

20

AMENA A. MOHSIN

Religion, Politics and Security: The Case of Bangladesh

The issues of religion, politics and security became intertwined in South Asia, more often than not with negative consequences for human security since the colonial period as the latter maintained its power on the basis of divide and rule between the Muslim and Hindu communities of colonial India. The Partition of the Indian subcontinent, based on the two-nation theory (which claimed that Hindus and Muslims were two different nations based on religion), added new dimensions to the issue. On the one hand, the Partition increased animosity between the people of the two states and impacted the inter-state security of the two new independent states. On the other hand, it affected the security of the minorities within the states concerned. This paper argues that the intertwining of religion and politics in the context of South Asia is inextricably linked with the processes of nation building and modes of governance. In other words, it is a problem of politics, not religion. The above contention is substantiated in this paper through an analysis of the nation-building process and the predicament and plight of minorities in the state of Bangladesh.

Bangladesh is a predominantly Muslim-populated state. According to the population census of 1991, Muslims formed 88.3 percent, Hindus 10.5 percent, Buddhists 0.59 percent, Christians 0.32 percent and other communities 0.26 percent of the population.¹ Minority communities of Bangladesh dispute these figures and maintain that their number is higher than those projected in the census. For instance, according to the census of 1991, the ethnic population of Bangladesh is 1.2 million, which constitutes 1.13 percent of the total population of Bangladesh. Gaps, however, exist between the official figures and private estimates. Maloney has pointed out that according to the *Monthly Statistical Bulletin of Bangladesh* (March 1981) the ethnic population in the five districts in Rajshahi division was sixty-two thousand, but various Christian missions in private censuses found the number to be double that.² Members of these communities also dispute the official figures and see such statistics as a government mechanism to establish them as numerical minorities.

Bangladesh has both ethnic and religious minorities. In most instances the former belong to the latter category as well. In the case of the religious minorities such as Hindus and Christians, many of the followers are ethnically Bengalis. The focus of this paper is the religious minorities, specifically the Hindu population of Bangladesh. This, however, is not to suggest that other minority communities do not suffer within the state; the selection has been made purely on methodological considerations which, among other factors, include the fact that Hindus are the most significant minority both in terms of numbers and also for political and historical reasons. The Hindu-Muslim divide has been constructed and is being played upon and exploited by the political elite of the country most effectively and almost in a routinized manner for their own benefits in the name of "nation" and "state."

This paper is divided into four sections. The first examines the use of religion for nation building through instituting religious ideals into the state structure and system. The second section examines discriminatory laws. The third probes the rupture of human security of the

1. Ain 'O Shalish Kendra, Bangladesh Legal Aid and Services Trust and Odhikar, *Human Rights in Bangladesh, 1997* (Dhaka: University Press, 1997), 116.

2. C. T. Maloney, "Tribes of Bangladesh and Synthesis of Bengali Culture," in M. S. Qureshi, ed., *Tribal Cultures in Bangladesh* (Rajshahi University: Institute of Bangladesh Studies, 1984), 8.

Hindu community and inter-communal relations as a consequence of state ideals and laws. Finally, the paper looks into community responses to address and redress the above.

Religion and the Nation

THE MODERN STATE is predicated on the idea of nationalism. The post-colonial states, in their endeavor to create a nation or homogeneous population, often undertake state-sponsored models of nationhood, which adopt various elements such as culture, language, and religion as tools of homogenization. These elements are more often than not the attributes of the dominant or majority community. The state of Bangladesh has experimented with two such models: Bengali and Bangladeshi. In both instances minority communities have been marginalized and alienated. The following clarifies this point.

Though the state of Bangladesh started its journey on a secular basis of nationhood, religion soon became an important component. The nationalist movement of the East Bengalis was predicated on Bengali nationalism, which had a distinct secular orientation based on Bengali language and culture. Seeds of this nationalism were sown in 1948 when Muhammed Ali Jinnah, the father of the nation, declared in Dhaka that Urdu would be the state language of Pakistan. The new state of Pakistan also used religion as a tool for constructing Pakistani nationhood. Bengali language and culture were alleged to be influenced by Hinduism. Thus, in 1949 the central minister for education openly proposed the introduction of Arabic script for Bengali. It was argued that:

Not only Bengali literature, even the Bengali alphabet is full of idolatry. Each Bengali letter is associated with this or that god or goddess of Hindu pantheon ... Pakistan and Devanagari script cannot co-exist. It looks like defending the frontier of Pakistan with Bharati soldiers! ... To ensure a bright and great future for the Bengali language it must be linked up with the Holy Quran ... Hence the necessity and importance of Arabic script.³

3. Anisuzzaman, *Creativity, Reality and Identity* (Dhaka: International Center for Bengal Studies, 1993), 107.

East Bengalis perceived this use of religion as a tool of domination. To counterpoise this “Islamic” nationalism, a secular nationalism emerged in East Bengal that was militant in its emphasis on the Bengali language and culture. The Language movement, which continued from 1948 to 1952, acquired an emotional and politicized content for the Bengalis on 21 February 1952 when Pakistan authorities opened fire on students in Dhaka when they were protesting the imposition of Urdu as the state language, resulting in the death of four. By the mid-1960s the Bengalis had moved on to the demands for economic and political autonomy as discrimination and domination of the West Pakistani ruling elite over the Bengalis were evident in all spheres of life.⁴

