COMMUNALISM

Perceptions and Counter-Perceptions

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It has not been possible to define Hinduism during a few thousand years. Consequently, it has also een difficult to positively define who is a Hindu. To ny knowledge, the only definition in law of a Hindu s in the Hindu Marriage and Succession Act, 1956, which applies to persons who are not Jews, Mus- ms, Christians or Zoroastrians. Even this codi- ed Hindu law specifically permits the continued alidity of customs and usages prevalent in any re- ion or segment. For the purpose of the decennial ensus, a Hindu is defined by administrative or nformal instruction since 1951 as a person other han belonging to the above four religions or other than Sikh, Jain or Buddhist. The religious category "other including animists", etc., which was rather significant till the 1941 Census, is now practically merged in the Hindu fold.

Though the Hindus constitute nearly 83 per cent of the total population, fears have been expressed at various times that, because they do not convert anybody born in another religion, and because most other religious communities have been growing faster than the Hindus, therefore, Hinduism is in danger. What is perceived as greater assertiveness by the minorities is deemed a threat to national unity. In response, there are visible multi-dimensional campaigns for projecting common images of the Hindu identity, which would provide the foci of religious unity or, at least, made the Hindus proud of themselves as a single entity. These would, it is believed, overcome the traditional propensity of the Hindus to split themselves in sects, castes, linguistic groups, etc. Some voices go so far as to ask for abandonment of the "claptrap of a secular state" and declaration of India as a Hindu State.

It is worthwhile to look into the factual basis and logical implications of these feelings. A secular state must take at least as much cognisance of majority sentiments or concerns as of minority interests. A situation in which every group appears to feel threatened by or insecure against every others, regardless of its comparative size or strength, is obviously undesirable.

Demographic Trends

Trends in the Census data clearly indicate that the rate of growth of the Muslim population is higher. Leaving aside Assam, however, the differential rates of growth elsewhere (particularly in UP and Bihar where most of the Muslims are concentrated) appear to coincide more with income and caste status, than with mere religious denomination. Concern is expressed at the right of a Muslim male to have four wives, while the Hindus are supposed to be monogamous. Actually, Muslim polygamy is not as common as it is romantically believed to be. From the Census data, it actually seems that polygamy is slightly more common among Hindus than among Muslims. Most demographers agree that polygamy has little to do with the rate of growth of population.

Till recently, the Sanatan Dharma, the orthodox mainstream of Hinduism, disallowed the conversion of any individual. Only the Arya Samaj, a relatively small reformist sect, explicitly favours conversion. Over several thousand years, Sanatanist precepts notwithstanding, the Hindu fold has expanded not by retail conversion but by wholesale assimilation. Most of the *jatis* in the caste system have resulted from the incorporation and absorption of local and immigrant tribes into the Hindu fold. Most of the deities in the Hindu pantheon are local or tribal deities that have been incorporated into the pantheon as manifestations mainly of Shiva or Vishnu, or of their consorts. The purpose of the incorporation was to provide an envelope for a variety of devotions or sub-faiths.

Envelope Character

Unlike the three Semitic religions of the Middle East, namely, Judaism, Christianity and Islam, the religions of South and East Asia, namely, Hinduism, Jainism, Buddhism, Confucianism, Taoism, Shintoism, etc., do not have sharp boundaries. Their followers can worship at more than one altar or accept more than one Book or accept none. They have no Revealed Words of God and no Prophets. They have only the Perceptions and Sayings of the Wise. Instead of Creation, the broad Hindu group of religions believe in Cycles of Evolution and in the Reincarnation of the individual Soul. Except for the Buddhist *Sangha*, these religions have never believed in accepting an umbrella authority or organisation for enforcement.

