

## COMMUNALISM AND THE SECULAR STATE

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If one listens to the neo-liberals it would appear that communalism, that is, the feeling of Hindu versus Muslim, is a creation of Narendra Modi, because of which the Muslim community in India is made to feel insecure. This is what Philip Mason in his book, 'The Men Who Ruled India' has to say about the experience of R.V. Vernede, District Magistrate of Benares in 1938. "The district officer had to consider almost every day as one of abiding dangers. Feeling between Hindu and Muslim was getting steadily worse, almost anything might serve to touch off angry feeling into riot, loot and murder. ... Groups would gather, sometimes perhaps in fear and for self-protection. And if two such groups met and stones began to fly and gangsters would come out with knives ". He then goes on to describe a riot which occurred around the festival of Holi. With a police force of less than five hundred men Vernede had to face a major riot in which the military back up consisted of just one company of British troops. Fortunately the S.P. was Kazim Raza, who was described by Vernede as "a first rate chap, around". The riot was deftly handled, but nevertheless it took almost a week to put down, the police and army had to fire more than eight times, there were dozens of cases of arson and looting and a large number of casualties, eighty-one to be exact. Both the Hindus and Muslims were equally responsible for the riot. In fact, as Mason puts it, riots between Hindus and Muslims were endemic in most big cities and a major riot took place as early as 1883 in Bombay. More than half the cities of India saw communal riots between 1919 and 1940.

Against this background one has to view the Partition and the Constitution of India as enacted on 26<sup>th</sup> November 1949 and made effective from 26<sup>th</sup> January, 1950. The genesis of partition was the desire of the Muslim League to set up a separate State of Pakistan in which the majority of the population would be Muslim and whose guiding light would be Islam. But what is of great significance is that India embarked on a totally different path in which secularism became the corner stone of the new State, nor merely in terms of separation of Church and State but in terms of willing acceptance of a multi ethnic, multi cultural and multi religious society in which all religions, all faiths are deemed to be equal. The Preamble of the Constitution states this unambiguously. Article 14 mandates equality before law and Article 15 specifically prohibits discrimination on account of religion, race, caste, sex or place of birth, Article 25 gives freedom of conscience and free profession, practice and propagation of religion, Article 26 gives each Faith the freedom to manage its religious affairs, Article 29 provides for the protection of the interests of minorities and Article 51 A categorically states that it shall be the duty of every citizen of India "to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities ..." This spirit of tolerance and equal respect for all religions has been built into the Constitution not only because the Constituent Assembly so desired; this decision of the Constituent Assembly reflected the wishes of the vast majority of the people of India who firmly rejected a theocratic state or one based on the dominant position of a particular community and instead voted for a country in which people of all religions and thoughts would live together as equal citizens. Unless our politicians realise that it is the people of India who made India secular they will not appreciate the truly catholic outlook of all Indians, Hindu, Muslim, Christian, Sikh, Buddhist, Jain, Parsi, Animist or Atheist. It is this spirit which has resulted in India having the second largest Muslim population in the world after Indonesia. No doubt there are aberrations, perversions, deviations from the secular ideal, but

the basic common sense and good will of the India people forces the polity back on the rails whenever there is a derailment.

India is fortunately placed in that the Indian Muslim is not unduly influenced by Wahabi orthodoxy. Not only does Islam in India have a softer face than that of either extreme Sunni orthodoxy or Shia bigotry, but it has the moderating influence of Sufi philosophy and Islam's own interface with Hindu India. One makes so bold as to state that this is the true face of Islam as revealed through the Prophet, Sallallah Waleh Sallalam, himself a messenger not only of Allah but of a universal message of peace which is what Islam literally means. This is strengthened by the fact that the Sanatan Dharm has built into it the mechanism of reform which, through introspection, review and debate rids the religion of orthodoxy. Buddha's revolt against extreme Brahminism, the Adi Sankara's reform of Hinduism gone astray, are examples of this self correcting mechanism. In this country, therefore, there can be no room for narrow communalism. Despite this it exists. Why?

Communalism is viewed in India through the tunnel vision of Hindu Vs. Muslim. However, communalism has many ugly faces, to understand which recourse must be had to the dictionary. The Chambers Twenty-first Century Dictionary describes community in the following terms. "A group of people living in a particular place: a group of people bonded together by common religion, nationality or occupation; a religious or spiritual fellowship of people living together; the quality or fact of being shared or common". A community can consist of people of the same religion, the same caste, the same occupation, the same interests or the same locality or mohalla. People of the same occupation, for example weavers, may clash with people of another occupation in which both groups have both Hindus and Muslims. In Tamil Nadu fishermen of one district have clashed with fishermen of another district, with both groups having Hindus and Christians on both sides. Bihar was notorious for caste clashes and there are so many other places where different castes are at war with each other. Why should this not be taken as a communal clash? In the State of Gujarat, for example, the Balmikis, a Hindu sect of the scheduled caste, have been in conflict with both Hindus and Muslims over the illicit liquor trade. Is this not a communal situation? In fact the aftermaths of V.P. Singh's acceptance of the Mandal Commission report, which has broken Hindu castes into hundreds of sub-castes are a result of a decision taken on communal considerations, in which it is caste rather than religion which is the dividing factor.