The new state indeed based itself on a secular plank. The constitution of Bangladesh, adopted by the Bangladesh Parliament on 4 November 1972, in its preamble paragraph 2 accepted “nationalism,” “socialism,” “democracy” and “secularism” as state principles. In the context of Bangladesh, Sheikh Mujibur Rahman, the father of the nation, defined it in the following words:

Secularism does not mean the absence of religion. Hindus will observe their religion; Muslims will observe their own; Christians and Buddhists will observe their religions. No one will be allowed to interfere in others’ religions. The people of Bengal do not want any interference in religious matters. Religion cannot be used for political ends ...⁵

To implement the above, Article 12 of the constitution stated that the principle of secularism shall be realized by the elimination of:

- Communalism in all forms;
- The granting by the state of political status in favor of any religion;
- The abuse of religion for political purposes; and
- Any discrimination against, or persecution of persons practicing a particular religion.⁶

4. For details, see Rounaq Jahan, *Pakistan: Failure in National Integration* (Dhaka: University Press, 1972).

5. Government of Bangladesh, *Parliament Debates, October 12, 1972* (Dhaka: Government of Bangladesh, 1972), 20.

6. *The Constitution of the People’s Republic of Bangladesh*, Ministry of Law (Dhaka: Government of Bangladesh, 1972), 5.

Article 38, paragraph 2 of the constitution further states:

No person shall have the right to form or be a member or otherwise take part in the activities of, any communal or other association or union, which in the name or on the basis of any religion has for its object, or pursues a political purpose.⁷

As suggested earlier, in the construction of nationhood in Pakistan, religion had been used as the main tool of domination of the Bengalis by the Pakistani regime. In 1971 the Pakistani regime again employed the rhetoric of religion in carrying out one of the worst genocides of history. Secularism was therefore a logical outcome of the Bengali nationalist movement. It would thus appear that the new state was set for a secular start. However, the new state, being a modern or nation-state, has within its very construction the quest for homogenization, which propels it toward the majority community. Nationalism's inherent bias toward the majority community compelled Mujib to compromise on the question of religious secularism. It is true that Bengali nationalism, as it emerged in East Bengal, was secular in its content, but that was the logical outcome of a situation where Bengalis were being oppressed in the name of religion. Culture and language at that moment were the symbol of unity among the Bengali population of East Bengal, which differentiated them from "Muslim" West Pakistanis. But once the hegemony of West Pakistanis was removed with the creation of Bangladesh, the Muslim identity of Bengalis again came to the fore. India's role during the liberation war of Bangladesh and the Awami League's overt association with India had revived fears among the general people of Hindu domination. Furthermore, according to a noted political scientist of Bangladesh, "secularism in Bangladesh did not reflect its societal spirit."⁸ Even in 1971 during the course of the war, people in general sought the intervention of the Divine to succeed. The Awami League had won the elections of 1970 on the basis of its Six-Point formula, which was a program for political and economic emancipation of Bengalis. In

7. *Ibid.*, 13.

8. Talukdar Maniruzzaman, "Bangladesh Politics: Secular and Islamic Trends," in Rafiuddin Ahmed, ed., *Religion, Nationalism and Politics in Bangladesh* (New Delhi: South Asia Publishers, 1990), 69.

1969 the Awami League had pledged that its Constitution for Pakistan would be based on the teachings of the Quran and the Sunnah.

In most of the post-colonial states, mass media and education (being state-controlled) are two important sectors manipulated and used by the state for constructing its brand of nationalism. In Bangladesh the State Radio and Television discontinued the practice of Pakistan days of opening the programs with recitations from the Holy Quran and substituted it with a program of "Speaking the Truth" based on secular ethics. Sheikh Mujib discontinued this religious neutrality of the mass media. He adopted the policy of equal opportunity for all religions and ordered citations from the Holy books of Islam, Hinduism, Buddhism and Christianity at the start of the broadcasts by the State Radio and Television. Citations from the Hindu Holy Book and coverage of Hindu religious festivals created a backlash among the Muslims.⁹

The policy of secularism also backfired in the education sector. During the Pakistan period in the primary and middle stage of education (Class VI to VIII) *Islamiat* (religious education) was made a compulsory subject. After Independence the Education Ministry continued with the same policy. The Mujib government, however, set up an Education Commission in 1972, which submitted its interim report in May 1973. The Commission recommended the separation of religion from education. However, the report was submitted before public opinion on the issue had been elicited through the distribution of questionnaires. Subsequently, the questionnaires showed that secular education was acceptable to about 21 percent of the most educated section of the people of Bangladesh. About 75 percent opined that religious education should be an integral part of general education. These findings revealed the gap between the opinions of Bangladesh society and those of Sheikh Mujib's secular polity.¹⁰ A perceptible shift emerged in Bangladesh politics. On 28 March 1975, Mujib revived the Islamic Academy (which had been banned in 1972) and elevated it to a Foundation. The Mujib regime was brought to an abrupt end through his gruesome murder by a group of army officers on the night of 15 August 1975.

