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The Punjab 1937-47 - A Case of Genocide?

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During the months of August, September and October 1947 the Punjab witnessed genocidal violence on a massive scale, where an estimated 500,000 people perished and around 10 million people were uprooted. It was, however, not a classical case of genocide with well-defined categories of perpetrators and victims, but rather a case of 'reciprocal genocide' where Muslims, Hindus and Sikhs acted as perpetrators and victims depending on their power and influence in a given area.

This article addresses the development and manifestation of communal violence in Punjab from 1937-47, in order to identify how the genocidal violence differed from the traditional violence. The genocidal violence was dominated by national discourses, it affected rural areas, and it broke all cultural taboos by inflicting sexual violence on a massive scale. These features became fully apparent during the March rioting in the Rawalpindi Division in 1947, where the aim was no longer defending one's community, but to ethnically cleanse one's area of the 'other' through mass killing and forced migration. The violence during actual partition in August 1947 continued these genocidal features on a massive scale affecting the whole of Punjab.

Introduction

The partition of Punjab in August 1947 was followed by mass violence leaving around 500,000 people dead. Partition was also accompanied by a massive migration with up to 10 million people crossing borders between the two embryonic states of India and Pakistan. Approximately 5.5 million Muslims fled from the eastern to the western part of Punjab and 4.5 million Sikhs and Hindus fled in the opposite direction.

The enormity of violence has not been lost on the researchers of South Asian history. Mohammad Waseem describes the partition of Punjab as 'one of the most violent processes of ethnic cleansing in recent history'. I Ian Copland refers to the expulsion of Muslims from the princely states of Alwar and Bharatpur (situated in Rajasthan and sharing a border with Punjab) as 'a case of systematic "ethnic cleansing". Shail Mayaram describes the violence following the partition as a case of genocidal violence, thereby suggesting organisation behind it. And Yunas Samad compares the partition experience with the Rwanda case and the break up of Yugoslavia, i.e. with two recent cases of ethnic cleansing and genocide. A

However, only a few scholars within genocide studies have focused specifically on partition. Leo Kuper has argued against describing the partition violence in India as an act of genocide because of the lack of state involvement. According to Kuper, partition violence was instead constituted by genocidal massacres characterised by 'the annihilation of a section of a group - men, women and children, as for example in the wiping out of whole villages'. Leonard B. Glick too refers to the violence during partition as a 'near-genocidal ethnic-religious conflict', where 'the intentions of the combatants clearly qualify as genocidal'.

The purpose of this article is to demonstrate the genocidal features of the partition violence during the decade of 1937-1947 and to look into whether it was a case of genocide. The focus will be on how the manifestation of violence changed during this period from traditional violence to genocidal violence. The ambition is to follow the 'roots' and the 'routes' of the partition violence.

The article is mainly built on primary sources besides secondary literature. The most important sources are the Fortnightly Reports from the Chief Secretary for the Government of Punjab to the Viceroy (from January 1937 to August 1947) and the letters from the Governor to the Viceroy. The Fortnightly Reports and the Governor's correspondence portray the colonial Government's information about and perceptions of the violence in Punjab. These sources are not without lacunas. Firstly, the incidents reported are limited to the violent exchanges only. Secondly, it is only the violence recorded in terms of statistics of killed, injured and wounded, which reaches the historians, while the real suffering of the victims is unnoticed.8 Moreover, what the British described as a communal incident might have represented something altogether different for the people involved. There are many examples of the British deliberately describing clashes as incidents of communal violence in order to portray themselves as 'just' rulers destined to establish law and order.9 However, the Fortnightly Reports offer a consistent and continuous covering of the period 1937-47 and are thus the nearest we can come to the events.

Concepts and Definitions

An understanding of the concepts of 'traditional' and 'genocidal' violence is central to this paper. A defining feature of the 'traditional' violence in India is the continuity in social and economic interaction in the post-violence phase, understood as the ability of Hindus, Muslims and Sikhs to continue living together after a riot. Veena Das and Ashis Nandy have argued that an exchange of violence, as in a feud, is justified from the viewpoint of both the victims and the aggressors, because the feud represents 'a pact of violence between social groups'. ¹⁰ Shail Mayaram has used the term 'consensual' violence to describe the violence associated with the feud. It differs from 'non-consensual' violence which is 'grounded in the absence of the consent of the victim'. ¹¹ Instead, the aggressor has to create another source of legitimation for the violence.

Partition violence, Mayaram argues, was different from the feud normally associated with traditional violence, because 'the mutuality of exchange of the feud was rendered obsolete'. ¹² It was a case of genocidal violence. This distinction between traditional and genocidal violence is essential in understanding the transformation of violence in the Punjab and the implicit genocidal features therein. One could argue that the violence in 1937 mainly was a case of consensual violence, since the aim was to reinforce the communal territories among the three communities. However, in 1947 the violence had changed into non-consensual violence and appropriated genocidal features, because the aim of the violence turned into an act of survival.

According to the UN convention of 1948, genocide is 'acts committed with intent to destroy in whole or in part a national, ethnical, racial or religious group'.13 The focusing on intent as well as the omission of other groups than in the above mentioned definition has resulted in several attempts to redefine genocide. 14 There is thus far from consensus within genocide studies on the definition. Helen Fein has argued that genocide 'is sustained purposeful action by the perpetrator to physically destroy a collectivity directly or through interdiction of the biological and social reproduction of group members."15 Frank Chalk and Kurt Jonassohn have defined genocide as 'a form of one-sided killing in which a state or other authority intends to destroy a group, as that group and membership of it are defined by the perpetrator'. 16 Mark Levene has similarly argued 'that the perpetrators of genocide are states, or state-sanctioned bodies', 17 even though he recognises that such an exclusive approach creates several problems, especially to present-day cases of mass killings. In the acts of genocide committed both in Bosnia and Rwanda in the 1990's, it is not possible to identify the state as the single uniform perpetrator. 18 Henry R. Huttenbach, however, has argued that a policy of genocide does not need to be executed by government institutions only. A well-organised and well-armed communal group could, given a situation with a weak central government, carry out a genocide. He argues that 'elements within society, harboring genocidal intentions, can, with or without the collusion or cooperation of the instruments of the state, embark on a genocide campaign. Under certain circumstances of political disequilibrium, civil strife can erupt generating genocidal forces, one or both sides determined to eliminate the other'. 19 The partition violence in Punjab can perhaps be better reflected upon in light of the definition given by Huttenbach. After having disregarded the imperative of the state in committing genocide, he defines genocide as 'any act that puts the very existence of a group into jeopardy'.20 Thus, in his definition the partition of Punjab clearly constituted a genocide.

Barbara Harff has listed the following three preconditions for genocide or 'genocidal violence': 1) Structural change - understood as national upheaval, 2) sharp internal cleavages - combined with historical struggle and, 3) lack of external constraints - no international sanctions or intervention.²¹ These three preconditions were all amply present in the Punjab in 1947. Firstly, the process of de-colonisation and the creation of the two new states of India and Pakistan

threw Punjab into a state of complete turmoil; secondly, the communal differences and the ensuing hostilities constituted the internal strife which was given a historical hue by the political leadership; and lastly, the British were unwilling to counter the violence. This led to a breakdown of law and order and provided suitable conditions for the conflict to grow unhindered.

The genocide scholar Mark Levene has argued that the emergence of nationalism, especially in multi-ethnic societies creates what he has named 'zones of genocide' where conflicting national aspirations battle over the same resources and territory. However, in Punjab the notion of communalism better serves as an explanation to the partition violence. The origin of the concept of communalism is still widely debated. A historian of modern India Bipan Chandra sees communalism more as a product of colonial rule than as a conscious colonial construction. Hrough their ability to 'divide and rule' the British succeeded in dividing the Indian society. Gyanendra Pandey argues that communalism generated from the British writings on Indian society. According to him, communalism was constructed by the colonial state to legitimise colonial rule and was reproduced by the colonial archives through what he has termed 'the master narrative'.

Several studies have been conducted concerning the imperative of politics in the course of collective violence²⁷ and on the role of the crowd.²⁸ In a comprehensive study on communal violence in Bengal 1905-1947, Suranjan Das has shown how communal violence changed during this period and especially how it was influenced by organised politics.²⁹ After provincial autonomy was achieved in 1937 communalism began making headway into institutional politics, a development which, according to Suranjan Das, changed the shape of 'communal rioting in the twentieth century'. 30 During the 1940's the religious and communal identity began to prevail and other identities began subsiding. Achieved identities based on friendship or political belief were increasingly under attack. The communal violence in India has been the object of much research³¹ but the riots leading up to and during the partition in 1947 have not been studied to the same extent. Gyanendra Pandey has thus criticised the partition historiography for not explicitly trying to describe and comprehend the violence and instead disregard it as irrational. 32 A similar critique of the absence of descriptions of the actual violence in partition historiography have been formulated by Swarma Aiyar.33 She has instead worked on crowd behaviour and crowd violence. The recent work by Ian Talbot is also on crowds and collective action and he furthermore uses fictional literature to explore 'collective representations'.34

'Roots' and 'Routes' of Violence

While sometimes violence was a reaction to political decisions, at other times it had local roots. The common reasons that resulted in violence at the beginning of this period were sacrilege of religious places, slaughtering of animals revered by Hindus and Muslims, conflict over procession routes and other issues of

decided local interest. The intensification of the demand for Pakistan in mid 1940's along with the growth of communal propaganda and the proliferation of private armies altered this character of ritualised violence.

The 1937 Provincial elections following the 1935 Government of India Act formed the backdrop to a new era in British Indian politics. The demand for separate communal electorates had been accepted and the foundation of separate paths for the different communities had been laid. The 1937 election was contested by both the Indian National Congress and the Muslim League. However, in the Muslim majority province of Punjab, the clear winner in the election was the Unionist Party, a regional party mainly consisting of landowners. It was also an inter-communal party represented by Muslims, Hindus and Sikhs, even though a majority of the party members were Muslims. However, the Muslim League was overwhelmingly defeated, having won only one seat. The new Government was formed under the Premiership of Sir Sikander Hayat Khan from the Unionist Party.

The polling for the election in Punjab in January 1937 was reported to have been mostly peaceful, except in Amritsar, where a Hindu nationalist had been fatally injured in a scuffle with some Congress supporters. Even though this incident testified to intra-community violence, by far the most conflicts were among people belonging to different communities. The religious processions were the most common basis for triggering off a riot. On 27th March a clash took place in Panipat between Hindus and Muslims, because Muslims had tried to prevent a religious procession from taking place. The ensuing violence killed seven Muslims and one Hindu, leaving twelve injured. On 13th June, a major clash took place between Muslims and Sikhs at Kot Fateh Khan because of a Sikh procession. Two or three Sikhs were killed and several injured. At the same time the communal rhetoric in the Press worried the Punjab Government, which had to plead with the press not to publish 'matters calculated to exacerbate communal bitterness'.

However, 1938 and 1939 were to a lesser extent affected by communal tension. On 3rd September 1939, following the outbreak of World War II, Viceroy Linlithgow declared war on Germany. This was followed by a Congress demand for 'a post-war constituent assembly to determine the political structure of a free India' and the formation of a 'responsible Government' at the centre, 41 if the Congress should back the war effort. The Congress demand was strongly rejected by the Viceroy, who then turned to the Muslim League. On 17th October he announced that post-war consultations would be held with 'representatives of several communities'. 42 This announcement challenged the Congress in its claim of representing all of India and emphasised that a future transfer of power would not be given to the Congress alone. However, the Muslim League decided not to back the war effort either. In the Unionist-led Punjab, Governor Craik expected that the different communities would support the war effort as 'the martial races look forward to recruitment on a large scale'. 43

At a Muslim League meeting in Lahore on 23rd March 1940, Muhammed Ali Jinnah (leader of the All India Muslim League) officially denounced a common Indian nation by stating that it was a 'dream' that Hindus and Muslims could ever evolve a common nationality. 'The Hindus and Muslims belong to two different religious philosophies, social customs, and literature.' Jinnah further argued that the north-eastern and north-western parts of India, where the Muslims constituted a majority, were to be independent and sovereign states.

Within the traditionalist⁴⁵ and revisionist⁴⁶ schools it is disputed how the Lahore resolution (also known as the Pakistan resolution) should be interpreted. The traditionalists see the resolution and the two-nation theory as an attempt to establish a separate Muslim state and regard the subsequent independent Pakistan as the logical consequence of the Lahore resolution. On the other hand, the revisionists argue that the Lahore resolution should not be seen as a demand for an independent state, but rather as a bargaining counter. Jinnah wanted that the Muslims in India should be regarded as a nation and not as a minority. His real aim was not a partition of British India, but to develop a relationship of equals.⁴⁷

Disregarding whether the Lahore resolution was meant as a bargaining counter or not, it indeed questioned the idea of a united and multi-ethnic Punjab. For the first time the coexistence of Hindu, Muslim and Sikh was openly denounced as an illusion, which fuelled the communal unrest. During a clash between Hindu Jats⁴⁸ and Muslims on 7th April at Lehlara in the Rohtak district between 40 and 50 people were injured.⁴⁹ And from the beginning of June it was reported that the different communal and political groups had started organising or reviving their volunteer corps. The Sikhs had their *Jathas* (local defenders) and the Hindus the Rashtriya Swayamsevak Sangh (RSS).⁵⁰ While the Jathas were locally organised, the RSS had branches in several places in North India.⁵¹

In February 1941 it was reported that problems with processions continued and that both the Hindus and the Muslims accused each other of wanting to establish a Muslim or Hindu Raj (rule) respectively.⁵² On 7th May riots took place at Bhiwani in the Hissar district in Southeast Punjab leaving nine Muslims dead and injuring 26. Among the Hindus two were killed and 15 injured.⁵³ By November 1941 the Sikh opposition to the idea of a separate Pakistan was becoming more outspoken and at the many *Diwan*'s⁵⁴, during the annual *Nankana Sahib* Fair, speakers were insistent that any attempt to introduce Pakistan would be resisted by force.⁵⁵ On the whole in Punjab there was a continuous and growing debate about a separate Pakistan.⁵⁶

Growth of Private Armies

In March 1942 it was reported that the communal defence organisations were growing like 'mushrooms' ⁵⁷ and the death of Sir Sikander in December 1942 created further tension in the province. Sir Sikander, who was followed by Khizr Tiwana Khan, had been a very important British ally. And even though

Jinnah did not have any say in his replacement, Sir Sikander's death made it easier for Jinnah to challenge the Unionist leadership in Punjab. 58

Even though hardly any communal incidents were reported during 1943 the picture changed drastically during 1944. In March 1944 eight Muslims were killed and one wounded in a Hindu-Muslim clash in the Hissar district, and in Lahore city one Muslim was stabbed to death by a Hindu. ⁵⁹ The communal relations and the Unionist leadership in the Punjab were also threatened by Jinnah's aggressive posture and in May 1944 the final break between the Unionists and Jinnah took place when Khizar was expelled from the Muslim League. ⁶⁰

The main concern of the officials in the summer of 1944 continued to be the deteriorating communal and political relations among the three communities. Governor Glancy was worried about the possible activities of the Muslim League National Guards, a body formed from a reorganisation of the Muslim League volunteers. The new raison d'être of the organisation was to strengthen the social and physical development of Muslims and create a spirit of self-sacrifice and service. Furthermore, the guards would start wearing uniforms. Thus, the quasi-military character of the organisation was underlined. According to the Governor it was important to make it clear from the very beginning that uniformed bodies of this kind would not be tolerated. However, nothing was done to stop the volunteer organisations.

On 24th July a Hindu woman's conversion to Islam triggered off a very serious clash at Farrukhnagar in the Gurgaon district in Southeast Punjab. Reportedly more than 2,000 Hindus from neighbouring villages gathered and killed eight Muslims, injured 16 others and did considerable damage to Muslim houses. The incident testified not only to the growing communal tension but also that women were regarded more as community property than as private individuals. Even though this was the last recorded clash in 1944 it was nevertheless evident that the space for peaceful coexistence was shrinking.

At the end of the war Viceroy Wavell announced that talks on forming a new executive council were going to be held from 25th June 1945 in Simla. 64 The conference was faced immediately with the problem of selecting the Council members. The subsequent failure of the Simla Conference persuaded the newly elected Labour Cabinet in Britain that an interim settlement wouldn't work. Instead they started arguing for a final settlement, where no minority would have a veto but where the Muslim majority provinces would not be forced into a settlement they were against. 65 For Jinnah it meant the need to strengthen his Muslim League before the coming provincial elections. In Punjab the call for election was looked upon with great concern. Governor Glancy expressed his worry that the forthcoming provincial elections would be held on an entirely false issue. 'The uninformed Muslim will be told that the question he is called on to answer at the polls is - Are you a true believer or an infidel and a traitor?'. 66 According to Glancy, the Unionist, wouldn't have any countermove against this claim and he feared that the consequences of the election could be devastating. 'If Pakistan becomes an imminent reality, we shall be heading

straight for a bloodshed on a wide scale.¹⁶⁷ It is thus worth noting that the British officialdom was fully aware of the potential of mass violence should Pakistan be established. For the Sikhs, especially, it was important that the Punjab remained as multi-religious as possible. Even though Sikh rhetoric was directed against the creation of a Muslim state, their main fear was to be politically subjugated either by a Muslim or a Hindu majority after independence.⁶⁸

The provincial election in Punjab in 1946 was a major victory for the Muslim League and they emerged as the single largest party in the assembly.⁶⁹ However, with 75 seats the Muslim League was still 13 seats short of the majority figure of 88. So even though badly decimated, the Unionist Party remained in office with the support of the Sikhs and the Congress.70 Thus, the uncompromising rhetoric of the election campaign continued. All parties were reportedly equipping themselves with crude weapons and only the imposition of curfew could keep the Muslims and Hindus away from each other, more so in view of reports of deliberate attacks on women. 71 The targeting of women is very significant, because it underlined how the violence had started changing from consensual to non-consensual violence and how the space for the violence thus shifted from the public to the private sphere. Veena Das has argued that 'each riot leaves its signature, and one way to decipher this is to pay attention to the spaces involved'. 72 From 1946 onwards the rioting shifted away from traditional riots because issues changed from protection of religious places and symbols to that of state formation. The location of violence was not limited to urban areas but engulfed the rural areas as well and lastly, the violence also targeted women and children. Membership of the private armies subsequently increased. In July 1946 membership of the RSS was estimated at 28,000, while membership of the Muslim League National Guards had reached more than 10,000.73

Against the backdrop of the political and communal turmoil after the provincial elections, the British decided to make a new attempt to initiate negotiations on a new Indian constitution. On 14th March 1946 a Cabinet Mission had arrived in India. The Mission proposed a structure with a weak centre controlling only defence, communication and foreign affairs, while the existing provincial assemblies should be grouped into three sections. There should be one section for the Hindu majority provinces, one for the Muslim majority provinces of the north-west and one for the Muslim majority provinces of the north-east. Each of the three sections were to continue having a legislature of their own. ⁷⁴ On 6th June the Muslim League accepted the plan and on 24th the Congress followed suit but both acceptances were given with reservations.

The major area of disagreement was whether the grouping of provinces in the two Muslim sections should be compulsory or not. For the Muslim League, compulsory grouping was essential since it would consolidate their power in the Muslim majority areas. The Congress, however, was strongly opposed to compulsory grouping since it would make it impossible for provinces to leave the section. On 10th July Congress President Nehru declared that the only commitment his Party had given 'was to participate in the Constituent Assembly elections'.⁷⁵ The response from Jinnah to Nehru's statement came on 30th July when the Muslim League withdrew their earlier acceptance. Instead they called for a 'Direct Action' from 16th August 'to achieve Pakistan'.⁷⁶

The mass Muslim movement of 'Direct Action' triggered off the worst rioting in India after the war. The north-eastern province, Bengal, was particularly affected where the main city, Calcutta, turned into an inferno. Muslims and Hindus clashed in the streets between 16th and 20th of August. The rioting was started by a section of Muslims propagating the creation of Pakistan, ⁷⁷ but during the course of the rioting all communities were equally involved. When the violence subsided the numbers of victims had to be counted in thousands. According to the official estimates 4,000 were dead and 10,000 injured. ⁷⁸

So far the Punjab had managed to stay clear of mass violence even though, as stated in the Fortnightly Report, 'civil war is still accepted as being preferable to the abandoning of any principle and the Calcutta casualties are regarded as little or nothing compared with what is likely to happen if a political agreement is not reached'. 79 But no agreement was reached and on 2nd September a Congress-dominated interim Government was sworn in. Muslims generally and in Punjab particularly felt betraved by the British for handing over the power to the Congress. On the other hand, the Hindus were jubilant and the communal tension continued unabated. In the end of September a communal incident was reported at Hansi in the Hissar district in connection with a Dussehra procession, where one person was killed and 25 injured. In the town of Rohtak a clash between Hindus and Muslims was reported at the beginning of November with 16 people killed and 18 injured. On 17th November a clash between Hindus and Muslims left 23 people killed.80 As a means to control the explosive situation the Punjab Government declared the Muslim League National Guards and the RSS illegal on 24th January 1947. This stand taken by the Khizr Ministry only furthered the unrest in the province. 81

After the imposition of the ban seven Muslim League leaders were arrested. The arrested leaders argued that the ban was an attack upon the Muslim League as a political party, and hence the Government felt compelled to release them on 27th January and also withdraw the ban against the two private armies. So Governor Jenkins found it crucial to reach some kind of political settlement between the three communities and the Government. If a settlement failed, then only one of three options could end the Muslim League agitation: (a) grave communal disturbances, (b) a complete defeat of the League, or (c) a complete defeat of the Ministry.

The Rawalpindi Massacre

The Communal relations entered a new phase as Britain expressed preparedness to hand over power to the Indian leadership. On 20th February 1947, in an

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attempt to end the political deadlock, the British announced that transfer of power would take place no later than 30th June 1948. The announcement made it clear that powers would be handed over 'whether as a whole to some form of central Government for British India or in some areas to the existing Provincial Governments'. For Jinnah and the League this announcement made it vital to gain control of political power in the Punjab and triggered off a 'Direct Action' campaign against the Khizr Ministry. Consequently on 24th February huge clashes between the police and the Muslim League were reported at three places, Amritsar, Jullunder and Ambala. An interesting feature in the Muslim League's campaign against the Ministry was the participation of women in the demonstrations.

On 2nd March the Khizr Ministry decided to step down. The fall of the coalition Government resulted in serious disorder throughout the Province. Hindu students began assaulting the police on 4th March, leaving 30 officers injured with two subsequently dying from their injuries. The sporadic incidents of stabbing and arson soon turned into communal riots in Lahore city. 89 The trouble continued during the night and new riots started the following morning, March 5, leaving several people dead. 90 The same afternoon Governor Jenkins sent a telegram to Wavell informing him of the situation in the north-western part of the province. 'Multan rioting is reported serious with 20 dead, many injured and many fires...There have been incidents in Rawalpindi likely to lead to rioting' 91 By 5th March it was clear that the Muslim League could not muster a majority in the provincial Assembly and the Governor proclaimed all responsibility to be transferred to his office. 92 This enraged the Muslims deprived of political power for the second time and the rioting increased. The riot-affected cities were Amritsar, Lahore and Multan and the rural parts of north-western Punjab. Many of the gravest incidents took place in the Rawalpindi Division where Muslims were responsible for attacking the Sikh minorities. Following the rioting Sikhs declared themselves determined to fight against Pakistan and it was reported that Sikhs and Hindus were now strongly in favour of a division of the Punjab.93 A similar conclusion was reached by the Congress Working Committee as well. On 8th March the CWC published a resolution calling for the Partition of Punjab along religious lines.9

Swarna Aiyar has argued that the riots were organised, which, according to her, points towards an involvement of the private armics. ⁹⁵ In rural areas especially, attacks on villages followed a certain *modus operandi*. A band of outsiders would first surround the village and then approach it, accompanied by beating drums and the shouting of slogans. ⁹⁶ Thus, the violence did not emerge from spontaneous actions of 'the mob' but was instead conducted in an orderly and rational manner. Aiyar mentions how, in a village near Rawalpindi, white flags were placed on Muslim houses so the attackers could spare them. ⁹⁷ On 17th March the Governor personally went to the riot-affected areas in Attock and Rawalpindi districts to estimate the damage. He noted: 'We have already something like 25,000 refugees on our hands from these two districts and Jhelum must cater for 35,000'. ⁹⁸

General Messervy's account of the violence was summarised in a note entitled 'Some remarks on the disturbances in the Northern Punjab'. The General emphasised that attacks in cities had followed a 'normal pattern', but were fiercer, more sudden and more brutal.99 What differed from earlier attacks was that rural areas had been affected as well. Another feature was the huge refugee problem, especially in Rawalpindi, combined with a 'widespread desire to rid many areas of all Sikhs and Hindus, entirely forever'. 100 Homes were attacked and burned down while women and children were reportedly 'hacked to death'. There were stories of forcible conversions, abduction and rape of women. Sexual molestation of women was deliberately used in order to emphasise both the vulnerability of the community and the incapability of the men as protectors. Furthermore, people were forced out of their homes and tens of thousands became refugees overnight, which marked the beginning of the process of ethnic cleansing. This desire emphasised the changes in the nature of violence. The burning down of houses and religious places showed that the violence was no longer confined to maintaining a status quo. While destroying people's living places and their place of worship, the violence followed an altogether new rationale. It was now the basic coexistence of Hindus, Sikhs and Muslims in the Punjab which was under attack. What the perpetrators were out to eradicate was the physical as well as the cultural existence of 'the other'. Thus, the genocidal violence in the Rawalpindi area had a total transformation of the Punjab as its objective.

The Viceroy wrote in his personal report that these massacres were accompanied by sadistic violence which distinguished them from previous ones: 'They [the attackers] seem to be very fond of tying whole families together, pouring oil on them and then lighting them as a single torch'. 101 The riots caused an unprecedented number of casualties which were mainly Sikhs. The official but incomplete estimate was 3,000 killed and 1,200 seriously injured. 102 The fact that the number of killed had more than doubled the number of injured emphasises the genocidal intent of the perpetrators. Membership of community armies increased significantly after the riots. According to British officials, the RSS membership had reached 50,400 and the Muslim League National Guards 38,467. One of the Sikh bodies, the Akal Saina, had in March alone obtained 4,600 new members and a total membership of 6,600. The Rawalpindi massacres psychologically resulted in people aligning themselves to an even larger extent along communal lines. The entrance of the violence into the private arena made it impossible for people to avoid getting involved in the fighting. Now they risked being attacked only because of their religious affiliation.

At a meeting in Delhi on 14th April about the prospects of division of Punjab, Governor Jenkins was asked for the alternatives to partition. He stated reversion of the Unionist Party, partition or civil war as possible alternatives. If neither Unionism nor partition proved durable, there would be no option except British departure, leaving it to the communities to fight it out. A joint appeal from Gandhi and Jinnah had no effect on the communal bitterness which appeared even wider. From the beginning of May and onwards the number of communal clashes multiplied and on several occasions the Governor had to impose curfew in

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anticipation of violence. ¹⁰⁵ On 19th May Jenkins had a discussion about partition with Tara Singh, who made it clear that no solution could be reached between the Sikhs and the Muslims since neither community would submit to communal domination. ¹⁰⁶ According to Tara Singh all Sikhs and Hindus placed in Pakistan would be massacred by the Muslims and in retaliation all Muslims would be massacred in the Indian part of Punjab. The prospect of mass violence was amply supported by an intelligence report too. According to the report the Sikhs were determined to strike against Muslims. First, in the areas where the non-Muslims already constituted a majority, secondly, in areas that they were demanding in case of partition.

Not surprisingly the tense and belligerent atmosphere persisted through the second half of May, where a considerable deterioration in the communal situation was reported. 'In Amritsar [since 11th April]...more than four hundred and sixty persons have either been killed or injured'. And since 9th May there have been three hundred and twenty-five victims of communal strife [in Lahore]'.¹⁰⁷ On 25th May, in Gurgaon district, a Muslim village was attacked by Hindus. The Muslims later retaliated and the entire district was more or less consumed by communal warfare. According to estimates, 50 villages were destroyed and a large number of people were either killed or wounded.

Partition and Transfer of Power

At the end of May it became apparent that reaching a settlement was impossible and on 3rd June the British partition plan was announced with a transfer of power as early as 15th August. Pakistan was now almost a reality but the crucial question was how the subsequent partition of Punjab (and Bengal) was going to take place. The Sikhs especially reacted strongly against the partition plan because it would divide them and reduce them to minorities in both an Indian and a Pakistani Punjab. This gave a fresh lease of life to the ongoing violence. The Gurgaon district was so badly affected by the communal riots, that it was described as amounting to a primitive war. In a nutshell, it was the right to define and possess the Punjab that was at stake. It was the Governor's understanding that the political parties were aware of what was going on and that within the party organisations there were people who controlled the perpetrators and supplied the money. Even though there was no clear evidence that the political leaders were directly involved, the parties were thus de facto providing people with 'a license to kill' through aiding and abetting.

Furthermore, over 100,000 people were organised in some sort of military structure and people were unsure whether it would be safe to stay after the partition or not. ¹¹² To add to the confusion, the very difficult assignment of drawing the boundary was entrusted a British official Sir Cyril Radcliff, who without having any familiarity with India or Indian politics was given the crucial task of partitioning India in the Bengal and Punjab provinces. ¹¹³ He arrived in Delhi on 8th July and had only little more than five weeks to make the boundary. ¹¹⁴ To counter the anxiety concerning partition, the Partition Council

announced on 24th July¹¹⁵ that both India and Pakistan would guarantee protection to all their citizens and that a special military command, the Punjab Boundary Force, from 1st August would cover the districts of Sialkot, Gujranwala, Sheikhupura, Lyallpur, Montgomery, Lahore, Amritsar, Gurdaspur, Hoshiarpur, Jullundur, Ferozepore and Ludhiana.¹¹⁶

But as argued by Governor Jenkins in a letter to the Viceroy, 'It would be difficult enough to partition within six weeks a country of 30 million people which has been governed as a unit for 98 years, even if all concerned were friendly and anxious to make progress'. ¹¹⁷ In addition, Jenkins enclosed minutes of a meeting between him and Giani Kartar Singh concerning the position of the Sikh community. The Governor had informed Kartar Singh that Jinnah had guaranteed religious and personal freedom to the minorities in Pakistan and had repeatedly emphasised that the Sikh community had to accept the award in the end. 'Finally, the Giani Sahib burst into tears, as at our last interview, and said that it was my duty to protect his small and oppressed community'. ¹¹⁸ The appeal by Kartar Singh clearly betrays the growing fears and insecurity within the Sikh community. The prospects of their ancestral land being partitioned coupled with the uncertain status facing them in a new India, made violence the last resort.

The suspicions of Sikh involvement in organising the violence became clearer in the beginning of August and the prime suspect was Master Tara Singh. The crucial question for the Governor was whether to arrest him right away or wait. 119 Mountbatten recommended that Master Tara Singh should be arrested when the Boundary Commission award was made public. 120 However, on 8th August Viceroy Lord Mountbatten changed his mind and informed Jenkins that he was the most competent to judge in this situation.

The very same day Jenkins sent a telegram to the Viceroy to inform him of the seriousness of the situation. The daily casualties were estimated between 50-100. 121 As for the decision to arrest Tara Singh and others, Jenkins, along with the new Governors of East and West Punjab, Sir C. M. Trivedi and Sir Francis Mudie respectively, was of the opinion that it would rather worsen than improve the situation. 122 Another concern was avoiding British involvement in a violent battle a few weeks before their exit. 123 The same willingness to avoid responsibility was also exercised in connection with the publication of the Punjab Boundary Award (the partition line). Notwithstanding that the award was ready for publication on the evening of August 9, the announcement was deliberately withheld to avoid British responsibility for the riots which 'undoubtedly' would follow. 124 On 12th August, Mountbatten informed Jenkins that the award for Punjab wouldn't be made official before 15th evening or 16th morning. 125

Furthermore, it is important to note that no comprehensive action, were taken by the British in order to contain the expected large-scale violence. Even though one should exercise caution while arguing that the British aided and abetted the violence, it is nevertheless certain that the inconsistent and hesitant way of handling the very virulent situation sent an unambiguous signal to the

perpetrators that law and order was highly unlikely to be enforced. On the evening on 9th August the first organised train attack took place. A 'Pakistan Special' ¹²⁶ train was derailed after hitting a mine in the eastern Punjab (near Amritsar), leaving one woman and one child dead. ¹²⁷ The disturbances were producing an average daily killing of about 100 people with occasional raids in which 70-80 people were killed in one full swoop. These bigger raids were more organised and carried out by well-armed and well-led groups. ¹²⁸

Both urban and rural areas of Punjab seemed affected. Many trains were attacked and even groups of refugees were attacked and butchered. The fighting had now spread to almost all parts of the province. The attacks on trains and on refugee convoys were conducted with military precision and made it evident that the violence was organised. The attacks on refugees testified to the genocidal intent. People were massacred in order to prevent their return. According to Jenkins' description, the Sikhs were responsible for most of the killing in rural areas. 'Most of the rural casualties - and they have been heavy have been caused by Sikhs working in fairly large bands and raiding Muslim villages or Muslim pockets in mixed villages'. 129 Muslims were also engaged in killing. The Governor found that it would be extremely difficult for the Punjab Boundary Force to control those twelve districts which were to be divided. In a final telegram on August 14, Jenkins further elaborated on a situation which could be best described as being out of control, and stated that the situation now would be for the new Governments to deal with. 130 This statement clearly emphasises that the British were more concerned with their own safety and exit than securing a peaceful transfer of power.

Ethnic Cleansing and Genocide

On August 15 - the day of independence - millions were on the move. The announcement of the Boundary Award on 16th August further fuelled the communal frenzy as each community felt denied of the right to its homeland. The general situation was described by the newly appointed Governor of West Punjab now in Pakistan, Sir Francis Mudie, ¹³¹ as 'festered with tension', and the Governor mentioned one incident from the Gurdaspur - Sialkot border where Muslims had attacked a train and killed about 100 Hindus and Sikhs. ¹³² The level of organisation and the military conduct in the attacks is not particularly surprising, if the military tradition of Punjab is taken into account. During the colonial rule Punjabis were the backbone in the British Indian Army. At the outbreak of the Second World War Punjabis constituted roughly 48% of the manpower. For the Punjab it meant that one out of three men at the age between 17 and 30 had served in the army during the war. ¹³³ Following their demobilisation in 1945 many ex-soldiers had joined the various private armies in the province.

Field Marshall Sir Claude Auchinleck, the British Supreme Commander in India and Pakistan, held Sikhs responsible for the violence in Amritsar and the surrounding areas. At a meeting of the Joint Defence Council he argued that

Sikhs 'were operating in armed bands of considerable strength and carrying out raids against Muslim villages, or the Muslim parts of larger villages - three or four raids nightly. These bands were well organised and often included mounted men for reconnaissance purposes. One band was reported to have killed 200 Muslims in one village, 134 Bands of Muslims were also operating, but they were usually smaller and less organised. Because of the unreliability of both Lahore and Amritsar police forces, the Boundary Force was considered the only body left to enforce law and order. Auchinleck praised the Force for behaving impartially and having successfully encountered bands from all three communities. At the meeting the Supreme Commander also mentioned that railways were badly hit too. Trouble had now spread to Sialkot and Gujranwala where a train had been attacked and 100 persons killed and 200 wounded. Auchinleck described the modus operandi of the gangs as either entering the train on a station and then attacking suddenly, 'or put one man on the train to pull the communication cord at the spot where the rest of the gang was ready'. 135 The perpetrators had often information about train schedules which pointed towards a high degree of organisation and some complicity by railway officials. 136

At the end of August most of Lahore's 300,000 non-Muslims had left. 137 Many had been received at the refugee camps, which were in a very poor condition. The five or six camps accommodated well over 100,000 people and were in desperate need of tents and medical facilities. 138 And still the violence continued. In Sheikhupura, on 26th August, a band of Baluch (Pakistani) soldiers organised a huge massacre of non-Muslims. Around 10,000 were killed and many girls molested. The sexual violence included gang rapes, stripping, parading naked women through the town, branding the breasts and genitalia with slogans like 'Pakistan Zindabad' (long live Pakistan), amputating the breasts, knifing open the womb and killing the foetuses. 139 Rape especially was used as a weapon to humiliate the 'other' since it exposed the community's inability to protect its women. In the mind of the perpetrators 'sowing one's own seed in the enemy womb' was done with the intent to defile and decimate the future generations. Furthermore, many women were killed by their kinsmen or committed suicide to save their honour. 140 Urvashi Butalia in her landmark work on oral histories of partition gives voice to a man (Sikh) who narrates how his sister was killed by their father:

when my father swung the kirpan (sword) perhaps some doubt or fear came into his mind, or perhaps the kirpan got stuck in her dupatta (head scarf), no one can say. It was such a frightening, such a fearful scene. Then my sister, with her own hand she removed her plait and pulled it forward...and my father with his own hands moved her dupatta aside and then he swung the kirpan and her bead and neck rolled off and fell...there...far away.¹⁴¹

The sexual violence was not limited to women alone but also brought men in its orbit. Men were either castrated or forcibly circumcised in many cases. Sudhir Kakkar suggests that 'cutting off breasts or the male castration incorporate the more or less conscious wish to wipe the hated enemy off the face of earth by eliminating the means of its reproduction and the nurturing of its infants' 142 These specific features are a pointer to the genocidal intent in the partition violence. Another weapon used in the conflict was the abuse of religious symbols sacred to the other community. It included forcible religious conversion, forcing Hindus to eat beef or Muslims to eat pork and burning scriptures or places of worship. 143 The Punjab was de facto engaged in a civil war.

The great outburst of mass violence also affected the Boundary Force. On 26th August, only a week after having praised the very same troops for their impartiality, Auchinleck stated that 'he would be unable to guarantee the reliability and general impartiality of the troops under his command beyond the middle of September'. Amidst this massive critique, a Joint Defence Council meeting on 29th August decided to abolish the Punjab Boundary Force from midnight 31st August. After the failure of the Boundary Force, the task of maintaining law and order in the Punjab was taken over by Indian and Pakistani authorities. To show their determination, the Prime Minister of Pakistan Liaqat Ali Khan and the Prime Minister of India Jawaharlal Nehru released a joint statement on 3rd September calling on all communities to end the atrocities. They assured that all powers of the Governments would be used against the perpetrators. However, the totality of the distrust between the Punjabi communities was manifested by the Prime Ministers' assurances that refugee camps would be guarded by military in whom the refugees had confidence, i.e. members of their own community.

In the beginning of September the ethnic cleansing had reached gigantic proportions. According to Mudie, the number of refugees crossing the border daily was between 100,000 and 150,000. He blamed the Sikhs particularly for this mass migration. In his view it was essential to get the Sikhs out of the province. 'I am telling every one that I don't care how the Sikhs get across the border; the great thing is to get rid of them as soon as possible'. 148 The Governor for Eastern Punjab, Sir Trivedi, also blamed the Sikhs for being responsible for the violence in East Punjab. He was even convinced that the violence was organised, 149 and he stressed the importance of peaceful evacuations in order to protect the large number of non-Muslims still waiting to be evacuated from Western Punjab. According to Trivedi it had been emphasised by Governor Mudie that the organised massacres by Sikhs on Muslims 'naturally' were producing 'a violent reaction' in Western Punjab. 150 The incidents of retaliation were especially prominent in train attacks. Whenever a 'ghost train' laden with dead bodies arrived on one side, another would immediately be sent in the opposite direction. 151 According to a British officer the 'murder, brutality, looting, ill treatment of women and small children in evacuee trains had exceeded even Belsen and other bestialities created by the warped Nazi mind'. 152

For the Sikhs, the partition proved disastrous. As the smallest and most vulnerable of the Punjabi communities they were now being divided into two groups and their earlier threat of violence was thus carried out. Nevertheless, the serious critique of the Sikhs for committing the bulk of the atrocities was denied by the Home Minister for Eastern Punjab, Swaran Singh (a Sikh himself). In his view only sporadic and local outbursts of violence had occurred and there was no evidence of an organised effort. His defence clearly manifested how difficult, if not impossible, it is to de-link oneself from the fate of one's community.

Other officials were also affected by their emotions. Governor Mudie wrote on 23rd September in a letter to Jinnah that 'We have told the Sikh Major-General who is in command at Amritsar that unless our people are allowed through Amritsar we will hold the Sikhs who left Lyallpur about a week ago and who are now about to cross the Sutlej to East Punjab'. ¹⁵³ In Mudie's view it would be impossible for Muslims to remain in Eastern Punjab and all of the 5.4 million Muslims would have to be accommodated in the west. He then asked rhetorically, 'How can we accommodate these people unless we get rid of the Hindus and Sikhs. All or practically all Hindus and Sikhs would have to leave western Punjab, if not for any other reason than to make room for the Muslims who had been forced out of eastern Punjab. ¹¹⁵⁴ This statement showed a new rationale in the ethnic cleansing, which was legitimised by having the protection of one's own community as the priority.

The carnage continued throughout September, too. At Harnoil in the Mianwali district fierce fighting had taken place between the Hindu population and Muslim mobs. The attackers had been organised with the help of Muslim military and had used tanks. More than 3,000 had been killed:

children were snatched away from their mothers arms and thrown into the boiling oil. Hundreds of women saved their honour by jumping into wells or throwing themselves into burning houses, thus burnt themselves alive. Girls of 8 to 10 years of age were raped in the presence of their parents and then put to death mercilessly. The breasts of women were cut and they were made to walk all naked in rows of five in the bazaars of Harnoil. About 800 girls and women were abducted and small kiddies were wandering without a cover in the jungles and were kidnapped by the passers-by. 155

At the end of September the situation in both parts of the Punjab improved, even though this was mainly because all Sikhs and Hindus in western Punjab and all Muslims from eastern Punjab had left. The number of killed, on each side, was estimated between 100,000 and 200,000 by one of the commanding officers, General Tucker. ¹⁵⁶ The enormity of the carnage makes it impossible to

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compile the figures of dead and injured during the actual partition. While the lowest estimate places the casualties at 200,000¹⁵⁷, others place it around 500,000. The recent studies even suggest the figures as high as 800,000. The recent studies even suggest the figures as high as 800,000.

At the backdrop of this situation a 'Joint Evacuation Movement Plan' was prepared by the Governments of India and Pakistan on 20th October. According to the 1941 census there were 5.3 million Muslims in Eastern Punjab and 3.8 million non-Muslims in Western Punjab. It was estimated that since August 1947 around 2.1 million Muslims had left Eastern Punjab and 2 million non-Muslims Western Punjab. According to the Joint Evacuation Movement Plan, the remaining 3.2 million Muslims in Eastern Punjab and 1.8 million non-Muslims in Western Punjab were to be moved across the border, either in foot convoys, motor transport convoys or by trains. A major problem was the shortage of troops for protection of the marching columns along with the risk of delays. Approximately 10 million men, women and children were forced into migration and one should remember that behind these figures lies the untold misery of the refugees. On 16th December 1947 Mudie wrote to Jinnah that 'our exchange of population is practically over now'.

Conclusions

The introduction of political autonomy in 1937 triggered off a struggle for political supremacy in Punjab and marked the first escalation of violence which was followed by a spell of peace for the next two years. In the 1940 Lahore resolution Jinnah denounced the coexistence of the three communities, thus sharpening the communal cleavages. Though it is a matter of debate if Jinnah proposed the resolution as a mere bargaining counter, it succeeded in alarming the minority Sikh community towards a perceived Muslim aggression. This led to the creation of self-defence mechanisms like armed volunteer bands in each community and during 1942/43 an uneasy truce prevailed. In 1944-45 the violence reappeared and a new escalation occurred in 1946 as a result of the provincial elections. The various private armies also witnessed an alarming increase in membership and activities.