Let us see how this translates into politics. In most States in India electoral politics has degenerated into an unhealthy competition between parties trying to attract the votes of a particular community or caste by appealing to the basest of instincts of that particular community. Jat vs. Gujar, OBC vs. both S.C. and upper castes, exploitation of Muslim votes, Sikh votes, etc., are all symptomatic of the degeneration of Indian politics. Representative democracy has as its foundation the existence of political parties which have their own ideology and programmes, which are presented before the electorate as being in the interest of the people at large; and seeking votes for the promotion of that particular ideology or programme. Caste has nothing to do with this, religion has nothing to do with this, and only the form of government and the content of governance is what should be presented before the electorate for it to exercise a suitable option. At present there is no ideological underpinning of politics in India and, therefore, campaigns are fought not on the basis of programmes but on the basis of attracting sectional votes, which divide rather than unite the country. All the political parties are guilty of bringing politics down to the lowest common denomination of caste and community and this is endangering the democratic fabric of India.

One of the manifestations of communal politics takes the form of the promotion of extremist groups which try and push a communal agenda, whether based on religion, caste or community. This is the genesis of Babbar Khalsa in the Punjab, HUJI and other militant Muslim groups in many States,

Bajrang Dal, VHP and some extremist offshoots of the RSS amongst the Hindus and the militant groups in the North East. One does not mention Jammu & Kashmir here because there is a strong external factor involved in that State which calls for different treatment than elsewhere. Even militant Naxalism is a manifestation of the communalisation of politics because it has pitted tribals against nontribals, with the tribal movement unfortunately being led by nontribal extremists. In the ultimate analysis it all boils down to how the State responds to communal conflict and to what extent the district administration and the police is effective in combating the menace.

The Indian Penal Code is comprehensive in defining the acts which constitute violation of law and the penalties to which law breakers would be liable. The Code of Criminal Procedure empowers the Executive Magistrates and police to take suitable measures to prevent violation of law, break down of law and order and authorises the Executive Magistracy and the police to ensure compliance with the law. Nowhere does any law in India permit selective law enforcement, biased law enforcement or lack of law enforcement. It is the duty of the police and the magistracy to ensure peace and to take suitable preventive measures which would control a situation before it develops. Chapter VIII of the India Penal Code defines offences against public tranquility and sections 153 A and 153 B specifically define the offences of promotion of enmity between different groups on ground of religion, race, etc. , or making imputations, prejudicial to national integration in which members of any religious, racial, linguistic, regional, caste or community group are targeted. With the law being so clear there is no reason why communal conflict should be allowed to take the shape of violence.

The executive magistracy and the police are servants of the law. The district administration is required to act, the police is required to intervene whenever there is a violation of law. From constable upwards the minute a police officer sees any violation of law taking place he must intervene effectively. A violent clash between two communities is a violation of law and the police has to intervene. In Gujarat in those districts of Saurashtra and in Kutch where the District Magistrate and the Superintendent of Police acted firmly there was no rioting in 2002, or if it did occur it was severely put down. It is in districts or cities where the police or magistracy did not act, for example in Ahmedabad, Kheda, Panchmahals, Baroda, etc., that 2002 saw massive rioting in which ultimately it is the Muslims who were targeted and were the worst sufferers. In Gujarat the government was headed by Narendra Modi and it is he who is blamed for the failure of the administration to control the riots. But in Maharashtra in 1992-93 it was a Congress led government which ruled and in which Narendra Modi had no role to play. The Bombay Police utterly failed to stop the rioting and ultimately the army had to intervene. Why did the Bombay police fail? Why did the Commissioner of Police of Bombay and the D.G Police of Maharashtra not ensure effective, strong and immediate intervention to stop the rioting? In Gujarat and Maharashtra there was ambiguity about how the political executive would react to administrative action and this led to paralysis. The officers forgot that it is the law rather than the political master which will be the determinant of action. They are more guilty of the failure of government to enforce order than the political leaders.

In a secular State there is no room for communalism of any sort. In such a State there cannot be any feeling of minorityism or majoritiyism because every citizen is complete in himself or herself. The politicians have to move away from the dirty politics of caste and religion and give us a truly democratic system of government based on the ruling party's ideology and the provisions of the Constitution. The administration and its officers must act strictly in accordance with the Constitution and laws framed thereunder, but they must act immediately, impartially, effectively, firmly and without looking over their shoulders for directions from the political executive. This must be drilled into every executive officer, magistrate or policeman from the day he enters service so that in every case of contravention of

law he will intervene. Two examples of this would illustrate how law and order can be maintained by swift action. The first relates to the city of New York which had earned the dubious reputation of being one of the least safe cities in the world, on the streets of which one ventured at personal risk. Mr. Giuliani became the Mayor and his order to the Commissioner of the New York police was to enforce zero tolerance policing. The police had to intervene in every case of violation of law, regardless of how minor the infringement. Within months the New York Police had virtually driven crime off the streets and New York became one of the safest cities in the world.

The second example is of Vijay Singh, who was Divisional Commissioner of Indore in 1992-93. When the post Babri Masjid riots took place he ensured that the police and the District Magistrates in his division, in particular Indore city, came down hard on rioters, with the result that the entire division remained peaceful during this troubled period. The BJP government led by Sunderlal Patwa did not interfere, Vijay went on to become Chief Secretary of Madhya Pradesh in 2005 under a BJP government despite the fact that he had acted firmly against extremist Hindu groups and he was a distinguished Secretary of the Ministry of Defence in the Government of India. That is the reward of firm action and proves that the communal virus can be handled and defeated if the officers stand firm, are personally unbiased and consider every citizen to have the right to equal protection of the law.

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