With the change of regime, nationalism in Bangladesh also took an explicit turn toward religion. The coup leaders obviously wanted to

9. *Ibid.*, 70.

10. *Ibid.*, 71-73.

capitalize on the existing public mood, which was increasingly enthusiastic about the adoption of Islamic values. The coup leaders therefore used Islam to secure—and to a certain extent legitimize—their position. It is therefore not surprising that the coup of August 1975 was declared in the name of the “Islamic Republic of Bangladesh.” But Khondokar Mushtaque Ahmed (a cabinet member of the Mujib regime), who was appointed as the president by the coup leaders, tried to balance the situation. His first public address on 15 August was made in the name of the People’s Republic of Bangladesh. The speech, punctuated with Islamic expressions, evidenced the course that the Bangladesh polity was about to take. Bangladesh thus shook off its garb of secularism and began to move toward Islamization.

Following a number of coups, Major-General Zia ur Rahman emerged as the strong man in government. Zia—a fervent nationalist and freedom fighter—represented the spirit of the liberation war of Bangladesh. But Zia was quick to realize that Mujib’s nationalism in post-independent Bangladesh was guided by its perception of pre-independent Bangladesh. Zia therefore opted for a different model of nationhood for the Bengalis. In this new construction he chose to emphasize the element of nationalism that would have appealed most to the majority/dominant community at that moment. The element turned out to be religion, and the new model of nationhood came to be known as Bangladeshi nationalism. It must be stressed here that this shift was primarily made by Zia to secure and consolidate his own position. In order to remain in power he needed the support of two sections: the people and the military. The move toward Islamization was obviously aimed at appeasing the dominant/majority community of the state. Moreover, through the adoption of Bangladeshi nationalism, Zia could distinctly disassociate his regime from the Awami League, which was necessary to secure support from military.

A manifesto from the Bangladesh Nationalist Party (BNP, the political party floated by Zia) defines Bangladeshi nationalism as follows:

Religious belief and love for religion are a great and imperishable characteristic of the Bangladeshi nation ... the vast majority of our people are followers of Islam. The fact is well reflected and manifest in our stable and liberal national life.¹¹

11. *Ghoshonapatra* [manifesto] (Dhaka: Bangladesh Nationalist Party, 1978).

Proponents point out that Bangladeshi nationalism is territorial—it draws a line between the Bengalis of Bangladesh and Bengalis of West Bengal of India. This gives it a totality, which is precisely lacking in Bengali nationalism. This, however, is a mere exercise in semantics; Bengali nationalism explicitly had a territorial dimension. Bangladeshi nationalism, as it evolved in 1975, was in essence a reassertion of Muslim identity for Bengalis in Bangladesh. Accordingly, changes were brought about in the mass media, the education sector and the constitution to expedite and legalize the process of this new construction.

The change was first apparent in the mass media. Simultaneous recitals on radio and television from the holy books of different religions continued as before, but the time allotted to the reading from the Holy Quran (the Holy Book of the Muslims) increased from five minutes to fifteen minutes. While no religious citation had been made at the closing of the programs during the Mujib regime, the programs now closed with recitations from the Quran only. Moreover, quotations from the Quran and the Hadith (the Prophetic Tradition) were now frequently broadcast between programs.¹² Education too acquired an Islamic orientation. Islamiat was introduced to class I to VIII as a compulsory paper for Muslim students only and from class IX to X as an elective subject.

Islamic ideals were also incorporated into the constitution. By the proclamation of Order no. 1 of 1977, the ideal “Bismillah-ar-Rahman-ar-Rahim” (In the Name of Allah, the Beneficent, the Merciful) was inserted at the beginning of the constitution above the preamble. Through the same proclamation, Article 8, clause 1 was substituted by

the principles of absolute trust and faith in the Almighty Allah, nationalism, democracy and socialism meaning economic and social justice, together with the principles derived from them ... shall constitute the fundamental principles of state policy.¹³

12. Maniruzzaman, “Bangladesh Politics,” 74.

13. Government of Bangladesh, *The Constitution of the People's Republic of Bangladesh* (Dhaka: Government of Bangladesh, 1991), 9.

Thus the principle of secularism, as set forth in Article 8 as one of the state principles, was dropped from the constitution. Article 12, through which communal political parties were banned in Bangladesh, was also dropped from the constitution, as was Article 9, which stressed the lingual and cultural unity of Bengali nationalism. Article 6 clause 2 stated that citizens of Bangladesh were now to be known as Bangladeshis instead of Bengalis. These changes were given effect through the Fifth Amendment to the constitution on 5 April 1977.

Changes were apparent in administrative policies as well. The Second Parliament of Bangladesh met on 21 May 1979 and started its session with recitation from the Quran only; previously, citations were made from the holy books of all religions. Zia also encouraged the use of certain non-Bengali words and slogans. The Bengali slogan "Joi Bangla," which was akin to the Indian slogan "Jai Hind," was replaced by "Bangladesh Zindabad" (Zindabad is an Urdu word that means long live), which is closer to "Pakistan Zindabad." Friday, a holy day for Muslims was declared a half-holiday. The above measures helped Zia to consolidate his power base, for Mujib had been accused of being too close to India. The pro-Islamic leanings were interpreted as a distancing of the country, which has a predominantly Muslim population from "Hindu India." The policies therefore were made to please the majority community in Bangladesh. This entrenched the hegemony of Bengali Muslims, for under the new brand of nationalism of Bengalis and Islam, the Bengali cultural heritage too was patronized. Zia had based his Bangladeshi nationalism on the following elements: race, the war of independence, the Bengali language, culture, religion, land (geographical area) and economy.

