

BACKGROUND GUIDE

All India Political Parties Meet

*Deliberation on increasing communal tension in the country*

**Letter from the Executive Board,**

Greetings delegates!

The increasing communal tension has been a major point of contention in the recent Indian political scenario with considerable debate arising from appeals of various political parties and religious groups!

This background guide by no means is the end of the research, we would very much appreciate if the delegates are able to find new realms in the agenda and bring it forth in the committee. Such research combined with good argumentation and a solid representation of facts is what makes an excellent MUN performance. Given, the extremely political and volatile nature of this committee, your presence of mind and politico-analytical aptitude is something which we at the executive board would be looking to test.

Kindly note, we are not looking for existing or statements that would be an exact copy paste of what the portfolio you are representing have already stated; instead we seek an out of the box solution from you, while knowing and understanding your impending political and ideological limitations. Kindly, do not limit your research to the areas highlighted further but ensure that you logically deduce and push your research to areas associated with the issues mentioned. We are sure however that this background guide gives you a perfect launching pad to start with your research.

Please note that the committee is bilingual and during the session, we as Moderators, will encourage you to speak as much as you can, as fluency, diction and oratory skills have very little importance as oppose to the content you deliver. Please go through the procedural guide provided to you to be well aware of the working procedure of the committee during the course of the two days.

We are certain that this will be learning from you immensely and we hope that you have an equally enriching experience. Wishing you all a very warm good luck and hoping to see you all at this conference discussing imperative issues of national trust. In case of any queries, please do not hesitate to contact us.
Wishing you all best of luck!

 Executive board

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***Note*** - Information contained in this research brief does not possess any evidentiary value, neither does it qualify as proof of the occurrence/non-occurrence or existence/ non- existence of any fact. The brief is meant only to provide the participants with a modicum of information upon which further research can be built and does not in any manner whatsoever reflect the views or political leanings of the Moderator, Deputy Moderator or scribe. The Moderator, Deputy-Moderator and Scribe shall at all points in time maintain neutrality and do not have any political affiliations.

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COMMITTEE BACKGROUND

AIPPM

The All India Political Parties Meet is a meeting called before a session of Parliament in order to decide its agenda and ensure smooth functioning. It is a consensus building body where representatives of different parties form a mutual understanding on the agenda in order to ensure minimal time wastage in the Parliament. Generally, it is for this reason that the agendas kept in AIPPM simulation are divisive and controversial.

Emergence

An important feature of colonial India was the emergence of communalism as a force that guided the destiny of India into a blood bath and inevitable partition of the Indian subcontinent on communal lines.

Though India was a land of multi-religions, creeds and faiths, pre-colonial India was never plagued by the worm of communalism.

It was the purposeful colonial policy of divide and rule that laid the seeds of communalism which grew into a huge tree that disturbed the solidarity, of the age-old mosaic of India and it is still haunting to sap the vitality of the newly won independence.

Communalism is thus a modern phenomenon which has gained currency as a negative concept in recent times. Bipan Chandra observes: ‘communalism is basically an ideology appears to be a simple and easily understood. Communalism or communal ideology consists of three basic elements or stages, one following the other.

**The three basic premises are:**

(1) Belief that people who follow the same religion has common political, economic, cultural and social interests,

(2) Belief in a notion that in a multi-religious society like India, the common interests of the followers of one religion are dissimilar and divergent from the interests of the followers of another religion, and

(3) Belief that the interests of the followers of different religions or different communities are seen to be mutually incom­patible, antagonistic and hostile”.

The practice of communalism based on the above principles leads to communal politics, communal violence and communal terrorism. We can trace stages in the growth of the trends of liberal and extreme communalism. Bipan Chandra is of the view that 1937 was the dividing landmark and pre 1937, was an era of liberal communalism and the post-1937 phase was that of extreme communalism.

We may agree with Bipan Chandra’s perception that communalism emerged as consequence of the modern politics based on mass mobilization and politicization which has become evident in the Indian context from 1930 onwards. Nehru also notices “one must never forget that communalism in India is a latter day phenomenon which has grown up before our eyes”. Thus, the communal consciousness arose as a result of the transformation of Indian society under colonialism and its results like administrative unification of regions, the formation of modem social classes and the spread of new ideas of nationalism based on cultural and linguistic development.

