

CURBING COMMUNAL VIOLENCE IN INDIA: ROLE OF SOCIETY & LAW

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ABSTRACT

The founding fathers of our Constitution had very ambitious and high ideals on consensus of whom the Constitution, i.e. the chief legal document of the nation was intended to be built and they created it with great dedication, talent, and sincerity. While the Constitutional provisions provided to give the fundamental rights, fullest and widest opportunity to every citizen; at that time it was felt necessary that the duties of constitutional posts, and roles of other administrative authorities are to maintain transparency to motivate leaders and public spirited persons, to ensure their involvement in the socio-economic growth and infrastructural development of the nation. Certainly, it was done with the aim to inspire all citizens to maintaining its Ganga-Jamuna Civilization and composite culture of India. This was indeed a collaborative endeavour during contemporary crisis of intolerance and communal tensions to restore faith, peace, love, and sympathy between all religious sects, and organizations, especially between the majority Hindus and people of other religious minorities. Obviously, keeping in view the contemporary communal riots, atmosphere of violence and intolerance, an urgent need has been felt in the times of modern India for coordination, tolerance and consolidation of the diverse cultures and various religious faiths to curb communal violence in the country. The main aim of this research paper is to shed light on social and religious aspects of Indian culture and to discuss the legal provisions and their implementation so that religious harmony, confidence and interdependence is possible by implementing various state laws scrupulously. Especially, abiding the doctrine, directives and spirit of the provisions enshrined in central law i.e. Constitution of India is desirable to achieve the goal. This study also highlights the endeavours made by people and the governments. Our national leaders, from time to time, remind us that India's culture and civilization have been built up in a spirit of accommodation, affection, and cooperation - of various people's religious faiths and their cultures. Truly, India's beauty lies in its religious, cultural, and linguistic heterogeneity.

Keywords: *Constitution, fundamental rights, composite culture, communal tension, cooperation.*

INTRODUCTION

Mahatma Gandhi Ji's "change of heart" theory was a principal approach to the issue of communal harmony. Inspired by him we should not hesitate to look at all religions with equal eye. It is our prime duty not to keep distancing ourselves in our behaviours with them due to different faith. We should believe in every acceptable feature of faiths related to other religions. Mahatma Gandhi had firm belief that non-violence is a common factor of all religions. His concept of Hindu Muslim unity was not a temporary strategy of freedom struggle but an everlasting medicine for healthy national life.ⁱ He said that the unity we want should be a long lasting. It can be possible if we cultivate a good yielding and charitable disposition towards one another. For Hindus the cow is "Gau Mata". They treat her as mother and prefer to save first loaf for her. Therefore, this faith must be respected by our Muslim brothers by showing reverence towards the cow. Thus, they will win the Hindu brother's heart. Muslims regard silence as most important during Namaz time. Maintaining silence is of paramount. If maintaining silence, a practice of paramount by Muslims is taken with respect by Hindus then they will certainly win the hearts of Muslim neighbours. Consequently, favourable sentiments of both sides will come for each other. This, however, is a counselling of perfection.ⁱⁱ

Mahatma Gandhi's concept of multiculturalism was very beneficial to maintain harmony among different cultures. Expressing Gandhi Ji's views Kripalani writes, "India is a big country, a big nation composed of different cultures, which are tending to blend with one another, each complementing the rest."ⁱⁱⁱ With an in-depth study of religions, he had an unflinching faith in bringing into the open surface love of humanity, which was the central proposition of all religions. Gandhi Ji said all religions have different roads but their destination is one. The paths are varied but join on the same goal of doing good deeds and attain salvation, heaven or bahist (swarg- place of plenty of pleasures). The difference in way of prayers or rituals is non-material as by it we reach the same goal. Any egoist deviation from right path is unacceptable. "When the symbol is made into a fetish and an instrument of proving superiority of one's religion over others', it is fit only to be discarded."^{iv}

Today's world needs every one of us. We should do best efforts to save society from the numerous dangers posed by enemies of peace. It's our mission to tread along the non-violence route and create a paradise on earth. It's not wrong, if we are slow unless we are moving towards the goal. To emphasize with the words of Gandhiji 'We may never be strong enough to be entirely nonviolent in the thought, word and deed. But we must keep nonviolence as our goal and make strong progress towards it.' The practice of nonviolence would help us reach our goal. As per Constitution our country is secular. Hence, our central and state policies continue to shape on secular principles and not on the basis of communalism. The communal violence leaves a blot and is a fatal blow on secularism. There have been reports that some people in states having direct or indirect influence in governments were partisan and had been instrumental in aggravating communal violence. An average person in society believes in what influential person or politician says, people in mob tend to look their rationality and do not think reasonably. Consequently, they turn violent. In such circumstance minorities feel insecure about the socio-economic growth of community and their continued existence.