In the 1945/46 provincial elections the outlook of Punjabi politics was altered. The Muslim League won a landslide victory but was unable to form a Government and the Unionist Party managed to remain in power with the support of Congress and the Sikhs. Deprived of political power, the League began an anti-government agitation which intensified the communal conflict. Their demand for Pakistan further antagonised the Sikhs and Hindus. In early March 1947 the Government of Punjab resigned. This was followed by severe communal unrest, especially in the Rawalpindi area. The consistent failures in reaching political agreement at the centre strengthened the political demand for partition. The acceptance of the partition plan and an imminent transfer of power by the British created a deep political vacuum. While the existing authority withdrew, the new power structures in both states were yet to take shape. This absence of responsible governance is manifested in the ensuing

chaos. On the verge of their departure the British were less than willing to sacrifice the manpower and weaponry needed to check the communal violence. The unprecedented escalation of violence in 1947 puts a question mark on the motives of the British, as there is a constant reference to a possibility of a 'civil war-like situation' in the official correspondence from 1946 and onwards. There was no emergency blueprint to control the mass violence that had been anticipated all along. The intelligence reports on the activities of the communal leaders, especially Sikhs, clearly pointed towards the formulation of plans for violence. The embryonic states of India and Pakistan were actually ill-equipped to control the communal frenzy as the communal divide had deeply affected the officials in the troubled province. The only authority left in the crucial months of August - October were the various community leaders.

The communal violence which had followed an almost similar pattern from 1937 until 1945 assumed new forms and proportions. The traditional intercommunal violence had contained the following features: firstly, it evolved around the sacrilege of religious places or symbols; secondly, the participants were predominantly male; thirdly, it was considered an urban phenomenon; fourthly, it mainly occupied public space; and lastly, it was bound by sociocultural norms.

The violence immediately preceding the announcement of British withdrawal in February 1947 differed from the routine violence. Firstly, it was based on the issues of state formation, even though the religious issues continued to be central. Secondly, it spread beyond the urban boundaries to engulf the rural areas. Thirdly, it entered the private arena with the attacks on women and children, and lastly, it broke all cultural taboos by inflicting sexual violence. These changes in the nature of violence diminished the prospects of a peaceful coexistence. The rape and sexual molestation of women during the communal violence played an important part in reinforcing the communal terror. A distinct feature of the partition violence which set it apart from the earlier riots was the attack on women. A series of socio-cultural taboos kept the female movement in check. The violence was essentially conducted by the men as a symbolic power play. Therefore, the seriousness of the post-1946 violence was spelt out loud when the women were drawn out of their limited social space.

An important focus of this article has been whether the communal violence was organised. A detailed description of the communal conflict in the period 1937-47, shows how the violence in Punjab was not merely spontaneous outbursts, but the result of deliberate efforts involving the various private armies: Muslim League National Guard, Rashtriya Swayam Sevak Sangh (RSS) and Akal Fauj. These private armies had originated as defence organisations but symbolised the increasingly militant posture adopted by each community. The military expertise was to some extent provided by professional soldiers who had returned home from World War II. Another pointer to the level of organisation was the well-planned attacks on trains during partition. This also suggested

official complicity in transferring information about the movement of refugee trains.

The genocidal intent of the violence became fully apparent during the March rioting in 1947 because it crossed the threshold between traditional violence and genocidal violence. The March rioting created a psychological divide as the Hindus and Sikhs started articulating the need for a partition (which was also supported by the Congress Party). The casualties during the first five months of 1947 were 13 times higher than the figures compiled in the entire period of January 1937- December 1946. With the change from traditional to genocidal violence the aim was no longer defending one's community, but to ethnically cleanse one's area of the 'other' through mass killings. The unprecedented number of people rendered homeless or forced to take refuge during this period is yet another pointer that co-existence was no longer considered possible. The violence during actual partition continued these genocidal features but on a massive scale. Hundreds of thousands were killed, tens of thousands were abducted, several thousands raped, and more than 10 million or roughly one third of the total Punjab population migrated. This humanitarian catastrophe happened in a short span of four months.

Genocide studies have mainly emphasised the pivotal role of the state while establishing a case of genocide. That the state-centric approach is inadequate and lopsided is shown in instances like the violence following the partition of Punjab, where the state did not have a well defined role. Despite the absence of state as a perpetrator in Punjab, a genocide occurred through organised mass killings that aimed at annihilating the 'Other' community. The violence was not merely spontaneous or traditional exchanges of violence, but intended to destroy the enemy through actual killings. Cutting off of reproductive organs, rapes and dismembering of sexual organs was meant to defile and decimate the future generations. The partition genocide was organised and perpetrated by communal organisations who were aided by the upheavals and turmoil of a state in transition. The partition violence shows that the state need not be the only actor in a genocidal situation. I would, therefore, argue that genocide, and especially a genocidal conflict, can also occur when the state is either unwilling or incapable of countering the violence, while actual power is usurped by various communal groups. Instead of focusing on state involvement per se, the attention should be on processes leading to the genocidal situation.

This study has shown how political changes coupled with a political power vacuum created ample preconditions for a genocidal conflict. In the South Asian context, the phenomenon of communalism needs to be recognised as a structure giving a possible rise to conflicts which can attain genocidal proportions.

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Danish Centre for Holocaust and Genocide Studies for valuable comments and critique made in the process of writing the article.]

Notes

¹Mohammad Waseem, 'Partition, Migration and Assimilation: A Comparative Study of Pakistani Punjab, *International Journal of Punjab Studies*, 4,1 (1997), 21.

² Ian Copland, 'The Further Shores of Partition: Ethnic Cleansing in Rajasthan 1947', *Past and Present*, no. 160, August 1998, p. 216.

³ Shail Mayaram, 'Speech, Silence and the Making of Partition Violence in Mewat', Shahid Amin (ed.): Subaltern Studies IX. Writings on South Asian History and Society, New Delhi 1997, p. 143.

⁴ Yunas Samad: 'Reflections on Partition: Pakistan Perspective', *International Journal of Punjab Studies*, 4, 1 (1997), pp. 43-61.

⁵ Leo Kuper, Genocide. Its Political Use in the Twentieth Century, Yale University Press 1981, p. 10.

⁶ Leonard B. Glick: 'Religion and Genocide', in Israel Charny, *The Widening Circle of Genocide*, 1994, pp. 54-55.

⁷ I have looked at all reports available, written between January 1937 and August 1947, approx. 270 and more randomly included Governor's letters whenever they dealt specifically with the communal situation. See L/P&J/5/238-250, IOL.

⁸ Gyanendra Pandey; 'The Prose of Otherness', David Arnold (ed.), Subaltern Studies VIII. Essays in Honour of Ranajit Guha, New Delhi 1994, p. 190. Pandey further addresses the problem of insufficient language when it comes to 'describe pain and suffering'. A second important point raised by Pandey is the problem of evidence when looking at violence, since 'large-scale violence destroys much of its most direct evidence'. Ibid.

⁹ Gyanendra Pandey: 'The Colonial Construction of 'Communalism': British Writing on Banaras in the Nineteenth Century', Ranajit Guha (ed.), Subaltern Studies VI. Writings on South Asian History and Society, New Delhi 1989.

Veena Das and Ashish Nandy, 'Violence, Victimhood and the Language of Silence' in Veena Das ed., The Word and the World: Fantasy, Symbol and Record, New Delhi, 1983, pp. 177-90

11 Shail Mayaram op. cit., p. 128.

¹² Ibid, p. 143.

¹³ United Nations Convention on the Prevention and Punishment of the Crime of Genocide, 1948.

¹⁴ For a critique of the convention, especially on the convention's omission of political groups, see Leo Kuper op. cit., pp. 19-39 and B. Whitaker, Report on the Question of the Prevention and Punishment of the Crime of Genocide, United Nations Economic and Social Council, 1985. For the debate concerning intent; see George J. Andropoulos, 'Introduction: The Calculus of Genocide', in

George J. Andreopoulos (ed.), Genocide: Conceptual and Historical Dimensions, University of Pennsylvania Press, 1994.

- 15 Helen Fein, Genocide A Sociological Perspective, 1990, p. 24.
- 16 Frank Chalk and Kurt Jonassohn, The History and Sociology of Genocide. Analyses and Case Studies, Yale University Press, 1990. By strongly focusing on 'one-sided killing' they exclude victims of civil war and in principle cases like Rwanda and Bosnia, notwithstanding partition violence, as genocides.
- 17 Mark Levene: 'Is the Holocaust Simply Another Example of Genocide?', Patterns of Prejudice, vol. 28, no. 2, 1994, p. 4. The focus of the state as main perpetrator was formulated by Horowitz: 'Genocide is a structural and systematic destruction of innocent people by a state bureaucratic apparatus'. See Irving Louis Horowitz: State, Power and Mass Murder, 1976.
- 18 Mark Levene (1994) op., cit. p. 5, footnote 10. Levene argues that in principle genocide did not happen in Rwanda and Bosnia, 'because the apparatus of state - and hence an overwhelming control of the means of systematic violence - has been fragmented between more than one competing group'.
- 19 Henry R. Huttenbach: Locating the Holocaust on the Genocide Spectrum: Towards a Methodology of Definition and Categorization', Holocaust and Genocide Studies, vol. 3, no. 3 (1988), p. 296.
- ²⁰ Ibid., p. 297.
- ²¹ Barbara Harff: 'The Etiology of Genocides', in Isidor Wallimann & Michael N. Dobkowski (eds.), Genocide and the Modern Age. Etiology and Case Studies
- of Mass Death, New York 1987, p. 43.
 ²² Mark Levene: 'Creating a Modern 'Zone of Genocide': The Impact of Nation and State Formation on Eastern Anatolia, 1878-1923', Holocaust and Genocide Studies, vol. 12 no. 3, 1998, p. 418-419.
- 23 The term communalism denotes a phenomena where two or more communities in the same locality believe that they cannot coexist. It is based on the construction of 'Self' and 'Other' and often leads to the belief that the Other needs to be expelled/terminated from the locality.
- ²⁴ Bipan Chandra, Communalism in Modern India, Delhi 1984.
- ²⁵ Bipan Chandra et al, India's Struggle for Independence 1857-1947, New Delhi 1988, pp. 398-442. For a further debate on communalism sec: K. N. Panikkar, (ed.), Communalism in India: History, Politics and Culture, Delhi 1991. Ayesha Jalal: 'Secularism, Subalterns and the Stigma of 'Communalism': Partition Historiography revisited', Modern Asian Studies, 30, 3 (1996) p. 681-
- ²⁶ Gyanendra Pandey (1989) op. cit., p. 156.
- ²⁷ David Snyder & Charles Tilly: 'Hardship and Collective Violence in France 1830 - 1960', American Sociological Review, 1972.
- ²⁸ E. P. Thompson: 'The Moral Economy of the English Crowd in Eighteenth Century,' Past and Present, 50 (1971). However, more recent studies have changed the focus to outside Europe. See Ian Talbot: 'The Role of the Crowd',

Journal of Imperial and Commonwealth History, vol. 21, 2 (1993); Sandria Freitag, Collective Action and Community: Public Arenas and the Emergence of Communalism in North India, California, 1989.

²⁹ Suranjan Das: Communal Violence in Bengal, 1905-1947, Delhi 1991.

30 Ibid. p. 11,

To mention a few recent books: Veena Das (ed.), Mirrors of Violence: Communities, Riots and Survivors in South Asia, New Delhi 1990; Sudhir Kakar, The Colour of Violence, Delhi 1996; Asghar Ali Engineer, Communalism and Communal Violence in India. An Analytical Approach to the Hindu-Muslim Conflict, Delhi 1991; Sandria Freitag, op. cit.

32 Gyanendra Pandey, (1994) op. cit.

- ³³ Swarna Aiyar, Violence and the State in the Partition of Punjab, 1947-48, Cambridge 1994 and Swarna Aiyar, 'August Anarchy: The Partition Massacres in Punjab, 1947', in D.A. Low & Howard Brasted (eds.), Freedom, Trauma, Continuities. Northern India and Independence, Delhi, 1998, pp. 15-38.
- ³⁴ Ian Talbot, Freedom's Cry: The Popular Dimension in the Pakistan Movement and Partition Experience in North-West India, Karachi 1996; Ian Talbot, 'Literature and the Human Drama of the 1947 Partition', in D.A. Low & Howard Brasted (eds.) op. cit., pp. 39-57.
- ³⁵ For a description of the Unionist Party, see Iftikhar H. Malik: 'Identity Formation and Muslim Party Politics in the Punjab, 1897-1936: A Retrospective Analysis', in MAS, 29, 2 (1995), p. 293-323, and Ian Talbot, *Khizr Tiwana: The Punjab Unionist Party and Partition of India*, London 1996.
- ³⁶ Ayesha Jalal, *The Sole Spokesman: Jinnah, The Muslim League and the Demand for Pakistan*, Cambridge, 1985 footnote 67, p. 32. The Congress won 18 seats, including five for the Congress Socialist.
- ³⁷ Fortnightly Report (FR), second half of January 1937, in S.A.I. Tirmizi, The Paradoxes of Partition, vol. 1, New Delhi, 1998, pp. 111-113.
- ³⁸ FR second half of March 1937, India Office Library and Records, London (IOL), L/P&J/5/238, p. 272.
- ³⁹ Governor's situation report dated 19th June, IOL, L/P&J/5/238, p. 199-200.
- ⁴⁰ FR first half of August 1937, IOL, L/P&J/5/238, p. 118.
- ⁴¹ Sumit Sarkar, Modern India 1885-1947, New Delhi, 1983, p. 375.
- ⁴² Ibid. p. 376.
- ⁴³ FR first half of September 1939, IOL, L/P&J/5/242, p.90
- ⁴⁴ An Extract from the Presidential Address of M. A. Jinnah, Lahore March 1940, in Mushirul Hasan (ed.), *India's Partition, Process, Strategy and Mobilisation*. Delhi, 1993, p. 56.
- ⁴⁵ Anita Inder Singh, *The Origins of the Partition of India, 1936-1947*, Delhi, 1987; R. J Moore: 'Jinnah and the Pakistan Demand', *MAS*, 17, 4, (1983) p. 529-561.
- 46 Aesha Jalal, op. cit.

⁴⁷Asim Roy, 'The High Politics of India's Partition. The Revisionist Perspective', Modern Asian Studies, 24, 2, (1990), pp. 385-415.

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- 48 Jats are a separate group or tribe belonging mostly to North India and especially the Punjab. Jats do not have a homogeneous religious affiliation, hence there are Sikh, Hindu and Muslim Jats. As a group Jats have traditionally been a martial community.
- ⁴⁹ FR, first half of April 1940, IOL, L/P&J/5/243, p. 202.
- 50 The RSS was formed in 1925 with the aim of restoring the wounded Hindu pride by constructing a strong Hindu nation. The volunteers were trained in both physical and moral education drawn from the ancient Hindu scriptures. For further references on ideology and organisational structure see M. S. Golwarkar, We, or our Nationhood Defined, Delhi, 1939; Tapan Basu, et. al, Khakhi Shorts and Saffron Flags, Delhi, 1993 and, Christophe Jaffrelot, The Hindu Nationalist Movement and Indian Politics: 1925 to the 1990's, Penguin Books India, 1999.
- ⁵¹ FR, first half of June 1940, IOL, L/P&J/5/243, p. 149.
- 52 FR, second half of February 1941, IOL, L/P&J/5/244, p. 193.
- ⁵³ FR, first half of May 1941, IOL, L/P&J/5/244, p. 100.
- 54 Large religious assemblies of Sikhs.
- ⁵⁵ FR, first half of November 1941, IOL, L/P&J/5/244, p. 21.
- 56 FR, first half of December 1941, IOL, L/P&J/5/244, p. 6.
- ⁵⁷ FR, second half of May 1942, IOL L/P&J/5/245, p. 75.
- 58 David Gilmartin, 'Religious Leadership and the Pakistan Movement in the Punjab', Modern Asian Studies, 13, 3 (1979), pp. 506-507.
- ⁵⁹ FR first half of March 1944, IOL,L/P&J/5/247, p. 108
- 60 Ayesha Jalal, op. cit., p. 95.
- 61 Ian Talbot: Freedom's Cry. (1996), op., cit., p. 64.
- 62 Wavell to Amery, TOP vol. 4, pp. 1019-1023.
- 63 FR, second half of July 1944, IOL, L/P&J/5/247, p. 57.
- ⁶⁴ Anita Inder Singh, op., cit. p. 119.
- 65 Ayesha Jalal, op.cit., p. 132.
- 66 Glancy to Wavell, Simla 16th August 1945, TOP vol. 6, pp. 71-72.
- 67 Ibid.
- 68 Tan Tai Yong, 'Prelude to Partition: Sikh Responses to the Demand for Pakistan', International Journal of Punjab Studies, 1, 2 (1994), pp. 190-191.
- ⁶⁹ For the election result in Punjab see Ayesha Jalal, op. cit., p. 150.
- ⁷⁰ Anita Inder Singh, op. cit., p. 141.
- ⁷¹ FR second half of April 1946, IOL, L/P&J/5/249, p. 117.
- ⁷² Das, Veena, 'Introduction' in Veena Das ed., Mirrors of Violence: Communities, Riots and Survivors in South Asia, Delhi, 1990, p. 11.
- ⁷³ FR, first half of July 1946, IOL, L/P&J/5/249, p. 85.
- 74 Sumit Sarkar, op. cit., p. 430.
- 75 Ibid.

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<sup>76</sup> Ibid. For a more elaborate account of the Cabinet Mission negotiations, see
 Ayesha Jalal, op. cit., pp. 174-207, and Anita Inder Singh, op. cit., pp. 142-178.
   Suranjan Das, op. cit., p. 169
 <sup>78</sup> Ibid. p. 171.
 <sup>79</sup> FR, second half of August 1946, IOL, L/P&J/5/249, p. 57.
 <sup>80</sup> FR, second half of November 1946, IOL, L/P&J/5/249, p. 20.
 81 FR, first half of January 1947, IOL, L/P&J/5/250, p. 90.
 <sup>82</sup> Ibid.
 <sup>83</sup> Governor's letter to the Viceroy dated 15th February 1947, IOL, L/P&J/5/250, p.
 84 Anita Inder Singh, op. cit., p. 212.
 85 From the statement of 20th February by the British Government, quoted in
 Ayesha Jalal, op. cit., p. 237.
 86 Anita Inder Singh, op. cit., p. 214.
 <sup>87</sup> FR second half of February 1947, IOL, L/P&J/5/250, p. 73.
<sup>88</sup> David Willner, 'Women as Participants in the Pakistan Movement:
Modernization and the Promise of a Moral State', MAS, 30, 3 (1996), pp. 573-
<sup>89</sup>Jenkins to Pethick-Lawrence, 4<sup>th</sup> March 1947 TOP vol. 9, pp. 850-851.
<sup>90</sup> Jenkins to Wavell, telegram 5th March 1947, TOP vol. 9, p. 865.
<sup>91</sup> Jenkins to Wavell, telegram 5<sup>th</sup> March 1947, TOP vol. 9, pp. 868-870.
<sup>92</sup> FR, first half of March 1947, IOL, L/P&J/5/250, p. 68.
93 FR, first half of March 1947, IOL, L/P&J/5/250, p. 68.
94 Resolution of the Congress Working Committee on 8th March 1947 in Kirpal
Singh, Partition of Punjab 1947, Delhi, 1990, pp. 23-24.
95 Swarna Aiyar (1994), op. cit., p. 50.
<sup>96</sup> Ibid. p. 53.
97 Ibid. The deliberate attack on a particular group in a village or town is what
Leo Kuper has defined as a 'genocidal massacre', Leo Kuper op. cit., p. 10.
98 Jenkins to Abell, telegram 17th March 1947, TOP vol. 9, pp. 961-962.
99 C. Auchinleck to Abell, 22<sup>nd</sup> March 1947, TOP vol. 9, pp. 1004-1008.
Viceroy's personal report no. 5, TOP vol. 10, pp. 533-547 (paragraph 22).
Meeting between, Ismay, Caroe, Jenkins, Mieville, Wieghtman, Abell and
Capt. Lascelles on 14th April 1947, TOP vol. 9, pp. 231-234.
<sup>104</sup> FR, second half of April 1947, IOL, L/P&J/5/250, p. 51.
Governor's letter to the Viceroy dated 15th May 1947, IOL, L/P&J/5/250, p.
<sup>106</sup> Note by Jenkins, 19<sup>th</sup> May 1947, TOP vol. 10, pp. 893-894.
<sup>107</sup> FR, second half of May 1947, IOL, L/P&J/5/250, p. 36.
108 Anita Inder Singh, op. cit., p. 232.
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¹⁰⁹ FR, first half of June 1947 IOL, L/P&J/5/250, p. 29

¹¹⁰ Governor's letter to the Viceroy dated 15th June 1947 IOL, L/P&J/5/250, p. 34.

- ¹¹¹ Jenkins to Mountbatten, 25th June 1947, TOP vol. 11, pp. 623-628. 112 FR, first half of July 1947 IOL, L/P&J/5/250, p. 14. (This is the last of the Fortnightly Reports kept in the British files).
- 113 Tan Tai Yong, 'Sir Cyril Goes to India: Partition, Boundary-Making and Disruptions in the Punjab', in International Journal of Punjab Studies, vol. 4, 1
- (1997), pp. 1-20.

 114 Ishtiaq Ahmed: 'The 1947 Partition of Punjab: Arguments put Forth before the Punjab Boundary Commission by the Parties involved', in Ian Talbot and Gurharpal Singh (eds.), Region and Partition. Bengal, Punjab and the Partition of the Subcontinent, Karachi, 1999, p. 122.

 The Council, which was constituted on 27th June, consisted of, Viceroy
- Mountbatten, Muslim League leader Muhammad Ali Jinnah, Liaqat Ali Khan (Muslim League), and Sardar Vallabhabhai Patel and Rajendra Prasad, both from the Congress Party.
- 116 Mounbatten to Listowel, telegram 24th July 1947, TOP vol. 12, pp. 326-327.
- Governor's letter to the Viceroy dated 30th July 1947, IOL, L/P&J/5/250, p. 11.
- 118 Minute on the Governor's meeting on 30th July 1947 at 3.30 pm with Giani Kartar Sing, IOL, L/P&J/5/250,p. 13.
- ¹¹⁹ Jenkins to Abell, 4th August 1947, TOP vol. 12, p. 527.
- 120 Record of interview between Mountbatten, Jinnah, Ali Khan, Sardar Patel and Capt. Savage, 5th August 1947, TOP vol. 12, pp. 537-539.
- ¹²¹ Jenkins to Mountbatten, telegram 8th August 1947, TOP vol. 12, pp. 583-584.
- ¹²² Jenkins to Mountbatten, telegram 9th august 1947, TOP vol. 12, pp. 636-637.
- 123 In remark to this telegram, Mountbatten wrote that he approved Jenkins decision, and emphasised that until 15th August, it was his business, and there was no reason to tell Jinnah: 'If asked I shall say - 'I left it to Jenkins to decide when'. If he decides 'after 15th' that is his concern'. Ibid.
- 124 Extract From the Viceroy's 69th Staff Meeting on 9th August 1947, in Kirpal Singh op. cit., pp. 458-459.
- Mountbatten to Jenkins, telegram 12th August 1947, TOP vol. 12, p. 687. In a telegram on 13th August to Governor Burrows in Bengal and Governor Jenkins in Punjab, Mounbatten writes that the Boundary Commission award not will be published before 16th August; Mountbatten to Burrows and Jenkins, telegram 13th August 1947, TOP vol. 12, p. 693.
- 126 Transporting Muslim officials and their families.
 127 Abell to Governor Secretary Sind, telegram 10th August 1947, TOP vol. 12, p.
- 128 Note by Major General D.C. Hawthorn, 11th August 1947, TOP vol. 12, pp.
- 129 Governor's Letter to the Viceroy dated 13th August 1947, IOL, L/P&J/5/250, p.7. ¹³⁰ Jenkins to Mountbatten, telegram 14th August 1947, TOP vol. 12, p. 732.

- 131 Sir Francis Mudie was British. He and many other British civil servants stayed on after Partition and served in the two new states.
- Mudie to Jinnah, 15th August 1947, in Kirpal Singh, op. cit., pp. 488-489.

133 Swarna Aiyar (1998), op. cit., pp. 24-25.

- Minutes of the Joint Defence Council Meeting, 16th August 1947, in Kirpal Singh, The Partition of Punjab 1947, Delhi, 1991, pp. 489-494. At the Council meeting were Lord Mountbatten, Sarder Baldev Singh, The Pakistani High Commissioner, Field Marshall Auchinleck.
- 135At the council meeting the responsibility for the disturbances were also debated. Even though the Sikh representative, Sardar Baldev Singh, not openly discharged the accusations against his community, he did point out that the trouble in the Punjab had started in Rawalpindi, where Sikhs had been massacred by the Muslims, massacres which the Muslim League had never condemned. Minutes of the Joint Defence Council Meeting, 16th August 1947. Ibid.
- ¹³⁶ Swarna Aiyar (1998), op. cit., p. 23.
- 137 G. D. Khosla, Stern Reckoning: A Survey of the Events Leading Up To and Following The Partition of India, London, 1950, (2nd ed., Delhi 1989), p. 125.
- ¹³⁸ Minute of the Joint Defence Council Meeting, 20th August 1947, in Kirpal Singh, The Partition of Punjab 1947, Delhi, 1991, pp. 495-496.
- ¹³⁹ G. D. Khosla op. cit., pp. 130-184.
- 140 Urvashi Butalia, The Other Side of Silence. Voices from the Partition of India, Delhi, 1998.
- ¹⁴¹ Ibid. p. 171.
- 142 Sudhir Kakkar, op. cit., p 37.
- 143 Swarna Aiyar (1994), op. cit., p. 89.
- 144Note for the Joint Defence Council by the Supreme Commander on the future of the Punjab Boundary Force, 26th August 1947, in Kirpal Singh op. cit., pp. 500-502.
- Minute of the sixth meeting of the Joint Defence Council, 29th August 1947, in Kirpal Singh, op. cit., pp. 503-508. Present at the meeting. Mountbatten, Jinnah, Nehru, Liaquat Ali Khan, Baldev Singh, Mudie, Trivedi, Auchinleck and Rees.
- 146 Joint Statement of Nehru and Ali Khan, in Kirpal Singh op. cit., pp. 508-509. Gopi Chand Bhargava to Nehru, 4th September 1947, in Kirpal Singh, op.

cit., pp. 509-510.

- Francis Mudie to Jinnah, 5th September 1947, in Kirpal Singh, op. cit., pp.
- 149 Trivedi to Swaran Singh, 4th September 1947, in Kirpal Singh, op. cit., pp.
- 150 Trivedi to Swaran Singh, 12th September 1947, in Kirpal Singh, op. cit., pp.
- 151 Sir Francis Tucker, While memory serves, p. 480.

- 152 Ibid., p. 482.
 153 Mudie to Jinnah, 23rd September 1947, in Kirpal Singh, op. cit., pp. 529-531.
 154 Ibid.
- 155 Report of work of Liaison Agency in District Mianwali, in Kirpal Singh op.

- cit., p. 677.

 156 Tucker, op. cit. p. 491.

 157 Penderel Moon, Divide and Quit, London, 1961.

 158 G. D. Khosla, op. cit.

 159 Urvashi Butalia, op.cit.

 160 Joint Evacuation Movement Plan, 20th October 1947, in Kirpal Singh, op. cit., pp. 548-552. The number of Hindus were 2.3 million and Sikhs made up
- 161 Mudie to Jinnah, 16th December 1947, in Kirpal Singh op. cit., pp. 575-576.

Human Rights in Punjab: Constitutional Guarantees and Institutional Practice

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Convener of the Committee for Coordination on Disappearances in Punjab

On January 26 2000, India celebrated the fiftieth anniversary of its declaration as a Republic. This day in 1950, India adopted a Constitution that guarantees a system of bicameral parliament, an independent judiciary and inalienable human rights to now more than one billion citizens. India also claims a free and vigilant press. With these trappings of a modern democracy, India professes to be the largest functional democracy in the world where widespread human rights abuses, systematic persecution of disgruntled communities, and suppression of political dissent cannot occur. This paper argues that Indian constitutional professions on fundamental human rights are diametrically contradicted on the plane of institutional practice, specially from the perspective of those ethnic and religious minorities in India's peripheral States that become engaged in virulent conflicts with the Union on the issues of political autonomy in the regional sphere. The paper illustrates the proposition with a detailed discussion on the matter of enforced disappearances leading to secret cremations in Punjab, carried out by the security forces to stamp out the Sikh separatist unrest that plagued the State in the decade from 1984 to 1994. The matter, as corroborated by the Central Bureau of Investigation in December 1996, is pending before the National Human Rights Commission for determination of all the issues under reference from the Supreme Court of India.

Part I

Introduction

Looking back on my human rights involvement in Punjab, a decade and a half long, I think of a stanza of Guru Nanak, the founder of the Sikh religion, which he had composed to grieve the cruelty and corruption of life around him five hundred years ago: 'The age is like a knife. Kings are butchers. Religion has taken wings and flown. In the dark night of falsehood, I cannot see where the moon of truth is rising.'

The aspects of social climate in Punjab, which Nanak grieved in this stanza, seem to have remained unrelieved.

Punjab, or rather the truncated part of the province east of the Pakistani border, which remained with India at the 1947 partition of the subcontinent, is a member state of the Indian Union. Totally landlocked, it covers 50,000 sq. kms out of India's 3.3 million sq. kilometers of a diverse geography. Less than 2 per cent of India's one billion population, the Sikhs constitute more than 62.1 % of Punjab's approximately twenty-two million people. Before the partition of 1947, Punjab used to be an overwhelmingly Muslim province. This land of communal truncation of 1947 and the wounded consciousness of the civil war in its wake that took the toll of 200,000 to half a million deaths by various estimates, witnessed another spell of a bloody political unrest in the last decades of the 20th century. The unrest developed from the Sikh political agitation to obtain a radical measure of political devolution, became violently separatist in its intense last phase, and was ruthlessly crushed by the Indian Union.

It is on this period of Punjab's history that I look back with a puzzled conscience, trying to unravel the tangled skein of brutality and murder, the tenacity of the perpetrators, the agony of the victims, and attempting to extract from this chaos something remotely consonant with the 'civilization' that India claims to be. Let me illustrate my bewilderment with the example of a true story – the last act of a real-life tragedy.

Ajaib Singh: A paradigmatic case

Fifty-five years old Sardar Ajaib Singh from village Othiyan in Ajnala subdivision of Amritsar district was a man who handled problems of life with a calm and calculated approach. These qualities of his character had been very useful in preserving his family, property and considerable social standing in an area of Punjab that for a decade from 1984 remained locked in the spiral of Sikh insurgency and the ruthless and indiscriminate actions by India's security apparatus to stamp it out. Ajaib Singh, elected head of his village council called Panchayat, had three grown up sons:

Thirty-five years old Kulwinder Singh, married with three young children, was employed as the Panchayat Secretary at Naushera Pannua block of Tarn Taran subdivision in Amritsar district. It was a challenging job that involved attending to local problems concerning land, revenue and development. Kulwinder was very popular for the fairness and energy with which he performed his duties. Second son Jagbir Singh, thirty-two, managed the family's twenty-five acres of irrigated agricultural land, which yielded good crops and income. His third son Maminder Singh, twenty-eight, studied medicine and became a registered medical practitioner.

Ajaib Singh and his wife Manjit Kaur kept good health. As devout Sikhs, they often went on pilgrimages, and organized and attended with fervor the recitation of Guru Granth Sahib, the book of devotional hymns composed by the Sikh Gurus, on important events of the religious calendar. Ajaib Singh made some extra money as a property dealer and spent his spare time dabbling in the Congress politics, which brought him many influential friends also in the official and police circles. All seemed as well as they could be under the circumstances.

Ajaib Singh had for long been associated with the Congress Party and had not given up the association even after the army assaulted the Golden Temple of Amritsar in June 1984. As a devout Sikh, Ajaib Singh was very much anguished by this episode. But he attributed part of the blame for provoking the assault on Bhindranwale, the militant preacher of a Sikh seminary called Dam Dami Taksal.

Ajaib Singh was aware that the Congress politics in Punjab, essentially calculated to undermine the political base of the Akali Dal in the orthodox Sikh community, had been very injurious to Punjab's interests. Indira Gandhi was personally angry with the Akali leaders for having astutely opposed her Emergency regime that suspended all the fundamental rights of citizens guaranteed by the Indian Constitution between June 1975 and March 1977. Nearly 45,000 Akali workers had to be put under preventive detention in the period. The movement against the Emergency, like all other successful Akali campaigns, had been organized from the precincts of the Golden Temple.2 In March 1977, an alliance of several non-Congress parties had replaced Indira Gandhi's Emergency government at the center. Winning the State Legislative Assembly elections, the Akali Dal formed its third coalition government in Punjab with the Janata Party, which mostly represented the Hindu population. It was difficult to bring the government down by organizing defections, as the coalition represented a national consensus against the Emergency regime and its members could not cross over to the Congress without risking their political career. Her best bet was to contrive a fundamentalist Sikh movement, both obstreperous and popular. That would not only strain the government's ability to maintain the rule of law, but also expose it to be reneging on the orthodox Sikh principles. The scheme required flagrant issues and charismatic individuals to rake them up. Bhindranwale was all game and picked up violent quarrels with the heterodox Sikh sect of Nirankaris.3

The clashes that followed succeeded in diffusing the avid debate on the necessity to decentralize the State structure in India to give the provincial governments more powers, which had picked up momentum from the middle of 1977. Many leaders of the peripheral States of the Union, which had suffered the Center's highhandedness, were on the side of substantial changes.⁴ Arrayed against them were the Centrist hawks. The latter group represented the Hindu heartland and cut across party affiliations in believing that a united India was coterminous with a strong Center.⁵ In

the beginning it seemed that Bhindranwale's religious crusades would take the attention away from the issue.⁶

Indira Gandhi managed to regain political power at the center in 1979. The Akalis, now out of office, embarked on the path of agitation. Bhindranwale, with no organization or money to match the vast resources of the traditional Akalis, had risen from his obscure background to eclipse the Akali leaders and to become the epitome of Sikh aspirations. With the view to harness his popularity with the Sikh masses, the Akali leaders persuaded him to join the Dharma Yudha Morcha in July 1982 by adopting the Anandpur Resolution as the basis. Having once done that they were unable to balk out of the professed goal because Bhindranwale would not allow them to do so. Both the Akali leaders and the central government soon began to employ the whole range of Machiavellian stock-in-trade to cheat, cajole, bribe and browbeat their way out of the simple and consistent position of Bhindranwale that there would be no settlement against the mandate of Anandpur Resolution. Indira Gandhi tried to woo him back, but he spurned all her emissaries. Clearly, Bhindranwale had become her Frankenstein's Monster.

Meanwhile, Indira Gandhi seemed to be losing the political ground once again. The results of twenty bye-elections in twelve states of southern and northern India, held in the third week of May 1984, had gone against the Congress Party. It had lost all the prestigious contests. The Congress candidate in the Malihabad constituency in the capital city of Utter Pradesh had lost to the fledgling party of Maneka Gandhi, the Prime Minister's estranged daughter-in-law. Rajiv Gandhi's own constituency, as it happened, was next to Malihabad. An intrepid Maneka Gandhi had announced that she would be a candidate against her brother-in-law in the forthcoming parliamentary elections. The election results had shown that northern India was being swept by a wave of Hindu anger over the government's inability to suppress the Sikh extremists in Punjab. The southern peninsula, on the other hand, was under the sway of strong regional parties inimical to the Congress. In Andhra Pradesh, traditionally a Congress stronghold with its 42 parliamentary seats, a new regional party called Telugu Desam formed by a popular celluloid hero Rama Rao, had swept the polls. 10

The bye-election results convinced Indira Gandhi that unless she took drastic action against Sikh extremism, she couldn't hope to form the next government at the Center. A swift military operation that would strike Bhindranwale and his band of followers dumb, as the top brass of the army had promised her, was seen to be the only answer. It would not only restore the Hindu confidence in her leadership, but also put her in a better situation to deal with moderate Akali leaders. Indira Gandhi and her advisors had not expected the operation to get so protracted and bloody that it would not end before the demolition of the Akal Takht. All her calculations and strategies had not only been hurtful to Punjab, they had also boomeranged to ruin

her. On 31 October 1984, Indira Gandhi was assassinated by two of her own Sikh security guards.

But Ajaib Singh remained associated with the Congress Party from his lack of faith in the sectarian thrust the Akalis gave to their political agenda and from the conviction that the separatist militancy was a mindless venture which would eventually be put down by the armed might of the Indian State. The outcome was well anticipated. But Ajaib Singh did not know that the State action against the Sikh insurgency would engulf his own family.

For some time, Kulwinder and his family lived in a rented house at Naushera Pannua of Tarn Taran subdivision where he was employed as the Panchayat Secretary. In the beginning Punjab seemed to be limping back to normalcy. The Congress Party under Rajiv Gandhi's leadership had won the parliamentary elections with an unprecedented popular mandate to fight Sikh terrorism. But like a statesman, Rajiv Gandhi tried to heal the wounds of Punjab by releasing all the important Akali leaders from detention and then by making several concessions to the Akali Dal by signing an Accord with its President Longowal in July 1985. Although Longowal was assassinated soon thereafter, his moderate successor Surjit Singh Barnala led the party to an overwhelming victory in the State Assembly elections to form his government.

For a while, the situation seemed to be improving. But the central government was unable to keep the promises which it had made in the Longowal Accord. The radical Sikh groups that had been lying dormant resurfaced. Militancy revived. The slogan of Khalistan was again in the air. The Union government brought Punjab under President's Rule after dismissing the Akali government in October 1987. Paramilitary forces were deployed to crack down on desperados. When the situation in that part of Punjab, arising out of conflicts between the armed Sikh groups and India's security forces, became very volatile, Kulwinder shifted his residence to Amritsar mainly for the reason that his young children needed education. Ajaib Singh gave him money to build a small house in Amritsar. Kulwinder daily commuted to his work on his motorcycle.

20 December 1991 was a crisp winter day. Kulwinder left for his work little late that morning. On the way, a pedestrian asked him for a lift on his motorcycle, a TVS Suzuki No. PB02-C-4455. The man later identified as Palwinder Singh Sona was a militant. It is possible that Sona forced Kulwinder to take him along on the pillion of his motorcycle, as his brother Jagbir Singh later suggested to me. It cannot also be ruled out that the two may already have been acquainted. That could hardly be inconceivable in the situation then obtaining in Punjab. Thousands of young Sikhs had embraced the path of the gun to confront the Indian State. Many empathized with their sentiments and helped them indirectly to find shelter and food even when disagreeing with the wisdom of their chosen path. Kulwinder's job brought him in contact with all kinds of characters who were involved in land and revenue disputes.

If we assume that Kulwinder had known Palwinder Sona to be a militant, we must also see that he could not have refused the hitchhiker from the fear of reprisal. The motorcycle was stopped for a routine check at a barrier set up by Sadar police station of Amritsar on the road across the railway station. Inspector Ajaib Singh, Station House Officer (SHO) of Sadar Police Station, was personally leading the checking. One police constable at the barrier recognized Sona as a wanted militant and both of them were taken into custody.

By coincidence, the arrest was witnessed by Manjit Singh, head of the village council of Raja Sansi, an influential man with many contacts in the police. He was looking for a taxi near the barrier when the police nabbed the two. Manjit Singh was a friend of Kulwinder's father who also knew Inspector Ajaib Singh. Recognizing Kulwinder, he went up to the Inspector and pleaded for his release. But the Inspector did not agree. Later, Manjit Singh went to Kulwinder's house and informed his wife Rajbir Kaur who immediately sent a message to her father-in-law in his village Othiyan. Ajaib Singh accompanied by his second son Jagbir Singh rushed to Amritsar and met Inspector Ajaib Singh at Sadar police station who said that Kulwinder would be released after his interrogation.

The same night, Sona was killed in an orchestrated 'encounter', a faked armed combat between the police and a group of militants. Punjab newspapers reported the killing on 21 December. The Tribune said Palwinder Singh Sona was a top militant who carried the designation of a Lieutenant General in his underground outfit. The report also said that his three accomplices had escaped and that the police had also killed three other unidentified militants in armed encounters in the outskirts of the city. The report made Ajaib Singh and his family very nervous. The police could easily kill Kulwinder in their custody and report it as a death of an unidentified militant in an armed combat. But on 21 December, Inspector Ajaib Singh and a large police force brought Kulwinder to his house No. 24 in Sahebzada Zujjar Singh Avenue on Ajnala road in Amritsar. The entire family was present when the police led him to search the house. The search did not yield anything incriminating. But Kulwinder was not allowed to converse with his family members and was taken away after the search.

Ajaib Singh decided to negotiate Kulwinder's release. He involved some middlemen, including Manjit Singh of Raja Sansi village, who knew the Inspector well. Inspector Ajaib Singh demanded one hundred and fifty thousand rupees. Borrowing the amount from his relatives, Ajaib Singh sent it across to the Inspector through the broker who had negotiated the deal. By then, the Inspector had changed his mind. The case was no longer in his hands, he explained. Senior Superintendent of Police (SSP) Chattopadhyay had taken over the investigation. Ajaib Singh now went to Raghunandan Lal Bhatia, a senior Congress leader and former Minister in the Union government, for help. Bhatia talked to the SSP two or three times on the telephone. The SSP said Kulwinder had to be interrogated. Ajaib Singh then

requested Surinder Singh Kairon, son of former Chief Minister Pratap Singh Kairon and another influential Congress leader in the State, to intervene. Kairon talked to the SSP, who again was not very responsive.

Ajaib Singh asked the Sadar police station to formally register his complaint that Kulwinder had been illegally arrested. His friend Deputy Superintendent of Police Davinder Singh called the Station House Officer to recommend the registration. But Sadar police station refused to do so.

Punjab was under the Governor's rule. So, Ajaib Singh sent urgent telegrams to the Governor, the Director General of Police (DGP), the Chief Secretary and the Chief Justice of Punjab and Haryana High Court, informing them about the illegal arrest and beseeching them to intervene. Later, he also sent detailed written petitions about the arrest and the disappearance. But there was no response.

Kulwinder had been acquainted with Birendra Singh Kalon, then Additional District Commissioner of Tarn Taran. Approached by Ajaib Singh for help, Kalon found out that Kulwinder was under interrogation and was being forced to identify wanted Sikh radicals in the area. This was confirmed when a month after his arrest, the police took him to the village of Jagrup Singh Dhotiyan, a listed militant. Jagrup was arrested in the combing operation that followed, but one of his associates, also on the wanted list, escaped. As punishment, Kulwinder was badly tortured. Later, he was again seen by his former colleagues at Naushera Pannua. Kulwinder was unable to walk and his body showed signs of terrible torture. Ajaib Singh pursued the case of his son relentlessly to no avail.

In early 1992, Punjab came under the Congress government with Beant Singh as the Chief Minister. Ajaib Singh again requested Raghunandan Lal Bhatia and Surinder Kairon, who had become a Member of Parliament, to help. But no one could ascertain Kulwinder's whereabouts. Ajaib Singh wanted to know whether he was still being held for anti-insurgency operations, intensified under Beant Singh's regime, or had already been killed.

