

## RELEVANCE OF COMMUNAL HARMONY: INDIAN PERSPECTIVE

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### Abstract

Communal harmony means living people together in the society with love and peace amongst them irrespective of different religions, castes, creeds, sex, and backgrounds.

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### Keywords:

Communal harmony;  
Constitutional Provisions;  
Judicial Approach;  
Communal violence;  
Bill.

Communal harmony is the characteristic of democratic state that is governed by the rule of law. Communal violence is one of the major threats to democracy and also a barricade to the socio- economic development of the nation. All religions must advocate living in harmony, peace and togetherness and must convey the message of love and brotherhood and not the hatred. Strict provisions must be made in the Indian Penal Code to prevent the communal conflicts. It is also indispensable to introduce a bill to prevent communal conflicts in the nation and to make stringent provisions against any type of communal aggression, illegitimate congregation, riot or any sort of activity which may lead to discord.

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## **1. Introduction**

India is a land of unity in diversity and people from many religious, social and cultural backgrounds live in India amicably. However the religious conflicts and violence have often disturbed the equilibrium of diversity of the subcontinent. Karl Marx has rightly said “Religion often turns out to be the opiate of masses”. The communal violence is not only one of the major threats to Indian democracy but also a major hurdle to the socio-economic development of India. Since ancient times, all religions, cultures, and societies have taught us to live in harmony. It is actually the basic law of creation and continues to govern our life. Gandhi has faith in the Vedantic doctrine of Unity, which says all men are part of one universal existence. He said if love or non-violence be not the law of our being, the whole argument falls into pieces. Maulana Wahiduddin once said, “No wisdom is needed to engage in violence. Any foolish person can do so. But establishing and maintaining peace do require a high level of sagacity and planning. The one who knows how to tackle the problems with wise planning will always choose to refrain from violence”. [1]

Sitaram Yechury told that, “India is a country of multi-religions. India’s diversity-linguistic, religious, ethnic, and cultural, etc. is incomparably faster than other nations in the world. He further mentioned that India has about 1618 languages, 6400 castes and 6 major religions”. [2]

## **2. Objectives of the study**

The major objectives of the present study are:

- 1) To study the constitutional provisions and initiatives taken by government to promote communal harmony.
- 2) To examine the communal conflicts happened in India in the past.
- 3) To investigate approach of Judiciary in protecting the rights of victims of communal conflicts.
- 4) To examine the existing laws to curb and control communal riots and also to know whether the existing laws are effective in preventing such violations.
- 5) To examine the role of central and state government to diffuse communal conflicts and restore communal harmony.

6) To examine the role of non-governmental organizations (NGOs) to promote communal harmony and national integration.

In brief, the study is aimed to investigate the role government, judiciary, NGOs and others to promote message of love, peace, integrity and harmony and to find out some concrete solutions and suggestions against the existing problem of communal violence.

### **3. Methodology and Data Collection**

The methodology of this research paper is descriptive and required information are collected from different secondary sources like newspapers, books, magazines, periodicals, research articles, internet survey and other publications relating to communal riots and communal harmony. The discussion of this paper is made on the basis of the collected information.

## **4. Result and discussion**

### **4.1. Communal Harmony: An Overview**

Communalism is the most severe threat to our sovereign, secular, socialist and democratic polity. The numbers of communal incidents are increasing day by day, which is not a good sign for our democracy. India is recognized for its communal harmony which must be preserved. Communal harmony is one of the salient features of democracy in a country governed by the rule of law. It simply means living with unanimity and mutual reciprocity, beyond class, caste, creed, religion, gender barriers. Whenever the communal harmony is disturbed it always causes violence. It is noteworthy that no human being enjoys disharmony and violence. It is therefore communal harmony is the need of the hour and essential for spontaneous development of a nation.

All religions advocate to live in peace, harmony, and unanimity and to spread out the message of love and brotherhood. They instill in us resilience, tolerance and mercy for all religions and faiths even sacrifices whenever needed. [3] The time has now come for all mankind to live on earth in harmony as a single family. Living in harmony is no longer simply an ethical principle rather it is way of life.

