

# Law and Order in the Service of Minorities

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INDIA IS NOT the only country which has sizeable minorities. By a minority, we do not mean a temporary or transitory minority such as a political party in opposition, for such a minority may transform itself into a majority in subsequent elections to the legislative bodies. By minorities we mean permanent religious or caste minorities or of differing denominations of the same faith, as for instance, the Protestants and Catholics in Ulster, Ireland. In India, there are religious minorities, such as a large body of Muslims, Christians, Parsis, Sikhs, etc. The *Harijans*, as Gandhiji called them, a huge mass of people who have been kept outside the pale of Hindu society constitute also a big minority based on caste.

The experience all over the world has been that the existence of religious minorities or denominations do not by themselves lead to riots between them and the majority. For long periods of time, they have lived side by side peacefully despite the religious, caste or doctrinal differences with others. It has also been the experience of history that the existence of such minorities is always taken advantage of by a reactionary government which is faced with a movement aimed against it of a more or less united character. In such cases, the reactionary government actively promotes feelings of hatred and ill-will and through its agent provocateurs organises pogroms and riots.

## Jews in Europe

The position and history of the Jews in Europe amply illustrates the point. There has always been a hatred towards Jews engendered by the Catholic church. It was said that the Jews were responsible for the crucifixion of Christ. Added to that was the envy engendered among the gentiles for the Jews who by their parsimonious habits and their uncanny ability accumulated wealth. Trade and commerce was monopolised by them. The result was that in quite a few European cities, the Jews were condemned to live in ghettos. They were not banished.

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they were not put to death, but they had to live in a town within the town, but on a lower level. When I was in Prague, I saw the ghettos there. This may be described as the Jewish quarter which was about five or six feet below the rest of Prague. You have to climb down certain steps in order to enter the ghetto. But the ghetto itself had its own synagogue, market, shops, houses, schools and so on. The lower level indicated symbolically that the Jews were a lower human species than the gentiles. But they were allowed to live in peace. Worse ghettos, I am told, were to be found in Warsaw. Let us now look very briefly at the pogroms organised by the Czarist regime. When the Czars controlled and ruled over Poland their rule was threatened by a united national liberation movement in Poland. The Czarist government organised pogroms against the Jews, for instance, in Warsaw. Their houses were attacked and set on fire, many of the Jews were massacred and an attempt was made to divert the Polish hatred for Czarist rule into mutual hatred among the Poles gentile and Jew. Similarly when Hitler established his reactionary dictatorship, he tried to stabilise it by not only massacring the leaders of trade unions and the political opposition but also launched a campaign against the Jews which found its crowning lunacy in the mass extermination of millions of Jews. There was a delightfully humorous book titled 'Choose a Bright Morning and see the Hero' by Hillel Bernstein, himself a Jew. With the tragic thread of oppression against the Jews, he clearly, though humourously formulated the reason for that oppression and points out that it is to divert the mass discontent against the Hitler regime into racist channels and make Jews the scapegoats for every disaster that had befallen Germany. He in fact says that even if the trains don't run to time, the Jews are responsible. We will thus see that historical experience including that of setting up Protestant Ulster against the rest of Catholic Ireland by the British illustrate the thesis that a reactionary government faced with opposition to its rule tries to divide, set up one race or denomination against the other and perpetuate its own rule.

### **Hindu-Muslim Unity and Riots**

In India it could be truly said that it was only the British imperialists who took advantage of the existence of a large Muslim minority to foment communal riots. Under the Moghul rule, there were monarchs like Akbar who believed in tolerance of all religions and demonstratively took Hindu ministers and

advisers. On the other hand, there were religious bigots, like Aurangzeb who believed that the defender of the faith of Islam must oppress the *Kafirs* (unbelievers) and compel them to embrace the true religion and bend their knee to the only true God of Islam. Hindu temples were razed to the ground, their wealth plundered, a poll tax was imposed on every Hindu and so on. But it must be realised that by and large, there was no mass communal rioting i.e., the mutual fight between large masses of citizens of either community. That was the special blessing that the British rule brought to India. This was as a result of the Congress *khilafat* movement which saw Hindus and Muslims united in their opposition to the British. When Gandhiji withdrew the non-co-operation movement after Chauri Chaura, where twentyfive policemen were burnt to death by an angry crowd of peasants, Gandhiji called the non-co-operation movement a 'Himalayan blunder'. Before this, the Viceroy of India telegraphed to the Secretary of State in London as follows:

