Sinhala the “One Official Language” that was taken up as an election issue by Bandaranaike during 1956 general elections campaign. He also highlights the political violence that ravaged Sri Lanka for more than two decades. He sheds light on Buddhist relations with Sri Lankan minorities — Christians, Hindus and Muslims.

Recommendations

- As all religions preach peace, all efforts should be made to promote inter-faith harmony.
- All undesirable developments with regard to rights of religious minorities need serious consideration by the governments of the concerned South Asian countries.
- There is a need to educate the people about the rights of the minorities that are part of the constitutions of the concerned countries.
- The United Nations should observe a Minorities’ Day, every year on the lines it observes other Days.
- Like their human rights the political rights of the minorities should also be ensured.
- For harmonious inter-communal coexistence, there is a need to understand the psyche of the majority and minority communities.
- Government intervention is necessary to guarantee minority rights. Anything short of government intervention would not work.

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- Some recent negative developments in Sindh concerning some Hindu families' migration to India should be seriously investigated and necessary measures taken to ameliorate the situation.
 - The problem of minority rights violation at one place causes reaction at other places. There seems to be a competitive communalism at work, which must be discouraged.
 - Religious propaganda demonizing minorities is very dangerous, and should be forcefully curbed.
 - Forced conversions must be stopped by law. Only voluntary conversions can have the sanction of law and the community.
 - Minority children must be excluded from religious education of the majority community. Even secular curriculums should be thoroughly filtered for eliminating intolerant attitudes or derogatory aspersions against religious beliefs.
 - Religious plurality should be promoted by repealing or amending laws and official procedures partial to minority communities.
 - The state should not use Zakat revenues to finance the activities of a particular religious sect within the country.
 - Textbooks should be purged of material that promotes sectarianism.
 - Armed militias and militant organizations of religious groups need to be disbanded.
 - The existing ban on sectarian organizations needs reinforcement.
 - Laws against hate speech should be strictly implemented.
 - Jihadi publications supporting supra-state ideologies and sectarian agenda should be banned and the licences for such publications should be revoked.
 - There is a dire need to reform the education system of religious Madrassahs in Pakistan.
 - Prayer leaders with known involvement in sectarian activities should be removed from positions of authority.
 - Government officials and politicians accused of maintaining links with sectarian organizations should be investigated and, if found guilty, should be prosecuted.
 - The government should appoint competent prosecution teams against those being tried for sectarian violence.
 - The security of judges who hear sectarian cases should be ensured.■

Welcome Address

Dr. Maqsudul Nuri

Honourable Vice Chancellor, Fatima Jinnah University, Dr. Samina, Ms. Sarah, Programme Coordinator, HSF, Islamabad; distinguished speakers, scholars, diplomats, government officials, media representatives, students, ladies and gentlemen!

It is, indeed, a privilege and honour for IPRI to organize this regional conference on “Rights of Religious Minorities: Learning from Mutual Experiences.” This Conference has been organized by IPRI with collaboration of our partner organization, Hanns Seidel Foundation, with which we have had steady relationship for almost a decade now. IPRI is a major think-tank based in Islamabad. It has been organizing conferences on important national and international issues, and national conferences on regional and international topics of interest to Pakistan and the region since the Institute came into being.

Today, we have in our midst distinguished scholars from South Asian countries — India, Sri Lanka and Bangladesh — whose presence is most welcome and a matter of great honour for us. I hope they would enjoy their stay in Islamabad although it has been unusually hot here for some days.

Kindly let me update you about some recent activities of this organization. IPRI organized a one-day national moot on the future of jihadi organizations in Pakistan last month, on May 24, 2012, which was very well attended and we got very good feedback on its findings. Now, after this conference we have in line another conference. It will be a national discussion on Pakistan’s internal challenges and responses which will be followed by another conference on the future of Pakistan-Afghanistan relations. Both events are scheduled in September, 2012. It is going to be a busy year as next in line is a conference on “Pakistan-Brazil Relations: Challenges and Opportunities” in early October followed by a moot on energy security and water management in late October. But the big event will be an international conference on the role of Pakistani Diaspora, who we may call the NRPs or non-resident Pakistanis. This is intended to find how these people can help in the development of their country, what can they do for their countries of residence, what are their problems etc. This will give you an idea about our activities that we do routinely as a think-tank.

Now turning to the topic at hand I would submit that minorities, whether religious or ethnic, in South Asia do not enjoy equal rights with the majority communities. There is discontent and even violence on this

account. Intolerance is against the teachings of the Holy Quran which addresses humankind as a brotherhood. Injustice is abhorrent to all religions and the state cannot view sections of its population as lower in rank and rights to the others. On a higher and broader level, too, we see the powerful nations enjoying more rights than the poorer members of the world community. This division of the world into strong and weak and majority and minority has generated resentment and tension. There is frustration because society is not just. This present era has rightfully been called the 'age of rage'.

Human rights violations vary from country to country and context to context. In South Asia, you feel that if we have to build this region which is economically sound and stable and socially vibrant, it would be necessary to forge an inclusive policy of accommodation and non-discrimination towards our ethnic and religious minorities. Marginalisation of a section of our population doesn't lead to formation of a healthy state. We are experiencing this in South Asia. There should be unity in diversity according to the Chinese saying, "let a hundred flowers bloom and a hundred thoughts contend." Let the national kaleidoscope be coloured with different identities; it will make the whole social cultural phenomena attractive.

I hope the scholars in their talks and presentations will show the way toward practical solutions and policy guidelines with new insights. That is what is important. We are the brokers of ideas and ideas do make a difference. They are like the proverbial drop of water which can make a hole in a rock if it keeps falling. We cannot hope to see immediate change but ultimately ideas reach the hearts and minds of the people where the real change takes place. In any case the force of ideas not only raises the level of consciousness of the people but makes them question the validity of their fixed notions, their paradigms and stereotypes. I am sure your discussions will be fruitful in this regard.

Now, coming to the output of the conference, we always compile the proceedings of the conference in the form of a book to preserve the intellectual content for reference of policy makers and interested readers. For this purpose, it is necessary that speakers submit their final papers to us within two weeks, in this case by 15th of August. If we do not receive the papers in time we shall not be able to include them in the Conference publication.

Again, I would like to thank the honourable Vice Chancellor of Fatima Jinnah University for gracing the Conference with her presence and also the speakers. The conference would not have been held without the valuable help of HSF, Islamabad. I must mention the hard work Ms. Sarah Holz did for the conference by remaining engaged with us for the last several months. The audience made the conference even richer by their

interaction in the question-answer sessions. I hope this meeting will provide good opportunity for soul searching about where we South Asians are going, where we are wrong and what can be done in this important area of human rights. I wish the participants two days of good fellowship and enlightened discussion.■

Opening Remarks

Ms. Sarah Holz

Acting Resident Representative, HSF

Chief Guest, Dr. Samina Amin Qadir, Dr. Maqsoodul Hasan Nuri, Scholars, Speakers, Students, Ladies and Gentlemen!

It is a great honour to address you today with a few opening remarks.

In South Asia, feelings of belonging and identity are complex and multi-layered. Diverse ethnic, linguistic and religious identities characterize our society and state. It takes time to understand these, often paradoxical, relationships and interactions between various levels of identity. Especially for someone growing up in Europe, where societies are quite homogeneous, the sheer diversity of groups and communities within one nation, and connections among each other, are at first stunning.

This plurality has been the virtue and curse for nation-building in South Asia, while a national identity had to be promoted, traditional binding factors could not be discarded. With the advent of democratic elections, principles of minority and majority started to matter. So the question is: What has been the role of minorities in the multi-cultural societies of South Asia? Today and tomorrow we want to examine the experiences of religious minorities in Bangladesh, India, Sri Lanka and Pakistan. How does the state guarantee equality of all citizens, how does it minimize discrimination? What impact do social and political developments have on the status of religious minorities in South Asia?

As a political foundation from Germany which is working in the service of democracy, peace and development, Hanns Seidel Foundation is especially interested in issues pertaining to political dialogue, citizen participation, federalism and democracy. This conference which deals with participation of all citizens in the state and society is therefore highly relevant for our work.

This Conference puts a special focus on sharing and learning from the experiences of other South Asian states, therefore, we have left ample space at the end of each session, for discussion and interaction. This way, the scholars and experts will not only get the opportunity to share their point of view but will be able to discuss different models of dealing with religious minorities with experts and scholars from other South Asian countries. After this moderated discussion, the audience will get a chance to interact with the panel. This set up will, I hope, open up space for interaction.

I would like to thank our long-standing partners, the Islamabad Policy Research Institute for organizing this conference and putting so much effort into it.

Col. (R) Hanif, the conference coordinator of IPRI for this event, his research assistant, Saman Zulfqar and other IPRI staff have tried to identify the most salient issues and have successfully found the most suitable experts for this event. Thank you very much for your commitment and effort.

Thanks also go to the speakers of this Conference who have come from Bangladesh, India, Sri Lanka and Pakistan to enlighten us on the subject.

I am looking forward to an interesting conference with intriguing papers and presentations, great questions and stimulating discussions.

Thank you all for being here!■

Inaugural Address

Dr. Samina Amin Qadir

Vice Chancellor Fatima Jinnah Women University, Rawalpindi

Dear Dr. Maqsood ul Hasan Nuri, Acting President, Islamabad Policy Research Institute (IPRI); Ms. Sarah Holz, Programme Coordinator, Hanns Seidel Foundation (HSF), Germany; diplomats, dignitaries and national and international participants. It gives me immense pleasure to be here at the inaugural session of the Conference on “Rights of Religious Minorities in South Asia: Learning from Mutual Experiences” organized by Islamabad Policy Research Institute in collaboration with Hanns Seidel Foundation (HSF), Germany.

At the outset, I want to appreciate the efforts of Islamabad Policy Research Institute (IPRI) for successfully playing its part in inculcating the research culture, which is supposed to effectively impact the decision of the policy makers in the development processes of the country.

South Asia is rightly described as the land of great ethnic, religious, cultural and linguistic diversity. Although the minorities are constitutionally entitled to equal rights, however, the increasing violation of the rights of minorities in the countries of South Asia during the last two decades has been a matter of considerable concern and anxiety.

All religions including Islam promote universal values like equality, socio-economic justice and respect for human rights with special emphasis on equal treatment of the minorities. Pakistan came into being in the name of Islam and possesses a multicultural diverse society where various ethnic and religious groups live together. In fact, minorities in Pakistan have a special place as the white strip on the flag of Pakistan reflects the place of minorities.

Our Prophet (Peace Be Upon Him) always focused on the establishment of an ideal state and society where all citizens, irrespective of their association, religious identity, race, colour and creed, enjoy similar rights and equality in the eyes of law. The evident example of this is the Holy Prophet’s (PBUH) life in *Medina-tul-Munawwara* (previously known as Yathrib). The city was an amalgamation of different faiths, which included Jews and Christians. One of the earliest courses of action of the Prophet Muhammad (PBUH) was the treaty among the Muslims, non-Muslims and Jews of Medina, to facilitate and encourage peace, unity and coexistence. Through this agreement the rights of each community were protected and guaranteed, resulting in peaceful coexistence of Muslims with people of other beliefs.

The same values and teachings have been highlighted by the great leader, Muhammad Ali Jinnah, as he stated that:

You are free; you are free to go to your temples, you are free to go to your mosques or to any other place of worship in this State of Pakistan. You may belong to any religion or caste or creed that has nothing to do with the business of the State. We are starting with this fundamental principle that we are all citizens and equal citizens of one State.

Being Pakistanis, it is the time for us to rediscover and highlight our shared commonalities and values in the larger interest of peaceful coexistence and human development in the country.

I feel proud to mention here that Fatima Jinnah Women University is the pioneer female institution of Pakistan which provides quality education to the women from all over the country in order to empower them to meet their future challenges. In a short span of 13 years, the University has grown exponentially and has earned a reputation for excellence in teaching and research, nationally and internationally. The University endeavours to develop an ethos that actively encourages anyone regardless of age, class, ethnicity, religion, impairment and previous educational experience to study at their optimum level.

I would like to add here that the Fatima Jinnah Women University is successfully working in collaboration with the Ministry of Human Rights and Minority Affairs, Government of Punjab, under the Memorandum of Understanding signed with them.

We have efficiently organized a number of lectures, seminars and conferences under this Memorandum of Understanding (MOU). One of the recent conferences organized at Fatima Jinnah Women University was on, "Implementing Human Rights: A Way Forward." We have held ten events including lectures, seminars and talks related to the issues of minorities during the current academic year.

Your regional conference in this area is a very positive endeavour towards the issues and concerns of minorities in the region. It is time that we start sharing our experiences of success and neglect to understand what we need to adopt and adapt, and what we need to reject or review. Sharing expertise is always a way forward. It helps us to network with like-minded groups, collaborate with compatible partners and share with friends who can understand our diversity and our homogeneity.

Minorities are partners in development of Pakistan and are rendering valuable services in different fields of life. They have played an important role in all sectors of the country and are represented in professional spheres. Therefore, the discrimination that minorities face should not only be the problem of minorities alone but a democratic problem. It is imperative that the struggle for the rights of the minorities should be

integral to the struggle for democratization, and for social justice and it is our moral, religious and social obligation to strengthen the bond of harmony and promote culture of tolerance in the country. We as an educational institution and you as a research organization, have a high responsibility on our shoulders to educate our youth about the rights of minorities. This will not only carry forward the message of coexistence and peace in Pakistan and abroad, but will also help in fulfilling the Quaid's dream of a prosperous and peaceful Pakistani state as well.

Thank you very much for inviting me on this occasion.■

Concluding Remarks

I.A. Rehman

Director, Human Rights Commission of Pakistan

Dr. Nuri, Representative Hanns Seidel Foundation, distinguished speakers, ladies and gentlemen. After listening to the very encouraging and inspiring set of recommendations, I also feel inspired to speak frankly. I have the privilege of listening to excellent presentations by the four panellists and, since they raised questions, which touch upon minority rights and many other issues of South Asia, I may briefly say a few words about the presentations.

Dr. Fazal from Jamia Millia Islamia, in his very thought-provoking presentation defined all the questions of the Muslim people's struggle in India but I would like to suggest that the question relating to the Two Nation Theory needs to be probed further. It has become a part of our belief and has not been subjected to critical scrutiny that any concept should be subjected to. I would like to quote Mr. Jinnah, who said:

A Muslim nation is the Muslims living in Muslim majority provinces, the rest of the people and Muslim minority provinces are not part of that nation, they are a sub national group.

So this is the question which can be posed. I would refer Dr. Fazal to an excellent study, done by his compatriot Sunanta Bose. I am sure he must have seen that book, in which he has explained, as to why people of a particular time, take one particular marker as their identity, and impose it on others.

The Two Nation Theory ignored the differences between Punjabis and Bengalis, Sindhis and Pashtuns, and also the commonalities between Muslims and non-Muslims. It can be explained that Muslims in India have so many markers, so many identities: like, they were Muslims, Punjabis, weavers, porters etc., as in India, Muslims subscribed to sub-caste system but they picked the marker of religion for a political struggle in which they succeeded. The moment their political struggle succeeded, Quaid-i-Azam Muhammad Ali Jinnah said good bye to the Two Nation Theory, and he said:

We are all citizens of a state, whatever our faith; it has nothing to do with the business of the state. Muslims will cease to be Muslims and Hindus will cease to be Hindus, not in religious sense but as citizens of the state.

Justice Munir stated that three days before the creation of Pakistan, Quaid-i-Azam Muhammad Ali Jinnah, said good bye to the Two Nation Theory, but this should be investigated further. Similarly, with great respect to my friend Saleem Samad, he mentioned, how Sheikh Hasina Wajid was under pressure whether to accept Muslim identity or not. What happened was that, under the authoritarian regime, they tried to form their Bengali identity, and invented the identity of Bangladeshi, meaning, 'we are not Bengalis but Bangladeshis', renouncing the entire historical evolution of Bengali people. These were the circumstances in the context of the question of Islamisation in Bangladesh. And I remember in 1996 when Sheikh Hasina Wajid was contesting the election, the election court told her that she will not display her identity, or affiliation to any particular belief. But on the first day of the election campaign, Sheikh Hasina Wajid put a band on her head, and went to the shrine of a local saint. So this is the pull of the circumstances that forces people to make compromises.

I am grateful to Dr. Dharmadasa, for an excellent presentation. He has given a correct exposition of the situation. But what was missing was Mr. Bandaranayke's nationalism which was married to Buddhist monks' interpretation of religion. The state of Sri Lanka has under gone change, as a liberal democracy became a Sinhala Buddhist country as a result of which the conflict on the question of constitution arose and led to the Tamil uprising.

Unfortunately, we forget that perspectives on the minority question have been changing. We have a perspective of the nation state, which is not so bad, considering what we are seeing today, and as a nation state we have to see whether the constitutional laws treat minorities equally or not. In case of Pakistan they did not. In case of India the constitution and laws do not discriminate against the minorities, but practices and policies do. In case of Sri Lanka also, when the oneness of the state was made an article of their constitution, anybody who did not take oath could not become a member of the parliament. Similarly in India any parliament member elected from Indian Kashmir, must take an oath that he accepts the accession of the state to India, otherwise he cannot sit in the parliament. So these conditions have been affecting the state of minorities also.

In case of Pakistan, I think the Constitution, the law and policies all discriminate and non-Muslims cannot rise beyond a certain level. There are departments where it is a rule that an Ahmadi cannot be employed there. There are discriminatory rules for minorities in educational institutions like the Quaid-i-Azam University. Minorities can have only two seats, if they have three or four brilliant students, they will not get admission there. Similarly, in Hyderabad housing colonies, a non-Muslim cannot get a plot. So, this has been going on. It shows strong institutions are needed to address the minorities' grievances and suffering. What we find is that some

of the countries did not take any action at all in this respect. I am speaking in the South Asian context, as this is a regional conference. For instance, India has a National Minorities Commission; whether it is effective or not very effective is a matter that can be discussed, but it has institutions which look after minorities' issues. Many people don't know, that Pakistan also created a National Minorities Commission, but without any concomitants: no secretariat of its own, no budget of its own, it was part of the Ministry Of Religious Affairs. It makes reports in which it says "so many scholarships granted to the students", and "the wall of the graveyard raised by two inches", and a non-Muslim cricketer honoured etc. That's all. This is the religious mechanism when a country cannot ensure minorities' rights.

Now the perspective has slightly changed, because nation states have come under stress and pressure from a variety of forces. In the case of Muslim states like Pakistan and Bangladesh and others, we are under threat of militancy, its rise can be seen in all these countries. We see a shrine being demolished in Timbuktu, a Buddhist shrine being encroached upon in Sri Lanka, and a shrine in Khyber Pakhtunkhawa being bombed and destroyed. This is the new phase in the history of the minorities of South Asia. And now we are moving from the stage of discrimination to the stage of elimination. Minorities were discriminated in South Asia, but in all countries of South Asia I must say minorities are under threat of elimination, somewhere to a greater extent and somewhere to a lesser extent. The Hazaras in Quetta are under threat of elimination, Shias in Parachinar and Gilgit. Massacres have taken place, buses are stopped, the passengers are asked to come out and show their identity cards. The Shias are picked and shot, the Sunnis are spared. Yet another twist in the situation that we have discovered in this phase is that there were minorities within minorities.

My friend Tahira Abdullah has raised the question of women; this is a very important and relevant question, because in Pakistan nobody talks of a scheduled caste. We have a sizeable population of scheduled caste in Sindh, and I was surprised when I discovered hundreds of thousands of Kohlis living in Punjab in one district only i.e. in Rahim Yar Khan. Nobody talks about them. They have no right to education, no right to employment; they have no rights to anything. The only thing that they have sometimes is their identity card, because the local landlord needs their votes. They have no other rights. And within those minority communities, women constitute a minority class separately that has no rights.

In our own history of human rights in Pakistan, "a rich Muslim male" is on the top, and at the bottom is "the poor non-Muslim woman". That is the whole human rights structure in Pakistan and nothing has been done about it. The discourse of the minorities within minorities has been going on in South Asia. Minorities spill over national frontiers: the Muslim

minority in India is a Muslim majority in Pakistan, and the Hindu minority in Pakistan is a Hindu majority in India. So the relations between the two countries have often been affected by how the minorities are treated in these respective states? As not just now, in fact from the very beginning -- and that's why I must say - we took a very important step, in the fifties when the "Liaquat-Nehru Agreement" was signed, it was a full agreement and it still holds. It helped the minorities both in India and Pakistan for a number of years. After Mahatma Gandhi's assassination and the signing of the Liaquat-Nehru Pact, there were no communal riots in India for almost sixteen years, but after that, following the change in the dynamics of Indian politics, the riots again started. There was a need to build upon something which had been done in the fifties. Similarly, we have the bilateral agreement between India and Sri Lanka. I think, it was Prime Minister Shastri and his counterpart Mr. Bandaranaike who had this agreement on minorities; and a similar agreement was made by Mrs. Indira Gandhi, and Sheikh Mujeeb ur Rehman, in relation to India and Bangladesh.

The problem with bilateral discourse is that we South Asians are very determined to defend our position to the end; we think we are only the right ones and the other fellow is wrong, always. So as a result whenever the two sides meet, it always ends in a mess. No compromise is possible. The situation is no different when we have a regional conference, and the question of minorities comes up. The atmosphere becomes very explosive and lively also which is good. The regional framework does provide the possibility of resolving even chronic issues, because sitting with peers, there is some regard or concern. India and Pakistan sitting together usually come to blows. If Sri Lanka and Bangladesh are also sitting then some peace can be restored by the presence of our brothers from the subcontinent. At least theoretically, we have made some progress - the SAARC social charter was adopted in 2004. Well, it does not mention minorities by name but it does say something about the marginalized and vulnerable groups which also include minorities. So if SAARC Social Charter has been taken seriously, attempts can be made to implement it. Mr. Rodrigo is sitting here, he has been Secretary General of the SAARC for many years; he knows SAARC from inside out, but unfortunately there is much vacuousness at the top, and much lack of courage, lack of ability to confront threats to the states at the summit. We find the theory of finding the golden mean on which everybody agrees has lost its potential.

Nonetheless, I think it will be useful to give recommendations. I am heartened to see the recommendations made today. I can recall Imtiaz Sahib was there in 1998 at the South Asian Forum for Human Rights, and they called the Afghan special deputy, who devoted a year to inquire into what was happening with minorities in that region. And after that I remember when we met in Colombo, the idea of the South Asian Charter

had emerged. I think somebody should dig it out and probably it got finalized by the International Centre for Regional Studies.

I think, there is a need to find the possibility of making analytical studies which is also mentioned in the recommendations given yesterday and today. Since I work for human rights and I look at all issues from a narrow angle. Sometimes, it is said that minorities should be enabled to enter the national mainstream; sometimes it is said they should be integrated, which I oppose absolutely because they have to preserve their identity, they have to preserve their culture, language, and way of life, why should they start looking and behaving like me? We are trying to do those things, the pressure is on us, and it took us 20 years to do away with separate electorates in Pakistan; and it has not been done in the case of at least one community. The biggest thing is to look at ourselves and re-look at the states we have created.

According to my humble thinking, the problem in South Asia is that in 1947 both India and Pakistan, needed to create new states, and neither of them did so. India very happily inherited the minaret of paramount power from the imperial government with all of its privileges and authority. So they told all the neighbouring countries to behave, and Pakistan also felt that it had inherited the entire forward policies of the British period, so it told Afghanistan to go to hell. For nine years, Pakistan was governed under the India Act of 1935 about which Mr. Jinnah had said it was totally unacceptable. In this period of nine years we lost track of democracy, of a democratically functioning government; authoritarianism came in, military-civil bureaucracy rose to the top, and we forgot, what Pakistan was created for, what was the vision of Pakistan, what were the promises made to the people.

I mean to say that today we have to look at the minority question not as a marginal question, but the question which touches the sanctity of the state structure. And if you create a state and the preamble of its constitution says that in Pakistan the state would enable the Muslims to follow their part of life, and also that the minorities' rights would be protected then you must see your track record which relegates the minorities to a lower status than the Muslims, and if that is the foundation of your state, then you are bound to have problems, and problems will not end. Then anybody can get hold of an explosive device and say that this is the answer.

In 1946 somebody asked the Quaid-i-Azam: "what is the progress of transfer of power?" He said: "everything is settled except the question of minorities." So the question of minorities is still unsettled, that was in 1946 and now we are in 2012, because we have not tried to solve it. The Quaid-e-Azam tried to solve it, but unfortunately, his lone speech could not erase what had been done over years of struggle. So that is the price, we have to pay for the past. Because everything has logic, if you take a step, its logical

consequences will come out and will affect not only you, but also your next generations.

I think for us in South Asia, not in a narrow sense but in the broad sense, the sooner we recognize our South Asian identity the better it will be. We can't deny geography, we are a unit, and we are lagging behind other units of the world in not a number but in fact all areas. There is a proposal to have a South Asian Court of Human Rights and many years ago there was a proposal to think over our differences; the question of a South Asian identity is under debate, our trade issues are being debated, our barriers are being debated. All of us are thinking about the waters of the Himalayas and our sustainability depends upon the waters of the Himalayas. The sooner we realize this the better it will be.

We have to struggle not for uniformity but accommodation across the subcontinent, and evolve the patterns of rule within the countries and bilateral and regional relationships at regional and sub-regional levels, which will remove the stigma from South Asia that we have not learnt the lesson that Europe had learned in early nineteenth century.

