

# SACH

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The 2011 is birth centenary of many legendary poets of South Asia who are our Composite Heritage as well. Faiz Ahmad Faiz, Baba Nagarjuna, Majaz Lucknavi, Shamsheer Bahadur Singh, to name a few. The South Asian Composite Heritage (SACH) salutes these legends and remembers them as torch-bearer of fight against tyranny on their people by rulers and elites. Unity among people against such tyranny was common goal for these people. Here we present two poem, One by Faiz and one by Nagarjuna as we celebrate the 100<sup>th</sup> birth anniversary of these poets and many others who contributed to the fight that belonged to all South Asian masses in the face of adversities.

## Dedication

*by Faiz Ahmed Faiz*



In the name of this day  
And  
In the name of this day's sorrow:  
Sorrow that stands, disdaining the blossoming garden of Life,  
Like a forest of dying leaves  
A forest of dying leaves that is my country  
An assembly of pain that is my country  
In the name of the sad lives of clerks,  
In the name of the worm-eaten hearts and the worm-eaten tongues  
In the name of the postmen  
In the name of the coachmen  
In the name of the railway workers  
In the name of the workers in the factories  
In the name of him who is Emperor of the Universe, Lord of All Things,  
Representative of God on Earth,  
The farmer  
Whose livestock has been stolen by tyrants,  
Whose daughter has been abducted by bandits  
Who has lost, from his hand's breadth of land,  
One finger to the record keeper  
And another to the government as tax,  
And whose very feet have been trampled to shreds  
Under the footsteps of the powerful.  
In the name of those sad mothers  
Whose children cry out in the night  
And will not be silenced by the defeated arms of sleep,  
Who will not say what saddens them  
Or be consoled by tears or entreaties.

In the name of those beauties  
 The flowers of whose eyes  
 Blossomed from every curtain and balcony  
 And withered away in waiting.  
 In the name of those wives  
 Whose unloved bodies  
 Have grown tired of the treachery of beds  
 In the name of the widows  
 In the name of neighbourhoods  
 Whose scattered garbage the moon  
 Blesses every night,  
 And from whose shadows cries out  
 The fragrance of veils  
 The tinkling of bangles  
 The scent of loosened hair  
 The smell of passionate bodies burning in their own sweat.  
 In the name of students  
 Who went to the masters of drums and banners  
 Prostrating themselves on doorsteps  
 With their books and pens  
 Praying, with open arms, to be heard,  
 But never returned.  
 Those innocents, who, in their naivete  
 Took their tiny lamps,  
 Their candle flames of hope, to where  
 The shadows of endless nights were being given out.  
 In the name of those prisoners  
 In whose breasts the shining gem of the future  
 Burns, polished by the noise of the jailer's night,  
 To a star like radiance.

## Faith In Me Stands Vindicated

by Nagarjuna

With Kaartika<sup>[1]</sup> setting in  
 The milky white buds of Agahani<sup>[2]</sup> paddy plants  
 Rich laden with dewdrops of the closing night...  
 The soft touch of the rising Sun's beams  
 Will make them eloquent in beauty.  
 I'm on my stroll towards the bank of river Parmaan<sup>[3]</sup>  
 Moving on and on by the sides of paddy fields.  
 I've returned to my days of childhood  
 After decades, the morning Sun of autumn  
 Would accord me a reception!  
 And would shine for a few moments or so  
 On the drut-vilambit<sup>[4]</sup> waves of the river Parmaan.  
 And my unencumbered pair of feet  
 Shall indulge in fun and frolic across the sandy banks.  
 They will leave traces of shallow gray footprints  
 And I would begin to laugh within myself  
 As I would come down immediately into muddy wetland  
 The signs of heavy foots of animals already beckon me.  
 And my head would bow down in memories of milk-blessed

buffalos...  
 Lo, somewhere after, in the midst of sheesham<sup>[5]</sup> trees  
 Has appeared the graceful Neelkantha<sup>[6]</sup>.  
 Will it move away or rest nearby?  
 Just behind the twig of a young Pakar<sup>[7]</sup> tree?  
 Or on the aged Peepal<sup>[8]</sup> tree's grotesque fringe  
 Or will it soar on and on,  
 Till it reaches the front-yard of a temple around Vishnupur<sup>[9]</sup>  
 Only to disappear in the midst of thick-leaved twigs of the  
 Moilishree<sup>[10]</sup> tree  
 And rest there!  
 Leave them there! Come on Ratneshwar  
 And we will watch the morning Sun's  
 Pleasant radiance in its perfect form  
 To our heart's Content.  
 Since when I had missed  
 The sight of the glory of just-born Sun.  
 Don't be in a hurry, my friend!  
 We are to return, I know  
 Where do we come across such a rare sight?  
 I often pass many mornings in sleep  
 I have nearly lost the soulful touch of countryside.  
 (Ah, me! Chronicler of countryside)  
 However, at least today, we will watch the sunrise to the full  
 And, for quite sometime, to our heart's content  
 Besides we will watch the Ceremony of offering arghya<sup>[11]</sup>  
 of flowing water  
 And chant, in unison, the verse of invocation  
 "O Sun God, the giver of light to the  
 Universe, I bow down to thee in reverence  
 I once again offer my prayer to thee god Savita<sup>[12]</sup>  
 O dear Ratneshwar, do not be impatient  
 We will return in a relaxed mood  
 Today the atheist in me stands floored.  
 A young postgraduate like you  
 Has been a witness to this deviation in a confirmed heretic  
 Nay? Do I lie?  
 Perhaps I may yet recant all this in future.  
 Where? I did never surrender myself.  
 Where? I did not offer arghya to the Sun God  
 If I recant, Ratneshwar, don't  
 Contradict or refute but only maintain  
 an enigmatic smile on my professed lie."

### NOTES :

1. A month of the Indian Calendar, rich with dew drops.
2. Paddy crop harvested in the month of Agahan, considered more tasteful.
3. A local rivulet of Purnea.
4. Fast and slow. Term of lexicon of music.
5. A kind of timber-wood full of thick leaves.
6. A beautiful bird supposed to bring good luck.
7. A huge tree with extended trunks.
8. A huge tree having religious significance.
9. Name of a village.
10. A tree with beautiful flowers.
11. Offering of water for holy purpose.
12. One name of Sun God.

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# Ayodhya Verdict : Affirmation of Hindu Majoritarianism

*Ravi Kiran Jain*

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and A Senior member of PUCL

The Supreme court in *Zahira Habibulla, H. Sheikh vs State of Gujrat* (AIR 2004 SC 3114) held that “the principle of a fair trial manifests itself in virtually every aspect of practice and procedure, including Law of Evidence”. The Law of Evidence is the most important branch of adjectival law. It is to legal practice what logic is to all reasoning. The main principles which underline the Law of Evidence are:-

- 1) Evidence must be confined to the matters in issue;
- 2) Hearsay evidence must not be admitted; and
- 3) The best evidence must be given in all cases.

The Ayodhya Judgment, however, based on the “Faith and belief of the Hindus”, has forsaken the established principles of law of evidence and cannot therefore be said to be based on a fair trial.

Two judges out of three have specifically given a finding that the place of birth of Lord Rama was at the disputed site. According to the judgment of Justice Sudhir Agarwal : “it is declared that the area covered by the central dome of the three domed structure i.e., the disputed structure being the deity of Bhagwan Ram Janmasthan and the place of birth of Lord Rama as per faith and belief of the Hindus belonged to plaintiffs (suit no. 5) and shall not be obstructed and interfered in any manner by the defendants”

According to the judgment of Justice D. V. Sharma: “a disputed site is the birth place of

Lord Ram. Place of birth is a juristic person and is a deity. It is personified as the spirit of divine, worshipped as the birth place of Lord Rama as a child. Spirit of divine even remains present everywhere at all times for anyone to invoke at any shape or form in accordance with his own aspirations and it can be shapeless and formless also”.

For determining whether Ram idols will stay where they are, the court framed an issue whether Ram was born at the disputed site? Whether or not Ram was born at a particular place required evidence. It is impossible to prove the birth place of a particular person born centuries before. The Ayodhya Judgment does not stand the test of a fair trial on the ratio laid down by the Supreme Court in *Zahira Habibulla, H. Sheikh’s* case for four reasons:-

## **FIRSTLY**

As aforesaid, it is impossible to prove the fact of birth place by any evidence. The court has held the disputed site to be birth place of Ram on the basis of “faith” “Faith” is not an “evidence” within the meaning of Evidence Act.

Much has been said criticizing the Ayodhya Judgment on various aspects by eminent jurists, historians, scholars and academic (including archaeologist, creative writers activists, journalists and other concerned citizens). Many of them have expressed the view that “faith” cannot be the basis to determine a fact. One learned (Retd.) Judge of Allahabad High Court Justice Kamleshwar Nath has however written in a column of *Hindustan Times* (Lucknow edition) dated 1<sup>st</sup> Nov 2010 that “faith is a fact as defined in the Indian Evidence Act; it is a state of mind recognized by law”. He expressed this view while adversely reacting to the speakers of the

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National Seminar in Lucknow on 30.10.10 in which the speakers expressed the view that 'Ayodhya, Mandir-Masjid' dispute is "**based more on faith than facts**" and is therefore "**extra-legal**". According to Justice Nath "These comments are based on ignorance, 'they do not know that **faith** is a **fact** as defined in Indian Evidence Act 1872'. It is a state of mind recognized by law."

It appears that the views expressed by Justice Nath and the finding given by two judgments of two judges of Ayodhya disputes are based upon the mis-reading of definition of words 'fact' and 'proved' in Sec 3 of the Evidence Act According to Sec 3 of the Evidence Act 'faith' means the following :

"**Fact**" = "Fact" means and includes –

1. Anything state of things, or relation of things, capable of being perceived by the senses;
2. Any mental condition of which any person is conscious.

And the word "**proved**" is defined in the Evidence Act as follows :

"A fact is said to be proved when, after considering the matters before it, the Court either believes it to exist, or considers its existence so probable that a prudent man ought under the circumstances of the particular case, to act upon the supposition that it exists."

It is apparent that Justice Nath and the two judges deciding Ayodhya dispute have, misconstrued the words, "any mental condition which any person is **conscious**" in the definition of "**fact**" in sec 3, by saying that "**faith**" is a "state of mind" and therefore "**faith**" is a '**fact**' as defined u/s 3 of the Evidence Act 1872. They appears to have mis-interpreted the meaning of the word "**consciousness**" by equating it with "**faith**". According to the new International "WEBSTER'S COMPREHENSIVE DICTIONARY" the meaning of the word '**faith**' is given as "belief without evidence" and the meaning of the word 'consciousness' in the dictionary is "the state of being conscious;

sensation; knowledge; any form of intellectual activity or its product in direct and convincing knowledge, whether of external or internal objects".

