



Revisiting Communalism And Human Rights In Post-Colonial India

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ABSTRACT

Communalism is one of the biggest menaces faced by Modern India. It has indeed become the strongest threat to the social fabric of our country. In such a scenario where communalism is a potent force, it becomes difficult to protect and promote the Human Rights of the individual. It is a phenomenon that has its origin in religious or ethnic identity over broader social affiliations. Nationalism, by no means, inevitably leads to antipathy towards people of other nations. Similarly, religiosity does not necessarily lead to communalism. In the Indian context, the word communalism has different connotations. This paper particularly focuses on how communal tensions affect fundamental rights and relate to the broader ideas of equality, dignity, and freedom ingrained within the human rights frameworks. We need to understand that the intricate web of socio-cultural, political, and colonial influences is woven throughout the historical foundations of Communalism in India. The rich legacy of religious diversity and cultural pluralism in India is also reflected in its history. Their peaceful coexistence and mutual influence shaped the diverse and vibrant social fabric of many communities. This legacy of coexistence provides a contrast to the challenges posed by Communalism and has been discussed thoroughly in context of human rights in this paper on revisiting communalism and human rights in the post independent India. Besides focusing on evaluating the legislative measures, historical events, and role of Media, this paper also throws light on how communalism has impeded the enjoyment of human rights amongst various religious entities in a country like India. At the same time, the researcher has also endeavored to suggest certain remedial measures to combat communalism and for advancing and promoting human rights in contemporary scenario in independent India.

Key Words: Communalism, Human Rights, Religion, Violence, Riots, Casteism, Postcolonial India.

Introduction

Communalism, in contemporary times, is posing the most serious threat to Indian society and polity. The phenomenon of Communalism has proved detrimental to the unity and integrity of India. Communalism may be seen as a process of the competitive aspirations of the communities to dominate or to resist domination of others over perceived as well as real threats, grievances, insecurities and distrust. This aspiration to dominate others took a concrete form during the colonial period. However, it has been spreading ever since then, bringing new issues and new groups in its ambit. Bipan Chandra, an eminent historian, considered communalism as a modern phenomenon akin to ideology. As an ideology, it is very much similar to racialism, anti-Semitism and Fascism. In other words, it can be called as an Indian form of fascism which emphasises on the spread of communal ideas and modes of thought leading to communal violence. The spread of communal violence involving the lives of innocent people have become the paramount human rights problem in present times.

It is pertinent to mention here that while there exists many Hindus, Muslims, Sikhs and Christians in India who are religious, they are not communal. Every sane individual can distinguish between good and bad. Any self-respecting individual belonging to any of the community would judge one's conduct as an individual and not as a person belonging to any religious community or nation to which he or she belongs. A person's

behaviour would be assessed as an individual by any dignified member of the community, not as a representative of the country or religion they may be affiliated with. On the other hand, a person's approach would be different if they had submitted to a nation or religious community.

Indian tradition is well known for the tolerance of varying religious thoughts and creeds for centuries. As already mentioned, Communalism is, indeed, a phenomenon of the recent times. When the communities are identified by religion and this identification is brought into play as a substantial political articulation. There have been scholarly discussions on the secular critique of Communalism and it has been put forward that it is not in opposition to religion but to the abuse of religion. Communalism can also be understood as the political exploitation of the religious ideology. We need to understand that the critique of Communalism is not an attack on religion per se but on the political use of religion or the abuse of religion. Communal politicians have always been using manoeuvres and blaming those who criticize communalism for being anti-religious. The communal ideology asserts that the separation of the communities by religion has also been historically rooted. Colonial scholars introduced history as a means of justifying the present. James Mill who was a Scottish economist and political philosopher had divided History of India into three periods i.e. the Hindu Period, the Muslim Period and the British Period. This periodization made a deep imprint on modern Indian thinking, diverting it from the more significant issues to the connections between the present and the past.