Ajaib Singh met another Congress Member of Parliament, Jagmit Singh Brar, who sometimes talked about the issues of justice in Punjab. Brar wrote to Union Home Minister Chahvan and, later in March 1993, personally met him to pursue the case. Ajaib Singh was also in Delhi to goad Brar into action. The Union Home Minister talked to Punjab's Director General of Police K. P. S. Gill, who confirmed that Kulwinder Singh had been killed. But there was no formal acknowledgement. The family never received the dead body, nor the mortal remains from the cremation, if it had taken place. The Sadar police station in Amritsar did not even bother to hide or destroy his Suzuki motorcycle No. PB02-C-4455, confiscated at the time of his illegal arrest. The motorcycle was openly used by its officers.

In 1996, Ajaib Singh engaged lawyer Ranjan Lakhanpal in Chandigarh to file a petition for a writ of habeas corpus - No. 324/1996 - before the Punjab and Haryana High Court. The petition was backed with the supportive affidavits of Manjit Singh,

who had witnessed the arrest, and other eyewitnesses. The court issued notice. SHO Ajaib Singh, who had taken Kulwinder into custody on 20 December 1991, became nervous about the possibility of his incrimination if the High Court ordered an inquiry. The officer began to liaison with the family members for a settlement, offering to pay a substantial amount of money if they agreed to withdraw the petition. Ajaib Singh spurned the overtures with contempt.

On 12 August 96, Sub-Inspector Gujinder Singh from the CIA staff office in Amritsar picked up Ajaib Singh and his two sons from their house and brought them to the B. R. Model School Interrogation Center. They were held in illegal detention for a day and threatened with elimination if they did not withdraw the petition from the High Court. They were released after Manjit Kaur sent telegrams to the higher authorities complaining about the illegal detention. Ajaib Singh also sent a letter about the illegal detention and the threat given to him at the CIA interrogation center to the Chief Justice of the Punjab and Haryana High Court. But no action followed.

His second son Jagbir Singh had been employed by the Shiromani Gurdwara Prabandhak Committee (SGPC), as a dispatch clerk, on the recommendation of then President Gurcharan Singh Tohra. Jagbir worked in the headquarters housed within the Golden Temple Complex. Raghubir Singh was the temple's manager, an influential person within the SGPC who was also acquainted with Inspector Ajaib Singh. In March or April 1997, while the inquiry ordered by the High Court was still pending, Raghubir Singh called Jagbir into his office to make a proposal on the Inspector's behalf. He would pay one million rupees if his father agreed to withdraw the petition. Raghubir Singh also threatened to transfer Jagbir to Jind, a small place in Haryana, if he failed in persuading his father to negotiate with the Inspector. Jagbir agreed to try.

In the evening, he could not muster the courage to take up the proposal with his father. Next morning, he opened the topic by mentioning that Raghubir Singh was harassing him. Ajaib Singh asked him to explain and remained silent for a while after Jagbir completed the narration of his conference with Raghubir Singh. Ajaib Singh then asked if he wished to accept the proposal. Jagbir said no. Ajaib Singh repeated the question again and again, with Jagbir affirming no compromise.

Raghubir Singh had proposed to pay one million rupees on the Inspector's behalf. Ajaib Singh was suddenly seething with anger: He would pay one million and a half to recover his son. If it was not feasible, the Inspector should never contact him again. That was his message to Raghubir Singh. He was confident that the High Court would do him justice.

In the beginning, the matter seemed to be moving in the right direction. At the time of crucial hearing, lawyer Ranjan Lakhanpal went away to America and Canada on invitation from the Sikh expatriate community to lecture on the human rights situation in Punjab. His junior was unable to attend the court proceedings. The judge had also changed. The petition was dismissed by the new judge S. P. Malte in

October 1996, on the ground of insufficient evidence that his son had been abducted by the police. Returning from his foreign tour, Lakhanpal promised to take the matter to the Supreme Court which, in the meantime, had taken cognizance of illegal mass cremations of supposedly unidentified bodies conducted by the Punjab police. The Supreme Court referred the matter to the National Human Rights Commission for determination of all the issues, after the Central Bureau of Investigation corroborated the allegations in its December 1996 report. Ajaib Singh expected his case to come up before the Supreme Court, as Lakhanpal had promised. But nothing happened.

For the next month or two, Ajaib Singh remained very distressed. Gurcharan Singh Tohra advised him to engage a Supreme Court lawyer in Delhi to file a fresh petition. Lawyer R. S. Sodhi demanded twenty-five thousand rupees, which he immediately paid up. For some time thereafter, Ajaib Singh remained involved in the anticipation that the hearing before the Supreme Court would soon commence. When it turned out that the court had not admitted the petition, he was crestfallen.

Soon, he started making fresh rounds of Chandigarh where he met the Akali Chief Minister Prakash Singh Badal. Before the elections, the Akali Dal had promised justice to all victims of human rights violations that had taken place over the last decade. Badal proposed to mark an inquiry about his case to the Police Inspector General of the Border Range. Ajaib Singh said that his son had been murdered by policemen who would not, therefore, allow the truth to come out. Badal then marked the inquiry to the Deputy Commissioner of Amritsar. This was in May 1997.

The Deputy Commissioner recorded the statements of several witnesses, and closed the inquiry on 26 June. It is not clear what happened thereafter, but on 4 July 1997 Ajaib Singh returned home looking dejected. Apparently, he had found out that the inquiry report was not going to say anything conclusive. For the next couple of days, he did not talk to anyone and remained unusually calm. His wife Manjit Kaur tried to engage him in conversation and to draw him out of his depression. She suggested that they sell a piece of their agricultural land to raise the resources to pursue their son's case in other ways. But Ajaib Singh remained silent.

On the morning of July 7, 1997, Ajaib Singh made his last pilgrimage to the Golden Temple, the Vatican of approximately twenty million Sikhs worldwide and the most important of their religious shrines. Ajaib Singh was attired in a saffron turban and a blue caftan, symbolizing sacrifice and immortality in the Sikh scheme of colors. But there was no joy in his demeanor. His forehead under the turban was taut and flecked with lines of bafflement and regret, eyes unfocussed. His lips quivered under his flowing white beard, rimed with saliva. In a slow and heavy gate, Ajaib Singh walked around the quadrangular pool of water (amrit-sar = pool of nectar, hence the city's name) and went across the marble causeway from the western side into the main shrine called Harmandir. For a while, he joined the

congregation before the Guru Granth, the Sikh scripture, the only object of worship in the Sikh temples, and tried to concentrate on the musical recitation of the hymns. Remaining listless, he bowed before the Guru Granth and stepped out. The musical chanting from the inside, relayed by loudspeakers, wafted in the air as the devotees washed and scrubbed the floor in a rhythmic sway. The square structure of the temple in white marble with its golden dome, an inverted lotus, reflected in the shimmering pool like its enchanted soul — incorporeal, luminous and alluring.

Ajaih Singh walked the archway back to the circumference on the western side, and prayed at the five-storied structure of Akal Takht, across the marble plaza facing the Harmandir. Founded in 1609 as the Sikh counterpoint to the imperial throne at Delhi, Akal Takht means the seat of the Timeless One, the cardinal principle of the Sikh religion, embracing both the creative and the transcendental aspects of existence. The building had been gutted during the Indian army's assault on the temple complex in June 1984, but it had been rebuilt by the Sikh voluntary effort. Engrossed in his melancholy, Ajaib Singh walked back to the northern gateway of the temple under the Clock tower, and sat down on the last step of the staircase that descends to the lower plinth of the temple from the ground level of the outer surroundings. The building of the Golden Temple at a lower plinth is an architectural device to remind devotees that in the presence of Divine Grace they must humble themselves. ¹²

Ajaib Singh pulled out a few sheets of paper from the pocket of his caftan, and began to write a long note. Such was his rueful concentration that he did not notice a relative, Mota Singh, who was also visiting the temple, and saw him jotting down something on a sheet of paper in great concentration. The relative assumed that he was calculating or writing something concerning his business as a property dealer. Mota Singh, a correspondent of Az Di Awaz, a daily newspaper published from Jalandhar, saw him likewise scribbling on some loose sheets of paper.

Ajaib Singh was composing his suicide note. Probably, he had already consumed the poison, which he had managed to procure and take along with him to the Golden Temple. After finishing the letter, Ajaib Singh walked into the premise of the Bank of Punjab, within the temple complex, whose manager Avtar Singh was his neighbor in Sahibzada Zujjar Singh Avenue. Ajaib Singh, who must already have been under the affect of toxins, told him that he had swallowed poison and expected to soon die. Avtar Singh probably could not grasp the seriousness of his situation and sent him home in his car. Ajaib Singh was vomiting and told his son Jagbir that he had taken poison with the intention to die because he could not bear the injustice any longer. Immediately, the family members rushed him to a hospital nearby where the doctors said that he must be taken to the main Civil Hospital. Ajaib Singh was already dead when doctors at the civil hospital examined him.

The cremation became a crowded affair. Some police officials approached Jagbir Singh to suggest that he should mention heart attack as the cause of his father's

death. Otherwise, they warned of consequences. But Jagbir Singh stated the truth and released his suicide note to the press. The national press blacked out the story. ¹³ The following is my short translation of the suicide note, which Ajaib Singh left behind. The note is dated Monday, 7 July 1997:

In this house of Guru Ram Das, I seek forgiveness from everyone whom I may have in anyway unwittingly hurt or wronged.

Self-annihilation is the only way out of a tyranny that leaves no chance for justice. Oppressors like former SSP Ajit Singh Sandhu, who eliminated thousands of innocent Sikhs and also extorted millions of rupees, commit suicide under the unbearable weight of their sins. It is known that Jaswant Singh Khalra, because of his human rights work, had become Sandhu's victim.

My son Kulwinder Singh was picked up by SHO Ajaib Singh of Sadar police station in Amritsar. My son had neither committed a crime nor was he absconding from the law. Why did the SHO kill him then? The time and the place of one's death are suggested to be predetermined. But I cannot understand that SHO Ajaib Singh got promoted to the rank of Deputy Superintendent of Police as a reward for eliminating hundreds of young Sikhs, including my son.

No one has confirmed my son's death. I have not received his ashes. Otherwise, I would not have gone to the High Court, which failed the purpose of justice. I approached the Chief Minister, Prakash Singh Badal. Some people say that he is not a fit person to rule Punjab. I beseeched him to find out the truth and to allow me justice. He marked the case to the Deputy Commissioner of Amritsar for inquiry. Did Badal ensure fairness? I believe DSP Ajaib Singh gave the Deputy Commissioner a handsome amount of money to derail the inquiry.

I pray to Guru Ram Das to send me where my son is. I hope my prayers would be answered. Once again I apologize to the residents of my colony, my village Othiyan and Gurntala for inconvenience I may have inadvertently caused them. I am not in anyone's financial debt. Nevertheless, I authorize DSP Davinder Singh to self my land to settle any claim of liability that may arise.

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I am grateful for the support I have received from Manjit Singh, Sarpanch of Raja Sansi, DSP Davinder Singh and Bibi Paramjit Kaur Khaira.

I wish to be cremated near the Martyr's Shrine, Gurudwara Shahidan. I do not desire rituals, except the recitation of the Guru Granth, to attend my last rites. If my family wants to charitably commemorate my death, let them make an offering to the organization of Pingalwara.

The ink in my pen and also my time in this world are at their end. Wahe Guruji ka Khalsa, Waheguru ji ki Fateh!¹⁴

This epistle in 'black ink' reminds one of Paul Celan who committed suicide to communicate the truth about the Holocaust which his 'Death Fugue' about 'Ein Meister aus Deutchland' could not impart. For Ajaib Singh too life had become the canvas of farewell. As a forlorn character in the near view in a canvas, lost to history and without perspective, he loomed against the flatness and the monotony of a political power that he could punctuate only through his self-inflicted death.

I talked to Ajaib Singh's surviving family members at length for the first time in September 1997, when I went to Amritsar to understand the train of events that had crushed him. The melancholy at life's irrelevance before the State's power to wish it away, which had driven Ajaib Singh's to suicide, was also eating into their souls. His second son Jagbir would be there whenever I went to Amritsar, with his bundle of papers about the lost court cases, newspaper clippings and photographs of his father and his disappeared brother. He would also present himself at every press conference or public meeting organized by any human rights organization anywhere in Punjab.

He would not be the only one around with a tale of tragedy and impossible redress. His brother's enforced disappearance, life-exhausting and fruitless pursuit of accountability and justice by his family, the suicide of his psychologically broken father, the trauma and the ruin of the surviving members – none of these are unique to his family. Punjab's countryside is dotted with myriad other households that have similarly been destroyed by India's war against the Sikh separatist threat. My survey of 838 incident-reports of enforced disappearances, conducted in the period of one and a half years from November 1997 to May1999, shows that 222 relatives of the victims had either committed suicide or died under trauma. In 500 of 838 incidents, the surviving relatives reported morbid psychological effects, including clinical insanity. Their morbidity and their suicidal bereavement, in my opinion, epitomize a

fatal spiritual sickness that permeates the Indian society and makes the value of our own lives questionable.

Part II

Human rights abuses, their documentation and the search for justice

Let me recount how I gathered these stories and how the institutional pillars of the Indian democracy have received them. My serious interest in the affairs of Punjab started on 31 October 1984, when Prime Minister Indira Gandhi was assassinated by two Sikh members of her security staff who held her responsible for the June 1984 destruction of the Golden Temple during the army operation. The assassination sparked off organized violence against innocent Sikhs all over North India. Over the next days, I witnessed the bloody pogrom in the streets of Delhi, which claimed more than three thousand innocent Sikh lives. I watched how murderous gangs led by political leaders, with policemen looking on, swarmed into Sikh houses, hacking the occupants to pieces, chopping off the heads of children, tying Sikh men to tires set aflame with kerosene, burning down the houses after sacking them. The organizers of the anti-Sikh pogrom were able to carry out their plans with such ease because the labeiling of the Sikhs as India's enemies had substantially influenced the collective perceptions.

In early 1988 I began to travel within Punjab to investigate the reports of police atrocities amidst the escalation of the Sikh separatist violence. Since then I have been collecting the case studies of suspected Sikh separatists and their sympathizers who were whisked away by unidentified officials of the Indian security agencies, appearing out of the blue, in vehicles without number plates, to be taken to undisclosed places for interrogation, and to disappear forever. Although some of the cases documented by me might have involved genuine extremists, I gained the impression that, for the most part, the sufferers were primarily victims of arbitrariness - of a police force that had gone haywire. My investigations constituted the basis for detailed case studies, which the Committee for Information and Initiative on Punjab published and circulated. We hoped that testimonies of victims might persuade the people of India that the 'war without quarter' would destroy the very basis of the nation in whose name it was being waged. These reports found some mention in the Indian press, but made no impact on the official policies. 16 The bulk of these early reports also form part of my first book on Punjab, published in 1991 under the title, The Sikh Struggle: Origin, Evolution and Present Phase. In 1997, I published my research on the historical context of the Sikh separatist violence, its political and psychological aspects and its irrationality as my second book on the subject, which appeared under the title: The Sikh Unrest and the Indian State: Politics, Personalities and Historical Retrospective. 17

The period from 1988 to 1992 witnessed a runaway deterioration, with a steep increase in the daily reports of Sikh extremist outrages and summary executions by the security forces. In March 1988, the Indian parliament passed the 59th Amendment of the Constitution which enabled the central government to extend the President's rule in the State beyond one year; to impose emergency on the ground of 'internal disturbance' and to suspend Article 21 of the Constitution which guarantees that 'no person shall be deprived of life and liberty except according to the procedure established by law'.¹⁸

The Union government dragooned this constitutional amendment through parliament, despite all the special legislation already at its disposal. The legislation already in force included the Terrorist and Disruptive Activities (Prevention) Act, which provided the death sentence for terrorist actions resulting in death and the minimum term of five years in prison extendable to life for other offences. The Act commanded the presumption of guilt against the accused. Its definition of 'abetment' eliminated the proof of criminal intention. The Act allowed a police officer of the Superintendent's rank to record confessions of the accused in custody and to use them as evidence against them.

The TADA precluded the rule of anticipatory bail, thereby destroying the protection against manifest abuse of police power. It allowed sixty days of police custody of an accused under interrogation, and one year of judicial remand without bail. The TADA prohibited bail even when the prosecution failed to furnish a charge sheet after ninety days of arrest. The Act ruled that no person accused of an offence under its regime would be released on bail unless the designated court was satisfied on 'reasonable grounds' that 'he is not guilty of such offence and that he is not likely to commit any offence while on bail.' The Act did not explain how the accused should adduce the evidence of his innocence in the absence of a charge sheet, or how the judge should authenticate his guiltlessness ahead of the actual trial, and go on to certify that he would not 'commit any offence while on bail.' The TADA cases were heard in special courts by executive magistrates who were appointed centrally. The hearings were held in camera, and could be held in locations far removed from the disturbed area. In March 1994, the Supreme Court of India upheld the validity of TADA. 19

Apart from TADA and the Terrorist Affected Areas (Special Courts) Act, 1984, there were also other black laws like the National Security Act, 1980, as amended by the Act 24 of 1984 specifically with the reference to 'the extremist and terrorist elements in the disturbed areas of Punjab and Chandigarh'. The Act provided for detention without charge or trial for one year in all parts of India, and two years in Punjab.

Also in force was the Armed Forces (Punjab and Chandigarh) Special Powers Act, which empowered the security forces to enter and search any premises, and to arrest any person without warrant. It also allowed the security forces to destroy any

place on the suspicion of being a 'terrorist hideout' and to shoot to kill a suspected terrorist with immunity from prosecution. In spite of these draconian laws available to the security agencies to deal with the situation of insurgency, they remained obsessed with extra-judicial methods governed by the formula to catch and kill suspected terrorists.

By the end of 1992, the Indian State succeeded in establishing the superiority of its power of violence over the Sikh militancy. According to the police figures, published in 1993, the security forces in Punjab killed 2,119 militants in the year 1992.²⁰ Hundreds of others surrendered. A larger number of people in the border districts, picked up by the police for interrogation, simply 'disappeared'.

Following the decimation of the guerrilla groups, cleansing the countryside of militant sympathizers became the next main task of the security forces in the State. However, several human rights groups in Punjab, although disorganized and faction-ridden, had been embarrassing the government by publicizing police excesses. The government decided to first silence these groups.

In March 1992, Ram Singh Biling, a reporter with the Punjabi daily newspaper Ajit and the Secretary of Punjab Human Rights Organisation for his home district of Sangrur, was picked up and unceremoniously executed. Then came the turn of Ajit Singh Bains, a retired judge of the Punjab and Haryana High Court and the Chairman of the Punjab Human Rights Organization. Since 1986, Bains had been doggedly campaigning against police atrocities and was a pivotal figure for the human rights movement in Punjab. His illegal arrest in April 1992 was not acknowledged for two days. Bains was manhandled, abused and publicly exhibited in handcuffs. Later, his arrest was formalised under TADA. Bains was accused of taking part in a secret meeting of militant leaders to hatch a conspiracy of 'terrorist actions'. An inquiry later ordered by the High Court of Punjab established that his name did not figure in the original First Information Report about the 'illegal meeting'. However, the idea of arresting Bains was not to secure his conviction under the law, but to paralyse the PHRO, and to demoralise other human rights groups with the example. Chief Minister Beant Singh told the State Legislative Assembly on April 6 that his government would not release Bains because his organisation was engaged 'in defending terrorists'.

A human rights lawyer, Jagwinder Singh, was picked up from his house in Kapurthala by a group of uniformed policemen on the evening of 25 September 1992. Although the Chief Minister and the Chief Secretary promised to intervene, Jagwinder Singh never returned.

On 18 May 1992, Amritsar police picked up Param Satinderjit Singh, a student of Guru Nanak Dev University, from the university campus. He was forced to identify suspected sympathisers of the separatist cause within the university, who were also picked up. The police brought Param Satinderjit Singh to the university campus several times for this purpose. The university students held a demonstration

to protest against the abduction, and his father went on a hunger strike. But Param Satinderjit Singh was not released and he also disappeared.

Punjab government kept up the pressure on the PHRO by arresting Malwinder Singh Malli, General Secretary of the organisation, in August 1992. Malli was also the editor of 'Paigam', a vernacular journal affiliated to a Marxist-Leninist group, whose work in the field had led to several exhaustive reports on police atrocities. Elimination of Ram Singh Biling and Jagwinder Singh, and arrests of Ajit Singh Bains and Malwinder Singh Malli effectively paralysed the regional human rights groups.

In January 1995, Jaswant Singh Khalra, a human rights worker from Amritsar, released some official documents to claim that the security agencies in Punjab had been secretly cremating thousands of dead bodies labelled as unidentified. Khalra suggested that most of these cremations were of the people who had earlier been picked up on the suspicion of separatist sympathies. The evidence consisted of entries at the office of the Registrar of Births and Deaths and in the firewood purchase registers maintained at the cremation grounds. These records showed that at the three crematoria of the Amritsar district alone, the police officials had illegally burnt 2097 corpses within a period of two years from 1991 to 1992. Khalra went with these records to the Punjab and Haryana High Court through a Writ Petition to ask for an independent investigation.²² But the court dismissed the petition with the remark that the petitioner had no locus standi in the matter.

Following the dismissal. I. along with Khalra, traveled extensively in Amritsar to review and corroborate the evidence he had gathered. I talked to the attendants of the cremation grounds, the doctors who had conducted post-mortems and also the relatives of victims who furnished the necessary evidence to establish linkages between the disappearances and illegal cremations. The attendants of the cremation grounds told me that the police often bought firewood for one or two bodies but dumped many more on a single pyre. The Chief Medical Officer of a Civil Hospital in the district confessed that the procedure of postmortem had been simplified to the extent that it meant no more than filling a paper that announced the cause and the time of death, with the policemen providing the information. He also gave gruesome details of Sarabjit Singh's post-mortem. On October 30, 1993, the supposedly dead body of Sarabjit Singh was brought to the hospital for post-mortem. A doctor at the hospital found out that the man with a bullet injury on his head was still breathing. Thereupon, the police officers took injured Sarabjit Singh's body away, came back with his corpse, and forced a different doctor to fill in the autopsy report. I was also able to interview many serving and retired police officers who, on the condition of anonymity, provided detailed narratives, which explained summary executions and illegal cremations as aspects of a strategy to weed out the Sikh separatist militancy from the roots. On the basis of these investigations, the Committee for Information

and Initiative on Punjab moved the Supreme Court of India to demand a comprehensive inquiry.²³

On the morning of September 6,1995, it was Khalra's turn to disappear: he was kidnapped from his Amritsar home by officers of the Punjab police. In November 1995, Justice Kuldip Singh of the Supreme Court instituted two inquiries to be conducted by the Central Bureau of Investigation (CBI). The first inquiry aimed to determine what happened to Khalra. The second inquiry intended to establish the substance in the allegations, which Khalra had made before himself disappearing. In July 1996, the report of the first inquiry held nine officers of the Punjab police, led by Senior Superintendent of Police Ajit Singh Sandhu, responsible. In December 1996, the report of the second inquiry disclosed 'flagrant violation of human rights on a mass scale', and 2097 illegal cremations at three sites in the Amritsar district. Although the court decided to keep the full contents of the report secret, it directed the National Human Rights Commission to comprehensively investigate and to 'determine all the issues'. The court's order also said that any compensation awarded by the Commission shall be binding and payable, and the CBI will continue to investigate the issues of criminal culpability.

When the Commission took up the matter on 29 January 1997, the Union and the Punjab governments vehemently opposed our plea that its mandate was to discover the depth and magnitude of all violations divulged by the CBI's report and to restore justice through compensation and other reparative measures. We argued that the proceedings had to cover not only the illegal cremations at the three sites, but also the disposal of dead bodies in other ways throughout the seventeen districts of Punjab, if it was established that they are linked to disappearances and summary executions followed by illegal abductions by the State agencies.

The Commission's first order on 4 August 1997, seemed to resolve the quarrel. It declared that the Commission's inquiry would be guided by Article 32 of the Indian Constitution, a 'guaranteed remedy' against infringement of fundamental rights, which conferred on the judiciary all the powers necessary to protect them. The Union government disagreed with the ruling and moved the Supreme Court for a clarification.

The Union government's application was still pending for a decision when Ajit Singh Sandhu, a senior officer of the Punjab police, reportedly committed suicide on 23 May 1997 by throwing himself under a moving train. The Supreme Court had held Sandhu responsible for Khalra's abduction. The circumstances of his reported suicide were suspicious. He had consumed alcohol, had driven to the railway track in his own car, and a short suicide note, which he left behind said, 'it is better to die than to live in this shame.' The officer had been a trusted lieutenant of the State's former police chief, K. P. S. Gill, who had spearheaded India's ruthless war against the Sikh secessionist militancy. Charged with all these extra-judicial executions and hasty cremations, Sandhu would have had no choice but to establish the line of

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command under which he had acted. Instead of asking for an inquiry into the reported suicide, Gill seized the opportunity to launch his campaign against 'an utterly compromised human rights lobby.'

He called a press conference on the evening of 24th May, 'not to express grief', but to discuss the larger political and policy issues. The newspapers across the country dutifully carried the full text of his statement, which held the nation to shame for showing ingratitude towards the 'brave' officers of the Punjab police who had saved India from disintegration. The statement castigated the Indian institutions for coming under the pressure of 'an utterly compromised lobby of' human rights activists 'who will work with any cause that serves their personal ends, whether criminal, political or secessionist'. Gill wanted the State to 'educate itself on how to tackle these individuals and groups' and, meanwhile, to protect the courageous officers of the Punjab police from the kind of humiliation that had driven one of them to suicide.²⁴

The campaign against human rights organizations launched by Gill soon swelled into a crusade. Responsible political leaders accused the National Human Rights Commission of being prejudiced against the police. Others warned of police revolt. India's current Foreign Minister, Jaswant Singh, said: 'Sandhu (the officer who apparently committed suicide) was not just left to fend for himself, the State abandoned him.'25 Tayleen Singh, a senior journalist, explained in her column: 'the murderers of Sandhu are the 'human rights wallahs'. They have been unable to see that it was war...: If in fighting it Sandhu broke a few rules, there was no other way.' In his subsequent letter to the Prime Minister, also published in its entirety, K. P. S. Gill asked for a legislation that would define 'appropriate criteria to judge the actions of those who fought this war on behalf of the Indian State'. 'Until the necessary criteria are sufficiently debated, defined and legislated, immediate steps should be taken to ensure that the pattern of humiliation through litigation is prevented forthwith'.²⁶

Against the backdrop of this vehement campaign for impunity, the Supreme Court took up the Union government's objections about the mandate of the inquiry before the National Human Rights Commission. Its verdict, delivered on September 10, 1998, seemed ambiguous and somewhat contradictory. It said: 'The matter relating to 585 dead bodies, which were fully identified, 274 partially identified and 1238 unidentified dead bodies, has already been referred to the Commission.' This emphasis on the number of bodies cited in the CBI's report suggested that the inquiry would not encompass the wider patterns of police abductions leading to disappearances and secret disposal of bodies in the whole of Punjab. But the judgment also said: 'In deciding the matter referred by this court, the National Human Rights Commission is given a free hand and is not circumscribed by any conditions.'

In the wake of this order by the Supreme Court, the Commission decided to review the scope of its pending inquiry by posing the conflict of interpretation succinctly: According to the petitioners, the inquiry had to cover all incidents of 'abductions', 'custodial killings', 'involuntary disappearances', and 'illegal disposal of dead bodies', attributed to the State agencies in the period from 1984 to 1994. The government claimed that the inquiry had to be limited to 2097 cases of cremations. The Commission's order passed on 13 January 1999 decided that it was 'unable to subscribe to the expansive interpretation of the scope of its task suggested by the petitioners.'²⁷

With the crucial emphasis on 'cremations', the Commission was shifting the inquiry from its basis in the fundamental rights law to a very limited technical issue. By one of its absurd implications, the State wasn't to be held accountable for those dead bodies that had been quartered, buried or thrown in rivers and canals. The Commission was going to examine the illegality of the cremations, but not the destruction of the fundamental rights to life and liberty, which preceded them. It was also not going to examine any case that belonged to the 16 other districts in Punjab. Only the cremations of Amritsar listed in the CBI's report came within the purview of its inquiry, although there existed no method to determine the origins of the 1500 bodies described by the report as unidentified.

The notification and the questionnaires circulated by the Commission, in the wake of this order, suggested that it was going to award compensation arbitrarily without developing a comprehensive criterion. The questionnaires sought details of occupation, income and property owned by claimants and persons whose bodies had been cremated. But they had no columns for the claimants to inform the Commission about destruction, theft and confiscation of their immovable property, cattle, crops and chattels. Likewise, they had no columns on psychological damage and its consequences suffered by relatives of victims.

The rules of evidence and some other aspects of the procedure suggested by the Commission suffered from basic legal defects. The notification invited claims from legal heirs of people who were illegally cremated in Amritsar district in the period between 1984 and 1994. It also asked the State government to file before the Commission a list of all the unidentified cremations in the district done by the police in the same period, putting the initial burden to prove legality of the cremations on the State authorities. The onus of proof on the State was meaningless in a situation that did not afford the victims any means to challenge what it contended as plain lies. Sections 107 and 108 of the Evidence Act turn the burden to prove the death of a disappeared person on whoever claims it. The State authorities can take the cover behind these sections to disclaim responsibility for such cases of enforced disappearances. Within this legal framework, payment of compensation was unlikely for so long as the presumption of death was not established.

Some countries like Chile and South Africa have exhumed mortal remains from graves and other undesignated places to forensically identify people who were clandestinely buried after having been abducted by the security agencies. But exhumation and other forensic methods would not salvage the identities of those who were surreptitiously burnt and whose ashes were washed away in rivers and canals. A judicial declaration on presumption of death could help. However, no such declaration could come forth through a process that excludes enforced disappearance as an issue for scrutiny.²⁸

The Commission derived its authority to deal with this matter by overriding the statutory limitations under the Protection of Human Rights Act, 1993, through the 'guaranteed remedy' of Article 32, which bound the Supreme Court to act against all complaints of human rights violations. The Commission was employing the competence of Article 32 to amplify its powers beyond the statute that created it. Simultaneously, it insisted on disallowing the benefits of this guaranteed remedy to the citizens who have suffered the violations. This indeed was extraordinary.

All the references to concepts of damages, fair and adequate compensation in public law, the right to rehabilitation and redressal of established infringements revolve around Article 21 as a compendious guarantee that 'no person shall be deprived of life or personal liberty except in accordance with the procedure established by law'. It is only through the mandate of this article that the State loses the argument of sovereign immunity, becoming vicariously liable justly and adequately to compensate the citizens for acts of infringement by public servants.²⁹

After failing in a review application before the Commission, the Committee moved the Supreme Court once again.30 Its investigations to acquire further evidence had resulted in the acquisition of partial records of 'illegal cremations' from six other districts in Punjab. These records showed illegal cremations of 934 bodies. The Committee had also completed a survey of 838 Incident Reports of illegal abductions leading to disappearances from all over Punjab. The survey showed that in 222 of the 838 incidents, one or more members of the families either committed suicide in despair or died under trauma. In 58 out of these 222 cases, the security forces had also illegally destroyed, damaged and confiscated family properties. In 290 cases of abductions, the persons who eventually disappeared had been seen in the police custody. In 129 cases, the surviving relatives possessed sensitive information on 390 other incidents of enforced disappearances. In 759 of the 836 incidents, the family members of the disappeared had also suffered brutal torture in police custody. The relatives of 149 victims of disappearances approached the High Court of Punjab and Haryana with petitions for the writ of habeas corpus. Most of these petitions were dismissed following routine denials by the Punjab officials.31

The Committee placed all of this evidence before the Supreme Court to argue that the 'flagrant violation of human rights on a mass scale', as confirmed by the

CBI's report, could not be confined to the limited scope of the inquiry the National Human Rights Commission had imposed. In the second week of October 1999, the Supreme Court rejected the Committee's petition with the remark that the Commission was proceeding satisfactorily with its mandate.

We had also objected to the procedure adopted by the NHRC to circulate and elicit claims only through the office of the District Commissioner and had suggested that other agencies, including post offices and panchayats, be used for the purpose. But the Commission was deliberately following a restrictive method. As a result, the Commission received only 88 claim forms, which it further divided in three Lists. The first List called Annexure A included 23 claims, which came from outside Amritsar. They were excluded as falling outside the Commission's jurisdiction. The second List called Annexure B included 47 claims, which the State of Punjab and the Union government disputed on various grounds, including the grounds of merit. The third List called Annexure C consisted of 18 cases in which the State of Punjab took the curious position that 'without examining the correctness of the claims', and 'without going into the merits of the matter, compensation may be determined.' The State of Punjab suggested a payment of one hundred thousand rupees each. It also wanted the Union of India to bear the burden of payment as part of its 'constitutional obligation to support the State government in preventing internal disturbance at the behest of Pakistan...'. The Commission's 18 August 2000 order on these Lists explained that the government has 'neither conducted any detailed examination in these cases on merits nor does it admit its liability... but it offers payment of compensation...' The order then went on to endorse this position in the following words: 'For this conclusion, it does not matter whether the custody was lawful or unlawful, or the exercise of power of control over the person was justified or not; and it is not necessary even to identify the individual officer or officers responsible/ concerned.'

Thus, the Commission endorsed the State government's proposal to pay one hundred thousand rupees each in these eighteen cases, without admitting liability, and to close the matter. The Commission was not even embarrassed by the anomaly that the State was simultaneously disputing 47 claims in the Annexure B on merits. Earlier, the Commission used the CBI's report to limit the scope of inquiry to Amritsar district. The report included a list of 2097 cremations, 585 fully identified, 274 partially identified and 1238 as yet unidentified. By its 5 August 1999 order, the Commission rejected our application for disclosure and inspection of the CBI's report, as also the periodic reports on the progress of its investigations into the issues of criminal culpability ordered by the Supreme Court, on the grounds of confidentiality and public interest. What did the Commission do to identify 1238 cremations listed in the CBI's report? What did it do to compensate the legal heirs of 585 fully identified and 274 partially identified cremations? In its 5 August 1999 order, the Commission referred to the CBI's investigations into the criminal liability

of public authorities for the deaths and the cremations. What meaning could these opaque investigations have while the Commission exulted in the government's offer to compensate 18 claimants of the Annexure C without admitting liability while disputing 47 claims of the Annexure B on merits? Why shouldn't these aggrieved families in Punjab believe that the NHRC is anything other than a puppet arm of the State, organized for the consumption of Western donors?

The surviving family members of victims, although living on the threshold of destitution, refused to accept the proposal of compensation on these terms, which the National Human Rights Commission had endorsed. They had been coping with the trauma of their relatives' enforced disappearance in the hope that some day the institutions of India would wake up to the imperatives of justice. They filled in the claim forms circulated by the NHRC in the belief that justice, founded on an impartial and thorough investigation into their complaints, would form the basis for compensation and other reparative measures.

The proposal of compensation without admission of liability was directly affronting the surviving relatives of victims for the reason that, even if indigent, they had not gone to the NHRC begging. The proposal of compensation was offensive also for the reason that no attempt had been made to determine the wrongs and losses, which they and their families had suffered in the course of coping with the atrocities inflicted on them by the authorities.

The Supreme Court had granted a compensation of Rs. 10 lakhs to the widow of Jaswant Singh Khalra, who first highlighted the matter of illegal cremations and was thereafter disappeared by the police. In the connected cases arising from the same matter, the Commission was offering Rs. 1 lakh. In the case of Khalra's disappearance, the Court granted compensation after conducting an impartial enquiry and determining the guilt of the officials responsible. In other cases, the proposal of compensation rested on the basis that there will be no determination of liability or a finding of guilt. The proposal was embedded in a discriminatory mindset as evident by the fact that the State was disputing on merits the claims of 47 others in the list B, while proposing to grant compensation to 18 victim families in the list C without admitting liability or the merits of their complaints. The proposals become invidiously discriminatory by excluding those who suffered similar abuses in other districts of Punjab but were not cremated in one of the three cremation grounds specified in the CBI's report to the Supreme Court.

In January 2001, all the 18 claimants in the Annexure C jointly moved the National Human Rights Commission to demand that it should either restore the original intent of justice, the universal nature of the right to life and liberty and equal protection of the laws to the proceedings, or put an end to this farce and stop further proceedings in the matter.

On 15 February 2001, the Commission passed an order holding that '...as far as practicable efforts must be made to enquire into all or as many out of 2097

cremations as possible...' The Commission also made it clear that its order of 18 August 2000 did not amount to a determination of compensation in the 18 cases mentioned therein.

On 20 March 2001, the Commission recorded that the CBI would provide lists of the 2097 persons cremated in the three cremation grounds in Amritsar, Majitha and Tarn Taran. On 3 May 2001, the Commission noted that the CBI had provided three lists marked as 'List A' (582 identified dead bodies), 'List B' (278 partially identified dead bodies) and 'List C' (1237 unidentified dead bodies)...' The Commission directed the CBI as well as the State government to make available the entire material with them in respect of the three lists for inspection by counsel 'representing different interests so that the first stage of enquiry of full identification of the maximum number possible out of the total of 2097 is completed as early as possible, to enable further progress in this matter'. Lastly, the Commission directed that copies of the CBI reports (which had been kept secret all this while) be given to the counsel for the various parties before the Commission, as suggested by the Amicus Curiae appointed by the Commission to assist it in the case.

On 19 July 2001, the Commission reiterated that the counsel for the parties inspecting the records produced by the CBI would be entitled to assistance of officers/ members of the petitioner committee, named by them.

However, on 20 July 2001, the Inspector General of Police (Litigation) Punjab faxed a letter to the Chairperson of the Commission submitting that 'the record should only be inspected by the Joint Task Group, the constitution of which should be as follows:

- a. Representative of the Hon'ble Commission, the Convenor
- b. Representative of the CBI
- c. Representative of the State of Punjab
- d. Representative of the Punjab police
- e. The counsel of the petitioner representing in the Commission

The letter expressed apprehension that: '...if any of the petitioners is allowed to inspect the record his purpose will not be really to facilitate and expedite the process of identification, rather... to rake up undue and irrelevant issues with the aim of obstructing the process of identification.' These letters were followed by further submissions dated 23 July 2001 and 30 July 2001. Both were elaborations on the theme initiated in the earlier letter dated 20 July 2001.

Pursuant to the order of the Commission dated 19 July 2001, the Committee's lawyer inspected the CBI records on the 23rd and the 26th of July 2001. On the latter date, there was a large posse of the Punjab government and police officials, ostensibly present for inspecting the CBI records. However, it soon became apparent that the real object of these persons was to keep tabs on the Committee's lawyer and his associates who were also inspecting the CBI record. The inspection on the 26th of

July was brought to an abrupt end by the Punjab government officials who raised an objection to the Committee being allowed to inspect the 'confidential' record.

The matter came up before the Commission on the 7th of August. On that date, the Commission expressed annoyance at the tactics employed by the IGP (Litigation) Punjab government. However, the Commission asked all the parties to file their replies and directed that the issues raised in the letters of the IGP (Litigation) would be decided in the course of the proposed hearing on 23 August 2001. But the Commission disposed of the matter only on 21 September 2001, rejecting the objections, which the Punjab government and the CBI raised, but also asking the Committee's counsel to carry out the inspection on a consensual basis. The inspection of these records may take long and the case pertaining to the 'flagrant violation of human rights on a mass scale' goes on its typical Indian ways.

Conclusion

What are we then to think of India's constitutional guarantees which the existing apparatus of justice cannot enforce? Is the law that cannot curb its offenders anything but a travesty? Is not a legal system that is so soft on murderers and torturers and so sympathetic to the 'imperatives of political power' seriously diseased?³² Or, should we try to understand this legal dallying as an orchestration by the 'performers of the law', an expression for the judges and the lawyers that Sanford Levinson and J. M. Balkin use? 33 The expression is appropriate. It suggests that like the conductors performing from the musical scores, these legal professionals are responsible for interpreting and applying the legal texts as the sources of law into social practice. The point of this comparison, however, has no consolation to those victims of injustice who see the working of India's legal system only as 'a covenant with death and agreement with hell." As I pointed out earlier, in 222 out of 838 incidents, one or more members of the families either committed suicide or died under trauma. Relatives of 149 victims of disappearances approached the courts, mainly the High Court of Punjab and Haryana, with petitions for writs of habeas corpus. Most petitions were dismissed following routine denials by the police officials. The majority of victim families, 689 to be exact, did not approach the courts either because of police fear or from lack of faith in the judicial system.

In my estimate, only ten per cent of the survivors from the families that suffered enforced disappearances and arbitrary killings have, in any manner, come forward to give reports. That is also the ratio of people who approached the judiciary or other institutions for redress. This leaves about ninety per cent of the cases that have remained undocumented. This should be a cause for concern not only to human rights organizations but also to those members of the scholarly community who should be interested in preserving history. The bulk of victim-testimonies, which I have collected, have come from the people who are old and might not live very long.

Most of them are poor and illiterate and do not understand the meaning of 'evidence' or the point of recording it. Yet they are the repositories of that evidence, which, unless quickly collated, risks being lost altogether. It is perhaps a challenge for the members of the Punjab Research Group and similar other academic organisations to take up.

I will close this paper with a quote from George Mangakis, a professor of Penal Law at the University of Athens when in 1969 the military junta seized power in Greece. Dismissed from the university for 'lacking in the spirit of conformity with the regime', he was later arrested on charges of terrorism. In his 'Letter to Europeans' from his prison cell, Mangakis wrote: '...humiliated nations are inevitably led either to a lethal decadence, a moral and spiritual withering, or to a passion for revenge, which results in bloodshed and upheaval. A humiliated people either take their revenge or die a moral and spiritual death. Once you realize the inevitability of your people's destruction, one way or another, your personal humiliation is turned into a sense of responsibility... '35

Personally to me, this call to responsibility primarily suggests a duty to resist the attempts to obliterate defeated people, their sense of identity, aspirations and ordeals of life from the annals of history.

Notes

¹ Harold Wilberforce Bell, a man with 35 years of diplomatic service in India from 1918 to 1939, claimed that upwards of 200, 000 people were massacred. West Hull Man's Fellowship address in London on February 17,1950, *Daily Mail*, February 18 1950, '200,000 Died in Punjab alone when we left India'.

² Ram Narayan Kumar, Georg Sieberer, The Sikh Struggle: Origin, Evolution and Present Phase, Chanakya Publications, Delhi, 1991, p. 249.

- ³ Hindustan Times (hereafter HT), April 14, 1978. 17 Killed in Amritsar Sikh Clash; HT, 30 September 1978. Nirankari Bhavans Sealed; HT Oct 8, 1978. Ban on Weekly in Punjab Unstatutory, says Editor; HT May 14, 1980. Strong Security Steps at Bhindranwale Camp; HT. June 11, 1978. Chief Priest Proclaims Boycott of Nirankaris; HT. June 19, 1978. Govt Help to Implement Hukumnama Alleged.
- ⁴ HT, February 12, 1978. Sheikh wants debate on statute change; HT. Feb 16, 1978. Abdullah wants a second look at the Constitution; HT, Feb 23, 1978. Basu's memo suggests abolition of IAS, IPS; HT, Feb 24, 1978. More financial powers for States demanded; HT, March 16, 1978. Mizoram elections next month: Laldenga seeks solution within Constitution; HT, March 20, 1978. CMs force further plan consultations: NDC approves only broad objectives; HT, March 20, 1978. Abdullah for change in fund devolution.
- ⁵ HT, January 30, 1978, Chand Ram opposed to more State autonomy; HT, January 30, 1978. Devi Lal not party to the autonomy move; HT, February 13, 1978. Not at the cost

of unity, says Shekhar; HT, February 14, 1978, Politics in autonomy move: Advani; HT, March 6, 1978. R.S.S for caution on Center-State issue; HT, March 28, 1978. Center State ties issue in Rajasthan Assembly; HT, April 2, 1978. Center State debate not now; HT, January 30, 1978. Abdullah also for more powers to States; HT, February 23, 1978. Center against modification of ties with the States; HT, Feb 28, 1978. Desai rules out meet on Center-State ties; HT, April 29, 1978. Center-State ties can't be altered: PM.