Zia was assassinated in May 1981 by a group of army officers. His death brought another change in the contours of state nationalism, which moved from the "liberal Islamic nationalism" of Zia toward "Islamic nationalism" under General H.M. Ershad, who assumed power through a bloodless coup in March 1982 by overthrowing the elected BNP government of Justice Abdus Sattar.

Ershad accepted the Bangladeshi model of nationhood but made it more rigid and totalitarian by giving it a totally Islamic orientation. This move was ostensibly taken to secure and legitimize his own power base; unlike Zia, Ershad was not a freedom fighter and, more importantly, he was generally considered to be a usurper of power. Ershad de-emphasized the "Bengaliness" (unlike Zia) of the

Bangladeshi nationalism and instead attempted to consolidate the Islamic contours of this model of nationalism. February 21, which stands as the very epitome of secular Bengali nationalism, was given an Islamic twist by Ershad. In early 1983 he declared that the drawing of "Alpana" (painted designs) on the premises of the Shaheed Minar was an un-Islamic practice and should be substituted with recitations from the Holy Quran. Referring to the significance of February 21 he declared: "This time the movement is for the establishment of an Islamic state."¹⁴ This stand negated the very spirit of the day, as it symbolized the struggle of Bengalis to fight the hegemony of West Pakistanis in the name of Islam. The policy could not be implemented due to strong opposition from the entire Bengali community, which cherishes its Bengali heritage as much as its religious beliefs. But it did suggest the course that the polity was about to take. Ershad based his policy of Islamization on two planks: (1) mosque-centered society, and (2) Islam as the state religion.

MOSQUE-CENTERED SOCIETY

In 1986 Ershad raised the slogan of building a mosque-centred society in Bangladesh. The government officially encouraged the grant of funds to mosques. The government also encouraged foreign assistance for the development of mosques. He made it a regular practice to address the Friday congregations at different mosques and regularly visited different *pirs* (Muslim religious leaders).

ISLAM AS THE STATE RELIGION

Through the Eighth Amendment to the Constitution of Bangladesh on 7 June 1988, Islam was declared as the state religion of Bangladesh (Article 2, Clause A) with the provision that other religions may be practiced in peace and harmony in the republic.¹⁵ Islam was thus adopted as a cardinal feature of Bengali's nationalism. Ershad was using Islam to consolidate his position, for it is a matter of fact that the very concept of Islam as a state religion is contradictory, as Justice Kamaluddin Hussein has pointed out:

14. Partha Ghosh, *Cooperation and Conflict in South Asia* (Dhaka: University Press, 1989), 71.

15. Government of Bangladesh, *The Constitution*, 5.

The question is fundamental, can Islam be the state religion even in a Muslim-dominant polity? And can a sovereign state have Islam as state religion? ... If Islam is the state religion then it becomes the sovereign power, it cannot be subordinate to the sovereignty of the state ... a religion like Islam ... cannot be controlled by the state, and again a sovereign nation-state cannot be dictated by the canons of Islam ...¹⁶

Ershad also attempted to bring about changes in the education sector. In 1983 he announced that along with Islamiyat, Arabic (the language of the Quran) would also be studied as a compulsory subject. This could not be implemented due to opposition from the students and political parties. However, he encouraged *madrassa* (Islamic schools) education and put it on par with the corresponding level of general education. The government also introduced the Imam (Muslim religious teachers) Training Program in 1979, whose objective was to encourage imams to engage in national development efforts.

Changes were brought about at other levels, too. Friday was declared a full holiday. The name of the Red Cross was changed into Red Crescent. The country saw a proliferation of political parties with Islamic affiliations. Ershad was ousted from office in December 1990 through a popular uprising in which all political parties of the country participated. This opposition, however, was not based on any ideological contention. The issues involved were Ershad's usurpation of power from a civilian regime and widespread corruption at all levels. The political parties had agitated for his ouster from power and for the restoration of democracy in the country. This, however, was a contest among the Bengali elites for securing and consolidating their own power. This became evident in the election of 1991, when all the major political parties made liberal use of religious symbols. The Awami League, long considered to be the champion of secular Bengali nationalism, also resorted to the manipulation of religious symbols. Even the Communist Party held religious gatherings in its office premises. These moves attest to the bias of these parties toward the majority/dominant community.

16. Cited in Anisuzzaman, "Dharma Rashtra, Dharma Nirepokkhota 'O Rashtra Dharma'" (Theocratic state, secularism and state religion), in Muhammad Delwar Hussein, ed., *Bangladesher Rajnitite Dharma 'O Dharma Nirepokkhota* (Religion and secularism in the politics of Bangladesh), (Dhaka: Prerona Prokashoni, 1993), 27.