Thank you very much.■

CHAPTER 1

Secular State, Religion and Quota Politics in India

Prof. Dr. Ram Puniyani

Introduction

To live up to secular values for a state, in a nation where the population is riddled with deep religiosity and under the influence of feudal values is not an easy task. India emerged as a secular state, facing lot of challenges from elements trying to practice the outmoded religiosity in the modern set up. India did face this challenge with great amount to balancing act. This influence of religion on a secular state started becoming more assertive after the decade of 1980s. This was a decade when the politics in the name of religion, ‘defensive communalism’ in the form of Shah Bano case and ‘aggressive communalism’ in the form of ‘Ram temple movement’ asserted themselves. The accompanying communal violence reduced the Muslim minority in to a state of severe deprivation at economic and social level.

The quotas which were initially suggested for Scheduled Castes and scheduled tribes are being talked about for the Muslim minority for the last few years. There is an urgent need for this, keeping in mind the findings and recommendations of Gopal Singh Commission report (1982) and the recent ones: Rangnath Misra Commission and Rajinder Sachar Committee report.

State and Secularism: Diverse Meanings

Various meanings have been attributed to this crucial concept. On one hand, secularism has meant ‘the iron wall between state and religion’ and on the other ‘equal respect for all religions’. Sometimes it has also been used as synonym for atheism, particularly in the Western countries. “India is a country where religion is very central to the life of the people. India’s age old philosophy as expounded in Hindu scriptures called Upanishads is *Sarva Dharma Sambhav*, which means equal respect for all religions. The reason behind this approach is the fact that India has never been a mono-religious country. Even before the Aryan invasion, India was not a mono-religious country.”¹

¹ Asghar Ali Engineer, “Secularism in India,” in *Communalism in India*, ed. Vatsala Shukla, (New Delhi: Hope Gurgaon, 2008), 35.

Secularism relates to the relationship between the individual and religion on one hand, and religion and the state on the other. “*Sacculum*, the ordinary Latin word for century, or age, took on a special meaning as applied to profane time, the time for ordinary historical succession.”² Donald Smith’s Book, *India as a secular state* published in 1963 laid the debate on the topic here in India. “Smith argues that secularism entails the mutual exclusion of the state and religion in order that they may separate effectively and equally in their respective domains. A strict separation of religion and state, he suggests, would help achieve religious liberty and equal citizenship.”³ This formulation of this has been very contentious in the debates all through. The central disagreements on these formulations have been many. In two of the recent contributions on the topic, Rajeev Bhargava, *The promise of India’s Secular Democracy*, and Rononjay Sen’s “*Articles of Faith: Religion, Secularism and the Indian Supreme Court*”, the topic has found in-depth treatment. These authors point out several peculiarities of Indian secularism. These are diversity of religious communities and consequent conflict over values, emphasis on practice rather than belief, many oppressive religious practices sanctioned by religion, due to which state intervention in these matters becomes imperative.⁴

Many a debates about secularism restrict themselves to state policies alone, while secularization is a deeper process and secularism is a flagship of new social relations. “Most of the recent debates have argued by focusing on secularism as a state sponsored ideology, sidetracking completely its relevance as a major social phenomenon, emerging at a particular historical juncture, as an outcome of various cultural, political, religious and economic forces in Europe.”⁵

The Beginnings

Secularism is a social phenomenon which emerged parallel to the rise of industrial society. From 17th century, the discoveries of science were challenging deeply held-beliefs and faiths, which were the integral part of the broad canvas of religion. The application of these technologies and the rise of industrial societies necessitated the change in social equilibrium,

² Charles Taylor, “Modes of Secularism” in *Secularism and its Critics*, ed. Rajeev Bhargava, (Delhi: Oxford University Press, 1998), 32.

³ V. Venkatesan, “Secular Riddle,” review of *The promise of India’s Secular Democracy*, by Rajeev Bhargava and *Articles of Faith: Religion, Secularism and the Indian Supreme Court*, by Rononjay Sen, *Frontline Book Review*, vol.27, issue 8 (April 10-23, 2010).

⁴ Ibid.

⁵ Uday Mehta, “Secularism, Secularization and Modernity: A Sociological Perspective of the Western Model,” in *State Secularism and Religion: Western and Indian Experience*, ed. Asghar Ali Engineer and Uday Mehta, (New Delhi: Ajanta Books, 1998), 22.

which was prevalent at that time. The earlier society where agriculture was the dominant production activity and the 'feudal' mode of production was prevalent; the major sectors of society were tied to land as poor peasants. The demands of newly developing industries required the peasants to be freed from land. What tied them to land was the feudal social structure and the concomitants to ideological constructs, which were again part of the religion in the broad sense of the term. This laid the foundation of vast socio-political changes, which began as 'bourgeois revolutions' in different European countries. The monarchs, kings, stuck to the system of hierarchies "...whose values it symbolized and incorporated, and on whose support it largely depended. Absolute monarchy was, however, free to do whatever it liked, in practice it belonged to the world which the enlightenment had baptized as *feodolite* or feudalism."⁶ With changing system of production, "There was thus a latent, and would be soon overt, conflict between forces of old and new 'bourgeois' society, which could not be settled within the framework of existing political regimes..."⁷

The clergy (Church is the most organised form of the same but similar role is played by Brahmins, and Mullahs also) supplemented the feudal structure, and fulfilled the need to ensure firm implementation of the ideology, which supplemented the feudal production norms. This was the time when social life was totally revolving around the dictates of the clergy.

With the onset of the industrialization process, the earlier ideological chains proved to be an obstacle to the emerging industrial society. It is in this realm that one has to understand the loosening hold of clergy and some religious traditions on the totality of social life. One has to understand the social norms developing around modern rationality, ideas from science i.e. the beginning of the 'age of reason', in contrast to the 'age of faith'. The former having its roots in science and technology and later in the clergy's interpretation of the word God, clergy's imposition of ideologies in the name of religion, clergy's use of emotions of people for smoothening the exploitative social system of feudalism. Historically this process first occurred in clear form in the West, where the above phenomenon manifested itself in the struggle between the church and the state. "Until the renaissance period the state was subservient to the church. It was only after a long struggle that state could free itself from the papal authority...it was possible for the state to free itself from the domination of the church due to emergence of a bourgeois class in Europe. Bourgeois class felt stifled under the domination of church. It required free society for its expansion."⁸

⁶ Eric Hobsbawm, *The Age of Revolution: 1789-1848*, (Calcutta: Rupa and Co, 1992), 37.

⁷ Ibid.

⁸ Asghar Ali Engineer, "Religion and Secularism," in *State Secularism and Religion: Western and Indian Experience*, ed. Asghar Ali Engineer and Uday Mehta, (New Delhi: Ajanta Books, 1998), 2.

The Church stood for the declining social force of feudal lords, stood for age of faith, while the emerging nation state (versus kingdom) stood for 'age of reason', for industrialization process based on science and technology, concretizing newer social relations (industrialists and the workers) in the process. This process which was called 'Enlightenment' and is a part of secularization process began as a radical rationalist critique of some facets of religion, especially those pertaining to the mediation between people and God by the clergy. This process assumed the undisguised role of displacing aspects of religion and faith (manufactured by clergy) to the private lives of people, freeing the social life from the constraints of orthodoxy and obscurantism towards the emerging realms of modernity.

Secularisation

Thus secularism is a product of the social movement of industrial bourgeoisie and landless peasants, manifested initially (in the West) as Renaissance and Enlightenment, it being the expression of man's urge to live life of his own, independent of the domination by Church, which was the prevalent feature of medieval society. "The term secularism started being used as an ideology. G. L. Holyoake used the term secularism to define an ideology, wherein social and industrial morality "hitherto determined by reference to the transcending principles of religion" were now to be determined by reason, and firmly anchored to the good of man in this life.⁹ Starting from this premise secularism assumed a socio historical context in mid nineteenth century, shaped by the circumstances and the philosophy of the time. Secularism was based on the values, which recognized the contribution of science as a major source of knowledge and considered technological progress, social amelioration and human welfare as the goals of life. The goals of life shifted to this world (secular, profane) from the other world (sacred).

With the crumbling of the dogmas and supernaturalism under the wheels of science and reason, the repository of dogmas, the clergy took a back seat and modern secular democratic states began to occupy the 'drivers' seats. The secular ethos is not concerned about the other world (leaving them as a merry hunting ground for the custodians of dogmas, the clergy). In a sense, secularism is the policy of modern nation states, it is philosophy of secularization process; a process through which man becomes a free person from his earlier domination by the blind faiths imposed on the society by the clergy to ensure the smooth running of kingdoms, which require divine legitimacy, conferred on them by clergy, to

⁹ Quoted in Mehta, *ibid.*, 25.

continue with the exploitation of the peasantry, which is the main source of their wealth. Secularization introduces instrumental values, rational procedures and technological methods, which bring along urbanization, pragmatism, profanity, pluralism and mutual respect. The secularization process brings in the concept that all value systems are a product of historical circumstances, without any claims of finality. As a part of the package, science replaces supernatural explanation of things with those in terms of natural laws and an intellectual attitude in which reality is accounted from a worldly mode of thinking.

Secularization is a process, which relegates clergy to the background, while many other components of religion survive in modified form despite secularization and do not contradict it. The secularization process is the accompaniment of democratization, throwing away the clutches of feudalism. If one is to regard religion as morality, a code of conduct and ethical values, there is no contradiction between secularism and religion. "Secularization introduces instrumental values, rational procedures and technological methods that encourage urbanisation, pragmatism, profanity, pluralism and mutual respect."¹⁰ Rudolf Heredia points out that secularization implies, "...the development of autonomous social institutions that need no longer fall under the sacred 'canopy' of religion for their legitimating...this comes from the process of rationalization which is instrumentally concerned with end-means relationship, and values-committed to this worldly human liberation."¹¹

Secularism is not just a principle of the Christian West. It is true that for a brief while the Church overpowered the state power and controlled it; the kings of Europe were subordinate to it for some time and then they revolted against the authority of the Church to set them free. Charles Taylor points out that "The secularism of today is built on original distinction, but of course it involves transformation in it. The original point of Western secularism was the wars of religion...The need was felt for a ground of coexistence for Christians of different confessional speculations."¹² Taylor further argues that there is a connection between secularism and modern democratic polity, which shifts from the hierarchical mediated access societies to horizontal direct access society, i.e. the individual relating to the system not merely as a member of a particular community.

Thus secularism is an outcome of secularization process, which is a comprehensive term for the changes in social values that came with the

¹⁰ Ram Puniyani, *Communal Politics: Facts versus Myths* (Delhi: Sage Publications, 2003), 186.

¹¹ Rudolf C. Heredia, "Secularism and Secularization: Nation Building in a Multi-Religious Society," in *Secularism and Liberation: Perspectives and Strategies for India Today*, ed. Rudolf C. Heredia and Edward Mathias, (Delhi: Indian Social Institute, 1995), 18.

¹² Taylor, "Modes of Secularism" in *Secularism and its Critics*, 32.

advent of industrialization and accompanying social relations, introduction of science, technology and rationalist thinking in society. Secularism in that sense is a marker of modernity, overcoming of feudal relationships and value system and thereby is a battle cry of newer social classes interested in overthrowing the feudal relationships and the accompanying baggage of constraining ideologies which find their vehicle in the religious clergy. It is the political expression of democratic values — Liberty, Equality and Fraternity.

Indian Context

The process of secularization in India was a bit different from the European experience. It was mainly for two reasons; one in India the clergy was not as well organized as in Europe. And two, India was a colony of the British. “The Indian state did not have to struggle to free itself from the power of the church, but only to locate itself in relation to the citizens who belonged to different religious denominations.”¹³ During the freedom struggle itself secularism was emerging as the most dominant principle of the ‘Nation in the Making’, India. The leaders of Indian National Congress Gandhi, Maulana Abul Kalam Azad, Nehru and others were deeply committed to the ideal of secularism though its expression was very different in all of them. As a matter of fact “The word ‘secular’ in political sense was used after the formation of Indian National Congress in 1885...Sir Syed, the advocate of ‘Modern Education’ amongst Indian Muslims, remained aloof from Congress and dubbed it as ‘Hindu Organization’. The Indian National Congress leaders were keen to enlist Muslim support and hence, tried to convince them that the INC is a secular organization”¹⁴ It is not to be denied that some of the Hindu Nationalists also joined Congress and some other leaders in Congress were having ideologies coloured by communalism of different hue, but it is undoubted that Congress did represent secular ideology to a large extent. The constituent assembly debates made it amply clear, and secular principles were enshrined in the constitution. The social dynamics were very complex.

The process of secularization/industrialization was going on at a slow pace. At this stage, though the constitution was secular, state apparatus: bureaucracy, judiciary, army and police, was infiltrated by Hindu communal elements. The government of Congress though predominantly

¹³ K. N. Panikkar, “Towards an Agenda for Secularism,” in *Transcending Boundaries: Perspective on Faith, Social Action and Solidarity*, ed. Rajendra K Sail and Ajit Muricken, (India:Vikas Adhyan Kendra, 1995), 120.

¹⁴ Asghar Ali Engineer, “Secularism in India: Theory and Practice,” in *Secularism and Liberation: Perspectives and Strategies for India Today*, ed. Rudolf C. Heredia and Edward Mathias, (Indian Social Institute, 1995), 39.

secular was having many leaders in important positions who were influenced by Hindu communal ideology.

Secularism in India

There are many differences in the Western/Christian social situation and the Indian situation. Hinduism is not like Christianity as far as the organization of its clergy is concerned. Since it is a collation of multiple sects it has diverse nature of its priestly class. "While no two social phenomena can be exact duplicates, one can say that the basic premise of the clergy's role remains the same, cutting across all religions. In the hands of clergy, politics and jurisprudence were considered branches of theology and were treated alike according to principles prevailing in the latter."¹⁵ Despite that, Hindu clergy did play a parallel role to the clergy in other religions, i.e. giving moral legitimacy to the power and authority of the king, though it may not have directly interfered in the affairs of the state. Many a Gurus and Acharyas have been the guiding lights to the kings. They acquired an advisory political role to the royalty and exercised considerable influence in the court of kings. They accompanied them to the battlefield and blessed them and mediated for godly favours.

Freedom Movement and Secular Values

The secularization of society though slow, its political reflection in the freedom struggle and the national movement was dominantly secular, though communal (Muslim and Hindu) nationalisms also came up in the wake as a reaction to the growth of secular nationalism. Initially, the secularization process got reflected in the movements of Jotiba Phule Ambedkar and Ramaswamy Naiker. Caste and gender are core areas of secularization process. "...Secularization of caste, has detached caste from ritual status hierarchy on one hand, and has imparted to it the character of power-group functioning within a competitive democratic politics on the other. Changes of caste may be observed along two dimensions of secularization: de-ritualization and politicization. These changes have (a) pushed the caste out of the traditional system of stratification system; (b) linked it to new structure of representational power; and (c) made it possible, in their cumulative impact for individual members of a caste to claim and achieve new economic interest and a class-like identity."¹⁶

¹⁵ Ram Puniyani, "Religion: Opium of the masses or...", in *Religion Power and Violence: Expression of Politics in Contemporary Times*, ed. Ram Puniyani (Delhi: Sage Publications, 2005), 34-35.

¹⁶ D.L.Sheth, "Caste and the Secularisation process in India," in *Contemporary India-Transitions*, ed. Peter Ronald deSouza, (Delhi: Sage Publications, 2000), 242.

The same process is seen in the women's issue with the beginning of education process amongst women, initiated by Savitribai Phule assisted by Fatima Bi and picked by various women despite heavy odds. It was a very difficult battle. During the freedom movement both the national movement and social reform processes were attempting to address the place of women in modern India. Upper caste Western educated men raised the questions related to upper caste women, Sati, Kulin polygamy, and widow remarriage in particular. "At times, reform was symbolic rather than real, attempted through appealing to the shastras rather than changing the social circumstances. At another times, female education was seen as an important lever to effect the change...The period of nationalist movement is also significant on several counts. It is often pointed out that, in the years of Gandhi's leadership women participated spontaneously in political struggle"¹⁷ This is where the efforts of Savitribai Phule come in as the major point of transition and also the mass movement contributing to the secularization process vis-a-vis women.

Secular nationalism was finding expression in the politics of Gandhi and Nehru while Muslim communalism found expression in the politics of Muslim League and Hindu communalism was manifested in Hindu Mahasabha and RSS. Some of the Hindu nationalists were part of Indian National Congress as well. The social base of Muslim communal nationalism was Muslim zamindars and moneylenders; similarly Hindu communal nationalism had its base mainly in upper castes, amongst Hindu zamindars and moneylenders. K. N. Panikkar points out that "the basic objectives of the early nationalist leaders were to lay the foundations of secular and democratic national movement...and to develop and propagate anti-colonial nationalist ideology."¹⁸

Secular nationalism was rooted amongst the nascent industrialists, newer professionals and, vast sections of peasantry and the low castes. It was the aspiration of these classes, which gave strength to the freedom struggle and was translated in the foundation of the Indian State and its constitution. Thus secularism is a principle of Indian society and not an artificial graft. It is the result of the struggles of the rising industrial class and the section of peasantry and the shudars. The process of secularization was too slow and the process of transformation of caste and gender was hampered by social forces within the society itself. "The movement for secularization of society had enemies within the society itself. The weak secularization movement, represented by Indian National Congress...was

¹⁷ Seemanthini Niranjana, "Transitions and Reorientations: On the Women's Movement in India," in *Contemporary India-Transitions*, ed. Peter Ronald deSouza, (Delhi: Sage Publications, 2000), 266.

¹⁸ Bipan Chandra, et al., "Foundation of the Indian National Congress: The Reality," in *India's Struggle for independence* (Delhi: Penguin Books, 1988), 79.

voicing, projecting the socio-economic needs of the rising nascent industrialists, a section of professionals and modern businessmen who came up in the wake of newer business environment. The opposition to their social aspirations came from the entrenched powers assuming communal manifestations. The newer developments were breaking the back of established social hierarchy of landlords and priests...these sectors of society threw up political formations like Muslim League and Hindu Mahasabha”¹⁹

Secularism: Freedom Movement

India won freedom under the aegis of secular democratic movement led by Indian National Congress under the leadership of Mahatma Gandhi, Jawaharlal Nehru and Maulana Abul Kalam Azad. Secularism was the guiding principle of anti-colonial struggle and it thereby succeeded in mobilizing vast sections of this plural society. It was recognized as an essential element of platform for multi-religious, multi-caste, poly-ethnic population of the subcontinent, as an instrument for unity of the people at large.

The different strata of society, which were the main bulwark of this movement, were modern, i.e. industrial bourgeoisie, urban proletariat, poor peasants, women, shudars and modern intelligentsia. This core was able to mobilize sections of other population. After Independence, many a nationalists had a communal tinge and they tried to project Muslims as foreigners, alienating a section of Muslims. Despite these irritants of the national movement, it overall remained a secular one. National movement remained, “...on the whole, basically secular in its approach and ideology. And young nationalist Muslims like M.A. Jinnah and Maulana Abul Kalam Azad had little difficulty in accepting it as such and joining it. The secularism became sturdier with leaders like Gandhi, C.R. Das, Motilal Nehru, Jawaharlal Nehru, Dr. M.A. Ansari, Subhash Chandra Bose, Sardar Patel and Rajendra Prasad.”²⁰

Constituent Assembly: Indian Constitution

The Constituent Assembly was formed which framed the Constitution, which was diverse in nature, and represented the aspirations of majority of the population. The Constitution thus framed after prolonged debates made different provisions, which formed the base of secular practice. “The

¹⁹ P.R. Ram, “Hindutva Onslaught on Secularism,” in *State Secularism and Religion: Western and Indian Experience*, ed. Asghar Ali Engineer and Uday Mehta (New Delhi: Ajanta Books, 1998), 101.

²⁰ Bipan Chandra, *India’s Struggle for Independence*, 410.

Constitution declares India to be a sovereign, socialist and democratic republic. Even though the terms secular (and socialist) were added only by the 42nd Amendment in 1976, the spirit embodying the Constitution was secular. In 1973, the Supreme Court held the secular character to be one of the basic features of the Constitution. Further, the fundamental rights include prohibition of discrimination on the grounds of religion and right to freedom of religion including freedom of conscience and freedom of profession, practice and propagation of religion, freedom to manage religious affairs...²¹ These secular provisions of the Indian Constitution are:

- i) State by itself shall not espouse or establish or practice any religion,
- ii) Public revenues will not be used to promote any religion,
- iii) The state shall have the power to regulate any economic financial or other secular activity associated with religious practice (Article 25 (2) (9) of constitution),
- iv) Every individual person will have, an equal right to freedom of conscience and religion.

Indian State

India is a secular state which has no particular religion of its own and must observe neutrality and equality in respect of all religions prevalent in the country. The state cannot discriminate between one religion and the other, or between their respective followers — regardless of their numerical strength in the country. At the same time the constitution guarantees to individuals and groups/sections of citizens the fundamental right to religious freedom in all its facets. Thus, secularism, equality of religions and neutrality of state to various religions within the constitutional limits are the basic features and part and parcel of unalterable basic structure of the constitution of India.

Thus though the constitution makers had not used the word secularism in the explicit fashion, Indian constitution was standing on the firm foundations of secular principles. Indira Gandhi merely added a descriptive word for something, which was already ingrained in the constitution. The spokesmen of Hindu Right taking advantage of the fact that the word was added during the much-dreaded 'emergency' are trying to throw mud on the very concept of secularism, which is anathema to their political interests. Thus, secularism, equality of religions and neutrality of the state towards various religions within the constitutional limits are the

²¹ Bipan Chandra, *India after Independence*, 48.

basic features and part and parcel of unalterable basic structure of the constitution of India. Jawaharlal Nehru explained it thus: "What it means is that it is a state which honours all faiths equally and gives them equal opportunities; that as a state, it does not allow itself to be attached to one faith or religion, which then becomes the state religion...In a country like India, no real nationalism can be built up except on the basis of secularity...narrow religious nationalisms are a relic of the past age and no longer relevant today...(secularism) does not obviously mean a state where religion as such is discouraged. It means freedom of religion and conscience, including freedom of those who may have no religion. It means free play of all religions, subject only to their not interfering with each other or with basic conceptions of our state."²²

Indian Political Scene

Indian National Congress began as a secular party with the inclusion of people of all religions, and their continued association with this party during the freedom movement. At the same time many a communalists formed the part of its leadership, Lala Lajpat Rai, Madan Mohan Malaviya and Dr. Moonje. Even the founder of RSS, K.B. Hedgewar was associated with it till 1934. At medium and grass root level many a Hindu communalists in particular remained and are part of this party. It is this which made Nehru to warn that Congress should be cautious of those members who sound secular but are communal in the real sense. At the level of policies, Congress took quite a principled secular path till the demise of Pundit Nehru, after which it was compromised regularly.

The attitude of the Indian state, which is founded on secular grounds, towards issues pertaining to religion has been extremely challenging. Right at its inception there were criticisms from both the sides. One saying that state is not following the secular policies properly, while the other side said that the state is neglecting the religious feeling of people. These criticisms kept coming up in matters related to the request of President of India, Dr. Rajendra Prasad, to inaugurate the Somnath temple, which was denied by the Prime Minister of India, Jawaharlal Nehru. Also there came up the issue of the Hindu code bill drafted by Dr. Ambedkar, which came under criticism. The matter related to organising the Kumbh Mela was another challenge. In this case the state decided to support the organizing logistics side like facilities to prevent stampedes and outbreak of infectious diseases.

In respect of quotas, right from the beginning there were provisions in the Constitution for quota for scheduled castes and scheduled tribes due to

²² Jawaharlal Nehru quoted in V. D. Chopra, *Religious Fundamentalism in Asia* (New Delhi, Gyan Publishing House, 1994), 26.

their backwardness. The other community which was equally backward, the Muslims, did not get such a quota. The point argued was that quota on the grounds of religion will be against the secular spirit of the Constitution.

Resurgence of divisive problems became apparent with Indira Gandhi's election speeches, which in 1980 were full of communal references. Rajiv Gandhi's statement after the murder of Indira Gandhi, that 'when a big tree falls...' was index of the painful silence of the state in the face of anti-Sikh massacre in 1984. The assertion of conservative Muslim elements to reverse the Shah Bano judgment which asked for giving maintenance to a divorced Muslim women, invited massive reaction from the RSS combine. This reaction was in the form of support to Ram Temple movement, which in turn was to lead to Babri (mosque) demolition. Majority communalism was waiting in the wings for a pretext, and Shah Bano controversy gave it a sort of legitimacy to go on rampage against the minority community. The trajectory of Ram Temple movement launched by RSS combine, VHP to begin with, and later taken up by BJP, led to Babri demolition. This demolition was duly assisted by the 'afternoon siesta' of Narsimha Rao, the Prime Minister from Congress Party. The next strike of majoritarian communalism was to unleash the Gujarat pogrom on the pretext of Godhra train burning. The communal politics of the majority took the centre stage, while communal violence was stalking on the sidelines, tormenting the minorities. The result of this presence of religion in political space led to massive communal violence.

Communal Violence

Many a riots took place during this time when the ruling government either acted as the silent witness or colluded with the rioters. While evaluating this it has to be kept in mind that the riots took place due to three major factors, the instigator and conductor, which according to the inquiry commissions, (Jagmohan Reddy, Justice Madon, Vithayathil, Shrikrishna and Venugopal) mostly has been some organization which is an offshoot of RSS. Teesta Setalvad (Communalism Combat March 1998) points out that most of the inquiry commission reports point out the role of RSS affiliate in initiating and conducting the violence. The second factor is the lapse of those who are supposed to control it, the political leadership. In this case the Congress when in power has been weak and ineffectual at places and actively colluding at other. Mostly it has been lacking the political will to control violence effectively. The third force is the police and bureaucracy, which has been regularly communalized and has become a force providing the umbrella to the rioters or the active participants in the execution of the pogroms. Communalism is not the programme of the Congress, its basic

programme remains Secularism, but its execution of those values has been lacking in will power.

