CHAPTER-2

THE PROBLEM OF MINORITIES IN INDIA AND PAKISTAN
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The division of India took place on 15th August 1947, according to the provisions of the Indian Independence Act passed by the British Parliament and assented to by the king on July 18, 1947. Pakistan was to be constituted of -

1. The Muslim majority areas of the province of the Punjab.
2. Sindi.
3. North West Frontier Province.
5. The Muslim majority areas of Bengal and
6. The Muslim majority areas of the district of sylhet in Assam together with contiguous Muslim majority areas of Assam.

The last two together constituted East Pakistan separated from West Pakistan by a distance of about one thousand miles. As the North West Frontier Province had its a congress ministry during the time of partition, it was decided to refer the matter of accession to India or Pakistan to a referendum of the people, as a result of which it opted for Pakistan on July 20, 1947. The provinces of Bengal and the Punjab were divided into contiguous Muslim and non-Muslim majority areas, to form parts of Pakistan and India respectively. Two Boundary Commissions were appointed by the Governor General on June 30, 1947.

1 The Times of India-'India Year Book' Bombay 1948, Page-108
in order to demarcate the boundaries of the two divided provinces, with Sir Cyril Radcliffe as Chairman and Indian and Pakistani representatives as members. This was done in accordance with the provisions of paragraph 9 and 13 of the statement by His Majesty's Government dated June 3, 1947.

The Muslim majority areas of the district of Sylhet in Assam were incorporated into Pakistan on July 13, as the referendum conducted according to the provisions of the June 3 - Declaration of His Majesty's Government resulted in a decisive majority for Pakistan. The entire authority and responsibility of the British Parliament with regard to British India were transferred to the two constituent Assemblies of India and Pakistan (The Pakistan Constituent Assembly had its first sitting on August 10, 1947) while the treaty obligations which the British had with regard to the Indian Princes were terminated as from the date of transfer of power.

THE PUNJAB DISASTER

It was assumed that since the Muslim League obtained Pakistan with the agreement of the congress, the two sister Dominions would cooperate with each other and draw up a joint programme for their relations with the outside world. Mr. Nehru India's Prime Minister said on August 15, 1947 in a message to the press, "I want to say to all nations of the world including our neighbour country, that we stand for peace and friendship with them."² On taking office as the first Governor General of

² Jawahar Lal Nehru - Independence and After, New York, 1950
Pakistan Mr. Jinnah said on August 15, 1947, "We want to live peacefully and maintain cordial friendly relations with our immediate neighbours and with the world at large." But unfortunately, right from the beginning of their independent existence, their relations were strained and they continued to be so until very recently.

In the middle of 1946, all the major political parties of India visualised clearly that the British Government was making a final bid to transfer power to responsible Indian hands. As this realisation dawned the Hindu-Muslim antagonism sharpened and a war of succession followed, especially in the Punjab, where a powerful Muslim majority was pitted against an equally powerful Sikh and Hindu minority. During those crucial days of late 1946 and early 1947, the Punjab had a coalition Ministry, led by the unionist Party of Mr. Khizer Hayat Khan, which was opposed to the scheme of Pakistan.

In March 1947, the Khizer Ministry resigned in the face of severe opposition of the Muslim League, which was determined to capture power in the strongest Muslim province of India. The Governor, Sir Evans Jenkins, took charge of the province, but could not ensure peace. Hindu - Muslim and Sikh - Muslim rioting broke out in early 1947. In June, the Declaration of His Majesty's Government, which envisaged the partition of the Punjab, was published, and in August rioting on an unprecedented scale took toll of hundreds of thousands
of lives in the land of the five rivers that is the Punjab.

In August 1947, communal disturbances assumed such proportions that it seemed as if India would go down fighting a communal war. "What had been merely arbitrarily drawn areas on a map began emptying and refilling with human beings — nearly separated into so-called 'opposite' religious communities as children's crayons fill-in outline maps in geography class. But this was no child's play. This was a massive exercise in human misery." This crisp narration by an American journalist adequately sums up the prevailing chaos. How many people perished in the holocaust of communal violence, will never be known with any degree of accuracy, but competent observers place the figure of deaths at 500,000.

A corollary of the violence was the mass migration. West Pakistan today is empty of Sikhs (except a few in Srinagar) and the Hindu migration from East Pakistan had been a continuous one. Similarly millions of Muslims took refuge in Pakistan. According to the testimony of the two central governments of India and Pakistan nearly 16 million people crossed the borders and took refuge in either Dominion. This is the greatest movement of population known to history.

JOINT MOVE TO STOP DISORDER UNSUCCESSFUL

Immediately after the transfer of power Mr. Nehru

3 Margaret Bourke-White: 'Interview with India'. London, 1950
the Prime Minister of India, and Mr. Liyaqat Ali Khan, the Prime Minister of Pakistan decided to undertake a joint tour of the riot-affected areas in order to calm down passions and to stop fratricide. The decision was taken on Aug. 16, 1947 and on August 17, they moved from Ambala to Amritsar in the Punjab. There they issued a passionate appeal for peace. In his broadcast, Mr. Nehru reiterated the resolve of his government in cooperation with the Government of Pakistan, to fight this menace to civilization. The Indi-ian Prime Minister said, "Our state is not a communal State, but a democratic State in which every citizen has equal rights. The Government is determined to protect these rights."  

Even before the partition of the sub-continent Mr. Jinnah and Mr. Liyaqat Ali Khan assured all on behalf of Pakistan that the minorities would be protected in their rights. In a joint statement with Indian representatives, they said on July 22, 1947, "The guarantee of protection which both Governments give to the citizens of their respective countries implies that in no circumstances will violence be tolerated in any form in either country. The two Governments wish to emphasize that they are united in this determination." In order to safeguard the peace in the Punjab during the change-over to the new conditions, both governments agreed to constitute a special Military command from Aug. 1, 1947 with Major General

4 Jawahar Lal Nehru-'Independence After' New York 1950, Page-43
5 V.P.Manon 'The transfer of Power in India' Calcutta 1957 Page 408-9
Rees as the Military Commanier.

The Punjab Boundary Force, 50,000 strong consisting of Muslim and non-Muslim troops was thus set up on Aug. 1, with the express purpose of combating rioting. But continued civil disorders culminating in frightful mass killings, sapped the confidence of both governments in the impartiality of the Force, one major contributing reason being the apparent unwillingness of the troops to fire upon the members of their own respective communities. In consequence, the Joint Defence Council, meeting at Lahore on August 29th, decided to abolish the Punjab Boundary Force from midnight of August 31, 1947, leaving the task of ensuring protection to the minorities to the two governments.

On top of all these troubles, came the news of the award by the Boundary Commission on Aug. 18, 1947, of certain tehsils of the Guriaspur district of Punjab, to Inilia, thus providing her with a backdoor to Kashmir. The award in regard to the Punjab proved at a later period to be a source of lasting grievance for Pakistan. But for the Muslim majority district of Guriaspur of which Inilia received a big slice, Inilia would have had no direct link with Kashmir except through Pakistani territory. The award did not satisfy either party, and passions on both sides rose quickly. Mr. Jinnah, the then Governor General of Pakistan rose to the occasion, however, and came out with a timely appeal saying that although the Boundary Award 'was unjust, incomprehensible and even perverse,' the Muslims had

agreed to abide by it. 7

Despite these laudable efforts, tensions between the two new governments showed no sign of abating, conditioned as they were by widespread rioting on a gigantic scale. The situation became so alarming that even Mahatma Gandhi, said on Sept. 26, 1947 in one of his prayer meetings: "If Pakistan persistently refused to see its proved error and continued to minimise it, the Indian government would have to go to war against it." 8

However he clarified his position when he said that his intention in pointing out the danger of war was not to instigate it but to eliminate the causes that led to war-like activities. "India knows, and the world should know that every ounce of my energy has been and is being directed to the definite avoidance of fratricide culminating in war." 9 Nothing could be more true, but all the same, it showed the strained relationship of India and Pakistan following the communal disturbances of 1947-1948. Pakistan's anger was reflected in Mr. Jinnah's talk with Lord Ismay on Sept. 14, 1947, in which he is reported to have expressed his lack of confidence in the bonafides of the Indian government and his desire to break off diplomatic relations.