The lower class in the towns have been seriously affected by the non-co-operation movement...a large proportion of the Mohammadan population throughout the country are embittered and sullen.....grave possibilities. The Government of India.....do not seek to minimise in any way the fact that great anxiety is caused by the situation<sup>1</sup>.

When the movement was called off by Gandhiji, the British rulers said 'never, again' and began to take steps through their agent provocateurs and organised communal riots. The Muslims had been killing cows and eating beef for at least two centuries before the British rule. Hindu processions with music were taken out in various towns. These two were the main props on which the communal riots were engineered by the British. Nehru wrote in his autobiography: 'It is possible that this sudden bottling up of a great movement contributed to a tragic development in the country. The drift to sporadic and futile violence in the political struggle was stopped, but the suppressed violence had to find a way out and in the following years, this perhaps aggravated the communal trouble.' It is undoubtedly true that if the accumulated hatred of the people for their economic conditions and against the rule that had brought them only pauperisation is not allowed

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1. Telegraphic Correspondent, dated 9 February 1922, regarding the situation in India.

a healthy outlet in revolutionary violence, it may turn into communal channels. But what is most significant to note is that this cannot take place unless the riots are organised by some hidden-hands. While the British were in power, these riots were allowed to develop and even newspapers used to publish a daily list of casualties which further served to incite the community that had fared badly to try and restore the balance in the number of casualties. These riots also played an important role in consolidating communal ideas in the minds of millions of people. As a crowning stroke of their divide and rule policy, the British organised the mass communal carnage just prior to partition.

We must see the role that Jinh played. Once the Congress *khilafat* unity for a mass movement against the British had been frittered away, the Muslim leadership found that the Congress was trying to effect a compromise with the British rulers by threats of mass action. This was in the thirties. While the Congress could threaten mass action, Jinh found that the Muslims in order to have their proper share in the power that would have to be transferred put up the issues to support the separate interest of Muslims as a counterpoise to the Congress demand. So it came to pass that the British consistently relied upon Jinh and the Muslim League in order to refuse to concede the Congress demand. Gradually, this separatism worked itself into the demand for a separate State of Pakistan which without doubt was fully supported by the British. In order to set the two new dominions at each other's throat and thus preserve British interest in the dominions, the large scale communal carnage was encouraged. The game succeeded beyond measure. There is no doubt that Pakistan day in and day out preaches that India is out to attack and swallow up Pakistan, while in India Pakistan is regarded as the greatest enemy who is likely to strike at any moment which it deems opportune.

After power was transferred to the two dominions, the national leadership particularly symbolised by Nehru stood for a secular state because no less than fifty million Muslims remained who had supported Jinh in his demand for Pakistan in his fight against the Congress despite the feeling of insecurity engendered by the mass communal carnage, loved the land where the toil, blood and sweat of their ancestors had become inextricably mixed with the soil. These fifty million Muslims elected to remain in India and not run away to Pakistan even though Pakistan was a Muslim state. I will illustrate Jinh's 'common-sense' attitude to the question of partition. I had interviewed Jinh as a Correspondent of the Daily Worker, London, in 1944 at the

time when the Gandhi-Jinah talks were proceeding in Bombay. Jinah told me more or less as follows: 'We are one-fourth the population, *baba*.....give us one-fourth the territory and be done with it'. It was clear that Jinah was then thinking acutely of the fact that even if his demand is conceded it will only benefit the Muslims in Punjab and Bengal and leave the mass of Indian Muslims still in the same position as before partition. I told 'Jinah *Sab* this suggestion of yours could have been easily worked out if the territory was uninhabited but every inch of the territory of India is inhabited by people who have lived there for centuries and whose ancestors toil, blood and sweat has mingled with the soil. They will fight to the very death before they will relinquish their right to remain there. Your argument is like Indians saying that since India has one-fifth of the world's population, it should be given one-fifth of the world's territory'. Jinah shook his head vigorously in protest against the simile and said 'it is not like that'. It appears that Jinah told a common friend that 'Chari is quite intelligent but he has some cobwebs in his mind'. I gave this illustration only to show that Jinah was himself quite conscious of the fact that his demand for Pakistan even though fully conceded would not and could not benefit the whole body of Muslims who supported his agitation and who lived in the rest of India.