Swami Vivekananda, and other religious reformer like Raja Ram Mohan Roy, Swami Dayananda, Jyotiba Phule etc. were in favor of the welfare, safety, dignity of all people irrespective of their caste, creed and religion. Swami Vivekananda emphasized to achieve religious harmony we need more acceptance rather than tolerance, because tolerance has limit but once if you accepted and cooperate to let live other people following different religion then you will not face any problem in adjustment and problem of intolerance will also not arise.

The problem of communalism is the old and it is a persisting menace. According to T.V. Sathyamurthy, Communalism in the Indian context since independence exposes the relationship of domination and subordination between the Hindu majority and various minorities^v. Though the problem of communal violence began with partition of India-Pakistan at the time of winning independence yet is it not quite baffling and embarrassing that even after more than seven decades of independence and despite an emphatic proclamation by the constitution that we are secular, still things are not so bright.

SOCIO-RELIGIOUS ASPECTS OF INDIAN CULTURE

We are proud of India's rich culture, ancient heritage, wide resources and fabulous biodiversity which are great sources of confidence and strength for the citizens. Our country is the largest

democracy and the second most-populous nation in the world with a population of 1.3 billion people. The bigger chunk of India's population, 69 per cent lives in vast rural areas, and 31 per cent reside in modern urban areas equipped with newer facilities. Besides all these characteristics, we have multi religious society that believes in different faiths. There are many religions in our country. In addition to Hindu religion we have Buddhists, Jainism, Islam, Sikhism, Christianity, Parse, Jewish and Bahá'í religion. But Hindus are greater in number than others and form majority. The Constitution of India provides fundamental rights to all equally.

There is no doubt that in spite of varied groups, sects, denominations and sub sections, basically the Hindus believe in Vedas, Puranas, Upanishads, Epics – Mahabharata, Ramayana, and the key Hindu sacred text Bhagvad Gita. A popular shloka of sacred Gita teaches us, “To action alone hast thou a right and never at all to its fruits; let not the fruits of action be thy motive; neither let there be in thee any attachment to inaction.”^{vi} Though ‘nishkama karma’ (selfless work) is lauded in the Gita, working with a motive is not denigrated. It is good, but nishkama is better. India's ancient culture, sacred texts, excellent heritage, vast resources and biodiversity is a source of pride and strength for its citizens. Our India, in modern time also, has maintained its cultural identity which is all inclusive of its linguistic and religious mosaic. Looking into the facts of Unity in Diversity in India, this claim may be based on historical interpretation of the internal principle of India's identity, through the ancient Vedic age, Muslim period and the British rule. As regards the term Hindu is concerned it is derived from Sanskrit word “Sindhu”. However, V.D. Sarvarkar in his famous pamphlet^{vii} defines “Hindutva” (Hinduness) as the belonging to an ethnical community, territorially based, and sharing common Hindu religion, traditions and values. This notion of the nation as a culture seems to be the basis of this definition. In a sense, this seems to be an ethnic nationalism instead of universal nationalism and this is somehow not regarded as a positive interpretation for national unity by some scholars. Obviously, such an interpretation may lead division and clashes in the multi religious society and is harmful to the harmonious relations among various ethnic and religious groups.

However, as opposed to this interpretation, stands the model of a Republican State able to respect and protect all the identities without imposing one cultural model. This idea has been well summarized by Pundit Jawaharlal Nehru on the eve of formalising it in the Constitution, as for him, the “deep” definition of Indian unity is defined by “the widest tolerance of belief and custom, ... every variety acknowledged and even encouraged”^{viii} This notion of Indian proverbial tolerance has a long history since the period of Ashoka, the great and one of the

legendary Indian emperor (304 BC – 232 BC). He embraced Buddhism and in his numerous edicts asked for tolerance of all religion of his empire. This definition of “deep unity” was promoted in the Indian Constitution came into force on the 26th January, 1950.

Unlike the western and modern thinking, the socio-legal system in ancient time in India was embedded in basic rule that required performance of each one’s duties towards others and to the society at large. In fact, basing human actions in duties and other –regarding considerations build up a strong system sensitive to social welfare and practicing tolerance.^{ix} The idea that there is no right except the one to perform one’s duty was well propounded and emphasized in ancient Indian thinking. It was a culture based neither on individual rights, nor on power relations but on community’s conscious insight for wellbeing of all. The Vedic prayer inspires us , “May our resolutions be the same, may our hearts be united, may our mind think alike, so that we may all live here well and together.”^x Withdrawal from passionate interests in worldly affairs formed the essence of religious approaches and constituted spiritual orientation of Indian Culture.

The tolerance, compassion and non-violence are the central themes of the teachings of Lord Jesus teaching. The fundamental principles of Christianity teach us to show compassion and affection towards all human beings even though once they were remained enemies and evil doers. The love and tolerance are important principles which Christianity signifies. Lord Jesus first practiced them in his life then he taught these principles to others. His crucifixion on the Cross and his prayer to the God, “Forgive them, crucifier, for they know not what they do”^{xi} are the significant evidence of the greatest tolerance and love towards the neighbours. This is a practical example to prove that Christian ethic emphasizes more on duty, rather than on rights.