The Left and CPM, has come in this arena of discussion after Nandigram, when in order to execute the global economic agenda, they used their cadres to settle the point by ‘paying its opponents back in the same coin.’ Its programme remains essentially secular, while the proactive will to counter the communal issues is not visible at all, be it the plight of minorities or the worsening hate against minorities in the states ruled by the Left parties. The communalism prevalent in the minds has not been tackled at all. One will tend to uphold the argument of Aijaz Ahmad that there is a core difference between the communalism of Congress and BJP. While Congress employs it pragmatically, BJP is programmatically communal, its agenda and goal are driven in that direction.²³

Communal Politics

BJP is the political child of RSS, which has the agenda of Hindu nation. Irrespective of its temporary mask of Gandhian Socialism, it quickly lapsed into the ‘Hate minorities’ mindset at the drop of the hat. It has the patriarch RSS and associates; VHP, Bajrang Dal, Vanvasi Kalyan Ashram etc, who have been communalizing the mindset of society. The communal thought process is the one, which is the base of communal violence. The RSS combine has been actively initiating situations which bring in violence. It has led many a carnages and with the help of certain elements of Congress and the helpful state machinery, has been polarizing the communities along religious lines. The scholars of communal violence have observed that in the aftermath of most of the communal violence the RSS combine becomes stronger in the areas where the violence has taken place. Communalism, in overt and covert language, is its political vehicle towards the Hindu nation. Its communalism is programmatic.

In our semi-secularized society, where the values of liberty, equality and fraternity are not fully rooted, where the transformation of the caste and gender equations are not fully achieved, one can classify the secular formations and individuals into four broad categories on the scale of secularism. The first category exists as a rarefied group: this category belongs to the party/ individual who proactively strives to bring in caste and gender equality in a substantive way. Here land reforms are the key and the endeavour to bring in unity among communities is the hall mark of this group. Some Dalit formations, gender right groups, groups working for communal harmony fall here. A synthesis of values of Bhagat Singh,

²³ Aijaz Ahmad, “In The Eye of the Storm-The Left chooses,” *Economic and Political Weekly*, vol. 31, no.22 (June 1, 1996): 1329-43.

Gandhi and Ambedkar can best describe this group, which today is not in a very good state of health.

The formations like Left are genuinely secular but they have ignored the proactive measures to pursue this. Congress is mired by too many power seekers to be able to stand firmly to oppose the communal elements and ends up being the accomplice, in part or in full, of the phenomenon. BJP is the aggressive, intimidating opponent of democracy and secularism, whatever its expression. Its biggest 'achievement' is that some of the political workers compare it with other electoral formations. That's the bankruptcy of our times and cleverness of this party. It is effectively using the electoral space to do away with democratic values in due course. It is the Indian face of fascism.

The anti-Sikh violence was a sort of single go phenomenon, which had more to do with the ethno-regional factors. The Nandigram carnage is more of an economic massacre, while the BJP-led pogroms are targeted at the minorities as minorities, to consolidate their political hegemony. To be sure none of the violence can be condoned. The subtleties of these differences point out that while we do not have the real good choice for electoral arena, we will have to keep putting the civic pressure for bringing in better and better political policies through the grass root campaigns. All the same, to compare BJP with other electoral formations will be undermining the threat of the agenda of RSS, which seeks to abolish democratic space and build a society in the image of glorious Hindu past.

Plight of Muslim Minorities

The formation of the Muslim community in India took place in various stages. It first emerged along the Malabar Coast with Arab traders during the 7th century A.D. Later, a section of untouchables converted to Islam to form a bulk of the Muslim population. The Muslim community was not a monolithic one. They were from different economic strata, a majority being low caste poor peasants, and another group belonging to traders, and a very small number of landlords. The difference in interests of the elite and the poor was very vast.

After the great rebellion of 1857, the British held the Muslims responsible for the revolt and punished them severely, tried to keep them out of government jobs and other facilities. The newly introduced modern education and government jobs were mainly filled by Hindus. The Muslim intellectuals noticed this and criticized the British Government for this: "Even when some Muslim intellectuals began to notice that Muslims in some parts of the country were lagging behind Hindus in modern education and government jobs, they blamed the government's anti-Muslim policy

and neglect of modern education by upper class Muslims.”²⁴ Later with Sir Syed’s initiative, matters changed slightly but the difference in the status of Muslims and Hindus as communities continued. Muslims comprised the poorer, uneducated sections; while a section of Hindus was able to take better advantage of both educational and employment related opportunities.

The perception of interest between the elite and poor Muslims was where the elite shared different cultural values and had aspiration for higher number of jobs and wanted to compromise with the ruling powers for their social and economic aspirations. For the upper and middle class, their aspirations got channelized through the politics of people like Sir Syed Ahmed and Jinnah; while the aspirations of lower castes were anti-imperialist and represented through the politics of people like Badruddin Tyabji, Khan Abdul Ghaffar Khan and Maulana Abul Kalam Azad.

The basis of Partition was strange — Muslim majority areas were demarcated as Pakistan, West and East, and Muslims scattered all over India were given the option and right to stay in India with full citizenship rights. The elite section of Muslims — landlords, bureaucrats and businessmen migrated to Pakistan with the hope of reaping greener pastures. Many were accommodated and compensated in Pakistan, but later the other Muslims moving from India to Pakistan were not welcome and relegated to a life of subjugation. A large number living in Pakistan were deprived of the basic rights and social facilities and were called *Mohajirs* (the migrants). Large sections of Muslims who remained in India were from the poorer sections, a large number illiterate, who worked as artisans and landless labour. They were heaped with the stigma that it is because of them that India had been partitioned. Radical change in the political order, amidst bloodshed and carnage was accompanied with threat to old ways of living. As in 1857, their loyalty to the new state was suspect. They felt helpless and forlorn as they experienced distrust and hostile discrimination in their daily lives.

Time and again, communal forces assert that Muslims are foreigners and the right place for them is Pakistan. “For Muslim communities that remained in India, partition was a nightmare. The demographic picture changed drastically in Punjab and Bengal, two provinces that had the largest concentration of Muslims in South Asia”²⁵ Hasan further points out, “Lawyers, doctors, engineers, teachers and civil servants were comfortably ensconced in Lahore or Karachi either in response to Mohammad Ali Jinnah’s clarion call or to bolster their career prospects. On the other hand, the so-called Islamic community in India, which had no place in Jinnah’s

²⁴ Bipan Chandra, *India’s Struggle for Independence*, 414.

²⁵ Mushirul Hasan, *Legacy of a Divided Nation: India’s Muslims Since Independence* (Delhi: Oxford University Press, 2001), 6.

Pakistan, was fragmented, and left vulnerable to right-wing Hindu thoughts.”²⁶

As different writers have pointed out, there is a great diversity in the culture, language and economic life of Muslims in India. Zakaria points out that while a small section of the Muslim community, traders and industrialists are well-placed, a large majority of them are impoverished labourers or landless peasants. Hasan sums it up: “The fortunes of Muslim professionals dwindled and their influence waned after partition, yet some of them have prospered during recent decades owing to expansion of trade, commerce, industry and services in medium-sized urban centres and some have benefited from powerful social and class factors, and political and family ties.”²⁷

Today, nearly a decade after the Gujarat carnage, nearly five lakh Muslims have had to live in isolated ghettos and that, too, in abysmal situations. The extension of civic and other amenities to these areas is conspicuous by its absence. Water, sanitation, health, education, banking and other amenities and facilities are not reaching these areas. In a survey conducted by social group ‘Anhad’, showed the dismal condition in which the victims of the Gujarat violence are living. While a large number of people have heard about the massacre of 2,000 Muslims during the Gujarat pogrom of 2002, a majority remains ignorant about the existence of thousands of ‘second class’ citizens who have not been able to return to their homes six years after the carnage.

The shelter camps in many parts of Gujarat and Muslim ghettos in cities are ridden with poverty, illiteracy, hunger, disease and misery providing a fertile ground for Muslim fundamentalist groups. Who is to be blamed — a particular religion or communal politics? In a state like Gujarat that has seen massive genocide, BJP rulers continue to dictate state policies by abandoning the responsibilities of the victims of violence who feel insecure and have shifted or forced to shift to areas like ghettos or shelter camps.

The message of the communal agenda manifested through violence and creating a difficult situation for minorities is now isolating them in most parts of India. The trajectory of violence is as follows — it begins with pre-violence biases, stereotypes, then violence, post-violence neglect, isolation, ghettoisation and finally leads to the partitioning of the national community at the emotional and physical levels. Communal violence always polarizes communities. In the initial phase (till the 1970s), ghettoisation was minimal. From the decade of 1990s, onwards, communal violence has gone into a higher level where ‘hate the other’ sentiments have worsened and ‘non-sale

²⁶ Ibid., 7.

²⁷ Ibid., 6.

of housing units to the Muslim minority' has become the unwritten norm. What can be more ironical than the fact that a housing rights activist herself is denied a house, just because she carries a Muslim name!

The Sachar and Rangnath Misra Reports

To understand the socio-economic situation of Muslims in the country, the Government of India appointed the Sachar Committee, which submitted its report in November 2006. Following extensive research and study, the Committee observed that the Muslim minority was way behind the national average in most parameters of social development. Its economic status has been sliding seriously, representation in jobs, bank loans is abysmal, and representation in the political process has been very poor and is continuing to worsen. Its significant findings can be presented as the "percentage of Muslims in government employment was a mere 4.9 per cent of the total 88, 44,669 employees"²⁸

The report points out that the number of Muslims in security agencies was 3.2 per cent: 60,517 out of the total of 18, 79,134 in CRPF, CISF, BSF, SSB and 'other agencies'. In many states, Muslims are significantly *over-represented* in prisons. In Maharashtra, for instance, Muslims make up 10.6 per cent of the population but 32.4 per cent of those are convicts or facing trial. Among district judges in 15 states surveyed, 2.7 per cent were Muslim. As per the report, the literacy rate is about 59 per cent, compared with more than 65 per cent among Indians as a whole. On an average, a Muslim child attends school for three years and four months, compared with a national average of four years. Less than 2 per cent of the students at the elite Indian Institutes of Technology are Muslim. Equally revealing, only 4 per cent of Muslim children attend *madrasas*.

In sum and substance, the Muslim community is under-represented in most areas of society, barring the jails. The Gopal Singh Committee Report, 1982, which revealed the poor status of this minority, was ignored and instead issues like the Ram Temple continued to hog national attention. To add up, one can say that this community's representation as a riot victim is way above its percentage in population. The Sachar Committee has recommended that an 'Equal Opportunity Commission' should be set up, a national data bank started, a nomination procedure initiated to ensure their participation in public bodies in order to promote religious tolerance and a procedure to evaluate text books for appropriate social values, among others.

Whatever one can glean from policies being contemplated in the wake of the Sachar report, it seems that a lot more needs to be done. Steps

²⁸ Sachar Committee Report (2006), 165.

are being contemplated, including reservations, to improve the lot of Muslim minorities. It is a matter of conjuncture whether the present Government is really serious about it or is it a mere replay of the earlier broken promises made during the last several decades where one government after another have been promising to look into the problems of Muslim minorities, with little result. One among the multiple reasons for this neglect of the Muslim minority has been the aggressive propaganda of the Hindu right-wing that the Congress party is out to 'appease' the Muslims so that they can be used as vote banks. One does not know whether this aggressive anti-minority propaganda did contribute to the policies of the government, but one can say for sure that this 'appeasement of minorities' had become a part of 'social common sense' in the face of the worsening situation of Muslims.

The National Commission on Religious and Linguistic Minorities led by former Chief Justice of India Ranganath Misra, submitted its report to the Prime Minister on 22nd May, 2007. It confirms the findings of the Sachar Committee on the backwardness of Indian Muslims and goes on to recommend 10 per cent reservation for Muslims in education and employment to improve their condition. It is another matter whether or not the government will be able to gather strength to implement such a dire necessity.

Quota Politics

Sixty years down the line, we see that the quotas for SCs and STs were implemented though with lot of laxity. Still it had a positive impact on these social groups. The Muslim minority had a different fate in the store. Carrying the baggage of social and economic backwardness due to historical reasons, in addition they were looked down upon as those responsible for India's partition. They were discriminated against in jobs. The communal violence began creating a sense of deep insecurity amongst them. The combination of several of these factors led to the neglect of education amongst them and a further lagging behind in jobs and economic indices. Today the social and economic data from Sachar Committee and Rangnath Misra Commission tell us about the increase in their backwardness and an urgent need for introduction of remedial measures, including the quota for the backward Muslims.

The major point is that the community has been totally intimidated and social biases against them are deeply prevalent. Due to the prevalent communal mindset it is difficult for the Muslim community to overcome such strong barriers to their progress and go ahead. It is due to this that we will have to think of multiple mechanisms to remove the obstacles for the growth of Muslim community. Equal Opportunity Commission is a must.

An affirmative action in the form of scholarships and other educational assistance for Muslim children have to be stepped up tenfold and Prime Minister's 15 Point programme to implement the recommendations of Sachar Committee report has to be followed sincerely.

Even these are a small step in the direction of assuaging the hurt feeling and social backwardness of the Muslims. The major obstacle and fear in implementing the affirmative action is that the RSS combine instantly dubs all these measures as 'appeasement of minorities' and creates a social mind set to oppose these measures. The quotas in the name of religion are also dubbed as doing communal politics. As such this is far away from the political goals; it is purely for social and economic reasons that it is needed. The task is not just to monitor the existing schemes, but also to introduce an effective quota system and oppose the propaganda meant to undermine this.

Dr. Zafar Mahmood points out "Our constitution prevents religion-based discrimination or favouritism by the State. Still we were excluded from the definition of scheduled castes under the Constitution Scheduled Castes Order of 1950. As a result, we were excluded from the reserved seats of the parliament, assemblies and the bureaucracy. It is difficult to fathom the resulting grave and multiplied suffering of the community and how this has undermined our well-being and prosperity. That is the reason due to which Sachar Committee reported that, compared to the followers of other faiths, the Indian Muslims are lagging much behind in the educational, economic, and social fields."²⁹

The Central Government is trying to bring in these quotas. The trouble is that sometimes they do it purely with electoral calculations in mind, due to which the resistance to such moves is very intense. As such the Muslim minority welcomes it. Recently (December 2011) the Union Cabinet marked off 4.5 percentage points from within the 27 per cent OBC Central quota, allocating the share to religious minorities, among them Muslims, Sikhs, Christians and Jains. (In the 2001 Census, not counting Jammu and Kashmir, the proportion of these groups to the total population was as follows: Muslims 12.4 per cent; Christians 2.3 per cent, Sikhs 1.9 per cent,; Buddhists 0.8 per cent and Jains 0.4 per cent).

The quantum is well below the expectations of Muslim groups which had been pressing for an exclusive reservation of 10 per cent for the community as recommended by the Ranganath Misra Commission. Indications from the government itself were that it would set aside a sub-quota of 8.4 percentage points for minorities (six percentage points for

²⁹ http://twocircles.net/2012may13/haj_subsidy_religious_and_constitutional_aspects.html?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+Twocircles.netIndianMuslim+%28TwoCircles.net+-+Indian+Muslim+News%29

Muslims) within the 27 per cent OBC quota — also recommended by the Misra Commission...”³⁰ The Congress Government thinks on such lines but its implementation is far from effective. Salman Khursheed, the Minority Affairs Minister said, “I am speaking for backward Muslims. The Congress Manifesto specifically talks about the minority quota. And, I am not doing anything special. It is in the Constitution. For instance, what we are doing on reservation is not even a fraction of what is needed. If you speak to Dalits about the creamy layer, they don't accept this idea of excluding the creamy layer.”³¹

In May 2012, the Andhra High Court; rejected the state Government's decision to provide the reservation of 4.5 per cent of quota for Muslims from the quota meant for backward classes. It seems the Government has not prepared its case well. The real argument is how a backward community can be deprived of reservation just because it happens to belong to any particular religion. There is a need to relook at the whole issue of affirmative action for religious minorities to ensure that they can also be part of Indian democracy.

Summing Up

The process of secularization and introduction of secular values in India has faced great deal of obstacles from the feudal elements. These feudal elements took cover under politics in the name of religion, the communal politics. The rise in communal politics in the face of secularization process also helped the British policy of divide and rule, which aimed at partitioning the country into Secular-Hindu majority India and Islamic Pakistan. The communal forces struck back in India, communalized the social thinking with strengthening of biases against the Muslim minority. With affluent Muslims leaving for Pakistan, the Indian Muslim community was much poorer, economically and socially.

With communal violence directed against Muslim minority rising, the economically deprived community also started feeling more and more insecure. The social and economic policies and attitudes of the ruling governments left the community in a poorer condition. Different committees formed to assess the socio-economic conditions of Muslim community show that economic indices of the community are falling badly and their representation in social, economic and political arena has fallen drastically. This calls for strong affirmative action, formation of Equal Opportunity Commission and quota for minorities in a serious way. The

³⁰ <http://www.thehindu.com/news/national/article2742416.ece>.

³¹ <http://www.rediff.com/news/slide-show/slide-show-1-minority-quota-is-for-the-welfare-of-the-country-says-khurshid/20120220.htm>

opposition to quota for minorities has been vehemently made by the RSS combine in the main. In the face of declining condition of the Muslim minority, government has to urgently introduce quota for protection of the economic rights of minorities and to make the policies more inclusive.■

CHAPTER 2

Religious Freedom and Equality of Citizens in an Islamic State

Mr. Julius Salik

The topic of the conference i.e. “Role of Religious Minorities in South Asia: Learning from Mutual Experiences” is very crucial. The greater responsibility lies on Pakistan, as it is the only country which was created for a minority, since Muslims were a minority in the Indian subcontinent. Muslims argued that their lifestyle was different from the Hindus. Islam does not preach class division, hatred and differentiation while in other religions, class division exists. Among Hindus, the ‘shudra’ class ranks at the lowest societal level. To my mind, Pakistan is the Eighth Wonder as it is the first country which was made on the concept of minority. For the same reason, it also provides shelter to all of its minorities. Even Israel has not been created on the basis of minority but on religion. When the Quaid-i-Azam took oath as the first Governor General of Pakistan, that session was chaired by Joginder Lal Mandal, who was a ‘shudra’. We all know that among Hindus nobody would like to shake hands with a ‘shudra’. Similarly, the first Law Minister of Pakistan was a non-Muslim and a ‘shudra’. Pakistan has shown commitment for minorities in its flag, too, which no other country has done. The first Prime Minister of Pakistan, Nawabzada Liaquat Ali Khan, declared on the floor of the Holy Trinity Church in Karachi that the white part of the Pakistani flag represented the minorities. The Christian community was the first community which, at the time of Partition, recorded its statement in favour of Pakistan with the Boundary Commission. The main objective of recording that statement was to make sure that the share of the Christian community would be given to Pakistan. Unfortunately, after the death of the Quaid-i-Azam, the vision of Pakistan got obscured and the political system became subservient to the feudal class. There was no representation of minorities in the constitutions of 1956 and 1962.

In the last 65 years, the status of the rights of minorities has declined. Neither the government nor the non-government sector has done anything to improve the lot of the minorities. Their future is indeed bleak. We have a number of political parties that talk about minority rights as their mandate. How could we be part of their mandate when we are not allowed to participate in elections? I am the only Christian who became minister of

minorities by securing representative position not only at provincial but also at federal level.

In this realm, think tanks can play an effective role in promoting the cause of the minorities. But what can think tanks or NGOs do when the UN as an independent body has calmly watched the violation of human rights of the minorities. The UN does not even inquire about the open violation of minority rights. In India, the Muslim minority of more than 150 million helplessly watched the destruction of the Babri Mosque. Even the foundations of the mosque were dug up and erased. This barbaric act shocked the entire world, in particular the millions of minority people who live in that so-called secular country.

In Pakistan, Hindu and Christian communities have been living for centuries alongside the Muslims in peace and harmony and all they want is to live a safe and secure life in the land of their birth.

As for the United Nations, I would suggest that some pressure group should ask the UN to observe a 'Minority Rights Day' like many other Days that it observes throughout the year. This will have good impact on protection of rights of minorities. The world is so small, if one thing happens at one place, its reaction occurs at another place. This is natural. The UN which guarantees human rights must watch over and check the violations of human rights in all the countries, particularly in respect of minorities.

Coming back to my own country, Pakistan, I would like to say that if minorities have to be given full rights, then there should be a proper place for minorities in the political system. The Constitution of Pakistan provides full rights to the minorities. I have no doubt that the leadership and majority of Pakistani people want that minority rights should be well protected. The only requirement is that governments in Pakistan have to be more forthcoming. I have been practicing activism on the roads of Pakistan for the last 35 years; no one ever hurt me. Majority of Pakistanis loves us (minorities). *Pakistan Zindabad* (Long live Pakistan)!■

CHAPTER 3

Access of Justice for Religious Minorities in a Muslim State

Prof. Dr. Imtiaz Ahmed

There is merit in Amartya Sen's argument that justice ought to be viewed both as 'arrangement-focused' (the roles of institutions, rules and organizations) and 'realization-focused' (the manner in which justice is actually realized or conversely injustice prevented), something which is well recognized in the age-old South Asian tradition with justice standing for both — *niti* and *nyaya*.¹ While the former would demand organizational conformity and behavioural exactitude, the latter would seek redress from manifest injustice, if any. In this context and with reference to Bangladesh the paper will reflect not only on the sphere of *niti*, the legal domain governing the religious minorities, but also on the state of justice (*nyaya*) or injustice (*anyaya*) reproducing the life and living of such minorities in political, economic and socio-cultural domains. For reasons of brevity, I will limit my case to Hindu minorities in Bangladesh.

In the light of Sen's contention the issue of ensuring the access to justice for Hindu minorities in Bangladesh, a Muslim majority state, requires, first and foremost, an understanding of the conceptualization of 'Muslim majority state' itself. That is, what kind of 'state' are we referring to? How did it come into being? What were its age-old practices? Did colonial intrusion make a difference? Or, for that matter, did modernity reorient the nature of the state? Answers may not be as easy as the queries.

The Making of a Muslim Majority State

A quick glance at a South Asian map will show that there is a concentration of Muslim population in the North West and Eastern parts of the region, indeed, with a noticeable gap between them. Why that is the case? This is a valid question. Orientalist scholars, following the first census in 1872 and the discovery of a large Muslim population in Bengal (16.3 million out of a total recorded population of 36.7 million), quickly came to the conclusion that the Muslim population resulted from a conversion of lower caste Hindus. This gives the impression that 'Islam was forcibly imposed by the

¹ Amartya Sen, *The Idea of Justice* (London: Allen Lane, 2009).

Muslim rulers upon the low-class local population.² Interestingly, orientalist H.H. Risley even made, albeit selective, use of anthropological method, such as the ‘measurement of nasal heights of the various classes of people,’ to come to such a conclusion.³ Shortcomings of such a position were not difficult to point out. Indeed, if it were ‘forcible imposition’ then why would it not include, as some critics pointed out, higher caste Hindus whose enmity against the Muslims was more pronounced and therefore more vulnerable to forceful conversion? And secondly, why conversion of such a large number of lower caste Hindus, if that is the case, is limited to Bengal alone? Other regions of India were no less caste-ridden, with the lower caste suppressed and dominated there as well. Answers, therefore, have to be sought elsewhere.

Massive migration could be one, no less compelling, reason, and this is precisely Fuzli Rubbee’s contention that “from the year 1203 when Muslim rule was first established in Bengal down to the year 1765 when the British acquired the *diwani*, that is for a period of 562 years, the Muslim sway uninterruptedly prevailed in this country.”⁴ But the question still remains, what made the locals accept generously and almost without noticeable violence members practicing a foreign-bred religion?

The answer probably lies in the tradition of *public reasoning* in Bengal. In fact, a cue can be taken from Tagore who summed it up in one of his very popular songs: “*We are all Kings in the kingdom of our King. Were it not so, how could we hope in our heart to meet him!*” This refers to the presence of a precise public reasoning in Bengal that has allowed tolerance and proto democratic norms to thrive culturally, with state politics and governance remaining largely insulated from this, indeed, as some would argue, on account of colonial imposition of things.⁵ The merit of this argument lies in the fact that throughout its age-old civilizational quest Bengal had invited all kinds of social and religious discourses, including Brahmanism, Buddhism, Vashnavism, Hinduism, Tantricism, Sufism and Islam, and allowed even the English to make a permanent presence long before the rest of India did (1757 and 1857 respectively). Amartya Sen, too, alludes to this when he perceptively points out that “the tradition of public

² Khundkar Fuzli Rubbee, *The Origins of the Musalmans of Bengal*, Calcutta, 1895. Cited from Muhammad Mohar Ali, *History of the Muslims of Bengal, Volume I B, Survey of Administration, Society and Culture* (Riyadh: Imam Muhammad Ibn Sa’ud Islamic University, 1985), 756.

³ *Ibid.*, 755.

⁴ *Ibid.*, 755-756.