In the absence of a universal *Sangha* or Church, the unique envelope character of Hinduism has traditionally been maintained by a common elite language and ritual, an open-ended pantheon, and a highly stratified social structure. The *varnas* have been fairly open and flexible at the bottom (sudra) and ruling (kshatriya) levels, but rigid at the intellectual or priestly (brahmin) and trading (vaishya) levels. There has been a common tradition of the

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epics (Ramayana and Mahabharata) at the "popular" level and of the Vedas and Vedantas at the closed-end Brahmin level.

Barring this commonness, Hinduism has so far resisted or eschewed all attempts at theological unity or homogeneity. It has, nevertheless, survived many centuries of dark ages, which have been marked by backwardness in social structure, technology, warfare and general welfare. The latest set of perceived dangers to Hinduism has evoked some move towards reform of the social structure. There is, however, no serious attempt to clearly define Hinduism or the parameters of a Hindu.

Roots of Perceived Danger

What are the roots of the perceived dangers? For the first time in recorded history, the Hindus have or explicitly dominate a large important political state (Asoka, please remember, turned Buddhist, and the areas of ancient Hindu/Buddhist trade and cultural influence in central and south east Asia were not unified political entities). Whatever the coincidence (or lack of it) between the boundaries of ancient Hindudom and modern India, the Hindu identification with India and vice versa is real and unchallengeable. The memory of the sack of Somnath a thousand years back by Mahmud Ghaznavi is chiselled into the consciousness of the Hindu intelligentsia. That Hindus constituted a large proportion of Mahmud's troops and that loot was the main objective of the sack are omitted from both legend and consciousness. What stays is the impression of Mahmud as a *qhazi* whose feats passed for Islamic acts of merit.

There is also the memory of the Partition. Was British India divided on the basis of religion? The answer is both yes and no. Yes, in the sense that the Muslim majority provinces or segments of provinces were constituted into Pakistan, and residuary India treated them as having seceded. But it was not the intention at that time that all Hindus should migrate out of Pakistan (whether West or East) or that all Muslims in India should migrate to Pakistan. In point of fact, there are almost no Hindus left now in Pakistan and only about 10 per cent of the Bangladesh population is Hindu. While States in the neighbourhood have declared themselves Islamic or Buddhist, India is explicitly secular.

Minority Positions

Muslims, the largest single minority, constitute a little more than 11 per cent of the population. They cannot migrate even in small numbers to Pakistan since 1965 or to Bangladesh since 1971. Their vote, if exercised as a block, confers a sharp leverage in roughly one-fourth of the parliamentary constituencies. The younger generation of Muslims firmly consider themselves Indian. Unlike their elders, they have no guilt complex about the creation of Pakistan. They have a genuine acute feeling of physical and economic insecurity. Most of them are in UP, Bihar and West Bengal, where they have a disproportionate share of the misery of local poverty, because they are educationally backward and many are engaged in declining occupations. The prosperous traders among them are main along the west and east coasts. Unlike other tradi communities in the country, they have kept awa from new industries. Some have prospered fron smuggling and similar activities, as have many Hindus, but their rise to prominence attracts more attention. Similarly, cash inflows to Muslim recipients from the Gulf tend to cause sharper local disequilibria than in the hands of other recipients.

The Christians (a little more than two per cent of the population) are, on the whole, educationall more advanced than the rest of the population. The organised religious denominations and their historic links (Kerala excepted) with the West give them clear identity. Their prominence in the running of ed cational and medical institutions confers elite stat on them, as also on their non-Christian products. Ev moderate conversion efforts by missionaries ups orthodox Hindu sensitivities. The activities some of them in the north east proved anti-nationa culminating in a ban on the entry of non-Hind priests into Arunachal Pradesh. The souther Christians are generally well-integrated in th national and local framework, their role is com parable with that of some influential Hindu castes Since the early sixties, many Christian rituals, even names, have been almost systematically "Hinduised". Simultaneously, their educational institutions have been asserting the privileges of minority status. Similar claims by the educational institutions of a few Hindu sects (for example, Arya Samaj and Ramakrishna Mission) have led to an apprehension that more Hindu sects would seek to join the rush for minority status.