Discriminatory Laws

THE PARTITION OF INDIA along religious lines (i.e., Hindu-Muslim) and the subsequent emergence of two nation-states turned out to be ominous for the religious minorities of the two states. Despite India's secularism and Jinnah's assurance that Pakistan would not be a theocratic state—and that in the new state of Pakistan Hindus would cease to be Hindus and Muslims would cease to be Muslims under the rubric of Pakistani nationalism—the divisions became more pronounced and politicized as the state embarked on its policy of nation building. The new state was based on the ideology of Islam. The state's attempt to weave its ideology into the state apparatus and give it an institutional form through various laws and state principles alienated and worried the non-Muslim population, especially Hindus. This sense of insecurity intensified as the state formulated specific laws that marginalized non-Muslims in a systemic way. These were later inherited and retained by the state of Bangladesh. The Hindu community in Bangladesh feels economically and politically marginalized by these laws. The exposition below will make this clear.

The Enemy Property Act, which was subsequently renamed Vested Property Act by the Bangladesh government, is the main cause of economic marginalization of the Hindu community. It has its origins in a number of laws and by-laws promulgated by the Pakistani authorities. These originated in the East Bengal (Emergency) Requisition of Property Act (Act XIII of 1948). In the aftermath of Independence in 1947, the then provincial government was faced with an abrupt and acute problem of accommodation for the numerous government offices and public servants. Under those circumstances the said act was passed for a period of three years. The act gave the government power to acquire, either on a temporary or permanent basis, any property it considered needful for the administration of the state.¹⁷ Hindu members of the East Bengal Assembly opposed the bill on the grounds that it would make the properties of the Hindu community more prone to acquisition.¹⁸ Their apprehensions turned out to be

17. Abul Barkat and Shafiquzzaman, *Political Economy of the Vested Property Act in Rural Bangladesh* (Dhaka: Association for Land Reforms and Development, 1997), 27.

18. Meghna Guhathakurta, "Politics in South Asia and the Hindus of Bangladesh," in Lipi Ghosh and Moniruddin, eds., *Minorities, Nationalities and Identity Formation in South Asia* (forthcoming, Kolkata).

true. The proceedings of the East Bengal Assembly of 1951 evidenced the fact that the act was widely used against religious minorities.¹⁹

In 1951 the East Bengal Evacuees (Administration of Immovable Property) Act, 1951 was passed. According to the government, this act was necessary due to the massive exodus of Hindus in the aftermath of the partition and the communal violence that accompanied it. Under the act the government, through the Evacuee Property Management committee, could take the charge of property of an evacuee person either on the basis of application from such person or on its own motion. The committee had the authority to grant lease or to let out such properties as it deemed necessary. The act also restrained the authority of the Civil Court or High Court to call in question any order passed or any action taken under this act. It has been alleged that in many instances, properties of Hindus still living in East Bengal were also requisitioned as evacuee property. The Hindu elites and zamindars (landlords) were mostly affected by this act.

Following the Hindu-Muslim riot in 1964, the East Pakistan Disturbed Persons Rehabilitation Ordinance was passed in 1964. The validity of the ordinance was extended from time to time until 1968. The ordinance was supposed to bring about speedy rehabilitation to persons affected by the communal violence. It also introduced restrictions on the transfer of any immovable property of a minority community without prior approval of a competent authority. Most common people did not have easy access to these competent authorities, which created many problems for minority communities, especially the Hindus. In essence, between 1964 and 1968 Hindus were deprived of their ownership of property right, as the two basic components of ownership—the right to ensure the title of their property and the right to transfer—were void during that period.²⁰

The Defense of Pakistan Ordinance (Ord. XXIII of 1965) was promulgated following the outbreak of the India-Pakistan war in September 1965. It authorized the government to take special measures to ensure the security, public safety, interest and defense of the state. An emergency was also proclaimed. Under the provisions of emergency powers and the Defense of Pakistan Ordinance, the government framed the Defense of Pakistan Rules (DPR) under which

19. Barkat and Shafiquzzaman, *Political Economy*, 24.

20. *Ibid.*, 29–31.

the government made an executive order on September 9, 1965 named the Enemy Property (Custody and Registration) Order II of 1965. The Enemy Property Act consisted of the following major parts:

1. India was declared as an enemy country.
2. All interests of the enemy (i.e., the nationals/citizens of India, those residing in the territory occupied/captured/controlled by India) in firms and companies, as well as in the lands and buildings situated in Pakistan, were to be taken over by the custodian of Enemy Property for control or management.
3. The benefits arising out of trade, business, or lands and buildings were not to go to the enemy, so as to not affect the security of the state of Pakistan or impair its defense in any manner.²¹

Though the war came to an end in September 1965, the above law had a distinct communal bias and was kept in operation through various proclamations. In a circular issued it was specified that Muslims residing in India, including Indian citizens, would be excluded from the category of “enemy.” (Though the act had explicitly stated that all citizens of India would be regarded as an enemy.) The circular also pointed out that the properties of such Muslim owners would be handed over to them or their legal heirs upon demand. But for a member of the minority community, once the property is enlisted as “enemy,” his or her ownership right would be lapsed forever. It was not only a clear case of discrimination, but also an explicit demonstration of the lack of confidence and trust of the state in its Hindu population. Paradoxically, the Bangladesh government retained the same act. On 26 March 1972, the Bangladesh government enforced the Bangladesh Vesting of Property and Assets Order (Order 29 of 1972). By this order, the properties left behind by Pakistanis (non-Bengalis, Biharis who left for Pakistan) and the erstwhile enemy properties were combined into a single category; thus all the properties of the “enemy” remained with the Bangladesh government under the banner of Vested Property.