- ⁶ HT, February 3, 1978. Janata Akali rift over autonomy move; HT, February 14, 1978. Autonomy issue bares Punjab coalition rift; HT, April 1, 1978. Charges, counter charges in Punjab Assembly; HT, February 10, 1978. Move for CMs' meeting on Center-State ties; Rasheed-ud-din Khan, The Regional Dimension, Seminar No. 164, April 1973, p. 36; Harish K. Puri, 'The Akali Dal and State Autonomy: Some Observations', Punjab History Conference (hereafter PHC), Fourteenth Session, 28-30 March 1980.
- ⁷ HT, 28 April 1983. Sant trying to protect killers: Baldev Prakash; The Tribune, 23 March 1983. Spurt in killings shadows talks; HT, 23 August 1983. Longowal questions meet call; HT, 24 August 1983. Sant, Bhindranwale row out in the open; HT, 4 September 1983. Bhindranwale meet is successful; HT, 7 September 1983. Longowal-Bhindranwale differences resolved; HT, 30 September 1983, Akali meet by October 5; HT, 4 October 1983, Editor, 2 Akali leaders held under NSA.
- ⁸ HT, 16 November 1982. Akalis likely to accept new package deal; HT, 25 October 1982. Saran meets Akali leaders; HT, 13 November 1982. Bhindranwale, not for Khalistan; HT, 5 September 1983. Bhindranwale firm on Anandpur move; The Tribune. 28 February 1984. Sikhs not for secession: Bhindranwale.
- 9 Ram Narayan Kumar, The Sikh Unrest and the Indian State: Politics, Personalities
- and Historical Retrospective, Ajanta Publications, Delhi, 1997, p. 196.

 The Tribune, 23 May 1984. Poll outcome a jolt for Congress; The Tribune, 18 May 1984, Akali Dal, Center in dilemma; The Tribune, 17 February 1984, Rajiv's Statement condemned; The Tribune, 30 April 1984, Punjab Situation Better: Rajiv; The Tribune, 24 April 1984, Let army control Punjab: Advani; The Tribune. 4 May 1984, Get tough with terrorists; The Tribune, May 28, 1984. Madhok for army rule in Punjab; The Tribune, 4 May 8194. Get tough with terrorists; Tribune. May 6, 1984. Eight organizations of Hindus merge.
- 11 Ram Narayan Kumar, The Sikh Unrest, op. ct, pp. 182-3.
- 12 P. S. Arshi, Sikh Architecture in the Punjab, Intellectual Publishing House, N Delhi, 1986.
- ¹³ On 9 July 97, the Tribune carried a lengthy report with the caption, 'Frustrated father ends life'. The story referred to his five and a half years of battle for justice and his disappointment with the entire system, which compelled him to take his own life. Ajaib Singh had met almost all the Chief Ministers and police Chiefs of Punjab.

But no one was able to even tell him what happened to his son lifted by SHO Ajaib Singh from a barrier outside Amritsar railway station on 20 December 91.

Sector 8-B, Chandigarh 160018. India, *Incident-Report Proforma No. 00100*. Ajaib Singh's second son Jagbir Singh lives at House No. 24, Sahibzada Jujhar Singh Nagar, Post Office Gumtala, Ajnala road, Amritsar. I interviewed the family members of Ajaib Singh for the first time in the third week of September 1997 during a field visit to Amritsar along with Amrik Singh, Secretary Documentation of the Committee.

¹⁵ Who are Guilty? A joint report by the People's Union for Democratic Rights and People's Union for Civil Liberties, New Delhi, 1984; 31 October to 4 November 1984, Citizens' Commission, Delhi, 1985; Truth about Delhi Violence: A report from the Citizens for Democracy, New Delhi; Christopher Shackle, The Sikhs: The Minority Rights Group Report, No. 65, London, 1986; Khushwant Singh, My Bleeding Punjab, UBS Publishers' Distributors Ltd., Delhi 1992, pp. 88-96; J. S. Grewal, The Sikhs of the Punjab, Revised edition, Cambridge, 1998, p. 229; M. J. Akbar, India: The Siege Within, Penguin Books, Harmondsworth, 1985, p. 109.

¹⁶ The Times of India, 11 April 1988, 'Is the Tiwana Report only for the record?'; The Indian Express, 9 April 1988, '59th Amendment condemned'; Onlooker, October 16-31, 1988, 'Extra-judicial executions in Punjab'; Sunday Mail, April 17-23, 1988, 'Tiwana Report blames police', & May 29 - June 4, 1988, 'Tortured but not subdued'; the Indian Express, 10 April 1989, 'Government not to allow Sarbat Khalsa: Gill'; The Times of India, 8 April 1989, 'Report on State Terrorism in Punjab released'; The Tribune, 8 April 1989, 'Report on State terrorism'; The Hindustan Times, 20 February 1989, 'Police atrocities in Punjab alleged': The Times of India, 20 Feb., 1989, 'State terrorism in Punjab alleged': The Hindustan Times, 8 April 1988, 'Punjab police charged with atrocities'; The Indian Express, 19 June 1988, 'Sidhu in illegal police custody'; The Times of India, 8 May 1990, 'Report indicts India on Punjab'; The India Express, 26 May 1990, 'Need for true federalism stressed'; The Indian Express, October 31, 1990, 'Punjab Studies Circle floated'; The Statesman, 6 November 1990, 'Documenting the history of the Khalistan campaign'; The Statesman, 2 February 1990, 'Rally by human rights activists'; The Pioneer, 8 April 1992, 'No one is spared & An outrage in Punjab'; Mainstream, 25 April 1992, 'Rule of Law in Punjab'.

¹⁷ Ram Narayan Kumar, The Sikh Unrest and the Indian State: Politics, Personalities and Historical retrospective, Ajanta Books, New Delhi 1997.

¹⁸ The Indian Express, 24 March 1988, Article by V. M. Tarkunde; 23 March 1988, Article by F. S. Nariman; 4 April 1988, Article by Ram Jethmalani.

¹⁹ Kartar Singh Vs. The State of Punjab, (1994 2 JT SC 423: 1 Apex Decisions SC [Criminal] 413: 1994 Cri LJ 3139) was pronounced on 11 March 1994. According

to the National Human Rights Commission, the police registered 17, 529 cases under TADA in Punjab between 1985 and 1994. The Commission mentioned the total number of prisoners under TADA in three states of Punjab, Jammu and Kashmir and Gujarat as 47,000, *The Times of India*, 8 August 1994.

- ²⁰ Enforced Disappearances, Arbitrary Executions and Secret Cremations: Victims' Testimonies and India's Human Rights Obligations An Interim Report, The Committee for Coordination on Disappearances in Punjab, 742, Sector 8B, Chandigarh 160018, July 1999, p. 72.
- ²¹ Mainstream, 25 April 1992, Rule of Law in Punjab.
- ²² Criminal Writ Petition No. 990 of 1995.
- ²³ Writ Petition (Crl.) No. 447/95.
- ²⁴ The Indian Express, 25 May 1997, 'Is namard desh mein paida mujhe kyon kar diya.' (Why have I been condemned to be born in this emasculated country?)
- ²⁵ The Indian Express, 2 June 1997.
- ²⁶ The Tribune, 1 June 1997, Text of KPS Gill's letter to PM; The Times of India, 3 September 1997, Punjab government told to get Centre's nod before prosecution of police officers.
- police officers.

 ²⁷ Amnesty International Report, *India: A Vital Opportunity to End Impunity in Punjab*, page 5, ASA 20/24/99, August 1999.
- ²⁸ Enforced Disappearances, Arbitrary Executions and Secret Cremations: Victim Testimony and India's Human Rights Obligations Interim Report, Op. Ct, pp. 96-102.
- ²⁹ A. K. Gopalan vs. State of Madras, 37 1950 Supreme Court 27; Kharak Singh vs. State of UP, AIR 1963 Supreme Court 1295, para 15; Maneka Gandhi vs. Union of India, AIR 1978 SC 597, paras 54-56, 63.
- ³⁰ Enforced Disappearances, Arbitrary Executions and Secret Cremations: Op. Ct, pp. 102-103; Amnesty International Report ASA 20/24/99, August 1999, India: A Vital Opportunity to End Impunity in Punjab, p. 5.
- ³¹ Enforced Disappearances, Arbitrary Executions and Secret Cremations, Op. Ct, pp. 37-43.
 ³² Philip Allot Engage No. C. L. C. L
- ³² Philip Allot, Eunomia: New Order for a New World, NY, Oxford University Press, 1990, p. xvii.
- ³³ Sanford Levinson and J. M. Balkin, Law, Music, and Other Performing Arts, 139 U. Pa. L. Rev. 1597 (1991).
- ³⁴ Walter M. Merrill, Against Wind and Tide: A Biography of Wm. Lloyd Garrison (1963), p. 205. The phrase comes from the statement of William Lloyd Garrison, a leading white abolitionist of slavery in America, which he made before the Massachusetts Anti-Slavery Society in 1843.
- ³⁵ W. L. Webb & Rose Bell, Eds. An Embarrassment of Tyrannies: 25 years of Index on Censorship, George Braziller Publisher, New York, 1998, p. 31.

Globalisation and Human Rights in Pakistan

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This study examines the human rights movement in Pakistan in the context of clashing global visions and movements of civil society. On the one hand, there is the UN-based human rights movement, which has an impact on Pakistan. On the other, the global Islamic tendencies have their own influence regarding civil society, democracy and human rights. In the context of these conflicting pressures, this study focuses on the role of Pakistani human rights Non-Governmental Organisations (NGOs) as the primary agents of global human rights norms in the complex and tension-ridden social and political order prevailing in Pakistan.

It is impossible to deny that global interaction – economic, political and cultural – has reached proportions hitherto unattained. The structure that sustains this interconnectedness is no doubt the capitalist system. It has released forces that are dissolving the old protectionist barriers put up by radical and nationalist governments against the onslaught of international capital. The free market requires an unrestricted movement of capital and labour, but whereas the former, located in the industrialized centre, increasingly transcends whatever resistance may be offered by apprehensive Third World regimes, the latter, constituted by vast millions in the South, is being subjected to renewed regulation and control (Ahmed 1997: 179-80).

Simultaneously, another strand of globalisation has been gaining momentum. It refers to the growth, proliferation and institutionalisation of a global human rights regime. From a political point of view, it is perhaps the most intellectually and theoretically challenging aspect of globalisation: it is not clear whether it should be considered a counterpoint movement to economic globalisation or a complementary movement. An attempt will be made to address this puzzle.

In recent years, Pakistani human rights NGOs and activists have been coming under increasing pressure and intimidation from the state and Islamists (fundamentalists) not to demand greater compliance with international standards on human rights.

Globalisation, civil society and NGOs: interviews in the Pakistani Punjabi Cities of Lahore and Islambad.

During the second two weeks of March 1999, I interviewed several spokespersons of human rights NGOs in the Pakistani Punjab, mainly in Lahore but also at Islamabad. In their presentations, they stressed that they all started as indigenous movements during the struggles against the dictatorship of General Zia-ul-Haq (1977-88). Initially their work was voluntary; gradually they decided to apply for funding from Western donors. As regards globalisation, they drew a distinction between the neoliberal aspects of globalisation and those concerning human rights. The main criticism against neoliberal dimensions of globalisation was expressed in the following words: 'Globalisation means unbridled capitalism' (I.A. Rehman); 'It has reached the doorstep of rural women' (Khawar Mumtaz); 'It is continuation of Western domination' (Neelam Hussain, Fareeha Zafar and Rubina Saigol). When asked to comment on the counterpoint global Islamic tendencies, they acknowledged that in the extremist form such tendencies posed a grave danger to whatever democracy and freedom still existed in the country.

However, some NGO activists pointed out that Western donors did not insist that project proposals should include a commitment to support multinationals operating in Pakistan. Rather, the pressure for neoliberalism resulted from the trade agreements and policy frameworks negotiated among and between global and state actors (Fayyaz Baqir, Nadeem Omar Tarrar, Iqbal Haider Butt, Zubair Faisal Abbasi, Dr. Mohammad Tanveer, Bilal Ahmed, Ataullah, Faisal Ahmed Gilani, Aziz Ahmed Khan).

The director of the Human Rights Commission of Pakistan (which is the biggest human rights NGO of Pakistan) I. A. Rehman pointed out that his organisation does not accept funding from any superpower. Instead, the organisation sought funding from small and medium-sized countries such as the Netherlands and Norway. He emphasised the crucial role human rights NGOs played as representatives of civil society in relation to the state. Long years of dictatorship had weakened and corrupted the system of political parties, therefore most of the articulation of democratic demands had to be made by the human rights NGOs. The HRCP also acted as a go-between for the chamber of commerce and the state because regular channels for such interaction did not exist. Khawar Mumtaz, speaking on behalf of Shirkat Gah, told me that it was wrong to see globalisation and indigenous Pakistani culture as antagonistic. All cultures have universal values; however, the difficult task was finding ways to harmonize global and indigenous cultures on the basis of true universalism. She admitted however that although the state sought cooperation with the NGOs and utilized their expertise to prepare reports for national policy and international forums (example: Report of the Commission of Enquiry for Women 1997) in reality the government was always wary of, and hostile towards, the activities of the NGOs, no matter whether it was the elected government of Benazir Bhutto (1988-90; 1993-97) or Nawaz Sharif (1990-93; 1997-99).

Women's rights activists and educationists Neelam Hussain, Fareeha Zafar and Rubina Saigol who work with NGOs specializing in alternative education, emphasised the importance of their organisations to continue to present enlightened alternatives to the system of education in Pakistan. They were trying to develop alternative methods of teaching and spreading awareness (see also, SAHE Annual Report 1998; Engendering the Nation-State 1997).

Fayyaz Baqir shared with me his experience of working for the United Nations Development Programme (UNDP). The strategy was to concentrate upon small-scale community development projects. These had educational value and played a role in building civil society. Iqbal Jafar, who is the Chief Executive Officer of the Trust for Voluntary Organisations, a donor agency for NGOs established under an agreement between the governments of Pakistan and the US, warned that NGOs could never replace the state and it was wrong to shift responsibility upon donor-dependent organisations. The labour leader Tariq Latif pointed out that globalisation was rapidly undermining labour-intensive methods of production. Workers were being rendered redundant in the thousands every day. Crime was rampant at all levels of society and illicit ways of amassing wealth were gaining converts. Thus, while agreeing that NGOs were doing useful work in the promotion of human rights, he described the overall situation a paradox: 'While efforts are being made to free the individual, the whole nation is being enslaved'.

Period under study and method

A select number of examples of Pakistani human rights NGOs, the state, and the Islamists relating to the fundamental issues of Islamisation, the human rights of women, and non-Muslims, are examined. The examples are chosen from the last elected government of Pakistan (1997-October 1999) under Prime Minister Muhammad Nawaz Sharif. For the sake of contrast, the violations of the right of the working people during that period are also briefly reviewed. Global attention has not focused on economic rights in the same way as it has on, for example, women or religious minorities's rights, for the simple reason that there is no global NGO with a specific mandate over social and economic rights comparable to the stature of Amnesty International, which is concerned essentially with the monitoring of civil and political rights.

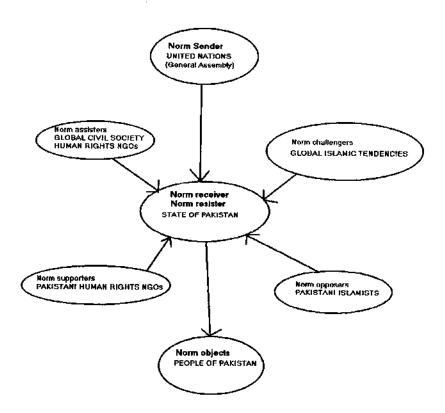
A model

Assuming that economic globalisation is the underlying structure upon which the struggle between the global human rights movement and the Islamists takes place in Muslim countries, a model is proposed below to capture the tensions and conflicts that occur when notions of universal human rights interact with non-Western cultures. A review of existing literature shows that although the problem of universalism versus cultural relativism of human rights has been the subject of considerable scholarly reflection and debate (An-Naim 1990; Coomaraswamy 1996: 105-12; Eisenstadt 1996: 93-105; Gellner 1996: 113-29;

Gutmann 1993: 171-206; Lindholm 1990: 1-35; Mayer 1995; Piscatori 1996: 129-34), surprisingly no systematic study of such tension and conflict has been undertaken. The study that comes closest to this goal is a critical discussion by Johan Galtung on the global human rights regime, which he describes primarily as a Western cultural projection. He proposes a triad to analyse global human rights interaction. It consists of a norm sender, which is the United Nations; norm receivers, which are member-states of the UN; and norm objects, which are individual citizens. He does identify the problems of states resisting global human rights norms and lays emphasis on the importance of norm receivers becoming norm legitimators. This could happen if the indigenous cultures could also influence the centre with their own approaches to human rights (Galtung 1994: 1-12). The discussion is theoretical and rather general and no attempt is made to apply it to the study of any particular situation.

The present enquiry seeks to fill the lacuna with regard to a framework of analysis for studying cultural tensions in the global human rights process. I have developed a comprehensive model, constituted by seven variables to analyse how the global human rights movement impinges on Muslim states generally, but particularly on Pakistan. The model is primarily theoretical in that empirical evidence on how different actors behave or function in reality is not always forthcoming, since much of what happens could be secret and informal; diplomatic communications are rarely made public. Even when written communications exist, the involved parties may keep them out of public purview; states may simply categorize them as classified material. Despite such limitations the model can be fruitfully applied to empirical situations.

- 1. Norm sender: the UN.
- Norm assisters: global human rights NGOs.
- 3. Norm challengers: global Islamic tendencies.
- 4. Norm receiver and resister: the states, in this particular study the Pakistani state.
- Norm promoters: indigenous human rights NGOs, in this case Pakistani human rights NGOs.
- Norm opposers: the indigenous Islamists, in this case the Pakistani Islamists.
- 7. Norm objects: the people of a country, in this case those of Pakistan.



Each of these seven variables is described below, and discussed in relation to one another. The discussion begins with an examination of the concept of globalisation. Special emphasis is given to its cultural role.

Globalisation as a cultural force: ancient and current phases

A hectic debate surrounds recent discussion of globalisation in the West. 'Globalisation' is, by now, a highly contested term. Extreme sceptics deride it as yet another novel idea concocted by attention-grabbing writers and political pundits. While some discredit the premise that the world economy is more globalised today than it was at the beginning of the 20th century, others assert that what is being called globalisation has been known as imperialism in the past and there is nothing useful or fruitful in contriving a new term (Held, MacGrew, Goldblatt and Perraton 1999: 5-6). On the other extreme are enthusiasts who claim that globalisation denotes an entirely new or even unique phase in worldwide societal evolution. Economic and communicative changes have rendered the world into a global village where everybody knows everybody (Scholte 2000: 54).

The present study approaches globalisation primarily as a cultural phenomenon, although its motive force in history has varied. Spiritual concerns as well as temporal objectives have pushed forward some globalisation agendas throughout the ages and therefore it is an ambition as old as civilisation. Further, there has always been a centre from which the globalisation forces have emanated, and a periphery to which they have travelled. While the cultural implications of globalisation may not have always been seen as threatening by the periphery, most of the time they have. It is, however, important to emphasise that globalisation is not motivated simply by the desire to conquer or dominate. To qualify as a truly globalisation phenomenon, there must be both physical expansion over geographical space and intellectual expansion, such as a proselytising or 'civilising' mission. Attempts at creating world empires such as that by Alexander of Macedonia or the Romans are therefore not globalisation projects in a proper sense of the word, even though the spread of empire inevitably included the dissemination of ideas and practices.

On the other hand, Middle Eastern religions such as Christianity and Islam have been global movements and forces in the full sense of the word. At one time in history, the Christian and Islamic movements constituted two contemporaneous rival globalisation movements that confronted each other with all the power they could muster. The crusades are a testimony to such violent competition. The Buddhist movement also possessed global appeal, but after the early centuries of missionary work it seems to have lost much of the zeal to secure the world. Göran Therborn (1998: 13) notes the role played by literary language, architecture and aesthetics as well as social forms in the creation of a sense of universal community. In other words, a variety of cultural inputs made connectedness possible. The early forms of globalisation can be described as proto- globalisations in that the ambition to spread a set of ideas all over the world was not matched by the ability to do so quickly and effectively.

The Christian project – with its obsession for saving the world from damnation – has been more or less subverted from within but another project has supplanted it, and thus an uneven relationship between the centre and periphery continued. Beginning sometime in the 16th century, the new, essentially temporal, project began in increasing measure to prioritise economic and political advantages over missionary gains (Huberman 1968: 165-69). Of course this change in emphasis varied with each of the major colonial actors. Nevertheless the civilising concern remained a part of the colonial baggage even when driven forward by mundane objectives. Full-fledged globalisation has its origins in the industrial and technological revolutions of the 18th and 19th centuries.

The Muslim world and globalisation

Heir to a great universal weltanschauung and a civilisation which once upon a time pursued successfully for several centuries its own proto-globalisation project, the world of Islam was woken up to the startling reality of European ascendancy and dominance when Napoleon landed at Alexandria in 1798. The

Muslim polities had been in decay and retreat for quite some time, but not until the French Emperor arrived in Egypt did this fact sink into the public mind. Scientists, thinkers and intellectuals accompanied Napoleon. They were going to assist him spread the rational and emancipatory ideas and values of the Enlightenment. Indeed, the significance of that encounter is undeniable (Tibi 1997: 79-81). Among the Egyptian elite many were converted to notions of rationality and progress on the lines of European modernity and the Enlightenment. The modernist movement was, however, seeking primarily a synthesis between European and Islamic ideas and ideals. Some purely secular positions were also adopted while the movement for an Islamic, authentic path to regeneration also continued to claim support among the traditional middle classes and peasant-proprietors (Hourani 1983: 34-244). In the Indian subcontinent, Sir Syed Ahmed Khan, Sir Dr Muhammad Iqbal and many other lesser figures represented the Muslim modernist tendency. Later, with the rise of the Soviet Union socialist internationalism also won supporters in different parts of the Muslim world, including the subcontinent (Al-Azmeh 1993: 92-8).

Thus whereas the military, economic and political consequences of Western globalisation indeed wreaked havoc upon the established orders in the Muslim world, the intellectual baggage of modernity premised on the optimistic ethos of scientism, universalism and secularism, and particularly in political forms such as liberalism and socialism represented by the liberal-capitalist and the collectivist-socialist industrialized blocs, received varied and complex receptions. Even fascism entered the Muslim world during the 1930s and impacted on different varieties of nationalism and Islamism. Arab nationalism in Syria and Iraq and the Khaksar movement in India were influenced by fascistic ideas.

However, after independence had been achieved from various colonial powers, it was either the capitalist or the socialist models that were applied by various Muslim states to realise modernity and development. At that time these two models were the rival paradigms of globalisation. Quite simply modernity engendered either fear or hope or both, depending upon the class position, cultural-orientation and the overall political context in which the observers and actors related to globalisation (Al-Azmeh 1993: 80-98).

The current phase of modernity, this time explicitly called globalisation, dates from the fall of the Berlin Wall in 1989, reaching its ultimate highpoint with the collapse of the Soviet Union in 1991. It proffers the least complicated model of globalisation to emulate: the liberal-capitalist. It typically continues to represent the classic dualism of capitalistic globalisation. On the one hand, it commends Social Darwinist ethics as the legitimate means for progress and development, and on the other, democracy and human rights, whose fortunes are linked with the consolidation of civil society (Fukuyama 1992: 39-97). Such a dualism does not necessarily mean that the two currents contradict each other. In fact for the Northern centre the two processes are complementary and not contradictory, but in the Southern periphery the two processes often result in conflicting impact. Those who pursue the Social Darwinist ethic have little regard for democracy and human rights, even when limited to civil and political

aspects of it, while those who follow the democracy and human rights line find that the violations of such values are unavoidable under raw capitalism. Thus for example, the Pakistani industrialists have traditionally thrived under dictatorships while the human rights activists have been reporting extensive violations of all types of rights during the long periods of dictatorship.

The Islamic project, which had been in abeyance since the military reverses at Western hands, seems to have come back to life with a fierce vigour. It rejects ideologically the nation-state territoriality within the Muslim world (Tibi 1997: 218-22). Several factors have contributed to the revival of the Islamic globalisation project as a counterpoint cultural movement: the end of colonial occupation; enormous wealth deriving from the income of crude oil; humiliation and defeat of the Arabs at the hands of Israel, which is generally attributed to Western support to the latter; the failure of development models emulating liberal-capitalism or one party-state socialism to solve the egregious problems of poverty and injustice; a search for authentic paths to regeneration and recovery deriving from Islamic roots; a belief that Islam, as the last and final message of God for all mankind, is destined to save humanity from all evil; and, an ability to pursue such a project by peaceful and violent means all over world. In the latter case, such ability has been acquired in the 1980s thanks largely to years of training in the techniques of subversion, and terrorism - under the aegis of the American CIA and veteran retired British colonial officials with experience from the Afghan frontier - to fight the war against the Soviet Union in Afghanistan (Ahmed 1998: 158). In the process, the Islamists have acquired considerable clout in and around Pakistan. Inevitably, the result has been the growth of extremist tendencies in the state and the larger society. Now, when the Communist threat is over, the Islamists have launched their own globalisation project that unavoidably challenges Western influence and power. Pakistan is an excellent test-site for studying such a revival and its implications for human rights.

In the present study, by globalisation is meant a process of worldwide interconnectedness, which begins when the adherents of a particular Weltanschauung endeavour to spread a set of ideas and practices, inherent to their worldview, all over the world with a view to establishing a consistent order. Such a process entails the dissemination and implantation of beliefs, values, norms, legal precepts, and institutions. Although originating within a particular cultural-geographical area but spreading to other parts of the world as part of an intentional programme, globalisation involves some degree of ideational homogenisation consistent with the project's universalistic normative claims. In a functional sense, this is important because order and stability is impossible without shared norms and values. Historically the methods involved in globalisation have included military conquest, peaceful missionary work, secular trade and simply spread of cultural influence through regular and increasing contacts. Each phase of globalisation involves corresponding technologies of communication and dissemination of information, opinions and attitudes. In the contemporary period such technologies have brought about interconnectedness on a truly global scale. An inherent tension between the

centre, from where globalisation proceeds, and the periphery, where it impacts, has existed thus far in history. It is possible that more than one globalisation movement exists at any moment in time. In such a case, tension and conflict is likely to exist between them.

At present, a counterpoint globalisation is emerging in the Muslim world (a periphery to the West), which is challenging the West-centred globalisation. In a superficial sense it confirms the 'Clash of Civilisation' thesis of Samuel P. Huntington (1998), which sees the Western world and the Muslim world locked up in an irreconcilable competition over values, norms, power and influence. However, it ignores the fact that within cultures and civilisations the search for universal principles and norms makes co-operation across and beyond cultural and civilisational boundaries possible. Whether a truly global consensus can emerge on the question of human rights remains to be seen. It is however important to remember that the territorial state, armed with its right to sovereignty, continues to define the actual practice of human rights. It may, therefore, be premature to announce the end of territoriality and the beginning of supra-territoriality.

Norm sender

The Secretary General of the United Nations Kofi Annan made the following observation on 10 December 1998:

Human Rights day 1998 is a day for all of us who enjoy human rights to imagine life without them.... It is the day to renew our commitment to globalizing justice in the age of globalization (author's emphasis).... I began this anniversary year by reaffirming the universality of human rights, and by arguing that human rights are foreign to no culture and native to all nations. But this is the challenge. To make it so. To make every day matter in the fight to broaden the horizons of human rights until that day when no man is tortured, no woman is abused and no child is denied his dignity – when all human beings enjoy their human rights (WLUML, Newsheet vol. X, No. 4: 7).

The words of the Secretary General clearly and candidly express a vision and a programme meant to spread all over the world. The idea of an intergovernmental world organisation (IGO) responsible for ensuring peace in the world received a renewed commitment during the Second World War and came into being as the United Nations Organisation on 26 June 1945 when its Charter was signed in San Francisco. Article 1 and 2 declare the maintenance of peace in the world, friendly relations among nations and self-determination as the fundamental aims of the U.N. Article 3 and 4 state:

To achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human

rights and for fundamental freedoms for all without distinction as to race, sex, language or religion; and

4. To be a centre for harmonizing the actions of nations in the attainment of these common ends (*Charter of the United Nations* 1993: 3-4).

Theoretically speaking, we can note that a necessary interconnection is made between maintenance of world peace and the existence of human rights. The UN is to act as the centre for establishing norms and standards towards the realisation of these ends. Such a disposition reflected the horrific experiences of the Second World War and specifically of Nazi crimes against humanity. The commitment to human rights made in the UN Charter was converted into concrete and specific clauses in 1948. Headed by Elcanor Roosevelt and ably assisted in the drafting by the Frenchman René Cassin, a committee of experts formulated the Universal Declaration of Human Rights (UDHR). It enumerated thirty articles comprising civil, political, social, economic and cultural rights.

The UDHR does not recognise a hierarchy between these different types of rights. They are thus presumed to be interdependent and indivisible. Most centrally, government was to be based on the will of the people. It was not to interfere with the freedom of individuals, who were to enjoy civil and political rights as well as welfare provisions. The UDHR clearly and unmistakably bears the imprint of Western liberal but also social-democratic ideas and theory. However, Tore Lindhom (993: 52-4) has argued that article 1 ['All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in the spirit of brotherhood'] appeals to all cultures. According to him, it is a universal principle and it must be intelligible and justifiable across cultures. One should note that this is not a correct presumption. The Hindu caste system does not proceed from the premise that all human beings are equal. At any rate, the UDHR does not invoke any superior authority other than human reflection, conscience and experience as the validating and legitimating principles for human rights. A clearly secular and rationalist basis is therefore imputed to human rights.

In subsequent years the UN General Assembly, which is the highest body responsible for human rights matters, has adopted several general and specific instruments, which elaborate the Declaration's various aspects. Since all member states are represented in the General Assembly, the various resolutions that it adopts represent the general will of the members and one cannot reasonably accuse it of imposing Western values on members. It is nevertheless true that Western political and legal theories are the main source of inspirations and legitimation for the various instruments (Robertson and Merrills 1996: 2-7).

The UN human rights system is based on voluntary acceptance of these instruments by member states through procedures requiring formal signing and ratification. The most important thing to note is that the idea of human rights is *ipso facto* accepted by all states as soon as they are admitted as members of the UN (Eide 1996: 3-29). The UN monitors the human rights situation in member

countries through, among other channels, the heads of the United Nations agencies resident in the country. The reports are published annually. Also, advocacy campaigns, conferences and research on human rights are funded by UN agencies.

It is, however, important to point out that the UN also represents the idea of economic order and stability. The original spirit of the UDHR, and particularly article 1, clearly suggests that freedom and stability can be realised only through an equitable and just economic order. However, after the Cold War broke out in the early 1950s, the two rival power blocs subjected the UDHR to conflicting interpretations (Davidson 1993: 39-45), but since the major Western powers, especially the US, exercised considerable influence on the development and economic policies of the UN, it was civil and political rights that received greater attention. After the collapse of the Soviet Union this trend was strengthened. In recent decades the major Western powers have been able to impose severe cuts through the so-called Structural Adjustment Programme (SAP) on the welfare expenditure of those developing countries seeking economic relief and loans. SAP has had devastating consequences for the employment opportunities and the rudimentary welfare systems of these countries (Donnelly 1998: 160-61; Jafar 1998: 141-5; Kiely 1998: 30-4; Muricken 1997).

Consequently, apprehension has been expressed by non-Western states about the implications of Western democracy, global capitalism and human rights for their sovereignty and identity. Most notably the question that is uppermost is whether adoption of the human rights programme entails homogenisation, which in turns would mean Westernisation. Also, what exactly would such transformation entail? Would it mean complete assimilation resulting in the destruction of indigenous cultures? The fundamental concern is whether it all leads to the final triumph of the Western civilisation over the rest of the world. On a more theoretical-normative level, the basic individualistic ontology underlying modern human rights is called into question. It is emphasised that non-Western cultures are not individualistic (Agnew 1995: 94; Mohamad and Ishihara 1995; Singh and Thandi 1999: 3-5).

Norm assisters

Western states originally provided assistance to the UN's human rights promotion programmes in the developing countries. These were mostly in terms of diplomatic contacts and as part of the development aid strategies. However, the major Western actors were not willing to risk their geopolitical and economic interests in Third World countries, including Pakistan, for the sake of human rights. It was therefore with the establishment of Amnesty International in 1961 that a global civil society movement constituted by NGOs came into being (Thakur 1994: 143-160). Later more global NGOs, including Human Rights Watch, Minority Rights Group and International Alert, emerged. Usually such NGOs specialized on specific issues. Gradually many were accorded formal right to representation at the UN. The emergence of global human rights

NGOs has meant that the constraints imposed by diplomacy and other interests, which states prioritize, can be ignored. Thus annual reports and other material published by such NGOs on human rights violations are resented by many states. Websites established by Amnesty International and other global human rights NGOs provide easy and quick access to information. For the victims and the domestic human rights NGOs the support of the global NGOs is vital.

Norm challengers

The world of Islam docs not have a particular authoritative centre from which comparable or contrasting norms emanate. The permanent delegation of the Organisation of Islamic Conference (OIC) constituted by the Muslim states is based in Geneva, where it has observer status at the UN. The OIC comes closest to a world forum, where Muslim states meet and deliberate matters of common interest. Ideas of a common economic policy, Islamic banking and human rights have been expressed at its meetings, but no collective position has been taken on these matters. A counterpoint Islamic human rights movement however does exist, with various tendencies in it. Mainly independent Muslim jurists have from time to time met and come up with human rights prescriptions. It is asserted in those statements that Islam upholds the rights to life, property, and protection from arbitrary arrest and protection of the law, and that freedom of expression can be enjoyed within Islamic limits.

A Universal Islamic Declaration of Human Rights was issued in 1981. Eminent Muslim scholars and jurists were involved in compiling the Islamic view of human rights. Almost all human rights mentioned in the U.N. Declaration are present in the Islamic Universal Declaration of Human Rights. The position taken is, however, that God's sovereignty sets legal and moral limits to human freedom (Blaustein, Clark, and Sigler 1987: 917-26). In practice, it means that dogmatic Islamic law, known as *Sharia* (also spelt *Shariah* or *Shariat*), is considered the supreme law of the country.

At the 14th OIC conference of foreign ministers held in Dhaka in 1983, a document proposing human rights was discussed. It reiterated the idea of the Sharia setting limits to human freedom. From a human rights point of view such stipulations result in clawback clauses, that is, giving freedom on the one hand, but restricting it considerably on the other. It was not accepted because some Muslim countries could not accept Sharia as the supreme source of law (Hjärpe 1988: 26-38) Such an approach practically undermines the notion of freedom of human beings as free agents. More important, the moderate versions of global Islamism have been eclipsed in recent decades by the more extremist, virtually anti-human rights, Islamic movements.

The theoretical and ideological roots of the various Islamic tendencies stem from mainstream Islamic political theory (counterpoint movements of free thought have existed but they were eclipsed by the dogmatic approach quite early in Muslim history). It should more accurately be described as juridicopolitical theory. For classical Sunni theorists the existence of an Islamic state was a precondition for the realisation of a normative socio-political order

sanctioned by divine will (Faruki 1971: 27-52). The Shia and Khwariji positions on the state were no different; only the Sunni state was considered illegitimate. There is no evidence that before the encounters with colonialism and its intellectual paraphernalia doubt had been expressed about the centrality of the state for the realisation of adl (justice), zakat (welfare tax) or salat (piety or prayers). Lacking the intrinsic scepticism towards the state that exists in Western-Christian political theory, Muslims have not developed citizenship and rights theories encompassing checks and balances that prevail in Western states. It is taken for granted that a proper measure of freedom is available to all sections of society, and that all sectors of life - economic, social, and political have to be regulated according to Sharia injunctions. Sunni political theory advises the ruler to desist from transgressing the bounds of decent government as laid down in Sharia. Non-Muslims (Jews and Christians essentially but by analogy also others such as Hindus in India) could live among Muslims and enjoy a measure of autonomy. They were not entitled to a political role, however (Qadri 181: 269-85). As regards the social system, classical Sharia drew a fundamental distinction between the sexes. Men and women were to live segregated lives and the latter were practically disqualified from participating in public life, although they could own businesses independently and pursue their interests through male agents (Hodgson Vol. 1, 1974; 342-44),

During the colonial period, the Sharia-based system of law and rights was largely replaced by European systems. However, Sharia continued to be applied in matters of worship, marriage, divorce and inheritance. Consequently, the present clash between the UN-based rights and Islamic 'rights' occur most frequently around issues of freedom of expression, conscience and belief of all individuals, the status of women and the political rights of non-Muslims. The classic Islamic state, for example, did not permit Muslims to give up Islam for another religion or atheism. Women were barred from the public sphere. Non-Muslims could practise their religions, but were not allowed to try to convert Muslims. Also, some of the punishments sanctioned in Islamic law for crimes such as theft, fornication, adultery and false accusation of adultery are harsh by modern standards (Ahmed 1994: 42-3).

Norm receiver and norm resister

An important stipulation of the UN system is the inviolability of state sovereignty. Article 2:7 of the UN Charter states: 'Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter...(Charter of the United Nations 1993: 5).

The point to note is that whereas all member states are under obligation to respect human rights, the UN has no authority to intervene and correct them if hey do not comply with such a commitment; exception is when such violations are seen as threatening world peace (Chinkin 1998: 109-12). It does, however, exercise influence through various means. Pakistan receives considerable

economic and development aid and financial Ioans through UN agencies and institutions, and powerful financial organisations such the IMF and World Bank. There are also several moral and diplomatic devices available to express dissatisfaction. The end of the Cold War has indeed dismantled some of the barriers to international co-operation, however, realism remains very much intact: the territorial state legally armed by its claims to sovereignty determines for all practical purposes the type and extent of human rights its citizens can enjoy and claim.

Pakistan has accepted the following UN instruments:

- 1. The Universal Declaration of Human Rights.
- 2. International Convention on the Elimination of all Forms of Racial Discrimination.
- 3. International Convention on the Suppression and Punishment of the Crime of Apartheid.
- International Convention on the Prevention and Punishment of the Crime of Genocide.
- International Convention on the Rights of the Child.
- 6. International Convention on the Political Rights of Women.
- International Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.
- 8. International Convention on the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.
- Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW, ratified in 1996 but a proviso 'subject to the provisions of the Constitution' was added).

The following conventions and treaties have neither been signed nor ratified:

- a. International Covenant on Economic, Social and Cultural Rights.
- b. International Covenant on Civil and Political Rights.
- Optional Protocol to the International Covenant on Civil and Political Rights.
- d. Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the Abolition of the death penalty.
- e. International Covenant against Apartheid in Sports.
- f. International Convention on the Non-Application of Statutory Limitations to War Crimes and Crimes against Humanity.
- g. Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment.

As a debt-ridden and development aid-dependent country, Pakistan is under diverse and contradictory pressures with regard to human rights. Its donors are varied and do not share a common vision on this matter. The major Western donors advise greater adherence to civil and political rights as laid down in the international instruments adopted by the UN General Assembly and other related agencies. In sharp contrast, the powerful Saudi and other such donors stress the need to comply with Islamic injunctions on such matters. The collapse of the socialist intellectual-political project has weakened the support for social, economic and cultural rights, but a strong social movement backing up such rights has emerged again after the WTO meeting in Seattle in 1999 (O'Brien 2000: 18-19). It is, however, primarily over civil and political rights that the UN-based and the Islamist globalisation movements concentrate and clash.

The responses of the Pakistani state to the various cultural globalisations (those emanating from the West and those from the global Islamic tendencies) have been inconsistent, contradictory and confusing. Partly this follows from tensions within its national identity. On the one hand, Pakistan aspires to remain a modernizing Islamic democracy with a commitment to modern, democratic freedoms of sorts and, on the other, the theocratic tendency, inherent in its freedom movement and later co-opted into constitutional and legal provisions by successive governments, requires a manifest adherence to Islamic law and morality (Ahmed 1987: 66-224). It has not been easy to walk this tight rope between two conflicting movements, but the Islamic current has been gaining ground. Partly this has been aided by considerations of domestic power politics. Historically, each time a government felt threatened or insecure it resorted to Islamic rhetoric in the hope of gaining legitimacy and prolonging its existence. Each such step meant an incremental increase in dogmatic Islamisation of public and official discourse. As this process expanded, the space for rational argumentation within the already narrowly defined borders of public debate contracted and congested.

Thus on 7 March 1949, Prime Minister Liaqat Ali Khan moved an Objectives Resolution in the Pakistan Constituent Assembly. It declared God as the sovereign, not the people or elected representatives. Democracy was going to be observed within limits prescribed by Islam. Similarly, Muslims and non-Muslims were to enjoy fundamental rights compatible with Islam. The first constitution of Pakistan adopted in 1956 declared Pakistan an Islamic Republic and made a commitment to bringing all laws in conformity with Islam. The second constitution, given in 1962 by General Ayub Khan, initially dropped the word 'Islamic', and Pakistan was declared simply as the Republic of Pakistan. Mainstream politicians and the *ulama* assailed this omission vociferously. The first amendment restored 'Islamic' in the description of Pakistan.

The first directly elected National Assembly of Pakistan adopted the third constitution in 1973. At that time, Zulfikar Ali Bhutto was in power. It not only declared Pakistan as an Islamic Republic, but unlike the first two constitutions, which only required the president of the republic to be a Muslim, the third constitution required the prime minister to be a Muslim, too. It went further than previous constitutions by declaring that both the president and the prime minister should take an oath that declared that they believed in the finality of Prophet Muhammad's prophetic mission. In 1974, Bhutto had a bill passed by

the National Assembly of Pakistan that declared the Ahmadiyya non-Muslims (Ahmed 1998: 179). Bhutto also changed the day of rest from Sunday to Friday, and placed a ban on horseracing and on the sale of alcohol to Muslims.

When General Muhammad Zia-ul-Haq captured the reigns of power in 1977, a long tradition of relying on Islam to define national identity and the rights of citizens was already in place, although the fundamental rights of Pakistani citizens had continued to be defined in general liberal terms, and only symbolic restrictions had been imposed on non-Muslims, disqualifying them from contesting the highest offices in the state. Zia, however, wanted to establish an Islamic state in a substantial and not symbolic manner. He declared 'I have a mission, given by God, to bring Islamic order to Pakistan (Noman 1988: 141).' He visualized a social order in which all sectors of life, including administration, judiciary, banking, trade, education, agriculture, industry and foreign affairs, were regulated in accordance with Islamic law and precepts. In 1979, the Hudud Ordinance was enforced. It introduced a number of punishments based on Quranic verses, including amputation of the right hand of thieves and stoning of adulterers (Ahmed 1987 165-66). In 1984 a new Law of Evidence was adopted, which reduced the worth of the evidence given by a female witness in a court of law to half that of a male witness (Mumtaz and Shaheed 1987: 105-6). In 1985 separate electorates were reintroduced whereby non-Muslims were to constitute a separate body of voters and thus entitled only to elect non-Muslim legislators. Their right to take part in lawmaking was restricted. In 1986 the Blasphemy Ordinance was enforced, making any derogatory remark about Islam a serious crime (Ahmed 1999: 231-6).

