

# frontier

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## *Deadline: March 2026*

**U**NION HOME MINISTER AMIT SHAH DURING HIS RECENT visit to Jagdalpur in southern Chattisgarh declared the deadline to make Chattisgarh 'Maoist free'. It's March 31, 2026. He was attending the closing ceremony of Bastar Olympics which was actually organised by the persons in power to promote public relations and try to reverse the process of mass alienation. While praising the police for their 'bravery', he said how last year alone they killed 287 maoist insurgents, arrested over 1000 and secured the surrender of 837 militants. This was not the first time that Mr Shah set the deadline to eradicate what they call 'naxalite menace'. Nor would it be the last. Of the 287 killed many were innocent civilians as officers allegedly would like to inflate the roster of the deceased for rewards. Human Rights bodies repeatedly highlighted this aspect of 'naxalite hunting' game.

There is Jungle Raj in Bastar region. By any standard this is the most backward area of India with enormous mineral deposits. The poor tribal people of Chattisgarh have been resisting corporate attempts to loot natural resources and destroy ecological balance for decades. No political party, left or right, came forward to thwart forceful eviction and fight for the tribals' rights. Only Maoists helped them to assert their constitutional rights and build resistance against state terror. They learnt how to live with dignity and self-respect. The all important announcement of deadline was aimed at assuring the investors, rather plunderers, both domestic and foreign, that their long wait would be over soon. Close on the heels of Shah's war cry against maoists came the statement of the Chief Minister of Chattisgarh Vishnu Deo Sai that he was going to attend Investors' Meet in New Delhi to highlight prospects of manufacturing industry, mining and tourism in Bastar which was even dubbed as more beautiful than Kashmir by Amit Shah.

Not that the 'naxalite ghost' is haunting them only in hilly terrain in Chattisgarh. These 'ghosts' are in plains too as they find 'urban naxalism' in every voice of dissent in cities and semi-urban localities—in colleges, in universities, in art exhibitions, in literature, in social media, literally everywhere. So they are planning to enact new laws to curb alleged naxalism in urban India. After the states of Chattisgarh, Telengana, Andhra Pradesh and Odisha, it is now the turn of Maharashtra to enact Public Security Act against frontal organisations of naxalites, as if existing repressive laws are not enough

to make their fiefdoms 'opposition free'. Maharashtra Chief Minister Devendra Fadnavis on December 18, 2024 presented the Maharashtra Special Public Security Act, 2024, in the on-going winter session of the Maharashtra State Assembly. The CM said it would be sent to the joint select committee and brought up again in the monsoon session after taking into account all views and opinions.

When the Bill was first introduced in the Maharashtra State Assembly in July, 2024, former chief

minister and Congress MLA Prithviraj Chavan said, "This is nothing but to muzzle protests". The bill targets a wide range of actions by suspects: interference with the maintenance of public order and administration of the law generating fear and apprehension in the public, encouraging or preaching disobedience of the law, etc. The People's Union for Civil Liberties had said that the Bill "is unconstitutional and [has been] brought with a view to curb dissent".

For one thing the Bill gives the

government the sweeping power to declare any suspect organisation as an "unlawful organisation" conducting "unlawful activities". The Unlawful Activities Prevention Act, 1967 (UAPA) is India's main anti-terror law that is used extensively in 'naxalism-related' cases, in Kashmir and in NE. But they need one more Act to make it difficult for peaceful protesters to take to streets. The provisions of the Bill are draconian and its wide definitions will cripple whatever remains of democratic space. □

22-12-2024

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## COMMENT

### Taliban and Hindutva Nationalism

TAVLEEN SINGH IS A WELL known columnist. In a recent column (Religiosity is sick, not Secularism, I.E. 8 December, 2024) writes about the barring the women studying medicine in Afghanistan. She is correctly aghast at this retrograde step in Afghanistan by the ruling Taliban. She thinks the left liberals have an empathetic attitude towards Taliban as not many left liberals have not condemned this step. She is also critical of those who equate the policies and actions of Hindu Nationalists as being similar to those of Taliban.