'**faith**' and '**consciousness**' are two different states of mind. Mental condition of which any person is '**conscious**' is a "**fact**" but a mental condition of a person having '**faith**' cannot be '**fact**' within the meaning of Sec 3 of the Evidence Act.

Mental condition is a fact but inference arrived at by a person by a process of ratiocination, being not a mental condition of that person, is not a fact. (see page 22 and 23 of Law of Evidence by Ratanlal and Dhirajlal 22<sup>nd</sup> Enlarged edition 2007).

**SECONDLY:**

It is highly questionable that the fact of birth place of Ram was '**relevant**' fact within the meaning of the 'Evidence Act'.

The word "**relevant**" has been defined in the Indian Evidence Act as follows:

"**Relevant**" – One fact is said to be relevant to another when the one is connected with the other in any of the ways referred to in the provisions of this Act relating to the relevancy of facts.

The relevancy of facts referred to in the definition of the word "relevant" can be found from section 5 to 16. Sec 5 of the Act provides:-

**5. Evidence may be given of facts in issue and relevant facts** – Evidence may be given in any suit or proceeding of the existence or non-existence of every fact in issue and of such other facts as are hereinafter declared to be relevant, and of no others.

The perusal of Sec 6 to 16 in which "facts as are hereinafter declared to be relevant" shows that it was not a relevant fact at all for the controversy involved in the suits as to whether Ram was born at the disputed site.

**THIRDLY:**

- For determining whether Ram idols should stay where they are, the birth place of Ram was not a "fact in issue" within the

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meaning of the Evidence Act. The words “**facts in issue**” have been defined in the Indian Evidence Act as follows:-

“**fact in issue**” – The expression “facts in issue” means and includes-any fact from which, either by itself or in connection with other fact, the existence, non-existence, nature or extent of any right, liability or disability, asserted or denied in any suit or proceeding, necessarily follows.

**LASTLY:**

How can a court give a finding that the people had such “faith” that Ram was born at the disputed site and how they came to acquire such faith, in what manner and since when? It was for the first time in the night intervening 22<sup>nd</sup>-23<sup>rd</sup> Dec 1949 that the statues of the deity Ram were placed surreptitiously in the mosque, under the central dome. It was then that some Hindus started asserting their so called “faith” that it was the birth place of Ram and began to worship for the first time within the mosque and then obtained court order restraining Muslims to pray in the mosque. Can this fact be sufficient to hold that the disputed site was “birth place of Lord Rama as per faith and belief of Hindus”?

**WHETHER MASJID WAS BUILT AT THE SITE OF A HINDU TEMPLE?**

The other finding which has been given by two of the three judges, that the Masjid was built at the site of a Hindu temple, is based upon the controversial report of the Archaeological Survey of India. The court did not take into account all the evidence contrary to this fact turned up by ASI’s own excavation: “The presence of animal bones throughout, as well as the surkhi, lime mortar (all characteristics of Muslim presence) ruled out the possibility of Hindu temple having been there beneath the mosque by the archaeologists.” Says a statement jointly given by the following persons which has been published in Economic and Political Weekly of Oct 9, 2010.

Romila Thapar, K. M. Shrimali, D. N. Jha, K. N. Pannikar, Amiya Kumar, Shireen Moosvi,

Jaya Menon, Irfan Habib, Suvira Jaiswal, Kesavan Veluthat, D. Mandal, Ramakrishna Chatterjee, Aniruddha Ray, Arun Bandopadhyay, A Murali, V. Ramakrishna, Arjun Dev, R. C. Thakran, H.C. Satyarthi, Amar Farooqui, B. P. Sahu, Biswamoy Pati, Lata Singh, Utsa Patnaik, Zoya Hasan, Prabhat Patnaik, C. P. Chandrashekhar, Jyati Ghosh, Archana Prasad, Shakti Kak, V. M. Jha, Prabhat Shukla, Indira Arjun Dev, Mahendra Pratap Singh, Ram Rahman, M K Raina, Sohail Hashmi, Parthiv Shah, Madan Gopal Singh, Madhu Prasad, Vivan Sundaram, Geeta Kapur, Rajendra Prasad, Anil Chandra, Rahul Verma, Indira Chandrshekhar, Sukumar Muralidharan, Supriya Verma, N. K. Sharma, S. Z. H. Jafri, Farhat Hasan, Shalini Jain, Santosh Rai, Najaf Haider, R. Gopinath, R. P. Bahuguna, G. P. Sharma, Sitaram Roy, O. P. Jaiswal, K. K. Sharma.

These persons have demanded that the site notebooks, artefacts, and other material evidence relating to the ASI’s excavations s be made available for scrutiny by Scholar, historians and archaeologists.

In the Illustrated Weekly of Jan 2-8, 1993, N. A. Palkhiwala who was not only a distinguished jurist but also an eminent citizen of this country, alarmed at the absurdity of the President’s query to the Supreme Court regarding the question whether the mosque was constructed at the site where there was a temple, wrote an article in which he wrote “consider the ridiculous length to which our Cabinet Ministers are prepared to go in order to shift the responsibility to the courts for matters which the government is too weak, too timid or too confused to decide for itself. Recent newspaper reports suggest that some Cabinet Ministers are of the view that Supreme Court should be called upon to decide the following questions:

- i) Whether the devotees should be allowed to have darshan of Ram Lalla at the makeshift temple on the disputed site at Ayodhya.
- ii) Whether the government should rebuild

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the mosque which dismantled.

- iii) Whether a mosque and a temple should both co-exist at Ayodhya.

Is it a function of the court to decide such questions? Historians have expressed widely divergent views on the issue whether there was a pre-existing temple on the site on which the mosque was built by Babar. Much less are they agreed that Ram was born at that place. There is even a greater difference of opinion on the question whether Ram actually lived as a human being or whether he was a supplemental ideal created by mythology to represent the perfect man. To ask the Supreme Court or the Allahabad High Court to decide such questions of mythology and history, is to bear witness to the bankruptcy of our political institutions.

It is a measure of the degradation to which we have reduced our third-rate democracy that we have lost all sense of propriety, and are not only willing but eager to call upon the courts to decide questions of opinion or belief, history, mythology, or political expediency. Never in the history of any country have courts been approached to deal with the type of questions which are now suggested as fit to be referred to the courts in connection with the incidents at Ayodhya.

The consequences of asking the Supreme Court or the Allahabad High Court to deal with the type of questions which are suggested for reference would be disastrous in the long run.

Paragraph 3672 and 3673 of the judgment of Justice Sudhir Agarwal reads as follows: "What lie underneath? This question is of extreme complication ranging in a period of more than 500 year's of history. No clear picture emerges from various history books etc. In fact, the contemporary record did not answer the issues, one or the other way, with certainty... Extraordinary situations demand extraordinary steps and strategy. In the peculiar circumstances,

this Court decided to appoint an Expert body for scientific investigation, well recognized in the field of archaeology/history and ordered ASI to go for excavation at the site in question and submit report. The question formulated for ASI, was "whether there was any temple/structure which was demolished and a mosque was constructed on the disputed site."

It is thus clear that there was no evidence for "what lie underneath?" it means there was no evidence to establish the face of there ever being a temple. If excavation had not been ordered and ASI report had not been obtained the court had to give a finding that there was no evidence of a temple being existing few hundred years ago. From Para 212 and 214 of judgment of Justice Sudhir Agarwal, It appears that the order for excavation was passed on 23.10.02 more than 10 years after the demolition in 1992. If the mosque had not been demolished there would have arisen no question for excavation.

The idea to pass an order of excavation struck to the Court on 1.8.02 when the Court considered the observations of D. Mandal archaeologist in his book "**Ayodhya-Archaeology after demolition**", that sufficient archaeological material is available.

Para 212 of the Judgment reads as follows: "On 1.8.2002, this Court referring to issues No. 1(b) (Suit-4), 14(Suit-5) and the reference made to the Hon'ble Supreme Court by the President of India, noticed that one of the basic issue engaging attention of the Court in these suits is "Whether there was a Hindu temple or any Hindu religious structure existed or the alleged Babri masjid was constructed after demolishing temple at the site in dispute". Considering the observations of Sri D. Dhaneshwar Mandal, Archaeologist in his book "**Ayodhya - Archaeology after demolition**" that sufficient archaeological material is available regarding temple- mosque prompting need for further excavation at Ayodhya, this Court required the parties to give their views/

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suggestions, why the disputed land be not allowed to be excavated by Archaeological Survey of India.”

Para 214 read as follows:

The objections were considered and decided by Court’s order dated 23.10.2002. The relevant extract thereof is as under:

“Having heard the learned counsel for the parties, we are of the opinion that we should get a report in regard to foundations, if any, of any structure at the site in question. One of the issues in suit is whether there was any Hindu temple or any Hindu religious structure existed and the alleged Babri Masjid was constructed after demolishing such temple/structure at the site in question”.

Khushwant Singh in his Sunday Column of Hindustan Times commented upon report of the ASI in the following words:

“The archaeological evidence produced its existence is flimsy and motivated. It has been rubbished by our top historians like Romila Thapar (Hindu) and Irfan Habib (Muslim). I suggest all those interested in the subject take a look at a small booklet entitled Ayodhya : Archaeology after Demolition by D mandal (Orient Longman). It is no more than 74 pages long and will take less than an hour to read”.

In the Economic and Political Weekly of Oct 16, 2010 a joint statement given by 170 academics including (K. N. Pannikar, Philip I. Kohl, Narayani Gupta, Sumit Sarkar, Anand Patwardhan, Shohini Ghosh, Nivedita Mehta, Veena Poonacha, S G Vombatkhere, C M Naim, Meena Gopal, Sujato Bhandra, K K Trivedi, S S subramanian, Anand Kumar, Benjamin Zachariah, Umar Chakravarti) has been published regarding the controversial report of ASI. The joint statement reads:

“The Ayodhya judgment of the Allahabad High Court has relied upon the report – submitted to it in 2003- by archaeological Survey of India, after its excavations on the site, as ordered by the court. As citizens of India, or persons of Indian origin, or friends of India, we

demand this report should be published forthwith and be available for scrutiny in the public domain, especially to scholars, as it is now a part of the public judicial records.

We learn that two Archaeologist, D Mandal and Shereen Ratnagar, who criticized this report in a book published in 2007, were served with a contempt of court notice by Allahabad High Court this summer. So far as we know the orders in the contempt case are yet to be passed. If that be so, the world at large is equally constrained to silence. Such a judicially ordained zone of uncertainty curbs freedom of expression and fair comment.

We humbly request the Chief Justice of the Allahabad High Court and the Chief Justice of India to kindly look into this matter”.