Communalism as a modern phenomenon is the outcome of the British Colonial policies and response of the Indian social strata. With the beginning of the colonial period, the aspiration to dominate others took a concrete form, encompassing new issues and groups. Paul R. Brass, an eminent American scholar who wrote on "Production of Hindu Muslim Violence in Contemporary India" expressed that "the consolidation of the heterogeneous Hindu and Muslim groupings on the sub-continent and the politicization of the differences between them is overwhelmingly a Modern phenomenon deeply connected with the striving for control over the Modern State apparatus. This involves a claim, to the rightful inheritance on the part of Hindu and to self-determination on the part of Muslim leaders". However, the partition in 1947 paved the way for an increased communal animosity in the Indian subcontinent. Partition resulted in the worst form of communal violence and displacement which left indelible marks on the psyche of the people and continued to haunt the generations and inter-community dynamics in the years to come. The historical legacy, shaped by colonial policies and events like partition, continues to cast a shadow on contemporary communal dynamics, making it imperative to navigate these historical intricacies in addressing the challenges posed by communalism to human rights in the country. As the pre-independence national leadership began to disappear from the political landscape, the scenario in India portrayed that Colonialism had come to an end. The people of India were sure that they would build a new society that would be secular, democratic, and modern. However, the same has not come about. Communalism continues to exist in post-colonial India in different forms and is seen as the opposite of secularism. Seventy percent of the Indian population after independence was illiterate and believed in blind faiths. People were divided into castes and communities. This weakness fed self-centred political leaders. Other than this, illiteracy and unemployment were the other potent factors that played a pivotal role in fomenting communalism. We cannot ignore the plight of the poorly paid artisans and marginal farmers living below the poverty line in towns and cities. These people were continuously harassed by the vagaries of life were victims of pleas based on casteism and communalism.

[Genesis of Communalism in Post colonial India and Human Rights Scenario](#)

The source of Communalism lies in "power relations between communities, histories of togetherness" and a disposition to dominate others. The proliferation of this endemic owes its origin to the communal violence in the form of riots. In common parlance, it used to be argued that communalism is necessarily a creation of the British Imperialism. However, after so many years of independence, we have found that the communal tensions have not disappeared, and in one or the other form they have got aggravated. There is hardly any year in which our country has not witnessed any communal riots. We need to focus on the causal factors which have aggravated the situation in the contemporary times by making it one of the gravest problems faced by the Modern society. In the Independent India, communalism has often been integrated with factors such as Political Opportunism, Economic Disparities and regional imbalances etc. These factors have been exploited to excite communal sentiments, thereby, aggravating tensions between the religious communities.

In the contemporary scenario, communal violence, allegedly done for the prosperity of one particular religion, has dominated the current national scenario. The biggest violator of Human Rights seems to be the Communal Violence. Before we discuss these weighty terms, we need to understand what exactly we mean by Communalism and Communal Violence. Communalism does not mean belonging to a specific religion or group of people. Rather, using one religious' group against another or the whole nation, however, amounts to communalism. This ideology states that society consists of diverse religious communities with divergent interests. According to Bipan Chandra, an eminent historian, Communalism is based on the concept that religious distinction is considered to be the most significant distinction that countermands all other distinctions. He further adds that since Sikhs, Muslims, and Hindus are religiously distinct entities, their political, social, economic, and cultural interests are also different from each other. They lose or gain at the

cost of one another, which means when a community endeavours to improve its economic and social standing, it is at the cost of other communities.

Riots that break out between two or more groups over shared interests are known as communal riots. Communal violence is defined as "people belonging to two different religious communities mobilized against each other and carrying the feelings of hostility, emotional fury, exploitation, social discrimination and social neglect," according to the renowned sociologist Ram Ahuja. Tension and polarization are the foundations of one community's strong sense of cohesiveness against another. The target of attack are the members of the "enemy community...It could thus be said that communal violence is based mainly on hatred, enmity and revenge"

If we peep into the history of India, we find that the root cause that ignited communalistic sentiments in our country was the strategy of Divide and Rule followed by the British, this policy that led to the Partition of our country in 1947.