Another factor was the economic stagnation, ruination of industries and crafts, stark unemployment and dwindling of resources and the growing number of people vying for the pie. Communalism does not mean social conflict or class conflict between the exploiter and the exploited. Communalism is thus a complex phenomenon where many factors real and unreal, contributed to the rise of consciousness of communalism.

There is a considered, view advocated by Bipan Chandra and agreed upon by many, a strong contributory factor in the growth of communalism was the pronounced Hindu tinge in much of nationalist thought and propaganda in the beginning of the 20th century. Added to this, the communal approach adopted by James Mill, the British historian in dividing the periods of Indian history as the Hindu, the Muslim and the British showed considerable influence on the thought process of young and old mind in developing communal consciousness of superiority and inferiority.

Some sections of the Hindu and the Muslim communalists used religion as the mobilizing factor for their selfish interests. We may say that religion by itself was not a major contributor to communalism as such but the narrow minded religiosity promoted by intolerant leaders led to extreme communalism with a political end.

In India, till 1880 communal consciousness as a driving force was absent both in the Hindus and the Muslims. Sir Sayyad Ahmad Khan, an outstanding intellectual of India announced in 1884, “Do you, not inhabit this land? Are you not buried in it or cremated on it? Surely, you live and die in the same land. Remember that Hindus and Muslims are religious terms.

Otherwise Hindus, Muslims and Christians who live in this country are by virtue of this fact one Qauam (nation or community)”. Till the founding of Indian National Congress, he believed in the oneness of Indians, i.e., Hindus and Muslims. The establishment of the Indian National Congress in 1885 sowed the seeds of uncertainty and made him view Congress as a Hindu body, whose major objec­tives were against the Muslim interest.

The concept of elections and consequential power made him oppose the Congress and as desired by the government, the Muslims began to be loyal to the British. But some Muslims under the leadership of Badruddin Tyabji joined Congress and by the time of Swadeshi movement some more sided with the Congress. In such a situation, the Indian Muslim League was founded in 1907 by big landlords and Zamindars. This loyalist, communal and conservative political organization supported the partition of Bengal, demanded separate electorates and made its motto to oppose Congress but not colonial rule.

Side by side, with Muslim communalism, Hindu communalism also began by demanding that Hindi language was the language of the Hindus and it should be protected. They also started a movement for banning cow slaughter in 1896. They also began to demand due share to the Hindus in legislature and government jobs.

The Punjab Hindu Sabha founded in 1909 and the All India Hindu Mahasabha founded in 1915 spearheaded the activities of the Hindu communalists. But the younger generation of the Muslim League was dissatisfied with the loyalist approach and in 1916 there was an understanding between the League and Congress known as Lucknow Pact which led to the Khilafat and non-cooperation movement. Once again the communalists became active after the end of the non-cooperation movement in 1922.

The nationalists made determined bid to frustrate the efforts of the communalists. But the Round Table Conference once again provided an opportunity to the communalists to stress, “the inherent impossibility of securing any merger of Hindu and Muslim, political or indeed social interests and the impracticability of ever governing India through anything but a British agency”. The announcement of communal award of 1932 which included the demands embodied in 1927 Delhi proposals and Jinnah’s 14 points of 1929 further bolstered the communalists.

Since 1937 began the extreme communalism of the Muslims and the Hindus. It was so because the Congress formed ministries in five provinces and the Congress refused to cooperate with Muslim League. In 1938, M.A. Jinnah, in his presidential address of the League announced “The High Command of the Congress is determined, absolutely determined to crush all other communities and cultures in this country and establish Hindu raj in the country”.

In 1940, he told the students of Aligarh, “Mr. Gandhi’s hope is to subjugate and vassalize the Muslims under a Hindu raj”. By 1941, Jinnah announced that “Pakistan is not only a practical goal but the only goal if you want to save Islam from complete annihilation in this country”. Finally, in 1946, while asking the Muslims to vote for the League, he declared if we fail to realize our duty today you will be reduced to the status of Sudras and Islam will be vanquished from India”.