## 4.2 Communal Harmony: Gandhi's Perspective

India has been a land of people following different religions and speaking different languages. M K Gandhi firmly believed that communal unity was crucial for the freedom and growth of India. Communal disputes often occurred between Hindus and Muslims in India. There may be various reasons for these riots. When Muslims slaughtered cows and Hindus played music near the mosque, it led to violence. The relations between Hindus and Muslims were continuously poisoned by prejudice, mutual fear and distrust. Gandhi ji made sincere efforts to achieve communal harmony between these two communities till his last breath. He supported the practice of universal religion. He conducted prayers and meetings and emphasized that reverence is more than tolerance.

Even today we observe communal riots. Divisive and antisocial forces continue to cause confusion leading to political instability, social tensions, hampering our economic growth. It is true to say “Unity is strength. It is not merely a proverb but a rule of life”. Divided we must fall. India has been attacked and enslaved by external power on account of conflicts between Hindus and Muslims. Both of these two communities have been seen to cut throat of each other.

Gandhi ji has rightly said, “The whole geographical India is one country. The whole people make one nation. Let us unite all the races, religions and communities together. We believe in one world family, spiritual unity, and unitism”. [4]

## 4.3 Communal Issues in the Past

The communal issues are deep rooted in the Indian history. The communal divisions and conflicts has been the major strategy on which colonial rule was based upon. The British found the divide and rule policy as the easiest approach to establish their grip in Indian subcontinent. The communal riots during partition of India were the major catastrophes in the Indian history and have led to massive deaths and destruction. The most horrible form of communal violence has happened during partition of India.

The communal violence persisted even after independence. The first major conflict between Hindus and Muslims cropped up in Madhya Pradesh in 1961. The death toll of about thousand people is being claimed during Ahmedabad riots of 1969. The assassination of Indira Gandhi and

subsequent riots in 1984 was another dark scar on mankind. The Meerut riots of 1987, Bhagalpur riots of 1989 have traumatized the lives of Indian people. The Mumbai *riots* began on account of communal tension spread out in the city after the Babri Mosque demolition in 1992 and killed about 1788 people. The demolition of the Mosque sparked numerous *riots* across India, but the violence occurred in *Mumbai* was quite intense. The Gujarat riot in 2002 was one of the nastiest communal bloodsheds in India. Some other major communal riots include the Varanasi bombings in 2006, Kadhamal riots in Orissa in 2008, Mumbai Massacre in 2008, Assam violence in 2012, the Dharbha Garti massacre in 2013 and the latest one Muzafarnagar riots in September 2013.

Taking a serious note of the above, it is essential to introduce a bill for preventing communal clashes in the nation and to make stringent provisions against any type of communal riot, unlawful assembly, violence or any sort of antisocial activity that causes discord.

#### **4.4 Communal Harmony: Constitutional Provisions**

United Nations in its Universal Declaration of Human Rights proclaims that “All the human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood”. [5] It envisages that basic rights and fundamental freedoms are inherent to all human beings.

Every citizen of India has the right to choose and practice any religion. The framer of Indian Constitution emphasized the principle of fraternity in the preamble in order to guarantee both the dignity of the individual and the integrity of the nation [6]. The term fraternity was included by the Drafting Committee of the Constituent Assembly to the Preamble because, “The committee felt that the need for fraternal harmony and goodwill in India was never greater than now and this particular aim of the new Constitution should be emphasized by special mention in the Preamble” [7].

Article-335 of the Indian Constitution affirms that it shall be the duty of the union to protect every state against external aggression and internal disturbance and to ensure that the government of every state is governed in accordance with the provisions of the Constitution. The

Constitution casts an important fundamental duty on its citizens in part IVA, Article 51-A (e) of the Constitution says that, “It shall be the duty of every citizen of India to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities”.

It is the spirit of brotherhood that is highlighted by the use of term ‘Fraternity’ in the Preamble. In a country like India, with many disordered social forces, communal and casteist, sectional and denominational, local and regional, linguistic and cultural, the unity of the nation can be conserved only through a spirit of common brotherhood that permeates the entire country, amongst all citizens irrespective of their diversity [8].