Quran the sacred book of Muslims advises, ‘and if any person who is a polytheists request to you for protection, then grant him protection so that he may hear the words of Allah. As he is a person who knows little, you should take him safely to his place of residence’.^{xii} In a society where people of different faiths live, peace loving people of different religions live together. While co-existing they are also enjoying their respective rights under the constitutional laws. The Islamic perspective holds the belief that it will be sheer injustice, to encourage war, violence or unfair retaliation. In such a multicultural society of varied religions, the

fundamental objective of religions should be to raise their voices of love, compassion, tolerance, peace and kindness.

UNITY IN DIVERSITY

The Unity of all the diversities makes India a very beautiful country. The credit of making our India great and graceful goes to our visionary leaders, scientists, mathematician, musicians, technocrats, champions in sports, I.T. expert professionals in various fields. Besides this, the credit must go to common people, peasants, masons, workers, adults, men, women, others, youths children that strive to make it better day-by day. There are enough mentions in the world literature, about India's important discoveries, inventions, Mouth-watering spices, Arts and crafts, Technological genius, Military valor, Great sacrifices, media, film, advertising, medicine, finance, fashion, textiles, and agriculture. Self-confidence, reliability, and democracy are their qualities. We are proud to be Indians because of its rich tradition and world heritage. It is blessing that our country is reflecting wonderful unity in diversity.

India is a country where several religions^{xiii} are freely adopted and practiced. Here in India we have found the existence of all major religions of the world generally with a peaceful and harmonious co-existence. The unity and fraternity of the people of India, professing numerous Faiths has been sought to be achieved by enshrining the ideal of a 'secular State'. It means the State protects all religions equally and does not itself uphold any religion as the State religion. . In the daily prayer of Hindu families we hear the names of all major rivers. Through the prayer we remember the vastness of our country and the sentiments attached to our religion and cultural heritage. The prayer is: 'O rivers Ganga, Yamuna, Godavari, Sarasvati, Narmada, Sindhu, Kaveri! Come ye! And enter into this water of my offering'.^{xiv} These rivers considered as goddesses and devotees pray to them for considering their families for their blessings.

It is evident from the history of India that among the diverse religious beliefs, faiths and customs the stream of religious unity works as a strong binding factor of Indian cultural heritage. The saints, sages and preachers of different religions have always glorified the unity of our all religions. In fact Jainism and Buddhism spread to the South from the North, Adi Sankaracharya disseminated the message from the South, Sant Kabir, Guru Nanak Dev and Sri

Chaitanya Mahaprabhu gave the message of universal love to humanity and established a link across the nation's length and breadth. Besides this, Saints of Sufism Nizam-ud-din-Aulia and Moin-ud-din-Chistii spread the lovely feelings of brotherhood, affection, tranquility and resilience among the people of all walks of life. Thus, the tolerance and respect of all faiths, customs, folkways, and virtuous practices were valued among the diverse cultures in the society. It worked significantly in the direction of Unity in Diversity of India.

The basic literary ideas, philosophy, outlook, conventions and practices are almost same in the standard literature of all religions and the unity prevailed all over the country. The social ceremonies, religious rites, festivals and modes of life may slightly differ according to religion and region but the spirit behind them is same across the country. The joint family values, the cooperation among castes, the rituals and different auspicious samskaras e.g. Upanayun, Namakaran, Marriage, the cleanliness of the kitchen etc. are common to all communities and sects. Besides regional festivals there are some typical festivals like Christmas, Eid, Dussera, Holi, Diwali etc. that are celebrated throughout the country. Though there are different regional linguistic varieties yet Hindi and English used commonly as link languages all over India. The Constitution of India recognized 22 languages^{xv} as provincial language and Hindi (Devnagri Script) as official language of India.

PROBLEM OF COMMUNAL VIOLENCE

Religious minorities in India may be grouped into three categories. They are:

1. The Religions parted of Hinduism in India, e.g. Jainism, Buddhism and Sikhism.
2. Migrant religions, e.g. Judaism, Zoroastrianism, and Bahá'í faith
3. Religions which are perceived to be the products of conquest and colonialism, e.g. Islam, and Christianity. India is thus a multi-religious and multilingual country with different communities.