Besides Jinnah, Z.A. Suleri, F.M. Durrani and M.A. Gazdar also propagated for the annihilation of the Hindus. Gazdar proclaimed “The Hindus will have to be eradicated like the Jews in Germany if they did not behave properly”. The Muslim communalists launched a vicious campaign against Maulana Abdul Kalam Azad and Khan Abdul Gafar Khan as the stooges of the nationalist Hindus. While Muslim communalism was becoming extremely violent, Hindu communalism was lagging behind. By 1923, Lala Lajpat Rai was no more and by 1937 another liberal communalist Madan Mohan Malaviya also retired from active politics. V.D. Savarkar of the Hindu Mahasabha and M.S. Golwarkar of the RSS led the extreme communalists of the Hindus. In 1937, V.D. Savarkar announced that Muslims “want to brand the forehead of the Hindu down and other non-Muslim sections of the Hindustan with a stamp of self-humiliation and Muslim domination” and “to induce the Hindus to the position of helots in their own land”.

In 1938, he reiterated and affirmed “we Hindus are (already) reduced to the veritable helots throughout our land”. M.S. Golwalkar in 1939 declared that if minority demands were accepted, Hindu national life runs the risk of being shattered and he attacked the nationalists for “hugging to our bosom our most inveterate enemies (Muslims) and thus endangering our very existence”. Thus both the Hindu and Muslim extremists tried to play on the fears and suspicious of majority and minority and raised the cry of ‘Hinduism in danger’ and ‘Islam in danger’ or Hindu culture and Islamic culture in danger. This creation of hatred proved harmful to both the Hindus and the Muslims in the end and thousands lost their lives in the communal holocaust.

In this atmosphere of extreme communalism preached and practiced by the determined few from both sides, the British added fuel to the fire. When the Second World War began and the Viceroy without consulting the Indian leaders, admitted India into the Second World War, the Congress ministries resigned in 1939.

The Muslim League celebrated that day as the day of deliverance. The British assured that they would grant Dominion status to India immediately after the war. This announcement made the Muslim League to press for a separate homeland for Muslims in 1940. By his August offer of 1940, Linlithgow, the Viceroy assured the Muslims that their interests would be protected.

Dr B.R. Ambedkar, C. Rajagopalachari and the communists suggested that the demand of a separate homeland to the Muslims be accepted. The British appointed Cripps Mission in 1942 and the proposals of Cripps were rejected by both the League and Congress.

When Congress launched Quit India movement in August 1942, the League opposed it and propagated its dream of separate homeland. The League took the help of Islam to spread its idea of Pakistan along with popular newspapers. In 1944, C. Rajagopalachari placed his compromise formula before Jinnah. Owing to the adamancy of the League, the Wavel plan and the Simla plan failed. When elections were held in 1946 as per the 1935 Act, the League rejected it and refused to participate in the interim government.

In protest, the Muslim League observed August 16, 1946 as the Direct Action Day which led to Hindu and Muslim riots throughout India. The League joined, the interim government formed under the leadership of Nehru.

When Constituent Assembly was formed, the League refused to accept it. In the meanwhile communal riots flared up throughout the country in which both Hindus and Muslims suffered a lot. In February 1947, the British government announced that it would leave India certainly before June 1948. On March 27, 1947, the League celebrated ‘Pakistan Day’ in East Bengal and Punjab.

It led to the worst fears of large scale massacre and the interim government remained helpless. Except Gandhi, the others agreed for the partition and V.P. Menon drafted the proposal for partition of India. It was put as June Plan or Mountbatten Plan before the League and Congress. This was accepted by both the League and Congress. The Independence Act of 1947 made the partition legal and real.

As the entire nation rejoiced, very disappointed and disillusioned Gandhi spent the first day of Indian independence in 24-hour fast. Later, he spent the rest of the time in healing the wounds of suspicion and hatred of communal frenzy. On 30 January, 1948 in an evening prayer Gandhi was shot by a fanatic; thus the cause so near and dear to him cost his life and plunged the nation into darkness.

Trials mechanisms and views on eradicating this evil

The cycle of communal hatred and violence can be stopped only by ending first the false equivalence between minority and majority communalism

As the nation went into paroxysms of rage over the alleged eulogisation of Afzal Guru, an anniversary passed by, as always, quietly. On February 18, 1983, 2,191 Muslims, mainly women, children and the old, were hacked to death with machetes and daggers in Nellie, Assam. For a massacre of genocidal proportions, not a single person has been brought to book in 33 years. Nellie does not even exist in the public memory. The tragic irony is that a nation threatened by anti-national slogans in not threatened by actual pogroms, whether it is Nellie, Delhi 1984, or Gujarat 2002.