However, the frequent communal riots under British rule and the immense communal carnage prior to partition had made quite a lot of Hindus, including the officials intensely communal. On the other hand, the Hindu communal organisations, have for their thesis that all the Muslims should be driven away to Pakistan or they should agree to cease to be Muslims. It must not be forgotten that it was the hand of an R.S.S. man that killed Mahatma Gandhi, the outspoken champion of Hindu-Muslim unity and Indo-Pakistan amity.

### **Bona-fides of the Muslim Minority**

At the time of partition, there were as many as fifty million Muslims in India. In spite of the carnage, they had elected to remain in India reassured by the secular policies advocated by Nehru and feeling further assured that those policies would be implemented. It can be stated therefore that insofar as the Central Government is concerned the policy is championed was one of secularism and of equal opportunities for minorities to par-

ticipate in the building of Indian economy which would secure economic justice to everybody. But there were rabid communal organisations. These parties made no secret of the fact that they do not want the Muslims to remain in India and they having secured a Muslim state they should migrate to Pakistan. Hindustan for the Hindus was their slogan and all the Muslims who so boldly and bravely chose the country of their birth to be their permanent home were dubbed fifth columnists of Pakistan. Having no programme which could attract the masses to their support, these communal organisations relied mainly upon stirring up communal animosity and thus cash in upon the ugly communal sentiments of Hindus that are roused when riots took place. So it became their policy to actively foment riots. It is true that if the local administration is non-communal and is vigilantly secular it can nip such riots in the bud, but as we have seen the officials were themselves for a large part Hindu communal minded and they have tended to make an *alibi* for the Hindu communal organizations by putting forward stories that suggested that the Muslims were really the aggressors to start with. I make bold to assert that if communal riots between Hindus and Muslims last for more than a day, the blame could squarely be laid upon the state government officials who are in charge of law and order. The first step is the rounding up of anti-social elements by which I mean the lumpens who frequent towns and cities and whose career is crime. They are the ones who take leading part because it is their profession to stab people, to set fire to houses and shops, etc. It is a surprising fact that many of the state governments do not effect a round up of such anti-social elements. They are known very well in the town and are known intimately to the police. But such steps are not taken, the riot is allowed to develop till the local officials and the state government puts up its hand and says that the situation has gone beyond control. There is no doubt at all that if the state government and the local officials are really non-communal and want to nip the riots in the bud, they should prosecute all persons who have been inciting violence among the communities and unhesitatingly get the court to punish them.

I had occasion to go to Jabalpur to appear for the Citizens Committee in an inquiry which was held into the riots at Jabalpur some years ago. I found that some of the police officials and the Hindu communal organisations were feverishly-propagating the theory that the Muslims were the aggressors. That is how communal elements always behave. It is also their propaganda that the Muslims in India are fomenting riots in order somehow to benefit Pakistan and so on. These riots occurring