General Zia perished in a plane crash in August 1988. It opened the way for democratic elections. It was in these circumstances that civilian, elected governments came into power in Pakistan. However, Benazir Bhutto (1988-90; 1993-97) and Nawaz Sharif (1990-93; 1997-99) refrained from challenging the fundamentalist laws adopted during the Zia regime. General Pervez Musharraf (in power since 12 October 1999) initially came out with a progressive position on Islam and expressed admiration for the Turkish arch-modernizer, Mustafa Kemal Atatürk. He subsequently retreated from such an approach in the face of hue and cry from the Islamists. It seems that once the origin or basis of a law or a rule is claimed to be Islam, governments and political leaders do not dare rescind them. The political costs of defying such a stricture are too high, and most of the time governments simply do not act, or act inconsistently. To recapitulate the dual role of the Pakistani state as a receiver and resister of global human rights norms, one can say that the state plays this role through decisions and non-decisions both at the level of formal acceptance and at the level of implementation.

Norm supporters

The idea that a strong civil society is necessary for the promotion of democracy and human rights enjoys wide currency in contemporary writings. The suggestion is that a thriving civil society ensures that the state is kept within well-defined bounds. Consequently, the establishment of NGOs has been supported and facilitated by the UN. Western donor-states joined this movement, and in the 1980s donor-supported NGOs have mushroomed. It is the question of 'law and order' with which Pakistani human rights NGOs are most concerned. Accepting the UN human rights instruments as the proper framework for law and order, they have been campaigning for the acceptance and ratification of all the UN instruments by the state, and more importantly, enforcement and compliance of those conventions which Pakistan has already ratified.

There are several human rights NGOs in Pakistan. The biggest of them, the Human Rights Commission of Pakistan (HRCP), considers all the human rights elaborated in the UDHR – civil, political, economic, social, and cultural – indivisible and of equal importance. It publishes annual reports covering each such category of rights and actively participates in international and domestic initiatives on human rights (State of Human Rights in Pakistan 1990, 91, 92, 93, 94, 95, 96, 97, 98, 99). The various women's rights NGOs are members of the Women Action Front (WAF), a coordinating forum founded in 1981 (Mumtaz and Shaheed 1987: 71-5). Apart from those dealing directly with human rights, there are a large number of NGOs working with questions of child and mother welfare, poverty alleviation, environment, education, development and sustainable development, and a host of other activities.

Norm opposers

The dogmatic standpoint on human rights in Pakistan is best represented by the ideologue of the Jamaat-I-Islami, Abul Ala Maududi (1980). It argues that Islam has historically treated women and non-Muslims better than the West. It does not recognize the basic premise of the individual as a free agent and elaborates a number of freedoms and rights within the confines of traditional Sharia. It is crucial to point out that a self-regulating Islamic associational nexus survived colonialism. Such an 'Islamic civil society' has been involved in charitable work such as running schools – where Islamic religious and legal sciences are taught – orphanages and other such institutions. God-fearing Muslims provide support to them in different ways (Edhi 1996). However, since 1977 the extremist types of Islamists have been able to pre-empt the intellectual space of the traditional Islamic associational structures. Consequently, the dogmatic discourse demanding that the rights of women and non-Muslims be defined strictly in terms of classical theory has been strengthened by the worldwide Islamic revival.

Norm objects

The total population of a state, in this case Pakistan, constitutes the norm object of the global human rights movement. Although a number of fundamental human rights are recognized by the Pakistan constitution, violation of such rights is widespread. Especially the underclasses living in abject poverty are

subjected to routine exploitation and oppression. The increasing theocratisation of the state in recent decades has meant that the rights of women and non-Muslims have in particular been under assault.

The model applied

The formal and substantial human rights of the people of Pakistan, that is the norm objects, are the result of the way the norm sender, norm receiver-cumresister, norm assisters, norm challengers, norm supporters and norm opposers relate and interact with one another. One must remember that the key variable, the norm receiver-cum-resister, in this case the Pakistani state, can express its wish through both action and inaction, or decisions and non-decisions. Particularly in matters of implementation, the state can usually get away by ignoring its international commitments.

Norm sender

As mentioned earlier, the United Nations can apply a number of diplomatic initiatives and other pressures to persuade member states to adopt laws and procedures commensurate with human rights standards. The 1997 and 1998 reports of the Resident Coordinator of the UN in Pakistan mention the failure of the government to maintain law and order and uphold other standards of good governance. In the 1998 report it is noted, 'Political tensions were further fuelled when the Prime Minister, in a bid to appease the fundamentalist lobby, proposed the controversial 15th Amendment under which the Shariat code (religious law) would become the supreme law of the country (1998 Report of UN Resident Coordinator, http://www.un.org.pk/rc98.htm: 3).' However, such annual reports are worded very carefully and direct censure or condemnation is avoided.

More importantly, in recent decades gender has become a major concern of the global human rights movement. In many parts of the Muslim world the emergence of Islamist regimes has been detrimental to the status of women. In July 1998 the heads of the United Nations agencies resident in Pakistan issued a statement on gender in Pakistan (Statement on Gender 1998, http://www.un.org.pk/pakgen.htm). It reminded Pakistan that it had accepted the idea of equality of the two sexes and adopted constitutional provisions to that effect:

'The Constitution of Pakistan (1973) guarantees this equality between women and men. It has the following provisions for affirmative action for women:

Article 25 states: 'All citizens are equal before the law and are entitled to equal protection before the law; there shall be no discrimination on the basis of sex alone; nothing in this Article shall prevent the State from making any special provision for the protection of women and children.'

Article 34 states: 'Steps shall be taken to ensure the full participation of women in all spheres of national life (p. 2)'.

More importantly, Pakistan has also adopted several of the international commitments to protect basic human rights and gender equality. These include, among others, the Convention on the Elimination of All Forms of Discrimination Against Women, (CEDAW), to which Pakistan acceded in 1996 (p. 3).

The report states that, regrettably in Pakistan, as in many other member states, women in particular did not enjoy many of the rights laid down in the Universal Declaration of Human Rights. It refers to a number of indices to show that women are disadvantaged and discriminated against in social, economic, health and political matters. It refers to the fact that UN agencies have been assisting Pakistan in the area of gender and development for a number of years by providing support to the government, NGOs and civil society. In particular it emphasises the need for cooperation in the areas of advocacy and programming (p. 4-6).

Advocacy

Emphasizing the responsibility of the United Nations, and of its various agencies, to promote human rights as spelled out in the Charter and Universal Declaration of Human Rights, including the rights of women, the Report's authors advocate early action on a number of high priority issues:

- a. Nationwide awareness of the rights of women and children.
- b. The adoption of the National Plan of Action (NPA) by the Government of Pakistan, based on the recommendations from the Beijing Platform for Action.
- c. The adoption of a constitutional amendment, establishing 33% reserved seats for women in the national and provincial assemblies, as well as in all local bodies.
- d. The repeal of all laws and other legislative reforms discriminatory to women.
- e. The improvement in women's mobility through increased gender awareness aimed at reducing discriminatory barriers, along with improved personal status and competence.
- The elimination of gender gaps in access to basic education, health, nutrition and financial and economic services.
- g. The importance of developing and maintaining a gender perspective on both the causes and consequences of poverty.

h. The promotion of reproductive rights, and increased access of both women and men to quality reproductive health care, including family planning.

- The promotion of gender equity norms and values in children, youths and adults through educational programmes at all levels.
- j. The promotion of equality of opportunity and treatment in employment, with a view to increasing participation and integration of women in economic activities, both as entrepreneurs and as employees.

The report also elaborates a number of programming measures aiming at the implementation of the various objectives into policy and reform. The programming should aim, among other things, 'To strengthen and promote the work of Civil Society Organisations and community groups dealing with issues of gender (p. 6).'

Issues of Democracy and Women's Rights

Norm receiver and resister: the Shariat Bill controversy

Notwithstanding such advice, the Pakistan government under Nawaz Sharif followed its own political agenda, which carried adverse implications for democracy in general but for women in particular. Having successfully carried out nuclear test explosions on 28 and 30 May 1998 in response to the tests by India a few days earlier, the government of Nawaz Sharif was confronted by tough sanctions from the international community and began to face great economic and financial hardships. Not surprisingly it decided to play the dogmatic Islamic card to gain cheap immediate popular support and the political initiative. Thus on 28 August it moved in the lower house of parliament, the National Parliament, the so-called 15th Amendment Bill or the 'Shariat Bill'. If passed by both houses of Parliament, the lower house, called the National Assembly, and upper house, the Senate, it would mean that dogmatic Islamic law would become the supreme law of the land in a comprehensive manner. The clause that laid this down in an unequivocal manner was the following:

Article 2 (2): The Federal Government shall be under an obligation to take steps to enforce the Shariah, to establish salat (system of worship), to administer tax (alms tax) to promote am bil mar'roof wa nahi anil munkar (to prescribe what is right and to forbid what is wrong), to eradicate corruption at all levels and to provide substantial socio-economic justice, in accordance with the principles of Islam, as laid down in the Holy Our'an and Sunnah.

- 2 (3) The federal government may issue directives for the implementation of the provisions ... and may take necessary action against any state functionary for non-compliance of the said directives.
- 2 (5) The provisions of this Article shall have effect notwithstanding anything contained in the Constitution, any law or judgement of any Court (State of Human Rights in Pakistan 1998: 24).

On 5 September Nawaz Sharif summoned thousands of ulama and religious leaders to a National Consultative Convention in Islamabad and said:

'You should spread all over the country and stand against all the forces which are opposing this Bill. You have been asking me to implement the Islamic system, I have done my job now it is your turn to play your part.... My entire government and its machinery is now at your disposal... You should launch a movement to force those opposing it to retreat and repent for their mistake.' (The News 6 Nov. 1998)

Norm supporters and norm opposers and the Shariat Bill

Human rights organisations immediately condemned the move as cynical and opportunistic. A Joint Action Committee of People's Rights representing various NGOs issued a statement to the effect:

The organisations of Pakistan's civil society that have signed the present statement express their shock and anger at the Constitution (15th Amendment) Bill introduced in parliament on Friday 28th August 1998....The proposed measure is the most blatant and shameful attempt to date to exploit religion for petty political gain... We the undersigned, are convinced that if the proposed amendment is adopted it will irretrievably harm the interest of the state and society, especially of women, working people and minorities.... While it is obvious that the government has adopted the present course to hide its incapacity to address the crisis facing the state, the dangers in buying time by appeasing the obscurantists seem to have been ignored...(WLUML, Newsheet, Vol. X, No. 4: 1-2, 1998)

The resuscitation of dogmatic Sharia clearly meant that many new restrictions and inequalities would be imposed on women. The Women's Action Forum expressed its anger in the following words:

Women's Action Forum expresses deep dismay at the proposed 15th amendment to the Constitution Bill which erodes the democratic norms that lie at the heart of all civilised societies. Since 1977 Pakistan has witnessed a series of so called Islamisation measures that have intrinsically and seriously eroded the concepts of democracy and human rights.... In particular such

measures specifically undermine the rights of women, minorities and other marginalized sections of society (emphasis, author's). The use of religion as a short cut for legitimising political power and agendas has fragmented society and led to intolerance, sectarian division, and extreme violence (WLUML, Newsheet, Vol. X, No. 4: 1-2, 1998).

On 9 October the 15th Constitutional Amendment Bill was passed by 151 to 16 (5 members abstained from voting while 45 members preferred to stay away that day altogether) voted in the National Assembly, the lower house of Parliament, However, since the government did not command a majority in the upper house. Senate. the Bill was stalled for the time (http://www.mnet.fr/aiindex/edge.html: 1). On 15 October some 3000 protesters attended a demonstration called in Lahore by the Joint Action Committee for People's Rights. Some 35 NGOs, including those dealing with human rights, and several oppositional political parties took part in it (Dawn, 16 October, 1998). On 21 October, women representatives of NGOs started resigning from government-NGO committees in response to the call given by the Women's Action Forum to protest over the Shariat Bill, On 3 November NGO representatives met with Senators in Islamabad to lobby against the passage of the Shariat Bill. On 5 November, in a public speech, Prime Minister Nawaz Sharif urged the audience to 'force the Senators into passing the Bill (A Year on the Edge, http://www.mnet.fr/aiindex/edge.html: 2).

On 24 November the Jamiat-ul-Ulama-i-Pakistan (JUP), a right wing Sunni clerical party filed treason cases against the 16 Members of the National Assembly, who had opposed the Bill. They began to receive threats that they would be declared beyond the pale of Islam. On 8 December ambassadors of donor countries, UNDP, various government officials and NGO representatives attended a meeting held in connection with the International Human Rights Day. NGO speakers used the occasion to highlight the threat posed by the Shariat Bill to human rights (Ibid).

Reaction of norm receiver and norm resister

The government hit back by launching a campaign in December 1998 against foreign donor-supported NGOs in general, but targeting human rights and women's rights NGOs in particular. The Punjab Minister for Social Welfare, Pir Binyamin Rizvi, accused them of propagating anti-national and anti-Islamic ideas. He said that the intelligence services had been given the task of screening NGOs. He asserted that many NGOs existed only on paper and were simply a means of getting foreign funds. In future, all NGOs would have to pledge that they would not get involved in 'anti-state, anti-government and anti-Islamic activities (Dawn, 27 December 1998).' On 11 January the Chief Minister of Punjab, Shahbaz Sharif, ordered the screening of 30,000 NGOs registered with the Industries Department under the Societies Act. On the same occasion Rizvi clarified that his criticism was directed only at NGOs that were active politically

in contravention of the legal framework under which they had registered themselves as voluntary organisations. He added that NGOs that did useful community work and contributed to the welfare of the people had his full support (*Dawn*, 12 January 1999). On 12 January representatives of 36 NGOs met in Lahore. They demanded an apology from the minister and observed that the statement had been issued at a time when the NGOs were opposing the government policies aimed at curtailing fundamental human freedoms. They alleged that the government was victimizing them, 'This is apparent in the recent events of harassment of labour groups and human rights activists, especially those focusing on women rights' (*Dawn*, 13 January 1999).

In a book, *The NGOs Conspiracy in Pakistan* (1998), Musa Khan Jalalzai, a freelance journalist, asserted that foreign-funded NGOs were a security risk. He argued that these new type of foreign-supported NGOs were upper class preserves and that the Pakistanis belonging to influential families established these NGOs and solicited foreign funds. Further that:

Both the donors and the managers of the NGOs are least interested in development. The case of the Pakistani NGOs bosses is understandable because the organisations bring them a fortune but the donors' attitude is beyond comprehension. One possible answer can be that now the West wants to impose neo-colonialism on the Third World.... There is no doubt that many Western nations have now started developing intelligence networks in which NGOs have become effective tools to cover agents who can use the facility to enter sensitive institutions and areas. Being influential locally, Pakistanis make it easier for the agents to penetrate even government agencies and collect information that might be useful to their foreign masters (1998; 13-14).

Under a sensational heading, 'Foreign Sponsored NGOs in Pakistan' he listed the names of 506 NGOs. These included the chief human rights NGOs such as the Human Rights Commission of Pakistan, Aurat Foundation (specializing on women questions), Shirkat Gah (specializing on women's rights), AGHS Law Associates (provides legal aid to women and protection at a home for women under threat to life), SAHE, and Simorgh (specializing on education) and many others. The names of directors and coordinators and the addresses of the offices of these NGOs were also given (Ibid: 324-56).

On the general level, accusations of embezzlement of funds and other irregularities by some of the NGOs have been made by all sections of society and also by the state. Such allegations have some foundation. It is impossible to circulate among the NGO community and not hear of many cases of fraud and abuse of funds. However, the fact that government policy has been directed especially against NGOs dealing with the rights of women suggests that the campaign has more to do with the cultural implications of human rights for the Pakistani state and the Islamist lobbies. During 1999 the campaign intensified as the issue of so-called 'honour killings' highlighted in a dramatic form the conflicting standpoints on human rights in Pakistan.

The 15th Amendment could not be passed because the Senate continued to defy the government. On 12 October 1999 a military coup took place and the parliamentary procedure was terminated.

Norm supporters, norm opposers and norm objects: honour killings

The 1997 and 1998 annual reports on human rights issued by the HRCP give a long list of injustices and violent crimes committed against women (State of Human Rights1997: 184-93; 1998: 209-22). However, there is no particular entry for the so-called 'honour killings', a heinous crime that often goes unpunished. In 1999 it attracted considerable attention both in Pakistan and in international news.

On 6 April 1999, Samia Sarwar, 29, mother of two boys aged 4 and 8, was shot dead in the office of Hina Jilani, a female lawyer specializing in human rights issues, particularly the rights of women. Married in 1989, Samia had left her husband, whom she accused of bad treatment, four years earlier and been with her parents in Peshawar. The family had threatened to kill her if she filed a case for divorce. She decided to run away to Lahore and took refuge at Dastak (the knock), run by Jilani. At Dastak, women facing threat to their lives can seek help and shelter. She was about to file a case for the dissolution of marriage, when her family members came to Lahore and tried to contact her. Samia expressed great fear of her family, and refused to meet her father. She agreed to meet her mother only after an assurance that the meeting was meant to convey to her the family's consent to the divorce. She had, however, insisted that her lawyer Hina Jilani should be present during the meeting. Her mother and uncle were accompanied by a bearded man who was described as a helper to her mother who pretended to have difficulty in walking.

When they met in Jilani's office, the bearded man took out a pistol from his waistcoat and shot Samia in the head, killing her instantly. While fleeing, that man and Samia's uncle, who whipped out a revolver, threatened to shoot anyone who followed. The assassin fired at a plainclothes police constable standing near the exit, who had been deputed to guard the office by the government. The constable returned fire, and hit the killer, who died. While leaving, Samia's uncle Yunus caught hold of the paralegal coordinator of AGHS, Shahtaj Qizilbash, and dragged her with him as hostage to prevent the guards from opening fire. On the way, Shahtaj was set free and she returned to AGHS about 45 minutes later (Mannens heder, kvinnans död, Swedish Television channel 2, 21 May 2000; http://saxakali.com/southasia/honor.htm: 3-5).

The next day, some 250 angry human rights activists stormed the Civil Secretariat in Lahore after the gates were shut on them despite an assurance that a delegation of ten could go in to meet the Inspector General Police and Home Secretary. The police attacked them with batons. Later labour leaders Farooq Tariq and Rubina Jamil and the human rights lawyers Hina Jilani and Asma Jahangir were allowed to meet the Home Secretary and the Inspector General of Police, who assured them that the culprits would be arrested and not allowed to flee the country (ibid: 6).

On 8 April the members of the Peshawar Chamber of Commerce, of which the victim's father was the chairman, and local ulama publicly stated that the honour killing was in accordance with religious and tribal traditions. They accused human rights lawyers Asma Jahangir and her sister Hina Jilani, in whose offices the murder took place, of misguiding women. The ulama issued a fatwa (religious edict) declaring them kafirs (non-believers), calling on believers to kill the two sisters (Ibid 6-7).

Several human rights and women's rights NGOs issued strong condemnations of the murder and the statement of the ulama. The NGOs also also deplored the fact that, despite assurances given to human rights activists by the Punjab Home Secretary and the Lahore DIG (deputy inspector general of police), none of the accused were arrested. Immediately email messages were despatched all over the world urging people and organisations to send emails, faxes, telegrams and other communications to the prime minister, chief minister of Punjab and other members of the government and demand, among other things, the following:

- To provide immediate and full protection to Asma Jahangir, Hina Jilani, Shahtaj Qizilbash and other activists.
- b. Senior officers, who could resist pressure from Samia Sarwar's father and other family members, should investigate the murder case.
- Action should be taken immediately against all those inciting violence against Asma Jahangir, Hina Jilani and other activists (Ibid: 9-10)

Such demands provoked an angry reaction from the government. On 14 May, Binyamin Rizvi reiterated his threat to penalized NGOs such as Shirkat Gah and HRCP. He accused them of 'spreading vulgarity and obscenity in the name of human rights' (http://www.mnet.fr/aiindex/edge.html: 6). Moreover Shirkat Gah was accused of embezzling 80 million rupees of World Bank money. On 20 May a World Bank spokesperson termed the news item baseless, saying that Shirkat Gah had not received any funding from the Bank (Ibid: 7).

Thereafter followed an intensive campaign in the breakfast programme on the state-controlled TV against Asma Jahangir, Chairperson of HRCP and the organisation itself (Ibid). The conflict continued until the fall of the government in October.

Norm assisters: statement issued by Amnesty International

On 15 April the international secretariat of Amnesty International issued a statement on the murder of Samia Sarwar. It observed:

Amnesty International is appalled that over a week after a woman seeking divorce was shot dead in her lawyer's office, none of the

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accused has been arrested. Instead, the lawyers who were defending the victim and other women have been left fearing for their lives...Most honour killings go virtually unpunished as the police and judiciary usually side with the offenders...The government cannot hide behind the excuse of cultural norms and traditional practices violating women's rights, as under international commitments Pakistan has made, for example when it ratified the United Nations Convention on the Elimination of All Forms of Discrimination against Women, it must seek to change such practices (*The Murder of Samia Sarwar:* http://saxakali.com/southasia/honor.htm: 6-8).

Despite international and domestic demands that the accused should be tried in a court of law, only nominal action has been undertaken and the accused persons have not been tried in a court of law.

Issues of religious minorities

Norm sender: the UN

The UN Special Rapporteur Abudlfattah Amor visited Pakistan during 12-22 June 1995 primarily with a view to persuading Pakistan to implement the Declaration on the Elimination of all forms of Intolerance and of Discrimination based on Religion or Belief adopted by the General Assembly in 1981 (http://www.unhchr.ch/html/menu3/b/d_intole.htm). During that period, he went to the major cities and met various federal and provincial ministers. He also interviewed members of the Council for Islamic Ideology, the Supreme Court, and religious and political leaders of religious minorities, independent personalities and representatives of NGOs, including the various human rights organisations (Report on Elimination of All Forms of Intolerance 1996, http://www.unhcr.ch/refworld/un/chr/chr96/country/95-add1.htm: 1).

The report points out that whereas the constitution of Pakistan was based mainly on universalism and tolerance in conformity with global standards, several laws present in the legal system negated that spirit and institutionalized discrimination of non-Muslims. Details of how such discrimination occurs are given. The report urges the state of Pakistan to remove such contradictions and implement the declaration on the elimination of intolerance and discrimination based on religion or belief (Ibid: 13-15).

Norm receiver-cum-resister, norm supporters, norm opposers and norm objects: the persecution of non-Muslims in Pakistan

Although discrimination against non-Muslims began to creep into the constitutional system quite early, it was not until the adoption of the blasphemy law in 1986 that harassment and persecution of non-Muslims became institutionalized. It reads as follows:

Use of derogatory remarks etc. in respect of the Holy Prophet: Whether by words, either spoken or written, or by visible representations, or by any imputation, innuendo or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet (peace be upon him) shall be punishable with death, or imprisonment for life, and shall be liable to fine (Talbot 2000: 282).

The blasphemy law had been applied mainly against Christians and Ahmadis, and lower courts have sentenced some to death. In October 1997 retired Lahore High Court judge Arif Iqbal Bhatti was shot down by unidentified assailants. In its annual report of 1998 Amnesty International observed: 'His death was believed to be linked to his role in the acquittal in 1995 of Salamat Masih and Rehman Masih (Christians, author's note) who had been sentenced to death for blasphemy (by a lower court, author's note). (AI Report 1998,

http://www.amnesty.org/ailib/aireport/ar98/asa33.htm: 4). During 1998, 106 cases were registered under various religious laws against the Ahmadis (or Ahmadiyya, the sect declared non-Muslim in 1974, despite their claims to be Muslims). The editors, printers and publishers of Ahmadi publications faced 191 similar charges. At least five Ahmadis were murdered just for being Ahmadis. A Hindu, Chetan Das, complained that his daughter had been abducted and forcibly married to a Muslim. The police took no action. A Christian, Ayub Masih, was sentenced to death by a session's court on the charge that he had blasphemed. On 6 May 1998 Bishop John Joseph burnt himself to death to draw attention to the victimisation of Christians under the Blasphemy law. Cases were also reported of forcible occupation of church land, the dismantling of a Christian locality and an explosion inside a historic church (State of Human Rights in 1998: 7-8).

There were demonstrations immediately in many parts of Pakistan. Human Rights organisations and Christian organisations led the campaign. In Lahore the police viciously attacked the protesters. As a result many were hospitalized and hundreds arrested.

Issues of the working people

Norm sender

In the 1998 Annual Report of the United Nations Resident Coordinator in Pakistan (1998 Report of UN Resident Coordinator

http://www.un.org.pk/rc98.htm), the problems of poverty are mentioned, the UN's commitment to development is emphasised and the economic exploitation of women and children are commented upon (p. 13), but there is no general criticism of the fundamental iniquities present in the economy. The annual reports of 1997, 1998 and 1999 reflect that Amnesty International was monitoring civil and political rights in Pakistan, but the reports also focus on the rights of women and non-Muslims (AI Report 1997, 98, 99 Pakistan,

http://www.amnesty.org/alib/aireport/ar 97,98, 99/asa33.htm). Consequently a global civil society actor or a major Western state, which can take up the violations of the social and economic rights of the working people, does not exist, although the ILO does keep demanding from Pakistan greater adherence to international standards, which it has accepted as a member since 1948.

Norm receiver and resister, norm supporters, norm opposers and norm objects

In the sphere of social and economic rights, the state has not been pressured from external actors. Rather, the Sharif government became strongly supportive of globalisation (Ali, T. 2000). The HRCP has been consistently reporting massive violations of the rights of the working people in its annual reports. In the *State of Human Rights in 1998*, HRCP reports that some twenty persons were forced into unemployment every hour of the day. This category included all types of employees. Wages were not paid in time, the suicide rate among the unemployed was rising, trade unions had been rendered virtually ineffective, and bonded labour was still practised despite the official ban on it (p. 238-47). The HRCP Report claims that, 'The labour in this country has its back to the wall. As the economic malaise deepened, the more widespread concern was that of sustainability and survival at the current level rather than of improvement (p. 238).'

Regarding child labour, it was estimated that between the ages of 5-15 some 20 million children (out of an estimated total Pakistani population of 140 million) were compelled to work for much of their active hours. Thousands of them were kidnapped every year, sold as slaves to work as bonded labour and made to beg for a living (p. 226-7). A Shirkat Gah awareness-raising report from 1996, 'How 'they' run the world: The Global Economy or, Why We are Poverty-Stricken' prepared by Najma Sadeque (with funding from the Heinrich Boll Foundation), an attempt is made to present in simple words an appraisal of the global economy. It criticises the Structural Adjustment Programme (SAP) for opening the way to the multinationals to exploit the resources and cheap labour of the developing world.

Conclusion

It is not difficult to conclude that globalisation seeks to impose a common set of norms, standards and practices on all cultures and societies. In case there is more than one globalisation project going on at the same time, tension and conflict inevitably occurs between them. In Pakistan, radical human rights activists oppose the neoliberal type of globalisation. They support instead the movement for the globalisation of UN-based human rights. The Islamists, on the other hand, oppose primarily the UN-based rights of women and non-Muslims gaining legal recognition in Pakistan, and strive to have the counterpoint Islamist globalisation gain influence and hegemony. The state, while subordinating itself to the neoliberal agenda, usually sides with the Islamists on the question of human rights.

As regards the puzzle whether the global human rights movement is a counterpoint or a complementary movement to capitalism, one can say that it is complementary to a type of reformed capitalism, sustained by a welfare state. The UDHR does not prescribe a hierarchy between different types of rights, and the popular worldwide human rights movement continues to reject the idea that only civil and political rights constitute true human rights.

One can conclude that the human rights NGOs in Pakistan are defenders of reformed capitalism. They are, however, pitted against, on the one hand, a global neoliberal offensive and, on the other, virulent forms of Islamic extremism. Therefore at the present stage of history, the input of human rights NGOs is necessary for the promotion of a humane civil society based on a civil code of law and order in opposition to the exploitative and obscurantist tendencies prevailing at the level of state and wider society. The challenge is whether global capitalism and Islamic extremism will win out over the establishment of reformed capitalism, genuine democracy and a welfare state in Pakistan. At present, it seems that the juggernaut of global capitalism and Islamist nihilism will take its toll before a democratic welfare state can ever come into being.

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Nadeem Omar Tarrar, Lecturer, National College of Arts, Lahore Iqbal Haider Butt, Journalists Research Centre, Lahore Dr Mohammad Tanveer, Journalists Research Centre, Lahore Zubair Faisal Abbasi, SDPI Aziz Ahmed Khan, Agha Khan Foundation Faisal Ahmed Gilani Zaman Khan, NGO activist Bilal Ahmed, NGO activist Ataullah, NGO activist Tariq Latif, labour leader.

Faith and Politics among Sikh Pioneers in Canada

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Sikh pioneers in Canada were part of an immigrant labour force recruited in the early years of the twentieth century. Their experiences closely resembled those of other immigrant workers, from whom they were otherwise separated by language, race and culture. Like other immigrant workers, they organized themselves for mutual support, and political objectives. Like other immigrant workers they were politicized during their early years in Canada, with two main thrusts to their activities – a struggle for immigration and citizenship rights in Canada and the promotion of a nationalist ideology antagonistic to the prevailing (imperial) regime in their homeland. The politicization of Sikh immigrants was also connected to a Sikh revival. The conditions of working life in Canada supported both developments. There was a cycle that immigrant communities tended to pass through - from more intense political and religious activity to less. External factors - the outbreak of a world war in 1914 – probably accelerated this cycle. Within the space of two decades pioneer Sikhs had largely completed it. In some respects, the cycle has been repeated by the generation of Sikh immigrants who arrived in the 1960s and 1970s. This paper, however, concerns only the experiences of the first immigrants.

From a Punjabi Sikh perspective, Canada has been a place of religious and political extremes, a frontier of the Punjabi world where militants and pragmatists have shared space uneasily. In recent years, the central issue has been the demand for an independent Sikh state of Khalistan. Among the pioneering Sikh immigrants who came to Canada nearly a century ago, the issue was Indian self-government. In either case, tensions rooted in the homeland have found energetic and, at times violent, expression in the diaspora community. In the expression of tensions there has been a cycle that has moved initially in the direction of militancy and then towards moderation. We have witnessed this cycle twice, but it is with the first manifestation that this paper is concerned.

For about a century, Punjabi Sikhs have lived and worked in Canada. Most of the pioneers arrived within a three or four-year period before 1908; after that, for nearly six decades, Canada allowed very little legal immigration from India. Only in the 1960s did the Canadian immigration barrier come down enough to make a

sizable migration possible again. Until the 1960s, the Canadian Sikh population was minuscule (approximately 6,000 in 1961); and even now it is only a small fraction (1.4%) of the world-wide Sikh population. From the time of the first pioneers, however, the Canadian connection has been important to villagers in Punjab, particularly in the Hoshiarpur, Jullundur, Ferozepur and Ludhiana Districts. This connection has seen a transfer of population to Canada, but it has also seen an exchange of ideas and experiences, facilitated by Canadian Sikhs returning to Punjab to visit or to stay.

In the course of the past century, the social, economic, and international framework within which Punjabis have moved between India and Canada has radically changed. The demands of the Canadian economy, the skills and education possessed by Punjabi immigrants and the general information universe are now very different. The ways in which Sikhs view themselves, and the ways in which they are viewed have also shifted, sometimes dramatically, over the years. Continuities remain and patterns repeat, but time has placed a great distance between the world of the pioneers and that of the Canadian community they spawned. In discussing Canada as a frontier of the Sikh world - whether a place of cultural decline or renewal - one must make distinctions between the pioneer experience and the contemporary one.

In the early twentieth century, Sikhs were participants in a global movement of workers to industrial sites in North America. The developing Canadian pacific coast province of British Columbia was one of this era's importers of labour needed for expanding lumber and mining industries, road and railway building, housing construction and some seasonal farm work. While skilled and managerial positions were readily filled by Canadians or British and American immigrants, much of the unskilled labour came from northern, southern and eastern Europe and from Asia. Chinese and Japanese made up a large part of this work force, followed by Italians, Swedes, Ukrainians and Finns.² The two or three thousand Sikhs employed in British Columbia before the First World War were a small element, but, for political and racial reasons, they attracted as much attention as any group.

The railway, lumbering and construction jobs available to these immigrant workers were found in many isolated locations across British Columbia's rough terrain. The migrants prepared to travel half-way around the world in search of wages were mostly young men, and the worker communities that these people formed were highly transient. Men came to work and save money and neither sought nor found much encouragement to stay. They planned to return home within a few years and a large percentage did. The pattern was common across ethnic and racial divides, although there were differences of degree. When men had their wives and families with them they were more likely to stay; but the married men with families were generally those with better paying skilled and managerial jobs or entrepreneurial opportunities. The Chinese and the Sikhs had little access to the

better jobs; and it is not surprising that they had few women in their midst. (In 1911, the Canadian Census counted only three women and 2,289 men among the Sikh and other Indian immigrants in British Columbia.)³

The early Sikh community in Canada should be understood not simply as a Punjabi outpost, but as a worker community. It could not resemble Punjabi village society, especially in the absence of women, children and older men. If one overlooked physical and cultural distinctions, Punjabis in Canada strongly resembled other immigrant labourers. Their hardships, challenges, goals and aspirations were much the same, although they rarely had the opportunity to compare experiences with other immigrant workers. In mining camps, in saw mills and shingle mills and on railway gangs, workers were organized on ethnic lines. The reasons were practical: so that a boss could communicate with a gang through a single interpreter and so that men who ate the same food and spoke the same language could cook together, and bunk together. Dictating these arrangements was the structure of the labour market, which recruited workers through ethnic agencies - creating competition for jobs among ethnic groups. As a consequence, workers of various origins lived segregated existences while sharing much the same situation. The differences among them were obvious, but the similarities were real.

Not only was British Columbia's international labouring population mostly male and mostly between the ages of eighteen and thirty, it was drawn from specific rural areas. Kinship and village ties were important elements of the recruiting networks that funneled labour into British Columbia. These networks, which also involved labour contractors, railway and steamship agencies and hostel keepers, connected job sites in British Columbia to precise localities in Europe and Asia. In a general sense, the Indians were from Punjab, the Chinese from Canton, the Japanese from a few southern prefectures in Kyushu and Honshu, the Italians from Molise. Campania and Calabria; and the Ukrainians from Galicia and Bukovina. More exactly, they were from particular villages, village clusters, communes or clans in these areas.⁵ The Punjabis who came to Canada after 1904 were recruited through Canadian Pacific Railway agents in Hong Kong,⁶ but also through a few men who reached British Columbia in advance of the main cohort. For example, in 1907, many of the immigrants from the Malwa area came at the encouragement of a Dr. K. Davichand, an educated Hindu Brahman who had secured contracts to supply labour to several saw mills in the Vancouver area. He had written and sent tickets to men in Riakot, Ludhiana, and other villages where he had relatives or was known.

As a rule, potential emigrants - whether from Molise, Canton, or Punjab - belonged to the small landholder or renter class. Few were from the landlord or artisan classes. For a great many emigrants, the main objective in going abroad was to accumulate money to acquire more land in their villages, or pay off mortgages, build large brick houses or pay for dowries. When Molisani, Punjabi or Cantonese villagers set off on a North American adventure, they were frequently

more awarc of the rewards ahead than the hardships. The wages they were paid and the conditions they encountered generally did not allow them to live very well – certainly not if they were intent on saving. What made the experience worthwhile were currency differentials. Money earned in Canada multiplied in value when taken home. Because they had come to North America to make money and did not intend to stay, immigrant labourers accepted privation more readily than they accepted low wages. When their wages were inadequate, their first answer was not to organize and strike, but to move on to another job. It required a change in perspective for them to see their situation in more permanent terms and to seek to make changes in the conditions they faced.

Working overseas in a place like British Columbia could be a powerful educational experience for a young man from a rural background who had spent most his life within a small radius of his village. Neither the Canadian government nor Canadian society offered much help beyond the chance to find employment. Workers organized themselves and the direction that they took was radical. Finnish and Ukrainian workers established reading rooms, socialist clubs and benevolent societies. The Chinese, with a longer history in British Columbia and a larger population, had a complex of locality, clan, benevolent and political associations. In all of these ethnic groups, political discussion centred on revolutionary solutions to national issues in the homeland. Immigrant workers who were isolated from mainstream Canadian society made ready audiences for compatriot activists. In work camps in British Columbia, young men became nationalists, republicans and socialists, enlarging the boundaries of their identities beyond village, clan and family. A few years in British Columbia were not enough to make an immigrant from Austrian-ruled Galicia into a Canadian, but they could turn him into a Ukrainian. The Sikhs fit this pattern.

When Punjabi Sikhs organized in British Columbia, they formed gurdwara societies and built gurdwaras. These gurdwaras were places of worship, political forums, meeting places, and shelters; and their construction and management were entirely in the hands of lay volunteers. Their priests or granthis were also mill workers. The gurdwaras encompassed the community, bringing together individuals from different districts, clans and castes. Given the small size of the pioneer Sikh population, the gurdwara had to serve multiple purposes. As the main organization, it assumed the political and mutual aid functions that other immigrant communities gave to secular associations. The Sikhs were distinctive in making the construction of places of worship their central community effort. At the same time, through their gurdwaras they provided services and activities that other groups found elsewhere.

The Presbyterian Church of Canada did attempt a mission to the Sikhs of British Columbia, but with minimal success. At the request of the church's Foreign Mission Committee a missionary on furlough from India spent several months in Vancouver

in 1907. His work continued through the efforts of the Hindi-speaking minister of Chalmers Presbyterian Church in Vancouver, John Knox Wright, who had learned Hindi and Urdu more than twenty years earlier in Trinidad. Wright pleaded for a full-time Punjabi-speaking missionary. 'God has sent 2000 East Indians here. Will not the Church meet this movement by sending thus far one man?' He met some opposition from fellow ministers who, like their congregations, saw Asian immigration as an invasion that threatened the social and cultural character of the province. Only in 1913 and 1914 did the Presbyterian Church's Home Mission Committee appoint two retired missionaries to Vancouver and Victoria. One of them continued the work for about four years and the other for more than a decade, and, while they were able to attract some Punjabis to their services, they were slow to get converts.

The Sikhs themselves looked after their own religious and community needs far more effectively than any Christian missionary committee could. By October 1907, about fifteen months after the main influx of immigrants had begun, a building committee had raised funds and signed a contract for the construction of a gurdwara at 1866 Second Avenue in Vancouver.\(^{11}\) Although, by this point, about 5,000 Punjabis had entered Canada, the number remaining in Vancouver was a fraction of this total. About half had immediately crossed the border into the United States and many others had gone into the interior of British Columbia or crossed over to Vancouver Island. Hundreds had received a grim introduction to Canada when they first landed, spending days and nights in the open, on the streets or in city parks, before finding jobs or moving on. Despite these challenges they commenced construction of a building that was completed by early January 1908 at a cost of \$6,000, or approximately two days of wages for every man in the country. It was fully paid for by the time it opened. The Presbyterian minister, John Knox Wright, was impressed. 'It looks as those these people intended to stay, does it not.'

The Sikhs who built and managed the Second Avenue gurdwara had formed a society for this purpose in 1907. They called it the Khalsa Diwan Society. When they registered it under the provincial societies act in March 1909, it became the first registered gurdwara society in Canada and it still is one of the principal ones. Until the gurdwara was complete, Vancouver Sikhs rented a building which they used as a hostel and a make-shift gurdwara for weekly congregations. It would have been impossible to replicate the rhythm, pattern and character of religious practice in Punjabi villages. There are several reasons: they were working on many sites in Vancouver and in outlying areas; their days were long; and the only religious leadership they had emerged from their own ranks. Until one of the immigrants, Arjan Singh of the village of Malak in the Ludhiana district brought a full-sized Guru Granth Sahib to Canada for the opening of the gurdwara, they had no holy book. For their services they had previously used a small book of five psalms from the Guru Granth Sahib.

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The seven men who made up the committee that built the Second Avenue gurdwara came from seven villages located in four different districts in Punjab. 13 They were from Hoshiarpur, Jullundur, Ferozepur, and Ludhiana, in other words, from the Doaba region north of the Sutlej River and the Malwa region to the south. Most of the immigrants were members of the Jat farming caste, but there were a few members of Manhas Rajput farmers from the Hoshiarpur districts, as well as a few Tarkhans (carpenters) and a very few Julahas (weavers) and other caste groups. 14 The immigrant community also included Punjabi Hindus and Muslims from the same districts as the Sikhs. The gurdwara became a meeting place for all of these men; and the committee was a representative one, able to appeal for contributions across district and regional boundaries.

In its design and structure, the gurdwara was a practical adaptation to local circumstances. It was a two-story frame construction with a peaked roof. The temple area was on the second floor along with a room to which the Guru Granth Sahib could be retired each night. It was richly carpeted and draped with lace curtains. The kitchen and dining and hostel areas were on the ground floor. One reached the second floor by a set of broad steps to a balcony across the front. Before choosing a design, the committee had looked at pictures of the Hong Kong gurdwara which most of them knew because they had stopped in Hong Kong on the way to Canada. 15 The Hong Kong Gurdwara was also a two-story building with a second floor balcony and accommodation and kitchen facilities on the ground floor. appears to have influenced the Vancouver committee. Nonetheless, in its materials and construction the Second Avenue gurdwara was very much a Vancouver building. The committee did consider putting it up with volunteer labour, using the expertise of the carpenters among them, but decided instead to employ a Canadian architect and a Canadian contractor who knew the local building methods. 16 Designs varied in gurdwaras built in Abbotsford in 1911, Victoria in 1912, New Westminster and Paldi in 1919; and Hillcrest in 1934. Thowever, a common Canadian style could be seen in all.

The most important mission to the Sikhs was conducted by Sikhs. In its early years in British Columbia, Sikhism experienced a revival which should be seen within the general context of the Sikh revival in Punjab dating back to the 1870s. Although Sikhs had been growing increasingly conscious of boundaries between their faith and Hinduism, the definition of these boundaries was still a matter of debate. Kahan Singh's *Ham Hindus Nahin* ('We Are Not Hindus') published in 1897, was a forceful statement made necessary by the fact that it was disputed. Moreover, the understanding that Sikhs were not Hindus, and that to be a true Sikh one had to adopt the Khalsa form - with turban and uncut hair - was best articulated among the Sikh urban elite. In the villages, definitions were commonly less sharp. In a foreign setting, however, young men from rural villages were ready candidates for a religious education that emphasized the Khalsa form.

When they arrived in Canada, many of the pioneers, while bearded and turbaned, were not practicing Sikhs or did not follow the complete Khalsa discipline; others were sahajdharis or clean shaven; and a good number were Hindus. In the manifests of the Canadian Pacific steamships that brought these men to Victoria and Vancouver, it is striking how many gave their names without the Singh that would have indicated that they were Khalsa Sikhs. Warayam Singh of the village of Nathoke in the Ferozepur District was a spiritually directed individual who naturally assumed a leadership role among these immigrant labourers. He was the man who had brought with him the small book of hymns that were used for services in the evenings before there was a gurdwara. He also had a small instrument, a dhoki that every Sunday he wore around his neck, while singing Sikh hymns on the streets of Vancouver. He was a religious man, but not a Khalsa Sikh until June, 1908, when he was initiated by Teja Singh at an amrit ceremony in the Vancouver gurdwara.