The majoritarian logic is based on the premise that the majority religious community can commit any act of mass violence, but that will not be anti-national. What is anti-national is only minority violence. This logic was clearly evident in the response to the Malda riot in January, something that acquires criticalness with the looming West Bengal elections.

The Bharatiya Janata Party (BJP) called the riot communal: “Communalism is on the rampage in Malda,” said its spokesperson. For a party that rose in the 1980s mainly through engineering a tectonic shift to politics based on religious polarisation, that is an extraordinary feat of duplicity. All the more so, considering the costs of such a shift have hardly been benign: the tragic loss of lives and property in communal riots from Babri Masjid to Muzaffarnagar.

Equalising the unequal

The aftermath of Malda (which did not have any fatalities) saw another curious development: a torrent of discussion that there has been a massive silence on the part of the “secular” media, and the “Award Wapsi Brigade” about the Malda “communal” riots. The upshot of this narrative is that there should have been an equal outrage over Malda as Dadri. Unless there is equivalence in treating Hindu majoritarian communalism and Muslim minority communalism, secularism is merely pseudo-secularism. It is precisely this demand for equivalence that is dangerous at the moment, for it ignores some fundamental distinctions between the two types of communalism. First, it equalises what cannot be equalised, for equality is not the equal treatment of unequal entities. And second, it participates in the increasing conflation of Hindu communalism with nationalism.

Minority communalism can never be compared with majority communalism, for the former is ghettoised and mainly feeds upon its own people (think the ulemas and Shah Bano), the very people it claims to represent, while the latter thrives by feeding off the society at large, including the minorities. Other than the brute power that being 80 per cent of the population brings, majority communalism is infinitely more consequential for it determines the sociopolitical discourse, leaving minority communalism to defend itself and ghettoise further.

Majority communalism, dangerous in itself, becomes deadly when it becomes the official ideology of the Indian state, as the Sangh Parivar would want it to be. Minority communalism can never dream of state power. That is the difference between a Yogi Adityanath and an Akbaruddin Owaisi. Here Jawaharlal Nehru’s words are valid even now: both Hindu and Muslim communalism are bad. “But Muslim communalism cannot dominate Indian society and introduce fascism. That only Hindu communalism can.”Therefore whether it is the communal riots of Gujarat, Moradabad, Bhagalpur, Bombay or Muzaffarnagar, the overwhelming number of those killed are Muslims. Thus it is counterintuitive for the minority Muslims to provoke riots, for they would be the primary victims, as fatalities and as refugees in camps. The forces that gain the most from a religious polarisation, especially based on violence, are the BJP and the Sangh Parivar. Unsurprisingly, 75 per cent of the Lok Sabha MPs with criminal cases for causing communal disharmony come from the BJP.

Further, in a comprehensive study of communal riots, Yale University researchers assert that “riots produce ethnic polarisation that benefits ethno-religious parties at the expense of the Congress” and “the BJS [Bharatiya Jana Sangh]/BJP saw a 0.8 percentage point increase in their vote share following a riot in the year prior to an election”. The BJP resorted to the time-tested method of attempting a religious polarisation in Bihar elections, and already there are indications that Malda will be the BJP focus in Bengal, which has no history of communal violence.

Unlike the narrative on Twitter and television, the print media substantially covered the Malda violence. It overwhelmingly concluded that rather than the radicalised sections of Muslims now suddenly deciding to wipe out the Hindu minority, what emerges is a complex web of criminal-politician nexus having a substantive role in engineering violence in a crowd of Muslims.

The majoritarian narrative

But this complexity does not fit well with the dominant narrative of scaremongering and Islamophobia. Witness the discourse of the Islamic State enveloping the nation rapidly, or the pre-emptive framing of Umar Khalid as an Islamist terrorist in the Jawaharlal Nehru University Case. If not Muslim-perpetrated riots, Muslim-perpetrated terror acts will destroy India.

This narrative sadly ignores that the death toll in the Maoist, and the separatist/nationality movements in Kashmir, Punjab, and the Northeast is possibly 50-80 times that caused by Islamist terror in the rest of India. And it also whitewashes the deadly results of state terror in these conflict areas. In demonising Muslims, it downplays that overwhelmingly the perpetrators of Islamist terror are foreigners, and that the participation of Indian Muslims continues to be negligible even after Gujarat 2002.