In spite of the provisions of the constitutional equality, religious minorities in India, particularly Muslims and Christians often experience some problems among which the problem of communal tensions and riots is the serious problem and an increasing trend is observed in the communal violence and lynching incidents, particularly between the members of Muslim and Hindu community

Table-A^{xvi}

No. of Incidents of Communal Violence and Number of Persons Killed

2011		2012		2013		2014		2015		2016		2017	
Inci dent s	De ath s												
580	91	668	94	823	133	644	95	751	97	703	86	822	111

From the statistics it is evident that communal violence over the three years increased 28% and reached 822 “incidents” were recorded in 2017. However, it was less than 2008 decadal high figure of 943 in the year 2008. The data is based on an IndiaSpend analysis of home ministry data.^{xvii} In the world ranking data India found fourth place in 2015—after Syria, Nigeria and Iraq—due to the highest social hostilities involving religion, as per the *Huffington Post* report of April 14, 2017. It is evident from that data that 7,484 communal violence cases were reported in India in the decade from 2008 and 2017. It revealed that average two incidents occurred every day. The number of killing was over 1,100 people as per data submitted to the Lok Sabha (lower house of Parliament)^{xviii}. This is a matter of grave concern.

CONSTITUTIONAL PROVISIONS & OTHER MEASURES FOR WELFARE OF MINORITIES

Among all the minority religions in India Muslims constitute the biggest weaker section of the society. Hence, problem of communal violence against them is genuine and requires urgent solution. However, without the full participation of Muslims and other minority groups in all aspects of national life it seems to be very difficult to promote the cause of national integration only by government schemes, programmes and initiatives taken by the government for welfare

of the minorities. Underlying the communal disturbances between Muslims and Hindus is the hard truth that minority community anywhere tends to be very sensitive; and it also happened that the concerned members of religious group react as and when any suspicion arises. The psychology of the minorities due to fear and suspicion too cannot be helped. But it is necessary in the Indian context for the minority communities to have enormous patience before reacting to any untoward incident that might provide communal clash. They must also be aware of the role being played by the selfish politicians or anti-social elements involved in vote bank politics or trying to serve their own personal interests. The educated and influential persons of the society should come forward to identify and condemn those who are looking to protect their 'vote bank' with selfish motive and not serving national interest in any way. The Constitution of India protects the interests of the minorities and recognizes their rights to conserve their language, scripts or culture and establish and administer educational institutions of their choice. Constitutional provisions and other laws that are made for protecting the interests of the minorities are described as under:

- (a) **General Provisions** which treat the minorities on par with the other people in the matters of equality before law, prohibition of discriminatory treatment (Art. 14&15); Provide for equal employment opportunities and educational opportunities (Art. 16 & 29(2); Right to universal adult franchise to all (Art. 325 & 326) and Art.44 makes provision for "common civil code". Hon'ble Supreme Court in the Shah Bano case^{xix} urged the government to frame a common code to "help in the cause of national integration." But as per the Law Commission's statement dated 31st August, 2018 revealed their views that a Uniform Civil Code (UCC) is "neither necessary nor desirable at this stage". Further, in a 185-page consultation paper Law Commission added that secularism cannot contradict plurality prevalent in the country.
- (b) **Specific Provisions** which protect the minorities, Art. 29 & 30 of the Constitution provide protection to the linguistic, educational and cultural rights of the minorities. Art. 29 state that any community in India is entitled to have preserved its own specific language, script and culture. Art 30 declares (a) that all minorities in India are having constitutional right to establish and run their own educational institutions (b) it also states that while disbursing grants the State shall not discriminate against any institution merely because it belongs to a linguistic or religious minority.

- (c) Article 331 and 333 also make provisions to give protection to the interest of the Anglo-Indian community by nomination of one member in Lok Sabha & Assembly.

Unlawful Activities (Prevention) Act, 1967: The latest amendment in the Act was effected in 2008. The objective of the Act is to provide for the more effective prevention of certain unlawful activities of individuals and associations and for matters connected therewith. Under the Act, “Unlawful association” means any association –

- (i) which has for its object any unlawful activity, or which encourages or aids persons to undertake any unlawful activity, or of which the members undertake such activity; or
- (ii) which has for its object any activity which is punishable under Section 153A or Section 153B of the Indian Penal Code, or which encourages or aids persons to undertake any such activity, or of which the members undertake any such activity.

‘Prevention of Communal and Targeted Violence (Access to Justice and Reparations) Bill, 2011’: Under the bill there was a provision for a seven-member National Authority to ensure communal harmony, justice and reparations. By this bill an attempt was made to safeguard the interest of minorities. It had provided for making the district administration responsible. This recommendation was already made by the Sachar committee and Ranganath Mishra Commission. However, the antiviolenace bill could not be passed and lapsed after fierce debate. The UPA-II government was forced on February 05, 2014 to drop plans to introduce a new bill to avoid controversy in parliament. The Bill outlined how communal violence must be combated. Mostly the opposition parties, BJP, CPM, CPI and others argued that the proposed bill atrophies the federal structure of the country. It tries to encroach upon the right of state governments to maintain law and order.