Warayam Singh was a key member of the committee that built the gurdwara. Also initiated in June 1908 were two army veterans, Bhag Singh, of the village of Nathoke, Ferozepur, and Balwant Singh, of Khurdpur, Jullundur. These two were leaders on the gurdwara committee up to their premature and violent deaths a number of years later (in 1914, Bhag Singh was shot in the Second Avenue gurdwara by an immigration informant and in 1917 Balwant Singh was executed by the British in Lahore). The one individual around whom the Sikh revival centred was Teja Singh (later Sant Teja Singh), who had come to New York from Britain in the summer of 1908. Teja Singh was a Khatri Sikh with an LLB from Government College, Lahore, which he had earned in 1901. After graduation, he had been an assistant superintendent in the Northern India Salt Revenue Service; and this experience had made him a strong critic of the British regime. Teja Singh went to Britain to study at Cambridge in 1906 and to New York to study at Columbia in 1908. Shortly after he began his studies at Columbia, he gained some attention in the press and Balwant Singh wrote to ask him to come to Vancouver. The first visit took place in the summer of 1908; the second began in early November and Teja Singh continued to visit until March of 1913, when he returned to India. In the meantime he completed an A.M. degree at Harvard.²²

By his own account, Teja Singh did not have a religious upbringing, and, until his early twenties, was not a practicing Sikh. His profound religious commitment began while he was vice-principal of Khalsa College, Amritsar, around 1904. At that time he became a disciple of Sant Attar Singh, one of the most esteemed spiritual guides of Punjab. Sant Attar Singh himself had grown up in the sahajdhari tradition, and had been initiated as a Khalsa Sikh only after enlisting in a Sikh regiment as a young man. Teja's Singh's attachment to Sant Attar Singh carried with it an unshakable adherence to the Khalsa form. In North America, Teja Singh became a religious teacher for Sikhs and non-Sikhs, for whites as well as Indians.

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A Vedantist group of about 100 whites in New York drew him into their circle as a spiritual teacher soon after he arrived there. He also quickly developed a small following in Vancouver and Victoria, where he was invited to deliver talks to theosophical groups meeting in private homes and also to deliver public lectures. In organizing events and projects and in publishing and distributing pamphlets on Sikhism for English speaking audiences, he was assisted by a New York mining promoter, the wife of a Victoria property dealer, a Vancouver doctor and others. 25

Teja Singh combined an ecumenical spirit with a commitment to the Khalsa discipline. He carried his mission to Hindu, Sikh and Muslim immigrant workers on the Pacific coast, speaking against their use of alcohol and tobacco (which he had witnessed) and on broader moral issues, while welcoming those who accepted initiation into the Khalsa discipline. During his second visit he conducted a great tour, beginning in Vancouver and Victoria and proceeding to Seattle, Portland and California, securing new Khalsa Sikhs at each stop. This work continued vigorously in British Columbia through the efforts of Bhag Singh and Balwant Singh, two forceful personalities. Sikhs were not alone in becoming Khalsa, but were joined by Hindus and even some Muslims. By all accounts, Sikhs made up a large majority of the original immigrants - perhaps 80 percent. In the first few years, this was a growing majority, with Khalsa Sikhs in the forefront. By 1914, Khalsa Sikhs in Vancouver were both ready and able to exclude sahajdharis from the gurdwara management committee.

From the beginning, the gurdwara functioned as a political forum as well as a place of worship. Its leaders were political activists as well as evangelists; and when they asked Teja Singh to come to Vancouver, their purpose was equally political and religious. Their most immediate concern was to defend the rights of their people to stay in Canada. By coincidence, the Second Avenue Gurdwara had first opened only eleven days after the Canadian government had introduced a regulation to stop immigration from India.²⁸ This was the notorious continuous passage regulation that gave immigration officers the power to refuse entry to immigrants who did not come to Canada on a single ticket booked from an Indian port. The regulation was ruled invalid in March 1908 when challenged in court, but authorized again under an amended immigration act passed by the Canadian parliament in April. Its impact was reinforced by an additional regulation, issued in June 1908, requiring immigrants from India to be in possession of \$200 when they landed. (The earlier requirement had been \$25.) In taking this action, the Canadian government responded to pressure from organized labour in British Columbia and from many other sectors of the population. A recession in 1907 had intensified this pressure, and a race riot in September 1907 finally moved the government to act. Although the riot had taken place in Vancouver's Chinatown, it had been provoked by the arrival of a CPR Steamship with 900 immigrants from India.²⁹ The continuous passage regulation was a direct consequence.

In 1908, the situation of Punjabis in Canada was extremely insecure. They were battling, unsuccessfully, to keep the immigration gate open for their relatives and countrymen; and they were trying to avert deportation themselves. Opponents of Asian immigration had three arguments to make. The first was that immigrants were taking jobs away from Canadians. The second was that Asian immigration would change the character of the country. The third was that Asians, and particularly immigrants from India, could not adjust to Canadian conditions and that for their own sake, and to keep them off relief rolls, they should be denied entry.30 The sight of large numbers of men, unemployed and without proper shelter, gave impetus to the last of these arguments. It led officials to consider means of relocating those already in the country. The result was the Honduras scheme. British colonies in the West Indies regularly recruited labourers from India under three-year contracts. These labourers generally came from areas closer to the port of Calcutta than Punjab, particularly from the United Provinces. The Canadian government proposed that, instead of sending a ship to Calcutta, the government of Honduras should send one to Vancouver to recruit Punjabis.³¹ Canadian officials coupled this proposal with a threat to deport any indigent Indians remaining in Canada.32

The whole community - Hindu, Sikh, and Muslim - stood together in mounting a response, with the Second Avenue gurdwara their meeting place. The leadership did accept a Canadian government offer to take two delegates to Honduras to investigate conditions there and to report back. The delegates were chosen and they traveled to Honduras with a representative of the Department of the Interior, J.B. Harkin, private secretary to the Minister, as well as an interpreter, W.C. Hopkinson, (a former a Calcutta policeman who soon after became a Canadian immigration officer and who was shot and killed in 1914 by the Sikh martyr, Mewa Singh). The findings of the delegates were inevitably negative. Contract labourers in Honduras received a shilling a day. Free labourers in British Columbia could earn four or five times as much.³³ Moreover, the conditions of contract or indentured labour were unacceptable to men from landowning families in Punjab who had paid their own way to North America and who expected to move freely from job to job. The return of these delegates to British Columbia created a great stir among their compatriots. At this point, Teja Singh came back to Vancouver from New York. In a direct and dramatic confrontation with Harkin at the Second Avenue gurdwara, he signaled his opposition, and that of his people, to the Honduras scheme. There the matter died.

Deportation remained a threat through the winter of 1908-09. In December 1908, Teja Singh estimated that 70 percent of the men were employed³⁴. The challenge that he assumed, along with other community leaders, was protecting the rest. When the Governor of Honduras, Colonel Eric J.E. Swayne, a former Indian army intelligence branch officer, personally investigated the situation in Vancouver in December 1908, he was struck by the way in which all the elements of the India

immigrant community had coalesced in Canada, something that he believed could not have happened in India.³⁵ While most of the immigrants were labourers, some were labour contractors and shopkeepers and a few (mostly Bengalis) were students. Men of different castes and faiths from Punjab and Bengal combined to create a fund and an employment bureau to assist the unemployed men. They also raised some capital for an investment vehicle, The Guru Nanak Mining and Trust Company, which they hoped would create jobs for some men.³⁶ When immigration officials proceeded with vagrancy charges against any of the immigrants, Teja Singh would appear with money to negate the charges.³⁷ By the following summer, with an improving provincial economy, only about five percent of the men were still out of work. By this point, the danger of wholesale deportations was gone.

Once they had achieved a degree of security for their people, the leadership began agitating for immigration and citizenship rights. Again, although Teja Singh and the gurdwara leadership were in the forefront, they had the close cooperation of Hindu activists organized as the United India League. Of the Hindus, the most prominent was Taraknath Das, a Bengali student at the University of Washington in Seattle who had worked as an interpreter in the Vancouver office of the US immigration service in 1907. Several members of the community, Hindu and Sikh, petitioned without success for the right to vote, which British Columbia legislation denied to all Asians. The leadership, however, concentrated its efforts on the immigration issue, beginning with resolutions, petitions and deputations, and proceeding to direct challenges. They sought repeal of all discriminatory regulations blocking Indian immigration, but they emphasized the admission of women. Canadian officials assumed that Teja Singh and his supporters were directing attention to women for strategic reasons as the issue most likely to get a sympathetic response from Canadians. Section 1998.

A deputation of four met the Minister of the Interior in Ottawa late in November 1911. This deputation, which included Teja Singh and two other Sikhs as well as L.W. Hall, a Presbyterian minister from Victoria, prompted the Minister to send an immigration department official to Vancouver and Victoria to investigate. ⁴⁰ In the meantime, two leading members of the gurdwara society, Balwant Singh and Bhag Singh, arrived in Vancouver with their wives and children. They had gone back to Punjab to get their families as part of a coordinated campaign to bring the immigration issue to a head, and their journey back from the orient had been well publicized among their compatriots in North America. Unfortunately, all they were able to achieve was the admission of their own families as a special concession, without any change in Canadian regulations as applied to other Indian immigrants. ⁴¹ A second deputation, named at a meeting in the Vancouver gurdwara in the summer of 1912, left the following spring to put the case to the British Colonial Secretary in London. This was a particularly fruitless mission because the British neither had jurisdiction over Canadian domestic policy (which included immigration matters)

nor were they inclined to exert pressure on the Canadians. The delegates, led by Balwant Singh, went on to India where they secured an interview with the Governor of Punjab, Sir. Michael O'Dwyer. They found no friend in him either. Nonetheless, agitating in India ultimately proved the most effective way to get action. It was pressure from the government of India that eventually, in 1918, persuaded the Canadian government to soften its stance and to admit wives and children of men already in Canada. 42

Challenges and hardships in Canada, isolation from Canadian society, and the ferment generated by a strange life far from home, all had a transforming effect on young men. As a result, as we have seen, Sikh immigrants experienced a religious awakening, and Hindu, Sikh and Muslim immigrants found common ground. Most dramatically, these immigrants developed a sense of national identity. From early on, there were agitators among them. Taraknath Das, who had been involved as a student in the 1905 disturbances in Bengal, openly criticized British rule in India from the moment he arrived on the Pacific Coast in the summer of 1906. He was joined by a growing cadre of Bengali and Punjabi students enrolled in schools and colleges in Washington, Oregon, California and British Columbia.⁴³ Teja Singh added an articulate anti-British voice from a strongly Sikh perspective. In North America, these men enjoyed a freedom of speech and an access to their rural countrymen that they would not have had in India. Finally, events in Punjab added fuel to this mixture. In 1907, by dramatically raising land taxes and by introducing miscalculated land legislation, the British administration provoked protests and demonstrations across rural Punjab. 44 The disaffection spread directly to Punjabi units in the Indian army, and it was carried overseas by immigrants.

Many of the immigrants were army veterans who had served in India and abroad. These men were in the vanguard of the immigration: the adventurers who discovered North American and who encouraged others to follow. In Canada, they began to reassess their army service, and, although they did not all reach the same conclusions, those who emerged as community leaders all became militant opponents of British rule. Within three years of their arrival, these leaders were making a public display of their anti-British feelings. On October, 1909, the executive committee of the Vancouver gurdwara, banned the wearing of military insignia, medals or uniforms by executive members.45 To dramatize this action, Bhag Singh, the secretary of the temple society, burned his honourable discharge, turning his back on five years in the Indian army cavalry, as well as several years in the police in Hong Kong and Shanghai. Service under the British, he declared, was the service of slavery. His position received mixed support from other veterans. In September 1912, when the Canadian Governor General visited Vancouver, officials invited Sikh veterans to take part in a military review. Bhag Singh and the executive rejected the invitation, but many Sikhs paraded in uniform.

The influence of the Canadian immigration department and its officials ensured

some opposition in the community to leaders like Bhag Singh. From 1909, the immigration department employed W.C. Hopkinson, the Hindi-speaking, mixed race, former Calcutta policeman who had accompanied the Honduras delegation in 1908. Hopkinson maintained a string of informers and they and their friends constituted a small but potent faction within the Punjabi immigrant community. 47 The emergence of the informers and the militants as hostile factions took place by degrees. By 1913 the enmity between factions was intense and personal. In the middle were the majority of the immigrants who had come to Canada for work and who put that purpose first.48 They were being politicized, however, by the prejudice they faced in Canada, the immigration regulations that stopped their relatives from joining them, and by the persuasive case made by the gurdwara leadership and by student activists like Taraknath Das. They were, moreover, receiving a lesson in political realities from the Canadian government, which was employing Hopkinson primarily to report on subversive activities. The Canadian government was sending Hopkinson's reports through London to the Indian government in Delhi. When Indian police made inquiries in villages in Punjab, immigrants in Canada began to realize that they were under an unfriendly scrutiny.

Nationalism bridged religious, regional and class identities - linking Sikh millworkers and Bengali students. In British Columbia, nonetheless, the Sikh gurdwara and its leaders were at the centre of all activity. The political ideas that these leaders were absorbing came from outside the local immigrant community from Teja Singh and Taraknath Das and other student activists on the Pacific Coast, from agitators in Punjab, and from Canadian sympathizers. In 1912, Sikhs in Vancouver established a connection with the Socialist Party of Canada, a Marxist organization later superseded by the Communist Party of Canada. Their intermediary was Husain Rahim, a Gujerati merchant whose caste and locality origins identify him as an Ismaili Muslim. 49 Rahim had come to Vancouver in 1910 from Japan, where he had spent 15 years. He was active in the Socialist Party of Canada between 1912 and 1914, and he encouraged Balwant Singh. Bhag Singh and other members of the temple executive to join himself in forming a party local⁵⁰. By the end of 1913, however, they were caught up in the Ghadar agitation emanating out of California. Ghadar party propaganda, generated by Har Dyal and his associate in San Francisco, appealed powerfully to Sikh militants in Vancouver.

As Harish Puri and other students of the Ghadar movement have explained, there is no single story of the origins of the Ghadar movement. Did the initiative lie with the charismatic Har Dayal, who had been in California since the spring of 1911 and who knew personally the leading Indian revolutionaries in Europe? Or did the initiative lie with prominent Sikhs in Oregon and California who wanted action and who were seeking leadership? The answer depends on the sources. What can be said is that in the spring and summer of 1913 Har Dyal joined Sikh leaders in mobilizing Sikh workers. For this purpose he traveled up and down the US coast,

visiting mill towns, railway towns and farming communities, raising funds and generating excitement. By November 1913 he had produced the first issue of the *Ghadar* weekly, printed in Urdu and packaged in bundles of fifty for distribution in India through friends and sympathizers in overseas communities on the Pacific Coast, in the Caribbean and in the Far East. ⁵² By the second week of December, issues were appearing in the Punjabi script of the Sikhs as well as in Urdu (which educated Punjabis generally knew).

In the Ghadar, Har Dyal promised that the British would be thrown out of India within a decade.⁵³ The incendiary nature of this message, with its justification of violence and its appeal to overseas migrants, was taken very seriously by the government of India. In North America, it was a difficult message to combat. Ghadar propaganda drew a connection between discrimination experienced abroad and subordination endured at home. Indians overseas would not be treated with respect, the Ghadar declared, as long as their countrymen were under British rule. The argument had been made before, by Taraknath Das, Husain Rahim and others, but the Ghadar made it with great power in the Punjabi language. Although Har Dayal never risked crossing the Canadian border, and his organizing efforts never took him north of Oregon, the Ghadar party had fully committed sympathizers in Canada. At the core of this group were the executive members of the Vancouver gurdwara, particularly Bhag Singh, who read issues of the Ghadar to assemblies in the gurdwara. Some of the content was aimed directly at Sikhs in Canada, describing in inflammatory language their confrontations with immigration officials and making dire threats against informers in their midst.⁵⁴

By January of 1914, a community of economic emigrants - men who had come to North America to make money - had become absorbed in militant nationalist politics. At the centre of this situation were the Khalsa revivalists of the Vancouver gurdwara committee. Two developments during 1914 served to explode an already heated atmosphere. The first was the attempt of 376 Puniabis on the converted Japanese freighter, the Komagata Maru, to secure the right of entry into Canada. The second was the declaration of war in Europe and the Ghadar party's call to arms. A spate of violence within Vancouver's Sikh community in the fall of 1914 expressed factional tension that had been building for several years and that became acute as a consequence of the Komagata Maru and the call to arms. This violence included several isolated murders, a shooting in the Vancouver gurdwara perpetrated by an immigration informant, Bela Singh - in which Bhag Singh and one other Sikh were killed and seven were wounded - and the shooting death of immigration inspector Hopkinson at the hands of Mewa Singh, a Sikh millworker. In this period, the Sikh community in British Columbia weathered a crisis, but changed in character.

The voyage of the Komagata Maru was political from the start. Although most of the passengers were simply seeking work in North America, the organizing

committee and its leader, Gurdit Singh, were acutely conscious of the political context. ⁵⁵ Morcover, they turned the ship into a political classroom. Gurdit Singh and the passengers' committee brought bundles of Ghadar party literature on board during stops at Shanghai, Moji, and Yokohama; Balwant Singh, the Vancouver activist, who was returning to Canada via regularly scheduled liners, twice came on board at Moji to lecture; and at Yokohama, another prominent Ghadar sympathizer, Bhagwan Singh Jakh, addressed the passengers.

Balwant Singh's presence in Moji shows a degree of coordination between the passengers' committee on the ship and activists in Vancouver. However, the initiative belonged on the passenger's side. Despite the exclusionist policies of the Canadian and American governments, Punjabi emigrants still sought ways to get to North America. They were willing to gamble much against the slightest possibility of success. These men did not need to be encouraged by people they knew. Most of, the passengers of the *Komagata Maru* were not from the same districts as the men already in Canada. They were fellow Punjabis, but the majority were neither relatives nor fellow villagers. That made no difference once their ship reached Canadian waters: their countrymen in British Columbia passionately took up their cause.

Their voyage was underfunded and Canadian immigration officials knew it. These officials delayed deportation proceedings for several weeks in the expectation that the passengers would run out of money and that they would be obliged to leave before any of them put a foot on shore. The ship stayed, however, and the passengers got their day in court because their compatriots on shore raised \$18,000 to maintain the ship's charter and to pay legal expenses. The chief English speaking spokesperson for the Shore Committee that raised this money was a Gujerati, Husain Rahim. The chief link between the Committee and their lawyer was an educated Punjabi Hindu, Sohan Lal. A Punjabi Muslim was also among the members. The rest, however, were Sikhs, and although Hindu, Sikh and Muslim had joined forces, the gurdwara leadership, and particularly Bhag Singh and Balwant Singh, were the dominant element. The Shore Committee also had a few friends among white Canadians. One was the Presbyterian minister from Victoria, L.W. Hall. Another was the socialist lawyer hired for the passengers, J. Edward Bird. (Rahim had known Bird through the Socialist Party of Canada.) These friends, however, had no influence with Canadian officials and their opinions carried little weight with the Canadian public.5

Given Canadian attitudes, prospects of success were slight for the people on the Komagata Maru. The image of the ship and its human cargo, detained throughout a long summer in Vancouver harbour, aroused great interest and excitement in Canada, but little sympathy. Officials saw the passengers as intruders who were trying to beat the law and this view was widely shared by the Canadian public. How well either Gurdit Singh and the passengers, or the Shore Committee

understood this is difficult to judge. What they were looking for was public reaction in India. If they expected the threat of protests in India would affect Canadian opinion, they misread their audience. In any case, they did not get the hoped-for public outcry in India, where the authorities maintained a tight control over the press. After a month, the Canadian authorities allowed the passengers a test case in court, which they lost. From that point on, negotiation between Canadian officials and the passengers concerned only the terms under which the passengers would leave.

Compared with what occurred when the ship reached India at the end of its six month voyage, both sides acted with restraint while it was in Canada. Aside from a failed police attempt to board the ship, and the employment of a navy cruiser to escort it out of Canadian waters, Canadian officials avoided naked force. The bloodshed that ended the lives of nineteen passengers occurred within hours of the Komagata Maru's arrival at the port of Budge Budge in Bengal. It happened in an exchange of fire between some of the passengers and a force of police and troops who were on the scene to make arrests of some of the passengers. The violence that ended the Komagata Maru's saga might have sparked anti-government demonstrations if the authorities had not censored the press, and if they had not been able to count on the moderation of the leading Indian politicians of the day. Only in the midst of the Indian nationalist protest of 1919-1920, did the Komagata Maru become nationally known and recognized in India⁵⁸. For the small population of Indians in Canada, on the other hand, the Komagata Maru was a defining event.

The Komagata Maru might have had more political impact if war had not swiftly commanded public attention. Fighting began in Europe while the ship was returning to Asia. The British Empire's state of war strengthened the hand of the Indian government in dealing with suspected subversives like the leadership on the Komagata Maru, and it diverted Canadian public attention away from issues that the Komagata Maru exemplified. Moreover, the war years removed much of the Sikh community from British Columbia, and dampened its voice. revolutionaries, the European war brought a moment of decision. They believed that the opportunity to rid India of the British had come and they were determined to seize it. On the day that Britain entered the war, Ghadar leaders in California began calling meetings, raising funds, and recruiting volunteers for the expected uprising. Within two weeks more than seventy volunteers gathered in San Francisco, seeking passages back to India.59 This was the beginning of an exodus from North America that continued throughout the war years. In British Columbia, half of the Sikh-Hindu-Muslim population had gone by the summer of 1915, leaving only 1,100 behind. By 1918, another third had left, leaving only 700.

In the vanguard of the exodus were the most committed revolutionaries. Among them were men from British Columbia like Balwant Singh, the activist who had been at the centre of things from the moment a committee was formed to build a

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gurdwara. The motivation of the mass of men who followed cannot be described simply. They had no sympathy for the British, but many listened to Ghadar propaganda with great skepticism because they did not believe that an uprising had any chance of success. What drove them out of British Columbia was a wartime recession that sharply curtailed production in resource industries such as lumber. Sikhs were not alone in losing their jobs. By one estimate in 1916, seventy or eighty percent of the Chinese in the province were unemployed eaving the province, Chinese, Italians, Ukrainians, and others were going as well. A majority of those who left never found their way back. For Sikhs it was especially difficult to return once the war was over because the Canadian immigration authorities rejected any suspected of Ghadar activity.

During the war years, and especially in the first few months of the war, British Columbia's small Sikh community underwent a drastic purge. The numbers alone do not show the full consequence of the exodus. By 1915 most of the early leadership was gone. These were the men who led the Sikh revival, invited Teja Singh to the west coast, fought the Honduras scheme, agitated against Canada's exclusion policy, and promoted Ghadar propaganda. At the other end of the scale, the exodus also included the men who were least successful or least interested in establishing an economic footbold in British Columbia. These might be men who had saved enough to never need to come back, or those who had nothing to hold them in the province when they lost their jobs. Left behind were the most successful in acquiring an economic stake in Canada, and the least political.

While hundreds of men were leaving, a few entrepreneurs were laying the basis for substantial fortunes. They did so by forming syndicates - generally of men from a common village or caste background - and taking over the operation of small mills, using their collective labour as capital to get an ownership stake when the value of the mills was low. By law and regulation, British Columbia limited the occupational opportunities of all Asians, but various forms of entrepreneurship, small and large, were open to them. A survey done in 1922 showed six lumber companies, seven logging camps, two shingle mills, twenty-five farms and fifty firewood outlets owned and operated by Sikhs, Hindus and Muslims in British Columbia. Some of these enterprises involved a dozen or more partners, which means a significant entrepreneurial element in a male population of less than 1,000. Two clean-shaven Sikhs, Mayo Singh and Kapur Singh, emerged as major mill owners and influential community members. Their clean- status was generally accepted by other Sikhs, who understood that it helped them to do business in Canada. As a community members of the status was generally accepted by other Sikhs, who understood that it helped them to do business in Canada.

The history of many immigrant groups has followed a common pattern. A sojourner phase, dominated by male immigrants who went back and forth, was followed inexorably by a settler phase, as some of these men invested their future in

their new surroundings and brought family to join them. The transition from sojourner to settler involved a shift in values and priorities that steadily changed the relationship between the overseas community and home. For an Italian immigrant arriving in Canada at the same time as the Sikh pioneers, it could take as little as six or seven years to make the conversion from sojourner to settler. Such a shift was impossible for Sikhs as long as Canadian regulations prevented their families from immigrating. Even after 1918, when it became permissible to sponsor wives and children, the pioneering generation of Sikhs retained a sojourner mentality. Few of them brought their wives over, although they did bring their sons when they were mature enough to work. In the 1920s, the sons of the pioneers began to bring over wives and to establish a small community of Sikh families in British Columbia. Although the majority of the community remained sojourning men, its culture and outlook was shaped increasingly by the presence of families who had put their roots down in Canada.

The restructuring of the community - which began with the wartime exodus and continued with the emergence of an entrepreneurial group and with the arrival of families - radically altered the relationship between Canadian Sikh culture and that that of Punjab. Canadian Sikh culture no longer promoted Khalsa revival and militant nationalism, but instead made pragmatic adaptations to life in North The independent direction of Canadian Sikhs was evident in a controversy in the Vancouver gurdwara in the early 1930s. The issue was whether or not the Khalsa Diwan Society should have a formal connection with the Shiromani Gurdwara Prabandhak Committee in Punjab. The voices in favour of this connection carried the day at a general meeting in February 1933; but their motion was rescinded and the independence of the Canadian gurdwara society affirmed five months later.66 When Sant Teja Singh revisited British Columbia at the age of eighty in 1957, after an absence of forty-three years, he was dismayed by the path that Canadian Sikhs had taken, particularly their custom of attending gurdwara services bareheaded.⁶⁷ There were few practicing Khalsa Sikhs in Canada by that date, and the strongest defenders of the Canadian Sikh way articulated their position in sahajdahari terms.

By this point, Canadian Sikhs had won two vital victories in their struggle for equality in Canada. The first was the right to vote, gained in 1947; and the second was a small immigration quota secured in 1952. Within a decade that quota was to disappear, enabling an annual immigration in the thousands that has continued to the present. This immigration has brought with it a renewed absorption in the political and religious issues of Punjab and a new cycle of reform, militancy and reaction that has not yet run its course.

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Notes

¹ See figures in Darshan Singh Tatla, The Sikh Diaspora: The Search for Statehood (Seattle: University of Washington Press, 1999), p. xv.

Hugh Johnston, ed, The Pacific Province: A History of British Columbia (Vancouver: Douglas & McIntyre, 1996), p. 190.

Census of Canada, 1911, vol. 2 table 12.

⁴ See Edmund W. Bradwin, The Bunkhouse Man: A Study of Work and Pay in the Camps of Canada, 1903-1914 (New York: AMS Press, 1968; first ed. 1928), pp. 92-112.

⁵ For example see Edgar Wickberg, ed., From China to Canada: A History of the Chinese Communities in Canada (Toronto: McClelland and Stewart, 1982), pp. 5-11; Ken Adachi, The Enemy that Never Was: A History of the Japanese Canadians (Toronto: McClelland and Stewart, 1976), pp. 18-23; Franc Sturino, Forging the Chain: Italian Migration to North America, 1880-1930 (Toronto; Multicultural History Society of Ontario), pp. 6-16; Manoly R. Lupul, A Heritage in Transition: Essays in the History of Ukrainians in Canada (Toronto: McClelland and Stewart, 1982), pp. 11-24;

⁶ W.L. Mackenzie King, Report of the Royal Commission into the Methods by which Oriental Labourers have been Induced to Come to Canada (Ottawa: King's Printer, 1908).

⁷ The World, Vancouver, 20 July, 1906, p. 1 and 30 July, 1906; National Archives of Canada, RG 2/1, vol. 703, file 21, W.L. Mackenzie King, Deputy Minister of Labour, to Rudolphe Lemieux, Minister of Labour, July 1908.

⁸ See Bruno Ramirez, One the Move: French Canadian and Italian Migrants in the North Atlantic Economy, 1860-1914 (Toronto: McClelland and Stewart, 1991), pp. 50-71; Wickberg, pp. 7-9.

Wickberg, pp. 101-15; Donald Avery, 'Dangerous Foreigners': European Immigrant Workers and Labour Radicalism in Canada, 1896-1932 (Toronto: McClelland and Stewart, 1979), pp. 39-64.

10 United Church of Canada Archive, File on Presbyterian Mission to the Hindus in Canada, See particularly Rev. J. Knoz Wright to Rev. A.E Armstrong Feb 12, 1908. Not all of the Presbyterian ministers in Vancouver were behind the mission. See The Daily Province, Vancouver, May 3, 1907, 'Presbyterian Synod Deals with Men of Colour.3

11 Mahinder Singh Dhillon, A History Book of the Sikhs in Canada and California (Vancouver: Shiromani Akali Dal Assoiation of Canada, 1981), pp 49-52.

12 United Church of Canada Archives, Presbyterian Mission to the Hindus, Rev. J. Knox Wright to Rev. A.E Armstrong Feb 12, 1908.

¹³ Mahinder Singh Dhillon, p. 48.

¹⁴ Contemporary sources seidom mention caste groups other than the Jats. An

exception is a short piece in *British Columbia Magazine* which mentions tarkhans and julalhas. For this reference, see Kesar Singh, *Canadian Sikhs (Part 1) and Komagata Maru Massacre* (Surrey B.C.: privately printed, 1989), p. 46. On the Manhas Rajputs see Archana B. Verma, 'Status and Migration among the Punjabis of Paldi, British Columbia and Paldi, Punjab' (Ph.D. thesis, Simon Fraser University, 1994).

- ¹⁵ For a picture of the Hong Kong temple circa 1915 see, Sarjeet Singh Jagpal, *Becoming Canadians: Pioneer Sikhs in their Own Words* (Madeira Park, B.C.: Harbour Publishing, 1994), p. 41.
- ¹⁶ A architect named Archer, is mentioned in a story on the Sikh temple in the *Victoria Daily Colonist*, 1Nov., 1907, p. 5. A subsequent story on the temple appeared in the *Daily Colonist* on 3 Dec. 1907, p. 1.

¹⁷ Dhillon, pp. 238, 256, 264, 270, 296

- ¹⁸ See J.S. Grewal, The Sikhs of Punjab: The New Cambridge History of India, II.3 (Cambridge: Cambridge University Press, 1990), p. 146; Harjot S. Oberoi, 'From Ritual to Counter Ritual: Rethinking the Hindu-Sikh Question, 1844-1915,' Joseph T. O'Connell ed., Sikh History and Religion in the Twentieth Century (Toronto: Centre for South Asian Studies, University of Toronto, 1988), p. 136; Khushwant Singh, A History of the Sikhs, II, 1829-1964 (Princeton: Princeton University Press, 1966, p. 147.
- ¹⁹ Manifests for the steamships *Tartar* and *Monteagle*, arriving in Victoria on Sept. 11 and Oct. 9, 1907, are on microfilm reel T 512, National Archives of Canada.
- Teja Singh, Jiwan Katha: Sant Atar Singh Maharaj (Patiala: Director Bhasha Vibhag, 1946). pp. 292-93. (Gurmukhi script).
- ²¹ The record of this armrit ceremony, along with some other early temple records, is reproduced in Kesar Singh, *Canadian Sikhs*, p. 47.
- ²² Teja Singh, pp. 286-387; The Vancouver Daily Province, 12 Dec., 1908, p.1.
- ²³ Teja Singh, pp. 23-33; Harbans Singh, *The Encyclopedia of Sikhism* (Patiala: Punjab University, 1991), p. 214.
- ²⁴ The Vancouver Daily Province, 12 Dec., 1908, p.1
- In Jiwan Katha: Sant Atar Singh Maharaj, Teja Singh mentions T.C. Crawford, Dr. T.E. Knapp, Mrs. Rupert Clarke and Mrs. Campbell Johnston on pp. 290, 300, 304, and 384 respectively. *The Vancouver Daily Province*, Dec.. 23, 1908 p. 3 included a story on Teja Singh's relationship to Crawford.
- ²⁶ See estimate of the Dillingham commission: US Senate: Report of the Immigration Commission: Immigrants in Industries, Japanese and Other Immigrant Races on the Pacific Coast and Rocky Mountain States. part 25, I, 61st Congress, 2nd Session, Doc. no. 633 (Washington: Government Printing Office, 1911), p. 337. ²⁷ Mahinder Singh Dhillon, p. 55.
- ²⁸ Norman Buchignana and Doreen M. Indra with Ram Srivastva, Continuous

- Journey: A Social History of South Asians in Canada (Toronto: McClelland and Stewart, 1985), pp. 23-26.
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- ³⁷ Public Record Office, London, CO 42/930, W.C. Hopkinson to W.W. Cory, 15 April 1909
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⁴⁹ Rahim was a member of the Lohana caste and from Kathiawar which was then in Porbander State and now in Gujerat. He was known as Chagan Kharaj Varma in Japan and Husain Rahim in Canada. His Hindu/Muslim identity, as well as caste and locality all suggest an Ismaili background. See report of J.W. Matoon, Deputy Superintndent of Police, Bombay, 20 October, 1911, National Archives of Canada, RG 7, G21, v. 201, fille 332, vol. 5 (a).

⁵⁰ Campbell, pp. 35-65.

⁵¹ Puri, p. 62-77.

⁵² See Puri, p. 85; see also National Archives of Canada, RG 7, G21, vol. 203, file 332, vol. 9, W.C. Hopkinson to W.W. Cory, 12 December 1913.

⁵³ Puri, p. 78.

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55 See Gurdit Singh's comments as reported in Shanghai in the *China Press* 12 April 1914. Clipping was preserved in British Public Record Office, CO 42/979.

⁵⁶ See analysis of the origins of the Komagata Maru passengers in Hugh Johnston, 'Patterns of Sikh Migration to Canada, 100-1960,' Joseph T. O'Connell ed, Sikh History and Religion in the Twentieth Century (Toronto: Centre for South Asian Studies, University of Toronto, 1988), p. 300. See also Report of the Komagata Maru Committee of Inquiry (Calcutta: Superintendent Government Printing, India, 1914), Appendix iv, list of passengers.

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The Recent Assembly Elections in Punjab: Some Reflections on Results and Changing Voter Preferences

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An analysis of the main trends of the 2002 assembly elections in Punjab based on a post-poll survey shows that the Akali Dal and its ally BJP suffered from a massive negative swing of the voters in all the three regions. Congress, along with its ally CPI, was able to receive support of all the communities, lagging behind the Akalis only among the Jat and Khatri Sikhs. The SAD-BJP alliance suffered particularly because of the inability of the BJP to retain its support among the upper caste Hindus. The failure of the BJP meant that the Akali Dal had to muster a majority on its own by retaining the support of the non-Dalit Sikhs. However, as the survey reveals, the Congress was able to wean away the other backward caste Sikhs and the Sikh youth in significant number to the detriment of the Akalis. The paradigmatic shift in the Punjab politics continues with the decline of identity politics and primacy being accorded to good governance. The SAD-BJP combine had to pay in electoral terms for the rampant corruption, an overall crisis in the economy be it the agriculture, industry or trade during its regime. The minor parties and groups like BSP, NCP and Panthic Morcha contesting on their own never had a chance except playing the role of spoilers.

The recently held elections in Punjab for 117 assembly seats, redrawn after the 1971 census, witnessed 65.01 per cent turnout, which was 3.72 per cent less than the 1997 election. Significantly, in Punjab the voter turnout had always been higher than the national average. The voter turnout in the assembly elections of 1967, 1969, 1972, 1977, 1980, 1985, 1992, for instance, had been 67.42, 70.33, 71.27, 64.09, 63.43, 67.62, 22.8 per cent respectively. According to Verma, such a consistently high turnout in the state may be attributed to factors like 'greater degree of competition between the two major parties, gains in the farm sector and peasantry's increasing dependence on the state for creation of infrastructure facilities as well as for purchase of farm produce, relatively greater awareness among the voters in the state, and competing identities of caste and community.'

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As for the electoral outcome in the elections, the Indian National Congress (INC)-Communist Party of India (CPI) alliance won 64 assembly seats compared to 44 seats won by the Shiromani Akali Dal (SAD)-Bharatiya Janata Dal (BJP) combine. The Panthic Morcha, an alliance of the Sarb Hind Shiromani Akali Dal – SAD (Mann), polled 4.4 per cent of the vote, primarily cutting into the traditional Jat Sikh votes but without winning a single seat. The Bahujan Samaj Party (BSP), the Nationalist Congress Party (NCP) and the Dalit Bahujan Samaj Morcha, an ally of SAD, also failed to win any seat. Pertinently, the people of Punjab have been alternatively voting for the SAD and the INC in varying permutations and combinations at different point of times since the reorganization of the state in 1966.

The electoral outcome of the recent assembly elections has been a setback for the SAD-BJP alliance compared with the 1997 election as the combine had won 93 seats with SAD alone winning 75 seats while contesting for 92 seats. It polled 37.6 per cent of the votes. Being in the fray for 22 seats, the BJP had won 18 seats and polled only 8.3 per cent of the votes. On the other hand, the INC managed to win only 14 seats despite being in contention for 105 seats and could poll only 26.6 per cent of the votes. Table 1 presents full details of Punjab election results from 1952 to 2002.

Region wise electoral performance

Region wise analysis of the performance of both alliances shows that the INC-CPI combine registered gains in all the three regions of Majha (27 seats), Doaba (25 seats) and Malwa (65 seats). These three regions are primarily geographical divisions and have nothing to do with the social dominance of any group. The two most numerous religious communities in the state, that is, the Hindus and the Sikhs, have strong pockets in all the three regions. It has been more so after the 1971 delimitation when the Sikh dominated rural segments were merged with the Hindu dominated urban ones. As of now, demographically, Hindu pre-dominance is accepted in the Northeastern and Southwestern districts of Gurdaspur, Hoshiarpur and Jalandhar, while the Sikhs form the majority in the rest of the districts.

If we look at the electoral performance of the two alliances during the 2002 assembly elections, we would notice that the INC-CPI combine won 17 seats from the Majha region and polled 40.6 per cent of votes. If we look at the vote share of the Congress alliance in this region, the alliance not only increased its vote share by nearly 10 percent compared to the 1997 assembly elections, but also its vote share was nearly 2 per cent higher than the average vote for the alliance in the state. The SAD-BJP alliance, on the other hand, won only 7 assembly seats from this region and polled 39.1 per cent of the vote. Compared with its performance in the 1997 election, the alliance suffered a significant loss as it polled 12.3 per cent less votes and suffered a loss of 18 assembly seats.

Looking at the relative performances of the two alliances in the Doaba region, one finds that the SAD-BJP alliance performed badly in comparison to the Congress alliance. In this region, the SAD-BJP alliance won only 9 seats and polled 35.4 per cent of the votes, suffering a loss of 9 assembly seats and polling nearly 8 per cent less votes compared to the 1997 assembly election. The Congress alliance, on the other hand, won 16 seats and polled 39.4 per cent of the vote thus registering an increase of 11 seats and 12.5 per cent more votes. This is a region where the BSP has a significant presence. Though the BSP could not win any seat in this region, it did poll 12.5 per cent of the vote, which was 4.4 percent lower compared to the 1997 poll.

The Malwa region is politically the most important region as this region accounts for 64 assembly seats. The performance of the SAD-BJP alliance during the 1997 assembly election in this region was remarkable as it had won 49 seats and polled 44.8 per cent of the vote. Compared to the performance of the Congress alliance, the SAD-BJP alliance has done reasonably well during the 2002 assembly election, winning 28 seats with a 36 per cent vote. The Congress alliance won 30 seats with a 37 per cent vote. However, compared to the 1997 elections the SAD-BJP alliance suffered a loss of 21 seats and polled nearly 8.8 per cent less vote. This is the region where Panthic Morcha could have made some inroads as it polled 6.7 percent of the vote, which was 2.2 per cent higher compared to its vote share during the 1997 assembly election. The BSP only polled 4.5 per cent of the vote in this region suffering a decline of nearly 1.6 per cent. For full region-wise details see Table 2.

It follows that despite registering a lead in all the three regions, the Congress-CPI alliance's electoral victory over SAD-BJP alliance was not as massive as predicted by the pre-poll surveys and the Exit polls. An exit poll telecast, for instance on Doordarshan, had predicted 72 seats for INC- CPI compared to 30 seats for the SAD-BJP alliance. Another one conducted by Aj Tak had predicted 91 seats for the INC combine and only 17 seats for the SAD-BJP alliance. The Zee News-CMS poll had predicted 80 seats for the Congress-CPI combine and only 28 for the SAD-BJP alliance.

Articulating the main features of the 2002 election

First, the 2002 elections marked a paradigmatic shift in the sense that politicoeconomic issues - such as development, roads, bridges, octroi, free power and water, traders demands, water for Punjab farmers, fiscal governance, institutionalized corruption - replaced the ethno-religious or Panthic issues. Issues such as the Anandpur Sahib resolution, transfer of Chandigarh to Punjab, anti-Sikh riots or fake encounters, which were the main issues in the 1992 and 1997 elections were largely insignificant during the campaigns of both SAD and INC. This represented the IJPS 9:1 116

yearning of the people in today's post-militancy Punjab to have a break from Gurudwara politics and the hope for lasting peace and prosperity.²

Second, in tenor with the emerging trend in Indian electoral politics, the rural areas of Punjab generally recorded a higher turnout than the urban ones. This was a hi-tech election which not only made use of the electronic voting machine (EVM) for the first time but also saw an election campaign in which candidates made use of computers and mobiles and glamorous film stars to mobilize support. The average polling in the predominantly rural constituencies was 68.15 per cent, which was higher than the 56.87 per cent turn out in the mainly urban constituencies.³ Significantly, Punjab as a whole, is predominantly a rural constituency, with 66.05 per cent of the population classified as 'rural', as per the census report of 2001.⁴

Third, this was an election which also witnessed the unprecedented number of complaints - 57 on the election day itself - ranging from the malfunctioning of the EVMs, to missing names of the voters from the electoral lists even for those with voter ID cards in the constituencies like Samana, Bathinda, Derabassi.⁵

Fourth, a vicious poster-war waged between both the main contesting political parties, namely the SAD and the INC, was another colorful image of this bitterly fought election. Defamation complaints were filed by the top leadership of both parties against each other, mainly leveling charges of corruption. The most contentious was the one filed by Sukhbir Singh Badal against Capt. Amrinder Singh. The Election Commission of India had to intervene to clarify that under the model code of conduct, personal allegations against individual leaders were not allowed though criticism of policy decisions and performance were permitted. The Supreme Court decision directing the Punjab government to complete the Sutlej-Yamuna Link (SYL) canal also led to an advertisement blitzkrieg with both parties accusing each other of bartering away the interest of the people of Punjab.⁶ While the Congress resorted to link the issue with corruption charges against the Badal family, the Akali Dal's two-pronged strategy was to emphasise its 'reputation of fighting for Punjab issues' and also in reminding the voters of past 'anti-Punjab misdeeds' of the Congress. The Panthic Morcha leaders like Tohra and Mann, on the other hand, blamed both the INC and SAD for bartering the interest of the state for personal gains.

Fifth, the politics of populism characterised the party manifestos of both the SAD and INC.⁷ The Congress promised to continue with the SAD-BJP outgoing government's policies of free water and electricity to the farmers, the abolition of octroi for the business class and the abolition of the house taxes. They also promised to reserve 27 per cent of the posts for the OBC's in government jobs, implement the promotional scale of 4-9-14 years for govt. servants, waive the loans and advances outstanding against farmers and offer economic sops for almost all the classes and communities of Punjab especially the marginal ones.⁸ Among the more meaningful promises made were the target of achieving 100 per cent literacy, ending of

institutionalised corruption, enforcing model code of conduct for the ministers, bringing transparency in the governance and the sympathetic consideration of the cases against the police officers involved in the alleged violation of human rights during the height of militancy, generation of additional RS. 4000 crores for the state exchequer, reorganization of the Punjab health system corporation to provide free medical facility to the poor, 150 units for all SCs, OBCs and for people living below the poverty line, abolition of sales tax barriers etc. In all, the Congress promised subsidies worth Rs.1200 crore, in addition to the existing ones introduced by the SAD-BJP govt. 9 Its ally, the CPI in its manifesto, also raised the significant issue of criminilization of politics in the state, the need to prune the size of the ministry, the need to abide by the Supreme court decision on SYL issue. The CPI (M) also raised similar issues. However, the CPI, in tenor with other parties, also went on to ask for sops like the continuation of food grain procurement by government agencies, reservation of 45 per cent of the total state budget for the agro-sector, introduction of crop insurance, hike in the minimum wage to RS. 3500, renewal of all bonuses and allowances froze by the SAD-BJP govt., waiver of all loans to the farmers, hiking of age-old pension to RS. 1000, more colleges being brought under the 95 per cent grant category.