Even after Seventy-four years of independence, we have not been able to deal successfully with the challenge posed by communalism. There have been divergent causes that mark the rise of communalism and communal riots in India. This *inter alia*, includes, communal Political Parties and organisations, electoral politics, textbooks, media and literature that have communal focus, separation and isolationism amongst the Muslims, aggressive Hindu chauvinism and political opportunism etc. The biggest outcome of communalism is communal riots. It set Hindus against Muslims or Sikhs or Jains, Muslims against Sikhs, Christians against Hindus or Muslims and so on. The most important factor in promoting communalism and communal violence is the divergence that exists between the desires of its members and the needs of the society to grow. It is this discrepancy which often leads to worst form of riots.

It is a well-known fact that Democracy and Secularism are the foundation stones of the Indian state. These are the ideals which have also inspired our freedom fighters during India's struggle for independence. Democracy is based on the concept of liberal space whereas the concept of Human Rights is central to the values and norms of the society and polity. Indian Constitution also guarantees Rights and privileges to the linguistic and religious minorities. If we look into the scenario in India after independence, we find that polity was also led by the ideal of secularism. However, with the coming up of the new forces, idealism and secularism took a back seat in the national life. Politicians have started manipulating the caste, religion and community sentiments for their vested interests. These clever politicians exploited the religious orthodoxy and ignorance of the masses in order to succeed in their political motives and thereby fanned the fire of communal violence amongst the people. So, we can say that violence amongst communities is the expression of communal politics. Communal politics and democracy cannot go together. Communal politics derives its legitimacy from the identity of religion. The concept of rights is totally abolished and substituted by duties on the pretext of religious values. These duties are to be performed by the weaker sections of the society. This politics also accept that people belonging to different religions have different interests. However, Communal riots are rarely an outcome of the religious animosity. In a country like India, they generally owe their origin to the conflicting political interests which are further linked to economic interests. Our country is ridden with problems of poverty and hunger and is because of these problems, people fall prey to crafty politicians. After all, liberating people from poverty and ignorance is much more difficult than liberating a temple or a mosque and they just don't care if in this process, a few hundred people lose their lives. The period after independence or post partition was marked by peace and development in the country. However, that too, was short lived. Riots broke out in Jabalpur in 1961, Ranchi and Bihar in 1962, Ahmedabad and Gujarat (1969), in Meerut (1982), Assam (1983), Bhiwandi (1984) which proved disastrous. The communal frenzy took toll of hundreds of innocent lives.

It is depressing to see that despite our long period of freedom, there has never been a year without a communal violence episode. The worst have been anti Sikh riots in which more than 4000 Sikhs were killed in Delhi, Uttar Pradesh and other parts of India, Ayodhya issue and the Gujrat riots when violence was triggered by burning of train in Godhra in 2002. All these incidents gave a severe setback to the unity of our country. So, we see, from 1960 to 2002, the incidents of riots have been on an upswing. In 2013, a clash between the Muslims and the Hindus rattled the district of Muzaffarnagar (BBC News). Small villages and towns have recently been engulfed in the vortex as well. According to the home ministry's reply to the Lok Sabha on February 6, 2018, there were 2,920 documented communal disturbances between 2014 and 2017, with 389 individuals murdered and 8,890 injured (Ministry of Home Affairs). In 2020, there have been violent riots over the *Citizenship Amendment Act* (India: Protests, Attacks Over New Citizenship Law) in Delhi which continued for three days and more than forty people died in this, according to the report of the Amnesty International. The police arrested many teachers, students and civil rights activists, mostly Muslims. No investigation has been conducted into the human rights violations committed by the Delhi police during Delhi riots. No action is taken against the political leaders who indulged in Hate Speeches.

The reinforcement of religious rigidity by the Hindu and Islamic Fundamentalist movements serves as a trigger for communal conflicts. These communal riots have negative impact on the process of national integration. They put an end to the sentiments of national unity and communal harmony. If we analyse any communal issue, for instance Babri Masjid - Ram Janambhoomi Issue. The communalists have manipulated and exploited the religion to attain their communal ends. On the top of it, it seems to be a religious issue. However, the reality is altogether different. We must understand that communalism doesn't arise out of religious differences.