Besides the constitutional and other legal safe guards for the protection of interests of minorities Prime Minister Modi’s “New 15 point Programme for Minorities” has been launched by the Indian government. The programme is for the welfare of religious minorities. It is introduced in furtherance of the Sachar Committee Report. The said report highlighted that, minorities especially Muslims were generally in a worse socio-economic and political condition. The programme is to ensure raising the status of minorities and to ensure a better position for them on various indicators such as - nutrition, health, education etc. Basically, this programme was introduced for betterment of minorities and specially Muslims. The

programme providing for prevention of communal incidents, Prosecution for communal offences, Rehabilitation of victims of communal riot, Recruitment to State and Central Services and it takes care to see that in the various development programmes and projects of the Government, the minority people are also able to obtain their due share in these programmes and projects.

Besides the various laws and endeavors the government of India had set up a “National Commission for Minorities” in January, 1978. The purpose of commission was to evaluate the working of the various safeguards provided in the laws for the protection of religious minorities. The duty of the commission was also to ensure effective implementation and enforcement of all the safety measures and protection laws towards the welfare of the minorities. The present National Commission had statutory status. It replaced the previous commission by the National Commission for Minorities Act, 1992. Accordingly, the National Commission for Minorities was constituted on 17 May, 1993. Subsequently the National Commission was reconstituted with effect from 31st January, 2000. Other institutions which are working for the welfare of minority communities are: National Minorities Development and Finance Corporation; Administration of Wakfs to Promote Muslim Interests; Maulana Azad Education Foundation to promote education amongst minorities and backward classes in particular; and ‘National Foundation for Communal Harmony’ to work for the rehabilitation of children who become victims of communal riots and terrorist violence.

CAUSES OF COMMUNAL VIOLENCE

Communal tensions and violence in India have been taking place from time to time since independence. However, there are ups and downs in the incidents of communal riots (Please see table-A supra). During the communal violence, tensions and riots, the minority interests get threatened. The minority community feels insecure, fears and anxieties become widespread. It becomes a tough task for the government to restore the confidence in them. Especially in times of communal violence, caste conflicts, observance of festivals and religious function on mass scale, minority groups often seek police protection. Government also finds it difficult to provide such protection to all the members of minorities. It is highly expensive also. State Governments which fail to provide such protection are always criticized. For example the

Delhi (1984), the Gujarat (2002) and again the Delhi (2020) episodes of communal riots reveal this situation. Similarly, the Government of Kashmir's inefficiency in providing adequate security to the Hindu, and Sikh minorities in that state against the atrocities of Muslim extremists was also widely condemned.

Communal hatred and violence or riots spread in India because the communalist leaders flourished the thinking that it is in the interest of their communities. But it does not do real welfare. Rather it is very harmful and painful. The reasons for communal violence and lynching by mob are varied. There are socio-economic, religious and political factors which are responsible for communal violence. They are: 1. Propensity of the Communalist elements to create disturbance, Orthodoxy, Sectarian Politics, Low economic status, educational backwardness, insufficient representation in public services, variation in the mode of life, Fanaticism and fundamentalism, Provoking by Neighbours, Negative impact of Mass Media/Social Media, Rumours, Divergent and dissimilar interests of the members of communities. At times anti community bias by police towards minorities, Lack of resilience etc. Hard core communalism is reached when mutual interest of different communities is seen as incompatible, antagonistic and hostile. It is the stage of extreme communalism. It was based on the theory that fears and hatred has a tendency to use violence of harsh language, bad deed or indecent behaviour, the language of war and enmity against political opponents.

The candid and rational citizens think India is in danger of communalism and nearing to authoritarianism and political force of such tendencies that are of anti-social ideologies. They are waging a heinous act against its own poor and minorities in the name of religion, conversion, love-jihad, cow-protection and recent corona-jihad etc. The influential persons while doing inhuman activity and cruel behaviour are undermining the fundamental principles of the Constitution and single minded targeting the minorities and the poor. This is opposite to the idea of India itself. The discrimination, exclusion and the hatred, the structural violence produces is shaking the very foundation of India seems to be pushing it towards uncertainty and insecurity. The dominant result will be a monolithic but disorganized society, fragmented along lines of religion producing a hierarchy in citizenship. The acute pain of the violence and hatred may break the spirit which has been once of an excellently vibrant democracy and exemplary governance known as India.^{xx}

HINDU-MUSLIM UNITY: SOME EMOTIONAL MOMENTS

India is such a beautiful country where various religions inclined to live in harmony since long. There are only a few instances that prove otherwise. In India we still have people who continue to do mutual respect with others religion. There is a myth in our country that Hindus and Muslims don't get well along with each other. History suggests there has been indifference between them, but time and again we come across good events that showcase the harmony between these two religious' communities. It is a matter of great happiness that both communities celebrate Diwali, Eid, and other festivals together. Here Muslim man is observed taking care of a Hindu temple. Such occasions are really heart-warming. The incidents of mutual cooperation and respect of other religion set examples of communal harmony and tolerance in Indian community. The following instances^{xxi} would make everybody emotional and your eyes become wet due to love and happiness on seeing the brotherly behaviour and excellent endeavours in the extending help to Hindus by the Muslim brothers:

1. **Muslim community joins hands to rebuild Kali Temple** in Bengal, Birbhum district, at Noorpur village. The temple had to be demolished for widening a village road two years ago and was constructed again at a new site. This is an excellent example of communal harmony and cooperation among the people of both the religious groups.
2. **Ramlila & Namaz happen side by side** in this twin Mandir-Masjid in UP. This tradition has been continuing for over three centuries, and has completed 350 years in 2019. The mandir and the masjid both are located in close proximity. In the late evening time the sound of 'Chaupais' and "Azaan for Namaz" are heard together. That time enjoyed by audience of both communities when Ramlila was happening at the Lat Bhairav Mandir and Muslims were offering Namaz at the adjoining Lat Masjid.
3. **Spreading the message of communal harmony**, Bengali family worships Muslim girl in Kumari Puja, a four-year-old Muslim girl was worshipped by Dutta family as Kumari. In fact, Kumari is a ritual that takes place on Maha Ashtami, the eighth day of Durga Puja, where a girl is worshipped as a goddess. The instances are of Fatehpur Sikri in Agra and Baguiati in Kolkata's north east fringes.
4. **Muslim man keeps alive family tradition** of making Dussehra effigies, a Muslim man (Jafaar Ali of nearby Mathura) earned praise after he seen preparing the effigies to be

used on the Vijaya Dashmi festival. The Hindus across India celebrate the festival to mark the victory of good over evil. The Rama had triumphed over demon king Ravana.

5. **Motibar Rahman, a Muslim man** in Assam looking after a Hindu temple and taking care of it, this Hindu temple is testament to the existing Hindu-Muslim harmony in our country. Following the tradition of his forefathers, 73 yrs. old Rahman continues to clean the “Burha Gosair Than” shrine every morning and lights candles for Shiva. He expressed his proud feelings that before him, his father used to do this work and his father’s father before that. It is said that their family has been the keepers of this holy place for the past about 500 years.
6. **Humanity above religion:** Muslim brothers Abu, Naseer and Zuber Qureshi cremated their Brahmin uncle according to Hindu rituals. It is an instance of Gujarat state where they embraced Hindu customs for a day. They performed last rite of their father's intimate friend of four decades. These Muslim brothers are daily wage labourers. They are truly religious and offer Namaz five times a day. They never skipped Ramadan fast. After the death of their Hindu uncle they decided to do his last rite in the proper Hindu way. For this they wore Dhoti and Janeu (sacred thread Hindu's clothes). Communal and fanatic persons might not look upon this to be good appreciably, but their work was honorable and heartfelt.

Hindus helped Muslims during Communal Violence in Delhi.^{xxii}

The North East area of Delhi was in the grip of communal tension over the Citizenship Amendment Act (CAA) for several days in February, 2020. Nevertheless, a human side was observed in the midst of the communal violence. During the riots some Hindu people in Delhi's Ashok Nagar area helped their Muslim neighbours escape from the violence mongers. Muslims men and women narrated and praised how their Hindu neighbours helped them. This reflects an exemplary unity of people from both the religions. These people stood firm during hard time of communal violence. They gave shelter to their Muslim neighbours. Hindu neighbours also helped extinguish the fire to save Muslims shops and houses from fire. The incident of arson was dangerous on February 25, a Muslim eye-witness narrated that the rioters disturbed the area. They started setting shops and houses on fire. The eye witness man said that they were helped by Hindu neighbours asking them to come to their homes for taking refuge. As the violence monger came to attack Muslims, they had to left their shops and houses and went away. Taking a sigh of relief he told that their neighbours were good who later locked their

shops and houses for safety. The Hindu Muslim clashes started on February 23 and continued unabated till February 25, 2020. During the riots at least 38 people killed and over 200 injured. The situation was very tense in several parts of North East Delhi and was controlled by security forces deployed in the disturbed area to monitor the situation.

The above instances show how Hindu-Muslims remained united in India.

CONCLUSIONS AND SUGGESTIONS

The Supreme Court of India protects the Constitution. The highest court stands as a beacon of truth and hope for citizens of the country. The people of the country look up to the Apex Court as an institution of social justice and a guarantor of the ideals enshrined in the Preamble. The Hon'ble Court played a great role to establish the faith of the people by upholding Constitutionalism, the Rule of Law, Secularism, Democratic Values and Human Rights. The Apex Court has delivered many landmark decisions time to time on the importance of fraternity, dignity and communal harmony.

In *Indra Sawhney and Others v. Union of India and Others*^{xxiii}, the Supreme Court interpreted “fraternity assuring the dignity of the individual” as relevant in reference to discussion on inequality and extreme caste restrictions. In India there is stratification in society on the basis of caste hierarchy. In the presence of substantive inequalities unity and fraternity was unattainable. The prevailing inequalities in turn threaten formal equality before the law.