The SAD-BJP alliance promised to continue with the populist measures, that is, the free supply of electricity and water to the farmers for irrigation purposes and to Dalit households and abolition of octroi.

Sixth, the continuation of 'coalition politics' in Punjab not only witnessed the rise in competitive populism but on a positive note, led to the gradual discarding of radical stances by political parties all over the state. The two allies thus resolved in their respective manifestos to maintain 'peace, brotherhood, communal harmony, socio-economic welfare, all round development and sustainable and profitable agriculture through diversification'. The SAD, as in the 1997 assembly election campaign, continued to under play its identity politics, in keeping with the spirit of Moga declaration of 1995. The Akalis, however, did raise the issue of sharing the river waters as per the internationally accepted Riparian laws, refusing to construct the SYL link canal, as well as the transfer of Chandigarh and Punjabi speaking areas to Punjab. The BJP, however, preferred to resolve these issues through 'dialogue to the satisfaction of all sides'. The BJP also avoided contentious issues like the POTO ordinance (now POTA) or the Ayodhaya shilanayas issue, though international terrorism, national security, the Kidwai committee's recommendation regarding the regularization of the Madarsas did come up in BJP meetings with reference to the events of September 11 and December 13 and Pakistan's dubious role in the Kashmir imbroglio.

The above can be explained in terms of the SAD-BJP leadership's resolve not to antagonize each others supporters by referring to 'Sikh' or 'Hindu' issues. Attainment of Hindu-Sikh unity on the common platform of 'Punjabiat' along with

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all round development and peace, remained the core theme for mobilization for the SAD-BJP alliance, as was also the case in 1997. They also reminded voters of the 50 year 'misrule' of 'anti-Punjabi' Congress.

The Congress, likewise, did not insist much on the emotive issue of pardon to the policemen -1,600 of them have been facing inquiries relating to the atrocities allegedly committed by them during the militancy period and another 554 are facing multiple militancy related court cases accused of human rights violations - the interference of the Badal government in Sikh religious affairs evidenced in the manner the Jathedars of Akal Takht were appointed and removed or raking up the ghost of militancy. Its ally, CPI, had significantly demanded the setting up of 'a judicial commission to probe into terrorism years, and fix responsibility'. If did, however, raise the emotive issue of the alleged scam relating to the purchase of coffin in the context of Kargil, aimed primarily to counter the ultra nationalist posturing of the BJP. The alliance harped on the issue of corruption, mismanagement, adverse implications of WTO stipulations for the farmers - more under the influence of CPI - besides local issues relating to lack of development and official apathy. The Congress, in its campaign never failed to highlight the huge debt burden of RS 32,058 crores. Thus coalition partners, acting as restraining factors prevented parties from mobilising their traditional support base using traditional means.

Even the radical Panthic Morcha, hoping for a post poll alliance, either with BSP or BJP in the case of a hung assembly, promised to accomplish 'a just, peaceful and non-violent solution to all the problems, including the river water issue and transfer of Chandigarh to Punjab' in its manifesto.¹²

Seventh, the rebel factor also played a significant role in this election. The index of rebellion touched a new high as the allegation of nepotism and money power playing a role in the distribution of tickets gained wider acceptance involving both of the main parties. Compared to the SAD, the dissident activity within Congress received much wider publicity as it spilled out into the open on a much larger scale. The dissidents put up noisy scenes outside the Congress's Delhi headquarters, in full view of the visual and print media, as protest for being denied the party ticket. The Congress suffered as a result in many constituencies, especially in Bathinda and Sangrur, among others. Not that the SAD did any better. Apart from the formation of the Panthic Morcha, which primarily consisted of the breakaway factions of the parent party like AISAD and the Akali rebels, the party also suffered electorally as a result of denial of party tickets to Akali leaders, including ministers such as Gobind Singh Kanjhla, Ranjit Singh Balian, Mohinder Kaur Josh (Barnala). Several of the MLAs, such as Mohan Lal (Banga), Kartar Singh Pahra (Gurdaspur) and Gurdas Singh Bodal (Garhdiwal), Balwant Singh Shahpur (Amloh) among others, fought elections as independents. The rebels not only challenged the leadership by issuing explicit statements but more importantly cut into their vote banks by fighting

elections as independents. Ironically both the SAD and INC rewarded the former rebels by each fielding at least 5 of them in the elections.¹³

Eighth, the simmering family feuds involving powerful Akali families also adversely affected the electoral outcome of the SAD. For instance, the feud between the Kairon and Brahmpura families damaged the poll prospects of SAD in at least 6 constituencies. Likewise, the tug of war between the families and supporters of Union Minister Sukhdev Singh Dhindsa and Uttaranchal Governor and ex-chief minister Surjit Singh Barnala undermined the poll prospect of SAD in the constituencies like Dhuri, Sunam, Dirba, Dhanaula, Sangrur, Barnala and Malerkotla - all considered its traditional strongholds. The Congress fared relatively better as two recent ex-chief ministers, namely, Harcharan Singh Brar and Rajinder Kaur Bhattal, as well as senior leaders like Sukhbans Kaur Bhinder and RL Bhatia, despite leading their respective factions, could not put up effective challenge to Amrinder Singh, either in the distribution of tickets or in the race for chief ministership, thanks to the proximity of the latter to Ambika Soni, the confidant of the party leader. In the confidence of the party leader.

Ninth, the 27 assembly constituencies of the border districts of Amritsar and Gurdaspur received special attention due to the farmers there getting dispossessed of their lands, which either they owned or cultivated. As victims of fencing, planting of land mines, the frequent skirmishes and mobilization in a war like situation, the farmers came out openly against the apathy of successive governments. The failure of the SAD-BJP government to implement its much-publicized special border area programme involving compensation and resettlement for the displaced farmers led to loss of votes for the Akalis in what has been considered their traditional bastion.¹⁷

Tenth, the presence of an overwhelming number of independent and rebel candidates was only matched by the presence of minor parties in the fray like the NCP, BSP and the Panthic Morcha. As a result, an all time high of 917 (out of which merely 69, including 19 independents, were women) candidates entered the electoral arena compared to 682, 722, 857, 579 and 693 candidates in the 1977, 1980, 1985, 1992 and 1997 assembly elections, respectively. This explains the narrow margin of votes polled by the two rival alliances. The final tally of 64 seats with 38.2 per cent of the votes gave the Congress alliance a small majority of 4 seats in an assembly of 117. The SAD-BJP managed to win 44 seats with 36.6 percent of the votes. Thus, a less than a 2 per cent swing of the votes would have reversed the electoral outcome.

Analysing the Election Results

What actually led to the defeat of the SAD-BJP alliance? First, corruption was a core issue, which immensely harmed their electoral prospect alienating them from the common masses especially among youth.¹⁹ The INC alleged that the Badal

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family itself had amassed properties worth RS 3500 crore, both in and outside India. The nepotism in the form of 'Badal parivar' rule - comprising of his son Sukhbir Singh Badal, Adesh Pratap Singh Kairon, his son-in-law and Manpreet Singh Badal, his nephew- all MLAs since 1997 also caused widespread resentment.²⁰

Second, infighting among the Akalis as mentioned above, also contributed to their fall as it eroded their base. Further, the anti incumbency factor has also been put forward by the SAD leadership to explain their setback. What, however, would be more appropriate is to point towards the perceived crisis of governance.

Third, the failure of BJP to retain the support of its traditional upper caste Hindu urban voters who preferred the Congress also led to the defeat of the SAD-BJP allies. The BJP's debacle can be attributed to the delayed decision of the Badal government to abolish octroi, the erratic power situation in the urban areas, the prorural slant of the Badal government and the marginal role of the BJP as a junior partner in the alliance. If the SAD had allied with the BSP instead of the BJP, the combine would have won in at least in 4 more constituencies. As Punjab has the highest percentage of scheduled caste voters in the whole country, the BSP (and also the Panthic Morcha) going alone, cut into the support base of the Akalis, especially among the Dalit Sikhs despite the fact that it failed to win a single seat.

Fourth, the suicides of the cotton farmers reeling under debt burden due to repeated crop failure especially in the cotton heart belt of Bhatinda also adversely affected the pro farmer image of the SAD-BJP alliance.²³

Let us now analyse the poor performance of the Panthic Morcha. The decline of Identity politics, lack of strong candidates, the internal dissension within the Morcha with leaders like Tohra, Mann and Baba Sarabjot Singh Bedi (the convenor of the Morcha) competing to have an upper hand, the failure of the deras and their Babas to influence the rural Sikhs and most importantly its failure to tie up with the BSP despite early break through, as the BSP asked for 80 seats, all contributed to the morcha's failure. Minor parties like the BSP and NCP, contesting on their own, never had a chance except cutting into the vote banks of main rival parties.

Where political parties went wrong during the campaign

The top priority of the political parties should have been to come out with a constructive, practical blueprint before the electorate, revolving around concepts such as development and performance. Instead, the campaign focussed on the failures of the opposition parties, very much reminiscent of the 1997 elections. There was lack of serious political debate on the crucial economic issues. Personalised attacks, despite the sage advice of the Election Commission and refusal of the courts to become politically involved, as mentioned above, created lot of bad blood among the top leadership of the rival parties having dangerous portent for the state given its not so distant gory past.²⁵ The alleged issuance of the 'Backdated'

orders by the government regarding transfers and the allotment of land, distribution of 'shagan' cheques to the Dalits on the eve of elections, alleged misuse of official vehicles and subsequent reprimand by the EC were widely reported in the media. To win votes, the candidates were also accused of distributing free liquor and drugs.

The elections in Punjab, unlike in the states tike Bihar, barring the 1992 militancy-infested elections, have generally been peaceful. These elections, however, were witness to pre poll incidents like in the industrial town of Batala where para-military forces had to be called after poll related violence broke out and in the constituencies of Patti, Raikot, Ferozepur Cantt, Abohar and Lambi, where minor incidents took place. During the poll, firing incidents took place in the constituencies of Gidderbaha and Fatehgarh Churian. There was, however, no incident of either 'adjournment' or 're-poll' in any constituency or polling station.²⁶

Findings of the Post-Poll Surveys

This section of our paper relates to the salient findings of the post-poll survey conducted in Punjab. The analysis of the survey data would help us in analysing the electoral verdict as well as the emerging trends in Punjab politics. The analysis of the survey data would also enable us to look for possible reasons for the failure of various pre-poll surveys and the exit polls to correctly predict the outcome of the election. For the purpose of offering a comparative perspective, the findings of the 1997 exit-poll data have also been referred to.

During the fieldwork, the voters were asked both general and specific questions stretching from their electoral preferences in the election to their evaluation of the performance of the SAD-BJP government. The general questions included questions on the prevailing law and order situation in the state, economic development, irrigation facilities, power supply, Hindu-Sikh unity, etc. Specific questions were concerned with the role of political parties in issues related to the SYL, free electricity for farmers, the suicides among cotton farmers, interference in religious institutions, the abolition of octroi, nepotism and militancy. The voters were also asked about their opinion on the amnesty proposal for policeman for their alleged militancy related human rights violations, about POTO and their preference for the chief ministerial candidate.

How can one explain why the SAD-BJP alliance made up some of the lost ground at the last moment? The percentage of respondents who made up their mind about their electoral choice either after the announcement of the candidates or on the election day itself was 25.7 and 11.1 per cent respectively. A look at the voting pattern of those who made their choice of the candidate/party on the polling day itself reveals that most of them voted for the SAD allies. This was not the case with the voters who had made up their mind just after the announcement of the

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candidates (see Table 3). This somewhat explains why the SAD allies did n perform as badly as per the forecasts of the pre-poll surveys or the exit polls.

As for the role of the anti-incumbency factor, the SAD-BJP government led I Badal did not do so badly. Only 33 per cent of the respondents were complete dissatisfied with the performance of the SAD-BJP government in Punjab. Compart to that, nearly 28 per cent of the respondents were very satisfied with the past fiv year performance of the SAD-BJP government. The majority of those who we dissatisfied with the performance of the SAD-BJP government, of course, vote against the alliance. However, at the same time, the survey reveals that the performance of those who were satisfied with the performance of the SAD-BJ government voting for the alliance was higher than those who were dissatisfied with the performance of the Badal government voting against it (see Table 4). It should also be noted that notwithstanding the people's dissatisfaction with the performance of the government, Badal himself was the respondents' foremost choice for the poof chief minister (27.5 per cent), closely followed by Captain Amrinder Singh (27 per cent).

Similarly, there were more voters who were satisfied with the performance of the Central government compared to those who were dissatisfied with the performance of the Central Government. Nearly 36 per cent were somewhat satisfied with the performance of the Central Government. Of those who were satisfied with the performance of the Central Government, a large number voted for the SAD-BJ alliance which to some extent explains why the SAD-BJP allies did not perform a badly as was reported by the media (see Table 5).

Specific questions were put to voters about their economic condition in gener during the past five years to assess the performance of the state government. I response to the query about the changes in their economic condition during the pa five years, there were more positive responses than negative. Nearly 36 per cer people confirmed that their economic condition during the past five years ha improved, while only 19 per cent people believed that their economic conditio during the past five years had deteriorated. Nearly 44 per cent of the voters felt that there was no perceived change in their economic condition during that period. The majority of those who confirmed that their economic condition had improved durin the past five years of governance, voted for the SAD-BJP allies while a larg number among those who held the negative opinion on this, voted for the Congres and its allies. This had an adverse electoral impact over the ruling SAD-BJP allianc (see Table 6).

There was a positive response on the issue of development in the state. A significant 42.8 per cent of the respondents stated that Punjab experience development whereas only 17.4 per cent said it deteriorated during the period Similarly regarding the maintenance of law and order, as well as irrigation facilities respectively only 15.7 per cent and 20 per cent of voters interviewed said

deteriorated during the period compared to 33.4 per cent and 29.7 per cent who said it actually improved. So, actually the voters of Punjab did not assess the performance of the SAD-BJP government very negatively and the SAD-BJP allies did not suffer as much on this account as was reported in the pre-poll surveys and the exit polls.

The abolition of the octori did help the SAD-BJP in regaining some of the lost grounds just before the elections. Nearly 35 per cent people fully supported the abolition of the octori and another 22 per cent felt that it was somewhat justified. Only 17 per cent of the voters were opposed to the policy of abolition of octori in Punjab. There was great support for this policy of the Punjab government and the majority of those who supported the abolition of octori voted for the SAD-BJP allies in the recent assembly elections (Table 7). Similarly on the SYL issue, nearly 44 per cent people felt that the decision of the Supreme Court was unjustified and only 22 per cent people felt that the decision of the Supreme Court was justified. There was greater opposition to the decision of the Supreme Court compared to support for the decision of the Supreme Court and a majority of those who opposed the decision of the Supreme Court voted for the SAD-BJP allies had heard about it (Table 8). When asked to give their opinion about which party the voters felt was responsible for adverse decision of the Supreme Court with regard to the state government, nearly 39 per cent held no opinion, but a majority among those voters voted for the SAD-BJP allies. There were nearly 30 per cent who held the SAD responsible and nearly 23 per cent of the voters held Congress responsible for such an adverse decision (Table 9).

What then went wrong for the SAD-BJP alliance in the elections? The survey seems to suggest some trends. First, nearly 60 per cent of the respondents felt that party interference (read Akalis) in religious matters had increased. Among those who held this opinion nearly 87 per cent confirmed that it had influenced their voting decision either to some extent or to a great extent during the elections. Further, more people held Akalis responsible in engaging in nepotism in ticket distribution compared to any other party. Nearly 15 per cent of the voters felt that it was the Akali Dal, which engaged in the nepotism during the ticket distribution, and only 7 per cent people blamed the Congress for this. The SAD-BJP naturally did not get much support from among those who held the SAD responsible for nepotism in ticket distribution. (Table 10).

Nearly 65.5 per cent of the respondents were aware of the incidents of suicides by the cotton-growing farmers. As for the opinion of the people about fixing responsibility for such suicides, nearly 25 per cent of the respondents held the state government responsible, while 12 per cent held the Central Government responsible. Nearly 19 per cent of those interviewed placed responsibility on both, of whom majority voted in favor of the Congress allies. Congress benefited as a result (Table 11).

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A greater percentage of the respondents held the opinion that the INC-CPI was more capable of maintaining peace in Punjab as compared to the SAD-BJP alliance. Naturally they voted accordingly. Moreover, of the 19 per cent respondents, who held no opinion on this, nearly 42 per cent voted for the Congress and its allies giving the alliance an edge. (Table 12).

The opinion of respondents with regard to the policy of providing free electricity to the farmers was almost equally divided. While 36 per cent of the respondents were in favour of this policy, similar numbers of respondents were opposed to this policy. Nearly 23 per cent considered this policy somewhat correct. Of those who considered it somewhat correct, more voted for the Congress allies, compared to those who voted for the SAD-BJP allies. One can infer that the SAD-BJP government hardly benefited from this populist policy. (Table 13).

While looking at the traditional support base of different political parties in Punjab, the findings of the survey shows that nearly 31 per cent of the voters interviewed were the traditional supporters of the Akalis, while 29 per cent voters were the traditional supporters of the Congress. The data indicates that both the political parties did manage to get large support from their traditional supporters. However, nearly 23 per cent claimed to be supporter of no particular party. It is noteworthy that among these floating voters, nearly 41 per cent voted for the Congress and the allies (Table 14). The SAD-BJP government came under flak on the prevalence of corruption as 33.8 per cent of the voters interviewed thought that the corruption had increased during the last five years compared to 23.2 percent who thought it had been checked.

As for the halfhearted, belated attempt by the SAD to rake up the memory of Operation Blue Star and the massacre of Sikhs in the aftermath of the assassination of Indira Gandhi, it was evident from the survey that it did not cut much ice with the voters. There was an insignificant support of 12.6 per cent from those who were willing either to support completely or partially the methods adopted by the militants. Nearly 33.1 per cent of the respondents went to the extent of fully justifying the methods adopted by the Punjab police to curb militancy whereas 30.1 percent somewhat justified that. However that did not lead the majority of respondents to support the idea of granting amnesty to the police personnel accused of violation of human rights during the strife torn days (a part of the INC manifesto). Nearly 45.5 percent of the respondents were opposed to it whereas only 13.4 per cent fully justified it. Fortunately there was no Hindu-Sikh divide on this score. Likewise POTO had gone mostly unnoticed in Punjab, as 68.8 percent of people had not even heard about it. The Congress certainly seems to have benefited from these trends indicating a gradual fading away of the anguished memory of the politics of ethnic stridency.

Shift in the Voting Pattern of Voters of different Social Communities

While the findings of the 2002 survey enable us to understand the support base of different political parties in Punjab, the findings of the exit poll conducted in Punjab during the 1997 election are helpful in analyzing the changing pattern of voting of people belonging to different communities. It is clear from the results that the Congress registered a victory in the state, but does this mean that the party/alliance is popular among voters belonging to all social communities?

As expected, the Congress seems to be the most popular among the Hindu Upper caste voters as nearly 56 per cent of the respondents voted for the Congress and its allies during the assembly election 2002. During the 1997 assembly elections, nearly 43 per cent of the Upper caste Hindu voters interviewed had voted for the Akali allies and only 39 per cent among them voted for the Congress allies. The survey suggests that the popularity of the SAD-BJP allies has gone down considerably among the Upper caste Hindus. (Table 15)

If we look at the voting pattern of the respondents belonging to the Hindu OBC caste, the survey indicates a massive swing away from the SAD-BJP allies during the 2002 assembly elections, compared to the 1997 assembly elections. The support base for the SAD-BJP alliance has gone down considerably among the Hindu OBC caste. The BSP did manage to attract some Hindu OBC voters as nearly 8 percent among them voted for the BSP during the 2002 assembly elections. Among the Hindu Backward Caste voters, nearly 52 per cent of those interviewed voted for the Congress.

Even though a majority of the Hindu Dalit voters interviewed voted for the Congress- CPI alliance in the recent assembly elections, the BSP seemed to have wider acceptance among the Hindu Dalits. The Congress alliance had been the first choice of large number of Hindu Dalit voters, but nearly 29 percent of them also voted for the BSP. This indicates that despite its electoral debacle, the BSP continued to retain its support base among the Hindu Dalits. The SAD-BJP alliance received very little support from among the Hindu Dalits. The data from the exit poll suggests that the SAD-BJP alliance did not attract the support of the Hindu Dalits even during the 1997 assembly elections despite registering a massive victory.

This is not to say that the Congress alliance is not popular among the Dalit Sikh voters. Majority of the Dalits belonging to the Sikh community voted for the Congress- CPI alliance not only in the recent assembly elections, but also during the 1997 assembly elections. From among the respondents, while nearly 40 percent of the Sikh Dalits voted for the Congress allies, only 30 percent opted for the SAD-BJP allies. A comparative study of the data gathered from the two surveys indicates that the popularity of the SAD-BJP allies is much higher among the Sikh Dalits as compared to its popularity among the Hindu Dalits. And also that the support base for the BSP among the Sikh Dalits has considerably gone down whereas there has

been no major shift in the support base for the Akali (Mann) among the Sikh Dalits during the last two assembly elections.

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But if we look at the Jat Sikh and the Khatri Sikh voters in Punjab, we find that the SAD-BJP combine is extremely popular among them. It is true that the alliance lost some support base among these sections of society, which contributed to its defeat in these elections, but in spite of this, a large number of the Jat Sikh and the Khatri Sikh voters voted for the SAD-BJP alliance. The survey suggests that, in spite of the defeat, the support base of the SAD-BJP alliance had increased among the Khatri Sikhs and more among them voted for the alliance during the 2002 assembly elections compared to the 1997 assembly elections. The Congress alliance has also increased its presence among the Jat Sikh and the Khatri Sikh voters, but it is no position to match the popularity of the SAD-BJP alliance among these voters. (Table 15)

If we look at the support base of the political parties in terms of the level of urbanity, we find that the SAD-BJP draws greater support among the rural voters, while the Congress draws greater support from the urban voters. The voting pattern of the rural voters suggests that in spite of the SAD-BJP alliance getting defeated, the majority of them had voted for the alliance during the 2002 elections. Compared to the 1997 assembly elections, the Congress alliance did manage to increase its support base among the rural voters, but still the majority of the rural voters voted for the SAD-BJP alliance. (Table 16) The victory of the Congress alliance during the 2002 assembly election can largely be credited to the increasing presence of the alliance among the urban voters.

Tasks before the New Congress Government

Now that a new government has taken over the reins of the Punjab state, what is of crucial importance is to have a clean and effective developmental administration backed by programmatic actions and not populist policies revolving around subsidies, empty promises, emotive slogans bordering on rhetoric and patronage. The creation of additional assets or capital formation is the need of the hour. Agriculture, 'the bedrock of Punjab economy and politics', in this regard, should receive the top priority. The focus in this sector should be on biotechnology, the depleting ground water, treatment of the sick soils (deprived of nutrients) and the safeguards from the harmful effects of chemical (fertilizers and plant protection) toxicity on human and animal health, environment and ecology. So far the attention has been more on dairying, agro-processing, diversification, production, pricing, procurement, transportation, clearance of overflowing stockpiles.²⁷ In the social sector, the new government has to create better opportunities for rural employment, primary education and social engineering, public and animal health facilities, drinking water, infrastructure. In the industrial sector, foreign as well as domestic

investments have to improve and the agro-based industries have to become competitive to survive the onslaught of the MNCs under the WTO regime. The tax revenue income has to be substantially increased either by raising taxes, scrapping tax exemption concessions and the curtailing of governmental expenditure on salaries, wages and pensions which costs the state exchequer RS. 5700 crore. Interest repayment (RS. 2300 crore) and subsidies, has to be decreased if the state has to come out of the debt trap involving RS. 28000 crore. Collapse of the public sector units (costing RS. 6500 Crore), the absence of accountability among politicised public servants, institutionalization of corruption, the malfunctioning of the local bodies have been the other critical issues. Time is clearly running out for Punjab, once among the most prosperous states of India.

[This article refers to the Exit-Poll conducted in February during the 1997 assembly election and the a post-poll survey conducted in February during the 2002 assembly election by the Centre for the Study of Developing Societies [CSDS], Delhi. The Exit Poll was conducted in 96 polling stations of 24 assembly constituencies. The post-poll survey was conducted in 69 polling stations of 23 assembly constituencies. The assembly constituencies were drawn randomly using the probability proportionate to size method. During the Exit-Poll (1997) four polling stations were selected randomly from each of the selected assembly constituencies, while during the Post-Poll survey (2002), three polling booths in each of the 23 selected assembly constituencies were drawn randomly. During the Post-Poll survey, the sample of respondents was randomly drawn from the electoral rolls of the selected polling booths whereas during the Exit Poll the respondents were selected randomly outside the polling station. The total number of completed interviews during the Post-Poll survey was 1146, while the total number of completed interviews for the Exit -Poll was 4923. Tables 3-16 are based on these surveys]

Table 1: Summary of Assembly Elections in Punjab (1952-2002)

Year	Lotal Seats	Out	5	INC	BJS (1952-72)	JP 952-72)	9	3	ž.	State Party I	-	Sta	State Party II	Ħ
			Seats	Vote	Seats	Vote	Seats	Vote	Party	Seats	Vote	Party	Seats	Vot
														e
1952	126	55.3	28	36.7	١	5.6	4	3.9	SAD	13	12.4	ZP	2	7.5
1957	154	58.0	120	47.5	9	8.6	6	13.6	SCF	5	5.4	PSP	-	1.3
1962	154	65.5	90	43.7	90	9.7	9	7.1	SAD	19	11.9	SS	4	1.4
1967	104	71.2	48	37.7	9	9.8	5	5.3	ADS	24	20.5	CPM	W	3.2
1969	104	72.3	38	39.2	∞	9.0	4	4.8	SAD	43	29,4	CPM	2	3.1
1972	104	69.3	86	42.8	ı	5.0	10	6.5	SAD	24	27.6	CPM	-	3.3
1977	117	65.4	17	33.6	'	t	7	6.6	SAD	58	31.4	JNP	25	15.0
1980	117	64.3	63	45.2	1	6.5	9	6.5	SAD	37	26.9	CPM	5	4.1
1985	117	67.5	32	37.9	6	5.0	1-	4.3	SAD	73	38.0	岩	-	듸
1992	117	23.8	87	43.7	6	16.6	4	3,6	BSP	9	16.3	SAD	w	5.2
1997	117	68.7	14	26.6	18	8.3	2	3.0	SAD	75	37.6	BSP	-	7.5
2002	117	65.0	62	36.5	3	5.7	-	1.7	SAD	41	30.5	BSP	ı	5.4
,	TODO Data I his													L

Source: CSDS Data Unit
Note: Remaining seats and vote have gone to either other minor parties or the independents.

Table 2: Punjab Region-wise Analysis of results

Regions	stess	Regions Seats Turicus	EE .	Cango		Swing	R	G &		Spike		ig C	' 음	G &		Gain Vote	Gain Vote swing Scar	Cain Vote Noise Seat Cain	Gán Vos baig Sze Gán Vos	Cain Vote Swing Stat	Gán Vot Swing Sent Gán Vota Swing Sent Gán	BSP Partic Morde C
		•	ja	Canal Canal	38€	Swing		E S	3 ≨	Swing	€	≨ ₽	35	, And	疑		36	œ	į.		See Cein	Ŗ
<u>A</u>	116	65.0	63	+47	38.2	+8.6	4	₽	3.6	9.4		Ļ.	 St.	2.	,	1	4.7	+1.6	Ψ, [9	5	9
Majha	27	62.9	17	+17	40.6	40.6 +10.	-3	÷ .	39.1	-12.3		•	7.	£	'	•	1.7	-0.6		w		(12)
Doaba	25	63.3	16	±11	39.4	39.4 +12.	-	5	35.4	-8.0		-	12.5	4.	,	•	1.9	+1.9				
Malwa	65*	66.4	8	+19	37.0	± 5.9	28	21	36.0	-5- -5- -5- -5-	•		^	-		-	6.7	+2.2		•	<u> </u>	6 +3 15.8

Note: Congress Alliance=INC+CPI; Akali Alliance=Akali+BJP+DBSM * Election countermanded for the Malout assembly constituency.

Table 3: Party preference among those who took decision of voting at different times

HILLO				
When did the voter	Party voted	for during 2002 Asse	embly I	Election
made up mind to	INC-CPI	SAD-BJP-DBSM	BS	Panthic Morcha
vote	ļ		P	
On the Polling Day	35	27	10	4
During the	39	23	3	6
campaign				

Table 4: Satisfaction with the state government and vote preference

Level	of	Party voted	for during 2002 Asse	embly El	lection	
satisfaction		INC-CPI	SAD-BJP-DBSM	BSP	Panthic Morcha	Total
Not at satisfied	all	64	7	8	3	33
Somewhat Satisfied		37	29	6	7	29
Very satisfied		7	78	1	3	28

Table 5: Satisfaction with the central government and vote preference

Level of	Party voted	for during 2002 Asse	embly El	lection	
satisfaction	INC-CP1	SAD-BJP-DBSM	BSP	Panthic Morcha	Total
Not at all satisfied	59	13	5	3	18
Somewhat Satisfied	42	30	8	4	36
Very satisfied	14	65		5	25

Table 6: Opinion about the changed economic condition and vote preferences

Opinion about the	Party vote	d for during 2002	Assembl	y Election	
economic condition during last five years	INC-CPI	SAD-BJP- DBSM	BSP	Panthic Morcha	Total
Deteriorated	58	12	7	4	19
No Change	44	25	6	6	44
Improved	20	58	3	4	36

Table 7: Opinion on abolition of Octori and vote preferences

Opinion on	Party vote	d for during 2002 Ass	sembly I	Election	
abolition of Octroi	INC-CPI	SAD-BJP-DBSM	BSP	Panthic Morcha	Total
Not Justified	46	19	3	13	17
Should have been done much carlier	57	21	10	3	11
Somewhat justified	31	37	5	i	22
Fully justified	32	50	4	3	35

Figures calculated only among those who had heard about the abolition of Octori.

Table 8: Opinion on the Supreme Court decision over the Sutlej River water dispute and vote preferences

Opinion	on Party vo	ted for during 2002 A	ssembly El	lection	
l . '	urt INC-CPI on	SAD-BJP-DBSN	M BSP	Panthic Morcha	Total
Unjustified	26	41	4	8	44
Somewhat justified	37	42	1	2	17
Fully justified	42	35	4	5	22

Figures calculated only among those who knew about the Supreme Court decision

Table 9: Party responsible for the adverse decision of the Supreme Court on Sutlej water dispute and vote preferences

Date of Water disput	c and total	e citi tiitta			
Party responsible	Party voted	for during 2002 Asse	embly E	lection	
for such supreme court decision	INC-CPI	SAD-BJP-DBSM	BSP	Panthic Morcha	Total
INC	19	61	1	14	23
SAD	41	22	9	4	30
No Opinion	35	39	2	4	39

Figures will not add up to hundred as small numbers of people gave other responses

Table 10: People's opinion on nepotism by political parties and vote

preferences

of efficiences					
Party engaged	Party voted	for during 2002 Asser	nbly Ele	ction	
in nepotism	INC-CPI	SAD-BJP-DBSM	BSP	Panthic Morcha	Total
INC	19	61	5	T 3	7
ВЈР	20	20	T	20	1
SAD	50	16	12	6	15
All Parties	38	39	1	4	31

Table 11: Fixing responsibility for farmers suicide and vote preferences

TABLE III I MAINE .					
Whom people	Party voted	for during 2002 Asse	mbly Ele	ection	
blame for farmers suicide	INC-CPI	SAD-BJP-DBSM	BSP	Panthic Morcha	Total
Central Government	29	44	1	9	12
State Government	48	15	9	6	25
Both	39	31	8	9	19

Figures calculated only among those who had heard about the farmer suicide

Table 12: Party best suited to maintain peace in Punjab and their voting

preferences					
Party/alliance best	Party voted	for during 2002 Asset	embly El	ection	
suited to maintain		SAD-BJP-DBSM	BSP	Panthic	Total
peace in Punjab			•	Morcha	
INC-CPI	76	8	1	1	34
SAD-BJP	5	79	1	5	31
No Opinion	42	20	6	4	19

Figures will not add up to hundred as small numbers of people gave other responses

Tables 13: Opinion about the policy of free electricity to farmers and vote

hi eletences							
Opinion about	Party voted for during 2002 Assembly Election						
free electricity to	INC-CPI	SAD-BJP-DBSM	BSP	Panthic Morcha	Total		
Unjustified	56	17	4	4	36		
Somewhat justified	39	27	11	6	23		
Fully justified	19	59	2	5	36		

Table 14: Traditional party supporter and their voting preferences

Table 14: Traditional party supporter and then young preferences							
Traditional party	itional party Party voted for during 2002 Assembly Election						
supporter	INC-CPI	SAD-BJP-DBSM	BSP	Panthic Morcha	Total		
Congress	77	8	2		29		
Supporter			ļ <u> </u>				
BJP Supporter	16	68		_l	4		
SAD supporter	8	77	1	7	31		
BSP supporter	12	<u> </u>	73	5	5		
Supporters of no particular party	41	19	1	5	23		

Table 15: Changing Vote Preferences among different Castes

	Congress CPI		Akali +		BSP	BSP Akali (Maa		(Maan)
	1997	2002	1 <u>99</u> 7	2002	1997	2002	1997	2002
Hindu Upper Caste	39	56	43	22	2	1	<u></u>	1
Hindu OBC	30	52	48	12	8	8	I	7
Hindu Dalit	32	49	22	9	32	29	1	<u></u>
Jat Sikh	18	23	69	52	1	1	3	7
Khatri Sikh	17	25	52	61	8			
Sikh OBC	25	39	61	34	2	- -	2	11
Dalit Sikh	35	40	33	30	10	5	6	5

Table 16: Changing voting preference of voters belonging to different locality

Locality	Congress+ CPI		Akali + BJP		BSP		Akali (Mann)	
	1997	2002	1997	2002	1997	2002	1997	2002
Rural	25	31	54	37	7	6	2	7
Urban	33	49	45	30	4	4	2	

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Notes

1. Verma, PS 'Punjab Assembly Elections: Sharply Polarised Electorate', Economic and Political Weekly (hereafter EPW), June 15, 2002, p.2284.

- 2. Significantly, unlike the SAD-BJP alliance, the Congress had made it clear on the election day itself that the party would not share power with the CPI if it was voted to power. *Indian Express* (hereafter *IE*), Chandigarh, Fcb 14,2002. See also Singh, Bajinder Pal 'And the changing face of Akalis', *IE*, January 29 2002; Singh, S P 'Basic Point: Congress wants to come back, SAD won't let go', *IE*, Feb 2, 2002.
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Guru Nanak and the 'Sants': A Debate

From Professor Hew McLeod (University of Otago)

Dear Editors,

Shortly before I received the International Journal of Punjab Studies 8:1, I was bewailing in a paper the fact that the antecedents of Nanak's teachings were not receiving the academic attention which they so badly needed. Then the IJPS arrived and I was delighted to read therein Nirvikar Singh's article 'Guru Nanak and the 'Sants': a reappraisal'. The article represents a serious attempt to grapple with those antecedents and it does so with a style, which is at once clear and arresting, abundantly fulfilling the requirements of scholarly argument. Nirvikar Singh deserves congratulations and willingly I extend these to him. Would that there were more scholars like him!

This does not mean, of course, that I accept everything that is contained in the article. This is scarcely surprising, as I am its main target. In his conclusion, Nirvikar Singh sums up the purpose of the article as twofold:

In this paper, we have made the case that both the concept of a 'Sant tradition' and the membership of Guru Nanak in that tradition can be questioned as problematic.

I shall deal briefly with each of these statements.

First, I fully agree that although 'Sant tradition' purports to describe poets who lived half a millennium ago, the label first emerges in the nineteenth century. This, however, does not negate the term. Something had to be found for poets such as Kabir or Ravidas in order to distinguish them clearly from the Vaishnava sagunÜa bhaktas of the Bhakti tradition. The term nirgunÜa samprada'ya would also have served the purpose, but it is scarcely an expression which commends itself to those with a minimal knowledge of Sanskrit or some other language of North India.

Secondly, was Guru Nanak a Sant? The answer is both yes and no, as I attempt to explain on pages 101-02 of Sikhism. It all depends on how the question is put. The religion of the Sants is both complicated and varied, and there can be no easy answer to this question. I may clearly lean in a particular direction, but I certainly do not attempt a categorical answer.

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In addition, I would like to make four individual responses to various points which were made in the course of the article:

- 1. Even 'objective' scholars, we are told, bring their personalities and biases to their work. I could not agree more. It is important to remember, however, that this inflexible rule also applies to the author of the article.
- Why am I 'completely unjustified' in capitalizing 'Sant'? This I fail to understand.
- 3. Cautious and qualified views which I express are later converted into categorical statements. This is most obvious when on page 4 it is said that 'McLeod seems to imply that a scholar cannot be devout'. On page 6 this becomes 'McLeod is categorical in dismissing insider views (those of "believers") as less than scholarly.' (The italies have been added.)
- 4. The example given above under 3 also serves to illustrate an assertion which is simply not true. I certainly do not believe that 'scholars cannot be devout', nor do I regard Sikh scholars as 'tainted by their faith' (page 30). How could I possibly maintain this in view of the support and assistance which I received from Dr Ganda Singh or Professor Harbans Singh?

Let me reaffirm, however, that it came as a pleasant surprise to read the article. I hope that Nirvikar Singh will pursue this interest.

Yours sincerely,

Hew McLeod

Response from Professor Nirvikar Singh (University of California, Santa Cruz)

Dear Editors,

Professor Hew McLeod, in a letter (McLeod, 2002) to the editors of this journal, raises several points with respect to my article (Singh, 2001) on the nature of the 'Sant tradition', and Guru Nanak's possible place within it. This note is written to clarify issues and respond to questions raised by McLeod in his letter.

The first aspect of my response is to correct a statement in McLeod's letter, namely that he is the 'main target' of my article. This was certainly not my intent. My analysis was conducted as a broad survey of scholarly writing on the issue of the Sant tradition and Guru Nanak's connection to it. It is certainly true that McLeod provides the most forceful and, based on my reading, somewhat simplistic answer to

the question of the existence and nature of the tradition, and Guru Nanak's position with respect to it. Thus, his interpretation with respect to these specific points is questioned in my article. On the other hand, I have quoted McLeod's general analysis of Guru Nanak's teachings quite extensively in my own piece, and have tried to present his views as completely and objectively as possible. Thus, while I have subjected particular statements of McLeod to scholarly scrutiny, there is no question of targeting him as an individual.

I next turn to the substantive questions raised by McLeod in his letter. First, and most importantly, he again acknowledges that the 'Sant tradition' label applied to North Indian bhaktas (or bhagats) such as Kabir and Ravidas does not emerge until the nineteenth century. He argues that the term is nevertheless useful to distinguish individuals such as these from the Vaishnava saguna bhaktas. I have already discussed and laid out the different views on this position, and the substantive arguments involved, in my original article (Singh, 2001, pp. 13-15).

In his letter, McLeod seems to be arguing that the term 'Sant tradition' is linguistically appealing to those with 'minimal knowledge of Sanskrit or some other language of North India'. There are several problems with this assertion. First, it ignores the substantive issues to which I have just alluded. Second, the argument seems inconsistent, since 'Sant' is itself not an English word, and other non-English words such as 'bhakta' are used freely in such discourse. Third, and most importantly, the term 'Sant' is quite problematic, both because it has an alternative meaning as just a contemporary holy person or religious leader (Singh, 2001, pp. 17-18), and because it is associated with traditions such as the Radhasoamis (Singh, 2001, p. 7 and p. 19), which consciously seek to subsume the Sikh tradition (with its clarity on the Guru Granth Sahib as the only contemporary Guru) to those that elevate contemporary individuals to the same or a higher spiritual status.

The second issue raised in McLeod's letter is the answer to the question, 'was Guru Nanak a Sant?' His answer in the letter is 'both yes and no as I attempt to explain on pages 101-02 of Sikhism' (McLeod, 1997). He goes on to characterize the 'religion of the Sants' as 'complicated and varied', and says 'it all depends on how the question is put...there can be no easy answer'. I have reread the pages referred to by McLeod, and find his position in his letter quite different from that expressed in his book. In fact, in my own article (p. 3), I quoted the relevant paragraphs from exactly the pages he refers to, and repeat one sentence here: 'Because he represents the essential concerns of the Sants, it follows that Guru Nanak must be located within the Sant tradition.' (McLeod, 1997, p. 102). This is not 'both yes and no'. McLeod's subsequent negative answer in his discussion (p. 102) is to a different question, that of Guru Nanak's originality. My article began as an attempt to examine the validity of such categorical statements, and I ended up questioning whether such simple statements could be made. McLeod's current view, as he states

in his letter, that he does not 'attempt a categorical answer', appears to be quite different from his earlier published statements.

McLeod's third point is his first numbered response. Using a sentence from my article (Singh, 2001, p. 6), he states that 'even objective scholars, we are told, bring their personalities and biases to their work. I could not agree more.' Unfortunately, McLeod has chosen to quote me completely out of context. The quote he has chosen comes from my summary of McCutcheon's survey of the insider/outsider debate in the study of religion, in which four different theoretical approaches are described. It is not a position that I take in my article, as a proper reading of pp. 5-6 will make clear to anyone. In particular, I state quite explicitly (p. 6) that I seek to adopt the 'objective outsider' position as much as possible, while remaining conscious of the problem of reflexivity. Furthermore, when I have touched on the issue of objectivity, or its lack, it has been to highlight inconsistencies in evaluations of sources (p. 6), and I have backed up my arguments with what I think are rather clear and striking illustrations (Singh, 2001, pp. 30-31). Finally, I am quite dismayed at McLeod's last sentence in his first numbered response, which seems to me to be mere innuendo. A reading of p. 6, immediately after my summary of McCutcheon, as well as my footnote 2, makes my position quite clear. Furthermore, it is easy for anyone to check (at http://econ.ucsc.edu/~boxjenk/

and http://econ.ucsc.edu/Faculty/facSingh.shtml) that I am not a professional historian, but that I am a social scientist trained in empirical methodology. My article does not claim to provide fresh historical research, but is a careful examination of what various scholars have claimed, based on what we do already know. It is unfortunate that a scholar of McLeod's caliber resorts to innuendo.

McLeod's second numbered response professes bewilderment as to why capitalizing 'Sant' is unjustified (Singh, 2001, p. 18). I think the answer is obvious. As McLeod agrees, the 'Sant tradition' label emerged in the nineteenth century. Furthermore, as McLeod has pointed out himself in his earlier work, Guru Nanak does not refer to any of the bhaktas in his writing. Thus, in the passages quoted by McLeod, Guru Nanak cannot be referring to a recognized grouping or tradition. Hence the capitalization, which would be appropriate only if 'sant' were being used as a proper noun, is completely unjustified. Since there is no capitalization of proper nouns in Indian languages, transliteration and translation involve some judgment as to capitalization: here it seems to me that McLeod has clearly erred. In fact, the point is even broader, since none of the Sikh scripture uses the term 'sant' for a recognized group or tradition, even when it includes the writings of some of the bhaktas, or refers to them by name.