7 Guaid-e-Asam Speaks—Pakistan Publicity Karachi, Page-44
8 D.G.Tendulkar—Mahatma Vol.VIII Bombay 1954 Page-165
with India. He was even "beginning to feel that there was no alternative but to fight it out." Liyaquat Ali Khan, the Prime Minister of Pakistan, declared on Sept. 15, 1947, "Today we, in Pakistan, are surrounded on all sides by forces which are out to destroy us."

Pakistan looked at these developments which took heavy toll of human lives on both sides of the borders, as acts perpetrated by India to undo the process of partition to which she thought India was forced to agree, while India interpreted the massacre of the Hindus and Sikhs in Pakistan as systematic attempts to wipe out the minority communities from that country with a view to establishing a theocratic state for the Muslims only. Indo-Pakistan relations immediately after the partition have to be viewed against this background.

GENOCIDE?

The Government of India had complained in the security council that Pakistan had helped and abetted tribal peoples in their raids into Kashmir which had legally acceded to India (details in chapter VI). While defending Pakistan, the Pakistan Government and its representative brought in the larger issue of the Hindu-Muslim relations in the Indian sub-continent with in the purview of the debate of the Security Council to prove that as part of their intentions to jeopardise the scheme of partition, the non-Muslim Rulers, people, officials, police, and

10 Alan Campbell Johnson-Mission with Mountbatten, London 1952 Page-190 (Mr. Johnson writes that the Catastrophe was averted by Lord Ismay, who persuaded Mr. Jinnah to abandon the fatal idea.)
armed forces of the States concerned and the union of India conducted, what Pakistan called, genocide.\textsuperscript{11} Sir Zafrullah Khan, the Foreign Minister and representative of Pakistan on the Security Council, tried to prove the charge in the Council meeting on May 7, 1948 by quoting extensively from a number of books and periodicals.\textsuperscript{12} In the course of the debate, he described the 'Sikh Plan' in the Punjab as having as its objective (a) extensive sabotage and destruction of the Muslim life and property (b) elimination, if possible, of the Muslims from the Sikh belt along the Eastern border of West Punjab. The activities of the Rulers of certain Indian States, who subsequently acceded to India, were also brought to the notice of the Security Council. His Government did not even spare the Government of India. It concluded, "the object of the various acts of aggression by India against Pakistan is the destruction of the State of Pakistan."\textsuperscript{13}

The Indian representative on the Security Council, Mr. M. K. Vellodi, replied the same day at some length, to the charges of genocide preferred by Pakistan against India. He did not deny that killings took place in India. He objected only to the use of the word 'genocide' which, to him, meant, "a crime organised by States, a plan to exterminate a race or community.\textsuperscript{14}

\textsuperscript{12} Security Council Official Record, Third year, 7th May, 1948, No. 64, New York, Page 16-33.
\textsuperscript{14} Security Council Official Record No. 64, 7th 1948, Page-42
According to him, it was 'Communal frenzy' for which the leaders of the Muslim League, preaching hatred against the Hindus, were mainly responsible. "If you sow the wind, you must reap the whirlwind." He further maintained that when the partition of India was effected, the leaders in Pakistan found a situation in which a very large number of Sikh and Hindu population were left in what is known today as Pakistan. Borrowing the language of Sir Zafrullah Khan, he said that the non-Muslims in Pakistan were then systematically murdered. With telling forthrightness, he inquired how Sir Zafrullah could account for the existence of 'forty million Muslims' in India today, if the charge of genocide was true. How again, Mello di asked, could his opponent explain the return of 'migrant Muslims to India if there was no security for them in India?' By no stretch of imagination or words can you call that genocide."16

**IDEOLOGICAL DIVERGENCES**

It is difficult to state in categorical terms the ideology of Pakistan. Pakistan was carved out with religion as the ideological base, but Pakistan is not, strictly speaking, a theocracy. Although governed by Divine Law, which is Islam, Pakistan is not ruled by a body of priests. But

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15. S.C.O.R. No. 64, 7th May 1948, Page-43
16. Ibid, Page-43
Pakistan is founded on the tenets of Islam and this religious base found intellectual support in the theory of two Nation propounded by Mr. Jinnah, leader of the Muslim League, that there exist two distinct nations in the subcontinent of India, the Hindu and the Muslim. He said in the Presidential address to the All India Muslim League at Lahore (March, 1940)

"The Muslims are not a minority as the word is commonly understood...Muslims are a nation according to any definition of the term and they must have their home lands, their territory and their state." 17 The League's claim of nationhood for the Muslims on the sole criteria of religion appeared distasteful to the Congress. Mahatma Gandhi voiced the indignation of the Congress leaders in his letter to Mr. Jinnah on 15th September 1944.

"I find no parallel in history for a body of converts and their descendants claiming to be a nation apart from the parent stock. If India was one nation before the advent of Islam, it must remain one inspite of the change of faith of a very large body of her children." 18

17. 'Documents and speeches on common wealth Affairs'- 1931-1952 edited by Nicholas Mensorgh, London 1953, Page-162
18. D.G. Tendulkar 'Mahatma' Vol. VI, Page-345
It is true that 95% of Muslims in India are either converts or the descendants of converts. Not more than 5% of the total can claim to extra-Hindustan origin. Had the congress accepted the League thesis, its task would have been made simple indeed. But the congress not only opposed the League thesis it countered it by a positive enunciation of the theory of Indian nationhood, basing its arguments mainly on geography, 'spiritual oneness' and common foreign domination. 'India's constitution must be based on independence, democracy, and national unity and the congress repudiate attempts to divide India or to split up per nationhood.'

The League leaders, therefore, were called upon to demonstrate not only the differences between the Hindus and the Muslims, but were forced to instil into the minds of the followers of Islam, a sense of superiority in their own faith, in relation to Hinduism, in order to unify the Muslim masses for the struggle for 'their' right to self-determination.

The ideology of the Muslim League, therefore gave rise to problems which loomed large even before the country was partitioned. In the North-west Frontier Province, where Muslim voters had rejected Pakistan at the polls of 1946, the referendum was held in conditions of anarchy and violence. Muslim Leaguers were masters of the situation, it was a victory of violence over non-violence, Muslim congressmen and Khudai Khidmatgars, who had

19. K.L. Geuba 'Consequences of Pakistan' Preface, Page-VIII
taken to non-violence under Gandhi’s leadership, were in a helpless state. Their leader Abdul Gaffar Khan said in a press statement on June 25, 1947 - "During the last few months an organised campaign of terrorism was launched by Muslim Leaguers which resulted in the murder of hundreds of innocent men, women and children. Property worth crores of rupees was destroyed. The whole atmosphere is surcharged with communal frenzy and poison... Religious passions of the unsophisticated Pathans are also being aroused by describing the contest on the present issue as a contest between 'Kafir' and Islam." 21

The Indian National Congress accepted partition because the country was already psychologically and emotionally divided and could only be re-united by coercing the hundred million Muslims and risking a civil war, but by accepting the partition, the congress did not surrender the secular ideology which it professed. The Muslim minority in India, therefore, did not pose any theoretical problem to the fathers of the Indian Constitution. Nor were the leaders of India confronted with the dilemma of the transfer of population. Unhesitatingly they rejected the idea. Mahatma Gandhi is reported as having suggested that it was sheer madness to think that forty five million Muslims of India could be wiped out or banished to Pakistan.