It is true that the degree of intensity of the policies of these two, Hindu Nationalism and Taliban, are very different but if one digs deep into the issue one can see the basic similarities in these types of politics. The Taliban policies towards women, the attitude of many Gulf countries and Iran are similar but not exactly the same. No two countries express their policies on ditto lines. Still one can discern the similarities at the level of principles. Fundamentalism is an imposition of selected parts of religious traditions on the society through state power. Many times this is done even not by the government which is ruling; but by domi-

nant political tendencies.

These impositions are most conservative, backward looking and oppressive not only to women but also to the other weaker sections of society. Fundamentalism always strengthens itself by creating an internal or external enemy. In most of the Gulf countries it is women which are the main target. At places "Satan" (devil) America is so presented as the main. To this enemy all the ills of society are attributed to. In that way the Fascism which developed in Germany in particular shares this trait with fundamentalism, where Jews were labelled as cause of Germany's ills and were targeted to the extent of Genocide, to strengthen the power of the leader, who was supreme in the state.

Hindu Nationalists' most overt attack is on the Muslims (and lately Christians also). People have witnessed horrific communal violence increasing in quality and quantity over the last few decades. Beginning from the ghastly tragedy of demolishing a Mosque in Ayodhya and the consequent violence now questioning the existence of mosque is proliferating like a malignant cancer.

If one analyses the attitude of Hindu nationalist policies, the very

notion of love jihad is very much anti-women. A woman professor from Goa who wrote that Mangal Sutra is like a chain for women was hounded badly.

Calling all this as Hindu religiosity as she calls the present offensive of Hindu nationalists is very much off the mark. She herself cites the example of three Muslims being beaten with slippers to shout Jai Shree Ram. Here labelling all this in the category of religiosity hides the commonality of all this as having its similarity with fundamentalism. Calling Muslim fundamentalism as jihadi Islam falls too short and away from the commonalities, which is prevailing in many countries. It prevails in Egypt and many other countries as Muslim Brotherhood. Then there is the Ayatollah regime in Iran.

Hindu religiosity is practised by millions of Hindus, who have been living with people of other religions for centuries, making India a really plural, diverse country. What began as an ideology articulated by Savarkar and Golwalkar is the base on which the present actions and policies of Hindu nationalism stand.

Singh is right in detesting this 'religiosity' but she needs to delve deep to understand this is the same pattern which 'Jihadi Islam' and Islamic Fundamentalists followed. □□□

[Contributed by Ram Puniyani]

## NOTE

## Terror and Horror

**CPJC writes:**

**C**HATTISGARH TODAY IS a land of terror. The state security agency is regularly brutalising ordinary people to such an extent that it is more like Vietnam of 1970s. Even aged persons, women and children are being systematically terrorised—nobody is safe in this tribal region being the victim of corporate greed for its enormous mineral deposits. Campaign for Peace and Justice in Chattisgarh has long been trying to draw media attention without success.

On 11 December 2024, at approximately 8 AM, Pandu Madvi, a farmer, along with other villagers were working in the fields when security forces opened fire indiscriminately, forcing villagers, including Pandu Madvi, to flee for their lives. Pandu first sought refuge in his aunt's house and later in another residence. Witnesses report that the police pursued him into the home, fired on him despite his being unarmed, and forcibly pushed away women with infants who attempted to intervene. The family shared pictures of blood-stained clothes with four bullet holes, worn by Pandu, as evidence to the journalists. According to them, after executing Pandu, the security forces stripped his body, left the clothes behind, and carried his body away wrapped in plastic. The police did a subsequent press release labelling Pandu a Maoist deputy commander and attributing the recovery of weapons to him.