In the *Raghunathrao Ganpatrao, etc v. Union of India*^{xxiv}, the Court held that fraternity was a basic objective of the Preamble of the Constitution and Hon'ble court quoted Baba Saheb Ambedkar in support of their reasoning: ‘In a country with so many disruptive forces of regionalism, communalism and linguism are surfaced we have to emphasize mandatorily and reemphasize that we can protect the unity and integrity of India by a spirit of brotherhood. India has one common citizenship, and every citizen should firstly feel himself as Indian irrespective of other basis. In this view, we should welcome any measure which brings equality. There is no legitimate point in the argument in favour of the continuance of princely privileges.^{xxv}

In *Dr. M. Ismail Faruqui v. Union of India and Others*^{xxvi}, the Supreme Court observed: “Lasting harmony between heterogeneous communities can only come through recognition of the oneness of mankind, by a realization that differences in human race are manmade on this earth. The division of different caste, ethnic, religion, language is not made by God. These all social, economic, ethnic and religious identities imposed by peoples is artificial. They have created the boundaries only to benefit those with vested interests. On the other hand, naturally occurred diversity of regions on the earth, or in the country, such as mountains, valleys, and plains, they have unique benefits. The natural diversity by God has unlimited value, while manmade distinctions have no substance.”^{xxvii}

Democracy can survive and the Constitution can function when citizens are not only well educated but also intelligent. They must have good moral character and imbibe the desirable and inherent virtues of human being such as truth, love and compassion. The Supreme Court of India in their Judgments from time to time reflected the need for promoting the harmony and spirit of brotherhood among all people. Now it is the duty of every Indian to abide by the constitutional principles and obey the law as well as inclined to develop scientific temper.

Dr Manmohan Singh (then Prime Minister) while speaking at the Communal Harmony Award Ceremony, 2009^{xxviii} reiterated the need for communal harmony and national integration. He said, India has been home to all the great religions of the world. While some were born here, others took root in this ancient land of ours. The subcontinent has for centuries provided a unique social and intellectual environment in which many distinct religions have not only co-existed peacefully but have also enriched each other. It is the pious duty of each one of us to carry forward the tradition of mutual trust and tranquillity. Dr. Singh emphasized both the government and civil society groups must continuously watch and raise our voice against groups and individuals who spur violence in the name of religion. No religion sanctions violence. No religion preaches hatred. However, it is experienced that the preachers of disharmony and disagreement are there in every society. We should check them and not to allow them follow their odd agenda of hatred. During the award ceremony, Dr. Singh recognized and applauded those who worked selflessly for communal harmony and national integration.

Following are some suggestions for maintaining communal harmony in India:

1. Laws, rules and regulations are in force in the Centre and States their strict adherence and implementation is required.
2. Strategy of mixing religion with politics in election for better prospects of political parties should be declared as unlawful practice. The Electoral laws and Constitution have to be amended to provide adequate provisions in this regard to strengthen the Election Commission's powers to curb the provocative speech.
3. The District Magistrate (with the other Executive Magistrates subordinate to him) is responsible: (i) for the prevention of crime; (ii) for the restoration of peace; and (iii) for the maintenance of law and order with the help of the Police and if needed, with the help of the Army and the Paramilitary forces of the State or Central Government. All those law enforcement authorities should perform their role scrupulously to prevent communal violence and riots.
4. On any occasions, if it is found that officers at any levels including the DM and the SP have been found hesitant in taking quick and firm decisions to prevent the evil of hatred and riots; then they should be made personally responsible for not taking prompt action to curb communal violence.
5. The Intelligence Agency as well as Police must remain extra vigilant on occasions which are likely to generate communal tension. They should be unbiased while taking action.
6. A proper training or refreshment session should be organized for intelligence officers so that they may gather intelligence in a more candid and reliable form. It should be in a more objective way. Generally, a community often seen as aggressors, the intelligence people feel that it is a community who are preparing for the communal violence. Their defensive preparations are seen as aggressive preparations and the other community's aggressive preparations are seen as defensive ones. This is not correct. They should make up their views after proper analyzing the fact empirically.
7. The followers of the community should understand that Nationalism is great but National Unity and harmony is greater. Each of us, have to make a balance between any gain of our own religious community and national interests considering the fact that the national interest and peace is of paramount importance in our life.

8. We have to be rational while making decisions. Good teaching, like adjustment with others, or co-operation, or consistency is found in religious texts. Everyone should adopt these good habits.
9. People, who work on basis of non standard policies like appeasement, fun and frolic with the sentiments of other people for individual gain and their political party interests, should be condemned. Selection of candidates on the basis of religious community numerical strength should not be approved. The good people should be proposed by the political parties to stand in election.
10. There should strict check on notorious messages on social media platform. It has become potent tool in hands of antisocial elements to spread hatred in the name of religion.