Indeed, the moral and spiritual principles of all religions contradict communal values. However, in present times, the introduction of religion into political and state affairs is the most undesirable development.

Role of Media

Radio, television and newspapers are no way less in spreading fake news and exaggerating the matter. Televisions are susceptible to sensationalism and biased reporting. Live coverage can inadvertently amplify the emotional intensity, potentially contributing to the spread of misinformation and heightening tensions. Newspapers are another important source which influence the public opinion and through selective reporting by highlighting certain incidents there by adding to the distorted public perception and aggravation of the communal tensions. Most prominent trend these days is the use of social media for posting inflammatory material which instigates the youth by inflaming communalism. Social Media platforms are quite vulnerable to manipulation and propaganda. Delhi riots in 2020 were the direct outcome of the Hate Speeches by the political leaders. So, we can say that in contemporary times, the politics of idealism has been replaced by politics of manipulation which further creates serious problems for the country like India. Not only this, we also need to understand that in a Modern Society, governance and social control are not the functions of the religion but of the civil administration acting according to the secular laws for the well-being of the society. Some may argue that it doesn't matter if a religious organization set up schools, colleges, universities, hospitals, workshops as charitable institutions, since these are needed. However, there is always a need for caution since no religion is altruistic and is interested in ideological control, ultimately extending over a large section of the society.

Communalism and its Socio-Economic Perspective

Asgar Ali Engineer has analysed the concept of 'Communalism and Communal Violence' from socio-economic perspective. Although "communal violence can draw supporters from all classes of people, its main social base in the post-colonial India is to be found in the middle classes or the petty bourgeoisie". Communal violence finds its base amongst the urban poor who have migrated to the cities due to poverty and unemployment. They have been living in overcrowded areas without any civic facilities. They are deprived of education, health, sanitation and clean water. They are able to let out their frustration and rage through violence, no matter how it manifests itself. All of this is frequently expressed through communal violence. When it comes to taking action against those who commit acts of communal violence, the administration has never shown much enthusiasm. For this reason, without any real checks, communal violence has been negatively impacting state apparatuses for a long time. The police force has become more communalized, and this has made the problem worse. When responding to these intercommunal clashes, they frequently act biased. Furthermore, the liberal stance on communal parties has given legitimacy to communalism. For example, Rajiv Gandhi achieved this by amending the constitution, overturning the Supreme Court's ruling in the Shah Bano Case, and opening the doors to the contentious Ayodhya Mosque temple in 1986. During his Independence Day speech in 1990, Prime Minister V.P. Singh announced that Prophet's birthday will be observed as a holiday. Community tensions were not reduced by these concessions to Muslim and Hindu communalists; on the contrary, they were made worse.

If we consider the subject of Communal Violence from a Human Rights perspective, we get to know that Human Rights have gained a prominent position in contemporary times. People around the world have become more responsive to and aware about Human Dignity and Individual Rights. The organisations like People's Union for Civil Liberties, People's Union for Democratic rights, Human Rights Watch, Amnesty International have been doing commendable work in this context. Communal hostility and violence is grave and blatant violation of individual and community rights. Despite the existence and efforts of Human Rights Organisations, the infringement of human, civil and democratic rights continue unabated. Large number of innocent people lose their lives during riots. Many got trapped into the quagmire which is beyond their control. At the time of outbreak of riots, a large number of innocent persons are arrested by the government. On the top of it, amongst those who are arrested, minorities are the worst sufferers owing to communal bias. Every year in our country, communal disturbances claim hundreds of lives. Individuals are denied their fundamental civil liberties and human rights. Renowned Supreme Court Judge Justice Krishna Iyer visited Meerut during the communal riots and wrote to the then-prime minister Indira Gandhi with some significant observations. The majority of people detained in Meerut were rickshaw pullers or low-wage employees of little cottage businesses; they had nothing to do with planning or carrying out the disturbances. Even worse, a large number of them were taken into custody while defending themselves from the rioters. To protect the rights of these victims in riot situations, Justice Iyer recommended to the Meerut Bar that legal aid committees be established. When judges, police, and advocates fall prey to societal prejudice as well, the situation just becomes worse. Due to political support, the guilty are typically freed while the innocent are imprisoned and their families suffer. Police officers up to the rank of Superintendent of Police had falsified their diaries during the Bhiwandi Riots in May 1970 in order to victimize a minority population. Under Justice Madon's direction, the Madon Commission imposed stringent regulations on these law enforcement officers. The main worry throughout has been the innocent persons who were detained due to communal prejudice, and their democratic rights were violated, resulting in grave human rights violations.