⁵ Ashis Nandy, *Exiled at Home*, Omnibus 1 (Delhi: Oxford University Press, 1998); Partha Chatterjee, *The Nation and Its Fragments: Colonial and Postcolonial Histories* (Delhi: Oxford University Press, 1994); Nicholas B. Dirks, *Castes of Mind: Colonialism and the Making of Modern India* (Delhi: Permanent Black, 2002).

reasoning is closely related to the roots of democracy across the globe.”⁶ In fact, when it comes to Bengal, the Sufi saints could easily impress upon the people with their message of love and brotherhood and settle down both near the shore and deep inside the land not because such messages were new but rather because Bengal had cultivated a public reasoning of tolerance for centuries. No one knows why this is so but the vagaries of the weather could certainly have contributed to it.

Not so different were the reasons for the relatively tolerant Hanafi *Mazhab* (school of thought) to have a lasting impact on the Muslims of Bengal. The political domination of Bengal by the Afghans and later the Chaghatai Turks commonly called the Mughals (the Persian word for Mongols), who were all Hanafis, certainly contributed to the *Mazhab*'s influence, but this fact alone is not sufficient to understand the impact it had on the Muslims of Bengal. In fact, equally important was the discourse and the kind of practices the Hanafi *Mazhab* stood for. Let me explain.

Amongst the four prominent Sunni Imams — Abu Hanifa, Malik ibn Anas, Ash-Shafi and Ahmad ibn Hanbal, in whose names *Mazhabs* have come to be identified, Abu Hanifa is the only non-Arab, a Persian. Born in Kufa (modern Iraq) in 700 CE and taking up a teaching profession in 740 CE, while at the same time indulging in business activities, Abu Hanifa remained sensitive to the socio-political conditions of his time and place and was reputed for his flexibility and recourse to reason. One or two examples would suffice.

One day Abu Hanifa said to his disciple, Abu Yusuf, who was writing down what he was saying, “Woe to you, Ya`qub! Do not write down all that you hear from me. I may have an opinion today and then leave it tomorrow. I may have an opinion tomorrow and leave it the following day.”⁷ This only shows that Abu Hanifa was ready to update his views in the light of new evidence and changed circumstances. But if anything that Abu Hanifa is reputed for is his use of analogy while reaffirming fairness and justice in Islam. The following conversation between Abu Hanifa and Muhammad al-Baqir, a Shi'ite Imam, is worth recollecting:

<i>Muhammad al-Baqir:</i>	“Are you the one who changes <i>deen</i> of my grandfather and his <i>hadiths</i> by analogy?”
<i>Abu Hanifa:</i>	“I seek refuge with Allah!”
<i>Muhammad al-Baqir:</i>	“You have changed it.”

⁶ Amartya Sen, *The Argumentative Indian: Writings on Indian History, Culture and Identity* (London: Allen Lane, 2005), 12.

⁷ Muhammad Abu Zahra, *The Four Imams: Their Lives, Works and their Schools of Thought* (London: Dar Al Taqwa, 2001), 162.

- Abu Hanifa:* “I will present you with...things to answer. Who is weaker: a man or woman?”
- Muhammad al-Baqir:* “A woman.”
- Abu Hanifa:* “What is the share of a woman?”
- Muhammad al-Baqir:* “A man has two shares and a woman has one.”
- Abu Hanifa:* “This is the statement of your grandfather. If I had changed the *deen* of your grandfather, by analogy a man would have one share and a woman two because the woman is weaker than the man...I seek refuge with Allah from changing the *deen* of your grandfather by analogy.”⁸

Abu Hanifa’s flexibility and recourse to reason extended to other areas as well, but what has remained as the most contentious, indeed, with serious socio-political implications even to this day, is the issue of Abu Hanifa refusing to become the Chief Qadi in the court of Al-Mansur. What did it signify? There are various accounts of the disagreement between Abu Hanifa and Al-Mansur but the one given by Ar-Rabi ibn Yunus, the *wazir* of Al-Mansur, stands out:

I saw the Amir al-Mu’minun clash with Abu Hanifa over the qadiship. Abu Hanifa said, “Fear Allah and do not give your trust except to the one who fears Allah. By Allah, I am safe from favouritism but how can I be safe from anger? If you threaten to drown me in the Euphrates unless I accept the appointment, I would prefer to be drowned. You have courtiers who need those who honour them for your sake. I am not fit for that.” Al-Mansur said to him, “You lie, you are fit.” Abu Hanifa retorted, “I have declared myself unfit so how can it be lawful for you to appoint someone who is a liar as *qadi*?”⁹

Apart from making clear that one remains fearful of the divine and is beholden to Him alone, Abu Hanifa is quick in ensuring the right of the person to dissent and oppose the power of the state when it becomes unjust and dishonest. In fact, Abu Hanifa is on the record of saying that “the khalifate is by the agreement of the Muslims and consultation with them,”¹⁰ a ‘proto-democratic’ position which brought him in direct conflict with Al-Mansur.

Abu Hanifa and his followers, the Hanafites, kept on emphasizing the distinction between religion and the power of the state or what is now referred to as ‘secularism,’ but not always with success. In the Indian sub-

⁸ Ibid., 169-170.

⁹ Ibid., 152-153.

¹⁰ Ibid., 214.

continent during the Mughal period Emperor Akbar (1542-1605) succeeded in championing the cause of secularism in the sense that “the state be equidistant from different religions and must not treat any religion with special favour.”¹¹ This, however, got lost with Emperor Aurangzeb (1618-1707) siding with the *ulemas* and the conservative forces and the subsequent declining power of the Mughals. Put differently, if the Hindu minorities were well placed during the time of Akbar, this became less so during the time of Aurangzeb. But a thorough reorientation of the Islamic impact on Bengal took place with the arrival of the British and the consolidation of colonialism. One could, in fact, say that with the latter *nyaya* got replaced by *niti*, often creating newer hurdles to the life and living of both Muslims and Hindus alike. Let me take the case of the Muslims first.

The Colonial and Post-colonial Conditions

Colonized scholasticism, particularly the practice of what came to be regarded as the Anglo-Muhammadan Law, proved fatal to the cause of having flexible Islamic discourses, including traditions laid down by the Sufis and Abu Hanifa. And there were good reasons for this, as Zaman noted:

This “Anglo-Muhammadan law”...was premised, inter alia, on the notion that to try to resolve legal issues by going beyond the “authoritative” texts to earlier sources on which these texts were themselves based would violate the well-established interpretations of these texts and consequently violate accepted forms of legal thought and practice. As the Privy Council observed in 1897, it was not for the courts to “speculate on the mode in which the text quoted from the Koran...is to be reconciled with the law as laid down in the Hedaya and by the author of the passage quoted from Baillie’s Imameea....It would be wrong for the court on a point of this kind to put their own construction on the Koran in opposition to the express ruling of commentators of such great antiquity and high authority.”¹²

The argument was based on the British colonial conceptions of the ‘certainty’ or ‘invariance’ of the law, which when transposed to the Islamic or Hanafi discourse meant the freezing of the ‘interpretations’ and ‘ruling’ of the commentators of yesteryears. This certainly violated, as indicated earlier, Abu Hanifa’s cautionary note to Abu Yusuf that he must desist from writing whatever he is hearing from him because the opinion he is giving today may change tomorrow in the light of new evidence and changed circumstances. But since the colonial power stuck to its position, indeed, not so much for the reason of remaining sensitive to the Muslim reverence

¹¹ Amartya Sen, *The Idea of Justice* (London: Allen Lane, 2009), 37.

¹² Muhammad Qasim Zaman, *op.cit.*, 23.

for their own commentators as for making way for the colonial judges and that again mostly non-Muslim to fall back on the invariance of the law to govern the Muslim population, the Anglo-Muhammadan law succeeded in displacing the pre-colonial flexibility in Islamic legal opinions. The case is no different for the Hindus, as Shahnaz Huda points out:

Although during the British reign, several enactments affecting the personal laws of all major religious communities had been made, there was no attempt to introduce any sort of uniformity concerning family matters. Especially in the case of Hindu personal laws, legislation by the British mainly related to practices which the rulers found particularly abhorrent such as child marriages, the practice of *sati* (widow immolation) and so forth. The other notable statutes relating to Hindu personal law during the British reign include: The Caste Disabilities Removal Act, 1850; The Hindu Women's Right to Property Act, 1937; and The Hindu Married Women's Right to Separate Residence and Maintenance Act, 1946.

After the partition of 1947, no legislative changes or developments regarding Hindu family laws were made in Pakistan or later in Bangladesh. Thus, the Bangladeshi Hindu law continues to be what may be referred to as Anglo-Hindu law.¹³

And it is this *niti* or 'laws' with its colonial roots that came to inform the Hindu minorities in a Muslim majority country in post-colonial era. This warrants a closer exposition.

Discriminatory Laws

The state of Pakistan had formulated some specific laws that marginalised the Hindus in a systemic way and was a major source of their insecurity. Most ironically these laws were later inherited and retained by the state of Bangladesh. Consequently the Hindu community in Bangladesh feels economically and politically marginalised by these laws. The exposition below will make this clear.¹⁴

The Enemy Property Act, which was subsequently renamed Vested Property Act by the Bangladesh government is the main cause of economic marginalization of the Hindu community. It has its origins in a number of laws and by-laws promulgated by the Pakistani authorities. These originated in the East Bengal (Emergency) Requisition of Property Act (Act XIII of 1948). In the aftermath of independence in 1947 the then provincial government was faced with an abrupt and acute problem of accommodation for the numerous government offices and public servants. Under those

¹³ Shahnaz Huda, *Combating Gender Injustice: Hindu Law in Bangladesh* (Dhaka: The South Asian Institute of Advanced Legal and Human Rights Studies, 2011), 13-14.

¹⁴ For a detailed exposition, see, Imtiaz Ahmed and Amena Mohsin, *The Birth of Minority: State, Society and the Hindu Women of Bangladesh* (Dhaka: Bangladesh Freedom Foundation, December 2005).

circumstances the said Act was passed for a period of three years. The Act gave the government the power to acquire either on a temporary or permanent basis any property that it considered needful for the administration of the state.¹⁵ The Hindu members of the East Bengal Assembly opposed the Bill on the grounds that it would make the properties of the Hindu community more prone to acquisition. Their apprehensions turned out to be true. The proceedings of the East Bengal Assembly of 1951 evidenced the fact that the Act was widely used against the religious minorities.¹⁶

In 1951 the East Bengal Evacuees (Administration of Immovable Property) Act, 1951 was passed. This Act, according to the government was necessitated due to the massive exodus of Hindus in the aftermath of the partition and the communal violence that accompanied it. Under the Act the government through the Evacuee Property Management Committee could take the charge of property of an evacuee person either on the basis of application from such person or on its own motion. The committee had the authority to grant lease or let out such properties as it deemed necessary. The Act also restrained the authority of Civil Court or High Court to call in question any order passed or any action taken under this Act. It has been alleged that in many instances properties of Hindus still living in East Bengal were also requisitioned as evacuee property. The Hindu elites and zamindars (landlords) were mostly affected by this Act.

Following the Hindu-Muslim riot in 1964, the East Pakistan Disturbed Persons Rehabilitation Ordinance was passed in 1964. The validity of the Ordinance was extended from time to time until 1968. The Ordinance was supposed to bring about speedy rehabilitation to persons affected by the communal violence. It also introduced restrictions on the transfer of any immovable property of minority community without prior approval of competent authority. Most of the common people did not have easy access to these competent authorities. This created much problem for the minority communities especially the Hindus, for in essence between 1964-1968 they were deprived of their ownership of property right as the two basic components of ownership right (a) right to ensure the title of his or her property, (b) right to transfer were void during that period.¹⁷

The Defence of Pakistan Ordinance (Ord. XXIII of 1965) was promulgated following the outbreak of the India-Pakistan war in September 1965. It authorized the government to take special measures to ensure the security, the public safety, interest and defence of the state. An emergency was also proclaimed. Under the provisions of emergency powers and the

¹⁵ Abul Barkat and Shafiquzzaman, *Political Economy of the Vested Property Act in Rural Bangladesh*, (Dhaka: Association for Land Reforms and Development, 1997), 27.

¹⁶ *Ibid.*, 24.

¹⁷ *Ibid.*, 29-31.

Defence of Pakistan Ordinance, the government framed Defence of Pakistan Rules (DPR) and under the Rules of the DPR the government made an executive order on September 9, 1965 named the Enemy Property (Custody and Registration) Order II of 1965. The Enemy Property Act consisted of the following major parts:

- [a] India is declared as an enemy country.
- [b] All interests of enemy, i.e., the nationals/citizens of India, those residing in the territory occupied/captured/controlled by India – in the firms, companies as well as in the lands and buildings situated in Pakistan to be taken over by the custodian of Enemy Property for control or management.
- [c] The benefits arising out of trade or business or lands and buildings should not go to the enemy, so that it may not affect the security of the state of Pakistan or impair its defence in any manner.¹⁸

Though the war came to an end in September 1965 itself the above law was kept in operation through various proclamations. It had a distinct communal bias. In a circular issued it was specified that Muslims residing in India, including the Indian citizens would be excluded from the category of ‘enemy’. Though the Act had explicitly stated that all citizens of India would be regarded as enemy. The circular also pointed out that the properties of such Muslim owners would be handed over to them or their legal heirs on their demand. But in the case of minority community once the property is enlisted as ‘enemy’ his or her ownership right would be lapsed forever. It was not only a clear case of discrimination; but also an explicit demonstration of the lack of confidence and trust of the state in its Hindu population. Paradoxically enough the Bangladesh government retained the same Act. On 26 March 1972, the Bangladesh government enforced the Bangladesh Vesting of Property and Assets Order (Order 29 Of 1972). By this Order the properties left behind by the Pakistanis (non-Bengalis, Biharis who left for Pakistan) and the erstwhile enemy properties were combined to a single category; thus all the properties of the ‘enemy’ remained with the Bangladesh government under the banner of vested property.

The above law was a clear violation of the spirit of the Bangladesh liberation war. Secularism was adopted as one of the state principles; yet the state retained this communal Act. More importantly it was also quite out of context and time as Bangladesh itself was liberated with India’s active

¹⁸ Ibid., 31-35.

assistance; and the two countries were signatories to a Treaty of Peace and Friendship. Under the terms of the Act one had to assume that Bangladesh was in a state of war with India.

A Parliamentary Sub-committee was set up under the Ministry of Land to recommend the repeal of the Vested Property act. The sub-committee formulated a draft Bill to this effect. This Bill, however, had several loopholes. It recommended that properties that were not legally vested in the ownership of the government and those, which had been declared as enemy or vested property after 16 February 1969, would not be considered as vested property under the proposed law. The fact of the matter is that most of the Hindu property has been declared as vested property after this period. The proposed Bill further read that nothing containing in the proposed law shall affect the proprietorship status of the vested property if it had been taken over by the government, a government institution, any other institution or individual, had been sold or had been handed over permanently by the government at the directives of a court. These cases could not be even questioned in any court. These provisions, it is argued here negate and defeat the spirit and objectives of the repeal of the Vested Property Act. The law also states that the original owners must produce their land documents to the tribunal within 180 day of the promulgation of the law, else it would be taken over as government property. The 180-days' time period is considered to be insufficient by members of the community. Besides it also provides that in case of the absence of the original owner the property would be passed on to the successor according to Hindu inheritance laws. The present Hindu law deprives women of any right to inheritance, and in such an instance the provision would be discriminatory towards women.

The Vested Property Act was repealed by the Awami League regime in April 2001 as the Vested Property Return Bill 2001. This Bill will deal only with those vested lands, which are now under government's control or possession. Claimants must prove their "unbroken and permanent citizenship" to qualify for the ownership of vested property. Tribunals would be set up in all 64 districts of Bangladesh where valid owners would be asked to place their claims within 90 days. The tribunals would have to settle the cases within 180 days. As per the Bill, the property not claimed by any in the tribunals or claims, which could not be validated, would go to the government for sale or lease. Property earlier released from Vested Property list or for which a decree was obtained from higher court, or permanently leased out by the government to any authorized person or agency, or acquired for public interest would not be included in the new Vested Property list.¹⁹ It thus appears that the anomalies existing in the Bill

¹⁹ *The Daily Star*, April 10, 2001, Dhaka.

proposed earlier have not been rectified. Most members of the Hindu community, however feel that the repeal is insignificant because land alienation and land grabbing of the Hindu community still continues through coercion since the state system is biased towards the majority community. The Hindus also allege of discrimination in business, employment and education sectors. There is a deep conviction among members of the community that preference in the above sectors would invariably be given to Muslim members.²⁰

The Vested Property Act had been the one of the main source of their economic insecurity. This Act has had an adverse impact on the Hindu population. Due to the joint ownership property concept of the Hindus many of them have been dispossessed of their property; the Hindus regarded it as a 'Black' law, which not only marginalized them economically, but also turned them into second-class citizens. It was considered a major cause of their out-migration. "The estimated size of such out-migration during 1964-1991 was 5.3 million, or 538 persons each day, since 1964, with as high as 703 persons per day during 1964-1971."²¹

It had been alleged that due to the above Act the minority community was discouraged from acquiring new land; and was also compelled to sell off their property at cheap prices. The procedure of declaring minority owned land as enemy or abandoned property was also carried out through fraudulent practices. The government documents also substantiate these allegations.²² According to an estimate 1 million acres of land belonging to the minority community out of a total arable land of 21 million of the country, has been subjected to transfer from minority owners to the dominant sections of the society. The repeal of the Act, as suggested earlier did not bring much respite for the Hindu community since land grabbing continues through coercion. The case of injustice is clear, but as Sen points out that justice apart from *niti* ought to include the notion of *nyaya* as well. I will return to this issue shortly. More pertinently, almost in contradistinction to the arrival of the Muslims in pre-colonial times Bangladesh is now faced with yet another intrusion, qualitatively different in nature and inimical to the Hindu minorities. And it is this I will now refer to.

²⁰ For details see Sultana Nahar, *A Comparative Study of Communalism in Bangladesh and India* (Dhaka: Dhaka Prokashon, 1994).

²¹ *Ibid.*, 3.

²² Khan Md. Lutfur Rahman, "Minorities of Bangladesh and their Alienation: Causes and Implication", *Journal of the Asiatic Society of Bangladesh*, vol. 41, no. 2 (December 1996): 305.

Globalization, Wahhabization and the Fate of the Minorities

Gilles Deleuze and Felix Guattari have referred to the process of post-territoriality or deterritorialisation as giving rise to a simultaneous process of *reterritorialisation*, although the latter remains substantially different from the previous territoriality.²³ This is precisely what globalization does. Indeed, a territorial meaning of Bangladesh has become less relevant now since Bangladesh can no longer be contained or limited to 55,126 square miles of its territorial boundary but must now include the Bangladeshi diaspora spread around the world, particularly the Arab world. If globalization has deterritorialized Bangladesh it has certainly also reterritorialized it, albeit on a different plane mixed with anguish and apprehension. Let me explain.

The Arab countries host around 6 million Bangladeshi expatriates accounting for 75 per cent of the country's migrant workers. In 2009-2010 fiscal year, Bangladesh earned a remittance of US\$ 10.99 billion, of which US\$ 7.22 billion was sent by workers in the Gulf region, including Saudi Arabia, United Arab Emirates, Kuwait, Bahrain, Oman, Qatar, Libya and Iran.²⁴ But this is also the region catering to a precise Islamic *mazhab*, namely Hanbali or Salafi or, as some now prefer to call it, Wahhabism. The latter is relatively more rigid or inversely less tolerant than the Hanafi *mazhab* or the Sufi tradition found in South Asia and Bangladesh. There is no denying the fact that the power of petro-dollars and the empowered status of some of the Arab countries, particularly Saudi Arabia, made the confluence between Bangladesh diaspora and Wahhabism all the more easy if not deadly.²⁵ It may be mentioned that there is a substantial difference between Wahhabism and what Muhammad Ibn Abd-al-Wahhab wrote and preached in his lifetime. This is probably true with respect to other 'isms' as well, whether Sufism, Gandhism or Marxism. Such 'isms' have little to do with the ingenuity of a classical Sufi or the original position of Gandhi or Marx.²⁶ Ibn Abd-al-Wahhab seems to have suffered the same fate when

²³ Gilles Deleuze and Felix Guattari, *Anti-Oedipus: Capitalism and Schizophrenia*, (London: Continuum, 2004), 210-217.

²⁴ *The Daily Star*, March 26, 2011.

²⁵ Intiaz Ahmed, ed., *Terrorism in the 21st Century: Perspectives from Bangladesh*, (Dhaka: University Press Limited, 2009), 4-7.

²⁶ As Karl Marx used to say, commenting on the French 'Marxists' of the late 1870s that "All I know is that I am not a Marxist" (Letter to C. Schmidt, 1890). That is, Marx and Marxism are not same. Similarly, Mahatma Gandhi when faced with the slogan 'Down with Gandhism' could not help saying to the slogan-mongers, almost to their astonishment, that "I love to hear the words, 'Down with Gandhism'. An 'ism' deserves to be destroyed... If any sect is established in my name after my death my soul would cry out in anguish" (22 February 1940). And on the distinction between the Sufis and Sufism, see Intiaz Ahmed, *Sufis & Sufism: A closer look at the journey of Sufis to Bangladesh* (Singapore: Middle East Institute, National University of Singapore, 2010).

much of what he disputed and even rejected came to be advocated in his name, often championed by the forces who found themselves threatened by his theological position. As Natana DeLong-Bas pointed out,

Across time and space, the Wahhabis have been depicted as violent fanatics, wreaking havoc, death, and destruction against anyone whom they considered to be unbelievers or associationists. This depiction clearly has no basis in the written works of Muhammad Ibn Abd-al-Wahhab. Although he taught that monotheism should always be upheld and associationism must be eradicated, violence and killing were not the prescribed methods for achieving these goals. He always emphasized education and discussion as the appropriate means for calling people to monotheism...[It] is important to recall that the theological message preached by Ibn Abd-al-Wahhab — that every individual has both the right and the responsibility to encounter and study the Quran and *hadith* directly — represented a threat to the power bases of both the political and religious leaders of his day. Much of the negative imagery of Wahhabism can be traced to those who stood to lose the most with its victory.²⁷

What is indicative in DeLong-Bas' contention is that what we are confronted with is not so much the religious teachings of Ibn Abd-al-Wahhab but the usurpation and the simultaneous distortion of his message by those in power, including the state. Wahhabism is otherwise the policing of Islam on the part of the Gulf States, including the Kingdom of Saudi Arabia — the most resourceful and influential amongst all the Muslim countries of the world. There is hardly anything 'Islam' in the nomenclature of the state (the country with the holiest sites of Islam named after a person, Ibn Saud) and at the same time blessed with a monarchical regime bordering on totalitarianism, which by definition is anti-Islamic. Yet the orthodox *ulama* of Saudi Arabia and other Gulf states have succeeded in reproducing and even exporting their own brand of Islam, often, as it seems to be the case, in the garb of Wahhabism. Tracing the historical roots of the latter and citing the work of Ali Bey, the 19th century Meccan scholar who was a witness to the Wahhabi conquest of the Hijaz, DeLong-Bas notes,

[Ali Bey] found an important difference between the lifetime of Muhammad Ibn Saud, when Ibn Abd-al-Wahhab was active in the political life of the Saudi-Wahhabis, and the accession of his son, Abd al-Aziz Ibn Muhammad Ibn Saud, when Ibn Abd al-Wahhab withdrew from active political activity. Ali Bey noted that Muhammad Ibn Saud had supported the teachings of Ibn Abd al-Wahhab but did not use a 'convert or die' approach to gaining adherents. This practice was used only during the reign of Abd al-Aziz, who made selective use of Ibn Abd-al-Wahhab's teachings for the express purpose of acquiring wealth and property through a 'convert or die' approach to state

²⁷ Natana J. DeLong-Bas, *Wahhabi Islam: From Revival and Reform to Global Jihad* (London: I.B. Tauris, 2004), 224-225, 243.

consolidation....Thus, it can be argued that the violence and militancy associated with the Saudi-Wahhabis during this time period had more to do with the political concerns of the state than it did with Ibn Abd-al-Wahhab's theological teachings.²⁸

The consequence of a Saudi-Wahhabi combination saw the post-Abd al-Aziz Saudi Arabia settling for a rigid version of Islam, which included, amongst other things, anti-Sufism, anti-Shiism, anti-Ahmaddiyya and issues ranging from reproducing masculinity or limiting the rights of women to be educated or to access public space to even discouraging the use of *ijtihad* (the practice of the individual engaging in personal interpretation of the Quran and Sunna) while upholding *taqlid* (the legal practice of imitating or adhering to the juridical rulings of the past). Much of this goes against the teachings of Ibn Abd al-Wahhab. Contemporary Wahhabism could otherwise be best referred to as *Saudiism* engaged in what may be called the *Saudization of Islam*, although this may prove embarrassing to those seeking oil at a favorable price or financial support from the Kingdom or visiting the holiest sites at the invitation of the latter.

Given the predominant Sufi and Hanafi foundations of Muslim communities in South Asia, the post-petrodollar intrusion of Saudiism in the region saw a rising trend in *intra*-religious conflict with a tragic outcome of 'Muslims killing Muslims.' To cite Pakistan's appalling case, in 2005, Muslim casualties of fellow Muslim terrorist violence numbered 648. In 2006 and 2007, casualties jumped to 1,471 and 3,599, respectively. And in the first 10 weeks of 2008 casualties reached 1,064 with a daily average of 14 and an annualized rate of over 5,000.²⁹ The violent onslaught of HUIJI-B and JMJB/JMB in Bangladesh too ended up in Muslims killing and injuring fellow Muslims. Apart from the complicity of the state in propping up militant groups, which in the case of Pakistan and Bangladesh became clear following the 'Lal Masjid' and 'Bangla Bhai' incidents respectively, there is also the fear of civil population succumbing to the Wahhabization or Saudization of Islam. This has created an intolerant domain contributing to the suffering of the Hindu minorities as well. With reference to the Hindu minorities in Bangladesh a good case to point out would be the 2001 national elections.