Adding to the gravity of the situation, at the same time the security forces illegally detained seven villagers from Munga village—Bhogami Bandu (25 years), Bogami Managlu (14 years), Muchaki Vinod (30 years),

Madvi Unga (70 years), Budram Uika (18 years), Rukmi Korsa (12 years) and Shanti Korsa (22 years).

These individuals were reportedly forced to carry Pandu's body and have since been denied access to their families. Women who attempted to stop the security forces were brutally beaten.

On 12 December, more than 80 villagers, including family members of the deceased and the detained individuals, traveled to Bijapur partly on foot and hired vehicles to retrieve Pandu's body and demand the release of the detainees. While Pandu's body was handed over to his family, the relatives of the detained were not allowed to meet them or informed of their whereabouts. Nobody knows the fate of seven missing villagers.

The killing of Pandu Madvi and the arbitrary detention of villagers fit into a broader pattern of militarisation and impunity in Bastar. Security forces continue to operate under the guise of anti-Naxalite operations, targeting civilians, particularly Adivasis, labeling them as Maoists to justify extrajudicial killings and illegal detentions. This year has seen the most intense state-led violence since the Salwa Judum period, a time notorious for its human rights violations against the people in the region.

Adding to the crisis are reports of incessant bombings in Bijapur District, where bombs are dropped indiscriminately day and night. Recently, bombs have been dropped in Kondapalli, Battiguda, Gomguda Komatpalli and other nearby villages close to residences and agricultural fields damaging their homes.

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Unexploded bombs have reportedly been found inside villages, further endangering residents and deepening the climate of terror.

The region is witnessing extrajudicial killings, arbitrary detentions and incessant bombings, yet these atrocities remain glaringly underreported. This media silence allows the state to operate as if no one is watching, perpetuating a culture of impunity. This silence also perpetuates the marginalisation of Adivasi communities, leaving them invisible to the rest of the country and excluded from national conversations about justice and equity. □□□

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## HUMRA QURAIISHI'S COLUMN

## Mother Teresa....

Humra Quraishi

**F**OREMOST, WITH CHRISTMAS coming, I must start this week's column with this absolutely significant relay by Mother Teresa—When Khushwant Singh had asked Mother Teresa: “Tell me how can you touch people with diseases like leprosy and gangrene? Aren't you revolted by people filthy with dysentery and cholera vomit?” She had replied very calmly along the strain that she sees Jesus in every human being—“I see Jesus in every human being...”

Mother Teresa's selfless-earnest devotion to any human being in deep distress, saved lives and provided anchorage, shelter and food to the countless. Salutes and salaams to the spirit with which the nuns tend to hundreds amongst us ...right from looking after the ailing to manning orphanages and hospices to providing affordable education. Yet the anti-Christian violence is on, along the communal strain ...writ large and out in the open, right from the time Australian Christian missionary Graham Staines and his two young sons were burnt to death in Orissa by the Bajrang Dal members, to incidents of mob violence and damage to churches and Christian schools and property...There's that vicious propaganda unleashed by the Right-Wing that the Christian population is rising because of conversions but the reality is that the Christian population in India has actually gone down!

**Zakir Hussain and Antonia...**

I had met and interviewed tabla maestro, Ustad Zakir Hussain years back at a popular coffee café here in New Delhi. During that interview he spoke of his childhood and his

parents and, of course, the classical musical strains... In between that interview there were numerous interruptions as he was getting that continuous flow of attention from his fans in that over-crowded joint. Several fans were asking for his autograph, some staring at his face, whilst others marvelling his performance at the just concluded ITC Sangeet Sammelan...Those interruptions irritated me but he looked quite at ease! Together with that trying to sound unaffected, “It's you media people who have made me into some number one table player ...I am just okay!”

He told me that his father Ustad Alla Rakha Qureshi, was the first from his family to have entered the classical musical world. The other family members were farmers in Pagwal in the Rattangarh district of Jammu and Kashmir ...He'd also detailed he keeps a very frugal lifestyle “I live with very simple habits. Very simple food. No smoking or drinking for me.”