The court placed reliance only upon the controversial ASI report which was based upon the excavations done during BJP regime in the Centre and which was highly criticized by all concerned including the joint statement of eminent citizens of this country published in EPW of 16 Oct, 2010. D. Mandal and Shireen Ratnagar who had criticized the ASI report in a book published in 2007 were issued contempt notice by Allahabad High Court in June 2010. There was no justification to issue contempt notice to these two archaeologists. By expressing their disagreement with report of ASI or criticizing it, they did not commit any Contempt of court. It was not fair on the part of the court to issue notice to them.

By giving a finding that the place where the idol is situated now is the birthplace of Rama, and that there was a temple where the mosque was built. The High Court has given a legal shape to the political agenda of the Sangh Parivar; Mandir vahi Banaenge’ and has legitimized the Masjid demolition of 6 Dec 1992 and has also given a way to them to construct a “grand temple” at the site of the demolished Masjid.

The political campaign by Sangh Parivar has definitely influenced the judicial proceedings. There is no doubt about it. In the ordinary course,

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the suit was to be tried by a Munsif. It was only in 1989, after the 5<sup>th</sup> suit had been filed and the two major political parties had already come in race with each other regarding Ram Janam Bhoomi, that the suit was got transferred to High Court, and that too to be tried by a bench of three Judges. Thereafter the composition of the bench went on changing because of retirement, elevation, transfers etc. of the Judges from time to time.

There used to be two Hindu Judges in the bench and one Muslim Judge. The first suit was filed on 16.1.1950 and the fifth and the last suits was filed on 1.7.89. It was thereafter on 10.7.89 that the High Court transferred the suits to itself. It was obviously on account of the reason that the Mandir-Masjid controversy became a matter of high-profile politics, that the suits were got transferred to the High Court to be tried by a bench of three Judges. From 1950 till 1989, 4 suits remained pending before the Munsif and the Mandir-Masjid dispute remained confined only to be decided in the litigation and it did not form part of agenda of political parties. It started becoming agenda of political parties after 1984 elections.

### THE RACE BETWEEN TWO MAJOR POLITICAL PARTIES

In 1984 Elections in which Rajiv Gandhi had a clean sweep, BJP could secure only 2 seats in Lok Sabha. The Sangh Parivar started a campaign for the construction of a magnificent Ram Janam Bhoomi Temple at the site and by 1985 built up a sizeable support in the Hindu Community. In January 1986, locks were removed from the mosque and Ram bhakts were permitted to offer prayers to Ram lala. It is said that the Prime Minister Rajiv Gandhi ordered the Chief Minister Veer Bahadur Singh to do so who got the District Administration to ensure this. The two major political parties BJP and the Congress started a race on pandering to communal Hindu sentiments. In 1988, Hindutva Organizations led by the RSS

organized a mass campaign for building a grand temple exactly where the Mosque stood. They claimed that the Mosque stood at the precise site where Ram was born. By the time of the fifth and final suit was filed in July, 1989 the political climate had changed beyond recognition.

Union Home Minister Buta Singh signed an agreement with the VHP on 17<sup>th</sup> August 1989, that bricks for constructing the temple would be allowed to be brought from all over UP without hindrance and collected at the plot no. 586 near the mosque. This agreement was in violation of an order of the Allahabad High Court given on 14<sup>th</sup> August that no construction activity could be taken at the spot.

Later, the VHP announced that “kar sewa’ would be performed to lay the foundation stone. This was also a violation of the judgment given two days ago, prohibiting any such activity. This repeated defiance, of the orders of the court did not weigh with the Prime Minister who inaugurated the campaign of Congress Party the next day from twin city of Faizabad, and announced that the objective of the party was to establish **Ram Rajya**. Soon thereafter the BJP President Advani, at Palampur, after the National Executive Meeting, announced that the inclusion of the construction of the temple in its Election Manifesto “would fetch votes” for it. **It would thus appear that the two major political parties were in a race on this issue.**

“A new dimension was added to the campaign for the construction of the temple with the formation of the Government in Uttar Pradesh in June 1991 by the Bhartiya Janta Party (BJP) which declared its commitment to the construction of the temple... The focus of the temple construction movement from October 1991 was to start construction of the temple by way of ‘kar-sewa’ on the land acquired by the Government in Uttar Pradesh while leaving the disputed structure intact.” has been noticed by (The Supreme Court in M. Ismail Farooqui’s case) AIR 1995 SC 605

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On Dec 15, 1991, country foremost Lawyer N. A. Palkhiwala came to speak in a seminar under the auspices of forum for National Consensus New Delhi “**Ayodhya – From Conflict to Co-operation**”

He said in the opening part of his address of seminar: “The subject of today’s Seminar is of such vital importance, and the consequences of taking wrong turn at Ayodhya are so mind-boggling, that I have chosen, departing from my normal practice, to reduce to writing that I have to speak. Departing, again, from the hallowed tradition of the Indian legal profession, I shall come straight to the point.

History will refer to our times as the Ayodhya Years- the years when the nation had to choose between conflict and co-operation. This seminar has been organized as a clearing-house of ideas as to which is the path indicated by *buddhi*-a word for which there is no exact equivalent in the English language.”

In concluding part of his address he said “Five beacon lights may serve to illuminate our path and enable us to see the Ayodhya problem steadily and see it whole:

- 1) Whatever injustices may have been done in the past and whatever wrongs perpetrated, it is not possible for us to redress them after centuries. Two wrongs do not make a right; two injustices do not make justice.
- 2) As Swami Vivekananda wrote in a letter dated June 10, 1898 to Mohammed Sarfarez Hussain. “For our motherland a junction of the two great systems, Hinduism and Islam-Vedanta brain and Islam body-is the only hope .....The perfect India on the future will arise out of this chaos and strife, glorious and invincible, with Vedanta brain and Islam body.”
- 3) The great destiny of India is a lead mankind to the place where the Vedas, the Koran and the Bible are harmonized, and again in Swami Vivekananda’s words, “where

man has learned that religions are but the varied expressions of the religion which is Oneness, so that each may choose the path that suits him best”.

- 4) Litigation is no solution at all to the Ram Janambhoomi-Babri Masjid dispute. Civil suits already filled have been pending for decades; and old and new legal proceedings will go on for at least a century.
- 5) The only situation is for men of vision, goodwill, integrity, and knowledge (in that order) in both communities to come together and resolve not to disperse till they agree upon a compromise. It would be a good test of the fairness of their decision if it keeps both sides equally unsatisfied.

“The judgments delivered by the Lucknow Bench of Allahbad High Court on September 30 on the Babri Masjid cases not only flagrantly violate the law and the evidence but a binding unanimous judgment of the Supreme Court on the Babri Masjid case itself (M. Ismail Faruqui and Others Vs Union of India and others (1994)6 Sec 360. It sanctified the conversion of a historic mosque, which stood for 500 years into a temple.” Says A. G. Noorani in his article “Muslims Wronged” in Oct 22, 2010 issue of Frontline.

Noorani further says in the same article,” On the Babri Masjid, for 60 years from 1950 to 2010, Muslims have been woefully wronged by every single court ruling, including that of the Supreme Court after the demolition of the mosque on Dec 6, 1992”.

“The absence of any condemnation of the vandalism of the demolition of the Babri Masjid on Dec 6, 1992 is a conspicuous aspect of the Ayodhya verdict of the Allahabad High Court.” says T.R.Andhyarujina, an eminent Jurist and Senior Advocate of Supreme Court in his article (The Hindu) Oct 5, 2010.

T. R. Andhyarujina further says in the same article: “The Ayodhya judgments of the Allahabad

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High Court make no note of the vandalism of Dec 6, 1992. On the other hand, they take the demolition as a *fait accompli*, as if the disputed 2.77 acre site was vacant land. After holding that the area beneath the central dome of the erstwhile Masjid must be allotted to Hindus because of their faith that Lord Ram's place of birth was there, and the areas covered by the Ram Chabutara and Sita Rasoi should be allotted to the Nirmohi Akhara, the court has said that the remaining area of the disputed site should be divided, two-thirds to the two Hindu plaintiffs and one third to the Muslim plaintiff by metes and bounds. These judgments therefore legalize and legitimize the 1992 demolition, as the decree of the court proceeds on the basis that there is no Masjid on the disputed site today.

It is an elementary rule of justice in courts that when a party to a litigation takes the law into its own hands and alters the existing state of affairs to its advantage, (as the demolition in 1992 did in favour of the Hindu plaintiffs), the court would first order the restitution of the pre-existing state of affairs."

It may be noticed here that the Supreme Court in its judgment of 1994 said of the demolition: "Within a short time, the entire structure was demolished and razed to the ground. Indeed, it was an act of 'national shame'. What was demolished was not merely an ancient structure, but the faith of the minorities in the sense of justice and fair play of the majority. It shook their faith in the rule of law and constitutional processes".

The Muslims today are once again feeling dismayed and betrayed by legitimization of the Masjid-demolition by the Ayodhya Judgment.

Justice S U Khan joined the bench by the order dated 21.12.09 of the then Chief Justice as Justice Rafat Alam whom Justice S U Khan replaced) took oath as Chief Justice of Madhya Pradesh High Court on 20.12.09. The name of Justice Rafat Alam for being appointed as Chief Justice of Madhya Pradesh High Court was cleared by the collegiums of the Supreme Court,

some time in Oct 2009. The Ayodhya matter had reached a concluding stage of hearing by that time. It was a matter of common knowledge in the corridors of the Bar that Justice Sudhir Agarwal had already dictated a substantial part of the judgment by then. Justice Rafat Alam took a view that as his name had been cleared for Chief Justice Ship of another High Court, he would not continue to sit in the bench to hear the matter. There was no justification for him to take such a view. If he had not taken such a stand the suits could have been disposed of by the time he took oath as Chief Justice of Madhya Pradesh High Court on 20.12.09.

Justice S U Khan joined the bench with a handicap, that the other two judges had virtually heard the matter finally and had already made up their minds and also started dictating the judgments. At this stage, hearing started afresh because, it became a different bench, although, the other two judges still remained in the bench. In a situation like this, it is quite obvious that the re-hearing of all the counsel in all the suits, before a bench of three judges, out of whom the two judges had already heard the matter at great length, the third judge would not be able to cope up with the process of deciding independently and he would be influenced by the opinion already framed by the other two judges. This aspect is reflected in the following observations of the Judgment of Justice S U Khan.

"My judgment is short, very short. Either I may be admired as an artist who knows where to stop, particularly in such sensitive, delicate matter or I may be castigated for being so causal in such a momentous task. Sometimes patience is intense action, silence is speech and pauses are punches.

I have not delved too deep in the history and the archaeology. This I have done for four reasons. First, this exercise was not absolutely essential to decide these suits. Second, I was not sure as to whether at the end of the tortuous voyage I would have found a treasure or faced a monster (treasure of truth or monster of

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confusion worst confounded). Third, having no pretence of knowledge of history I did not want to be caught in the crossfire of historians. Fourth, the Supreme Court, in Karnataka Board of Waqf vs. Government of India, 2004 (10) SCC 779 has held in Para-8 as follows:-"as far as a title suit of civil nature is concerned, there is no room for historical facts and claims."