The Indian Constitution establishes equal rights for all its citizens. Article 15, 16 and 19 prohibits discrimination on the ground of religion. Despite these constitutional safeguards, the infringement of Human Rights in lieu of Communal Violence continue unabatedly. Fundamental Human Rights are the first victims of any rift caused in the society. These rights guarantee the most basic tenets of a civilised society to every person. The erosion, trampling, or suppression of the fundamental rights of any community has grave implications for the functioning of any democracy. The measure of any civilisation is in how they treat their most vulnerable citizens. The process of upholding the shared values by a community cannot come at the cost of individual's basic human rights. This characteristic is anathema to fundamentals of human rights and antithetical for the community as a whole.

According to the International Human Rights Law, the state must prevent the spread of discrimination, hostility or violence or anything that incites national, racial or religious hatred through law. International Human Rights norms are generally violated during of communal violence. The rights which are violated includes right to life, right to equal treatment before the law without any discrimination and the right not to be subject to coercion which would impair the freedom to have or adopt a religion.

The right to live peacefully is the basic human right of all human beings. The state has been assigned the responsibility of protecting its citizens and maintaining law and order. Despite this, it is disheartening to look at the role played by the state during incidents of communal violence. From the last few years, the monster of communalism has become very powerful. The Indian state has failed to face the challenge posed by communalism by surrendering secular ideology. Organised groups following religious ideologies influence the political and social realm, and the state is unable to enforce human rights. Rather, it has been acting as a facilitator for the rioters and the perpetrators. Law enforcement is often reluctant about taking action in such cases, as it is controlled by political organisations with their own vested interests. The feeling of helplessness pervades the air when even the most powerful institution, the state, is reduced to a helpless bystander. There have been many instances when the people from minority communities have been arrested and harassed and later on set free by court's orders, guilt free. There is no provision for compensation of such victims.

Justice Khanna, who served on the Minority Commission that was established in 1982, believed that the state had a moral obligation to provide sufficient compensation to the families of those slain in communal disturbances. On the other hand, the government did nothing about this issue. The victims' families nevertheless endured hardship, particularly in cases where the primary provider passed away or was gravely hurt (*Minorities Commission Third Annual Report, 70-71*).

Remedial Measures for Combating Communalism

It is quite apparent that to combat the challenge posed by Communalism and communal violence we need to adopt certain policy measures. In a country like India, religious harmony, human decency, compassion and human fraternity which are of utmost concern for every human to protect one's human rights are under permanent threat due to communal riots. We need to take urgent steps at the earliest to combat the challenges posed by Communalism. Some of the remedial measures have been discussed as follows:

First and foremost, we need to de-communalise the people. This could be attained by making them familiar with the social, political and economic base of the communalism and proving that all communal assumptions are false. This task requires lot of patience and time. The intellectuals and voluntary bodies can play an effective role in this. At each step, the focus of education should be developing communal harmony. Curriculum should be designed keeping in view the diverse perspectives by promoting secular values and fostering critical thinking which can go a long way in promoting respect for human rights.

Secondly, peace committees should be constituted. It will comprise of leaders of different religious communities. They should be formed forthwith following the communal violence, which, would in turn persuade the people of different communities to maintain peace and harmony. People from both communities should be taught to keep religion and politics separate in order to ensure peace in the country.