On the constant attention he gets from his fans he said that it doesn't affect or distract him one bit, “Not of any significance. I have never had a relationship except with Antonia, whom I married ...That was in 1978. It's been a very happy marriage. We are getting along because we give each other space. You can marry a Muslim, Hindu, Christian or American; the important thing is that your souls should meet. That, according to me, is the most significant aspect to a marriage. If your souls meet then all goes okay.”

And with that he spoke in that ongoing way about his wife and how she decided to bypass her ca-

reer as a Kathak dancer to look after their two daughters. “ She trained in Kathak here in Mumbai and though her stay in Mumbai would have been excellent for her dance career as her dance-guru is here in Mumbai but she decided to shift base to San Francisco because of our daughters' education ...I travel between San Francisco and Mumbai.”

**Mirza Ghalib's Day of Birth...**

Mirza Asadullah Baig Khan was born in Agra on December 27, 1797. He used the pen name 'Ghalib' (the conqueror). When still very young he shifted to Delhi and during his stay in Delhi he witnessed turbulent times during the 1857 revolt and also the subsequent changes that followed, along the socio-political strain... Ghalib wrote the Diwan-e-Ghalib at his house in Old Delhi, Ghalib ki Haveli, ( now a heritage site). And it's in this haveli he spent the last years of his life till he died on February 15, 1869. He was buried close to the dargah of Nizamuddin Auliya and the grave of Amir Khusro.

This verse of Ghalib—from Khushwant Singh and Kamna Prasad's volume—'Celebrating the Best of Urdu Poetry (Penguin):

*“Love gave me the lust for living—/  
To ease my pain it gave me some-  
thing for sure;/  
It gave me such pain that nothing  
can cure.”*

**And also Ghalib's this verse:**

*“To be united with my beloved was  
not writ in my fate/  
Had I lived any longer, it would have  
been the same long wait/  
I lived on your promises, I knew  
they were not true/  
Would not I have died of joy had I  
believed in you?/  
Ask my heart about the pain of love  
and it will tell you /  
The half-drawn bow's the assassin, not  
the arrow that pierces through/*

The stone's veins would burst and  
nothing would stem blood's flow/  
If these weren't sparks of anger, but  
outpourings of my sorrow. /  
To whom can I speak of sorrows  
that come with the fading of  
light/  
Death would be welcome, if it did

not stand at my door every  
night.”

\*\*\*\*\*

And this verse from Ralph Russell's—  
*A Thousand Yearnings: A Book of Urdu  
Poetry and Prose*. (Speaking Tiger  
Books). A remarkable book by a re-  
markable Urdu-lover—Ralph Russell.

Quoting these lines of Ghalib  
from this volume:

“You stand away, and purse your  
lips/  
and show their rosebud form/  
I said ‘How do you kiss?’ Come,  
kiss my lips and say ‘Like this!’”

. □□□

## A PIONEER

# Suniti Kumar Ghosh: His Contributions to Indian Historical Studies—I

**Amit Bhattacharyya**

(In continuation of our previous discussion in a series in the *Frontier* of Suniti Kumar Ghosh's assessment of Gandhi and the national movement led by him as part of his contribution to Indian historical studies, we propose to take up in this section our next part leading to the transfer of power in 1947.)

THE ARRESTS OF MARCH 1929 in the Meerut Conspiracy Case were a big blow to the CPI. The Bombay group which consisted of S.V. Deshpande, B.T. Randive and Mrs. Nambiar formed the ‘Young Workers’ League’ and published their organ, *Workers’ Weekly*. This group which controlled some big trade unions like the Girmi Kamgar Union and the G.I.P. Railwaymen’s Union, against the opposition of non-Communists, for a general strike of the textile workers from later April 1929 in order to fight the offensive of the employers—rationalization, wage-cuts, intensified work, retrenchment, etc. This strike eventually failed.