21. Ram Gopal "Indian Muslims-A Political History (1858-1947)"
Page=326
As early as April 30, 1947, Mr. Jinnah demanded an exchange of population in a divided India. The idea, a logical culmination of the thesis of Pakistan, had been growing in the League Leader's mind since October 1946. At that time the Bihar riotings took a heavy toll of Muslim lives as a sequel to events in Noakhali and Tipperah Districts of East Bengal during the earlier part of the month. Said the Quaid-e-Azam:

"Sooner or later, exchange of population will have to take place and the constituent Assembly of Pakistan and Hindustan can take up the matter and subsequently respective governments of Pakistan and Hindustan can effectively carry out the exchange of population wherever it may be necessary and feasible."  

The idea was pressed again on 26th September 1947 "If the ultimate solution of the minority problem is to be mass exchange of population, let it be taken up at the Governmental plane, it should not be left to be sorted out by blood thirsty elements." Again he said — "Those of our brethren who are minorities in Hindustan may rest assured that we shall never neglect or forget them. Our hearts go out to them, and we shall consider no efforts too great to help them and secure their well being."  

This approach, however consistent with the League thesis of 'two-nations' had to be abandoned be cause, first of all, the congress would be no party to it, and secondly the League itself, and Pakistan later on, saw the impracticability of transferring forty five million Muslims of partitioned India.

23."Quaid-e-Azam Speaks" Pakistan Publicity Karachi, Page-20  
24. Ibid.
The ideological and 'idealistic' solution, therefore had to be substituted by a more practical but unavoidably secular remedy, from then on the leaders in Pakistan, paradoxically enough, began to speak the language of their Indian counter parts. While addressing the constituent Assembly of Pakistan as its first President on 11th August 1947, Mr. Jinnah commented:

"Now I think we shall keep that in front of us as our ideal and you will find that in the course of time Hindus would cease to be Hindus and Muslims would cease to be Muslims, not in the religious sense, because that is the personal faith of each individual, but in the political sense as citizens of the State." 25

This clear cut exposition of the stand of Pakistan could have allayed the fears of the minorities in both countries had not riots and mass movements of refugees intervened in the meantime.

GANDHI'S HEROIC EFFORTS

The leaders who took over power in India after independence were all leaders of the Congress Party, who had always been wedded to secularism and democracy. They bent their energies to putting down mob violence and restoring confidence among the Muslims. It is gratifying to note that while the north was in the throes of a communal holocaust, the rest of

25."Quaid-e-Azam Speaks" Pakistan Publicity Karachi, Page-10
India remained comparatively peaceful. In Bengal particularly in Calcutta, the situation might have become serious but for one man, and that man was Gaiadbhi. Though the Hindus and Muslims of the province had fraternized on 15th August, a couple of weeks later news of the atrocities in the north brought about a threatening recurrence of communal trouble. Gaiadbhi immediately began a fast 'to end only if and when sanity returns to Calcutta.' The entire police force of north Calcutta undertook a 24 hour fast in sympathy while continuing on duty. With in four days there was complete peace. After one of Gaiadbhi's prayer meetings on the Calcutta maidan, thousands of Hindus and Muslims mingled and embraced one another. No words of Government could have given so much confidence and assurance as this one man alone had inspired. Lord Mountbatten paid glowing tributes to his efforts.

"The oneman boundary force which kept the peace while a 50,000 strong force was swamped by riots."26 The gigantic mass migration on both sides forced the two Prime Ministers to issue another declaratory statement on 24th March 1948, to reassure the respective minorities, they expressed their 'hope and trust that the minority communities will remain in their homes.' And finally there emerged the Inter-Dominion Agreement of April 1948 to protect the minorities. It stated officially and specifically

26. V.P.C. Manon 'The Transfer of Power in India' page - 434
that the responsibility for the protection of the minorities rested on the government of the Dominion in which the minorities resided. However, normalcy was soon restored in India. Thanks to the untiring efforts of Mahatma Gandhi, Nehru and other leaders of stature. In March 1948, Associated Press of India reported that more Muslims than Hindus were travelling from Pakistan to India. According to the Government of India, the migration of Muslims from Pakistan was not accompanied by any simultaneous migration of the refugees – Hindus to Pakistan. India was, therefore, forced to issue an ordinance on 19th July 1948, restricting the movement of Muslims from West Pakistan to those only who held valid permits. The permit business, itself a source of further conflict, nevertheless underlined the restoration of normalcy in India.

In this connection, mention may be made of Mahatma Gandhi's peace efforts without which no police could have succeeded in restoring order to riot-affected India. It is only tragic that in the process India lost her greatest son on 30th January 1948 at the hand of a Hindu assassin who considered the Mahatma to be the enemy of the Hindus.

DISTURBANCES IN EAST BENGAL

Following the devaluation of the British pound sterling to the extent of 30.5 percent in relation to the dollar in September 1949, the other Commonwealth Countries, including India but excluding Pakistan devalued their respective
currencies proportionately. The consequent depreciation of
the Indian currency in terms of the Pakistani currency led to
the gradual severance of inter-dominion trade culminating in
a virtual deadlock particularly in the Jute and Coal business.
The Jute Mills in West Bengal were adversely affected and India
imposed an embargo on coal supply to Pakistan on 24th Dec. 1949.

The economic friction quickly turned into a political
conflict. In November 1949, stories of the confiscation of the
Hindu property in East Bengal were prominently featured in the
Indian press, together with the tales of gruesome molestation
and harassment of the Hindus in East Pakistan. On November 25,
West Bengal Government's protest to the East Bengal Government
was published and on December 14th, the Government of India
protested to the Pakistan government. Population pressure and
economic plight forced considerable numbers of the Muslims of
East Bengal into the adjoining Indian areas in Assam. Some in
the Indian Parliament described the influx as a deep seated
conspiracy of the Muslim League to convert Assam into a Muslim
majority area. On January 7, 1950, the Governor General of
India promulgated an ordinance to expel those immigrants from
Assam whose presence was deemed 'detrimental to the interests
of India'. During the crucial closing month of 1949, the influx
of the refugees from East Bengal encouraged a group in West
Bengal to press for a demand for several border districts of
East Pakistan to settle them. The demand grew larger as the

refugee movement became more intensive, but in a speech at Nagpur, Mr. Nehru condemned irresponsible talk of the reunion of India and Pakistan.

Out of this emotionally charged climate emerged the tragic spectacle of another mass movement and mob violence in both halves of Bengal, culminating in hostile troop movements near the borders. On January 20, 1950, the Calcutta press published accounts of police atrocities on the Hindu population of Khulna in East Bengal. As the story of the incident travelled with the evacuees it grew in proportion. Supported by the testimony of the newspapers, about January 18, serious communal disturbances broke out at Dacca in East Bengal; on February 13, riots took toll of human lives at Puri, a subdivision of Nabakali District and in the town of Barisal in East Bengal. From 16th to the 20th, trouble spread in the rural areas of East Bengal. When news of these riotings filtered back into West Bengal, the smouldering communal violence in Calcutta erupted into sporadic mob action and individual reprisals. The vicious cycle of communal killing was once again in motion.

In the extremist circles in India this appeared as a deep laid plot to kill off or to drive out the Hindus from East Bengal on the Pakistani side, it assumed the character of a

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'master plan' initiated by Sardar Patel, Deputy Prime Minister of India, when he came in Calcutta in January 1950, to put down communist agitation. However, the existence of either a 'master plan' or a 'deep laid plot' was only psychological.

**NEHRU'S OFFER OF NO-WAR DECLARATION**

On the political level the drift toward war seemed imminent. Nehru sensed the danger and quickly suggested, as early as November 1949, that India and Pakistan should jointly make a 'No-War' Declaration. Pakistan's Prime Minister suggested, instead, compulsory arbitration to resolve the major disputes. 'The only way to promote peace is to resolve major disputes since a joint declaration will carry conviction to none unless supported by evidence of some concrete action.'

After reports of communal disturbances had reached India, Nehru suggested on 17th February 1950 that two Fact Finding Commissions should be constituted to survey the situation in both Bengal. On February 20, in a telegraphic communication to Liaquat Ali, Nehru repeated his suggestion. As the pressure for action to save the Hindu minority in East Bengal mounted sharply, Nehru sent a third telegram to Liaquat Ali suggesting a joint tour of Bengal by the two Prime Ministers. Liaquat Ali turned down these two proposals, but recommended greater facilities to the two Deputy High Commissioners of India and Pakistan to undertake the proposed survey.