It seems that Justice S. U. Khan was over conscious of his being a Muslim Judge, in this Mandir-Masjid dispute. He also appears to have the apprehension that, there may be violent agitations by one party or the other after the judgment, which is quite evident by the following observations in his judgment.

"As this judgment is not finally deciding the matter and as the most crucial stage is to come after is I remind both the warring factions of the following. "the one quality which epitomized the character of Ram is tyag (sacrifice). When Prophet Mohammad entered into a treaty with the rival group...".

It appears that Justice S. U. Khan had to take short cut on account of the aforesaid handicap. His over consciousness of being a Muslim Judge impelled him to make an appeal to the minority community which virtually amounts to suggesting them to accept that they are Second Class Citizens in a Country where the Hindus are in Majority and therefore they should accept the Majority Verdict. This aspect is reflected in the following observations in his Judgment.

"Under the sub-heading of demolition, I have admired our resilience. However we must realize that such things do not happen in quick succession. Another fall and we may not be able to rise again, at least quickly. Today the pace of the world is faster than it was in 1992. We may be crushed. "Only those species survived which collaborated and improvised" Muslims must also ponder that at present the entire world wants to know the exact teaching of Islam in respect of relationship of Muslims with others. Hostility, peace, friendship, tolerance, opportunity to

impress others with the Message, opportunity to strike wherever and whenever possible, or what? In this regard Muslims in India enjoy a unique position. They have been rulers here. They have been ruled and now they are sharers in power (of course junior partners).

They are not in majority but they are also not a negligible minority (after Indonesia, India has the highest number of Muslims in the world). In other countries, either the Muslims are in huge majority, which makes them indifferent to the problem in question, or in negligible minority, which makes them redundant. Indian Muslims have also inherited huge legacy of religious learning and knowledge. They are therefore in the best position to tell the world the correct position. Let them start with their role in the resolution of the conflict at hand."

Over consciousness of Justice S. U. Khan and his feeling of short coming for joining the bench late is also reflected by the following observation of his Judgment:

"Before parting I thank Hon,ble the Chief Justice C. K. Prasad (now an Hon,ble Judge of Supreme Court) for giving me the responsibility and providing opportunity to me decide this historical case by inducting me in this Bench. We are also thankful to Hon,ble the Chief Justice H. L. Gokhale (now an Hon,ble Judge of Supreme Court) for inducting Hon,ble Sudhir Agarwal, in this Bench who is extremely labourious, very upright and considerably balanced".

I think Justice Syed Haider Abbas Raza was right when he said in the National Seminar on the Judgment in Ayodhya Dispute at Lucknow on 30<sup>th</sup> Oct 2010 that had the cases not been transferred to the High Court and had been tried by the Munsif, much better judgment would have come.

The suits were transferred to the High Court to be tried by a Special Bench of three Judges in the wake of a high-profile campaign, after the trial started in the High Court, the profile became all the more high on subsequent developments, starting from the demolition on

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6<sup>th</sup> Dec 1992 followed by setting up of Librahan Commission and CBI Investigation and prosecutions of L. K. Advani and other big-wigs, who even came into power in the Centre and Many States, while the investigations were still going on. But for this hype, this Judgments instead of running into 6000 pages would may well have been given only in 6 pages. The two points which required verdict in these suits were:-

1- Was the place under Babri Masjid the birth place of Lord Ram.

2- Was there or not a temple on the land on which Babri Masjid was built.

Mr. Rajinder Sachar only 4 days before the verdict came i.e. on Sep 26, 2010, in an article which was published in "JANATA" rightly said that it was impossible for any Court to give a finding about place of birth of Lord Rama and even if there was a temple on the land 400 years ago on which Babri Masjid was built, the suit would be barred by time. He said in the aforesaid article :

"I say this in view of the precedent of the case of Masjid Shahid Ganj in Lahore decided by the Privy Council in (1940). In that case there was admittedly a Mosque existing since 1722 A.D. But by 1762, the building came under Sikh rule and was being used as a Gurudwara. It was only in 1935 that a suit was filed claiming the building was a Mosque and should be returned to Muslims.

The Privy Council while observing "their Lordship have every sympathy with a religious sentiment which would ascribe sanctity and in violability to a place of worship, they cannot under the Limitation Act accept the contentions that such a building cannot be possessed adversely" and then went on to hold "The Property now in question having been possessed by Sikhs adversely to the waqf and to all interests there under for more than 12 years, the right of the mutawali to possession for the purposes of the waqf came to an end under Limitation Act. "On the same parity of reasoning even if temple

existed prior to the building of Masjid 400 years ago, suit by VHP etc. has to fail".

The controversy was thus concluded by Judgment of Privy Council in Masjid Shahid Ganj case and could have been decided by a Short Judgment.

India became Independent on 15<sup>th</sup> August 1947. The idols were surreptitiously placed in Dec 1949. The first suit was field on 16.1.1950. We became Republic on 26.1.1950 The first Parliamentary Elections took place in 1952. looking back, we find that the people of this country had an urge to participate in the political process, and this was evident in the elections that took place till 1967 and then in 1977 and 1989, and even a common man could then hope to get elected, because by that time poll politics had not come in the vicious grip of casteisation, communalization and criminalization. It was in 1989, when the 5<sup>th</sup> suit was field and all the suits were transferred to the High Court that the Poll politics came in the vicious grip of Casteisation, communalization and criminalization. In 1991, when the coffers were found empty, the Government led by Narasimha Rao with Dr. Manmohan Singh as his Finance Minister threw the country into the debt trap of the World Bank under the guise of liberalization and economic "reforms". All these gave rise to nexus between criminals, unscrupulous politicians and corrupt bureaucrats.

After 1989, issues started becoming non-issues and non-issues became issues. There is a terrible economic in-equality, disease, illiteracy and human sufferings. Millions are exploited. We require a United India to restore our economic and political sovereignty and achieve the objectives contained in Part IV of the Constitution.

The Ayodhya Judgment is being seen as a victory of Sangh Parivar. Their morale to re-start the high- profile communal politics is high which will prevent the re-emergence of United India and issue-based politics.

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# Faith has no meaning in a court

**Interview with Justice Rajindar Sachar.** By AJAY ASHIRWAD MAHAPRASHASTA

*JUSTICE Rajindar Sachar, former Chief Justice of the Delhi High Court, has emerged as one of the most critical voices against the Ayodhya verdict. The author of the Sachar Committee report, which documented the poor conditions of Indian Muslims, says the judgment delivered by the Lucknow Bench of the Allahabad High Court on September 30 follows no legal precedents and has done injustice to the Muslim community by rewarding the Sangh Parivar, whose constituents demolished the Babri Masjid. Excerpts from the interview he gave Frontline:*

**The Ram Janmabhoomi-Babri Masjid dispute is not just a religious dispute but has occupied political imagination in India for the past two decades. How do you perceive the verdict?**

The judgment can be summed up in two words: Crime piece. In 1992, a crime was committed. The Babri Masjid was demolished. But assume that the crime was not been committed and the matter had gone to court. Do you think the court could possibly, under any circumstances, order that the land be divided? Frankly, the grounds on which the organised Hindutva plaintiffs went and asked for land, they should have been thrown out on the grounds of remediation. You see, the masjid was there since the 16th century. They filed the suit only recently [in historical periods]. The Limitation Act dictates that a suit could be filed within a period of 12 years from the date of dispute. Legally speaking, the Sangh Parivar does not have a right even if a temple had been demolished to build the Babri Masjid, as the masjid existed before the period of limitation.

I have been writing since 2003 that a precedent to this case exists. [Quotes from one of his research papers] 'There was a masjid called Shahid Ganj in Lahore decided by the Privy Council in 1940. In the case, there was admittedly a mosque existing since 1722. But by 1762, the building came under Sikh rule of Maharana Ranjit Singh and was used as a gurudwara. It was only in 1935 that a suit was filed claiming that the building was a mosque and should be returned to Muslims. The Privy Council, while observing that 'their Lordship have every sympathy with a religious sentiment, which would ascribe sanctity and inviolability to a place of worship, they cannot under the Limitation Act accept the contentions that such a building cannot be possessed adversely', went on to hold that 'the property now in question having been possessed by Sikhs adversely to the waqf and to all interests thereunder for more than 12 years, the right of mutawali [caretaker] to possession for the purposes of the waqf came to an end under

the Limitation Act.'

At that time, the court noted that the site was undoubtedly a gurudwara. It was not a question of demolition. The Babri Masjid is a much more political and sensitive site, as it was made out to be.

By parity of reasoning, even if a temple existed before the building of the masjid 400 years ago, the legal suit by the Vishwa Hindu Parishad and others must fail. On the contrary, the court dismissed the plea of the Sunni Waqf Board, which was valid under the Limitation Act.

Then, there is a second aspect. There is no clear finding that a temple existed beneath the masjid. Most people noted that there may have been ruins of some temple. The country's polity spans a period of around 5,000 years. Many Buddhist temples were destroyed to build Hindu temples and masjids. Some mosques were also demolished by some Hindu kings. Not because of any religious considerations but because of political compulsions of that time. Does this mean that you will secure the sanctity of all this through demolition and reclaiming? In the Babri Masjid case, there are contradictory opinions of many historians that there was no temple there at any time. How can a court decide on a dispute based on the Hindu faith that it is believed to be the birthplace of Ram? In a court, faith has no meaning.

Then, there is a third aspect. Whether Muslims build a mosque or not is a different question. That is a Muslim choice. But since a mosque was demolished, the land should have been returned to Muslims. Many young people are disappointed. Many Muslims said they could have built a school or a hospital for all communities on the land but the land should not have been divided. The argument that the land should not go back to Muslims is not understandable. Even the Quran, it is said, says Ram and Krishna were prophets and Muhammad was the last prophet. Many Muslim scholars have come to this conclusion.

The judgment is ridiculous. Let us accept the

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controversial Archaeological Survey of India [ASI] report that there was a temple there. The Muslims could have also accepted. They could have chosen not to build a mosque there but the land should have been given to them. They could have built anything on it. It is their human and communitarian right. Even if the temple was destroyed, does displacing Muslims from a 500-year-old shrine make sense? The court is not competent to judge historical events.

**The judges have quoted faith extensively. Your comments.**

That is what I was saying. This is their finding that Hindus believe that the disputed site was the birthplace of Ram. In the process, they legitimised right-wing history, so controversial in historical polemics.