21. *Ibid.*, 31–35.

The above law was a clear violation of the spirit of the Bangladesh liberation war. Secularism was adopted as one of the state principles, yet the state retained this communal act. More importantly, the act was also out of context and time as Bangladesh itself was liberated with India's active assistance, and the two countries were signatories to a Treaty of Peace and Friendship. Under the terms of the act, one had to assume that Bangladesh was in a state of war with India.

A parliamentary sub-committee was set up under the Ministry of Land to recommend the repeal of the Vested Property. The sub-committee formulated a draft bill to this effect. This bill, however, had several loopholes. For example, it recommended that properties that were not legally vested in the ownership of the government—as well as those that had been declared as enemy or vested property after 16 February 1969—not be considered as vested property under the proposed law. In fact, most Hindu property had been declared as vested property after this period. The proposed bill further stipulated that nothing contained in the proposed law would affect the proprietorship status of the vested property if it had been taken over by the government, a government institution, any other institution or individual, or if it had been sold or handed over permanently by the government by court directive. These cases could not even be questioned in court. This paper argues that these provisions negate and defeat the spirit and objectives of the repeal of the Vested Property Act. The law also states that the original owners must produce land documents to the tribunal within 180 days of the promulgation of the law, or the land would be taken over as government property. The 180-day time period is considered to be insufficient by members of the community. Besides, it also provides that in the absence of the original owner, the property would be passed on to the successor according to Hindu inheritance laws. In such an instance the provision would be discriminatory toward women, as the present Hindu law deprives women of any right to inheritance.

The Vested Property Act was repealed by the previous regime in April 2001 as the Vested Property Return Bill 2001. This bill deals only with those vested lands that are now under the government's control or possession. Claimants must prove their "unbroken and permanent citizenship" to qualify for ownership of vested property. Tribunals would be set up in all sixty-four districts of Bangladesh, where valid owners would be asked to place their claims within ninety

days. The tribunals would have to settle the cases within 180 days. As per the bill, property not claimed by anyone in the tribunals, or claims that could not be validated, would go to the government for sale or lease. Property earlier released from the Vested Property list or for which a decree was obtained from higher court, or permanently leased out by the government to any authorized person or agency, or acquired for public interest, would not be included in the new Vested Property list.²² It thus appears that the anomalies existing in the bill proposed earlier have not been rectified. Most members of the Hindu community, however, feel the repeal is insignificant because land alienation and land-grabbing of the Hindu community still continues through coercion since the state system is biased toward the majority community. Hindus also allege they face discrimination in business, employment and education sectors. There is a deep conviction among members of the community that preference in the above sectors would invariably be given to Muslim members.²³

Security Rupture and Inter-communal Relations

THE HINDU COMMUNITY of Bangladesh feels insecure both politically and economically. Their insecurity and vulnerability were evident following the Babri Masjid (mosque) incident in India. For the first time since the independence of Bangladesh in 1971, an anti-Hindu riot took place on a national scale—first in 1990 then in 1992. In December 1992, reprisals took the form of attacking temples (and the premises and properties surrounding them) as well as *puja mandaps* (worship altars) all over the country. Sultana Nahar²⁴ provides a detailed account of the attacks that took place in Dhaka, Savar, Manikganj, Mymensingh, Narsingdi, Gopalganj, Faridpur, Gazipur, Narayanganj, Rajbari, Sherpur, Kishoreganj, Madaripur, Chittagong, Coxesbazaar, Teknaf, Sylhet, Habiganj, Comilla, Laxmipur, Feni, Chandpur, Noakhali, Brahmanbaria, Sunamganj, Moulvi Bazaar, Habiganj, Bhola, Pirojpur, Satkhira, Barisal, Jhalkathi, Patuakhali, Khulna, Magura, Barguna, Sirajganj, Pabna, Kushtia, Natore,

22. *Daily Star* (Dhaka), 10 April 2001.

23. For details, see Sultana Nahar, *A Comparative Study of Communalism in Bangladesh and India* (Dhaka: Dhaka Prokashon, 1994).

24. *Ibid.*, 260–73.

Thakurgaon, Rangpur, Bogra, Nogaon, and Dinajpur. This long list suggests the riots were national in scale and not sporadic or isolated incidents. It has been alleged that the acts were politically instigated. The Ershad regime, facing pressure from the opposition coalitions for a free and fair election under a caretaker government, found it politically expedient to divert attention by letting “communal forces” take the upper hand and by trying to patch up things after most of the damage was done. This seriously undermined the confidence of the Hindu community in the state apparatus. Their physical security was at stake, and

The physical security of the minorities is almost always closely linked to the vulnerability of the minority women, since they become easy targets of sexual harassment of the dominant community. It is little wonder therefore that any member of the minority community will first think of sending their sisters and daughters to safety.²⁵

The out-migration process has a direct fallout on Bangladesh-India relations. It provides fuel to the anti-Muslim propaganda of the Bharatiya Janata Party (BJP), which further communalizes the political environment in India. The repercussion on Muslims in India has an adverse impact on the Hindu population in Bangladesh. This further endangers their physical security, as evidenced by the Babri Masjid incident.