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29. Dr. J.B. Das Gupta, 'India-Pakistan Relations (1947-1955)' Page 226
NEHRU - LIYAQUAT AGREEMENT

A dramatic meeting was held between the two Prime Ministers in New Delhi during the first week of April 1950 when the situation was very critical indeed, and a frank exchange of views took place. The outcome was the Minorities Pact signed on April 9, 1950, generally called the Nehru-Liyaquat Agreement. The Agreement guarantees complete safety of life and property, culture, way of life and fundamental rights of the minorities in either country and prescribes measures to be adopted by the two Governments to safeguard these fundamental rights. To help restore confidence, the two Governments deputed a cabinet minister each who would remain in the affected areas. The Prime Ministers also agreed to include minority representatives in the Ministries of East Bengal, West Bengal and Assam. The Agreement also provides measures for the prevention of communal violence, stoppage of propaganda inciting communal hatred and propaganda directed against the territorial integrity of either country.

Some details of the Minority Agreement from the Text are as follows -

A. The Governments of India and Pakistan solemnly agree that each shall ensure to the minorities throughout its territory, complete equality of citizenship, irrespective of religion, a full sense of security in respect of life, culture, property and personal honour.

30. The Indian & Pakistani Year Book and who's who 1950, Page 622
freedom of occupation, speech and worship, subject to law and morality. Members of the minorities shall have equal opportunity with members of the majority community to participate in the public life of their country, to hold political or other office, and to serve in their country's civil and armed forces. Both Governments declare these rights to be fundamental and undertake to enforce them effectively. The Prime Minister of India has drawn attention to the fact that these rights are guaranteed to all minorities in India by its constitution. The Prime Minister of Pakistan has pointed out that similar provision exists in the Objectives Resolution adopted by the Constituent Assembly of Pakistan. It is the policy of both Governments that the enjoyment of these democratic rights shall be assured to all their nationals without distinction.

Both Governments wish to emphasise that the allegiance and loyalty of the minorities is to the State of which they are citizens and it is to the Government of their own State that they should look for the redress of their grievances.

As regards the Province of East Bengal and each of the States of West Bengal, Assam and Tripura respectively, the two Governments further agree that they shall:

(i) continue their efforts to restore normal conditions
and shall take suitable measures to prevent recurrence of disorder. (2) Punish all those who are found guilty of offences against persons and property or other criminal offences. In view of their deterrent effect, collective fines shall be imposed where necessary. Special courts will, where necessary, be appointed to ensure that wrong doers are promptly punished. (3) Make every possible effort to recover looted property. (4) Set up immediately an agency with which representatives of the minority shall be associated to assist in the recovery of abducted women. (5) Not recognize forced conversions. Any conversion effected during a period of communal disturbance shall be deemed to be a forced conversion. Those found guilty of converting people forcibly shall be punished. (6) Set up a Commission of Enquiry at once to enquire into and report on the causes and extent of the recent disturbances and to make recommendations with a view to preventing recurrence of similar trouble in future. The personnel of the Commission, which shall be presided over by a judge of the High Court, shall be such as to inspire confidence among the minority. (7) Take prompt and effective steps to prevent the dissemination of news and mischievous opinion calculated to rouse communal passion by the Press or radio or by any individual or organisation. Those guilty of such
activity shall be vigorously dealt with. (8) Not permit propaganda in either country directed against the territorial integrity of the other or purporting to incite war between them and shall take prompt and effective action against any individual or organization guilty of such propaganda.

In order to restore confidence, so that refugees may return to their homes, the two Governments have decided (1) to depute two Ministers one from each Government to remain in the affected areas for such period as may be necessary. (2) to include in the cabinets of East Bengal, West Bengal and Assam a representative of the minority community.

In order to assist in the implementation of this Agreement, the two Governments have decided apart from the deputation of their Ministers referred to in (C), to set up Minority Commissions one for East Bengal, one for West Bengal and one for Assam. These commissions will be constituted and will have the functions described below - (1) Each commission will consist of one Minister of the Provincial or State Governments concerned who will be Chairman, and one representative each of the majority and minority communities from East Bengal, West Bengal and Assam. (2) Two Ministers of the Governments of India and Pakistan may attend and participate in any Commission. (3) Each Commission shall maintain contact with the minorities in districts
and small administrative head quarters through Minority Boards formed in accordance with the Inter-
Dominion Agreement of December 1948.

The Agreement was welcomed by the entire public as well as the Press of both the countries. 
Commenting on the Agreement Mr. Nehru said in the Parliament on April 11, 1950.

"We have stopped ourselves at the edge of the precipice and turned our back on it" Mr. Liaquat Ali said in the Pakistan Parliament on April 10, 1950.

"It is my firm intention to implement this agreement." It only shows how near to war the two nations came and how narrow was the escape. The agreement was obviously a secular solution to the tangled minority problem and during that period, it did work satisfactorily — mass migrations in Bengal ceased, some Muslims returned to India and the relations between India & Pakistan showed considerable improvement. Taking advantage of the changed atmosphere a short term Trade Agreement followed by an Inter-Dominion Rail Traffic Agreement were also concluded.

Several non-official goodwill missions of journalists and public men visited each other's countries. But the basic problem remained very much there — the problem of providing psychological security to the minorities.
ANDER WARR SCARE

The other incident which once again threatened the security of the minorities, took place in July 1951. The Kashmir issue has always been the main cause of tension between India and Pakistan. When the proposals of a constituent Assembly for Kashmir began to take concrete shape in India, Pakistan moved again. The Foreign Minister of Pakistan sent a letter to the Security Council in which he declared that the convening of a constituent Assembly in Kashmir would prejudice the whole issue of the plebiscite and unless India stayed her hand, the peace of the world might be in jeopardy. 31 On July 2, 1951, Mr. Grahame came to India to mediate in the Kashmir dispute. Meanwhile, India's rejection of the March 30, 1951, U.N. Resolution on Kashmir angered Pakistan. India tried to emphasize the state of normalcy prevailing in Kashmir as an argument against the apprehended precipitate action by the security council. As a refutation of the "normalcy theory" there occurred immediate violations of the cease-fire arrangements in Kashmir for which both India and Pakistan accused each other. The violations were considered so serious, that the Security Council was apprized by India on June 29 of Pakistan's

31. The Indian and Pakistani Year Book 1951, Page 407
'derelictions.' Pakistan raised particular objections against the convening of the Constituent Assembly of Kashmir. Pakistan's sense of frustration found expression in Pakistani newspapers in terms of 'Jehad' or holy war. On July 15, Liyqurat Ali stated in a press conference about India's troop movements in East Punjab and Jammu and Kashmir, Mr. Nehru justified India's troop movements on the ground of threatened security, but significantly enough, he added: 'I want to tell you that these are not likely to develop into war between India and Pakistan.' The reaction of Pakistan was bitter. On July 23 'Dawn' wrote in the editorial: "Only the wily Brahmin in Punjit Nehru with Chanakya (Indian exponent of Power politics) lurking in his soul and Machiavelli swaying his intellect, could have after this the audacity to claim that... (India's intention is peaceful).

It is absurd to hold the view that either Pakistan or India wanted seriously to go to war at that time. Pakistan was militarily weak in comparison to India and the Indian troop movements on its Western borders were only precautionary measures. It seems that the Indian authorities were apprehensive that Pakistan might try to create troubles in Kashmir on a big scale on the eve of Graham's arrival with a view to forcing the U.N. to take more drastic action in Kashmir. Therefore, the expected arrival of the new U.N. mediator Mr. Graham and

32. Govt. of India, white paper on correspondence between the Prime Ministers of India and Pakistan from July 15, 1951 to August 9, 1951, New Delhi, 1951.
India's 'normalcy theory' over Kashmir, could have possible correlations with the immediate violation of the cease-fire agreement, the defiant speeches of Sir Zafrullah and the sustained campaign of 'Jehai' in Pakistan. But this crisis served as the cause for a renewed exodus on a large scale.