from time to time in India make the position of Kashmir also precarious. As we all know, Sheikh Abdullah, though he does not incite to communal riots in his speeches, keeps the whole soil fertile for an outburst of communal riots by repeatedly pointing out that the Muslims in Kashmir valley cannot but view with great anxiety the insecurity of Muslims in the rest of India. This of course is a permanent grist to the Pakistan mill which has always maintained that the Kashmir Muslims should have self-determination hoping that they would all opt for Pakistan. I have been to Kashmir several times and even though each of the administrations that Kashmir had been blessed with, firstly Sheikh Abdullah, secondly Gulam Md. Bakshi and thirdly Gulam Md. Sadiq, has been busy trying to maintain itself against the combined pressure of the other two groups, certain transformations have taken place in Kashmir which I think both Pakistanis and a lot of Indians under-estimate. First is, the land has been given to the tiller even though in many cases the tiller throws his hands up in despair because the land by itself is not of much use and the state is financially not in a position to give them all the monetary aid that they need or supply fertilisers and machines. Nevertheless, the Kashmiri peasant is relieved of his hunger for land. Secondly, there is free medical attention in every village. Thirdly, education is free for the Kashmiri right up to and including college. These three pillars on which the stability of Kashmir rests have given the Kashmiri a desire not to have violent changes of any kind because the Kashmiri does not know whether in the face of violence these things he has realised will continue or go. The result is that I have seen Kashmiri peasants listen to all the three leaders with equal indifference. They attend meetings in large numbers whether it is to be addressed by Sheikh Abdullah or by Sadiq or by Bakshi. But they do not see that Sheikh Abdullah's policy of denying the accession of Kashmir has any practical benefits for them. However, it is the duty of India to see that in the secular state of the Indian Union and throughout its far flung territories the Muslim minority not only feel safe and secure but also has equal opportunities for building a proper livelihood for themselves.

### **Measures for Maintaining Law and Order**

It will be clear from the foregoing that first and foremost the Muslims in India must be given a sense not only of security but also of equality. There is no gainsaying the fact that the Indian leaders at least some of them are outspokenly hostile to

the communal poison spread by the Hindu communal organisations. Nevertheless, this spirit has not pervaded the whole bureaucratic apparatus. Selection boards and various bodies entrusted with the task of securing opportunities for jobs do discriminate against Muslims, and the Muslims in India even when not under direct attack by fire and knives feel that they are being treated as unwanted or second class citizens. The first thing, therefore, is in my opinion to set up at the centre and in each state a Minister whose sole job will be the protection of minority rights. He must be a person of proven secular ideas who could be trusted not to discriminate against the Muslims or any other minorities. Our Constitution assures the protection of minority rights even though I make no secret of my disagreement with the Supreme Court decisions which try to make out that institutions started by minorities, though not for the conservation of minority rights or minority culture, should however, be treated as sacrosanct and not liable to interference in their administrations. I hold the view that it is no part of the concept of equality that, say, educational institutions that prepare students for the general examinations and which have no particular emphasis on minority religion or culture, should be treated differently from other institutions of a like character. What is needed is that the minority should feel secure and safe in the exercise of their distinctive religion or denomination or caste. They need no more protection than that. If a minority is able to set up institutions to which every person is entitled to join and there are no special minority culture or religious propaganda in these institutions, they should compete with other institutions of a like character because they have grown out of the special rights which required protection into the general exercise of power in institutions which answer the general need. Secondly, the intelligence section of the local police is grossly inefficient. There should be a separate vigilance and intelligence section in each district of the police whose job it is to gather all manner of information even if they are of petty quarrels between Hindu and Muslim or between a majority and the minority. This kind of intelligence will serve the authorities to take precautionary measures and to prevent riots from starting. Thirdly, all the local top officials of an area where riots have broken out and continue for more than 24 hours must be immediately put up on a departmental enquiry and punished for their criminal negligence in not taking proper steps to nip the riots in the bud. Fourthly, even in a period of comparative peace any individual or organisation spreading the communal poison should be acted against so as to put the fear of God in people who go



up and down the country inciting one community against another. Last and most important is that all these men including the ordinary policemen who adopt an attitude of seemingly passive neutrality but really are sympathetic toward Hindu communalism should be immediately proceeded against and chucked out of the forces that have to maintain law and order. There is no doubt that constant propaganda for secularism and against communal poison emanating from any quarter will also create the climate for public opinion to fight communal misdeeds, for there is no doubt that as a result of the communal carnage on the eve of partition quite a lot of people of the majority community are really communal but they talk of democracy because their majority will always prevail. These are some of the steps. As we have seen the existence of minorities by itself does not lead to questions of law and order but the existence of communal bodies undoubtedly results in riots breaking out from time to time as we have seen mainly due to the criminal negligence, the studied apathy and the seemingly neutral action of those who are in charge of law and order.