In Bengal, the communists continued to work under the banner of the Workers and Peasants Party for some time, brought out communist literature and led strikes in jute mills and other industrial strikes in 1929, some of which gained partial victory. They tried to assist in the defence of the Meerut prisoners and maintain contact with the Communist International. The communists of Calcutta were also divided into groups. In 1931, Abdul Halim, Somnath Lahiri, Ranen Sen and some others formed

the ‘Calcutta Committee of the Communist Party of India. According to Ghosh, factionalism outside was being encouraged by the communist prisoners in the Meerut prison, who themselves were divided into factions. They expelled Dange from the party for his anti-party activities. In 1931, Randive formed a party of his own—the Bolshevik Party (Ghosh II, *ibid*, p.155).

### **Subhas Bose's Assessment of the International situation and his Escape to Germany**

Subhas Bose was arrested on 2nd July 1940 under the Defence of India Act. The idea gripped him that it would be better to escape to a foreign country and work for Indian independence from outside than languish in prison. He began a hunger in late November 1940 as a protest against his imprisonment and was released from prison on 5 December and interned in his own house. It was a top secret plan in which members of the Kirti Kisan Party, the CPI, Forward Bloc's Mian Akbar Shah of the NWFP, Bhagat Singh Talwar were involved. The route that Bose took was Calcutta—Peshawar—Kabul—Berlin via Moscow on an Italian passport.

According to Ghosh, in the late thirties, Subhas had hoped that the approaching imperialist war would provide an opportunity for India to liberate herself from the British yoke. However, the politics of the congress shattered his hopes. It was probably in the late 1939 that the idea dawned on him that he might try to escape to a foreign country, work for India's freedom and raise an army to liberate India. He believed that the enemy's enemy was his friend, whose help can be taken to free the motherland. In fact, during 1938-40, Subhas tried to make contacts with Germany, Japan and the Soviet Union. (Leonard A. Gordon, *Brothers Against the Raj*, cited in Ghosh, Vol.II, p.201). Immediately after the war started, he contacted the CPI to help him to send a message to Moscow. In his meeting with S.S. Batliwala, a C.C. member of the CPI, Subhas told him: “I trust Soviet Russia as one state which will not be interested in colonizing India. So I would be ready to welcome military help from Soviet Russia to secure our freedom from the claws of the British imperialists”. Instructed by Subhas and with help from the CPI, which gave him necessary contacts in London, Amiyo Nath Bose, Subhas's nephew, who had just returned from England after his studies there, carried his uncle's message to a Soviet representative in London (Amiyo Nath Bose, “Socialist View”, *Statesman*, 30 June, 1 July 1992, in Ghosh, *ibid*, p.202).

Subhas wrote *The Indian Struggle* in 1934. There he advocated “a

synthesis between Communism and Fascism” (Bose, *ibid*, pp.313-14, cited in Ghosh, p.202). At an interview with R. Palme Dutt in January 1938, Subhas said:

“My political ideas have developed further since I wrote my book [*The Indian Struggle*] three years ago... What I really meant was that we in India wanted our national freedom, and having won it, we wanted to move in the direction of Socialism... When I was writing the book, Fascism had not started on its imperialist expedition and appeared to me merely as an aggressive form of nationalism... I have always understood and am quite satisfied that Communism, as it has been expressed in the writings of Marx and Lenin and in the official statements of policy of the Communist International, gives full support to the struggle for national independence and recognizes this as an integral part of its world outlook” (Cited in Ghosh, p.202).

Subhas, Ghosh asserts, extolled the achievements of the Soviet Union and as late as 1942 acclaimed the Soviet Union, as “the greatest revolutionary force in the world”. He was not happy when Germany invaded the Soviet Union and, though he had tied his fate with Axis Powers, he was critical of the Nazi invasion (Bose, *op.cit*, p.410; Gordon, *op.cit*, p.432,451, cited in Ghosh, p.202). He despised Nazi racism and brutality but did not express

anywhere “any sympathy for the millions of victims of Nazi aggression and brutality. He was, as Nambiar said, “a one-sided man”, that idea was Indian freedom” (Cited in Ghosh, *ibid*).