There was another spurt of migration of Hindus from East Pakistan.

With the publication of the first Graham Report and the assassination of Liaquat Ali Khan on October 16, 1951, the tension subsided, but in the ensuing period, the security of the minority was once again jeopardized. According to the Indian sources, the period from June 11 to June 24, 1951, saw the migration of 30,000 Hindus to West Bengal from East Pakistan.

On July 9, 1951, the Indian Rehabilitation Minister cited 'the virulent propaganda' about Kashmir in Pakistani Press as responsible for this fresh exodus after the Delhi Agreement of April 1950. According to Pakistani sources, there was a net excess of 30,582 Muslims migrating to East Pakistan during August, 1951. It was again confirmed that it was not possible to solve the Minority problem unless the outlook of the two countries towards each other did not change.

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33. The Statesman, Calcutta, 11th July, 1951
34. Pakistan Times, Lahore, 17th September, 1951.
THE MINORITIES AND THE CONSTITUTION OF PAKISTAN

The Constituent Assembly of Pakistan was convened on 10th August, 1947. It appointed two committees - (1) The Basic Principles Committee (2) Fundamental Rights Committee. The Fundamental Rights Committee appointed in March 1949, constituted two sub-committees - One to report on matters relating to the Fundamental Rights of citizens and the other to report on the position of the minorities. 35

The report of 'Minority Rights' Sub-committee was submitted by Sardar Abul A'la Muharram to the Assembly on 22nd December 1952 and this report was subjected to heavy criticism by the non-Muslim members of the Assembly, the report provided for separate electorates and made a provision for a Minister of Minority Affairs both at the centre and the provinces. The dissenting note to the Report, however, pleaded for common and joint electorates for all sections of the people with reservation of seats for a limited period for backward classes like scheduled castes, Buddhists and others. When the constituent assembly considered these provisions on Oct. 7, 1953, they were severely criticised by the Hindu members of the Assembly and particularly, by Mr. B. K. Dutt of East Bengal who said, "As days pass, we as a community, accumulate a sense of inferiority that benumbs us and saps us of our confidence as

free citizens of Pakistan...with an almost complete inattention to our complaints and hardships on the part of the Executive...with a perpetual sense of insecurity of our life, honour and property...with a systematic failure in keeping up the proportion in the matter of recruiting to public services...with deliberate discrimination in the grant of trade licences, levying taxes and extortions of so called subscriptions, requisition of properties and treatment of the minorities' properties as nobody's properties and withholding a cancellation of arms licences, where lawlessness and victimizing particular communities is on the increase, we already suffer the status of a stateless people."

Commenting on the provisions of the proposed constitution Mr. Nehru said, "such a constitution creates at least two classes of citizens or two grades of citizenship, one having more opportunities and the other less. Also it creates an atmosphere of inferiority in the mind of minorities who have less opportunities. The result is that the minorities whether Hindus, Christians, Jews or Buddhists quite inevitably will feel frustrated and will have little hope for the future."

Mr. Brohi, Pakistan's Law Minister said that every assurance had been given to the minorities that their laws would not be interfered with and Islamic laws would not be imposed on them. It might be interesting to recall Mr. Jinnah's

36. The Indian Year Book of International Affairs-1953, page-273
37. Ibid, page-274.
words who had said - "In course of time all these angularities of the majority and minority Communities - the Hindu community and the Muslim Community will vanish... You are free to go to your temples, you are free to go to your mosques, or to any other places 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." 39

Separate Electorates and the Fundamental Rights for Minorities

Of greater importance has been the transfer to independent Pakistan of pre-partition ideas and stock arguments. In undivided India, the separate electorate was to the Muslim - a safeguard against Hindu domination. Muslim leagues had fought for forty years to achieve and defend this precious shield. They had done their best to extend similar protection to the scheduled casts and other minorities. The belief that separate electorates are the best guarantee of the rights of the minorities had become deeply ingrained in the minds of a generation of Muslim politicians. Consequently it seemed surprising to many Muslims that what they had desired so ardent.ly should be rejected with equal fervour by the Hindus when the positions were reversed.

But the Hindu position was quite understandable. Their political representatives were forced to be nothing but

spokesmen for a minority interest and they would lack effective political influence. Under the separate electorate system, a Hindu politician finds himself forced to address to an all Hindu electorate. The major issues before the country may be economic or international, but it will be of little use for the Hindus to discuss policies in such areas, since the real battle for control of the government will be fought out by Muslims.

Supporters of the Muslim League might have concluded that there were certain advantages for their party in the system of separate electorates. The separate electorates might serve to keep the Hindus isolated and to divide the caste Hindus from the scheduled castes. Since the Hindu community was located mainly in Bengal it was in the interest of those who opposed Bengal influence to keep apart the members of the two communities so that they should not make common cause on matters affecting the east-west struggle.

The question of separate electorates is, however, of no importance now either in East or West Pakistan as the East Pakistan wing is now a separate state of Bangla Desh and there is no hope for the rights of the minorities in Pakistan as long as democracy is not restored and the civil rights of even the majority are denied by the Martial Law Administration of Gen. Zia.

The fundamental rights were also different in nature from those in India. The right to equal protection of equal
laws which in India is available to all persons (Indian Constitution Article 14) was in Pakistan restricted to citizens (Pakistan Constitution Article 5(1)) and there is no right, as in India, to freedom from discrimination on grounds of religion, race, caste or sex (Indian Constitution Article 5(1)) except in regard to appointments in the public service (Pakistan Constitution Article 17). 39

Some of the fundamental rights may be mentioned as below -

1) Any section of citizens having a distinct language, script or culture shall have the right to preserve the same.

2) Every religious denomination and every sect thereof has the right to establish, maintain and manage its religious institutions (subject to law, public order and morality) that means that the majority may do what it pleases if it is prepared to write its prejudices into law.) - Article 18.

3) No state owned or aided school shall deny admission to any person solely on the ground of race, religion, caste or place of birth.

4) There shall be no discrimination in granting tax exemption to any religious institution.

39. The Indian Yearbook of International Affairs 1956, Page-121
The well-being of the minorities has depended upon the laws and upon the willingness of the administration and the people at large to deal fairly and generously with their non-Muslim compatriots. Many of the complaints of the Hindus are concerned with the discriminatory administration of general laws and the extra legal actions of local officials; when it comes to making a career in Pakistan there is the constant fear that the interests of the Hindus will suffer on account of religious prejudice.

The Hindus had listened hopefully to the words of Mr. Jinnah and, they found no cause for alarm in the interim Report of the Basic Principles Committee. But later developments showed the addition of more and more Islamic provisions. It seems that the very proclamation of an Islamic State will place them in a position of permanent inferiority.

**Islam and the Status of the Minorities**

The demand for the independent state of Pakistan was based on the theory that Muslims and the Hindus could not successfully live side by side in a single political organism. The tragic events of the partition and its aftermath of violence removed most of the non-Muslims from the (West)Punjab but 'left nearly 10,000,000 in East Bengal'40. The 'nation' was divided and the larger fraction found itself sharing a

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State with a substantial number of Hindus. Pakistan was the Muslim homeland; what place could it offer to its non-Muslim citizens? The Musli-Asam was quite certain that one of the most urgent tasks that lay before him and his people would be the establishment of communal harmony and mutual trust. Pakistan was to be one nation, to which all citizens might be proud to owe loyalty. As long as Mr. Jinnah was alive Pakistan was progressing towards a secular state, when Mr. Liaquat Ali Khan came to power, the religious leaders began to champion extreme ideals and he was unable to reconcile secular and theocratic tendencies. After Mr. Liaquat Ali's death, the triumph of Mullahs was established and the theocratic ideals were incorporated in the Constitution.