Despite the number of violent incidents and new vigilante groups motivated by Hindutva, it is a categorical mistake to assess intolerance by violence only. We will then miss the insidious working of Hindu majoritarianism as nationalism. Hence when an Aamir Khan or a Shah Rukh Khan comments on intolerance, there is a massive outpouring of outrage branding them as anti-national, while when an Anupam Kher declares, “I am today scared of saying I am a Hindu”, it hardly evokes a response.

Pointing to Muslim superstars in Bollywood as an example of India’s tolerance is uninformed. It is like arguing as there are many black celebrities in America, there is no racist oppression there. The Indian Muslim today feels like a second-class citizen, an emotion which can only be understood by looking at intolerance as discrimination at a quotidian level (for example, the state witch-hunt through draconian anti-terror laws). No society built on religious discrimination or the gargantuan scale of caste oppression can be termed as tolerant. But what is new after 2014 is that this now mixes with the ballast of state-backed Hindutva, which sees the Muslim as well as the politically radical Dalit (Rohith Vemula, for instance) as dangerous anti-nationals.

Ultimately, if the Hindutva project is an upper-caste (and patriarchal) one which masks a community divided by hideous caste oppression, caste divisions mark Muslim communalism too, albeit on a lesser level, with the small upper-caste Ashrafs as the main beneficiaries of “vote-bank” politics. But the vast numbers of ordinary Muslims (Pasmandas) are in a bind: being discriminated by the larger Hindu society as well as by their own community. Rather than flourishing through “appeasement,” as in the majoritarian narrative, their political disenfranchisement ensures that they are forced to survive on the crumbs offered by “secular” parties.

Only a coalition of the oppressed castes, classes and gender across religions can overcome communalism. But that struggle for secularisation has to go along with the resistance to the majoritarian attempt to equate majority and minority communalism. The scourge and cycle of communal hatred and violence can be stopped only by ending first the history of false equivalences and selective silences.

**The NAC Communal Violence Bill: Prevention of Communal and Targeted Violence**

The National Advisory Committee has recently come out with a Communal Violence Bill.  The Bill is intended to prevent acts of violence, or incitement to violence directed at people by virtue of their membership to any “group”.  An existing Bill titled the “Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill, 2005” pending in the Rajya Sabha.  The main features of the NAC Bill are explained below:

The Bill makes illegal acts which result in injury to persons or property, if such acts are directed against persons on the basis of their affiliation to any group, and if such an act destroys the secular fabric of the nation.  Such acts include sexual assault, hate propaganda, torture and organized communal violence.

It makes public servants punishable for failing to discharge their stated duties in an unbiased manner.  In addition, public servants have duties such as the duty to provide protection to victims of communal violence and also have to take steps to prevent the outbreak of communal violence.

The Bill establishes a National Authority for Communal Harmony, Justice, and Reparation to prevent acts of communal violence, incitement to communal violence, containing the spread of communal violence, and monitoring investigations into acts of communal violence.  The Authority can also inquire into and investigate acts of communal violence by itself.  The Bill also provides for the setting up of State Authorities for Communal Harmony, Justice, and Reparation.

The central or state government has been given the authority to intercept any messages or transmissions if it feels that it might lead to communal violence.  This power is subject to existing procedures which have to be complied with for intercepting messages and transmissions.

Importantly, if public officers are liable to be prosecuted for offences under the Bill, and prior sanction is required for such prosecution, the state government has to grant or refuse sanction within 30 days.  If not, then sanction will be deemed to have been granted.

The Bill also allows the states to set up one or more Human Rights Defender of Justice and Reparations’ in every district.  The Human Rights defender will ensure that those affected by communal and targeted violence are able to access their rights under existing laws.

Apart from these, the Bill also establishes state and district-level authorities for assessing compensation for victims of communal violence.  States also have numerous obligations towards victims, such as the establishment of relief camps, ensuring proper facilities, medical provisions and clothing for those within such camps, etc.  The states government also has the obligation to create conditions which allow the return of victims of communal violence to the place of their ordinary residence.

