

Hearings on Religious Freedom in India and Pakistan: Prof. Sumit Ganguly Prepared Testimony

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Dear Mr. Chairman:

I consider it an honor and a privilege to be asked to testify before this commission today. The subject before us is of no minor significance and deserves careful discussion and analysis. I shall address three issues in my prepared remarks and then answer any questions that may arise.

First, I shall discuss the conditions of religious minorities in their respective countries and what the two national governments could do to improve protect religious minorities from violent religious intolerance. Second, I shall dwell on the possible measures the United States could take to improve the conditions of religious minorities in these two countries. Finally, I shall address U.S. policy options with respect to the on-going crisis in Kashmir.

At the very outset it is vital to underscore that, polemical commentaries to the contrary notwithstanding, the conditions of religious freedom in India and Pakistan are markedly different. Both states, in their existing constitutional apparatus, guarantee religious freedoms. However, these apparent similarities quickly fall apart upon closer scrutiny. Pakistan started its independent history as the homeland for the Muslims of South Asia and is now an avowedly Islamic Republic. India, on the other hand made an explicit commitment to secularism at the time of its independence and remains a constitutionally-mandated secular state.

Pakistan's 1985 constitution, which is now in abeyance owing to the military coup, nationally guarantees freedom of religion. Religious freedom, however, is deemed "subject to law, public order and morality." Actions or speech derogatory to Islam or its Prophet, for example, are not protected. In 1994 Prime Minister Benazir Bhutto unsuccessfully attempted to amend the blasphemy law. More recently, General Musharraf, the military ruler, also made a similar attempt but quickly backed down in the face of Islamist opposition. The consequences of this law are far-reaching because it carries a mandatory death sentence. Tragically this law has been exploited to

settle economic grievances or professional rivalries or to target non-Muslims at the behest of local clerics.

In Pakistan, in the past few years there have been repeated attacks on Christians, the minority Shia community faces increasing persecution and the Ahmadiya Muslims are considered to be apostates. Various Pakistani regimes, including the current military government, has also done little to curb the growth of madrassas (Islamic schools) which are involved in the teaching of a particularly austere, retrograde and intolerant vision of Islam.

In India, despite a vigorous challenge to the secular state from both ends of the political spectrum, the legal dispensation of secularism remains intact. Even the most ardent critics of secularism argue that they are merely attacking "pseudo-secularism". Societal religious intolerance has been on the rise since the late 980s. It reached its apogee in December 1992 when members of the Bajrang Dal, a group loosely affiliated with the Bharatiya Janata Party (BJP) attacked and destroyed a mosque, the Babri Masjid. This edifice had been putatively built on the ruins of Hindu temple consecrating the birthplace of Lord Rama, a key member of the Hindu pantheon.

In the last two years, a disturbing spate of attacks has taken place against Christian churches and missionaries. The killing of an Australian missionary, Graham Staines, and his two sons in January 1999 received much media attention in this country. Without any intent at underplaying the tragedy of this event, it needs to be emphasized that a series of other attacks on Indian nuns and priests had previously taken place without even a cursory mention in the international press.

The responses of Indian key segments of Indian society and government to these loathsome acts have been differed markedly. The English-language press in India has done a mostly exemplary job of reporting on these incidents and a number of Indian human rights organizations have vigorously condemned them. Sadly, the national government has failed to demonstrate similar concern or alacrity about this recrudescence of violent religious intolerance. Instead its spokespersons have suggested that these acts are either isolated incidents, the inevitable backlash against the excessive proselytizing zeal of missionaries or the work of perfidious Pakistani-sponsored terrorists intent on fomenting communal hatred in India.

What could the two national governments do to curb the rise of these forms of religious intolerance? In the Pakistani case, the tasks before the government are manifold. To begin with, the Pakistani government should be urged to dispense with one of the most obvious elements of religious discrimination, namely the imprinting of religious affiliation on national identity cards. The government of General Musharraf should also be pressed to dispense with the blasphemy law and its draconian form of punishment. This law has already been

subjected to much abuse. It is in Pakistan's interest to promptly repeal it. Finally, the Musharraf regime should also be strongly encouraged to bring the minority Ahmadiya community within the fold of Islam. A state that was putatively created to be the homeland of the Muslims of South Asia can ill-afford to treat fellow-Muslims as apostates.

Pakistan will eventually have to pursue fundamental institutional reform to address the problem of minority rights. However, even if it undertakes the few steps outlined above it will have made significant progress in preventing the further abuse of its religious minorities.

The context of religious tolerance in India, though hardly exemplary, is a far cry from the conditions that prevail in Pakistan. At the outset it needs to be highlighted that the prevalence, and indeed the deepening, of electoral democracy in India prevents parties which are insensitive to the concerns of religious minorities from wantonly engaging in their callous behavior. At an institutional level also the existence of an independent judiciary also provides the possibility of some legal redress for the grievances of minorities. Finally, the Election Commission has also sought to prevent political parties from making blatantly sectarian appeals.

Nevertheless, within the last two decades, there is little question that violent religious intolerance has grown. What can the national government do to curb this infelicitous trend? Unlike in Pakistan, India does not need to make fundamental changes to its legal and constitutional structures to protect minority religious rights. Instead it needs to vigorously and scrupulously adhere to and enforce the range of constitutional and legal provisions that already exist to guarantee minority rights.