The constitution indicated that Pakistan was to be a non-secular state. The Head of the State was always to be a Muslim. No legislature in Pakistan could enact any law repugnant to the Holy Koran or Sunnah and any law could be challenged by a Pakistan citizen in the Supreme Court on the ground that it was repugnant to the teachings of Islam.

It must not be concluded that the teachings of Islam serve merely to deprive non-Muslims of certain democratic rights and privileges. Muslims are strictly enjoined to tolerate and to protect non-Muslims and to allow them to continue to practice their religion provided they undertake
no activities inimical to the welfare of the State and the 'millat':

"Unto each nation have we given sacred rites which they are to perform, so let them not dispute with thee of the matter but summon thou unto thy Lord, Lo! thou in need followest right guidance.

'And if they wrangle with thee say: Allah is best aware of what ye do.

'Allah will judge between you on the Day of Resurrection Concerning that where in ye used to differ."

(Surrah XXII, 67-9 (Pickthall))

Islam, by long tradition, recognizes and protects conquered tribes of non-Muslims and also non-Muslim groups of native inhabitants who enter into an agreement with Muslim rulers. But in either case, their status is that of privileged resident aliens rather than that of equal citizens.

An Islamic state is governed according to Divine Law, and a great part of the task of government consists in the interpretation of such law, how, then, can non-believer be allowed to interpret the law? And, how, in a senior position, can he be trusted to execute it with understanding and faithfulness? Maulana Shabbir Ahmad Usmani, whose views were quoted frequently and with approval by members of the government, made this matter clear in a speech in the Assembly.

41. Keith Callard 'Pakistan: A Political Study' 1957, Page-235
which was later reproduced with favourable comment by the Board of ' Talmaat-e-Islamia ' -

"The Islamic State means a State which is run on the exacted and excellent principles of Islam. It is evident that a 'State which is founded on some principles be it religious or secular (like the U.S.S.R.) can be run only by those who believe in those principles. The services of such persons as do not subscribe to those ideas may be utilised in the administrative machinery of the state but they can not be entrusted with the responsibility of framing the general policy of the State or dealing with matters vital to its safety and integrity."42

Unfortunately, the problem of the Place of the minorities is overshadowed by the tension that has existed between Pakistan and India. The leaders of the Indian National Congress accepted partition with reluctance, many Hindu extremists still talk of a campaign of re-unification. The more virulent anti-Muslims domiciled in Pakistani territory fled to India and their sufferings as refugees have added to their bitterness and hostility and they give full publicity to the difficulties of those who stayed behind.

The Pakistan Government on several occasions believed that war with India was quite close. Within Pakistan, Muslim

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42. Constituent Assembly of Pakistan, Debates, Vol. V, Page 45 (March 9, 1949)
extremists have called for a holy war to capture Delhi and to re-establish Muslim rule in a solid belt across northern India. And, everywhere the Hindus have to bear a constant burden of suspicion and obloquy. All the sins, real and imagined of the Indian government had been levelled at the Hindus of Pakistan. 43

LOYALTY OF THE HINDUS QUESTIONED

Those Hindus who decided to remain in Pakistan, principally in East Bengal, showed their willingness to accept the new State of Pakistan. Responsible spokesmen for the Hindus asserted unequivocally that they accepted all the obligations of citizenship of Pakistan. Seth Sukhdev, presiding over the Sind Hindu Conference in 1948 described the resolve of those of his community who had decided to stay there: "With this faith (in democracy) in our hearts, we determined to stick to our Homeland, loyal to the new State and work for Democracy and Democratic Institutions in Pakistan." 44

But it was not to be expected that the Hindu would be able to share all the emotions of his Muslim compatriots. The Muslim League which had fought for and was to rule Pakistan, had found no place for Hindus among its members. Those Hindus

43. Keith Callard 'Pakistan - A Political Study' 1957 Page-237
44. Quoted in Sarat C.V. Narsimhan 'The Other Side' Karachi, 1955, Page-19
who were politically active, had worked earnestly for a free united India only to find, in a moment of near triumph, that they were to be condemned to the status of a despised and suspect minority. Not surprisingly many preferred to leave their homes and sources of livelihood and migrate to India, where they had friends and could find a more congenial atmosphere. Often a family would be divided, with some members staying in Pakistan to look after property or to continue in business or professional life. This, of course attracted increased suspicion from their Muslim neighbours, it seemed to confirm the existence of divided or alien sympathies.

The professional patriots of Pakistan have at times demanded denunciations of India and Indian policies as a proof of loyalty to Pakistan, and the Hindus find it hard to look upon India as the real enemy.

But this is not to say that the Hindus are partisans of India against the cause of Pakistan. They have nothing to gain and everything to lose from such an attitude. Tension between the two countries makes the position of the minorities more difficult and more precarious. The hopes for prosperity and progress of the Hindu community, Thus, depend largely upon the establishment of close and friendly relations between India and Pakistan. If Pakistan can achieve political stability and is able to find a means of living in friendship with India, then many of the fears of Hindus will diminish, but if Indo-Pakistan relations continue tense, the Hindu minority will assuredly suffer.
MINDAITY PROBLEM IN INDIA

Pakistan was the only country in the region where there was no majority - minority conflict - this was asserted by Information Minister of Pakistan Raja Zafar-ul-Haq in the Majlis-i-Shoora. 45 On the contrary, India is constantly and continuously facing the communal problem involving the questions of the security of the minority community and the achievement of national integration. The first National Integration Council that was set up in 1961, in its declaration of objectives defined national integration thus - "The foundation of our national life is common citizenship, unity in diversity, freedom of religion, secularism, equality, justice - social, economic and political - and fraternity among all communities." 46

Our constitution sets up a Secular Republic in the sense that before law all citizens are equal irrespective of caste, creed or religion. It prohibits any discrimination by the State or its organs between citizens on such grounds. But our social structure and institutions, our modes of life, thought and feeling, in general, certainly fall below the standards of a secular society. Secularism in India means not indifference to, or exclusion or rejection of religion rather it means acceptance of religion, freedom to all religions and

46. Quoted by M.R.A. Ansari in Article 'National Integration' Published in 'Secular Democracy' March-81, Page-12
religious institutions to preach their faiths. However, our secularism has been unable to prevent different religious communities from painting each other as inferior and impious or infidel and heretic.

Enjoying full freedom in the name of constitutional rights, all the religions and sects are free to interpret and misinterpret their religious beliefs in whatever way they like. Such wrong and right interpretations are allowed to be made and preached not only in Mosques and temples but in educational institutions also which are run by religious communities and these facilities are granted to the religious bodies. This is keeping our society ceaselessly tense and mutually antagonistic providing ample opportunities to self-seeking politicians or religious egocentricity to make a virtue of its social pimple in the attainment of which they succeed, too, time and again.

The poisonous blood in the religious limbs of the society should be cozed out to disinfect the body. It should be and can be done by scientific explanation of religion, the historical circumstances that gave birth to religion, the past and the present mis-interpretations of religion and the past and the present uses and abuses of religion.

Kwaja Ahmad Abbas, the noted writer has pointed out certain misunderstandings by giving a few examples in his article 'On building a secular society.' Once a

47. Published in 'Secular Democracy' March 1981, Page-11
lady professor of Jamia Millia Islamia - The National Muslim University in Delhi - was questioned by some Hindu students about the meaning of the Muslim invocation of 'Allah Akbar!' Some students had thought that it was a prayer to God to re-establish the reign of Akbar. Thus the religious cry of Allah Akbar - which means "God is Great" and is as old as Islam itself, was misunderstood and misrepresented as a prayer for the return of the reign of Akbar, the Great Mughal, who was called great because he had a vision of our great country with two great and cultured peoples - the Hindus and Muslims - whom he tried to unite under the spiritual umbrella of Din-e-Mahdi.