McLeod's third and fourth numbered responses are both related to insider/outsider issues, but are distinct enough to require separate consideration. First, I must apologize and correct an error that affects my subsequent discussion.

The correct quote from McLeod (1997, p. 101) is 'for most devout Sikhs the answer must be a firm no.' The word 'most' was omitted from my article (Singh, 2001, p. 3), and its inclusion supports McLeod's third numbered response, that I have converted cautious and qualified views into categorical statements. Once again, I regret this error. A proper statement in my article would have been, 'McLeod is categorical in dismissing most insider views as less than scholarly.' Therefore I stand by my position that McLeod's earlier published statements are more categorical than he now wishes to claim. In particular, he argues as follows. According to him, most devout Sikhs reject the possibility of antecedents, and so the question of whether Guru Nanak was a 'Sant' is moot for them. Others, however (which, by implication, includes a minority of devout Sikhs), are 'required to give a different answer', and that answer, to the 'strictly neutral question of antecedents and influences...must be in the affirmative'. I have italicized the words that capture the essence of McLeod's claims - these are not cautious and qualified statements. Note that there are two other specific problems with McLeod's statements. First, he has provided no empirical basis for his claim about what 'most devout Sikhs' think. Second, he seems to imply that an acceptance of divine revelation is inconsistent with scholarly enquiry into antecedents. This second position is both theoretically and empirically untenable, as McCutcheon's summary of different methodologies for religious enquiry, and the positions of leading Sikh scholars such as Gurinder Singh Mann (1996, 2001) respectively demonstrate.

With respect to McLeod's fourth numbered point, I again stand corrected. My statements, quoted by McLeod, are too sweeping. They must be modified along the lines indicated in my previous paragraph. However, I think my identification of an inconsistency in McLeod's characterization of Sikh scholars versus sources such as Barthwal (1936) and Chaturvedi (1952) is still valid. It is interesting that McLeod mentions Ganda Singh and Harbans Singh. In McLeod (1997), one specialized work of Ganda Singh appears in the reference citations (p. 316). Harbans Singh's work is not cited, though it is briefly discussed in the bibliographic note (p. 319). In fact, Harbans Singh provides a prominent example of McLeod's minority category of devout Sikhs who are not averse to examining the antecedents of Guru Nanak's teachings. Harbans Singh (1969) discusses the relationships of these teachings to Bhakti and Sufism (pp. 58-59), alludes to Guru Nanak's drawing on the terminology of the Sant tradition as well as other traditions (p. 216), but appears unwilling to put Guru Nanak within any tradition (p. 221). In his Berkeley lectures (Singh, 1995) he is quite clear about this: 'Yet he [Guru Nanak] belonged to none of these systems or orders. Nor could he be aptly placed in the framework of any of these.' Thus Harbans Singh fails to give the answer that McLeod says he must provide.

In conclusion, I must reemphasize that the main purpose of my article was not to examine different methodologies. Although it was important to put my analysis in methodological context, I deliberately strove for an 'objective outsider' approach,

and relied almost exclusively on the work of Western academics firmly based in that approach, writing for their scholarly peers. This was why I did not reference Harbans Singh or most other Sikh writers. Therefore, while the 'insider/outsider' debate is relevant, and has political overtones that McLeod does not address, my main conclusions do not rely on the issues raised by McLeod in his third and fourth numbered points. To repeat these conclusions, I have argued that the concept of a 'Sant tradition', the origins of the nomenclature, and Guru Nanak's membership in such a tradition are all more problematic than some scholars have been willing to admit. I supported this argument by drawing on a range of scholarly writings, laying out the different interpretations, where they differed, and where they appeared to be tenuous based on our existing knowledge. While I am flattered by Professor McLeod's attention to my analysis, and am pleased that in his letter he appears to be moving at least partway towards the position I have articulated, I agree that there is room for further analysis.

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Book Reviews

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Brian Keith Axel, *The Nation's Tortured Body: Violence, Representation, and the Formation of a Sikh 'Diaspora'* (Durham and London: Duke University Press, 2001), 297pp, \$22.95 (pb). ISBN 0-8223-2615-9.

Brian Keith Axel's book is a brilliant treatment of the problematic category of diaspora. And herein lies the key to appreciating this insightful work - it is of utter importance to understand what Axel is writing about, as the first footnote of the book points out, '[a]lthough at different points in this book I do discuss different aspects of Sikh religious life, the Sikh religion is not the object of study' (p 237, note 1, emphasis Axel's). Rather, the object of study is the historical constitution of a particular diaspora, that is, the Sikh diaspora, within its global context. While there are numerous issues within this examination of diaspora that Axel tackles, everything from art history to methodology, he focuses on three major points. First, he is concerned with the Sikh subject as a unit of analysis. Second, he explores the relation of the Sikh amritdhari body, Indian cartography, and torture within Punjab. And third, he integrates these themes into a critique of current theories of diaspora and offers his own reformulations.

As for the first theme, Axel identifies 'four kinds of Sikh subjects or, more precisely, four sites of Sikh subjectification' (p 35). While he is careful not to argue that they are entirely distinct and unrelated, he presents them as, '(1) the colonial Sikh subject, (2) the Sikh subject constituted by the nation-state, (3) the Khalistani Sikh subject, and (4) the Sikh subject constituted by Sikh studies' (p 35). His analysis relies on contemporary theoreticians of subject formation including Louis Althusser, Judith Butler, Homi Bhabha, and Jaques Lacan. For Axel, the colonial Sikh subject is primarily constituted through specific acts of surrender. Of these the most important was the surrender of the Sikh sovereign state to the British colonial state, which is reiterated by many other symbolic surrenders, such as Maharaja Duleep Singh's (the seventh son of Maharaja Ranjit Singh and the last Sikh ruler of an autonomous Sikh kingdom) conversion to Christianity and the relinquishing of the famous Koh-i-noor (Mountain of Light) diamond to Queen Victoria herself. This colonial creation of the Sikh subject is mirrored by the Sikh encounter with the Indian nationstate. In this case it is not so much a surrender, but rather a subsumption of Sikh identity under the greater call for rashitriya ekta, or national integration. However, in Axel's third Sikh subject, that is the Khalistani Sikh subject, this colonial surrender and perceived subjugation by the Indian nation-state is turned on itself, resulting in a subject formation still dependent on surrender, but surrender to the Guru, not to temporal powers. Thus, the first two surrenders are displaced, and consequently replaced, by this third surrender, the ultimate surrender which is the surrender to God. This final surrender becomes, for Khalistanis at least, a call for Sikh unity in opposition to the adherence to a national unity. Finally, the academic community has created its own Sikh subject which has come into conflict with the diasporic Sikh community's

understanding of itself. It is important to note that Axel in no way identifies all diasporic community members who participate in the debate of Sikh history and interpretations of the Sikh subject with the movement for Khalistan. Rather, Axel uses the controversies raging between the Sikh community and many (mostly western) academics as yet another moment of contestation over the Sikh subject.

Although Axel explores all four sites of Sikh subjectification outlined above, most of his analysis centres on the conflict between the Sikh subject desired by the Indian nation-state and the Sikh subject as understood by Khalistanis. The conflict revolves around the Khalistani claim for a homeland, '[t]hrough subjection to the juridical and extrajuridical procedures of the Indian nation-state since Partition, the Sikh subject has been repeatedly produced around the category demand, specifically, a demand articulated through an antagonistic relation to the Indian nation-state's repeated "answer" of rashitriya ekta (national integration)' (p 89, emphasis Axel's). In this equation, the Sikh amritdhari body - that instantly recognizable male, turbaned, and bearded body - becomes a major site of conflict. It represents difference in that just a fragment of that total body can threaten the Indian nation-state's claims to authority.

Similarly, the category of demand plays itself out in the contest over cartographic productions of India. After Partition, the Indian nation-state demarcated a 'restricted zone,' a zone which incorporates almost all the Indian Punjab, within which no detailed maps can be produced. Most important to the Indian nation-state is the prevention of any claim to alternate mappings of Punjab that would either name it differently or draw its boundaries in a way that threatens the integrity of a united India. As Axel writes, 'we may see that Punjab - a 'disturbed area' and a 'sensitive border state' - and the fragment of the amritdhari body have come to pose a challenge to the putative "incontestable reality" of the Indian nation-state's sovereignty and territoriality' (pp 132-3, emphasis Axel's). Thus, for Khalistanis, the Indian nation-state, through juridical control, that is laws restricting cartographic representations of a Punjab as distinct or different, violates the integrity of an independent Punjab. Similarly, the Indian nation-state, through violence, more specifically through torture which invariably attempts to strip distinctiveness from the amritdhari body, violates the integrity of an independent Sikh subject. While Axel's argument is well crafted, he is not clear on his use of the term 'amritdhari body.' It seems that in his use of the term 'amritdhari body,' Axel means to refer to both the keshdhari body and the amritdhari body, as often they are virtually indistinguishable to the eye, and both would be the object of police brutality and torture.

In his conclusion, Axel identifies two problems with the current discussions of diaspora, 'first, a reliance on the place-of-origin thesis and, second, a conceptualization of the diaspora as a totality' (p 230). The first argument contends that a homeland produces a diaspora. Axel flips the equation and

argues that it is the diaspora that, 'through disparate processes of displacement, has constituted the place and temporality designated homeland' (p 230, emphasis Axel's). As for the second argument, that the diaspora is a totality, Axel counters that it ignores the place of difference within diasporic communities. Axel is relentless in his demonstration of 'the impossibility of the diaspora's (and the nation-state's) totality' (p 232, emphasis Axel's). It is here that he pulls together the seemingly disparate strands of his argument. It is the tension of the impossibility of totality within the diaspora with the desire for the security of such totality that is mirrored by the struggle to rectify the disjointedness of the tortured body by positing a total body. Thus, torture in the context of the struggle over Khalistan is the Indian nation-state's attempt to reject the total body (that is, the male, turbaned, and bearded amritdhari body) and replace it with a broken, tortured body, and in the same way to deny the independent totality of Punjab as a sovereign state, and rather to attempt to reconstitute it only within a united India. However, this process of disjuncture and reconstitution, both on the bodily level and the nation building level, is never realized, and the tension between threat and promise becomes the foundation for a set of relations which define certain Sikh diasporas.

This book is certainly not for those who are uninitiated into postmodern and postcolonial theory. The reader needs a firm background in both in order to follow Axel's detailed and complex argumentation. With this said, this book provides a much needed link between scholarship of Sikhism and contemporary theory. Brian Keith Axel has provided us with a brilliant example of how these two disciplines might illuminate each other, and as such it will surely influence many scholars in the academy and beyond.

Daniel Merton Michon

University of California, Santa Barbara

M.C. Lall, India's Missed Opportunity: India's Relationship with the Non Resident Indians (Aldershot: Ashgate, 2001), x + 249pp, £42.50 (hb). ISBN 0754615251.

Until fairly recently the acronym NRI was interpreted to mean Not Respected Indian or Not Really Indian but nowadays the NRIs are seen as a powerful financial and human resource which needs to be leveraged and mobilised in order to help the process of economic development of India. Despite the fact that India's population began dispersing to overseas territories from the 1830s onwards, leading to the emergence of an estimated 20 million strong Indian diaspora, it took 55 years for post-colonial India to set up a High Level

Committee on the Indian diaspora, to explore the potential role its 'overseas children' can play in its cultural, diplomatic, economic and political policies. The Committee's report, submitted to the Indian Prime Minister on 8th January 2002, was prepared after 15 months of consultation with Indian diaspora communities, noting their achievements and listening to their concerns, runs to some 600 pages, by far the best evaluation on the human condition of the Indian diaspora. But why did it take so long for India to acknowledge the existence and achievements of its diaspora? Why did India ignore for so long the potential role that diaspora finance can play in its economy despite the mounting evidence - especially from Chinese coastal development experiences - that such a source of finance was becoming increasingly important for supplementing and complementing the inadequate financial inflows from international financial markets? Lall's book attempts to answer these questions and provides an admirable overview of the shifting stance of the Indian government towards its diaspora communities. Lall convincingly demonstrates how Indian leaders' 'deep concern' for its overseas communities during the colonial period leads to 'indifference' and 'neglect' in the post-colonial period and to 'appeasement' and active courting in the post-reform period. According to Lall, as a consequence of this policy of indifference and ambivalence, India lost a great opportunity to benefit economically from its diaspora communities.

Lall's book attempts to address three main issues: the process of the dispersal of Indian communities to other colonies of the British empire and Indian leaders' reaction to the prevailing adverse socio-economic conditions of the communities settled there; the formulation of foreign policy in a newly independent India and how this formulation excluded any role for diaspora communities; post 1991-92 economic reforms and globalisation of the Indian economy and the renewed interest in rediscovering the Indian diaspora. Chapter 2 and the first part of chapter 4 deal with the first issue. Here Lall provides a summary of the available literature on the historical and geographical spread of overseas Indian communities. With the abolition of slavery in the British, French and Dutch colonies in 1834, 1846 and 1873 respectively, there emerged a severe shortage of labour for work in sugar, tea, coffee, cocoa, rice and rubber plantations. India became an important alternative source of labour and, as Tinker (H. Tinker, A new system of slavery: the export of Indian labour Overseas, 1830-1920, (1974, London, Oxford University Press) had forcefully argued before, the British invented a new form of slavery through the system of indentured labour. Lall's treatment of overseas communities here is rather selective, focusing mainly on Fiji and parts of Africa, and it would have been useful if the author had provided more details on the varying forms of indentured labour contracts and living conditions in the 'coolie enclaves' that emerged around plantations. What is very useful, however, is the author's discussion of the various missions of Congress members to the colonies and how these feed into the earlier origins of the Indian nationalist struggle. Nine separate missions are cited, taking place between 1910 and 1946. It is

interesting to note that not only did these missions attempt to investigate the living conditions of diaspora communities, they also made an attempt to mobilise these communities for the cause of Indian independence. Having won independence, however, India was to neglect her children abroad.

Lall's second concern is to explain the reasons for this neglect and this explanation appears largely in chapters 3 and 4. Here Lall's main focus is on the influence of Nehru in the formulation of Indian domestic and foreign policy. The Nehruvian foreign policy emphasised non-alignment with the superpower blocs and was guided by a blend of idealism and self-interest. In this formulation, diaspora communities '...were not considered an economic asset, a potential lobby, or anything else within the domestic or international affairs sphere. They were simply ignored' (p 44). One can understand how India's new preoccupations, in a period dominated by Cold War rivalries and ideologies, may have excluded a role for the diaspora, but Nehruvian thinking went further. The Indian diaspora was a legacy of imperialism and since it was now over, the struggle had to move on towards showing solidarity with those countries that still remained colonised. This required a re-assessment of India's relationship with its diaspora. If India continued to raise awkward questions about economic discrimination against overseas Indian communities in Africa, this would only jeopardise good diplomatic relations with these countries and thwart an Asian-African coalition in the UN. Thus the grievances of diaspora communities were sacrificed at the altar of building a strong coalition and non-alignment against the superpowers. Nehru's message to diaspora communities was clear integrate with the local population and support their struggle for independence. The government of India advised the 'Indians abroad to accept local citizenship and cease to seek a separate and better destiny from their fellow countrymen' (p 89). This policy, with its clear assimmilationist message for overseas Indians, remained largely intact till the mid 1980s. It is indeed ironic that whilst the Indian leaders were expecting loyalty and support from overseas Indian communities in order to establish a nation state, they were not required for the project of nation-building! Chapter 5 provides three very contrasting but illuminating case studies - of Ugandan, South African and Fijian Indians - to illustrate the limitations of India's policy and the continued problematic relationship India had towards its diaspora.

Lall's third concern is to show how, rather belatedly, India's relationship with its diaspora begins to change dramatically with the beginning of the economic reform process. Chapter 6 highlights the substantive policy changes affecting India/NRI relations and chapter 7 has a focus on the new industrial policy of 1991 and its impact on NRI investment in India. Although the new policy environment did result in an increase in inward investment, the response by NRIs was rather disappointing. NRI investment only constituted around 8-10 percent of total inward investment despite the special concessions offered to NRI investors. This was not wholly surprising given the perceived obstacles of doing business in India and the historical record of the treatment of NRIs by the

government. Thus, despite the rhetoric of appeasement and calls for patriotism among overseas Indian communities, the new policy initiatives failed to bring tangible financial benefits to the Indian economy. Lall could have gone further to argue that NRI patriotism could only be bought by bribing them through offering them attractive financial incentives, as in the successful case of special issues of government bonds and various bank deposit schemes, because it was still difficult for overseas Indians to shake off the enduring legacy of the Nehruvian policy. The Indian government was expected to offer special privileges and concessions if it was really serious about re-establishing trust with its diaspora.

A major strength of the book is that it uses a historical perspective to examine the troubled relationship between India and its diaspora. Although repetitive in places, most of the arguments are clearly made after careful research using print media, public and other secondary sources. The historical approach is also its main limitation. Case studies of overseas Indian communities are limited primarily to those who had their origins during the colonial period. Post-independent migrations to North America and Europe, especially to UK and the Gulf States are basically ignored. Overseas Indian communities located in these regions today contain some of the wealthiest individuals, in terms of both financial and human resource capabilities. Consequently these diaspora communities offer the greatest potential for aiding the development process of India. Given the significant growth in wealth and influence of these communities in their chosen homeland and given the new more open and globalised economic environment of India, the potential for developing fruitful diaspora-homeland relations appears much more optimistic. Hence the main title of the book - India's Missed Opportunity - may appear premature, with its undue focus on the past rather than the future. Events subsequent to the publication of the book clearly indicate that India's relationship with its diaspora is still evolving with a potential for a section of the diaspora to play a constructive role in India's economic development. This is already beginning to manifest itself in the IT and software sectors in places such as Bangalore where concerns about 'brain drain' have given way to ideas about 'brain circulation', whereby Silicon Valley based Indian entrepreneurs are instrumental in establishing new businesses in the knowledge-based industries. The new post-war diaspora does not carry the same colonial baggage, is more assured of its Indian identity and has financial and human resources to have a substantial impact in India if properly nurtured and courted. I am not as pessimistic as the author in seeing a more strengthened economic role for the Indian diaspora in shaping India's destiny.

Finally, despite some of the limitations identified above, Lall's book easily remains the most comprehensive attempt to situate the specific case of Indian State and diaspora relations in its historical context. It is a commendable effort, bringing together largely inaccessible material, and written in a clear and convincing style. The book should appeal to all scholars working in the field of

diaspora and migration studies, international relations, international history and international political economy.

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J. Hutnyk, Critique of Exotica: Music, Politics and the Culture Industry, (London: Pluto Press, 2000) iii and 261 pp. £14.99 (pb). ISBN 0-7453-1549-6. £45.00 (hb). ISBN 0-74531549-6.

Critique for the sake of critique seems to have occupied most of the pages of 'critical' texts that line the stacks. The location of academic scholarship all too often lies distant from the sphere of political activism representing the ways in which the academe has tended to view itself as an objective space from where to draw conclusions about the world around it, not recognising the ways in which it can and does perpetuate and reify discourses with which it never wholeheartedly engages. In his book John Hutnyk takes the plunge off the bookshelf into a space in which activism, politics, academic thought and musical creativity all interact with one another, forcing the reader to do the same.

The consumption of cultural products (music, food, clothing etc.) is not a new phenomenon and indeed the desire for the exotic has influenced and informed the expansion of cultural industries which play on 'difference' through the marketing and selling of such products. Hutnyk gives a cutting critique of such industries in the ways in which 'flavours of the month' have come and gone, while exotica remains a steadfast tool by which culture and identity can be played upon and tweaked by a capitalism eager to consume. Hutnyk examines contemporary theorisations of hybridity, culture, identity and postcoloniality with the edge and engagement of critical theory bringing together popular culture and an uncompromising though supple Marxist analysis. In doing so, he analyses 'world' music, the appropriation of things Asian by mainstream commercial interests and an emergent Asian 'kool' through a look at the (ab)use of the notion of hybridity as an apolitical form. Hutnyk asks 'Is capitalism hybrid now?', 'Does hybridity suggest a political program?'and 'What would a radical hybridity look like?' The examples and the accompanying analyses give some critical answers.

The book focuses upon popular music as a site of both appropriation of the exotic as well as an important rallying point for progressive politics which gives the organisational shape to the book. Beginning with a reading of the WOMAD 'world' music festivals, the book looks in great detail at the ways in which difference and identity are represented through musical 'multiculture' which is problematically celebrated through these staged and constructed 'representative' performances. The examples of the band Kula Shaker, Madonna's Ray of Light

and indeed the Beatles' musical journeys to India in the 1960s are critically exposed for their shallow searches for authenticity in their travels to South Asia resulting in 'global jukebox' of appropriation which has been profitable not only for the artists mentioned but for the multi-national music industry many times over. The book's strength, however, grows with the following chapters which draw out some of the more complex dynamics around political organising, anti-racism and the medium of popular music. It is here that the relevance of this book for Punjab studies is most compelling. Hutnyk's references to bhangra music in its 'traditional' and technicised forms in the socio-political context of 'post'-colonial Britain locate the expression and appropriation of these musical forms within experiences of exoticism and racism. The bands Fun^Da^Mental and Asian Dub Foundation are particularly highlighted for their unapologetically vocal stances on racism, fascism, racist policing and the right to self-defense through political (and explicit) lyrics, marking a shift from the earlier generation of bhangra groups who entertained rather than politicised audiences. Other artists such as Bally Sagoo, Apache Indian and Nitin Sawhney are also examined for their own locations within the cultural industry as walking the tightrope of hybridity-talk and commercial music markets.

Overall, Hutnyk's argument comes through fervently that popular culture through bhangra and other forms of music is not something which can be dismissed as irrelevant to or unengaged with the political and social landscape of diasporic communities nor can the presence of appropriated 'exotica' or 'authentic' cultural forms in the mainstream be merely accepted as a sign of heterogeneity. Such a multi-focused analysis offers tremendous insight and theoretical mileage for further social and ethnographic research, while also reminding us (the academics) that progressive politics and scholarship are not mutually exclusive.

Navtej K. Purewal

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Virinder S.Kalra, From Textile Mills to Taxi Ranks: Experiences of Migration, Labour and Social Change, (Aldershot: Ashgate, 2000) x + 230 pp, £41.50 (hb). ISBN 1 84014 865 9.

After the confrontations between Asian and white youth in the summer of 2001 in northern England, the need for a comprehensive and informative study on race/class relations in the region has become even more prescient. Virinder Kalra's monograph on Asian male residents in Oldham, albeit written before the riots, nonetheless fills in for this dearth in the literature. It adds a much needed more three-dimensional and longitudinal perspective than the numerous, often short-sighted, reactive and hastily conducted, reports commissioned in the

aftermath of the riots.

Throughout the ten chapters, Kalra manages to cover much ground on the changing labour market over the last four decades in Oldham of Asian men with backgrounds in Mirpur and (Azad) Kashmir. Beginning with an overview on debates about ethnicity and class, the author follows Avtar Brah's suggestions to overcome the divide between structure and culture and address the multideterminant nature of social action. In the process, he offers a frank assessment of his own role in fieldwork and its implications for methodological procedures and findings, with allusions to his presence made clear by the several references to 'sirdar ji' in the ethnographic quotes. His point about connections, and equally disconnections, between the ethnographer and the informants is particularly instructive (p 44).

The author's main proposition is to consider regions in the subcontinent and migratory settlements in England as 'a single field of interaction' (p 6). Thus, the region from where most of the men migrated, Mirpur, and their homes and workplaces in Oldham are focused upon in detail in subsequent chapters. One of the significant contributions is to go beyond 'chain theories' of migration where people migrate due to already established links, and consider structural factors such as the displacement of persons by the Mangla Dam project in Pakistan as a formidable influence on the decision to migrate to England in the 1960s.

The core of the volume concentrates on the early life and work patterns of the men, as the majority of them worked in the numerous textile mills in the north of England. The demise of this industry and its effects on their life options is then explored by pursuing the various community, religious and employment paths they had adopted – the latter, namely, in the taxi, retail and take-away/restaurant businesses. The broad outline of changing work patterns enables Kalra to consider the movement from Fordist economies to individual entrepreneurship, and the implications of this for men's views on their lives in terms of changing risks and securities in an increasingly racially divisive environment.

A key axis on which to hang the work is Kalra's development of a new terminology based on his fieldwork experiences. These are babas – to refer to 'those men who came to Britain in the early to mid sixties, who were the primary settlers and have stronger attachments, materially and imagined, to a sense of being Mirpuri/Pakistani'; kakas – 'the sons of babas...who came to Britain as children, under the age of sixteen, often with their mothers'; and mangeters – to refer to 'those people, male or female, who have come to Britain as a result of marriage rather than primary migration' (p 40-1). Outside of this investigative schema lie women (who for practical reasons were not part of Kalra's ring of informants), and the 'lads' – Oldham-born young men (for which Claire Alexander's study, The Asian Gang, based on 'Bengali' youth in London is a useful complement).

By utilising this tripartite heuristic schema of babas, kakas and mangeters,

Kalra is able to provide nuanced readings on their work lives. This is evident in the observation that kakas, with their better linguistic competency and union activity, were at the forefront of conflicts regarding extended holidays for trips to the subcontinent and Eid (p 121 and p 123). Babas were also the ones more likely to turn to religion as long-term unemployment and alienation left them little else. Intimate familiarity has enabled the author to make some other incisive points – such as the flexibility of the term, apne (ours) – a 'term that was broad enough to include all South Asian workers, but could also narrow to only include men from his small hamlet, in Mirpur' (p 127).

At other places, however, the author seems to assume too much familiarity with the contents or, at several points, dismisses them out of hand as beyond the scope of this project. It would have been instructive, for instance, to have more explanation regarding the often 'embodied' knowledge about textile manufacture - as with information as to what exactly a doffer or a blow room is (p 111-112). And what assumptions are obviously Eurocentric about 'debates about globalisation, or the shift to a post-Fordist, post-industrial society' (p 201), as the author asserts? On occasion, the author needs to clarify the links between his larger argument about the need for macro-economic perspectives on the wider structures of global capital, and his argument against passive workforces that previous literature has alluded to (p 119). It is also worth noting the longer history of Islamophobia in Britain than the last fifteen years seems to suggest (p 120). Finally, the rise of consumption-led values in order to discuss contemporary social patterns is also lacking in the volume which ultimately demonstrates a production-based orientation. 'Alternative public spheres' (p 126) are alluded to but the reader does not get a sense of their main

Despite these minor contentions, the book is almost prophetic in its allusions to early indications of racial divides developing since at least the 1960s. This is particularly noted with the racial anxieties surrounding Asian men working in the same mills as white women from the days of their first arrival (eg p 115, 118), and commentary on brutal attacks on Asian taxi drivers in the 1990s (eg p 187), the likes of which have become even more common. Overall, the volume makes for essential reading for appreciating the recent historical backgrounds that have led to the town being dubbed as the 'race capital' of England. One is left wondering how marked an Asian male researcher would also be in order to conduct ethnography in the town in this present climate of heightened racial friction.

Raminder Kaur

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I.J. Singh *The Sikh Way: A Pilgrim's Progress*, (Ontario: The Centennial Foundation, 2001) xviii+189pp. \$20.00 (pb). ISBN 1894 232 09 7.

Alluding to the spiritual passages of John Bunyan and T.S. Eliot, Dr. I.J. Singh journeys through Sikh history and culture. He covers a large and variegated terrain, including areas of language, sacred space, politics, gender, diaspora, death, cloning, bioethics, abortion, and cyberspace congregation. The book has twenty-one chapters dealing with different aspects of Sikh life which the author calls his 'meanderings - a pilgrimage' (p ix).

But he is not headed towards any geographical locale; rather, Dr. Singh reiterates the message of the Sikh Gurus in which pilgrimage is an internal journey into the magic and mystery of the human mind. The destination is the infinite within the self, and the path leads to the development of morality and integrity. He reminds his readers to get rid of the excessive and heavy cultural baggage that sink consciousness in the sloughs of caste, class, gender, and race discriminations, and to absorb and cultivate what is essential to the Sikh faith. Journeys are self-reflective processes, and so the title of his book serves as a viable metaphor to enter into the recesses of the psyche. In fact, the finale to Guru Nanak's Japji enumerates the fivefold journey into an intense and passionate experience of the self-through the regions of Duty (dharam khand), Knowledge (gyan khand), Beauty (saram khand), Grace (karam khand), and Truth (sach khand)

Dr. I.J. Singh's unique contribution is the global and contemporary context that he delineates for his readers. By introducing Sikh events and ethical values against the backdrop of world history, the 'forgotten' north-Indian religious tradition is made accessible to the general public. Simultaneously, he asks Sikhs to be more enlightened and liberal, especially as he addresses the diasporic communities to engage outside of India in the language and idiom of the host culture. As he says

Undue attachment to a place and its people, culture, or values can lead to unnecessary dependence on alien patterns of behaviour, and can even become suffocating. Such practices can become detrimental to growth. For example, we need to minimise our dependence on granthis who are trained for the needs of people in India (p78).

Dr. Singh is a gifted thinker and he urges Sikhs to evolve new strategies and institutions for a meaningful existence in their contemporary pluralistic society. Self-examination and self-criticism are necessary modes of being. With the Gurus as their model, the present generation needs to have dialogue and discourse, and through global collaborations, Sikhs worldwide must make their rich past relevant to their life in the 21st century.

And so he returns to the vital moments of Sikhism not to test out their historical veracity but to recount their effect on the moods and motivations of

the people. It is validating to hear from a Professor of Anatomy that we need not track down historical events scientifically or objectively, rather, that we draw upon their influence and inspiration. Accordingly, it matters little if Baiskahi took place on 1698 or 1699, the Khalsa institution 'forever altered a people's consciousness and built a nation' (p 3). Emphasising its spiritual objective, Dr. Singh asks Sikhs to make sense of the democratic and corporate mechanisms underlying Guru Gobind Singh's momentous undertaking in order to utilize them in modern life. The Sikh religion is a dynamic and everaccumulating tradition, and Sikhs in India and in diasporic communities are shaping it right now. What I hear Dr. I.J. Singh say loudly is that we draw inspiration from the practice and words of our Gurus so that we intimately link our particular identity with our universal humanity - that we feel at home with our deepest selves and with our neighbors, whether we live in rural Punjab or in cosmopolitan New York.

In spite of his bold exhortations, the author is not authoritarian, and the readers feel as though they are in conversation with him. His no-nonsense, no-frills style is terse and ironic, and very aural. His brisk and refreshing journey has its own momentum, and the cliches from western politicians and economists are only irksome pebbles along the way. Personally, I would like to hear less about Bill Clinton and more on Sikh attitudes towards dowry and double standards for sons and daughters even when they are born in the modern West. Overall, Dr. I.J. Singh offers a host of important issues to think about, and the real success of The Sikh Way: A Pilgrim's Progress does not lie in its 189 pages, but in its effect on the reader's own consciousness; for after all, as the author poignantly says, 'The mind feels liberated after a dip in holy waters because that is the power of the mind, not of the water' (p 107).

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Amandeep Singh Madra and Parmjit Singh, Warrior Saints: Three Centuries of the Sikh Military Tradition (London: I.B Tauris, 1999) 182 pp. (hb) £30. ISBN 1-86064-490-2.

Records of military reputations come in a variety of formats, including the densely worded academic tome of the specialist historian, the amateurishly written but immediately engaging autobiography of the officer in retirement, and the blood-and-guts thriller of the mass appeal writer. All have their place, and fine examples within each genre abound. Warrior Saints presents a new addition: the military man as the hero of a glossy coffee table book.

As such, Amandeep Singh Madra and Parmjit Singh have produced a fine work. The book is large, heavy and handsomely bound. Its £30.00 cost also meets the price requirements of the genre! Most importantly, Warrior Saints is

crammed with atmospheric drawings, paintings and photos of the Sikh officer and soldier through the centuries. Unfortunately, it does have some graphic shortcomings, including the paucity of description (if any) of the method and style of the historical paintings and drawings, the stiffness of the poses in the photographs of earlier ages, and the absence of colour throughout. While the first deficiency is the fault of the authors, the second is perhaps inevitable (until recently, who did not pose stiffly for a photograph?), and the third understandable in terms of cost. Still, a more generous publisher would have seen the benefits of a more lavishly illustrated book.

Nonetheless, everyone knows that 'a photograph is worth a thousand words'. This equation is apparent when gazing at any number of images. 'Guru Gobind Singh on horseback with attendants. c. 1830' (p 8), painted as a detailed, cool and elegant Rajasthani miniature, presents a resplendent yet calm portrait of this seminal Sikh leader. For all its attention to period detail (and hence importance as a historical record of Sikhs at the beginning of the nineteenth century), François Balthazar Solvyns' 'Les Hindous' (p 28) is more striking for its obvious expression of a European fear of the menacing foreigner. A lithograph by L.H. de Rudder depicting 'Sikh nobles on elephants passing spectators on balconies in a Lahore street' (pp 48-9) presents every Orientalist's fantasy of eastern potency, luxury and sexuality. How I missed the absence of colour in the reproduction of these images!

Once photography is introduced to South Asia, the drawn and painted images almost wholly disappear. Warrior Saints now concentrates on this new medium as it enters the more familiar territory of the Rai, Empire and the Indian Army. Still, many of the selected photographs prove arresting. In G. Western's formal photograph taken circa 1860 (p 69), a heavily armed young Akali stares directly into the lens, revealing a mixture of pride, strength and hesitancy, as if not fully trusting the technology of the occasion. The general style, if not specific content, of the photographs taken during the First and Second World Wars will be familiar to any reader with an interest in those conflicts; Sikh officers and men are shown training, marching in formation, posing as a unit, and lining up to receive medals. Of more interest to the modern audience will be the photos of live action, including the bravery evident in an infantry patrol charge (pp 152-3) and the desperately sad and gruesome execution of Allied prisoners-of-war by their Japanese captors (pp 162-3). The weakest part of the book comes with the final chapter, when just six (!) photographs are used to illustrate the service of Sikh officers and soldiers in the 50-plus tumultuous years of independent India.

The comparative lack of images for the post-independence period is a reflection of the final chapter's textual content. Warrior Saints aims to be more than the conventional coffee table book, and each of the previous seven chapters opens with well-written and fairly substantial introductions to the historical period covered - from the creation of the Khalsa in 1699 to victory in World War II - as well as generous comments on the content (if not the style,

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see above) of the illustrations used. Although momentous changes occur in the 250 years covered by these chapters, change came relatively slowly. Remaining true to your community, religion and, latterly, foreign commander was a surprisingly straightforward process for Sikh officers and men. In the final chapter, however, a huge amount of material needs to be covered, including the Indian national armies, independence movement, and the Indian Army's armed conflicts with Portugal (1961), China (1962), and Pakistan (1947, 1965, 1971).

More significantly, the period covered in the final chapter is bookended by two events of great sadness to Sikh fighting men; the partition of their beloved Punjab homeland, and the army's role in attacking members of their own community in Operation Blue Star. In between these two wrenches is the everdecreasing recruitment of Sikhs (in the name of secularism) into the armed forces. This combination of political decisions seems to leave the authors at a loss, and Warrior Saints ends with a whimper; the final photograph of a mass rally at the Golden Temple is captioned: "... A vote for an Independent Sikh state in 1986 at the Akal Takht... The overwhelming support for this was later quashed" (p 178-9). This downbeat ending leaves the reader with a false impression of defeat.

A more accurate picture [sic] would be one of continued victory. As a community, Sikhs are a voting majority in their own state. Although Operation Blue Star occasioned the indiscipline of some Sikh soldiers, every Sikh officer remained loyal. Sikhs still enjoy both disproportionate recruitment into the Indian military, and over-representation in its higher ranks. Sikhs also are the only group to have two regiments - the Sikh Regiment and the Sikh Light Infantry - dedicated to their community.

The past always seems a simpler, better place. But we must live in today, and for the future. Long may Sikh officers and men follow the glorious fighting history of their predecessors.

Apurba Kundu

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Charles Lindholm, Frontier Perspectives: Essays in Comparative Anthropology (Karachi: Oxford University Press, 1996; Second Impression, 2001), xii + 258pp. (hb) £14.99. ISBN 0-19-577551-1.

'The knowledge gained in studies of indigenous kinship systems has not generally been of interest to other disciplines (p 147),' Charles Lindholm wrote in 1986 in one of the essays in this engrossing collection of studies, written between 1977 and 1992, that have come out of his fieldwork among the Pukhtun tribes in Swat. Robert Nichols has recently done much to rectify this state of affairs in his study of the Peshawar Valley (Settling the Frontier, reviewed in IJPS 8.2, p 270-271), and the publication of this volume will help

to make such information more readily available to those of us unfamiliar with such work. Indeed, in these essays, Lindholm seeks in part to correct this lack of connection by reaching out himself to link his own ethnographical studies to the history and politics of the Swat Valley, its relations with the British Raj, and its continuing pattern of dialogue with Pakistan.

The articles, which Lindholm, a distinguished anthropologist at Boston University, has assembled as a retrospective selection of his major essays, are organized thematically into three sections. The first, 'Life on the Frontier' provides an overview of Pukhtun society and its world view; the second, 'The Politics of Stalemate', concentrates on the nature and history of political life within the society; and the third, 'Khans, Castes, Courtiers, and Commands', is comparative, contrasting Pukhtun and other Middle Eastern tribes with different cultures. In this review, writing as a reader who is not an anthropologist but who is a student of the British involvement in the region, I propose to distil from the first two sections the primary anthropological models in Swat, and offer some examples of Lindholm's application of them to the period of the British Raj, and to the modern state of Pakistan.

Swat's central organizational model is the segmentary lineage system, in which geneology and inheritance are calculated only through the male line, and in which all sons share equally in the father's legacy. Closely allied to the segmentary system is the custom of patrilateral parallel cousin marriage, from which arises tarburwali, the institutionalized opposition between paternal cousins. This model promotes unity of action only in opposition, as when groups of patrilateral cousins unite temporarily against more distant relatives. In Swat, as Lindholm observes, 'a dense population locked within a land-based farming economy has exacerbated the tensions between cousins to the extent that tarbur, the term of reference for the patrilateral cousin (father's brother's son) has come to mean "enemy" (p 30). Such a society, based on rivalry with relatives and neighbours, creates an ethos of individualism, separation, selfreliance and self-sufficiency. The relationship between the father and his sons, based on competition over land, is one 'of masked aggression' (p 32). In addition to patrilinearity and tarburwali, there also exists a network of alliances that divides every village across lineages into two approximately equal parties called dullah. Every male joins the dullah opposite to that of his patrilateral cousin, and sees the so-called party merely as a means to confront his 'enemy'.

In order to mitigate the disastrous consequences of feuding in a society devoted to revenge (as well as to hospitality and refuge), and to bring the fractious tripartite models together in times of common danger, there evolved a complex tradition of mediators. These were the *stanadar*, whose descendants were holy men, and who acted as mediators in land disputes, and as judges in the ritual of *wesh*, the periodic redistribution of land. They were given land in between major owners, and could themselves become wealthy. It was from this class of religious leaders, which included Sufis, or *pirs*, that a leader emerged when the community was faced with outside danger.

What kind of response did these elemental constituents of Pukhtun society produce to the threat posed by the British? Three examples of this 'arduous dialectic' (p 11) between the two cultures must suffice: the fate of Alexander Burnes, the failure of the attempt to impose mastery on the Pukhtuns after their defeat, and the success of the later venture in indirect rule. In the case of Burns, murdered as a prelude to the attack on the British garrison in Kabul in November 1841, Lindholm argues that the British agent in Kabul was at first honored as a guest, but violated the role allowed as passive observer when he sought to deceive his hosts. 'By leaving his role as guest,' Lindholm writes,

Burnes entered into the web of machinations, intrigues, betrayals, and alliances, which constitutes Pathan politics. Within this mode, shifting loyalty and treachery are all a part of the game...[Burnes] read the emotional attachment of his Pathan friends to his person correctly, but he did not understand that the attachment did not preclude treachery. (p 13)

With respect to the Pukhtun failure to acquiesce to the benevolent despotism of British rule, Lindholm observes that the conquerors did not understand that in the segmentary lineage system one is never defeated by the other. Instead, alliances shift until a stand-off is reached.

The system had no precedent for dealing with defeat...Two different systems of values were at loggerheads...the segmentary lineage organization, with its instrinsic hatred of domination and its polity of individualism and betrayal, contra the British class system with its ethos of elitism and its values of fair play and cultural superiority. (p 14)

Finally, the eventual institution of a system of indirect rule by colonial agents proved ultimately successful because such a personage resembled the traditional mediator, or stanadar, accepted for his role as arbitrator and judge, and careful not to step out of this role.

Lindholm devotes considerable space to the segmentary kinship model in Pakistan, noting that in lowland agrarian Pakistan, the aims and conflicts of segmentary kinship ideology are carried on through the *birardari*, which brings together blood relations of the male line, but is also extended to included allies who become 'fictive kinsmen' (p 133). Two topics must suffice for this final portion of the review: the rise and fall of Ayub Khan as military dictator of the country, and the prospects for the establishment of democracy in the context of segmentary lineage organization.

Lindholm's analysis of Ayub Khan's reign is especially interesting in light of the present regime of Pervez Musharraf, another interventionist power-seeker. To summarize very briefly Lindholm's more lengthy analysis, Ayub, himself strikingly uncharismatic, was accepted with remarkable unity because he fitted the image of a mediator, offering an orientation 'not towards change

but towards stability and a balance of forces (p 136)', acting to defuse excessive factional violence, and allowing the bureaucracy to run the country, 'so long as he remained at the centre of all lines of communication and patronage (p 137).' In Lindholm's view, Ayub fell when he lost his position as 'disinterested arbitrator' by attempting to develop a personal power base through alliances with the Wali of Swat, various Pukhtu chiefs, and wealthy industrial families. By allying himself with factions, he lost his position as mediator.

For General Musharraf, whose seizure of power has become vastly complicated by the unlooked-for events that began with the destruction of the World Trade Center, this must surely be a cautionary tale. The observation also holds true for the interventionist Western powers, once again attempting to juggle force with mediation in the hope of a resolution of conflicts whose nature and consequences are still little understood.

Ayub's story is also interwoven with the question of democratic rule, about which Lindholm makes the following observation:

Democratic politics is distinctly inimical to a system built on a segmentary base. Such a system depends on a stalemate between many factions, whereas democracy implies the victory of one party over the others. Democratic politics also requires party unity based on bargaining, rewards, and ideological commitment, whereas the segmentary society defines itself by inheritance and 'primordial' loyalties which are, in the final analysis, not negotiable, (p 136)

In his 1998 Pakistan: A Modern History, Ian Talbot, who has provided us with a perceptive and detailed account of the nature of Pakistani politics and institutions, noting the 'bewildering array of shifting allegiances and alliances' (p 2), has characterised Pakistan's post-independence political history as 'a fruitless search for stability' (p 4). Lindholm's ethnographic models help us to understand further the underlying nature of this instability, as well as the fundamental dilemmas of leadership in this troubled country.

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he Punjab has been one of the most important regions of the Indian subcontinent and has played a pivotal role in its political and economic development from ancient times. The International Journal of Punjab Studies provides interdisciplinary and comparative research on the historical pre-1947 Punjab, the Indian and Pakistani Punjab after 1947, and the Punjabi Diaspora. The Journal carries articles from an international list of contributors, with an interdisciplinary base that includes history, language and linguistics, literature, political science, economics, social anthropology, geography and theology.