“Subhas”, according to Ghosh, “was essentially a bourgeois nationalist who, unlike Gandhi, Nehru, Patel, Prasad, etc, was uncompromising in his opposition against British imperialism. Since at least the Calcutta Congress in 1928, he was consistent in his open opposition to Gandhi’s policies” (*Ibid*). His book, *The Indian Struggle 192-1934*, critical of Gandhi and Gandhism, which first appeared in London in January 1935, was banned in India immediately after its publication.

According to Ghosh, there seems to be an authoritarian tendency in Subhas’ outlook. He believed that it was the political elite who could lead the basic masses to freedom and then to Socialism and that it would be necessary to curb the democratic rights of the people for some years after their liberation.

Ghosh points out “By escaping to Germany when other doors were barred against him, Subhas *objectively joined the most reactionary forces on earth whatever might have been his subjective wishes and however much he tried to assert his independence...*” (Ghosh, pp.202-03, italics mine).

However, the stories of the free Indian government and the INA he organized in S-E Asia spread far and wide and brought about at the end of the war a rapid proletarianization of the masses, even of the British Indian armed forces and “were an important factor which convinced the British imperialists of the necessity of changing their direct for an indirect one” (*Ibid*).

**‘Quit India’: Before and After**  
World War II entered a new phase when Germany broke the Non-Ag-

gression Pact with the Soviet Union and launched a blitzkrieg against it on 22 June 1941. They hoped to bring the Soviet Union to its knees within a few weeks. After the march of the Nazi troops and tanks into the Soviet Union, there began resistance which the Nazis had not bargained for. Soon the Soviet Union and Britain concluded a treaty of alliance. In August 1941, the USA and Britain issued the ‘Alliance Charter’ as the statement of their war policy, declaring their “respect” for ‘the right of all peoples to choose the form of Government under which they will live...’ (Cited in Ghosh, p.207).

On 7 December Japan attacked Pearl Harbour and destroyed the US fleet there. She declared war on Britain and the USA. Then an alliance was formed between the Soviet Union, Britain and the USA.

Meanwhile, the members of the Congress Working Committee, which met at Bardoli from 23 to 30 December 1941, differed on the question of non-violence. Nehru, Azad and Rajagopalachari wanted to discard non-violence and participate in war efforts if the British would be persuaded to make some concessions to buy their support. On the other hand, Patel, Prasad and some others insisted on participation, refusing to compromise with their creed of non-violence. Gandhi insisted on the unconditional cooperation with the raj and refused to abandon non-violence, “the faith of a lifetime” (CWG, LXXV, pp.188-89, cited in Ghosh, *ibid*,p.208). A resolution offering conditional support to the war was adopted by the Working Committee.

At the Wardha meeting held in mid-January 1942, the AICC adopted the resolution with minor additions. While declaring at the meeting that he “won’t exchange *ahimsa* even for independence, Gandhi supported the resolution and asked other ‘believers’

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in non-violence to support it (Ghosh, *ibid*, p.208).

With the rapid advance of the Japanese in South-East Asia, US President Roosevelt was afraid that India was as good as lost. He continued to put pressure on Churchill without offending much the susceptibilities of the British imperialists to grant dominion status to India. Ghosh observes that the US imperialists had then been seeking an open door to the British colonies, especially India, and found in the war an opportunity to force Britain to relax her hold on India (*Ibid*, p.208).

Soon after the outbreak of the war, Joseph Kennedy, then US ambassador to Britain, wrote to Roosevelt: "War, regardless of the outcome, will merely hasten the process [of Britain's decline as a world power] ...the leadership of the English-speaking world will, willy-nilly, be ours" (Quoted in M.S. Venkataramani and B.K. Shrivastava, *Quit India: The American Response in the 1942 Struggle*, New Delhi, 1979, p.16, cited in Ghosh, p.208). In fact, in December 1940, Nehru was extolling the USA as the champion of democracy and freedom, and believed, like Gandhi, that the end of the British empire was quite near.