Majoritarian Democracy and the Domain of Injustice (*Anyaya*)

Democracy a much laudable ideal and principle has in effect turned into an instrument of oppression upon the minorities. Based upon the principle of majority rule politics has turned into a game of numbers. Individuals and

²⁸ Ibid., 245.

²⁹ Farrukh Saleem, "Muslims killing Muslims," *The News* (Rawalpindi), March 30, 2008, 6.

communities instead of being viewed as human beings are viewed as 'vote banks' by the political parties. In the October 2001 elections the Hindus were victims of electoral violence. It was inflicted upon them by the political parties and their supporters in a bid to either 'win' over the 'vote banks' or stop them from exercising their voting rights through coercion and violence. The institution of majoritarian democracy also does not allow them a voice in the national parliament. There is hardly any scope for a meaningful representation of the minorities in the parliament. The Bangladesh parliament is a 300-member body. Previously, 30 seats were reserved for women who were nominated by the elected members. This reservation however expired in April 2001. In the last parliament (June 1996-June 2001) there were only eight members from the Hindu community, and three from the Chakma community. Of the 11 elected members, ten were from the ruling party, Awami League, (one independent candidate joined the Treasury Bench after his election) and one from the Bangladesh Nationalist Party (BNP). The Awami League nominated three minority women to the reserved seats. Two of them were Hindu and one was Rakahine. In the October 1 2001 elections seven minority candidates got elected. Five of them are from the Hindu community, three from the Awami League and two from the BNP. Two Hill people, one from the Chakma and the other from Marma community got elected from the Chittagong Hill Tracts (CHT), one of them is from the Awami League and the other from the BNP.

It has been suggested earlier that majoritarian democracy has turned politics into a game of numbers. Human beings and communities have been turned into vote banks and constituencies. *This dehumanizing of politics took an extremely ugly form in the October 1, 2001 elections in Bangladesh.* The minority community, specially the Hindu community was targeted. The reasons for this violence are not limited to communal factors; rather the major and main factor behind this is purely political and structural. The Hindus are regarded as vote banks of the Awami League, so the supporters of the BNP and its alliance partners targeted them. In some instances Awami League supporters had also attacked them thinking that the local Hindus did not vote for them as was *expected* of them. In some instances terrorists took advantage of the situation and indulged into extortion and looting of property.³⁰

The violence started fifteen days prior to the holding of elections of October 1 and continued till about October 27, which ruined the Durga Puja, the most important religious festival of the Hindu community in Bengal. During the elections a common slogan was, *eikta eikta Hindu dhoro shokal bikal nashta koro* (pick up one Hindu after another and have

³⁰ *Star*, Weekend Magazine (Dhaka), October 26, 2001, 16.

a feast in the morning and evening). Nothing can be more gory and ugly than this. From the scanning of ten dailies from September 15 to October 27 it was observed that about 330 instances of violence against the Hindu community were reported in these newspapers.³¹ These included cases of rape, killing, physical torture, plunder, damage of property, bomb throwing, arson, extortion. The tables below illustrate the point.

Table 1

Number Time period (2001)	Assault	Threat	Physical torture	Looting	Breaking and torching	Extortion	Explosions	Other	Total
15-30 Sept	21	52	24	11	19	11	4	22	164
1-15 Oct	38	42	41	37	54	21	3	10	246
16-27 Oct	32	16	29	39	57		2	13	203
Total	91	110	94	87	130		9	45	613
Indigenou s People	3	9	1	0	1		0	1	-
Christians	1	-	-	-	0	-	-	-	-

Source: Samina Lutfu & Shamima Akhtar, “Shongbadpatra Porjalochona: Hindu Shomprodaer Upor Shamprotik Shohingshota”, *Bulletin*, Dhaka, ASK, (December 2001), 8.

Table 2

Type of torture Period (2001)	Murder	Rape	Injury	Sexual Harassment	Kidnap
15-30 Sept	5	4	110	6	1
1-15 Oct	4	27	350	16	12
16-27 Oct	8	30	206	42	1
Total	17	61	666	64	13

Source: Samina Lutfu & Shamima Akhtar, “Shongbadpatra Porjalochona: Hindu Shomprodaer Upor Shamprotik Shohingshota”, *Bulletin*, Dhaka, ASK, (December 2001), 9.

³¹ The ten dailies included *Prothom Alo*, *Janakantha*, *Jugantor*, *Sangbad*, *Banglabazar*, *Inquilab*, *Dinkal*, *The Daily Star*, *Ittefaq* and *Bhorer Kagoj*.

Table 3

<i>Place of assault</i>	<i>Home</i>	<i>Business</i>	<i>Temple</i>	<i>Others</i>
<i>Period</i> (2001)				
15-30 Sept	61	25	5	180
1-15 Oct	611	91	28	15
16-27 Oct	291	32	42	1
Total	963	148	70	196

Source: Samina Lutfa & Shamima Akhtar, "Shongbadpatra Porjalochona: Hindu Shomprodaer Upor Shamprotik Shohingshota", *Bulletin*, Dhaka, ASK, (December 2001), 9.

The Hindus were mostly affected in 57 districts. The highest incidents took place in Barisal where there were 26 incidents of violence, in Bagerhat 21 incidents, Bhola 17 incidents, Rajshahi 13 and Faridpur 12. The division wise occurrence of violence is however a little different with the highest taking place in the Dhaka division. The table below illustrates the point.

Table 4

<i>Time</i> (2001)	<i>15-30 Sept</i>	<i>1-15 Oct</i>	<i>16-27 Oct</i>	<i>Total</i>
<i>Division</i>				
Dhaka	20	34	29	83
Chittagong	18	17	11	46
Rajshahi	9	19	36	64
Khulna	20	26	21	67
Barisal	13	32	18	63
Sylhet	0	3	4	7
Total	80	131	119	330

Source: Samina Lutfa & Shamima Akhtar, "Shongbadpatra Porjalochona: Hindu Shomprodaer Upor Shamprotik Shohingshota", *Bulletin*, Dhaka, ASK, (December 2001), 7.

Some of the newspaper reports on the acts of violence are given below to capture the plight and horror of the situation for the Hindu community.

Purnima Rani Shil, only 15 years old was gang raped by 25-30 men. These men attacked their house at night in East Delua village in Ullahpura thana Sirajganj on October 8. They beat up her parents mercilessly when they tried to stop these men. Purnima was taken to a nearby place and gang raped. Her unconscious body was rescued after two hours. Her family members were kept under lock and key on October 9 throughout the whole day to make sure that the incident did not get any publicity. When the members of the family went to the Ullahpura thana, the OC refused to register the rape case, instead attempted to record it as a case of past animosity regarding land dispute. Ghatak Dalal Nirmul Committee brought Purnima and her parents to Dhaka where she herself and her family members gave a press conference in a local hotel. She also alleged that she even recognized some of the attackers as belonging to the BNP.³²

On Friday October 19, a group of young men entered a temple in old Dhaka and ate beef and roti within the premises of the temple. Then they hung a big bone of a cow on the roof of the temple. The Hindus of the area complained that this was the first time such an act of violation and humiliation had taken place within a temple. The temple authorities complained to the police and a general diary (GD) was filed. Later police were deployed in the area.³³

A group of 14/15 people wearing masks attacked a Hindu family on October 7 in Fulhar village, Rajapur, Barisal. They wounded the inmates of the house, including old men, women and children by beating them mercilessly. They took valuables worth one lakh Taka. Before leaving they asked the inmates to arrange for another one lakh Taka, else their son, an Awami League activist would be killed.³⁴

The predicament of the Hindu community within the state of Bangladesh is indeed deplorable and ironic as well, since they had to take the major brunt of the liberation war. As suggested earlier the insecurity of a community is most inextricably linked to the insecurity of its women. They become the primary targets of attack. Women being the symbols of culture and honour are the softest targets to hurt the 'other'. An attack upon the women is regarded as an attack upon the community. The home where the private is located and the women reside is the spiritual, which as Partha Chatterjee puts it, the Indian nationalists believed even the colonial power with all its might could not conquer; is so often and so systematically

³² *The Bangladesh Observer*, October 21, 2001.

³³ *Jugantar*, October 20, 2001.

³⁴ *Ittefaq*, October 11, 2001.

trampled by the state mechanisms, yet arguably Hindus in Bangladesh are equal citizens of an independent country. The minority thus continues to live a life in *anyaya* (injustice).

Concluding Remarks

One could see, therefore, that in Bangladesh three processes are at work, linked inextricably to Sen's notions of both *niti* and *nyaya* when referring to the issue of ensuring access to justice to the Hindu minorities in contemporary times. Firstly, a relatively tolerant domain at the time of the making of the Muslim majority state, particularly in the backdrop of Sufi and Hanafi discourses. This has allowed Bangladesh to reproduce a relatively tolerant society compared to Pakistan or even parts of India, particularly at a time when the region has become infected with rigid doctrines and intolerance. Secondly, the shrinking of space for the Hindu minorities in the latter's access to justice (both *niti* and *nyaya*) with the advent of colonialism and the construction of the post-colonial state. Indeed, the construction of the post-colonial state in the image of the West, with elements like electoral democracy and majoritarianism, not only gave birth to majority-minority distinctions based on religion but also made the latter vulnerable to the hegemonic aspirations of the former. Finally, the further shrinking of space for the Hindu minorities in the latter's access to justice in the wake of the Wahhabization or *Saudization* of Islam in Bangladesh. The outflow of migrant workers to the Middle East coupled with the rise of petro-dollars not only contributed to an inflow of religious doctrines qualitatively different from what is being practiced in Bangladesh but also contributed to the reproduction of intra and inter-religious misgivings and intolerance. In the light of the above three processes, a creative effort, including a serious intellectual intervention, is required if we are to ensure access to justice to humans, Hindus as well as Muslims. ■

CHAPTER 4

Sri Lanka's Civil War — Ethnicity, Class and Religion

Ambassador (R) Nihal Rodrigo

The Declaration adopted at the 10th SAARC Summit in Colombo in 1998 acknowledged that the South Asian Region is heir to what was described as “a profound common civilization continuum of great antiquity” which constituted “a basis for sustaining harmonious relations”. The same Declaration referred also to South Asia’s “complex, varied plurality of cultural and religious traditions”. However, some of these traditions and their politicized manifestations, though the Declaration did not refer to this aspect, do sometimes clash, between as well as within territorial borders of member states.

None of the South Asian member-states are totally monolithic in their composition in terms of religion, ethnicity or class-structures. Identity formation and group clustering has occurred, leading to internal conflicts as well as interventions from beyond national borders, including into Sri Lanka. This Conference is an opportunity to view perspectives of its participating countries on the issues that may have been involved and the approaches that have been undertaken or need to be taken to deal with them.

Sri Lanka is an island separate from the larger South Asian land mass but has nevertheless been influenced throughout its long history by developments in the neighbourhood. The island is home to a number of ethnic groups, religions and cultures. Buddhism is the major religion in the country. Buddhism was introduced to the island from India during the reign of Emperor Asoka and Sri Lanka’s King Devananpiya Tissa in 247 B.C. There are significant Hindu, Muslim and Christian communities in the island.

In February 2012, the Joint Statement issued in Islamabad between the Presidents of Pakistan and Sri Lanka referred to the visit by the President of Sri Lanka to Taxila, described as the “first center of Buddhist learning and a testimony to Pakistan’s rich Gandhara heritage”, and the “special bonds of affinity” between the two countries based on their rich “historical and cultural interactions”.

Ambassador Dr. Vernon Mendis, one of Sri Lanka’s most distinguished historians, in his book, “Foreign Relations of Sri Lanka”, published in 1983, quotes a translation of a contemporary record of a 6th century trader of Persian/Egyptian Muslim origin (*Cosmos Indicopleustas*),

which describes a port in the island as follows: “From all parts of India, Persia, Ethiopia, come a multitude of ships to the island which is placed midway between all lands and it sends ships likewise hither and thither in all directions”. Many Muslim traders settled in the coastal areas over the centuries. Islamic influences on Sri Lanka thus go deep into the past.

Christian missionaries, Catholic as well as Protestant, were part of the colonial period, commencing much later in the 15th century, which brought into the island, respectively, Portuguese, Dutch and British traders, with their soldiers as well.

The religious interactions that Sri Lanka has had over the centuries remain strong. The overall harmony among Buddhists, Hindus, Muslims and Christians is strong and will endure. The Sinhalese community includes within it Buddhists as well as Christians; the Tamil community includes Hindus as well as Christians; while in the small Burgher community virtually all are Christians. The Muslim community is Islamic and includes some Malays now settled in Sri Lanka. Results of a census undertaken in the country in 2012 have not yet been released. The island-wide census undertaken in 1989 indicated the following rounded figures in respect of the ethnic groupings:

Sinhalese	:	12,437,000
Tamils	:	2,997,000 (Sri Lankan and Indian);
Moors	:	1,297,000 (inclusive of Malays);
Burghers	:	42,000
Others	:	52,000

(Source: Statistical Abstract 2009 Department of Census and Statistics, Sri Lanka).

Due to expulsions/migrations compelled by the terrorism of the “Liberation Tamils of Tamil Eelam” (LTTE), post-1989 figures would not have accurately reflected the actual numbers. We need to await results of the Census undertaken in 2012.

On April 20, 2012, a demonstration took place at Dambulla, in central Sri Lanka, beside the Kahiriya Jumma Mosque. It was a protest against the building, questioning its legal status and plans to develop it further. Its location is in the vicinity of the first century B.C. Buddhist Temple, the Rangiri Dambulla Viharaya. The United Nations Educational Scientific and Cultural Organisation (UNESCO) has long declared the Temple as a World Heritage Site. The Chief Incumbent of the Temple and other Monks also participated in the demonstration which turned violent. Counter demonstrations by Muslims and closure of their shops also took place subsequently. Ambassador Javid Yusuf, a member of the Sri Lanka Human Rights Commission and former Ambassador to Saudi Arabia, has commented that it must be remembered “that it is only one incident in the

otherwise culturally tolerant environment which Sri Lanka has been known for” and that the response the nation decides to take in dealing with it “will determine the trajectory of our progress in the years to come”.

Sri Lanka’s President Mahinda Rajapaksa, at a conference in Thailand commemorating the United Nations Day of Vesak on June 2, 2012, referring to religious extremism in the global context, stated as follows: “We, in Sri Lanka take pride that different communities, following diverse religious faiths, have lived in harmony for many centuries. Even while separatist terrorists attempted to heighten religious sentiment through devastating attacks on places of most venerated religious worship, our people maintained their unity and harmony”. He did recall the massacres by LTTE terrorists of over a hundred Muslims at prayer in Kattankudy; the killing of 38 Buddhist monks in Aranthalawa and attacks on the site of the Sacred Bo Tree in Anuradhapura and the Temple of the Tooth in Kandy which were perversely perpetrated to show off their demonic “power”.

The violent conflict, indeed civil war, that raged in Sri Lanka over three decades on the demands for an ethno-centric separate Tamil state by the terrorist group, was based largely on extremist ethnic grounds. The LTTE without any qualms killed civilians and politicians of all religions and communities including their own Tamil community. The entire Tamil community must not, however, be tarred with the same brush of condemnation as many courageous, moderate Tamil politicians advocated harmony and cooperation in an inclusive multi-communal Sri Lanka with full freedom of worship for all religions. Among such personalities were the Mayor of Jaffna, Alfred Duraiappa, Sri Lanka’s Foreign Minister Lakshman Kadirgamar, Civil Rights activist Dr. Neelan Thiruchelvam, Member of Parliament Amirthalingam and others who were subsequently assassinated for their views by the intolerant LTTE.

In 1983, in the wake of the funeral ceremonies of 13 Sri Lankan soldiers who had been killed by the LLTE, Sinhalese mobs, in retaliatory response, killed a large number of Tamils in Colombo and other areas. Homes and business establishments were attacked as well. Purely mercenary motives and private pilferage are not, therefore, to be ruled out, given lists that some of the marauders carried with them. This virtual pogrom was a devil-send to the LTTE for its propaganda campaigns against Sri Lankan governments.

The LTTE, in its evolution, passed through several stages including its involvement in India. As Dr. J. Jeganathan of the Indian Institute of Peace and Conflict Studies (IIPCS) described it: “It was the geo-political interest that drove the then Indian government, led by Prime Minister Indira Gandhi, to nurture the LTTE and other militants as a strategic fence against US dominance in its backyard”. Subsequently, following an agreement with Sri Lanka’s President J. R. Jayewardene, the Indian Prime Minister, Rajiv

Gandhi, dispatched a major contingent of troops, the Indian Peace Keeping Force (IPKF), to subdue the LTTE. The IPKF achieved some of its objectives. Its own casualties were around 1200. The Sri Lanka government of President Ranasinghe Premadasa, which followed subsequently, called for the withdrawal of the IPKF hoping to reach a negotiated settlement directly with the LTTE. This did not work out. Indian Prime Minister, Rajiv Gandhi, and Sri Lankan President, Premadasa, both were also assassinated by LTTE suicide bombers.

Many sessions of peace talks with the LTTE took place, at various foreign venues, initiated by Norway with support of the United States, Japan and others after a ceasefire agreement had been signed, in February 2002, between Sri Lanka Prime Minister Ranil Wickremasinghe and LTTE leader Vellupillai Prabhakaran. Much economic support for economic rehabilitation in areas affected by the conflict was also agreed upon. Nevertheless, the process failed due to LTTE deceit and prevarication and the agreement had to be formally abrogated in 2008 by the Sri Lanka government led by President Mahinda Rajapaksa. Eventually, thereafter, a highly focused and dedicated military strategy was resolutely implemented against the LTTE. It was initiated in reaction to the LTTE's inhuman strategy of blocking of vital water supplies to civilians in the Mavil Aru area in the Eastern Province where support for Vellupillai Prabhakaran was already fading. Several countries, including India and Pakistan in South Asia, and from beyond as well, assisted Sri Lanka against the LTTE in the situation through various means. Sri Lanka finally succeeded in defeating the terrorist group in May of 2009.

There was acceptance and indeed considerable praise, initially, for the victory against ethno-centric LTTE terrorism, including through three United Nations documents adopted in close succession in May 2009. In brief, they were as follows:

1. As the war was coming to a close with heavy casualties of civilians forcibly deployed as human shields by the LTTE, the United Nations Security Council issued a consensual Statement (not a resolution) on 13th May 2009. It strongly condemned the LTTE for "its acts of terrorism over many years...and its use of civilians as human shields". It demanded that the LTTE "lay down its arms and allow tens of thousands of civilians still in the conflict zone to leave".
2. The UN Secretary General Ban ki Moon visited Sri Lanka for talks with the Government and others and inspected the conflict zones. A Joint Statement between the Government of Sri Lanka and the Secretary General as a "reflection of the close cooperation between Sri Lanka and the UN" was issued on 23rd of

May. The Statement noted that Sri Lanka had “entered a new post-conflict beginning” with challenges to achieve “relief, rehabilitation, resettlement and reconciliation”. It referred to the issue of “accountability” but stated clearly: “the Government will take measures to address those issues” - in other words that it was for Sri Lanka to address grievances, rather than the global human rights industry and neighbouring countries with ethnic connectivity to Sri Lanka. The report “Lessons Learnt and Reconciliation Commission” provides recommendations that can be heeded and implemented.

3. The United Nations Human Rights Council (UNHRC) held a Special Session in Geneva to meet allegations leveled at Sri Lanka by the human rights agencies and pressure from re-branded LTTE diaspora groups and their hired, well-paid consultants. A resolution was passed on 27th of May in which the UNHRC endorsed the Joint Statement issued in Sri Lanka on 23th May 2009 by the Government and the UN Secretary General. The resolution also re-affirmed “respect for the sovereignty, territorial integrity and independence of Sri Lanka and its sovereign rights to protect its citizens and to combat terrorism” while “condemning all attacks that the LTTE launched on the civilian population and its practice of using civilians as human shields”. Of course some member -countries in the Council did not support the resolution.

Subsequently, however, the human rights industry and even the UN Secretariat, tended to concentrate and focus on “the final stages” of the conflict without any sense of balance, neglecting the worst atrocities of the LTTE including its slaughter of Muslims in prayer, Buddhist monks and Christians at worship to which the Sri Lanka President referred at the UN Vesak Day commemoration in Thailand..

The LTTE policy and murderous campaigns were of course based on the singular objective of establishing a mono-ethnic Tamil separatist state — an objective which even the vast majority of its own Tamil community in Sri Lanka did not support. However, some diaspora groups supportive of the LTTE for their own benefit (for reasons elucidated at a recent lecture at the Kadirgamar Institute for International Relations and Strategic Studies) have re-branded and sanitized themselves to support the LTTE’s call for a separate Tamil State in Sri Lanka. This has some political support in India’s Tamilnadu state which impacts, as so-called “coalition compulsions”, on the Indian Central Government as well.

At a regional conference “Post-Conflict Sri Lanka : Rebuilding of the Society” held in Colombo last year, Ambassador Javid Yusuf indicated

that, despite not being direct protagonists in the armed conflict between the LTTE and the Sri Lanka State, the Muslims have had to undergo considerable suffering during the years of fighting in the North and East of the island. He said “the forcible eviction of the entire Muslim community from the Northern Province by the LTTE; the massacre of hundreds of Muslims who were engaged in worship in mosques in Kattankudy and Eravur; the taking over of lands belonging to the Muslims by the LTTE in the Eastern Province; the deprivation of the livelihood of the Muslims in the conflict areas; and the failure of the Sri Lanka State to provide adequate security to them are among the factors that contributed greatly to the sense of insecurity and unease the Muslims faced as a result of the armed struggle waged by the LTTE”.

These aspects, concisely expressed by Ambassador Yusuf as deeply affecting the Muslim community, affect the peace and security of members of all other communities as well and are being addressed by the Sri Lankan State. The highly complex multiple recovery process I have described as “the Quadruple Rs”: *the Restoration of peace and security; Reconciliation among all the communities; Rehabilitation of all the displaced people; and the Revitalization of the Economy in the affected areas*, particularly, very importantly, *in situ*.

With regard to the first, *Restoration of Peace and Security*, the country’s post-conflict security conditions have been largely, if not entirely ensured. The general public needs no longer fear bomb explosions in public places, nor deadly attacks on places of worship. Some aspects such as clearance of mines need to be completely achieved. High Security Zones set up by the military were once essential during the height of LTTE terrorism but were seen by the public as an obstacle, preventing access of civilians to essential locations. For example in Jaffna, of its 15 Administrative Divisions, six were under the control of State Security at one time. However, the Government Agent (of the Civilian Administration Service), Ms. Emelda Sukumar has reported that four have now been released by the Ministry of Defence to the Civil Administration.

With regard to the second aspect related to *Reconciliation among all Communities*, the process continues. People are no longer stigmatized according to their ethnic, religious or social identity. Most of the LTTE cadres had, craftily, been recruiting young children who in innocence did not know what membership in the LTTE would impel. These groups now are being rehabilitated through education, and where possible, through professional training. This would be to help them integrate into society with confidence and be accepted, without being type-cast suspiciously as “Tamil Terrorists.”

Third, *Rehabilitation, in situ, of the displaced* is related to all the other processes. Return of the displaced to places of their original

habitation is gradually taking place. Those missing or killed in the conflict are being identified. Families numbering 37,286 who fled the LTTE, or were enforced human shields, have already returned home according to the Jaffna Government Agent. However, living conditions and opportunities for *in situ* engagement and employment in many locations are difficult due to the ravages of the conflict such as the destruction of housing and inadequacies of other facilities such as power and pipe-borne water. Rehabilitation programmes assisted by the United Nations and friendly nations is proceeding. Land and property ownership claims also exist and need attention. The LTTE's enforced mass banishments of Muslims and others took place at short notice. Documentation and other essential proof to claim ownership may not have been preserved in the sudden confusion in which such crisis-ridden expulsions were taking place.

Fourth, the *Revitalization of the Economy* in the conflict affected areas is linked to the national economy. Apart from the government's creation of economic opportunities through the provision of improved infrastructure, roads, power and energy, the Sri Lankan corporate sector is also playing a vital role. Chambers of Commerce is exploring areas in which they can invest. The UN and other donors are helping the process. The Government Agent in the Northern Province of Jaffna, Ms. Emelda Sukumar has identified tourism as occupying "a prominent slot" in the economic development of the Jaffna district if accommodation, which is currently very limited, can be improved for foreign tourists. The airport at Palali is expected to be expanded and the Kankasanthurai harbour is also being improved with Indian assistance. Ms. Sukumar has indicated that paddy cultivation, vegetable farming, fruit production including exotic grapes are all now progressing well since pre-conflict Jaffna in the North was especially well known for its high-quality supply of these items to the entire market. Fisheries has potential but is constricted by some problems relating to poaching by neighbouring countries. Bilateral discussions are being held to ensure the personal safety of the fishing community as well as the preservation, environmentally, of maritime fish stocks. Somali-based piracy has also posed security and other threats to the Indian, Maldivian and Sri Lankan fishing communities, with the pirates moving eastwards towards the "South Asian sector" of the Indian Ocean Region (IOR). The criminal corporate cartels of the LTTE had even provided intelligence relating to the insurance coverage and value of cargo on ocean liners crossing the IOR to help the Somali pirates' operations.