*Please read: https://www.hrln.org/hrln/images/stories/pdf/Report-on-conference-on-Communalism-in-Lucknow.pdf*

We the people of India have adopted a Constitution with secularism as one of the basic structures for the governance of the country. However, it is unfortunate that in recent years the country has witnessed the virus of communalism, religious fundamentalism and communal violence in its ugliest form several times at different places like Mumbai, Delhi, Gujarat etc. causing heavy toll of human life and property.

More particularly in Godhra gory incident (Sabarmati express train burning) in Gujarat in 2002, there were heavy causalities where the furious mob had let loose their ugly tentacles in most inhuman and barbaric way. Similarly in 1984 there was anti Sikh riot in the wake of assassination of Indira Gandhi where the death toll was 2,733. There was also communal violence in Mumbai (known as Radhabai incident) in 1992 where the causalities went up to 1,900.

That is probably the reason for which on the recommendation of the then National Advisory Council, the UPA Government wanted to present the Communal and targeted violence (Access to Justice and Reparations) Bill-2011 in the Parliament to pass a law to curb communal violence.

The Bill was opposed tooth and nail by the RSS and some States also strongly objected to the Bill in the meeting of the National Integration Council.

In this backdrop, the question is whether the existing law of the land is adequate to deal with communal violence of any kind. We are living in a country of diverse culture, race, caste, creed, colour and ethnicity. However, there is unity in diversity whenever the question of national integration, territorial integrity and sovereignty of our country comes to the fore. It is gratifying that ‘secularism’ is the life blood of the constitution. We have got multi-lingual, multi-cultural and religious groups and societies across the country but with freedom to profess religion of one’s own choice.

According to constitutional mandate, the State does not discriminate anybody on the basis of religion. People profess different religions like Hinduism, Christianity, Jainism, Buddhism, Islam, etc with their own religious identity in a vast sub-continent like India. The constitution has expressed in unequivocal terms about religious tolerance. The Statecraft and the State policy are divorced from religion. This has been reflected faithfully in fundamental rights of the citizens in part-III of the constitution. The constitutional provisions speak in laudable terms about freedom of conscience and free profession, practice and propagation of religion and gives freedom to citizens to manage its religious affairs. It has been provided that no person shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination.

It also gives freedom as to attendance at religious instruction or religious worship in certain educational institutions but it is not applicable in case of educational institutions wholly maintained out of the State funds. It is striking to note that recently the outgoing president Hamid Ansari in his farewell speech said that there is a feeling of unease and sense of insecurity among the Muslims in the country, asserting the ‘ambience of acceptance’ is now under threat.

Vice-President M Venkaiah Naidu without naming anybody said Indian society is the most tolerant in the world because of its people and civilization. There is tolerance that is why democracy is so successful. He said the minorities got prominent positions including constitutional responsibility because there is no discrimination.Therefore religious tolerance is the bed-rock of the constitution.

In this context, the Supreme Court in the case of Ahamadabad St Xavier society college verses State of Gujarat has emphasized that since India is a secular State, religion has to be kept separate from State and the State can’t discriminate any citizen on the basis of religion which is the primary responsibility of the State. Father of nation Mahatma Gandhi in Harijan dated 31.08.1947 said that India is bound to be a secular State and religion is not the measuring rod to determine our nationality and as such, religion is purely a personal matter between an individual and the God. Therefore, religion should not be mixed up with politics and affairs of the State. On the same analogy, it is heartening to note that the American author George Corlin has aptly said that the State and religion should remain separate or else it would create lot of problems and if they are mixed up, the life of the citizen will be at a stake.

It will not be out of place to mention that the Communal violence and targeted violence Bill-2011 mooted by the UPA Government directed against a particular group or society. The proposed legislation was only confined to sporadic events of communal frenzy which are born out of religious bigotry, intolerance and fanaticism of a few people, groups and class of people having vested interest to satisfy their object by foul means. It is necessary to mention that in Phulbani district of Odisha in 2006, there was projection of a communal violence by media but the inside story and ground reality is that trouble started due to intense caste enmity amongst schedule caste and schedule tribe and for conversion of tribal people to Christianity.

We have a number of wholesome legislative enactments and penal laws to deal with any kind of communal violence.

 The question is regarding proper implementation of the mandate of law by the executive authority to quell down such violence. On the other hand, it is very likely that the law enforcing authority would misuse such a draconian law which comes sharply in conflict with human right issues.