Similarly, Shivaji is much misunderstood by the Muslims. It is the fault of historians and writers of History text-books - both Muslim and Hindu, who have failed to represent Shivaji as a noble, secular, brave and clever ruler, and whose ideal of Swaraj was totally different from the Hindu Raj of the R.S.S. and the Jana Sangh. That Shivaji was a Secularist can be proved by the fact that he established endowments for Muslim mosques and shrines and by the historical and military fact that he entrusted the command of his artillery to a Muslim - Ibrahim Gardi. He had no prejudice.

47. Published in 'Secular Democracy' March 1981. Page-11
against a Muslim to be in charge of one of the most important wings of his armed forces. The true depiction to these and other figures of History in Textbooks will go a long way in removing pre-conceived prejudices from the minds of Muslims and Hindus alike. The text books, specially of History and Geography are the first influence on our children. Let them learn from History how Hinduism and Islam, based on common ethical foundations, came closer in India, how they helped us evolve our united common culture, language, dress or food habits.

BEHIND COMMUNAL RIOTS

It is a great irony that India whose both Hindu and Muslim saints have given messages of universal brotherhood should itself fall a victim of divisive forces. While the communal situation in the country is showing distinct signs of improvement, it has been found that nearly two-thirds of the incidents arise from petty causes and quarrels. Communal incidents which numbered only 169 in 1976, rose to 188 in 1977 and to 238 in 1978. The number of people killed and injured in these years respectively was 39, 794, 36 and 122; and 110 and 1,851. After touching the peak in 1980 with 427 incidents and 375 deaths, the communal graph began to decline and in 1981 only 319 incidents were reported which resulted in 196 deaths. It began soaring again in 1982 with 474 incidents and 238 deaths.

48. As-ian Recorder 1980, Page-15632
A Union Home Ministry study reveals that only one fourth of the incidents and causes of communal tension arise from provocations of a religious nature. These include desecration of or encroachment on religious places, controversies regarding routes of religious processions, setting up of places of worship surreptitiously in new places, objections raised to the playing of music before mosques and use of loudspeakers for prayers, 'Asan' and 'Kirtan'.

Other factors relevant to the contemporary communal situation are incessant propaganda by a section of the communal press and certain organizations working for undermining allegiance to secular values and national outlook, and the projection of extremist views in one community resulting in a backlash among organizations of other community and political elements at the local level trying to exploit the communal situation in a bid to increase their political influence.

It has been noticed that the towns and areas with a history of communal incidents, such as Jamshedpur, Bihar, Sheikhpura, Moradabad, Meerut, Ahmadabad, Baroda, Golhara and Hyderabad, witness fairly prolonged spells of disturbances whenever an incident occurs. The disturbances are no longer restricted to urban areas but have occurred in

rural pockets as well.

It has also been pointed out that though communal tensions manifest themselves in the form of violence, they are not to be treated merely as law and order problems. They are indicative of causes deeply rooted in cultural, social, economic and other factors. We must also discard the narrow scale of determining which community started a particular riot, which suffered more and what the authorities did.

The problems of the minorities can not be understood in isolation from the realities of the prevailing social and political system. India's party set up and the electoral system have not proved to be an effective instrument of secularisation of the national polity. The manner of selection of candidates at the time of election even by the secular parties and formulation of campaign strategy may be instance here. Many studies go to show that the Congress candidates resorted to communal tactics and communal campaigning because the Muslim voters constituted 25 percent or more of the total electorate.

Moin Shaker, in his book, "Politics of Minorities," has observed that religion and religious differences as such do not alone cause a riot. He says, "Hinduism and Islam may be different in certain respects but neither of them preaches violence or hatred. It is as much against their basic concept as against their heritage." He believes that it is the tenacity

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50. The Hindustan Times, June 26, 1982
to promote the religious grouping of a community for political purposes which is primarily responsible for the rampant communalism in India. The Muslim elite has been using it for articulating its grievances, in communicating with the masses in framing political strategies and for maintaining a separate political status for the community. It has been a short cut to political power. It is strengthened by invoking support from Islamic feelings.

The result is that the accusation of communalism is usually made against the Muslim community. The accusation is perhaps justified when any section of this community indulges in activities which segregate it from the other communities or which spreads ill feelings between the two communities or which encourages extra-territorial loyalties. But a plea for fair and equal treatment and a protest against the practice of discrimination can not be called communalism.52

What is most important is the feeling of belonging to this nation, India only, and they must keep it above all other considerations. Nothing should be said or done to harm the country or country's secular image.

Another accusation against the Muslims is that they have not joined the mainstream of national life. Joining the mainstream does not mean being submerged in it. One can not

jump into a stream without being able to swim. The Muslim
can join the mainstream only if they are treated as equal
citizens. The word equality when applied to a minority
community, has a special implication. This would result only
in equality in law but inequality in fact. The equality bet-
ween members of the majority and of the minority must be
effective genuine equality. Several communal riots that have
occurred in different parts of the country have further brought
about a feeling of insecurity amongst the Muslims. The state
owes a duty to its citizens to protect their life and proper-
ty. The Union Government is concerned over the increase in
communal violence in some parts of the country and has asked
the States to take strong action against communal elements.

COMMUNAL HARMONY

EFFORTS BY THE GOVERNMENT AND SOME SUGGESTIONS

The National Committee on communal harmony compri-
sing 24 members headed by Mr. Zail Singh, the then Home
Minister, was created at the behest of the National Integra-
tion Council in the wake of communal riots reaching their
peak of the decade in 1980. The regional conferences held
with State Government officials by Mr. S.M.H. Burien, Union
Home Secretary between December 1980 and February 1981, have
yielded this broad picture of the situation:

(1) Bihar, Madhya Pradesh and Uttar Pradesh – The
Communal situation in sensitive areas requires
to be kept under continuous watch on a systema-
tic basis even during normal times.
Maryana, Himachal Praiesh, Jammu & Kashmir, Punjab, Rajasthan and Chandigarh - J. & K. is generally peaceful but Jamat-e-Islami and some political parties are exploiting unemployed youth. The youth required to be weaned away from its increasing communal tenacies through a determined effort to provide them jobs and otherwise rehabilitate them.

Orissa, Sikkim and West Bengal - The West Bengal government has displayed commendable firmness in handling riot situations.

Gujarat and Maharashtra - There was a growing bitterness between the younger generations of the two major communities and the system of education required to be changed and textbooks suitably revised.

Anjuna Pradesh, Tamil Nadu, Karnataka, and Kerala while the situation in the southern states was not so serious as in the northern states, utmost vigilance was needed in "sensitive pockets".

One of the trends observed in some of the recent communal riots is the increasing use of firearms leading to greater militancy. To reverse this trend, well planned combing operations have been suggested from time to time to unearth illicit firearms, ammunition and explosives. It is also being pointed out that hardly any use of laws relating

to punitive fines have been made. There is need to take very frequent recourse to the use of such laws.

The Home Ministry is preparing a draft code of conduct for political parties to keep the communal issues above party politics.

Another recommendation, which has remained largely unimplemented is to have a balanced police force comprising all communities. At present the representation of minority communities in the police force is comparatively low and needs attention.

It is also being made clear that places of worship should not be allowed to be used for public meetings, which can create communal disharmony or ill will. Special measures should be taken to prevent such meetings and to deal with them, if held.

Mrs. Indira Gandhi, Prime Minister of India, said in the meeting of newly constituted National Integration Council on Sept. 1, 1980. "Our concern is what kind of India shall we bequeath to our future generations - a strong harmonious self confident India or a faltering, weak and schizophrenic India? The essence of nationalism is an active consciousness of belonging to a single nation, sharing of common ideologies, existence of common goals, pride in the achievements of the country, combined efforts for common achievements and participation in all national activities.

54. Asian Recorder 1980, Page 15793
Such nationalism has in fact existed in this country in the past before the Britishers adopted 'divide and rule' policy and such nationalism again manifested itself during the national crises like the Chinese aggression and the Indo-Pakistan Wars.