Finally, some comment on "Class Conflicts" in Sri Lanka. Sri Lanka is a functioning democracy which has enjoyed universal adult franchise since the 1930s. Caste factors do not have an obnoxious impact on social stratification except perhaps when it comes to formal enduring arrangements such as marriage. Politics has also been a factor in this

considering the attention and value given to vote-volume by contesting politicians. However, in 1971, a revolutionary movement and political party calling itself the *Jantha Vimukthi Peramuna* (JVP) — Peoples Liberation Front — rose into prominence against economic inequalities and much social snobbery. At the time, it was influenced by Soviet Communism and was cynical about some of the elite “Left” political leaders in Sri Lanka, some of whom were viewed as Trotskyites. Maoism also came into the scene with the rise of the Peoples Republic of China. The insurrection of the JVP was one of the earliest radical youth movements. They rebelled against the existing establishment, its elitism and even the use of the English language as an exclusive means of advancement denied to them, but available to the older elites. This was partly caused by the “Sinhala Only” policy of the government in 1956 which to the JVP meant that, in reality, only the elites had access to English as a means for advancement through private sector and other lucrative livelihood occupations. The early Chinese and Communist USSR revolutionary philosophies and fighters like Che Guevara provided some inspiration. The level of violence deployed by the JVP and loss of lives in their surge as well as in their defeat was extensive. It was suppressed but rose again in the 1980s as well. Today, it has been transformed into a democratic entity, sometimes inclined to populist politics and mass demonstrations. Some of its members have now joined, as partners, in the ruling coalition in Sri Lanka and have ministerial portfolios.

Following the end of terrorism, a balanced understanding of the ethnic, religious and social factors that have been operating in Sri Lanka’s period of conflict is necessary as the country moves into a period restoring peace and security; reconciliation among all communities; rehabilitation of the displaced; and revitalization of its island-wide economic strength and stability. A balanced understanding of all aspects of the ended conflict is essential.■

CHAPTER 5

Hindu Minority Rights in Pakistan: Present Status

Pandit Channa Lal

I would like to pay my respects to all the honourable guests and participants. Being Pakistanis, we all are members of one family. We all are bonded in a relationship of respect and affection. Pakistan is the homeland of people belonging to various religions. Here, all people observe their religious programmes according to their faiths. In this context, I would like to inform you all that perhaps no minority in Pakistan enjoys the freedom of observing their religious events and festivals as much as the Hindu community does. However, our programmes take place throughout the year. We face no difficulty or hurdle in performing our religious ceremonies. A few programmes are performed even during night time and we chant holy songs on sound system throughout the night. But, neighbours have never complained. Although, the timing of the Muslim prayer call is exactly at 4 am in the morning, we only lower the volume of our sound system in respect of the prayer call and face no problem. Nobody complains and no controversial incident has ever occurred. The Government of Pakistan provides us full protection. Our two religious festivals i.e. *Holi* and *Deepawali* are celebrated with total freedom. The Government of Pakistan organizes these programmes at government level with the collaboration of the Ministry of National Harmony and spends millions of rupees. Hindus from all over Pakistan are allowed to attend the programmes. Pakistan Government has allocated separate funds for the minorities. Those funds are spent on the financial help of widows, orphans, helpless people, deserving students and minority writers and intellectuals.

The founding leader of the Pakistan People's Party, Zulfikar Ali Bhutto, formulated a separate ministry for the minorities to address the problems of minorities. This ministry is still operational. Nonetheless, according to the 18th Amendment, that ministry has shifted to the provinces. The Government of Pakistan Peoples' Party (2008-2012) has formed another ministry by the name of Ministry of Interfaith Harmony.

Pakistan government through the minority parliamentarians issues funds for the maintenance of temples, Hindu *Shamshan ghats* (cremation grounds), graveyards and other buildings.

PPP launched a monthly magazine for the Pakistani minorities in order to bridge the gap between the people of different faiths. In the

Pakistani culture, the Hindu is considered as an enemy. The purpose of the issuance of that magazine was to eradicate hatred and to strengthen national harmony.

Mohtar Benazir Bhutto also wanted to include the minorities in the national mainstream. Unfortunately, General Zia-ul-Haq divided the nation on the basis of religion and that magazine was closed down.

We have a birth right on Pakistan. Our identity is associated with Pakistan. We are first Pakistanis then Hindus. We are born in Pakistan — we will live and die here. We all should pray for Pakistan. May God save it from the evil eye! The basis of Pakistan lies in religious plurality. Need of the hour is that we all should strive to strengthen Pakistan by bridging the gap between the majority and minorities.

The Quaid-i-Azam on August 11, 1947, in his notable speech in the Constituent Assembly of Pakistan made it clear that Muslims in Pakistan would cease to be Muslims and Hindus would cease to be Hindus. The state has no concern with the faith, colour, creed and race of the citizens. In fact, with the passage of time, all citizens would have equal rights in the national affairs. By adding the white colour in the Pakistani flag, he made it a symbol of peace. The Quaid had further said that minorities were our sacred responsibility. This direction of the Quaid to the nation regarding rights of minorities needs to be implemented in true letter and spirit to further enhance prestige of the minorities in Pakistan.

My dear country fellows, no religion preaches terrorism. The need of the hour is that all the religious leaders, politicians and social activists should use their capabilities with liberal approach in order to eradicate hatred and prejudices. Only this is the way out to pave way for peace and brotherhood in Pakistan.

On reading the Holy Quran, one gets to know that Islam preaches peace and tolerance. In fact, all religions advocate peace and tolerance. According to the Quranic teachings, one should not envy others. It also teaches to promote brotherhood. I suggest that these guide lines of Quran should be followed in Pakistan to ensure rights of minorities.

I considered the PPP to be a liberal political party. But in Sindh, MNAs of the PPP treated Hindus maliciously which has brought a bad name to the party. I request the top leadership of the party to take serious notice of this issue. Otherwise, the popularity graph of the party would nosedive.

In Quran, God has been named as the ‘universal God’ (*Rab-ul-Aallameen*). The word of blessing (*Rehmat*) has appeared in Quran 325 times while the word struggle (*Jihad*) has appeared 41 times. However, the meaning of the great Jihad (*Jihad-e-Akbar*) is to fight the self.

When in 1992, the Babri Mosque was demolished, 400 Hindu temples were levelled to the ground overnight in Pakistan. In Lora Lai, one whole

Hindu family was cremated alive. A young Hindu girl was abducted from the town of Ranchore Line in Karachi. We have paid heavy price for destruction of the Babri Mosque.

To conclude my speech, I would like to say that we will never ever leave this country. Not even, if someone compels us to convert. We are born here and no-one can claim possession of this country. It is our country as well! ■

CHAPTER 6

Indian Muslims in a Multi-religious Society

Dr. Tanweer Fazal

In tracing the trajectory of Muslim politics in India, three distinct phases can be analytically distinguished. The initial phase of ‘minorityism’ with claims over cultural and political safeguards, the second phase in the decade preceding Independence when the theory of a distinct ‘Muslim nation’, with equal claims over power, gained salience; and the post-Independence phase in which Muslims again as a ‘minority’ have emphasized on multicultural co-existence with insistence on cultural rights. In strictly theological sense, the adoption of the new identity — minority/community within a grand Indian nation — was in divergence with the idea of Islamic *ummah* that purportedly privileged religious identity over the national. The tension between *ummah* and *watan*, in an altered situation, called for new innovations in thought, and Muslim intellectual exercise today has responded by analytically dissociating the two as operational in different contexts without committing to any ‘hierarchisation’ of identity and thereof, loyalty. The paper draws both from historical evidence such as speeches and writings of key political actors and members of Muslim *intelligentsia* as well as contemporary identity discourse shaped by the contemporary political, religious and cultural elite.

For Muslims in India, the partition of the Subcontinent and the subsequent creation of the sovereign Muslim state were accompanied by major social and psychological upheavals. The Muslim case of an independent Pakistan was built on the community’s fear of material oppression and cultural submergence in the wake of an assertive Hindu orthodoxy. The ideological orientations notwithstanding, a *hijrat* to the promised *dar-al-Islam*, was also a matter of real choice-making mired in serious pragmatic calculations. Over 12 million people were shunted across the haphazardly drawn frontiers, and yet, Partition-induced migration, despite its religious pattern, failed to render India and Pakistan as homogenous enclaves. Nevertheless, it did impact the religious demography of the two states. With the migration-patterns clearly indicating an urban-bias, it robbed the Indian Muslims of a substantial chunk of an emerging intelligentsia and a political middle-class. Such was the impact that the urban Muslim population was reduced to two-thirds, the most severely affected being the traditional centres of Muslim consolidation such as Delhi, western Uttar Pradesh, Bombay and Calcutta. The urban-migrants

comprised the bulk of the Muslim bourgeoisie, who despite being at the forefront of the League's campaign, were modernist in their dispensation. The cumulative effect of these tumults was, as Azad observed in his memoirs, 'the only result of the creation of Pakistan was to weaken the position of the...45 million Muslims who have remained in India.'¹ Strikingly, partition-migration could hardly disturb the rural social structure retaining the Muslim aristocracy's stake in land and property intact. They were only to be uprooted by the Zamindari Abolition Act.

Post-Partition, the political context for Muslims had completely inverted. Amidst allegations of vivisectioning the country and suspected on account of their loyalty, political aspirations of Muslims came to chart quite a different trajectory wherein they were to seek adjustments not merely as Muslims *per se* but as members of the larger collectivity — the Indian nation. In the context of determining their national identity, a discernible trend was the diminishing vigour of "Muslimness". In an altered context, the relics of the past were to be discarded and the verdict was cast against the 'two-nation theory'. As A.J. Faridi, prominent leader of Muslim Majlis, opined:

Followers of Islam are to be found in practically every country of the world from America to China. Hence, the concept of 'Muslim Nation' embracing all these diverse races, cultures, languages and regions does not appeal to reason. Even in India, the Muslims of Bengal, Punjab, Madras, U.P., Maharashtra, Mysore and Kerala cannot be categorised as belonging to one nation.²²

The Muslims in India, especially those overwhelmed by the traditional doctrine, were faced with a situation unparalleled and unenvisaged in Islamic political theory. India neither qualified to be a *dar-al-Islam*, where social and political behaviour was to be ordained by the Islamic jurisprudence, nor was it a *dar-al-harb* in the strict sense of the term, meaning whereby the Muslims had no stake in the institutionalized power. The secular state and democratic polity, theoretically at least, had made them co-sharers of power with other religious groupings. The resultant was a dilemma, a product of the contrary pulls of their dual personality: the traditional and the existent. This tension, as Anwar Moazzam reminds us, was 'directed towards their adjustment with the secular-democratic set up of India, secondly towards inventing new categories of knowledge to recast their social values.'² Emanating out of situations of contest and coalescence, three modes of thought can be discerned: the pan-Islamists, the traditionalists or the *ulema* and the secular-

¹ Abul K. Azad, *India Wins Freedom* (Delhi: Orient-Longman, 1997), 195.

² Anwar Moazzam, "The Indian Muslim: A Dilemma of the Dual Personality," in *India and Contemporary Islam*, ed. S.T. Lokhandwala (Simla: IAS, 1971), 194.

modernists. With deep implications for the grafting of the national identity of the faithful, all three have undergone accommodation and adjustments, while still clinging to the core of their value-orientation.

The Jamaat-i-Islami, with its prescribed objectives of achieving *Hukumat-I-Ilahi* had rejected modern secular state as it defied God's sovereignty and his exclusive title to the obedience of his creatures. Sovereignty of the people, the cardinal principle of democracy stood sharply at variance with the Jamaat's espousal of undivided loyalty towards the divine:

When we acknowledge the sovereignty of God, no other way is open to us except the way of submission to His will and of obedience to His commands, which implies of necessity that we should disabuse our minds of the sovereignty of kings, dictators, parliaments and state, obeying them only insofar as they themselves obey God, the real Sovereign... We surrender also our freedom to legislate for ourselves and promise, henceforth, to take His commands as the basis of our law and custom.³

Despite its stated opposition to democracy and secularism, the Jamaat, in the years following Independence, began to move towards an accommodation with the stark reality when it sought to extricate secularism as a political praxis from its fundamental philosophy. It defended secularism as state policy to the extent that it advocated religious neutrality and not irreligiosity.⁴ In continuation with the above comprehension of secularism, the Jamaat has been upfront in taking the government to task on any digression, real or perceived, from the principle of neutrality and equality.⁵

At the same time, the Jamaat cautioned that in sanctioning its approval for secularism, it was 'utilitarian expediency' that had prevailed, and that under no circumstance should it be tantamount to the endorsement of the philosophical foundations of secularism. It particularly derided secularism for its origins in the raging conflict between theocracy and science in Western Europe that eventually resulted in the rejection of religion and God altogether. The Jamaat sought to clarify that it regarded 'religion as a foundational concept of life', and that the 'ills of the modern age' were essentially owing to the 'separation of religion from effective

³ Mazhar-Ud-Din Siddiqui, *After Secularism What?*, (Delhi: Markazi Maktaba Islami,, 1977), 32-3. It is worth mentioning that the Islamic state visualized by Jamaat's founder Maududi did have a legislature or advisory council but its members were not supposed to be elected, neither would any party divisions be accepted in such a council. As the authority of divine law was beyond contestation, the advisory council's role was limited to advising the executive. The judiciary was independent of the executive but could only interpret and apply the law of God. See Sayyid Abu Ala Maududi, *Political Theory of Islam* (address delivered at Shah Chiragh Mosque, Lahore, Oct. 1939), (Delhi: Markazi Maktaba Islami, 2003), 38-9.

⁴ *Radiance*, January 19, 1964, 12.

⁵ A. Majid, "Secularism: Indian Pattern", *Radiance*, August 9, 1964, 8.

participation in the affairs of life'⁶.

The term secularism has been used in different meanings. There is a background of this term that is related to the conflict of theocracy and science during the European renaissance, during which not only religion but God also was opposed. In reaction to the extreme behaviour of Christian clergy another extreme form of anti-religiosity was brought that caused great damage to the supreme human and moral values. Jamaat has always opposed secularism in that sense because its real spirit was to throw out the God and divine guidance from the collective and social affairs. Islam presents a complete system of life for human beings not only in individual domain but also in the domain of collective social and political life.⁷

For some of its members, Jamaat's critique of secular state led to an extreme position of endorsing a Hindu religious state over a secular state on the plea that Muslims were not in the position of founding an Islamic state. In the 1960s, as calls for Indianisation were raised by the Hindu Rightwing, *Radiance*, Jamaat's mouthpiece, initiated a debate on the topic 'Hindu vs Secular state'. Prominent Jamaatis such as Anwar Ali Khan Soze and Shahabuddin Tyabji persuasively argued in favour of a religious Hindu state over an irreligious secular state. Soze started the debate by stressing that in the struggle between secularists and the ideologues of the Hindu state, Muslims should remain on the fence and hence refrain from antagonizing the forces of *Hindu Raj*. Instead of seeking equality that secularism assured, the community should pitch for their status as a 'protected minority'.⁸ Another contributor, Shahabuddin Tyabji, sympathized with the 'Hindu frustration' that despite the fact that India was the only country where they had 'lived for centuries' and 'established their religion and culture', yet, when after 'centuries of foreign domination' there was an opportunity, they failed 'to establish a Hindu state'.⁹ In yet another article, Soze argued that 'prevailing corruption in the country' warranted the state to seek guidance of religion 'to teach morality and to lead a disciplined life'. Since Hindus were dominant numerically, 'Hindu religion should be honoured as state religion.'¹⁰

In the ensuing debate, the *Radiance* editor showed no inclination to take sides; rather, he preferred ambivalence by terming Soze's views as 'very important, at the same time highly controversial'. The views of Soze's detractors were also presented in the weekly. One of them, M.

⁶ *Radiance*. January 19, 1964, 12.

⁷ *Ibid*.

⁸ Anwar Ali Khan Soze, "Hindu State Vs Secular State," *Radiance*, September 20, 1964, 7.

⁹ Shahabuddin Tyabji, "Hindu State Vs Secular State: Candid Analysis, Concrete Suggestions," October 25, 1964.

¹⁰ Anwar Ali Khan Soze, "Hindu Vs Secular State: Indian Muslims to Redefine their Stand," *Radiance*, November 11, 1964, 11.

Basheeruddin warned the supporters of the 'would be Hindu state' that the 'various minorities shudder at the very thought of Hindu state'. This fear was not unfounded as it was based on their experience of majoritarianism in the garb of secularism. He counterpoised, 'If this is the state of affairs in secularism what would happen if the dream of Hindu state is fulfilled?'¹¹ Despite the neutrality expressed by *Radiance*, the idea of the Hindu state did have some sanction within the organization as Maududi, the founder, in his speech delivered on the eve of Partition, prescribed political isolation and closer ties with the Hindu nationalists for Muslims of India:

We have to prepare general opinion on a large scale among Muslims so that as a community they adopt complete indifference towards power and administration in the government. Confidence is to be reposed in the Hindu religious nationalist movement that there is no other religion competing with them politically.¹²

On the question of determining the national identity of believers, the Jamaat continued to tread the line carved out by its founder, Maududi. Moreover, it sought to address the anomaly between non-territorially defined Muslim nationality and Pakistan as the homeland by dissociating the concept of Muslim nation from the Muslim state, and relating it instead to the concept of the universal *ummah Islamiyya*. On other occasions, the Jamaat approved of 'national unity and harmony' on the basis of shared religious values 'within the parameters of multi-racial, multi-lingual, and multi-cultural Indian society.'¹³ Muslims, in the eyes of the Jamaat, are a minority that is zealous of its distinctiveness and individuality. Following this, it resisted the Jana Sangha's insinuation to Muslims and other minorities to Indianise. It viewed it as a euphemism for Hinduisation and sought to defuse such assimilative endeavours.¹⁴

The Jamaat has been second to none in cataloguing the community's contribution and sacrifices for the progress of the 'Indian nation'. In a recent speech, the present *amir*, Sayyid Jalaluddin Omari, emphasized on Muslim claim to Indian nationhood and demanded supportive measures to facilitate their continuation towards progress:

The Muslim community has been a magnificent resource for our Indian nation. It has given great sacrifices repeatedly for the progress of this nation. It has provided outstanding and undeniable educational, social, and cultural contributions. The need of the hour is that ...its knowledge and skills be

¹¹ M. Basheeruddin, "History fails to Present Hindu Ideal Government," *Radiance*, November 8, 1964, 4.

¹² Sayyid Abu Ala Maududi, "'A Historic Address at Madras' on April 26," 1947, (Delhi: Markazi Maktaba Islami, 2009), 31-2.

¹³ Mumtaz Ahmad, "Islamic Fundamentalism in South Asia: The Jamaat-i-Islami and the Tablighi Jamaat," in *M.E. Marty*, 504.

¹⁴ Javed Hasan, "Nationalism or National Integration: Should Muslims merge their Individual Identity," *Radiance*, July 5, 1964, 12.

utilized for furthering nation's progress.¹⁵

However, on the question of relationship between Islam and nationalism, the Jamaat's position continued to be ambivalent, often revealing contradictions in its public pronouncements. A.L. Islahi, a former *amir* of the Jamaat, denounced nationalism and exhorted Muslims to eradicate the evils of nationalism. This was echoed by Abdul Moghni, a Jamaat leader, who highlighted the western-Christian origins of nationalism and attributed nationalism in the East to its westernized elite. As a consequence, the eastern nationalisms too duplicated the characteristics of the West by emerging as the 'material God'. Moghni expressed his apprehension about the ability of nationalism to serve as an ideology for the welfare of a 'particular nation' and 'humanity in general'. Oblivious to the various strands and nuances within nationalist discourse, Moghni chose the maximalist version to repudiate it. It was condemned as a 'retrogressive' thought that was detrimental to the 'unity and integrity of the nation' as it is likely to promote 'fascism of a particular, privileged section against the whole nation'. However, Moghni approved of patriotism even as he rejected nationalism:

The matter at issue is not the love and service for one's homeland. Man is a creature of the soil. None can deny an attachment and sentiment for his place of birth and rearing. That is something natural, inborn and spontaneous. But patriotism is one thing and nationalism is something else. Psychology of love is something; psychology of worship is a different matter.¹⁶

The second stream of thought is represented by the *ulema*, the bearers of tradition. The Jamiat-e-Ulama-e-Hind, the apex body of Deobandi *Ulemas*, had in the past resolved the contradictory pulls of *qaum* and *millat* by declaring both as operating in different contexts and conditions. The Muslims on account of their faith were members of a universal community of believers, the *millat*; while their location in multiple streams of cultural and linguistic groups, made them part of the nation or *qaum*. Maulana Abul Hasan Ali Nadwi, Islamic scholar and rector of the Lucknow seminary, while describing the constituting elements of the Muslim cultural personality, laid down two determining factors. The first being the 'Islamic faith, way of life and code of ethics', which despite their language, dress and geographic location makes them 'members of a single brotherhood'. The other component being that part of their culture 'which distinguishes them from their co-religionists in other parts of the world and imparts to

¹⁵ Maulana Sayyid Jalaluddin Omari, *The State of Our Nation and Community and Responsibilities*, (Eid-ul-Fitr Address, October 2, 2008), (Delhi: Markazi Maktaba Islami Publication), 8.

¹⁶ Abdul Moghni, "Islam and Nationalism", *Radiance*, November 7, 1971, 13.

them their individual national character'.¹⁷

The Maulana recognized the critical significance of both components. His advice, hence, being against any hierarchisation of identity and consequently, loyalty:

To seek to deprive a person — or to make him revolt against — transcendental values and ethical ideals which are common between him and large portions of mankind spread all over the globe will mean an attempt to freeze his spiritual fountain-heads and destroy the universality of his outlook. In the same way it will be utterly futile and unjust to expect him to cut himself aloof from his environment and lead a life of complete immunity from the local influences.¹⁸

Although both the Jamaat and the Jamiat claimed legitimacy from the Quran and the *Hadith*, the difference lay in their approach towards politics and history. The infallibility and ahistoricity of tradition is what the traditionalist *ulema* emphasized upon, the Jamaat has been open to limited adjustment through the Islamic sanction of *ijtehad* or new interpretation through consultation among the learned. The nub of this debate was to be found in the authenticity of the Islamic spirit or *Din* which the *ulema* viewed as unchanging: 'Neither the mightiest governments nor any political power and organization can effect, by themselves, the decline of the genuine Islamic temper or the deviation from it.'¹⁹

Maududi, in his renditions on Islamic philosophy, had argued that the purpose of Islam was obedience and submission to God who is the 'Creator and the Ruler of the universe'. The whole of universe was therefore obligated to obey the law of the God. He made a distinction between *Din* and *Shariah*. *Din* referred to the belief in God with all his attributes, faith in the Day of Judgment, and in the prophets and their revealed books. The *Shariat*, on the other, constitutes the code of conduct or the canons comprising ways and modes of worship. *Shariat*, unlike *Din*, was specific to every prophet, until the last one, Mohammad, 'who brought with him the final code' which was obligatory on 'all mankind for all times to come'.²⁰ Between *tasawwuf* (devotion) practiced by the Sufis and *Shariat* emphasized by authorities and jurists, Maududi, who had set out the task to found an Islamic state, preferred the latter. *Tasawwuf* was derided for its proclivity towards accretion and syncretism:

¹⁷ Maulana Abul Hasan Ali Nadwi, *Indian Muslims*, (Lucknow: Academy of Islamic Research and Publication, 1977), 65.

¹⁸ *Ibid.*, 65-6.

¹⁹ Ali Miyan Nadwi cited in, "The Meaning of Din," in *Islam in India: Studies and Commentaries*, ed. Christian W. Troll (Delhi: Vikas, 1982), 169.

²⁰ Sayyid Abu Ala Maududi, *Towards Understanding Islam* (translation of *Risala Diniyat* by Khurshid Ahmad), original published in 1960 (Delhi: Markazi Maktaba Islami, 1979), 119.

Islam cannot admit of *tasawwuf* that takes liberties with the *Shariah*. No Sufi has the right to transgress the limits of the *shariah* or treat lightly primary obligations...Anyone who deviates from the divine commands makes a false claim of his love for Allah and His Apostle.²¹

In Nadwi's view, the Jamaat's political philosophy articulated through its founder, Maududi, took an extremely reductionist approach. It overstressed the political aspect of religion, particularly, the concepts of God's rulership and dominion. This has narrowed the Islamic weltanschauung, since establishment of theocracy is stated by the Jamaat as the first and foremost objective of the revelation of the Quran and the preaching of the Prophet. The relationship between God and man was seen exclusively as one between ruler and ruled or that between Creator and creature. Thereby acts and forms of worship (*Ibadat*) receive secondary significance, as mere tools to establish theocracy. In what can be termed traditionalist condemnation of modern Islamism, Nadwi held that the acts of worship together with the four pillars of Islam hold central position in the Islamic religion, fundamentals on the basis of which the last judgment is to be pronounced. All other elements, such as politics and theocracy, qualify as 'means' to achieve this end, and hence have a secondary significance. God, in the opinion of the Muslim orthodoxy, was not merely a divine ruler who commanded obedience, but evoked love and remembrance. Nadwi expressed his apprehension that by ignoring the practice of devotion (*tasawwuf*) and insisting on a distorted version that saw religion as primarily a socio-political endeavour, a whole generation of Muslims was being misled.²²

The third category of Muslim opinion-makers can be termed as secular-modernists who revelled in invoking the constitutional provisions of a secular political order and citizenship rights. In the Nehruvian era, a section of the secular Muslim intelligentsia, closely aligned itself with the ideology of the state and called upon Muslims to actively demonstrate their loyalty towards it. M.C. Chagla, minister in Nehru's cabinet, declared loyalty towards the country and motherland as supreme:

'...what we need is that our first, foremost, paramount loyalty should be to our country...But our trouble today is that our people postpone loyalty to the country to all other loyalties, minor loyalties, forgetting the major loyalty which is loyalty to India'.²³

Following this, the secularists were unequivocal in denouncing communal trends, both among Hindus and Muslims. Muslim modernists,

²¹ *Ibid.*, 122.