Nehru was highly critical of the 'People's War' slogan of the CPI, which came to hold at the end of 1941 that after the Nazi invasion of the Soviet Union the imperialist was changed into a People's War. He held China and Russia responsible for keeping British imperialism alive.

On 9 March, after Rangoon had fallen to the Japanese, the British cabinet decided to send Stafford Cripps to India to negotiate a settlement with the Indian leaders. Meanwhile bombs were dropped on Calcutta by Japan. America built up air bases in some districts of Bengal such as Bankura, 24-Parganas. The Jadavpur University was closed for

closed for a long time and the campus was taken over by US soldiers and an Allied military base, Gandhi, by then, was more than certain that the collapse of the British empire was imminent. The Andaman Islands were occupied by the Japanese on 23 March. Then Gandhi and his associates did not think it prudent that India should "make herself", to quote Sitaramayya, "a trailer to a sinking steamship or hitch her wagon to a fallen star" (Sitaramayya, II, p.283, cited in Ghosh, p.210). They preferred, as the near future will tell, to hitch their wagon to the 'rising sun' of Asia. Nehru, too, as Gandhi said, "is convinced that the British empire is finished" (CWG, LXXV, p.246, cited in Ghosh, p.211). But Nehru, unlike Gandhi, according to Ghosh, believed in the ultimate defeat of the Axis Powers and in the emergence of the USA as the dominant power which would shape the future of the world. Thus Nehru, in the new situation preferred to hitch his wagons to the American star, and not Britain's. In India, the hopes of the US imperialists were pinned on Nehru.

Ghosh points out that the Congress Working Committee's resolution rejecting the Cripps proposals agreed in principle to the partition of India, the resolution stated: "Nevertheless the Committee cannot think in terms of compelling the people in any territorial unit to remain in an Indian against their declared and established will" (Cited in Ghosh, p.213). As Sitaramayya observed, "this passage concedes the division of India into more than one political State and gives the go-by to the unity and integrity of India" (Sitaramayya, op.cit, II, pp.634-35, cited in Ghosh, p.215).

A view is in vogue—propagated by Rajendra Prasad and Sumit Sarkar and others—that the Congress leaders felt obliged to accept the partition in the interest of communal peace

and freedom early in 1947—only after communal holocausts had started and after the functioning of the Interim Government in 1946-47 had revealed to them the impossibility of working with the Muslim League. This view, as S.K. Ghosh asserts, is far from correct. The facts, according to him, are: "the congress leaders exerted as much pressure on the British raj as possible to make a deal with them *alone* and hand over to them an undivided India (of course, within the imperial framework), but as 'freedom' would be the product of negotiations between three parties—the raj, the congress and the League—they were afraid from the time the League raised the demand for separation that "*in the last resort*" they would have to agree to the partition of India on a religious basis" (Ghosh, p.216).

The situation on the war-front grew from bad to worse. Early in April, Colombo, capital of Ceylon (now Sri Lanka) and Trincomalee, the headquarters of the British fleet, as well as Visakhapatnam and Kakinada coast were bombed by the Japanese. Madras city was hastily evacuated. The British prepared a plan of adopting the scorched-earth policy and blowing up even the Tata Iron and Steel Works at Jamsedpur, withdrawing from Assam and Bengal and building a new defence line

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across Bihar. As D.D. Kosambi wrote, the Japanese “had only to attack immediately in force for the whole of the defence system to crumble...” (D.D. Kosambi, *Exasperating Essays*, p.17).