How far can you go back to correct history even if you take religious faith into consideration? In a secular country like ours, it is totally impermissible. I don't want to use a strong word but it is a political dishonesty. Our political parties refused to take a stand. The demolition wouldn't have taken place at all had the government taken a stand. Now each of these parties is saying that let the court decide. It is a political issue. In all the important areas of governance, the political parties say that the court should not interfere. But now, it is very convenient for every party to say that the court can decide. Political parties should take a stand. This is secular India after all. Judiciary has to hear a suit, give a finding. But in this case, neither legal precedents nor common laws were taken into account. The judges acted as guardians instead of ensuring justice.

**The Sangh Parivar has indicated that it will revive the Ram Janmabhoomi Movement. This could lead to polarisation among religious communities. Has the judgment made a dent in the principle of judicial neutrality and objective rationality?**

It is undoubtedly a pro-Ram Janmabhoomi judgment, inclined towards the majoritarian view. The Sangh Parivar is sensing a victory in it. But it would not be correct to castigate the entire judiciary as such. It definitely creates a dent in its reputation. The fact of the matter is that the images of Ram Lalla were placed there in 1949. It was an act of piracy. Muslims had been praying there for a long time. It was a mosque. When a Hindu idol was installed, it was natural for Muslims not to pray there as worshipping an idol is against their religious ethics. That is why they stopped going to the Babri Masjid. That does not mean that their rights had gone. In 1949, the court had prohibited any kind of worship there. But now the court has ruled that in 1528 a temple was destroyed, thereby legitimising a

controversial ASI report. Even if a temple was destroyed, you cannot come to the conclusion that the Babri Masjid was illegal.

**This was a civil case of title dispute. But the matter is so politically sensitive that it indirectly legitimises the Babri Masjid demolition, which was a criminal act. What do you have to say about this?**

Yes, this judgment has damaged a lot of things and made a dent in the secular ethics of India. It is like saying: destroy the mosque and give it to the Hindus. Two-thirds of the land is effectively going to the Hindus. Faith can be no grounds to reach a decision in a court of law.

The media have been asking the people to move on. Where should we move on? And move to what? You can't forget a crime. A court of law has to ensure that you cannot get away after committing a crime. The Muslims' right to their property is being taken away. The common law says that if a son kills his father, he is not entitled to inherit his father's property. But here the goons who demolished the mosque got what they wanted.

**As the author of the Sachar Committee report, you have documented the poor conditions of Muslims. What kind of message has the minority communities got from such a judgment?**

It will be a very dangerous message, of course. It is time the secular political parties took a stand. In 1946, Bihar was in flames. It was hit by Hindu-Muslim riots. Pandit Jawaharlal Nehru publicly wrote a letter that if the riots did not stop he would bomb the rioters from Delhi. Bihar was a Muslim League constituency, and the League was fuelling the riots. But the larger vision of political parties prevented a lot of mess. The state had to take a stand and reaffirm its secular ethics as granted by the Constitution. However, it is good to see that the organised Muslim opinion is adopting a healthy approach. But you can't tell them, as the media have been doing, to forget everything. It is a question of the community's belief in the system and India's polity. The good thing is that their reactions have been very restrained.

Why should the Muslims be asked to move on? The same question can be posed to the Sangh Parivar. Why don't they move on? Even with this judgment, they are feeling victorious but not satisfied. They want to build a Ram temple on the entire land there. If it is a question of Hindu sanctity, is it not a question of Muslim sanctity, too? To me, this judgment is a surrender to the rabid communal sentiment. It is only the weakness of political will that is responsible for the Ayodhya imbroglio.

*Courtesy : Frontline*

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## I Have a Dream

*Yavar Abbas*

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I better declare an interest right away. I love Pakistan, if by Pakistan, you mean, not the concept but the land and, more particularly, the people of Pakistan. How can I do otherwise? They are part of my blood, my culture, my heritage. How are they different from you and me? Do they not speak the same language, sing the same songs, and indeed breathe the same air? There is no mountain that divides us. No ocean that separates us. There is only a bizarre two-nation theory which asserted that Hindus and Muslims are two different nations. This convenient theory was used by the imperialists to carry out their long laid plans to establish a base on the sub-continent to counter the perceived threat from the Soviet Union. Please remember that soon after the end of Second World War, the erstwhile allies (USSR on the one hand and Britain and America on the other) became deadly enemies in a renewed COLD WAR. The Great Game resumed as before, in which a 'United States of India' could not be allowed to come into being because (a) it would have been too powerful a nation for them to contemplate and (b) because it might favour the USSR. So the decision was taken to partition the country and partition it fast to cause maximum chaos and to ensure that the two emerging countries remain at loggerheads with each other and continue to buy the arms required to sustain the hostilities from the imperialists. Also remember that Britain was financially bankrupt after the war and its economy totally shattered with the armament industry as the only one that could conceivably help revive the economy. So the two-nation theory remains a monumental fraud that was worked on the people of India to advance the above mentioned aims. It has nothing to do with the will of the people of India who were never consulted. Even the less than 5% of the people who were asked to give their mandate were presented with the sort of leading question that asks, "Will you stop beating your wife." The decision to partition the country had already been taken without asking the people who paid the price in millions of innocent lives lost and many

more millions made homeless and refugees in their own land. The Partition has resolved no problems and created many with which we will have to live for, heaven knows, how many more generations. For those who may still cling to the myth, I say this :

If the creation of Bangladesh did not effectively explode the two-nation theory then surely the facts on the ground give a lie to it. There are more Muslims in India than they are in Pakistan. If they are a different nation, then what are they doing in India? Shouldn't they perhaps go to Pakistan? There is no mountain to climb, no ocean to cross. Just an imaginary line drawn on a make-believe map. Any line drawn on a map can just as easily be undrawn.

They were doing precisely that in the former Yugoslavia. They were drawing and redrawing lines on a map and killing and driving hundreds of thousands of innocent people out of their homes in the process. As an Indian I could have told them it doesn't work. I could have told them : you can do any amount of ethnic cleansing (what a horrible expression, what a euphemism for genocide, what a cover-up for forcible eviction), you can drive out any number of people, destroy any number of mosques, detonate any number of churches, demolish any number of temples; you will never stop human beings from seeking the company of others of a different variety. An ethnically cleansed society is a morally unclean society. It is a society, which is intellectually bankrupt and socially monotonous and boring, a society that is doomed from the start.

It is cross-fertilization, I humbly submit, that gives any society its strength. It is cross-fertilization that gives India its strength. Two of India's crowning glories are the result of cross-fertilization-its classical music and the Urdu language. What is it that gives the classical music of North India its unique character? It is Baiju Bawra trying to outsing Miyan Tansen, it is Pandit Omkarnath Thakur comparing notes with Ustad Abdul Karim Khan, it is Pandit Ravi Shankar learning his sitar at the feet of Ustad Alauddin Khan, it is Birju Maharaj dancing to the rhythm of Ustad Allah Rakha, it is Pandit Hari Prasad Chaurasia doing jugalbandi with Ustad Zakir Husain, it is Ustad Bismillah Khan playing his

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shehnai at the Vishvanath Temple in Banaras.

And it is cross-fertilization again that gives its richness to the Urdu language – the language of Pandit Ratan Nath Sarshaar and Maulana Abdul Halim Sharar, the language of Meer Babar Ali ANEES and Pandit Daya Shankar Kaul NASEEM, of Mirza Asadullah Khan GHALIB and Munshi Hargopal TUFTA, of Munshi Prem Chand and Qurratul Ain Haider, of Saadat Hasan Manto and Rajinder Singh Bedi, of Ismat Chughtai and Krishan Chandar, of Allama IQBAL and Pandit Brij Narain CHAKBAST, of Raghupati Sahai FIRAQ and Shabbir Hasan JOSH Malihabadi, of Faiz Ahmad FAIZ and Pandit Anand Narain MULLA of Maulana Abul Kalam AZAD and Pandit Jawahar Lal NEHRU, of Gopi Chand Narang and Mushirul Hasan, of Ahmad FARAZ and Pandit GULZAR Zutshi, of Chaman Lal Chaman and yours humbly Yavar Abbas.

We have developed in India a unique culture, part of which is a direct result of a thousand years of close contact between Hindus and Muslims. I was born in the then princely state of Charkhari in Bundelkhand, the area famous for the legendary heroes Alha and Udal. It was a Hindu state with a Muslim Dewan or Prime Minister in the person of my grandfather. My late wife, Hamida shared her ancestral home with our then London High Commissioner, the late Dr. L. M. Singhvi (Amazingly they both died on the same day, Saturday, 6<sup>th</sup> October, 2007). My wife came from Rajasthan where her father was the Chief Justice of the premier Hindu state of Udaipur. I was brought up with the tales of Ramayana and Mahabharat ringing in my ears and the Ram Lila staged at the annual fair is one of the most vivid and fond memories of my childhood. Equally, during the ten days of mourning in the Muslim month of Moharram, our Hindu Maharaja who has his own beautiful Ta'ziyah walked barefoot with us to be a part of the Ta'ziyah procession.

This healthy exchange was multiplied a thousand times all over India when Muslims and Hindus and Sikhs and Christians joined each other in their various festivals of Holi, Baisakhi, Eid and Christmas.

All this natural and spontaneous intercourse suffered a severe setback with even leading up to, and after, the Partition. But it did not alter the fact that we are still the same people. And the

mass madness of 1947 cannot destroy the heritage of a thousand years. We made a mistake by accepting Partition. We will be making a bigger mistake if we accepted that Partition in our own hearts and reacted in kind to a false theory. The sins of their fathers should not be visited upon the children.

Those in our country who are trying to poison the atmosphere by targeting innocent people whose only crime is the faith they profess are doing a great disservice to the country and are trying to disfigure the fair and beautiful image of Mother India, whose children we all are. Every Independence Day which commemorates the trust with destiny which we kept on 15<sup>th</sup> August 1947, we have to rededicate ourselves to the ideals of our freedom struggle and do everything that each one of us can, to see that the latter day Hitlers and the cheap imitations of Mussolini are not allowed to prevail.

The noble and secular Constitution of India has given us the inspiration to build our country on the basis of equality for all its citizens irrespective of caste, creed, sex and colour. Let us do just that and wait for the day when the barriers will come down, as I believe, they surely will, for, like Martin Luther King, I too have a dream.

I have a dream that the people of my land will be able to travel its length and breadth without let or hindrance. I have a dream that our own Berlin Wall, erected in our minds with the brick and mortar of fear and suspicion, will be taken apart brick-by-brick with the labour of love and mutual trust.

I have a dream.

I have a dream that the burden of poverty will be lifted from the back of my people.

I have a dream that the curse of casteism and the cancer of corruption will be removed from our body politic.

I have a dream that every child in our country will have the time and the space to enjoy his or her childhood.

I have a dream that the divided and estranged people of our ancient land will come together again and pool their enormous talents for the greater glory of all.