The Sikhs (a little less than two per cent of the population) are conspicuouly better off economically than the rest of the population. They are prominent in agriculture, transport, small industry and trade as also in services. They have consciously built up a dramatic identification between economic performance, religion, politics, military history and territory — and extra-territorial affiliation. Recent events have undermined their close linkage with the Hindus, uncovering the tragic implications of close interaction between religion and politics.

On the national plane, we witness a curious interplay of increasing homogenisation of dress, consumption and saving behaviour, spread of technology and of material aspirations generally. On the other hand, there is a widely felt threat to separate or separable identities from the trends in politics, economic growth, education, technology, culture — and crime. The religious minorities feel insecure of their identity, and see violence or discrimination against them in isolation from ubiquitous violence and disturbance of the old social structure. The Hindus feel that in "their" country, which chose to be secular because of their "large-heartedness and tolerance", the minorities grab and protest too much. Muslims and Sikhs constitute the majority in one State each (Jammu & Kashmir and Punjab) and the Christians in three north-eastern units. One or both of them make up substantial minorities in UP, Bihar, West Bengal, Haryana, Goa and Kerala. The Hindus,

in brief, do not see themselves as predominant and strong as they feel entitled to — or to the extent that the minorities perceive them to be.

Separation of Religion and State

Why did India declare itself a secular state? One of the principal reasons was that the leaders of the Indian freedom movement, including Mahatma Gandhi, were products of Western education. Following the US and French examples, they wished to have a secular constitution. Separation of religion and state was an article of faith, an indication of modernism, for the majority of the framers of the Constitution. The final decision was essentially a conscious Hindu decision, because the bulk of the population was Hindu. Why did the Hindus then choose to have a secular in preference to a Hindu State? Secular could have meant non-religious, which is what the US and French Constitutions lay down. The authentic interpretation of secular in India, however, has been not non-religious, but, consistent with the felt expressions of the electorate, multi-religious.

Let us get away from the wise or otherwise founding fathers and, for that matter, the minority religions. It was good mainly for the Hindus, as the predominant majority, that India was declared a secular state. In retrospect, the interest of the minority religions was a subsidiary factor. A Hindu State would have found it necessary, first, to define a Hindu in positive terms and to accept some explicit Hindu theory of the State. Further, logically, a Hindu State must accept the ancient Dharma Sastras or accept local custom and usage in matters relating to political, civil, criminal and personal law, obviously, a modern national entity cannot accept local custom and usage for its legal system. So, it would have to fall back upon the Dharma Sastras which, unfortunately, do not — and theologically cannot — provide for a law common to all Hindus. Every prescription in them is relative to *varna* and sex. Scheduled Castes and Tribes (who constitute one-fourth of the Hindus) are beyond their scope. Moreover, specified or aeceptable religious heads would have to become official interpreters of Hinduism. and monitors or censors of at least some acts of State.

Since the above cannot be consistent with universal franchise or equality before the law (whatever the economic bias of these concepts), so a Hindu State would find it necessary to differentiate voting rights, set out weightages and lay down discrimination in public appointments. Apart from the likely throw-back to medieval times, such actions would not advance the cause of Hindu unity or the national interest.

Reinforce Secular State

The series of tragic events in Punjab and communal disturbances elesewhere have conferred urgency upon the need to reinforce the secular character of the Indian State. The dignity of all citizens as human beings in a progressive society must be asserted. Such reinforcement and reassertion should mainfest itself in all parties moving away from the communal vote banks. They must, Instead, build up other cohesive factors for the play of interest groups, which are necessary in a plural democratic society.

We cannot afford to mix religion and politics. It would be ruinous for the minorities and even more ruinous for the Hindus. A victorious Hindu communalism would, sooner rather than later, turn upon its own constituents, particularly some castes, linguistic groups and regions against others.