#### **4.5 Communal Harmony: Judicial Approach**

Supreme Court of India is considered as the guardian of the Indian Constitution. It is an instrument of social justice and a guarantor of the ideals encompassed in the Preamble. The apex court has given many verdicts time to time on the significance of fraternity and communal harmony. In one judgment, Apex Court highlighted, “Communal harmony is the hallmark of a democracy. No religion teaches hatred. If in the name of religion, people are killed, that is essentially a slur and blot on the society governed by the rule of law. The Constitution of India, in its Preamble refers to secularism. Religious fanatics really do not belong to any religion. They are no better the terrorists who kill innocent people for no rhyme or reason in a society which as noted above is governed by rule of law”.

Several provisions have been made in the Indian Penal Code to check the communal clashes. Section 141 to 160 provides for various provisions against any type of communal violence. It has provisions against unlawful assembly, riot or any sort of activity which causes disharmony. Some more strict provisions may be incorporated to prevent any communal disturbances. A bench of Justice Doraiswamy and Justice Arijit Pasayat once wrote, “Communal harmony should not be made to suffer and be made dependent upon the will of an individual or a group of individuals, whatever is their religion, be it of the minority or that of majority” [9].

Religious tolerance has been one of the greatest traditions of the India culture. Apex Court once stated, “Our traditions teach tolerance, our philosophy preaches tolerance, our Constitution practices tolerance, let us not dilute it”. T. S. Thakur, 43<sup>rd</sup> Chief Justice of India once said that ongoing debate over intolerance may have political dimensions. He said people of any community need not fear persecution or feel threatened because judiciary is capable of protecting the rights of all classes and communities. As long as is rule of law and constitutional rights are guaranteed to everyone, there is nothing to be worries about.

The equality and freedom are the major concerns of democracy. Everyone is equally entitled to life with dignity and self-respect. The Supreme Court stands as a beacon of truth and hope for the citizens of India. It reflected through the judicial verdicts delivered time to time for promoting the harmony and spirit of brotherhood amongst people.

#### **4.6 Communal Harmony: Government Approach**

Government of India constituted “National Foundation for Communal Harmony (NFCH)” in 1992. It is an autonomous organization for promoting and strengthening communal harmony, national integration as well as fostering unity through collaborative social action, awareness programs, reaching out to the victims of communal violence, encouraging interfaith dialogue for India’s shared security, peace and prosperity. It provides physical and psychological rehabilitation to victims of communal violence. NFCH has claimed to support 106670 children in the past one decade i.e. from 2006-07 to 2015-16 and has spent about 500 million rupees in order to rehabilitate them. The amount spent (in million rupees) and total number of children victims (in thousands) of communal violence assisted by National Foundation of Communal Harmony in past one decade is presented in Figure 1. NFCH has also instituted two national Communal harmony Awards, one each for an individual and an organization for outstanding contribution to promote communal harmony and national integration. NFCH has observed Qaumi Ekta Week from 19 to 25 November, 2017 and Communal Harmony Flag day on 24<sup>th</sup> November 2017 to spread message of love and peace.

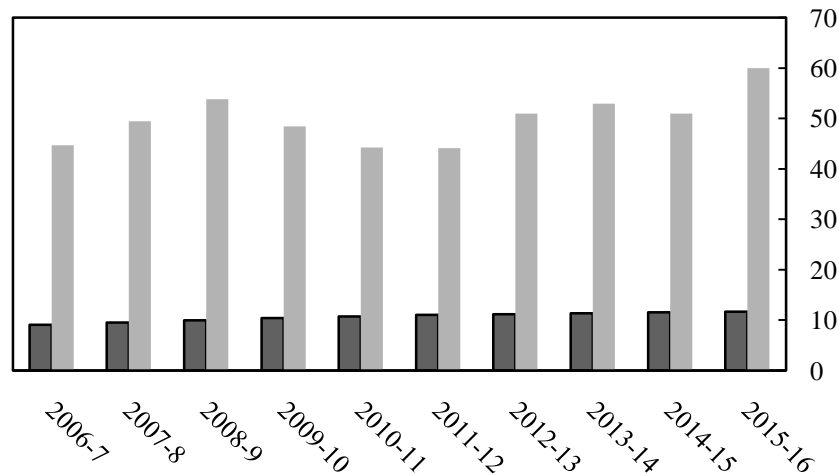


Fig. 1: Total amount spent (in million rupees) and total number of children victims (in thousands) of communal violence assisted by National Foundation of Communal Harmony in past one decade.