Thus, in order to get rid of the problem of communalism and violence in India, there is a need of collective efforts. Education system, movies, and other cultural platforms should be used to eradicate the tendencies of communal hatred and violence they can be influential in promoting peace and harmony.

To conclude, I would like to quote a beautiful experience shared by Shehnai Maestro and Bharat Ratna Ustad Bismillah Khan talking about his days in Benaras. He said:

“Ganga mein nahaaye, masjid mein namaaz padhe, aur Balaji mandir mein riyaz kar liye”

(We bathed in Ganga, offered namaz in mosque and practiced our recitals in Balaji temple).

This is the best example of religious harmony, tolerance and tranquillity in India which reflected how integrity and plurality is only unique to India and how highly it is valued.

REFERENCES

ⁱ Hindu Muslim Unity is a creed and not a policy, Gandhi ji said., Young India, 16-3-1922

ⁱⁱ M.K. Gandhi, The Hindu Muslim Unity (Ed.), Anand T. Hingorani, Bharatiya Vidyabhavan, Mumbai, 1998 p.136-137; Young India 11-5-1921.

ⁱⁱⁱ Ibid, p.118.

^{iv} J.B. Kripalani, Gandhi: His Life and Thought, Publications Division, Government of India, New Delhi, 1970 p.339

^v T.V.Sathyamurthy, *Social Change and Political discourse in India*, Vol. III; Region, Religion, Caste, Gender, and Culture in Contemporary India, Oxford University Press, Delhi, 1996 p.30.

^{vi} कर्मण्येवाधिकारस्ते मा फलेषु कदाचन ।

मा कर्मफलहेतुर्भूर्मा ते संगोऽस्त्वकर्मणि ॥-- Bhagvad Gita, Chapter-II, Verse-47.

^{vii} Savarkar, V.D., *Hindutva: Who is a Hindu?*, S.S. Savarkar, Bombay, 1923, 1969.

^{viii} Nehru, J. *The Discovery of India*, Delhi, Oxford University Press, 1946, 1997, p. 62

^{ix} W.Friedmann, *Legal Theory*, 5th Edn. Universal, New Delhi, 2003, p.232

^x Rigveda, last sloka of saṅgāthan-sūkta' X.191 "समानी व आकूतिः समाना हृदयानि वः ।

समानमस्तु वो मनो यथा वः सुसहासति ।"

^{xi} Luke 23-24

^{xii} Quran, 9:6; please also refer, *New Age Islam*.... Available at: <https://www.newageislam.com/islamic-ideology/ghulam-ghaus-siddiqi,-new-age-islam/islamic-teachings-of-mercy,-kindness-and-compassion-towards-all-creations-of-allah/d/118873>

^{xiii} Hinduism, Islam, Christianity, Sikhism, Buddhism, Jainism, Zoroastrianism(Parsis), Judaism, & Bahá'í faith.

^{xiv} Gungescha Yamuneschaiva Godavari Sarsvati Narmade Sindhu Kaveri Jalesmin Sannidhi Kuru.

^{xv} The Eighth Schedule to the Constitution consists of the following 22 languages: (1) Assamese, (2) Bengali, (3) Gujarati, (4) Hindi, (5) Kannada, (6) Kashmiri, (7) Konkani, (8) Malayalam, (9) Manipuri, (10) Marathi, (11) Nepali, (12) Oriya, (13) Punjabi, (14) Sanskrit, (15) Sindhi, (16) Tamil, (17) Telugu, (18) Urdu (19) Bodo, (20) Santhali, (21) Maithili and (22) Dogri

^{xvi} Source: Replies to the Lok Sabha on February 8, 2018, August 8, 2017, December 2, 2014, May 7, 2013 and August 10, 2010

^{xvii} Business Standard, Mumbai, February 9, 2018: https://www.business-standard.com/article/current-affairs/communal-violence-increases-28-under-modi-govt-yet-short-of-up-a-high-118020900128_1.html

^{xviii} Ibid

^{xix} Mohd. Ahmed Khan vs. ShahBano Begum, 1985 AIR 945, 1985 SCR (3)844.

^{xx} Centre for Study of Society and Secularism, <https://csss-islam.com/secular-perspective/structural-violence-deepens-roots-of-communal-violence-in-india/>

^{xxi} <https://www.indiatimes.com/news/india/six-instances-of-hindu-muslim-unity-in-our-country-500060.html> updated on 9-11-2019.

^{xxii} <https://zeenews.india.com/delhi/hindus-helped-their-muslim-neighbours-during-riots-in-north-east-delhi-2266762.html>

^{xxiii} AIR 1993 SC 477

^{xxiv} AIR 1993 SC 1267

^{xxv} Ibid.

^{xxvi} AIR (1994) 6 SCC 360

^{xxvii} Ibid

^{xxviii} PM's address at the presentation of Kabir Puraskar and National Communal Harmony Award - 2007 and 2008, August 12, 2009, New Delhi.