I have a dream that love will triumph over hate and that Gandhi's life will not have been lived in vain.

I have a dream!

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## Seven Days with Firaq

*Yavar Abbas*

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One of the many good things that Allahabad, the city of Jawaharlal Nehru, gave me when I was an undergraduate there in the late 30s and early 40s, was the chance to get to know Raghupati Sahai Firaq, the famed Urdu poet who had become a legend in his lifetime, and who was then a lecturer in the Department of English at the University. But nobody called him by that name. He was known only by his 'takhallus' (poetic name) either as "Professor Firaq" or just, endearingly as "Firaq Saheb". He was the darling of the students, unquestionably the most popular figure in the University. I was then reading Persian Literature, History and English Literature, but Firaq was not my teacher. I was taught by another legendary figure, professor S C Deb – a Johnsonian presence both in a body and in mind, without, thankfully, the great doctor's visage.

Allahabad University in those days positively glittered with the great luminaries of Indian academia – Dr. Tara Chand, Dr. Ishwari Prasad, Dr. Amar Nath Jha, Dr. Sir Shafat Ahmad Khan, Dr. I'jaz Husain, Harbans Rai Bachchan, Dr. Beni Prasad and many others. And Firaq, although he was only a lecturer and never became even a Reader far from being a Professor (perhaps because of his non-conformist, anti-establishment liberatarianism), had, however, a very special place as a shining star in this galaxy of teachers. I remember sneaking into his lectures just for the fun of it. He had a unique style, entirely his own, with his keen appreciation of English poetry, particularly the young Romantic poets and the way he juxtaposed them with the greats of Urdu poetry, was sheer joy, quoting exquisite samples from Ghalib and Mir and Anees and Iqbal and Josh

(Malihabadi) and Jigar (Moradabadi) and quote often, unashamedly and justifiably from his own couplets.

Firaq's house at 8/4 Bank Road (one of the unassuming University bungalows), was a magnet for the literati. A group of us Urdu-poetry-mad undergraduates had taken up residence just a few houses down the road. Many an evening we would descend on him unannounced. Firaq loved the company of the young. His eyes, alert and oversize, with big, black, rotating eye balls, lit up at the sight of his young admirers and he would welcome us like a long-lost friend. He would call out for his Man Friday and ask him to sprinkle water on the tiny lawn in the front enclosure, put down a few chairs and invite us to occupy them with himself taking a suitably central position. And we were set for the evening, discussing every and any conceivable subject under the sun. It was mostly a monologue, helped along by irreverent interruptions from his audience which had learn to challenge him, to bring out the best from that razor-sharp intellect. It was a tour de force, with Firaq plucking out the plums from Sanskrit, Persian, English and Urdu with equal facility. The evening would inevitably close with a recitation, at our request, of his own ghazal or nazm and we would go home feeling enriched and conscious of our good fortune that we had been in the presence of real genius.

Some of the most memorable evenings I spent during my three years at the University were at this very house of Firaq whenever there was an All India Mushaira (a poetic symposium) being held in the city. For then, the visiting poets would set aside an evening for a get-together at Firaq's and the front room would be converted into a proper Eastern chamber from which all such encumbrances as chairs, tables, and sofas had been removed, and every one sat on the

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carpeted floor with padded cushions and gao-takias (bolster pillows) in abundant supply. It was in these intimate gatherings that I had the rare privilege of listening to the great poets of the day—Josh Malihabadi, Jigar Moradabadi, Saghar Nizami, Ravish Siddiqi, Majaz Lucknavi, Sardar Jafri, Harbans Rai Bachchan, Ehsan Danish, Khumar Barabankavi, Anand Narayan Mulla and of course Firaq himself. Apart from poetry, there was scintillating conversation. And there was the revelation that were living through momentous times. Most of these poets were also great patriots, filled with the fervour of our struggle for independence, and their poetry was suffused with the spirit of freedom and human dignity. Much more than the speeches of our leaders, was the poetry of these men, assembled in Firaq's front parlour that was our inspiration.

Of course, there were petty rivalries too between the poets, and Firaq, though an excellent and caring host, enjoyed acting the devil's advocate. He had a mischievous streak in him which was matched by the uninhibited prankishness of Josh and the sharp and subtle wit of Majaz. These three together could tear to pieces any pretentious piece of work trying to masquerade as poetry.

But then, I lost touch with my teacher when I joined the army in 1942, and did not see him again until 22 years later in 1964 when I went back to India on my journey of re-discovery to make a film (India! My India!) about the country I had left 17 years earlier as it tore itself apart in 1947 and literally drove me and millions of others out of their homes. Firaq, back in early 1964, had been retired from the University for 5 years, but was still living at 8/4 Bank Road. I found him in good spirits and he had not lost any of his ebullient outspokenness. However, my hectic schedule prevented me from spending much time with Firaq.

Another 6 years passed. I went to Allahabad again in January 1970 for an important sequence in my film 'Mother Ganges'. This time I was determined to make time for

Firaq. Allahabad is at the confluence of the Ganges and the Jumna, two of the most sacred rivers of India. It was also the year of the Kumbh Mela – the great fair held at the confluence once every 12 years.

I booked in at the Prayag Rest House, near the Sangam (the confluence of the rivers Ganga, Jamuna and the invisible Saraswati) with my unit of 4 for a seven day shoot. Having settled the unit in, I set off for 8/4 Bank Road near the University. It was early afternoon on a crisp winter day when I drove up outside Firaq's bungalow. The place had an unkempt look and there was no sign of life. I walked up the familiar path on to the verandah [courtyard] and called out : "Firaq Saheb!" No answer, I went into the front room which has once echoed to the voice and the poetry of the greatest poets of the land. There was an eerie silence. I opened the door of another room off the verandah. It was bare except for a charpoy [a four legged-bed] topped with a crumpled eiderdown. I gently pulled the eiderdown to reveal my 75 year old teacher huddled up in the embryo position. He woke up to find a face from the past staring at him. He sat up rubbing his eyes. I bent down and touched his feet. He got down from the charpoy and stood up and embraced me. He said apologetically in Urdu : "Raat ko soya nahin. Naukar ko bhi chutti de dee hai." [I could not sleep last night. I have also given my servant the day off.] "No, you haven't Firaq Saheb," I said, "Your servant is right here. You are coming with me." He perked up at the thought, quickly got dressed in this Sunday best and his favourite fur cap, and got into the car with me almost like a child coming out for a treat.

Remember, this was the time Firaq had already won all the great honours that India could confer on him. Apart from the Sahitya Akademi Award in 1960, the highest literary award of the time, he had, just two years earlier, been honoured with the Padma Bhushan title, and just a few months before I collected him from his lonely abode, he had won India's biggest

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literary award, the Bharatiya Gyan Peeth Award. I could not help wondering as I drove him that afternoon to our billets by the Ganges, whether he would be as forlorn as I had found him, if the country had not been partitioned, especially now in 1970, when Nehru had been dead for 6 years and his secular vision had been coming under threat from even the most unlikely quarters.

One of the greatest living poets of one of the noblest languages of India had suffered almost the same fate that his language had : become the victim of the politics of Partition. Firaq personified for me the state of the Urdu language in India at the time-recipient of token honours but denied its rightful place in the larger scheme of things, left to fend for itself against the hostility of unscrupulous politicians who were only too willing to allow one of the country's most precious assets to go to waste just because the neighbouring protagonists had hijacked it and declared it their official language.

Firaq, during the 7 days that he spent with us on our Ganges location shooting, was to wax eloquent on the beauty and richness of Urdu and was articulately furious about the injustice being done to it in India. And he reserved his severest condemnation for the Muslims for claiming that it was their language and thus generating a reaction against it. He would point out that before the madness of Partition took hold of the country, there were more non-Muslims than Muslims claiming Urdu as their language; that there were at least as many non-Muslims who had enriched the language with their distinguished work (and he would rattle off their names-poets like Pandit Daya Shankar Kaul 'Naseem', Alexander Heatherley 'Azad', Joseph Bensley 'Fana', Pandit Brij Narain 'Chakbast', Munshi Har Gopal 'Tufta', Pandit Bal Mukund 'Arsh' Malsiyani, Maharaja Krishen Prasad 'Shad' writers like Munshi Prem Chand, Krishan Chandar, Balwant Singh, Mahinder Singh Bedi, pioneering publishers like Munshi Naval Kishore; literary historians like Munshi

Ram Babu Saxena; journalists like Dewan Chand Maftoon and Editor of Kanpur's Urdu Zamana-Munshi Daya Narayan Nigam – and many others<sup>1</sup> – that language had very little to do with religion and should not have to suffer by association; that he himself was living proof of Urdu's rich idiom; that no amount of honours conferred upon him, grateful though he was to receive them, could compensate him for the sense of loss and deprivation he felt at the forced and engineered decline of Urdu.

I proudly introduced him to my crew at the Prayag Rest House, especially to my Assistant, Diana Wordsworth, a great grand niece of the poet Wordsworth. Firaq was fascinated. Wordsworth was one of his favourite poets. Unfortunately, Diana had difficulty following Firaq's heavy Gorakhpur Indian accent. And Firaq equally had problems following Diana's plum in the mouth English speech. It was a bizarre situation with both of them excitedly talking away without really understanding each other, and Firaq turning to me from time to time and asking : 'Kyya bole ja rahi hai? Kis zaban mein bat kar rahi hai?' [What's she on about? What language is she using?"] I had to act as interpreter until they got used to each other and could do without my services.

By the end of our shoot, Firaq had convinced Diana, who was herself not greatly into Wordsworth, that she was the inheritor of the best that England had to offer and that knowing my weakness for poetry, her Wordsworthian connection was the real reason why I had selected her as my Assistant. In fact, the reality was rather different. Diana was one of those hardy, tough as nails, tall and big-boned Englishwomen who go out to the corners of the earth in search of adventure. She spoke not a word of Urdu or Hindi but she deeply, truly, and unpatronisingly loved India. She had seen my film India! My India! and put her services and her Land Rover, which she had single-handedly driven from London to Delhi, at my disposal. She proved to be the most practical,

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methodical and dedicated research and production assistant I ever had.

Diana incidentally had developed quite a thirst for Indian “bia” which suited Firaq admirably, and every evening as the sun went down the Ganges, we would assemble in the open, round a blazing fire kept going by the combined efforts of the Rest House staff and the camera crew, and consumed, after a hard day’s work, suitable quantities of excellent Indian beer. We had also acquired a good supply of the best scotch for Firaq which he appreciated greatly. Firaq was in great from. He was enjoying himself. He seemed a different man from the one I found only a couple of days ago huddled up inside an eiderdown in the middle of the day. He was cracking jokes, quoting from the classics, and holding forth in the characteristic Firaq manner, eyeballs rotating in synchronization with his neck. It was like old times again, except that the monologue was occasionally interrupted not by his youthful admirers from the University, but by a middle aged woman from England who insisted on calling him “Dr. Feeraq”. I tried to put the record right by telling her gently that Firaq was not a doctor of anything, but she brushed me aside with the convincing rejoinder that that was my problem, not hers. These animated evenings would go on until it was time for dinner, after which Diana and the crew would retire to prepare for the next day’s shoot, and Firaq and I would sit up talking about old times.