Ministry of Home Affairs, Government of India has issued the guidelines on communal harmony in 2008, which prevent and avoid communal disturbances and actions to control the same and measures to provide assistance, relief and rehabilitation to the affected persons.

There have been heated debates whether new laws are essential in this respect or the existing provisions are enough. However, the recurring communal riots prove that the existing provisions have not succeeded in preventing communal clashes in India. The UPA government came up with a bill Communal violence (Suppression) Bill soon after it came to power. However, it was rejected owing to its legal faults. Later Communal violence (Prevention, Control and Rehabilitation) Bill was introduced in Parliament in 2015. It was referred to the parliamentary committee on constitutional affairs for review.

Prevention of communal and targeted violence (Access to Justice and reparations) Bill, 2011 is one of the latest bills introduced in the Parliament with an agenda to prevent communal clashes. According to the bill it aims to provide equal access to justice and protection to the vulnerable groups through effective provisions for investigation, prosecution and trial of offences. The Bill



also intends to provide for the restorative relief, rehabilitation and compensation to all persons affected by communal violence.

There are constant pressures from the social activists to pass the bill for the prevention of communal violence in the country. However, due to the criticisms of some of the contentious provisions of the bill, it continues to be in cold storage.

#### **4.7 Communal Harmony: Role of NGOs**

National Foundation for Communal Harmony promotes NGOs to undertake social work in order to promote communal harmony and national integration. A noted Gandhian S. N. Subba Rao, also known as Bhaiji is an icon who is actively involved in training youths by conducting youth camps across the country. He worked hard to bring about surrender of about 600 dacoits of Chamba valley. He founded National Youth Project (NYP) in 1971 and conducted camps in the areas affected by communal riots. [10] His mission is to spread the message of love, peace, friendship, communal harmony and world peace.

PeaceWorks is another such NGO who works to sensitize people about communal harmony by organizing workshops. Peace India is yet another such organization whose mission is to make people aware about right to information, human rights, women empowerment and communal harmony. Popular Front of India (PTI) has also taken initiative to stop politics of hate by organizing seminars. A large number of organizations are doing commendable work at state and local level to promote communal harmony and national integration. Dalai Lama has rightly said that India is a role model for the communal harmony where various religions like Hinduism, Islam, Buddhism, Jainism etc. have flourished. [11] The role of NGOs in promoting peace and harmony can only be achieved by co-operation of citizens as well as state and central governments.

#### **4.8 Recommendations**

Communal riots and violence must be prevented by taking some suitable measures. It is an urgent issue which must be taken on priority. A few recommendations in this regard are:

- ❖ The central as well as state governments must initiate some steps to maintain a database on various communal incidents and review the communal situation time to time. There must be a crisis management plan at local level to curb such incidents.
- ❖ Peace committees must be constituted by including some prominent people of different communities to maintain harmony and to diffuse the communal tension.
- ❖ A code of conduct should be framed for the observance of various festivals so as to ensure that festivals are observed in an amicable atmosphere without causing any annoyance to any individual or sections of society.
- ❖ The unregulated use of loudspeakers has often been a cause for arousing passions and evoking violent reactions among different groups of people. It must be checked by imposing some strict regulations.
- ❖ The religious processions in the sensitive zones must be checked and regulated. The use of fire crackers, carrying sticks or other weapons must be prevented.
- ❖ The construction of religious places must be regulated by appropriate authority. Responsibility must be fixed of the religious institutions as well as local administration to prevent misuse of such places to disturb communal harmony.

## 5 Conclusion

Communal violence is an obstacle in the socio-economic development of the country. Every citizen of India must believe in common brotherhood and try to maintain communal harmony. All religions must promote peace and love and spirit of fraternity. The prevention of communal violence is essential to keep the secular spirit of the constitution and the glory of the nation. Stringent bill must be passed in the parliament to prevent atrocities, sexual assault, unlawful assemblies, hate propaganda etc. being organized leading to communal violence. Every citizen of India has to behave responsibly to maintain and promote love, peace and harmony.

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