Our nationalism which always lies dormant and comes to the surface only on the occasions of national crises must be activated and should be made a permanent feature of our national life. It is a fact that a large section of the majority community consists of right minded persons who are sympathetic to the minority community and it should be the endeavour of the minority to convert this section of the majority community into an active force in their favour. They must realize that their destiny is permanently linked with this country and this country alone and that they are part and parcel of the people of this country. There are communal elements among Hindus and Muslims both. Therefore the Prime Minister ought to be complimented for having the courage to assert that "confrontation and the spreading of an atmosphere of desperation is likely to be more damaging to the minorities themselves by arousing reaction in other communities." The answer to Hindu Communalism cannot be Muslim communalism.

The Minorities Commission, the high powered Panel on Minorities and now the appointment of a Minority Committee headed by the Union Home Minister P.C. Sethi can be
interpreted as a sign of the Government's willingness not to sit back and watch communalists of all hues destroy our secular experiment. The call for penalising district level officials who fail to act decisively during a communal riot and to constitute a special peace keeping force with considerable representation from the minority community are some of other measures to which the Government is committed.

In a memorandum submitted to the Prime Minister on November 5, 1982, Muslim members of Parliament led by Dr. Rafiq Zakaria have alleged that the administration especially the armed constabularies like the P.A.C. in Uttar Pradesh and S.M.P. in Bihar acted in a "blatantly partisan and communal manner and today, communal violence was turning more and more into police action against the Muslim minority." Consequently "The Muslim minority is losing faith in the neutrality of the administration and the credibility of the Government as protector of the weaker sections, is being eroded. "The M.Ps demanded that all para military and extremist organizations creating communal hatred such as the Vishwa Hindu Parishad and the R.S.S. be banned and to begin with, their public activities be restrained. They also suggested that during the riot period, all newspapers and periodicals be screened for rumours and "misreporting and malicious and mischievous writings," be dealt with in accordance with the law. 55

The centre is not, at present inclined to ban various communal organizations but is keeping a close watch on their activities. It is felt that a ban might drive these organizations underground and their mischief potential may increase manifold. It was better to fight them politically and socially in order to prevent them from damaging the national fabric. While the Muslim M.Ps were justified in naming certain organizations as being communal, the hand of certain organizations belonging to the minority community has also been seen in some communal clashes. Therefore, while examining the question of a ban, the activities of communal organizations of the majority, as well as, the minority community ought to be taken into consideration.

Secondly, the memorandum has acquired a communal colour because M.Ps belonging to other communities were not among the signatories. What has caused concern is the narrow sectarian path which the M.Ps chose. This is not to suggest that the problems which the Muslims face because they happen to be Muslims, should not be solved. Any sort of injustice or insecurity to any community should not be condoned. But, the nation's experience has been that fanaticism begets fanaticism and hatred begets hatred.

Communal tension is linked with economic pressures also and acceleration of economic development is the only solution of the problem. The Government has instructed the States to make special efforts to ensure a fair distribution
of job opportunities among all minorities including christians, Muslims and Parsis. An official committee would go into the difficulties faced by minorities in getting jobs and loans under self-employment schemes which were not very popular among this section due to the "artificial difficulties" created by those in charge of implementing them. However, the demand for the reservation of jobs for religious minority as is being done in the case of scheduled castes and scheduled tribes can not be given consideration as it would be not only unconstitutional but would also go against the country's secular character since all religious and linguistic groups enjoy equal rights.

**MINORITIES AND INDO - PAK RELATIONS**

Whenever there has been a communal problem a common news item is 'Pak hand seen in communal riots' or Pakistan is all out to spoil our secular image by creating communal riots and showing to the world specially to the Arab countries that the Muslims are not safe in India.' At the time of Moradabad tragedy, it was asserted 'Pak Nationals held' and 'Pak arms seized' etc. etc. Recently India has conveyed to Pakistan its concern over continued publication of offensive material against India in the controlled Press.56

Conveying India's concern, Indian Ambassador Krishna D. Sharma handed over a set of particularly obnoxious cartoons published in the Urdu Press in recent days to Pakistan Foreign Secretary Mian A. Naik. Some of these cartoons and comments could also be construed as an interference in the internal affairs of India. The most offensive among the nine cartoons handed over to Mr. Naik is one published in the month of April 1983 by the right-wing, generally pro-Government Urdu daily "Nawa-i-waqt" questioning the secular outlook of Mahatma Gandhi. It shows a soldier separating two rioters, one Hindu and the other Muslim while Gandhi points a gun with the Muslim and warns "I shall not allow this riot" as Nehru and Patel look on.

Another shows Prime Minister Indira Gandhi greeting two Arabs with a smile and folded hands while a long knife dripping blood is tucked under her arm. The caption recalls Mrs. Gandhi's letter to Muslim countries that the alleged massacre of Muslims of India in Assam was nothing but false propaganda. Another cartoon in Urdu daily 'Jang' depicts Mrs. Gandhi standing in front of heaps of skulls and holding one in her hand, she is telling a man representing the world press, "everything is open. You may pick up any piece from any place and you will not find communalism anywhere."

The publication of such cartoons caricaturing Indian leaders in an outrageous manner is particularly
painful when India has made numerous gestures to improve relations with Pakistan. Similarly a remark by a Second Secretary in the Pakistani Embassy in New Delhi in a letter to the Pakistan Times suggested that an unofficial ban operates on Muslims being taken into the Indian Armed and police services and higher ranks of the army. Mr. H.C. Shukla, First Secretary, Information, in a letter to the Dawn of Karachi drew attention to the fact that "The senior most service officer in India is Air Chief Marshal Latif." 57 A Pakistani columnist Juma Khan gave the proper answer by writing in his column in 'Aman' that no member of the minority community could hope to become President, Prime Minister or Commander in Pakistan despite slogans of equal rights while there was no such discrimination in "Secular India" against minorities like Muslims.

It is true that a considerable section of Indian Muslims, particularly in North India, has sympathy for Pakistan and they want to see it flourish. But it is neither due to Pan-Islamism nor what the Sanghis call it, an expression of ingrained 'Hindu Dushmani'. It is a simple case of blood relations. There would hardly be a single Muslim family in North India whose one or more members are not living in Pakistan. 58 Communal riots have sadly become

57. The Hindustan Times, August 24, 1982
58. Nafis Ahmed "Mainstream" July 17, 1971, Page 16-17
an integral part of our life. Pakistan taking advantage of it, tries to impress upon the Indian Muslims that she is their only supporter on earth. Its propaganda machinery ranging from Radio and News - papers to personnel of foreign service shed so much crocodile tears over the fate of Indian Muslims. Its effect on the Indian Muslims is all the stronger. Their illiterate section thinks that Pakistan is really championing their cause by raising world conscience on the communal situation in India.

In fact Indian Muslims are quite capable of looking after themselves. In case of riots they do not flee the city, but remain and fight back. They no longer look upon another country as a refuge. Today, no Muslim member of a political party feels handicapped because of his religion. Abdul Rahman Antuley, former Chief Minister of Maharashtra, behaved as if he were the monarch. It might also be noted that mass conversions which have become such a controversial issue, at least high light one aspect: who would want to join a weak and persecuted minority? That the Muslim community is relatively backward no one denies, but the reasons for that backwardness are mostly historical and if any one has to be blamed, the Muslim leadership would be high on the list of those charged guilty. Even now: there is nothing to prevent the Muslim community from undertaking social reforms which would release the Muslim masses from their inhibitions and
and apprehensions. For example, very recently, it was reported that about 70 percent of the younger Muslim generation do not reach even college level, what to talk of University and the higher education. This is not due to any fault of the Government or the administration.

Muslim women are perhaps the most exploited segment of our society and the onus for the betterment of their status rests on the Muslims themselves. But no sooner a few Muslim women's groups demand changes towards a uniform civil code than they are immediately dubbed as unrepresentative of the community. Therefore, it is no use blaming only the Government or making the issue unnecessarily exaggerated.

At present both India and Pakistan are moving towards better relationship and this process must continue. Both the Governments should take necessary precautions that no unconfirmed news item is allowed to be published which may be taken as interference in either country's internal matters or which may be against the spirit of a good and friendly neighbour.