He would unburden himself and lament how he missed the company of his peers and comment ruefully on the decline of Urdu which he said was one of the saddest legacies of Partition. He never forgave Josh Malihabadi for leaving India and settling in Pakistan. Urdu, he maintained was the most eloquent symbol of Hindu-Muslim unity. In fact, as he said, not just Hindu-Muslim, but also Sikh, Jain, Christian and Parsis and others, had all made notable contribution towards the enrichment of this uniquely Indian possession. Urdu, he said, can

only really thrive in India, its natural home, and he looked forward to the day. Notwithstanding the possibility that he may not live to see it, when the barriers would come down and when the estranged brothers across and artificial divide, would reclaim each other in friendship and infuse new life into his beloved Urdu, which he together with people like Dr. Gopi Chand Narang, Krishan Chandar, Balwant Singh, Jagannath Azad, Mahindra Singh Bedi, not to mention a few Muslims as well, he added mischievously, were trying to keep alive with their writings and lobbying.

In the mean time, Urdu will survive, he assured me, in films, in mushairas, in songs and ghazals, and in civilized and sophisticated conversation (of which he was a master), until the Indian government grew up and realized that Urdu deserved at least the same support and encouragement as any other Indian language. India, he said, could ill afford to do without Urdu for whenever you head something beautiful to say, Urdu had the most beautiful form in which to present it. And then he would quote one of his favourite couplets of Ghalib :

*Whenever you talk of the search for Truth  
You cannot but talk of the cup and the wine.*

And the cup of Urdu, he said is full of that intoxicating wine, for which my cue was to pour him another glass and request him for his kalaam, his own poetry, with me setting the tone with one of my favourite Firaq couplets :

*This nostalgia-filled evening  
Let us talk of those coquettish eyes  
Ah! The rapture and the ecstasy  
Let us talk of secretive things.*

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1. Prominent among these literary luminaries were ashraf (or upper class) Muslims and Hindus from various castes – especially Kashmiri Brahmins and Kayasthas – who constituted the mixed Indo-Persian elite of northern India in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries.

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## Faiz : 100<sup>th</sup> Birth Anniversary

Khurshid Anwar

ISD, Delhi (INDIA)

*It was possible only for a poet with a vision of future and vigour of an activist to denounce a freedom which did not free common people from misery and exploitation. And the fact that he was fully aware of country heading for division, he did not talk of Pakistan or India. His concerns remained for people in general irrespective of their national identities.*

The FIRST HALF OF the 20th century is a period of great upheaval around the globe. It is marked by two World Wars and in between a period that is could be termed even worse than the World Wars. Riding on the back of great economic depression (1929-33), fascism in Italy and Nazism in Germany crushed the

liberation movement from colonial powers is on the rise. The South Asian region was also witnessing one of such movements. This period, apart from political churnings also saw many new literary and cultural movements. On one hand, there was complete alienation from society. of this stream of thought. It reflected in all cultural fields,



the other, there was vision for better future and struggle for it. Those who believed in this vision took cultural ex-pression as a lively weapon to turn the tide in favour of people crushed under the tyranny of troubled times. It is, thus not surprising that those who from cultural field lost hope expressed themselves in whatever manner and found solace in their work. But those who looked for solutions to achieve their dreamed future, turned into cultural activist, instead of remaining just men and women of cultural fields. Faiz Ahmad Faiz was one such pillar of cultural activism. Indeed he was not only a great poet of our time but also a great ambassador of peace movement.

As the world celebrated 100th anniversary of his birth, it is imperative that we emphasise that Faiz did not belong to one country or one people. These boundaries were too narrow for him to be confined into. His poem INTESAB is a testimony to this fact where he brings in all oppressed people into his concern to dedicate his work:

'Dedicated to the gloomy lives of clerks  
Moth eaten hearts and words.  
Dedicated to the postmen  
Dedicated to the coachmen  
Dedicated to the railway workers  
Dedicated to the innocent beings in the factories.'

And he goes on to mention each and everyone one could imagine as oppressed. One can mention two more instances which are enough to underline the fact that Faiz cared for peace and

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well being of the whole sub-continent and thereby need to celebrate the occasion of his birth anniversary regionally and globally.

His poem *Subh-e-Azadi* re-emphasises the fact that his vision of future was a peaceful and prosperous sub-continent and not just a region without colonial power.

'See our leaders polish their manner clean of our suffering :

Indeed, we must confess only to bliss;

We must surrender any utterance for the Beloved-all yearning is outlawed.

But the heart, the eye, the yet deeper heart-

Still ablaze for the Beloved, their turmoil shines.

In the lantern by the road the flame is stalled for news :

Did the morning breeze ever come? Where has it gone?

Night weighs us down; it still weighs us down.

Friends, come away from this false light.

Come, we must search for that promised Dawn.'

*(Translated from Urdu by Agha Shahid Ali)*

It was possible only for a poet with a vision of future and vigour of an activist to denounce a freedom which did not free common people from misery and exploitation. And the fact that he was fully aware of country heading for division, he did not talk of Pakistan or India. His concerns remained for people in general irrespective of their national identities.

Another instance that we can take up here is his visit to Dhaka in 1974. After East Pakistan became Bangladesh on 16th of December 1971, there was extreme sense of bitterness between Pakistan and newly emerged nation. For a lesser, sectarian and shallow mind, it would be easy to fall into trap of 'national pride', Faiz lamented that a hatred between two 'people' has taken shape.

'After those many encounters, that easy intimacy,. we are strangers now-

After how many meetings will be that close again?

When will we again see a spring of unstained green?

After how many monsoons will the blood be washed

. from the branches?

So relentless was the end of love, so heartless-

After the nights of tenderness, the dawns were pitiless,

so pitiless.

And so crushed was the heart that though it wished

it found no chance-

after the entreaties, after the despair-for us to

quarrel once again as old friends.'

*(Dhaka se wapsi)*

In the context of peace process in the sub-continent, one thing that sets apart Faiz from others is that he never engaged himself in sectarian nationalistic polemics. Many of his contemporaries did that many a times but Faiz remained out of it throughout his life. While others talked of friendship across the border, he never ever had to. The reason being that others indulged into sloganeering rapped in poetry and accusing each other and then thought of reconciliation and extended hands of friendship, that too reluctantly or out of compulsion, Faiz maintained his dignity as any poet of his stature and repute would do. The message was loud and clear. Petty politics across national boundaries is bound to make people fight against each other. I will try to unite them. He not only spoke for the people but also urged the people to speak and speak fearlessly: BOL KE LAB AZAD HAIN TERE,.

And lived for it and his poetic ex-pressions remain testimony to this. Let us celebrate him and his 100th birth anniversary with same message: BOL KE LAB AZAD HAIN TERE,.

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# The Dhammapada and Composite Heritage

## Yamakavaggo<sup>1</sup> THE TWIN-VERSES

- I. *Manopubban.gama dhamma manosettha manomaya,  
Manasa ce padutthena bhasati va karoti va  
Tato nam dukkham anvoti cakkam va vahato padam I*

(I) (The mental) natures are the result of what we have thought, are chieftained by our thoughts, are made up of our thoughts. If a man speaks or acts with an evil thought, sorrow follows him (as a consequence) even as the wheel follows the foot of the drawer (i.e. the ox which draws the cart). (I)

The chapter is called *The Twin-verses*, as it consists of ten groups of two verses beginning on one theme.

*dhamma* : mental natures. *Vedana*, *samjna*, and *samskara* are collectively termed *dharmā*. These are the result of *vijnana* which is called *manas*. The mental faculties are dominated by mind, governed by it, and made up of it. Though the word *mind* has, in English, mainly an intellectual connotation it can also be used in the sense of the whole content of consciousness. *Manas* in the sense of *vijnana* is the active thinking principle.

The influence of thought on human life and society is great. All that we are is the result of what we have thought. In one sense it is true that we live in a world of hard facts, but in a more important sense we live in a world of thoughts. By changing our thoughts we change our life and indirectly we change the character of the world. Cf. *Amrtabindu Up.* 2; *Maitrayani Up.* vi. 34 :

*mana eva manusyanam karanam bandhamoksayoh  
bandhaya visayasangi mokse nirvisayam smrtam*

<sup>1</sup> In preparing the text I have consulted different versions, chiefly V. Fausboll's published in 1885 (2nd edit., 1900) and that of the Pali Text Society published in 1914.

'The mind of man is the only cause for bondage or release; when it is attracted by objects of pleasure it is bound; when it is not attracted by objects it is released.'

2. *manopubbangama dhamma manosettha manomaya,  
Manasa ce pasannena bhasati va karoti va  
Tato nam sukham anvoti chaya va anapayini. 2*

(2) (The mental) natures are the result of what we have thought, are chieftained by our thoughts, are made up of our thoughts. If man speaks or acts with a pure thought, happiness follows him (in consequence) like a shadow that never leaves him. (2)

*Chaya va anapayini* : another reading, *chaya va anuyayini*, like one's shadow ever accompanying. *Mahakarmavibhanga*, Sylvain Levi's ed., p. 48.

In these two verses the Buddha makes out that our hope of salvation lies in the regeneration of our nature. We may all attain to happiness and serenity if we build up our character, and strengthen our moral fibre. We may make the circumstances of life as perfect as possible and it is our duty to do so; yet man's worst enemy is him-self. He cannot be happy if his mind and heart are not right.

- 3 *'akkocchi mam, avadhi mam, ajini mam, ahasi me'  
Ye tam upanayhanti veram tesam na sammati 3*

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(3) 'He abused me, he struck me, he overcome me, he robbed me'—in those who harbour such thoughts hatred will never cease. (3)

Hatred will never cease in those who entertain thoughts of revenge.

4 *'akkocchi mam, avadhi mam, ajini mam, ahasi me'*

*Ye tam na upanayhanti veram tes' upasammati 4*

(4) 'He abused me, he struck me, he overcame me, he robbed me'-in those who do not harbour such thoughts hatred will cease. (4)

5 *na hi verena verani sammant' idha kudacanam*

*Averena ca sammanti; esa dhammo sanantano 5*

(5) Not at any time are enmities appeased here though enmity but they are appeased through non-enmity. This is the eternal law. (5)

*Sanantano : ancient, eternal.*

6 *pare ca na vijananti, 'mayam ettha yamamase'*

*Ya ca tattha vijananti, tato sammanti medhaga 6*

(6) Some (who are not learned) do not know that we must all come to an end here; but those who know this, their dissensions cease at once by their knowledge. (6)

The first line is also rendered 'others do not know that here we must restrain ourselves'. *Yam*, to go or to restrain : literally, 'we must go into the presence of *yama*'.