²² *Ibid.*, 170-1.

²³ M.C. Chagla, 'What is Indianisation?' (Speech delivered in Rajya Sabha), reproduced in Balraj Madhok, *Indianisation? What, Why and How* (Delhi: S. Chand, 1970), 119.

while being critical of Hindu communalism, also appealed to the orthodoxy to review their own ideas and programme so far as the task of modernizing the community's outlook was concerned. Hamid Dalwi, socialist leader and a Marathi writer took issue with the Muslim leadership on the subject. He called upon the Muslim leadership to embark on the exercise of self-introspection and criticism so far as the question of Muslim integration with the Indian polity and society was to be considered:

Among Indian Muslims there is a conspicuous absence of unbiased self-critical and rational individuals who can discuss this problem (problem of integration) fruitfully. This is not entirely the fault of individual Indian Muslims. The capacity for self-criticism, the courage to face facts, the ability to lead the community with a critical awareness of one's own virtues and shortcomings implies the existence of a level of sophistication in the intelligentsia. The Muslim intelligentsia in India lacks these qualities. Their so-called leaders are usually the leaders of a blind, orthodox, and ill-educated community. Such people do not discuss their own faults; rather they obdurately cling to their own view. ...When they find faults, the faults are invariably those of other people. They do not have the capacity to understand their own mistakes.²⁴

The split between modernists and traditionalists in Indian Islam and Muslim politics has had a history that dates back to the colonial period. Organizationally, the Jamiat and the Muslim League represented the two divergent trends. Jinnah was conscious of the divide that existed and thus the Muslim league was seen as a formation representing rational ideas and vision of the modern elite. The '*Maulvis* and *Maulanas*' were termed as 'reactionary elements' from whom, the League claimed to have undertaken to set the community 'free'.²⁵ The traditional leadership too had remained extremely suspicious of the Muslim rationalists. Hamid Dalwai, for instance, was denounced as 'infidel' by the religious establishment. Islamic scholar, A.A.A Fyzee's call to the Muslim women to 'break the shackles of the Shariah Act' was chastised as apostasy:

Muslim secularist would do well to remember that in Islam there is no place for believe in nothing and dare everything. Their call to revolt against the Shariat amounts to a call for apostasy... They want to wreck the Muslim society from within.²⁶

One of the persisting themes among Muslims since Independence has been the issue of joining the 'national mainstream'. Muslim responses have questioned its constituting elements exposing the inherent bias in its

²⁴ Hamid Dalwai, *Muslim Politics in Secular India* (Delhi: Hind Pocket Books, 1972), 86.

²⁵ Jinnah while speaking at Aligarh (1937), cited in Ziya-ul-Hasan Faruqi, *The Deaoband School and the Demand for Pakistan*, (Bombay: Asia Pub. House, 1963), 79.

²⁶ "Pseudo-Secularist Plot to Wreck Muslim Society from Within", *Radiance*, January 16 1972, 13.

very composition. Amidst the bogey of 'Indianisation' raised by Hindu traditionalists, Muslims have resisted any submergence. The insistence is rather on cultural co-existence and an acknowledgement of the Indian diversity. Following Partition, while the Muslim conceptualization of distinct nationality elapsed, the recovery of minority consciousness could be observed.

After all, a minority – religious, regional or lingual – remains a minority because it considers the differences that distinguish it from the majority of sufficient value to itself to put up with the disadvantages that inevitably attach to a minority position in any situation.²⁷

The Rise of Bangladesh and the Reformulation of Muslim Identity

Geo-politics apart, the formation of Bangladesh as a sovereign political entity was pregnant with deep socio-political implications. In particular, for the Muslims of the subcontinent, now neatly distributed in the three states, the cataclysmic events of the early 1970s, carried significant connotations necessary in the moulding (or remoulding) of their political consciousness. The Muslim-ness of their identity, which many among them for so long had zealously guarded, lay shattered by the turn of history. 'The two-nations theory, formulated in the middle class living rooms of Uttar Pradesh, was buried in the Bengali countryside.'²⁸ The dismemberment of the 'Muslim nation-state' has also provided a fecund source for scholars investigating the myriad ways in which identities, both ascribed and achieved, reveal and gain salience and also, get obliterated, in different interactional situations. Post-Bangladesh South Asia is also a ground to re-examine the concepts of nations, nation-state and nationalism. The most pertinent question being put to sociological enquiry then is, can religion define nationality and allow the consolidation of nation-states?

The failure of the Muslim state to accommodate Muslims in their entirety, or seen obversely, the choice of a large majority of Indian Muslims to remain tied to the land of their birth had begun to condition their identity and nationality. Still, for a number of Muslims, faced with majoritarian backlash and loss of power, Pakistan continued to be a promised land of unseen and unfulfilled opportunities. For the 'nationalist Muslims', who had foreseen the absurdity of Muslim nationalism, Bangladesh was a vindication of their prognosis that religion could not be the basis to hold nations together. Mohammad Yasin, writing in the midst of Bangla-

²⁷ Badr-ud-din Tyabji, *The Self in Secularism* (New Delhi: Orient-Longman, 1971), 78-9.

²⁸ S. Shahabuddin and T. P. Wright Jr., "Muslim Minority Politics and Society," in *J.L. Esposito*, 157-58.

liberation struggle saw in the instance, the death of the concept of ‘Islamic nationalism’:

When Islam could not survive the baseness of human nature, it is doubtful that Pakistan’s Islamic nationalism will do better. It is fighting a lost cause. After all, Sheikh Mujibur Rahman is not an exception in the history of Islam...Islam lives but the concept of Islamic nationalism died its natural death before it was born in Arabia thirteen centuries ago.²⁹

The Islamic revivalists too feted on the dismemberment of Pakistan, however, unlike the secular-modernists, they saw the seeds of its disintegration in the temporal and material foundations of Pakistan and its ruling elite. The failure of Pakistan in adopting Islam as the guiding spirit behind the organization of the state and society was diagnosed as the critical factor. The *Radiance* editorial blamed the westernized League leadership, particularly Jinnah and his policy of religious neutrality. The two nation theory, it reminded, ‘was falsified on the...day when the Constituent Assembly of Pakistan...and Mr. Mohammad Ali Jinnah declared that Hindus will cease to be Hindus and Muslims will cease to be Muslims in the political sense in Pakistan’.³⁰ Jamaat leaders such as Anwar Ali Khan Soze found a silver lining in the collapse of the ‘two-nation’ theory—the prospect of Islam expanding its influence in the subcontinent. Disagreeing with the secularist interpretation, Soze tried to distinguish between communalism and religiosity. Muslim nationalism was a communal project as it thrived on particularizing cultural artifacts such as ‘Urdu language, sherwani, pyjama, Jinnah cap’. True Islamic principles such as ‘the unity of God, theory of Prophethood and the concept of accountability before God after death, or the socio-moral injunction of the Quran and the Hadith’ failed to get translated in times of competitive polarization and hostility. In the demise of Muslim nationalism Soze saw the opportunity to revert to inter-religious peace of normal times—a situation conducive to propagate the message of Islam.³¹ The decimation of two-nation theory, in truth, was the context in which the idea of united India could gain currency in the community:

None of the Bharati (Indian) Muslims any more dream of going to Pakistan...Bangladesh has proved that all Muslims of the subcontinent need not be considered as pro-Pakistanis ambitious of reviving the old Muslim empire of India...What has added to the poignancy of this situation is the sudden and strange desire of the Indian Muslims to see India united once again. Many of them have started thinking that their position would be much better in a united India. Pakistan has failed to solve their problems. Why not try the

²⁹ Ibid.

³⁰ “After Two Nation Theory, What?” *Radiance*, January 2, 1972, 2.

³¹ Anwar .Ali Soze, “Bright Prospects for Islam in India,” *Radiance*, March 19, 1972, 3.

concept of a united India now?³²

From a denunciation of all forms of nationalism to identification with Indian nationhood, the ideological shift in the Jamaat ideologues is not astonishing as it is consistent with the consensus across the spectrum of ideological persuasions among Indian Muslims. In other words, the collapse of Muslim nationalism exacerbated the process of integration of the Muslims with the idea of India. The new realization was also facilitated by factors both extraneous as well as structural, those emerging from within and significant in the recasting of Muslim thought. The post-Bangladesh Muslim India had a sizeable proportion of a new generation devoid of the bitter memories of the past. In 2006, more than two-thirds (67.6 per cent) of the Indian population was born after the formation of Bangladesh in 1971 and more than 90 per cent after the Partition of the subcontinent in 1947.³³ Although no such data disaggregated along religion exist, the proportion is believed to be the same across communities. Thus, for the majority of the Muslim population in the country, Pakistan and Bangladesh were events narrated through oral transmissions and history texts. Though communities preserve their cultural memories, it would be far-fetched to believe that they retain the same vigour when passed on to the next generation. This section of the Muslim population had their life experiences moulded in post-partitioned India, where Muslims were a relatively small and dispersed minority.

As realities of their existence set in, even tradition had to be interpreted in a new light. It is often asserted that for a Muslim the world exists in bipolarity. Either it is a *dar-al-Islam* (countries where Islam rules) or *dar-al-harb* (countries at war with *dar-al-Islam*). In this view, Islam yearns for political power, absolute and exclusive, the denial of which lands it either into a perpetual confrontation with non-Islam or the choice of *hijrat* (migration). The Muslim theorists in India have reinterpreted the traditional doctrines to find a doctrinal validation for their existence in India. Thus India, with its principles of secularism and religious pluralism, is seen as qualifying to be *dar-al-aman*, that is land of peace. As Syed Shahabuddin, leader of Muslim Majlis-e-Mushawarat, writes:

... Islam also recognizes the concept of *watan* (homeland) because everyone is presumed to love his land of birth or domicile. In purely theological terms, therefore, from the Islamic view, India is not a *dar-al-Islam*, but neither is it

³² Ibid., 3.

³³ This is calculated by summing up the projected Indian population below the age of 34 for population born after 1971 and below 60 for that born after the Partition. The projection is based on the actual count of 2001. See Table 19-Percentage Distribution of Projected Population by Age and Sex as on 1st March 2001-2026, *Population Projections for India and States 2001-2026 (Revised December 2006)*, Office of The Registrar General and Census Commissioner, India, 2006, 140-1.

dar-al-kufr nor even *dar-al-harb*. It is *dar-al-ahad*, *dar-al-aman*, and *watan*.³⁴

The traditionalists and the emerging political leadership betrayed a weariness with the ideas of pan-Islamism and Khilafat. Zealous pronouncements favouring Khilafat as an antithesis of nationalism were rebutted as unrealistic and naïve: ‘Does or doesn’t Islam recognize as ‘people’ in the Quranic sense, human groups which may wholly or partly profess Islam and inhabit a defined territory or cutting across boundaries of State, form an identifiable region of concentration?’³⁵ In other words, religion does not have any criticality in the constitution of nations as people of different faith may form one nation. In an article, aptly titled ‘Restoration of Khilafat Nothing But a Mirage’, Shahabuddin reminded the protagonists of Khilafat of the triumph of nationalism even in the Muslim world:

All over the world, Muslim peoples waged wars of liberation in the name of nationalism against colonialism and imperialism, with the clear objective of forming territorial nation-states. Pakistan was the only exception, but the “religious ideology” was soon buried in the foundations of a nation-state, the secession of Bangladesh and ethnic conflicts in what remained of Pakistan.³⁶

Conclusion

Post-Independence, Muslims of India display a remarkable adjustment with the idea of composite Indian nationalism. In consonance, an overt denunciation of the concept of Muslim nationalism as well as pan-Islamism has followed. Intellectual innovations refashioned theological discourse to give new meanings to Muslim existence in a multi-religious society governed by the secular state. The pursuit of Khilafat is termed as a chimera while India has come to be understood as a *darul aman*, an advance over the polarity between *darul harb* and *darul Islam*. In the new comprehension, Muslims have increasingly adopted the identity of a minority. However, their distinctiveness from the large collectivity, though a source of persistent tension, is rarely viewed as one leading to complete estrangement. ■

³⁴ S. Shahabuddin and T. P. Wright Jr., “Muslim Minority Politics and Society”, 157.

³⁵ Syed Shahabuddin, “Restoration of Khilafat, Nothing But a Mirage,” *Muslim India*, XV (174), June 1997, 242.

³⁶ *Ibid.*

CHAPTER 7

Rise of Violent Sectarianism in Pakistan

Raza Ahmad Rumi

Raza Ahmad Rumi, Writer and Director Policy and Programmes, Jinnah Institute illustrated his topic with the following presentation slides.

Sectarian Killings

- Denominational differences are not new to Islam, just as they are not to other religions.
- Sectarian violence-continuation of the trends already gathering pace in Pakistani society from 1980s.
- Growing retreat or failure of state & law enforcement agencies against the expanding power of militant groups.
- Sectarianism linked to growth of Pakistan-based terror groups and their alliance with the global Jihadist project al Qaeda.

Sectarian Violence

- The aggression directed towards the Shia Muslims across the country has increased considerably.
- The coverage of events in the region by mainstream media has been inadequate.
- Currently Karachi, Gilgit-Baltistan, Balochistan, Kurram Agency, districts of KP and South Punjab are prone to sectarian terrorism.
- State capacity to deal with this issue is not sufficient.

Roots of Modern Sectarianism

- Sectarian conflict in Pakistan traces its roots to the Pakistani state's attempts to forge a national identity based on Islam.
- Muslim nationalism in India at the start of the Pakistan movement was broadly pan-Islamic in nature and aloof to sectarianism.
- In 1950s, when new textbooks were commissioned for junior classes, the official narrative began to shift.

The Pakistani state, as a matter of policy, decided to formulate a new identity. It was based as much on constructs of Pakistan's Islamic identity as it was on a virulent anti-Indianism.

Education System & Discourse

- Textbooks and public education on religious precepts regarding various sects needed to be more comprehensive.
- In Madrassas lower level seminaries' leadership started sectarian discussions in their speeches which were not discouraged by the state apparatus.
- Some decrees of apostasy against the Shias of Pakistan in the 1990s would refer to the works of the same religious leaders to justify their pedigree.

Exclusionary State 70s/80s

- Emphasis on a singular Muslim identity since 1974.
- Sectarianism in Pakistan — pinnacle in 1980s.
- Movement from the more tolerant, pluralist expression of Islam to a more austere/puritanical Deobandi Islam.

High Church to Low Church

- Nation's policy elite decided that Islam was to be the primary factor around which Pakistan's identity would be constructed
- More rigid 'High Church' Deobandi creed started to dominate the ideological landscape of Pakistan, with its influential seminaries in urban centres and its emphasis on laws and punishment.
- The 'Low Church' Bareilvi clerics, who were tolerant of the rural Shrine culture and of Shiaism were gradually sidelined since 1980s.

Regional Events & Fallout

- The Deobandi creed was further strengthened with the Soviet invasion of Afghanistan and the advent of the Islamic revolution in Iran in 1979.
- 'Jihad' against the Soviet Union increased the charisma of the Deobandi seminary.
- The geopolitics of Shia-Sunni tensions in the Middle East after the Iranian revolution also added to the hardening of religious identities.

Polarisation Intensified

- Evidence points to the fact that government officials in 1980s were informed of the sectarian trouble brewing in the Jhang district of the Punjab, but they chose to ignore it.

- The lower level seminaries started giving fatwas that declared the Shias non-Muslim. .
- In that charged environment violent incidents occurred in 1986 against Turi Shias" in the city of Parachinar in the Kurram Agency.
- Later, with the passage of time violent incidents also occurred between Sunni sects.

1990s: Collision & Accommodation

- During 1996-98, for instance, sectarian violence in the Punjab resulted in 204 terrorist attacks, killing 361 people. Lahore alone had shared the 64 attacks.
- In late 1990s, Nawaz Sharif, then Prime Minister, initiated a clean-up operation against the SSP but did not follow it up resolutely.
- Today Nawaz Sharif's party, the PML-N, have been accused of forming an electoral alliance with sectarian elements in the Punjab.

Policy Implications

- Enabling religious plurality and introduce strict laws to discourage sectarianism.
- Pakistan Studies and Islamic studies textbooks should be free of the material that promotes sectarianism.
- Armed militias & militant organisations need to be disbanded.
- Existing bans on sectarian organisations need reinforcement.
- Laws against hate speech should be strictly implemented.
- Jihadi publications supporting supra-state ideologies and sectarian agendas should be banned and the license of such publications should be revoked.
- There is a dire need to reform the madrassah network in the country.
- Prayer leaders with known involvement in sectarian activities should be removed from positions of authority.
- Government officials and politicians accused of maintaining links with sectarian organisations should be investigated and, if found guilty, should be prosecuted.
- The government should ensure a competent prosecution team for those being tried for sectarian violence.
- The security of judges who oversee sectarian cases should also be ensured. ■

CHAPTER 8

Dynamics for Bangladesh's Religious Minorities

Saleem Samad

Mr. Saleem Samad, investigative journalist in South Asia, reporting on conflict issues and political affair illustrated his presentations with the following slides.

- Bangladesh, thrice partitioned is a historical reality.
- In 1971, the Bangladesh was carved out of the political boundaries of what was eastern province of Pakistan.
- The first partition of Bengal took place in 1905 under British Rule and resulted in the amalgamation of East Bengal and Assam into a separate Muslim-dominated province.
- It was justified on the grounds of both administrative convenience and separate interests of Bengal's Muslims from Hindus.
- It has also been interpreted as an example of colonialist's divide-and-rule tactics in India.
- Those scholars and historians trained by the British divided the ancient history of Indian sub-continent into Buddhist era, Hindu era and Muslim era.
- The first partition was of course opposed by a combination of high-caste Bangalee Hindus whose landed interests in East Bengal were directly undermined by the partition as well as of a common Bangla language, literature, history, tradition and way of life.
- Historically, Bengal spearheaded the racial politics, which gave birth to Pakistan.
- Muslim League was born in 1906 at Dhaka in a Nawab's palace, which later led to a controversial proposal of the 'Two Nation Theory'.
- A homeland for Indian Muslims was advocated by Muslim League and adopted it as the 1940 Lahore Resolution proposed by a leader born in Bengal. Pakistan born in 1947 was the brainchild of the Muslim League leaders of Bengal, which has torn the Bangalee community apart.
- Muslim leaders of Bengal who later dominated and dictated politics in East Pakistan promoted their anti-secular stance.
- This phenomenon spilled over into post-liberation Bangladesh.
- The progressive intellectuals, radicals and young political activists rejected the politics of racism.

- Thus, whoever was the majority by caste, religion, ethnic and language dominated the minorities as a privilege.
- Since the partition in 1947 until now Bangladesh experienced “low intensity” violence against religious and ethnic minorities.
- Often described as a silent disaster.
- The independence of Bangladesh has not brought much peace for the Hindus, Christians, Buddhists, the ethnic, cultural and language minorities.
- The minorities numbered about 10 million.
- The growing political intolerance and violence was never imagined three decades ago.
- The nation was born apparently on the principles of secularism, respect for all religions, practices and beliefs.
- Secularism and human rights were enshrined in the Constitution of 1972, which was rare in any Muslim country.
- Subsequently, the non-state actor, the sabre-rattling militaries doctored the constitutions and took the dangerous path of Islamisation of the secular state to govern the nation and to appease the Islamic bigots.
- Bangladesh apparently is dominated by Sunni Muslim majoritarians among the 150 million Bangla speaking population.
- The nation born to be a secular nation moved away from secularism.
- Bangladesh drifted towards religious intolerance preached by the mullahs.
- Bangladesh’s long tradition of inclusive, moderate Islam and Sufi practices was increasingly threatened by Islamic extremists.
- This attracted a breeding ground for political and sectarian violence.
- The new state of Bangladesh emerged as a secular polity with a constitutional embargo on religion in politics.
- The first 1972 Constitution abolished:
 - (a) all kinds of communalism;
 - (b) political recognition of religion by the state;
 - (c) exploitation of religion for political purpose;
 - (d) discrimination on religious ground (Article 2 of the Bangladesh Constitution).

The preamble of the Constitution emphasised secularism as one of the fundamental principles of state policy. It is obvious that Islam, or for that matter, any other religion, as an individual belief system was not interfered with, but its political use and or abuse was barred.

General Ziaur Rahman scrapped secularism and introduced a “circumcised” constitution.

The amended Constitution inserted "Bismillah'ir Rahman'ir Rahim“.

The principle of secularism was replaced by the words, "Absolute trust and faith in the Almighty Allah shall be the basis of all action. "This unilateral decision of the liberation war veteran, General Zia, irked the secularist, civil societies and left-leaning groups.

Islam as State Religion

- Subsequently, the military dictates of General Zia (1975-1981) and General Ershad (1982-1990) were declared illegal by the superior courts of Bangladesh.
- Islam was used as a weapon to consolidate power and legitimise their leadership.
- The constitutional amendment recently in 2011 under the women leadership of Sheikh Hasina is an evidence of majoritarian rule.
- Where Islam has been retained as State religion, *Bismillah'hir Rahman'hir Raheem* is still above the Preamble of the Constitution of Bangladesh and the denial of the existence of "Indigenous People" which contradicts the principles of the war of independence.
- The situation of minorities in Bangladesh is a human rights issue.
- Status of minorities all over the world has demonstrated a pattern of discrimination and insecurity.
- Bangladesh is no exception.
- The example of minorities in Bangladesh has a typical trend.
- The status of the minorities in Bangladesh will not improve unless total fundamental rights as laid down in the state constitution as well as by United Nations Human Rights Declaration are not implemented.
- In addition without the political will of the government, it would be difficult to see a society of racial harmony.
- The Urdu-speaking linguistic community, known as the Bihari's had borne the brunt during post-independence Bangladesh.
- In 1972, the beleaguered Urdu community were once again targeted for their pro-Pakistani allegiance
- They were huddled in scores of make-shift refugee camps after their homes were vandalised, properties looted and women sexually abused by armed-thugs
- They were stranded in Bangladesh as they claimed that they were citizens of Pakistan.
- The minority community dotted around the country were engaged in political-riots with the cohorts of Awami League, which caused deaths of thousands on either side.
- For years, the Urdu-speaking minorities were languishing in make-shift camps in several towns in Bangladesh flying Pakistan flags for decades.

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- After series of higher court's verdicts during 2003-2008, recently became citizens of Bangladesh. The higher court dubbed them as "Urdu-speaking minorities". They are now eligible for national ID, enrolment in voters list and passports etc.
 - This happened after the realisation of the first-generation youths born after independence of Bangladesh.
 - The demand of the Urdu-speaking communities to be repatriated to Pakistan has gradually faded after mainstreaming of their children in higher education and jobs and adults becoming citizens of the country.

Conclusion

- The nationalist chauvinist political parties, over-zealous politicians and politico-military dictators in Bangladesh have used religion as a tool to consolidate their power base.
- It is evident that the true spirit and essence of democracy remains an illusion for the minorities in Bangladesh.
- In the name of majoritarian rule and democracy they have been marginalised politically, economically as well as culturally.
- The state Constitution extends guarantee for the majority, the Bangla Muslims.
- The Bangladesh Constitution does not reflect the existence of the cultural and ethnic minorities. Religion has been used as a tool by the political parties and politicians in Bangladesh to consolidate their power base.
- It is time that our elected representatives take cognisance of the fact that Bangladesh is not homogenous state rather it is a multi-national state, this reality ought to be incorporated into the Constitution of Bangladesh.■

CHAPTER 9

Politicizing Buddhism: Violence, and Religious Minorities in Sri Lanka

Prof. Dr. K. N. O. Dharmadasa

Introduction

When we consider this topic we find that there are three key concepts which should receive our major attention. They are, Buddhism, violence and minorities. It is obvious that the term minorities would refer in the Sri Lankan context to religious minorities such as Hindus, Christians and Muslims. As for Buddhism, when a concept such as "violence" is placed in relation to it, a fundamental question that could be raised is that whether Buddhism which is primarily a religion preaching nonviolence (*Ahimsa* in Buddhist scriptures) could be thus construed. Obviously, it is the disjuncture between precept and practice that has led to this conceptualization. Therefore, it is opportune firstly to explain the Buddhist philosophy in relation to violence.

The Buddhist Philosophy and Violence

I give below a quotation from one of Buddha's discourses where he deals with the roots of violence and oppression. "There are three roots of evil," says the Buddha,

They are, Greed, Hatred and Ignorance. .. (If a) person goaded by Greed, his thoughts controlled by Greed, using false reasons kills others, imprisons them, confiscates their wealth, subjects them to false accusations, banishes them and thus puts them into suffering. What moves him here is the feeling 'I have power and I need this power.'

That according to the Buddha is Greed in action which leads to violence and suppression of others. Next he takes up the question of 'Hatred'.