Thirdly, the role of media is equally important and it should restrain from spreading rumours and sensational reports of the communal riots. Communal writers should be penalised and communal press should be banned. Ethical reporting, unbiased Journalism and a commitment to factual accuracy are essential to counteract the inadvertent contribution to communal tensions. Media as a powerful influencer of public opinion must be cognizant of its impact and strive to contribute to social harmony rather than exacerbating communal tensions. Fourthly, the state should play an active role in curbing the communal riots. A ban should be imposed upon the organisations directly or indirectly indulging in communal riots. The government should encourage the NGOs to take up projects for creating communal awareness and cultivating values of communal harmony in the next generation. It is significant that state should not act as an agent of one or the other dominant community, but also as the upholder of public good.

Fifthly, in the riot torn areas, immediate steps should be taken to give protection to the effected people, special courts should be established for the rapid disposal of cases. Efficient and secular minded officials must be posted and a strict action should be taken against those indulging in fanning the fire of communal riots

At last, a legislation should be introduced at the all-India level prohibiting forced conversions. The states like Arunachal Pradesh, Madhya Pradesh, Orissa and Tamil Nadu have already made legislations in this concern. The representation of the minority community and the weaker sections should be increased in all branches of

law enforcement, training of forces in Human Rights, especially in the use of fire arms in accordance with the UN Code of Conduct.

Conclusion

In the end, we can say that the best hope of achieving composite nationhood in the future lies in the balanced development of both the communities by humanising Hinduism further and fighting the backwardness amongst the Muslim community itself by introducing necessary changes in itself. Legal framework, civil society initiatives, and educational interventions must work in tandem to promote social harmony, protect vulnerable communities, and uphold the principles of equality and human rights as enshrined in the Constitution. An analysis of communal tensions must be a multi-disciplinary exercise in which the inputs of all social sciences, economics, history, social psychology, political science, and other relevant disciplines must be pooled to gain a comprehensive understanding of this multifaceted phenomenon which our country is facing. Only through sustained efforts can India foster an environment where diversity is celebrated, and human rights are safeguarded for all its citizens, regardless of their religious or ethnic identity.

References:

1. Asgar Ali Engineer, *Communal Riots in Post Independent India*, Orient Longman, Hyderabad, 1997(Reprint). Available on: https://www.google.co.in/books/edition/Communal_Riots_in_Post_independence_Indi/yB5NM0o3I9QC?hl=en&gbpv=1&dq=communal+violence+and+human+rights+in+india&printsec=frontcover
2. Asgar Ali Engineer, "Genesis of Communal Violence", *Economic and Political Weekly*, Vol. 27, Issue No.5, February 1, 1992.
3. Ashish Kumar das, *Contemporary issues and Social Movements in India*, Sarup publishers, New Delhi, 2009.
4. Bipan Chandra, Mridula Mukherjee et.al, *India Since Independence*, Penguin Books, Gurgaon, 2007.
5. Bipan Chandra, *Communalism in Modern India*, Har Anand Publications, New Delhi, 2008.
6. Bipan Chandra, *Ideology and Politics in Modern India*, Har Anand Publications, New Delhi, 2011.
7. Jitendra Narayan, *Communal Riots in India*, Ashish Publishing House, New Delhi, 1992.
8. M.J. Akbar, *Riot After Riot: Reports on Caste and Communal Violence in India*, Roli Books, New Delhi, 2003.
9. Mujibur Rehman(ed.), *Communalism in Post Colonial India: Changing Contours*, Routledge, London, 2018.
10. Peter Heehs, *Nationalism Terrorism and Communalism*, Oxford University press, New Delhi, 2011.
11. Paul R. Brass, *The Production of Hindu-Muslim Violence in Contemporary India*, University of Washington Press, London, 2003.
12. Human Rights Watch Report on Communal Violence and Human Rights "Playing the Communal Card", Printed in United States of America, April 1995, p.18.
13. Salil Misra, "Communalism in Modern India: A historiographical Overview", *Social Scientist*, vol.48, No.3/6(562-565), March-June2020, pp. 25-54.
14. Surya Prakash Upadhayay and Rowena Robinson, "Revisiting Communalism and Fundamentalism in India", *Economic and Political Weekly*, September 8, 2012, Vol.47, No. 36, pp.35-57.
15. Vinod Sharma, *Human Rights Violations: A Global Phenomenon*, APH Publishing House, New Delhi, 2002.