It can be well said that we have effective legislations like SC and ST (Prevention of Atrocities) Act-1989 and the Protection of Civil Rights Act-195. To crown it all, there is the Indian Penal Code, particularly Section-153A, 153AA, 153B and preventive laws empowering police and magistracy under Code of Criminal Procedure to bring the offenders before justice and punish the perpetrators of communal violence, organized crimes and targeted violence. When effective laws are there to take care any eventuality that may arise during communal violence and when law provides for payment of compensation to victims of such crimes and mob violence, there is hardly any justification to have a new legislation to maintain communal peace and harmony.

That apart different high courts and the Supreme Court in exercise of writ jurisdiction under Article-226 and 32 respectively are giving exemplary compensation to the victims of communal violence, organized crimes in recent years.

Concluding, there is fine chord of secularism which reverberates in the pages of the constitution and penal laws and other special legislations as referred to above, to bring about communal peace, amity and harmony in the society.

**Steps taken by the state:**

**National human rights commission (NHRC)**in India fights for the causes of rights of the victims, but its recommendations are advisory in nature, which doesn’t gives significant outcome.

From time to time, respective governments have constituted various committees, to give recommendations to solve the issue of communal violence. Prominent among them are Sachar Committee, Nanavati Committee and Ranganath Committee.

The **Nanavati-Mehta commission,** set up by Gujarat government in 2002 to enquire about Gujarat violence.

**Sachar committee**, appointed in 2005, recommended to set up **Equal opportunity commission (EOC)** in 2010. EOC was to set up a grievance redressal mechanism for all individual cases of discriminations- religion, caste, gender & physical ability among others.

The **Ranganath Misra Commission** was entrusted by the Government of India to suggest practical measures for the upliftment of the socially and economically backward sections among religious and linguistic minorities and to include the modalities of implementation for the same. The report of the National Commission for Religious and Linguistic Minorities, headed by former Chief Justice of India Rangnath Mishra, says that 10% should be reserved for Muslims and five% for other minorities in central and state government jobs in all cadre and grades.

The purpose of all above committees is to give recommendations to find out the causes of backwardness of minorities and steps required to improve their conditions.

The Indian law defines communal violence as, “any act or series of acts, whether spontaneous or planned, resulting in injury or harm to the person and or property, knowingly directed against any person by virtue of his or her membership of any religious or linguistic minority, in any State in the Union of India, or Scheduled Castes and Scheduled Tribes within the meaning of clauses (24) and (25) of Article 366 of the Constitution of India”

Though India is under the grip of communal violence, but till now, other than provisions under **IPC and CrPC**, there is no firm law to punish the originators of such violence, no clear policy for relief and rehabilitation of victims. There is no regulations for security of witness, for accountability of public servants, etc.

**‘Prevention of Communal and Targeted Violence (Access to Justice and Reparations) Bill, 2011’**lapsed in the parliament. The bill provided for a seven-member National authority for communal harmony, justice and reparations. It attempted to safeguard the minority sections. It had provisions for ensuring accountability of the district administration. This has already been recommended by the Sachar committee and Raganath Mishra Commission.

The role of police in communal riots is highly controversial. Generally, riot victims complain that- police did not came to rescue, police forces were themselves instrumental in the killing, they led the mob in looting and burning, arrested the innocent people and harassed them inside the lockup, etc. But as we know, that police can act much better, if there is political will and if they are given free hand along with the implementation of recommended police reforms.

There specialised battalions of **Rapid Action force** in India, which is a wing of CRPF, to deal with riots, riot like situations, crowd control, rescue and relief operations, and related unrest

THE SRIKRISHNA INQUIRY

The termination of the Srikrishna Commission was the Shiv Sena-BJP government's final act to ensure impunity for those responsible for the Bombay riots, but the party's efforts to evade accountability began when the Shiv Sena-BJP government was inaugurated in March 1995. Although Shiv Sena leader Manohar Joshi was sworn in as the chief minister of the state of Maharashtra on March 14, 1995, real power remained with Bal Thackeray. The weekly news magazine, *Sunday*, reported that in his first speech as chief minister, Joshi claimed:

[I]t was entirely due to the blessings of Balasaheb Thackeray that he had got the job and was glad that his mentor's dream of establishing the rule of Shivaji had finally come true.... It was left to Thackeray himself to make the usual policy announcements-a right usually reserved for the chief minister.