Such a process must begin from the highest echelons of political authority in the land. To this end, the principal party in the coalition government, the BJP, should eschew its propensity to scapegoat minorities, especially Muslims, for India's myriad social and economic ills, especially in electoral contexts. Simultaneously, its leaders can make clear through public speeches, internal political directives, and vigorous implementation of existing laws that acts of violent religious intolerance will not go unpunished.

Thus far, despite a series of attacks on Christian churches, nuns and missionaries the highest echelons of the political leadership have failed to categorically condemn this rise of sectarian violence. Worse still, Prime Minister Vajpayee, in a public speech called for a debate about the issue of Christian proselytization in India. There is little reason to debate this subject. Christian missionary activity in India does not threaten the majority Hindu community. In fact, according to the 1991 census, Christians now constitute a robust 2.3

percent of India's total population. This actually represents a decline in the number of Christians from a figure of 2.8 percent from 1981.

Some in the present government have also attempted to blame the recent wave of anti-Christian violence on the Deendar Chennabasaveshwara, a sect, which supposedly acts at the behest of Pakistan's Inter-Services Intelligence (ISI) service. There is little question that the ISI has been involved in attempting to foment trouble in India on many an occasion. No evidence, however, has been adduced to show that this sect has links with the ISI.

What can the United States do to improve religious freedom in Pakistan and India? First, any American policy that seeks to improve the conditions of religious freedom in Pakistan and India must unequivocally condemn all acts of religious violence. In the past, American policy has been selective in its condemnation of religious intolerance. This inconsistency in the expression of concern has led to justifiable charges of double standards and hypocrisy.

Second, public hectoring of either Pakistan or India may actually lead to a jingoistic backlash and undermine the effectiveness of American condemnation. Instead the U.S. should use its existing diplomatic channels in Islamabad and New Delhi to express its displeasure about acts of religious hatred and intolerance. Simultaneously, to the extent that these acts fall into the category of either terrorist acts or human rights violations, they should be duly listed in the appropriate annual State Department reports on terrorism and human rights. These reports actually perform a useful function in South Asia as the attentive publics throughout the region pay heed to their contents.

Third, the U.S. does need to pursue a differentiated policy toward India and Pakistan. I can well imagine many taking exception to this argument. However, I do believe that my position is eminently defensible. As argued earlier in this testimony, India still has a working judiciary, a free press and a variety of domestic human rights watchdog organizations. The situation is different in Pakistan. The judiciary is pliant, the scope of the free press limited, its norms weak or non-existent, and independent human rights organizations few and far between. Most importantly, Pakistan is again in the throes of military rule. Consequently, it would be a travesty to suggest that the plight of religious minorities in the two countries are on the same plane and call for equal degrees of concern. The situation is far worse in Pakistan where the possibility of sectarian violence, among other factors, threatens the very viability of the Pakistani state.

Fourth, the United States should allocate some funds to its public diplomacy and foreign assistance programs for the promotion of secular education in both Pakistan and India. Such efforts are especially important in Pakistan where low levels of literacy and

educational attainment are compounding the problems of sectarian conflict.

Finally, what policy options does the United States have on the Kashmir question? My views on this subject may seem heretical. However, it is time indeed to commit heresy on this subject because the long-held nostrums of American policy have accomplished little. The present American policy, to the best of my understanding, holds that India and Pakistan should settle the Kashmir dispute peacefully while taking into account the wishes of the Kashmiri people. This policy is, at best, unimaginative and at worst, disingenuous. It is unimaginative because obviously the U.S. would be loath to see the problem settled through the use of force. It is also disingenuous because the Kashmiri people are not confined to the aggrieved Sunni Muslims of the Kashmir Valley but also the Buddhists of Ladakh, the Hindus of Jammu and the Shias of the Himalayan region of Kargil.

India's deeply flawed policies of the 1980s contributed to the disaffection of the Muslims of the Kashmir Valley. Subsequent brutal and repressive strategies to curb the rebellion of 1989 only worsened matters. However, today the insurrection in Kashmir bears little resemblance to the popular uprising of 1989. It is now little more than a Pakistan-supported protection racket in the hands of Islamic zealots and condottieri. The groups that now stalk and routinely wreak havoc across the Valley do not represent anyone but themselves. They are not the saviors of the Kashmiris --- whether Hindu, Buddhist or Muslim.

Given the conditions that obtain in Kashmir today it would behoove the United States to formulate a policy along the following lines. It would call on India to forthrightly address allegations of human rights abuses on the part of its security forces in Kashmir, to maintain its offer to negotiate with any insurgent group (while it continues necessary counterinsurgency operations), to renew the stalled dialogue with Pakistan and to seriously consider returning the portion of Kashmir that it controls to the autonomous status it enjoyed prior to 1953.

Simultaneously, this new policy would make clear to Pakistan that continued support for terrorism in Kashmir will inexorably lead to its being placed on the list of states deemed to be supporting terrorism. Pakistan has narrowly escaped this designation on several occasions in the past. It may not be as fortunate in the future. Finally, in a vital departure from past American policy the U.S. could also accept the existing Line of Control in Kashmir as the de jure border if a majority of these conditions are met.

The final policy recommendation will be greeted with some delight in New Delhi and with much dismay in Pakistan. These expressions of delight and dismay, however, could be both tempered if the U.S. can successfully induce both sides to adopt the other measures

that have been outlined. The measures enumerated represent important concessions for both India and Pakistan on the Kashmir question. Consequently, their adoption would entail significant costs for both New Delhi and Islamabad. Neither side therefore should feel unduly aggrieved as the Kashmir conflict slouches toward a solution.