7 *subhanupassim viharantam indriyesu asamvutam*

*bhojanamhi amattannum kusitam hinaviriyam*

*tam ve pasahati maro vato rukkham va dubbalam 7*

(7) As the wind throws down a tree of little strength so indeed does Mara (the tempter) overthrow him who lives looking for pleasures, uncontrolled in his senses, immoderate in eating, indolent, and of low vitality. (7)

Mara is the temper in Buddhist mythology, the spirit which deceives and misleads man, making his path difficult and sorrowful, the power for evil which makes for death.

8 *asubhanupassim viharantam indriyesu susamvutam*

*Bhojanamhi ca mattannum saddham araddhaviriyam*

*Tam ve nappasahati maro vato selam va pabbatam 8*

(8) As the wind does not throw down a rocky mountain, so Mara indeed does not overthrow him who lives unmindful of pleasures, well controlled in his senses, moderate in eating, full of faith (in the Buddha, the law, and the Samgha or community), and of high vitality. (8)

These verses indicate the difference between the path of sense gratification and that of sense control. It is the principle of all religions. In the Christian tradition the way to bliss lies through toil, not through pleasure. The fall indicates that the lust for pleasure lost man his path to bliss. The first six books of Virgil's *Aeneid* may be interpreted as setting forth the different stages of man's life in which he seeks to have his own way and is brought down through his self-will to hell where he recognizes his past errors and learns that he must reach the heavenly Latium by another course.

9 *anikkasavo kasavam yo vattham paridahessati*

*Apeto damasaccena na so kasavam arahati 9*

(9) He who will wear the yellow robe without having cleansed himself from impurity, who is devoid of truth and self-control, is not deserving of the yellow robe. (9)

*Kasava* : Skt. *kasaya*, refers to the distinctive garment of the Buddhist priests and the Hindu samnyasins. There is a play on the words. *Kasaya* means impurity, *niskasaya* means free from

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impurity, *aniskasaya* is 'not free from impurity'.

Cf. M.B. xii. 568:

*aniskasaye kasayam ihartham iti viddhi tat  
dharmadhvajanam mundanam urtthyartham iti me matih*

'Know that this yellow robe on a person who is not free from impurity serves only the interests of cupidity; it is my view that it supplies the means of living to those shavelings who carry their virtue like a flag!'

What counts is inner worth, nobility of soul.

10 *ya ca vantakasav assa silesu susamahito  
upeto damasaccena sa ve kasaam arahati* 10

(10) But he who puts away depravity, is well grounded in all virtues, and is possessed of self-restraint and truth is indeed worthy of the yellow robe. (10)

11 *asare saramatino sare casaradassino  
Te saram nadhigacchanti micchasamkappagocara* 11

(11) They who imagine truth in untruth and see untruth in truth, never arrive at truth but follow vain imaginings (desires). (11)

*sara* : the sap of a thing, essence or reality of a thing. It is the highest reality metaphysically and truth in a moral sense.

*Vain imaginings* : false thoughts are their pasture grounds. The Buddha again and again emphasizes that the great reality in this world is character.

12 *saram ca sarato natva asaram ca asarato  
te saram adhigacchanti sammamkappagocara* 12

(12) But they who know truth as truth and untruth as un-truth arrive at truth and follow right desires. (12)

These follow the true trail while the former are misled by wandering fires. We must not run after shadows.

13 *yatha agaram ducchannam vutthi samativijjhati  
evam abhavitam cittam rago samativijjhati* 13

(13) As rain breaks through an ill-thatched house, so passion makes its way into an unreflecting mind. (13)

*abhavitam* : unreflecting, untrained, uncultivated.

14 *yatha agaram succhannam vutthi na samativijjhati  
evam subhavitam cittam rago na samativijjhati* 14

(14) As rain does not break through a well-thatched house, so passion does not make its way into a reflecting mind. (14)

15 *idha socati, pecca socati, papakari ubhayattha socati  
so socati, sa vihannati, disva kammakilittham attano* 15

(15) The evil-doer grieves in this world, he grieves in the next; he grieves in both. He grieves, he is afflicted, seeing the evil of his own actions. (15)

16 *idha modati, pecca modati, katapunno ubhayattha modati  
so madati, sa pamodati, disva kammavisuddhim attano* 16

(16) The righteous man rejoices in this world, he rejoices in the next; he rejoices in both. He rejoices and becomes delighted seeing the purity of his own actions. (16)

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17 *idha tappati, pecca tappati, papakari ubhayattha tappati*  
*'papam me katam' ti tappati, bhiyo tappati duggatim gato 17*  
(17) The evil-doer suffers in this world, he suffers in the next; he suffers in both. He suffers (thinking) 'evil has been done by me'. He suffers even more when he has gone to the evil place. (17)

18 *idha nandati, pecca nandati, katapunno ubhayattha nandati*  
*'punnam me katam' ti nandati, bhiyo nandati suggatim gato 18*  
(18) The righteous man rejoices in this world, he rejoices in the next; he rejoices in both. He rejoices (thinking) 'good has been done by me'. He rejoices still more when he has gone to the good place. (18)

The evil place and the good place are usually translated by hell and heaven. They are really the lower and the higher worlds. All beings have to travel downward or upward according to their deeds.

In later Buddhism the torments of hell are most realistically drawn.

19 *bahum pi ce sahitam bhasamano, na takkaro hoti naro pamatto*  
*Gopo va gavo ganayam paresam na bhagava samannassa hoti 19*  
(19) Even if he recites a large number of scriptural texts but, being slothful, does not act accordingly, he is like a cowherd counting the cows of others, he has no share in religious life. (19)  
*sahitam : samhitam or samhitas*. It is the name of the collection of the Buddha's utterances, the *Tipitaka*.

*Tepitakassa buddhavacanass' etam namam*

*Samanna* : religious life, what constitutes a real *samana* or *sramana*, the Buddhist counterpart of the Hindu *Brahmana*. The Buddha is frequently called the good *samana*. Cf. *Samanna-phala Sutta*.

See Matthew xxiii. 2; John x. 12.

20 *appam pi ce sahitam bhasamano, dhammassa hoti anudhammacari*  
*ragam ca dosam ca pahaya moham sammappajano suvimuttacitto*  
*anupadiyano idha va haram va, sa bhagava samannassa hoti 20*  
(20) Even if he recites only a small number, if he is one who acts rightly in accordance with the law, he, having forsaken passion, hatred, and folly, being possessed of true knowledge and serenity of mind, being free from worldly desires both in this world and the next, has a share in the religious life. (20)

The Buddha's teaching is a way of life, not a way of talking. We are what we love and care for.

Some modern existentialists affirm that man is a self-creating, self-maintaining, self-fashioning will. The importance of human effort is stressed in this chapter. Every moment the course of our life is being decided. The raw material out of which life is made takes its form and sets by our thoughts and deeds. As it does so, the unknown future becomes the irrevocable past. Our freedom can operate only within limits.

The Buddha does not support the cynical view that nothing really matters. For him every act has significance. He criticizes Makkhali Gosala's teaching that all actions are indifferent in their effects. Faith in responsible action is the foundation of all serious living.

'Seek nought from the helpless gods by gift and hymn

Nor bribe with blood, nor feed with fruits and cakes.

Within yourselves deliverance must be sought:

Each man his poison makes.

- Sir Edwin Arnold,

*The Light of Asia.*

## Workshop on Social Analysis

Institute for Social Democracy organized a five day workshop on Social Analysis, from 11<sup>th</sup> to 16<sup>th</sup> December 2010, at CCDB-HOPE CENTER, Dhaka, Bangladesh. This workshop had representation from Pakistan, India and Bangladesh.

How need for a Social Analysis workshop emerged?

After organizing and conducting Composite Heritage workshops for more than seven years in the whole region, we realized that Social Analysis among development workers needs some more

focus as skills for Social Analysis and tools for Social Analysis should be sharpened more. During 1970s and 1980s Social Analysis occupied a prominent position in development work. But for over 20 years now there are not many organizations who are taking up Social analysis as major areas of Capacity Building. Therefore, Institute for Social Democracy decided to take initiative in this direction.

This workshop was dedicated to Late Ajeet Pratap Singh and in celebration of solidarity we shared with him.

## Sirjan – a festival of Composite Heritage

In February 2011, Sirjan completed its three years. On the confluence of rivers Ganga and Yamuna each year a massive fair called Maagh Mela is organized. This fair has a religious connotation but is not confined to Hindus only. Fairs in South Asia are one of the most creative, vibrant inventions that celebrate diversity. These Fairs have been adapting and changing with time since decades. Despite the onslaught of individualism, consumerist attitude and the influence of global forces, these Fairs in South Asia have been able to survive and along with them the pluralist nature and values of co-existence has survived. Sirjan is a celebration of this pluralism and value of acceptance and co-existence. From 4<sup>th</sup> to 7<sup>th</sup> February, a series of workshops were planned during the day on

issues like Water Crisis and its impact on agriculture, Composite Heritage, Culture and Aesthetics and Creative workshops for Children. Evenings were exclusively for the cultural performances by emerging as well as popular artists. This included a wide range of arts forms that were performed from Sufi Qawali, Birha, Nautanki, to singing Kabir, folk songs, movie screenings and classical dance by school children.

Sirjan was organized by Muhim, Itihasbodh, Jagrit Samaj, Institute for Social Democracy, Shahari Gareeb Sangharsh Morcha, Gharelu Kaamgar Mahila Sangathan, Vijyan Foundation and Pahal.

This year Sirjan was dedicated to Faiz Ahmad Faiz, Baba Nagarjun, Kedarnath Agarwal, Shamsheer Bahadur Singh and Pandit Bheemsen Joshi.

## Hulas – a cultural fair

Hulas 2011 was an attempt to celebrate the Adivasi culture in Bokaro Steel City of Jharkhand. This initiative has been strategized to prevent and at the same time popularize the Indigenous Culture of the region. The global attack on the Indigenous communities has been a constant threat to the values and culture of these communities. Gradually we are witnessing systematic cleansing of the Indigenous culture. Hulas has been an attempt to reassert Indigenous identity.

From 11<sup>th</sup> to 13<sup>th</sup> this cultural fair had a series of interactive sessions with children on issues of

Composite Culture, creative learning. Evenings were dedicated to local artists who presented their cultural heritage.

These initiatives are important in the present context, where people are being attracted to the individualistic, consumerist culture propagated by media with values of profit making at any cost. Entire South Asian region has been historically a region of coexistence and diverse culture, plurality. This plurality and diversity needs to be protected. Such initiatives are first steps in this direction.

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