The Vested Property Act had been one of the main sources of economic insecurity and has had an adverse impact on the Hindu population. Due to the joint ownership property concept, many Hindus have been dispossessed of their property; Hindus regarded it as a “Black” law that not only marginalized them economically but also turned them into second-class citizens. The law was considered a major cause of Hindu out-migration. “The estimated size of such out-migration during 1964–1991 was 5.3 million, or 538 persons each day, since 1964, with as high as 703 persons per day during 1964–1971.”²⁶

25. Guhathakurta, “Politics in South Asia,” forthcoming.

26. *Ibid.*, 3.

It had been alleged that due to the above act, the minority community was discouraged from acquiring new land and was compelled to sell off property at cheap prices. The procedure of declaring minority-owned land as enemy or abandoned property was also carried out through fraudulent practices. Government documents substantiate these allegations.²⁷ According to one estimate, one million acres of land belonging to the minority community (of the country's total of twenty-one million acres of arable land) have been subjected to transfer from minority owners to the dominant sections of society.²⁸ The repeal of the act, as suggested earlier, did not bring much respite for the Hindu community, since land-grabbing continues through coercion. Furthermore, the violence of the October 2001 elections (discussed below) has eroded Hindu confidence in the state apparatus as a provider of security.

Minorities, especially Hindus, became victims of majoritarian violence during the October 2001 parliamentary elections. Democracy—a laudable ideal and principle—has in effect turned into an instrument of oppression of minorities. Based on the principle of majority rule, politics has turned into a game of numbers. Individuals and communities, instead of being viewed as human beings, are viewed as “vote banks” by the political parties. Political parties and their supporters inflicted violence and coercion upon individuals in a bid to either “win over” the vote banks or to stop them from exercising their voting rights. The institution of majoritarian democracy also does not allow a minority voice in the national parliament. There is hardly any scope for meaningful representation of minorities in the parliament. The Bangladesh parliament is a three-hundred-member body. Previously, thirty seats were reserved for women nominated by the elected members. This reservation, however, expired in April 2001. In the last parliament (June 1996 to June 2001) there were only eight members from the Hindu community and three from the Chakma community. Of the eleven elected members, ten were from the then ruling party, the Awami League (one independent candidate joined the Treasury Bench after his election), and one was from the BNP. The

27. Khan Md. Lutfur Rahman, “Minorities of Bangladesh and Their Alienation: Causes and Implication,” *Journal of the Asiatic Society of Bangladesh* 41, no. 2 (December 1996): 305.

28. Guhathakurta, “Politics in South Asia,” forthcoming.

Awami League nominated three minority women to the reserved seats. Two of these women were Hindu and one was Rakahine. In the October 1, 2001 elections, seven minority candidates were elected, five of whom are from the Hindu community, with three from the Awami League and two from the BNP. Two Hill people, one from the Chakma and the other from Marma community, were elected from the Chittagong Hill Tracts (CHT), one of whom is from the Awami League and the other from the BNP.

It has been suggested earlier that majoritarian democracy has turned politics into a game of numbers. Human beings and communities have been turned into vote banks and constituencies. This dehumanizing of politics took an extremely ugly form in the October 1, 2001 elections in Bangladesh. Minorities, especially the Hindu community, were targeted. The reasons for this violence are not limited to communal factors; rather, the main factors behind such actions are purely political and structural. Hindus are regarded as vote banks of the Awami League, so they were targeted by supporters of the BNP and its alliance partners. In some instances, Awami League supporters had also attacked, thinking the local Hindus did not vote for them as had been expected. In some instances, terrorists took advantage of the situation and indulged in extortion and looting.²⁹

The violence started fifteen days prior to the October 1 elections and continued till about October 27, which ruined the Durga Puja, the most important religious festival of the Hindu community in Bengal. From the scanning of ten dailies (*Prothom Alo, Jonokontho, Jugantor, Sangbad, Banglabazar, Inqilab, Dinkal, Daily Star, Ittefaq* and *Bhorer Kagoj*), about 330 reports of violence against the Hindu community were reported between 15 September and 27 October. The violence included rape, killing, physical torture, plunder, damage of property, bomb throwing, arson, and extortion.