All kinds of hatred are sins. Whatever action a person does with a hating mind is sinful. That person being goaded by Hatred, being controlled by Hatred uses false reasons and kills others, imprisons them, banishes

them and so on, the feeling that leads him to such actions is, 'I have power and I need power' All these are sins...."¹

Similarly, the Buddha points out that people kill and harm others due to Ignorance as well. His teaching is that it is through non-greed, non-hatred and wisdom that we should refine ourselves and thus be better human beings personally thus paving the way for social well-being as well because society is made up of individual persons. When we talk of violence in particular, there are instances where the Buddha has expressed his abhorrence of violent actions which he had witnessed personally. The following citations from one of his discourses titled "Discourse on Self-Punishment" is a telling example:

The use of violence begets fear.
 Look how people are enmeshed in commotion
 I will tell you now
 How my mind was shocked by that
 Like shoals of fish in a pond where water had dried
 People were insanely agitated
 Stabbing and killing each other
 Seeing that my hair stood on end through fear²

Scholars believe that the Buddha, who was originally a royal prince refers to an incident which occurred during his youth, before he left the royal household³ Be that as it may, the message is clear. Buddhism as a philosophy of life is totally against violence. In fact the first precept of the five precepts observed by the Buddhists is "I refrain from taking life (i.e. killing). Furthermore, one of the basic meditations Buddhists are expected to practice is *Metta Bhavana*, "Meditation of Loving-Kindness to all Living Beings."

Buddhism in Sri Lanka: A Brief Sketch

Buddhism is the main religion in the island state of Sri Lanka. According to the last census figures Buddhists comprise 69 per cent of the population. Others are Hindus 15.5 per cent, Muslims 7.6 per cent and Christians 7.5 per cent.⁴

¹ Anguttara Nikaya, 3:69 quoted in Nayanaponika Thero, *The Roots of Good and Evil* (Kandy: Buddhist Publication Society, 1986).

² Attadanda Sutta, Sutta Nipata, vv 935,36 quoted in Nayanaponika Thero, *The Roots of Good and Evil* (Kandy: Buddhist Publication Society, 1986).

³ Nyanaponika, 1986, 49.

⁴ Department of Census and Statistics, Sri Lanka.

Buddhism was introduced to the island in 3rd century BC by emissaries sent by the Indian Emperor Asoka and as the king and the royal family were the first to embrace the religion, it soon took deep roots among the populace. The subsequent history of Sri Lanka is the story of the steady growth of an island civilization which was guided by the principles of Buddhism. In fact, Buddhism came to be inextricably linked with the affairs of state. This development most probably was due to the example set by Emperor Asoka who was the mentor to king Devanampiya Tissa under whom was Buddhism introduced. The Buddhist connection with the affairs of state was eventually a factor taken for granted. Thus for example, a tenth century inscription claims that the king dons “the sacred crown in order to look after the Buddhist religion.”⁵

In the state and Buddhism relations a crucial role was played by the Buddhist clergy. The Buddhist clergy (*Sangha*) in addition to being religious mentors were also the custodians of learning and scholarship. It was the monastic seats of learning that disseminated literacy in the land. The Buddhist clergy were the principal scholars in the land producing an array of literary works which were not confined to religious themes as is attested by the history of classical Sinhala literature.⁶ In fact the *Sangha* were also the nation's historians. The Mahavamsa, the principal source of history for ancient Sri Lanka whose first part was compiled in the 6th century was based on monastic records dating as far back as the 3rd century BC.⁷ The fact that the clergy were entrusted with a significant part of the education of the royal family is indicative of the tremendous influence they wielded over the Sinhalese polity.⁸

A telling example of the hold Buddhism had on the national imagination is found in the document named *The Kandyan Convention* signed in 1815 between the British Authorities and the principal chiefs of the Sinhala kingdom when it was ceded to the British after a long power struggle. Clause no. 5 in that Convention is a guarantee that under British rule the Buddhist religion “is declared inviolable and its Rites, Ministers and Places of Worship are to be maintained and protected.”⁹ Reporting on the matter to the Colonial Office in London, the British Governor Robert Browning explained why the clause referring to Buddhism was “more

⁵ Walpola Rahula, *Early History of Buddhism in Ceylon* (Colombo: M.D. Gunasena 1966), 6-9.

⁶ Martin Wickramasinghe, *Sinhalese Literature* (Colombo: M.D. Gunasena, 1949).

⁷ Wilhelm Geiger, *The Mahavamsa (English Translation)*, (Colombo: Department of Information, 1950).

⁸ L.S. Devaraja, *The Kandyan Kingdom 1707-1760* (Colombo: Lake House, 1972), 132.

⁹ Kirielle Nanawimala, *Sabaragamuve Perani Liyawili* (Ratnapura Lawco Press, 1946), x-xii.

emphatic than would have been my choice.” He said, “In truth our secure possession of the country hinged upon this point.”¹⁰

We now come to the next stage of our investigation which is the national resurgence under colonial rule and the position of Buddhism and other religions in Sri Lanka in that context.

Colonialism, National Resurgence and Religion

According to Prof. K.M De Silva, the foremost historian in Sri Lanka today, Sri Lanka “provides one of the most striking illustrations of the truth of the contention that European imperialism was as much a religious as a political or economic or ideological problem.”¹¹ As he has pointed out, the three European powers who impacted on the island from early 16th century onwards tried in different ways to “transform the very heart of the culture and religious traditions” of the country. The resultant opposition, conflict and resistance has had great historical consequences that have survived the expulsion of the Portuguese and the Dutch in succession, and the departure of the British in ways that continue to play out in the public life of the country even today¹²

What Professor De Silva implies is that some of the cultural and religious problems that arose in post-independent Sri Lanka and sometimes continue to erupt even today, have their roots in the policies followed by the colonial rulers.

In the early years of the British occupation of the whole island there were a few rebellions which were crushed and the rulers continued with a policy of economic transformation whereby “cash crops” such as coffee, tea, and rubber were introduced to be planted in large scale plantations. A complete change was brought about in the economy and society of the island. Some sections of the native population fell in line with these changes and there was a hope that the seeds of European civilization would soon take root and a cultural transformation also would follow¹³ But this was not to be.

The first sign of a nativistic revival was witnessed in the coastal areas, where European influence had been at work for about three centuries. This was in the form of a questioning of the Christian claims that “Buddhism was

¹⁰ K.N.O. Dharmadasa, *Language, Religion and Ethnic assertiveness: The Growth of Sinhalese Nationalism in Sri Lanka* (Ann Arbor: Michigan University Press, 1992), 16.

¹¹ K.M.De Silva, “Sri Lanka: National Identity and the Impact of Colonialism” in *Identity and Difference: Essays on Society and Culture of Sri Lanka* ed. John Clifford Holt and P.B.Meegaskumbura (Kandy: ISLE, 2006), 8.

¹² Op.cit.

¹³ “The Colebrooke Report of 1832” in *Cameron Papers*, ed. G.C. Mendis, (Oxford: Oxford University Press, 1956).

a false religion" which was propagated by a leading Christian missionary by means of the newly introduced printing press. Buddhist monks came to the forefront in challenging the Christian missionaries to public debate and there ensued several such debates which generated much enthusiasm from among the so far apathetic Buddhists. Eventually, the Buddhists also set up their own printing presses and the debates were continued in the second half of the 19th century. This was the beginning of a Buddhist revival which significantly was modeled on Christian tactics.¹⁴ As K.M De Silva puts it, "it was a mirror-image of Protestant Christianity in its organizational apparatus."¹⁵ Of particular significance is the inauguration and development of a Buddhist schools system which was a counter to the monopoly held by the missionaries in modern education.¹⁶ The leading figures in the Buddhist revival were Buddhist monks such as Hikkaduwe Sumangala (1826- 1911), Migettuwatte Gunanada (1824 – 1891) and laymen such as Anagarika Dharmapala (1864 – 1933).

Similarly among the Hindus too there was a resurgent movement. The dominant figure in this movement was Arumuga Navalar, whose mission was to prevent Christian conversions and the preservation of orthodox Hindu practices. Modern Hindu schools were also started and printing presses were made to good use by printing a large number of Hindu texts. This was pointed towards the preservation of Hindu orthodoxy.¹⁷

As for the Muslims the same pressure as it fell on Buddhism and Hinduism was brought upon on Islam. And it was resisted. But unlike the Buddhists and the Hindus they did not pursue the policy of educational modernization, thus leading to a disadvantaged position as years went by.¹⁸

Buddhist Activism in the 20th Century

With regard to the religious revivalist movements in colonial Sri Lanka a striking feature has been the lack of an attempt to launch a political programme of action, particularly from the most prominent activist group, the Sinhalese-Buddhists. This is primarily traced to the sober attitudes of the lay Buddhist leaders of the day.¹⁹ Furthermore, the Buddhist clergy of the

¹⁴ Kitsiri Malalgoda, "The Buddhist Christian Confrontation in Ceylon 1800-1880," *Social Compass*, vol. 20. no. 2, (1973).

¹⁵ K.M.De Silva, *Sri Lanka: A History* (New Delhi: Vikas, 1981), 373.

¹⁶ K.H.M. Sumatipala, 1968, (100-52).

¹⁷ De Silva, *Sri Lanka: A History*, 352.

¹⁸ De Silva, *Managing Ethnic Tensions in Multi-Ethnic Societies: Sri Lanka 1880-1985* (Lanham: University Press of America, 1986), 40.

¹⁹ K.N.O. Dharmadasa, "Buddhist Interests, Activists and Pressure Groups" in *History and Millennial Perspectives*, ed. G.H.Pieris, et al (Colombo: Law and Society Trust, 1999), 217.

day too were to a large extent traditionalist in outlook and were more scholars than social activists.

Among the Buddhist clergy the first prominent political involvement in the 20th century was to occur in the 1940's over the issue of the "Free Education Movement" triggered off by the proposal to abolish the levying of school fees and to inaugurate a programme of state funding the education of all citizens from the kindergarten to the university. The welfare scheme thus proposed was opposed by the powerful Christian lobby which was running some of the most well established private schools in the country. Even in the State Council some of the past pupils of these Christian institutions were opposed to the move and the popular enthusiasm generated by the proposal prompted some of the young Buddhist monks, who were also associated with the newly emergent Marxist movement, to take up the cause of "Free Education." Public meetings were held in many parts of the island and campaigns of collecting signatures to be presented to the State Council were begun. Finally, the Bill went through the Council safely, largely due to the campaigns carried out by the radicalist monks.²⁰

The second and the most marked political activism by the Buddhist clergy came about during the mid-1950's over the issue of making Sinhala the "one official language" of the country. This was the slogan put forward against the other option, "parity of status to Sinhala and Tamil". The argument of the Sinhala only protagonists was that Sinhala was only found in Sri Lanka and that as its speakers were the preponderant majority it was in the fairness of things to accord it the sole official status because if the minority language, Tamil too was given the same status, Tamil with its vast resources in the neighbouring South India could overwhelm Sinhala in years to come. During the general elections of 1956, large numbers of Buddhist monks came on political platforms to support S.W.R.D. Bandaranaike who took up the cause of "Sinhala Only." With the landslide victory of Bandaranaike Buddhist activism was at its zenith. The new government implemented the "Sinhala Only" Act as well as several other measures which were non communal, such as the socialist oriented Paddy Lands Act which was to benefit tenant farmers. Also, a new Department of Cultural Affairs was established in order to preserve and foster national culture.²¹

Eventually however, some of Bandaranaike's *Bhikkhu* (Buddhist monk) supporters were to get estranged. A prominent member of the Buddhist clergy is said to have conspired to assassinate Bandaranaike over

²⁰ Dharmadasa, "Buddhism and Politics in Modern Sri Lanka" in *Bhikkhava Ha Lanka Samajaya Dehiwala*, ed. Maduluwawe Sobita, et al. (Colombo: 1997), 255-60.

²¹ Dharmadasa, "Language and Identity in Sri Lanka" in *Language and Identity in Asia*, ed. Andrew Simpson (Oxford: Oxford University Press, 2007), 116-138.

his refusal to grant some economic privileges. Bandaranaike was assassinated on September 26, 1959 and the revelation that it was the work of the said Buddhist monk led to a tremendous backlash and there arose a strong wave of public protest against *Bhikkhu* involvement in politics.

Several years later, towards the mid 1960's there arose several situations in which Buddhist clergy were to come back to the political arena. There were four such issues which were used by interested parties, including laymen and political parties, to justify the political involvement of the clergy.²² The most notable *Bhikkhu* activism in politics during the 1960's was during the Dudley Senanayake government of 1965-70. The issues were again Sinhala exclusivism as against a more accommodating communal policy. The government somehow managed to carry through Parliament the "Tamil Language Special Provisions Bill" giving concessions to speakers of Tamil. But the other proposal to grant some degree of provincial autonomy to the areas where Tamil speakers were the majority, could not be implemented because of tremendous opposition, even from among the ranks of government parliamentarians.

The Culture of Political Violence: Sinhala and Tamil

The decades after 1970 have witnessed in Sri Lanka the emergence of a new social factor: Violence. The so-called "Youth Insurrection" of the Janata Vimukti Peramuna in 1971 and later in 1987-88, on the side of the Sinhalese and the rise of the Tamil secessionist movement led primarily by the Liberation Tigers of Tamil Eelam during the period 1972 to 2009 are the key factors in the emergence of the culture of violence.

During this period of political violence it was noted that as far as the Sinhala community was concerned, the vast majority of those involved were Buddhists, particularly the members of the JVP. It was also noted that a significant number of young Buddhist monks were in that movement. Apart from that, the intolerant attitude of some of the Sinhala-Buddhist activists when it came to the question of the rights of minorities also came under scrutiny.

When placed in such a context a book titled *Buddhism Betrayed? Religion, Politics and Violence in Sri Lanka* by Prof. S. J. Tambiah, a leading expatriate Sri Lankan academic in Harvard university, seemed to pinpoint the apparent contradictions between the scriptural philosophy of Buddhism and the intolerant and sometimes violent political activism of some Buddhists, particularly Buddhist monks. It was apparent that these activists were able to rationalize their behaviour so that they could play at

²² For details see, Dharmadasa, "Buddhism and Politics in Modern Sri Lanka," 1997.

one and the same time the role of Buddha *putras* (sons of the Buddha, i.e. followers of his doctrine) and the role of *Bhumiputras* (sons of the land, i.e. fighters in nationalist causes)²³.

Buddhists and Religious Minorities in Sri Lanka

As Professor K.M De Silva, has observed, the consequences of the cultural and religious policies of the colonial powers continue to create problems even in post independent Sri Lanka. Firstly, the privileges which had been granted to the Christians in several spheres of public life were challenged by Buddhist activists. Of particular significance was the adoption of the "Free Education Scheme" which removed the privileged position of the Christian clergy in the country's educational system. This welfare measure was of great benefit to the less privileged and rural populace who were the preponderant majority of the population. State control over education was completed during the administration of Mrs. Sirimavo Bandaranaike in the period 1960-65.²⁴ Also, there were other spheres of Christian privilege such as the special right the missionary organizations enjoyed in the health services. These, too, were removed after the establishment of the Bandaranaike government of 1956. As for the Hindu minority, there were no special occasions of rivalry with Buddhists apart from the problems connected with LTTE terrorism. A significant factor in this connection is the fact that Buddhists and Hindus sometimes worship the same shrines. With regard to the Muslim minority the Sinhalese Buddhist attitude has generally been cordial. In fact it was the Sinhala kings of Kandy who in the 17th and 18th centuries opened the doors of their kingdom to the Muslims who were being persecuted in the maritime areas by the Portuguese and the Dutch. The present day Muslim settlements in the central highlands date from this period. During the period of British rule in 1915 there was a "Sinhala Muslim riot" which was the first time such a conflict was enacted between the two communities. Historians have come to the conclusion that it was a rivalry in the economic sphere that lay at the bottom of this confrontation²⁵

In post-independent Sri Lanka the Muslim community has at the beginning been adopting a policy of pragmatism. As observed by Professor De Silva, "The story of Muslims in post-independent Sri Lanka is a story of

²³ Sarath Amunugama, "Buddhaputra and Bhumiputra: Dilemmas of Modern Sinhalese Buddhist Monks in Relation to Ethnic and Religious Conflict," *Religion*, 21 (1991): 115-140.

²⁴ Dharmadasa, "Buddhist Resurgence and Christian Privilege in Sri Lanka" in *Ethnic Conflict in Buddhist Societies*, ed. De Silva, et al (London: Printer Publishers, 1988).

²⁵ K.M. De Silva, *Sri Lanka: A History* (New Delhi: Vikas, 1981), 381-5.

how a small minority converted their intrinsic disadvantages (smallness of number and spatial scatter) into positive advantages in their struggle to strengthen their position in the Sri Lanka polity. They were helped in this quite substantially by Sri Lanka's political system in which from 1956 onwards the ruling party was defeated on six consecutive occasions (including 1956). The result was that the Muslims were offered opportunities for political bargaining which they used to great advantage of their community"²⁶

In recent times, there have been occasions in which the cordial relations between the Sinhalese and the Muslims have been disturbed. One was in the central town of Dambulla which is situated close to an ancient Buddhist shrine. And the other problem was in the Eastern Province where again an ancient Buddhist shrine is situated. Although religious sentiments are involved, there have been no violent conflict, which speaks well for the maturity of the parties concerned.■

²⁶ De Silva, *Managing Ethnic Tensions in Multi-Ethnic Societies: Sri Lanka 1880-1985*, (Lanham: University Press of America, 1986), 445.

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INDEX

A

Affinity, 62
 Amendment, 30, 70
 Anomaly, 77
 Apostasy, 81, 87

B

Bangladesh, 1, 3, 4, 10, 11, 16,
 17, 18, 44, 49, 50, 51, 52, 53,
 54, 56, 57, 60, 61, 82, 83, 84,
 85, 89, 90, 91, 92
 Beleaguered, 91
 Bengal, 4, 35, 44, 45, 46, 48, 49,
 50, 57, 74, 89
 Bond, 14
 Bourgeoisie, 24, 29, 74
 Brotherhood, 8, 46, 71, 78
 Buddhism, 1, 3, 5, 45, 62, 93, 94,
 95, 96, 97, 98, 99

C

Caste, 13, 15, 17, 27, 28, 29, 33,
 34, 44, 89, 90
 Catholic, 63
 Christian, 2, 25, 27, 42, 43, 62,
 63, 76, 78, 79, 93, 96, 97, 98,
 100
 Clergy, 5, 23, 24, 25, 26, 27, 76,
 95, 97, 98, 99, 100
 Coexistence, 3, 5, 12, 13, 14, 25
 Colonialism, 5, 48, 61, 85
 Communalism, 4, 81
 Community, 6, 8, 12, 19, 25, 32,
 34, 35, 36, 37, 38, 39, 40, 42,
 49, 50, 51, 52, 53, 57, 60, 63,
 64, 66, 67, 68, 70, 73, 76, 77,
 78, 81, 83, 87, 89, 91, 99, 100
 Conversions, 6, 97

Cultural, 3, 4, 5, 8, 10, 12, 22, 35,
 44, 62, 73, 77, 78, 82, 83, 84,
 90, 92, 96, 100

D

Dambulla, 63, 101
 Day of Judgment, 79
 Democracy, 2, 10, 16, 19, 34, 40,
 46, 57, 61, 68, 75, 92
 Denominational, 86
 Deobandi, 4, 78, 87
 Development, 2, 7, 10, 12, 13, 25,
 37, 68, 95, 97
 Diaspora, 54, 66
 Dilemma, 74
 Discrimination, 4, 8, 10, 13, 17,
 30, 35, 39, 51, 53, 90, 91
 Diversity, 2, 3, 8, 10, 12, 13, 22,
 36, 82
 Divine, 24, 47, 75, 76, 80
 Doctrines, 61, 84

E

Electoral, 34, 39, 57, 61, 88
 Equality, 1, 10, 12, 30, 33, 75, 76
 Estrangement, 85
 Ethnicity, 3, 62
 Euphemism, 77

F

Faiths, 12, 22, 24, 31, 39, 64, 70
 Fascism, 34, 78
 Feudalism, 23, 25
 Fraternity, 33

G

Gandhara, 62
 Geopolitics, 87

Globalization, 54

H

Hanafi, 46, 48, 54, 56, 61

Harmony, 1, 3, 5, 14, 33, 43, 63,
64, 71, 77, 91

Hinduism, 1, 5, 27, 45, 97

Hindus, 3, 4, 5, 15, 34, 42, 44, 48,
49, 50, 53, 57, 59, 60, 61, 63,
70, 71, 76, 80, 83, 89, 90, 94,
97, 100

History, 4, 5, 17, 62, 79, 81, 82,
83, 84, 87, 89, 95

Homogenous, 4, 73, 92

Human Rights, 1, 2, 3, 13, 18, 20,
49, 63, 66, 91

Humankind, 8

I

Identity, 1, 2, 4, 10, 12, 15, 16,
17, 19, 20, 27, 67, 71, 73, 74,
75, 77, 79, 82, 85, 86, 87

Ideology, 22, 23, 24, 26, 27, 28,
29, 78, 80, 85

Insecurity, 38, 49, 53, 60, 67, 91

Introspection, 81

Islam, 1, 3, 4, 12, 34, 42, 44, 45,
46, 55, 56, 61, 71, 73, 74, 75,
76, 78, 79, 80, 81, 83, 84, 85,
86, 87, 90, 91, 97

Islamization, 16

J

Justice, 1, 2, 12, 14, 44, 46, 53,
61

L

Language, 19, 33, 36, 69, 78, 83,
89, 90, 98

Leadership, 4, 28, 29, 31, 32, 71,
81, 83, 85, 91

Liberty, 22, 33

M

Madrassahs, 6

Mahavamsa, 95

Majoritarian, 32, 57, 82, 91, 92

Massacres, 17

Migration, 4, 5, 45, 53, 73, 84

Militant, 6, 56, 86, 88

Minorities, 1, 2, 3, 4, 5, 6, 7, 8,
10, 12, 13, 16, 17, 18, 19, 32,
33, 34, 36, 38, 39, 40, 42, 43,
44, 48, 49, 50, 53, 56, 61, 70,
71, 77, 90, 91, 92, 93, 99

Moderate, 64, 90

Muslims, 2, 3, 4, 5, 12, 15, 16,
19, 26, 29, 32, 34, 35, 36, 37,
38, 39, 40, 42, 43, 45, 46, 47,
48, 51, 53, 56, 61, 63, 64, 66,
67, 68, 71, 73, 74, 76, 77, 78,
79, 80, 81, 82, 83, 84, 85, 86,
89, 92, 94, 97, 100, 101

N

Nationalism, 1, 3, 16, 27, 28, 31,
78, 82, 83, 84, 85, 86

Nomenclature, 55

P

Pakistan, 1, 2, 3, 4, 6, 7, 10, 11,
12, 13, 16, 17, 18, 19, 35, 40,
42, 43, 49, 50, 51, 56, 61, 62,
65, 70, 71, 73, 77, 81, 82, 83,
84, 85, 86, 87, 88, 89, 91, 92

Philosophy, 21, 24, 75, 79, 80,
93, 94, 99

Pluralism, 25, 84

Pogrom, 32, 36, 64

Polarity, 85

Politics, 2, 21, 25, 27, 33, 38, 68,
81, 82, 98, 99

Polity, 25, 74, 81, 90, 95, 101

Prosecution, 6, 88

Protestant, 63, 97

Purge, 88

Q

Quaid-i-Azam, 2, 3, 42, 71

R

Rakahine, 57

Reconciliation, 66, 67

Reform, 6, 28, 88

Rehabilitation, 50, 67

Religion, 1, 2, 3, 4, 13, 15, 16,
21, 22, 23, 24, 25, 30, 31, 32,
36, 39, 40, 42, 45, 47, 61, 62,
71, 75, 76, 77, 80, 82, 84, 85,
90, 91, 92, 93, 94, 95, 97

Religiosity, 21, 76, 83

Renaissance, 23, 76

Repatriated, 92

Revitalization, 67, 68

S

SAARC, 3, 18, 62

Scholasticism, 48

Sectarianism, 4, 86, 87

Secular, 1, 2, 4, 6, 21, 22, 24, 26,
27, 28, 29, 30, 31, 32, 33, 34,
40, 43, 74, 75, 76, 80, 83, 85,
89, 90

Shariat, 79, 81

Sindh, 5, 17, 71

Sinhala, 5, 16, 69, 95, 98, 99, 100

South Asia, 1, 3, 10, 12, 15, 17,
19, 20, 35, 42, 54, 56, 62, 65,
77, 82, 89

Sufism, 45, 54, 56

T

Temples, 13, 70, 71

Terrorism, 3, 63, 65, 66, 67, 69,
71, 86, 100

Theological, 4, 55, 56, 73, 84, 85

Think tanks, 43

Tolerance, 1, 14, 37, 45, 71

Traditions, 3, 5, 23, 48, 62, 96

Transformation, 25, 28, 33, 96

Two-nation theory, 74, 83

U

Unity, 2, 3, 8, 12, 29, 33, 64, 77,
78, 83

Universe, 79

Upheavals, 4, 73

V

Values, 12, 13, 21, 22, 23, 24, 25,
33, 34, 35, 37, 40, 74, 76, 77,
79

Vested Property Act, 49, 50, 52,
53

Vigour, 74, 84

Violence, 2, 4, 5, 6, 7, 21, 32, 33,
34, 36, 38, 40, 45, 50, 55, 56,
57, 59, 60, 69, 86, 88, 90, 93,
94, 99

Vision, 2, 19, 42, 81

Vulnerable, 1, 18, 36, 45, 61

W

Wahhabization, 54, 56, 61

Z

Zamindari Abolition Act., 74

Zealous, 85