It was clear from the outset that termination of the Srikrishna Commission was one of Thackeray's top priorities. Shortly after the new government took office, according to Pramod Navalkar, a senior Shiv Sena leader and member of the cabinet, Thackeray declared his intentions:

There is going to be a fixed time limit for these inquiries.... It is high time we did this. We cannot allow things to drag on and on.

Publicly, Thackeray never denied Shiv Sena's participation in the 1993 riots. In response to a journalist's question as to whether it had played an active role, he said:

Yes, active part to the extent of retaliation. If they [Muslims] do this mischief again we [Shiv Sena] will retaliate. I am not a coward. Nor a hypocrite. We will not attack. But if they attack, we will retaliate.

This was consistent with Shiv Sena's interpretation of the events of 1992-93. Although Thackeray openly admitted participation by the party in the riots, he continued to argue that party members should not be held criminally responsible for their actions. The *Hindu,*a Madras-based daily newspaper, reported:

Often Mr. Bal Thackeray has said-in public and in interviews-that he and the Sena are not ashamed of having "stood by the Hindus during their riots" and that but for [this] "protective involvement," [the] consequences on the city and its majority community would have been horrendous. In this context, there are doubts about the probe's [Srikrishna Commission] survival since it is one thing to express pride and another to be found guilty.

Other actions by members of the Shiv Sena-BJP represented clear attempts to obstruct any official action against the perpetrators of the riots. On April 1, 1995, Justice M.D. Sardar Ali Khan, the chairman of the National Commission for Minorities, the government body implemented to protect minorities in India, sent a letter to Manohar Joshi requesting that the state government prosecute Bal Thackeray for the threat he posed to minority communities, specifically Muslims, in Maharashtra. Later that year, the Maharashtra state government allowed the State Minorities Commission's term to expire. The move was condemned by central government officials of the Congress Party, and on March 20, 1996, the National Commission for Minorities decided to set up an office in Bombay to counter the impact of the dissolution of the state office. In addition the commission announced the payment of Rs. 200,000 [U.S. $5,714] to the families of the victims who had died in the post-Ayodhya riots*.*

On May 16, 1995, the state government ordered the Srikrishna Commission to expand its role to include investigation of the bomb blasts which killed some 300 people in Bombay in March 1995. It was widely believed that the blasts were the work of a criminal gang, headed by Dawood Ibrahim, a Muslim, in retaliation for the attacks on Muslims in the January riots. As the bombing incident was already under investigation in the courts, civil liberties groups accused the state government of deliberately duplicating efforts in order to delay the Srikrishna Commission's report and to create a link in the public mind between the riots and the bomb blasts in order to neutralize or justify the role of the police and Shiv Sena. The government called on the commission to determine "if there was any linkage between the Bombay riots and the blasts and if there was any common pattern or design between the two." The Shiv Sena had repeatedly demanded that the bomb blasts be included in the inquiry. Despite overwhelming evidence that Muslims were principal victims of the riots, government officials persisted in treating Muslims as equally responsible. When explaining his decision to terminate the inquiry, Chief Minister Joshi stated, "People of different communities and castes were involved in the riots. My party has nothing to do with the decision."

The Srikrishna Commission was also widely criticized for its slow progress. However, much of the reason for the delay was the sheer volume of evidence it collected. Some 2,000 affidavits were filed by victims or their relatives. The commission recorded evidence from twenty-three police stations in Bombay, interviewing every official who was on duty during the riots. It collected 220 pages of evidence from the Nirumal Nagar police station alone. The commission was reportedly about to begin cross-examination of senior political leaders, but all this came to an end when the commission was dissolved.

Infamous incidents in India

1. Partition, 1947
2. Anti-Sikh Riots, 1984
3. Kashmiri pundits, 1989
4. Babri Masjid demolition, 1992
5. Bombay riots, 1992
6. Godhra riots, 2002
7. Assam riots, 2012
8. Muzzafarnagar riots, 2013
9. Northern India Riots, 2017

These are a few examples given by the Executive Board for you to understand the concept. You may discuss any communal riot irrespective of it being mentioned in this list.

Sources:

1. The Hindu editorials
2. PRS Blog for legal reviews
3. Human Rights Watch Official Website
4. Website of history discussion