State organisations and functionaries must eschew association with religious denominational activities, whether of the Hindu majority or of any minority. Their secular credentials can be credible on all sides only when they are widely believed to be free of favouring any kind of communalism. Such credibility has been lacking for some years. Correspondingly, religious denominations and organisations must be induced, with firmness and fairness, to de-link themselves from participation in political activities.

All elements in a plural democratic society have a right and a duty to grow out of their economic and mental handicaps. For some years, our polity has tended to compartmentalise such growth by conferring a vested interest in claiming the status of or remaining small, backward, weak — or a minority. While the handicaps are genuine and rampant, our efforts should be directed at removing or easing them, not at perpetuating or universalising them. □

WOMEN'S WORLD

Call to Oppose Muslim Women Act

'IMAL BALASUBRAHMANYAN

s part of a campaign for 'The Right to Maintenance', the ombay-based Lawyer's Collec- ve has urged progressive indivi- uals and groups to: (1) Write etters to the Chief Justice of ndia protesting against the new Muslim Women Act and point out its anti-women bias. (2) Send reports to the collective on the experiences of Muslim Women who have gone to court under Section 125 of Cr pc, (3) Encourage Muslim women to challenge the Act (either independently or by becoming co-petitioners to the Collective's own recently filed petition in the Supreme Court). (4) Write letters to the Minorities Commission protesting against the Act. (5) Help build up a network of lawyers to take up this and other struggles.

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the new Act discriminates against divorced Muslim women on grounds of religion alone, and while excluding them from the purview of Sec 125 does not provide an alternative and effective remedy. It is also pointed out that Sec 125 itself needs to be amended to raise the present upper limit of Rs 500 so that the quantum of maintenance awarded will depend on the income of the husband and the standard of living of the parties. This would benefit women of all religions.

The struggle in India against the Muslim Women Act is expected to generate worldwide support from an international solidarity network called '*Women Living Under Muslim Laws*'. The network was formed in response to three specific situations requiring urgent action during 1984-85: the arrest of three Algerian feminists who opposed a proposed new 'Family Code' which would be highly unfavourable to women; the case of Shehnaaz Sheikh of India who has challenged the Constitutional validity of Muslim Personal Law; and the case of an Abu Dhabi woman sentenced to be stoned to death for adultery. These campaigns generated enthusiastic support from Muslim women in different communities as well as from progressive and feminist groups across the world. In 1984, nine Muslim women from various Asian communities decided to form a regular action committee and this has expanded to become the present global network.

Women Living Under Muslim Laws has just released a two-part dossier compiling reports, appeals and other documents on and around the struggles of women living under Muslim laws in various parts of the world. The first part is an information pack covering women in the Arab world, Pakistan and India, while the second is almost entirely on the current struggles in India in connection with the 1985-86 controversy over the Shah Bano verdict.

The dossier does not attempt to take up any specific position or stance on the issue of personal laws. Its stated objective is to make available the broadest strands of informed opinion within diverse groups seeking reform and a better deal for women living in Muslim countries and communities.

A point made in a paper by Farida Shaheed on Islam and women in Pakistan struck me as being extremely relevant to the situation in India where the Shah Bano verdict is seen by one section as un-Islamic and by another as representing the true spirit of the Shariat.

She writes: "In order to gain suport from greater numbers of women, women activists must be seen as operating from within the overall cultural reality and not against it. In this respect, discriminatory laws being proposed under the pretext of Islam cannot be countered by with arguments which deny or discard Islam. While operating within the context of Islam alienates upper class or upper-middle-class women, the average middle-class, lower-middle-class and working class woman is alienated by arguments or demands that are seen to be un-Islamic. This contradiction was most evident on March 8, 1983 when the Women's Action Forum invited two Islamic scholars to present their point of view on the proposed law of evidence. Both scholars were opposed to the proposal and argued against it within the context of Islam. Typically, some of the privileged women denounced the WAF for promoting 'mullahism' and left in a huff, while working class women asked for the recording of the speeches so that more women in their neighbourhood could be convinced."□

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