The predicament of Hindus in Bangladesh is most regretful, for they also had to bear the major brunt during the liberation war. Pakistani authorities tried to communalize the war; it was termed an Indian/Hindu conspiracy to destroy the unity of a Muslim nation. Hindus and members of the Awami League were prime targets of Pakistani authorities. Consequently, about 90 percent of Hindu

29. *Star* (weekend magazine, Dhaka), 26 October 2001, 16.

households were affected.³⁰ Most of them had to flee to India. In August 1971 the communal composition of the refugees figured 6.71 lakhs and 5.41 lakh Hindus.³¹

Community Responses

MINORITY COMMUNITIES, especially Hindus, were alarmed at the Islamization of the constitution and other consequent changes. The shift from Bengali to Bangladeshi nationalism, with its emphasis on Islam and the use of the India factor in national politics, created a sense of insecurity among the latter. Minority communities perceived the passage of the Eighth Amendment to the constitution, which declared Islam as the state religion, as a severe blow. In the aftermath of this the first organized protest of the Hindu community took place. The minorities of Bangladesh organized themselves under the banner of *Hindu, Boudha, Christian Oikya Parishad*. Though the movement started as a protest against the Eighth Amendment, it gradually demanded the abolition of all discriminatory practices and laws (e.g., the Vested Property Act).

The print media played an important role in publicizing the violations of human rights of minorities in the October 2001 elections. Such publicity began appearing in the newspapers about fifteen days prior to the elections and continued till the end of October. This helped in creating a general awareness about the violations, both at the national and international level. Some of the non-governmental organizations (NGOs) and civil society organizations sent investigation teams into the affected areas. A joint team consisted of members from Ain 'O Shalish Kendra, Sammolito Samajik Andolon, Nijera Kori, Bangladesh Nari Progoti Shongho, Nari Uddyog, Bangladesh Mohila Parishad, Bangladesh Legal Aid and Services Trust, and the Society for Environment and Development. Several organizations of the investigation team—Ain 'O Shalish Kendra, Nijera Kori, Bangladesh Mohila Parishad and Sammolito Samajik Andolon—attended a press conference held on October 17. Through the press

30. Ibid.

31. Imtiaz Ahmed, "Refugees and Security: The Experience of Bangladesh," in S. D. Muni and Lok Raj Baral, eds., *Refugees and Regional Security in South Asia* (Colombo: Konark Publishers, 1996), 128.

conference these organizations appealed to government, political parties and civil society members to take measures to rehabilitate persons affected by human rights violations. Suggested measures included the immediate release, proper compensation and rehabilitation of those who had been arrested by the police and the Bangladesh Rifles (a paramilitary force) while attempting to flee the country due to violence. The organizations also suggested that the government immediately publish any reports acknowledging the violence, and that legal measures be taken against the perpetrators. Furthermore, long-term measures should be adopted to win the confidence of the minority community and to provide them with a sense of security. Finally, the organizations observed that the tendency to target and victimize the minority community for no valid reason during different political situations should be immediately stopped and resisted.³²

Another investigation team sent by Shocheton Nagorik Samaj held a press conference on 21 October. Sammolita Samajik Andolon and Bangladesh Mohila Parishad also undertook rehabilitation programs in the affected areas. Students of different universities, under the banner of Shocheton Chatra Samaj, organized a hunger strike to protest the violence on minorities in the Central Shaheed Minar.³³

Ain 'O Shalish Kendra also made a writ petition at the High Court on 21 November to stop this situation. It argued that the government and the inspector general of the police had failed to provide security to the Hindu community and thereby failed to guarantee the citizens rights provided in the Articles 27, 28, 31, 32, 35 and 42 of the Bangladesh Constitution. The High Court directed the home secretary and the inspector general to submit their report regarding the measures they had taken by 15 January 2002.³⁴

32. Press Conference, "Nirbachonottor Shohingshota 'O Shonkhaloghuder Opor Akromon Shoho Shamprotik Poristhiti 'O Bhubisshot Koronio Proshongge" (Violence in elections, attack on the minorities, the communal situation and future options), Sangbad Shommelon, October 17, 2001. Organized by Ain 'O Shalish Kendra, Nijera Kori, Bangladesh Mohila Parishad, and Sammolita Samajik Andolon.

33. *Prothom Alo* (Dhaka), 15 October 2001.

34. Urmi Rahman, "Shonkhaloghu Nirjatoner Biruddhe Ain 'O Shalish Kendra Mamla" (The legal case of Ain 'O Shalish Kendra against attacks on the minorities), *Bulletin*, Ain 'O Shalish Kendra, (Dhaka: December 2001), 10.

Conclusion

THIS PAPER DEMONSTRATES that seeds of violence against the minority community are inherent within the processes and structures of the modern state system, which has led to the dehumanization of humans and politics. Humans have been boxed into identities that either privilege or marginalize them through discriminatory laws and principles. In the name of politics, the system of majoritarian democracy has threatened individual autonomy and turned human beings into vote banks and vote constituencies. Lack of accountability and transparency of the state machinery only makes the situation worse.

In other words, the state has failed to provide human security to its minority communities. The repeal of the Vested Property Act has done little to assuage the grievances of the minority community, since the principles and ideology of the state privilege the dominant community. To escape this vortex of violence, the structures of state and society have to be democratized in the true sense of the word. The Bangladesh state must recognize the plurality of its culture and people. This paper has argued that the political elite whips up religious fanaticism for its own vested interests. This, I am positing here, is not done out of love for religion.

These issues need to be brought to the fore through community movements, seminars, dialogues, workshops, and change in academic curricula. Undoubtedly, in civil society the media has the most important role to play in this respect. A politically and humanely conscious citizenry can provide the best safeguard for its own security by compelling the government to democratize itself and make itself people-oriented.