Thus the people’s anti-British sentiment became intense. The British forced people to evacuate their homes on one two days’ notice in many villages in some coastal areas of Bengal. Boats and cycles were taken away from the people and their normal life was thus disrupted. With the Japanese attack, the British fled from Malaya, leaving the Indians to fend for themselves. Then with the Japanese occupation of Burma, streams of refugees—hundreds and thousands of them—started on their long trek through inhospitable regions into India and were denied any help by the British. Separate routes were fixed for the whites and the browns; the former were provided with food, shelter and transport, while the latter were denied them. Tales of horror to which they had been subjected reached India and added to the people’s hatred against the British raj.

According to Ghosh, two factors caused resentment among the big bourgeoisie against the British rulers. First, those who had stakes in Burma and Malaya could hardly reconcile themselves to the losses. As the Governor of the Central Provinces, Twynham, wrote to Linlithgow, “the losses incurred in Malaya Burma have stricken the Baniyas and Marwaris to their soul” (*TOP*, II, 117-18, cited in Ghosh, p.217). Second, the scorched earth policy that the government threatened to pursue in the event of Japanese penetration into India was like a nightmare to the Indian industrialists. They could hardly stomach the prospect of seeing their industries destroyed. Edgar Snow, who met many of them, wrote: “Indian industrialists

and capitalists were among those suspicious and worried groups. Would not ‘scorched earth’ ruin their factories?” (Edgar Snow, *People on our side*, p.34).

What was the stand of the big compradors in such an uncertain situation? According to Ghosh, they had hailed the war and desired it to last long, but such a war as would scorch their factories and reduce them to ashes was not to their taste. No doubt, “the illusion about the invincibility of British arms lay shattered before their eyes. A section of them waited to welcome the Japanese” (Ghosh, p.217). In fact, Walchand Hirachand told Edgar snow that “As for choice between the British and the Japanese, frankly he preferred to his chance with the latter” (Snow, *op.cit*, p.56).

In fact, the Congress leadership was a divided house. Gandhi resented Nehru’s call for co-operation with British war efforts and advocacy of guerrilla struggle against the Japanese in case of invasion. While warning Nehru, he advised Patel to resign from the Congress committee and himself decided to abstain from the next Working Committee meeting. Patel, Prasad, Kripalani etc. followed Gandhi unhesitatingly.

Nehru and Rajagopalachari stood for full cooperation with the British. Azad had faith in the ultimate victory of the Allies, but stood for *conditional* cooperation with the British raj. He was also opposed to the launching of any anti-British struggle. And he did not agree to the League’s demand for partition.

Gandhi decided to wait no longer. Two factors, according to S.K. Ghosh, mainly shaped his decision. One was his conviction that that Britain’s defeat was imminent; the other was the British cabinet’s scheme of allowing option to provinces to secede from the Indian Union. In fact, the loss of Burma

and the retreat of the British army into Egypt, the latest in the unbroken series of military disasters faced by the Allies, coincided with the Cripps visit and the moment of Gandhi’s inspiration.

The apostle of non-violence affirmed: “We have to take the risk of violence to shake off the great calamity of slavery”. He would launch a non-violent movement, but if violence broke out in spite of him, then it was God’s wish. They would “have to take the risk of anarchy if God wills it”. He hoped that “pure ahimsa will arise out of such anarchy” (*CWG*, LXXVI, p.160, cited in *ibid*, p.218).

In fact, Gandhi’s demand for the *immediate* withdrawal of the Allied forces from India and *immediate* transfer of power to Indian hands( or to “God or, in modern parlance, anarchy”) grew more and more insistent. At the same time Gandhi developed another theme linked to the above. He went on declaring that “until British power is withdrawn from India can there be any real unity[between the two major communities]”, that “real-heart unity, genuine unity, is almost an impossibility unless and until the British power is withdrawn”(Cited in Ghosh, p.221). In the twenties, however, as Ghosh points out, he professed that the achievement of Hindu-Muslim unity was a condition precedent to attainment of ‘independence’ and was one of the three major planks of his constructive programme”. But in the thirties this plank fell off and gradually ‘independence’ became a condition precedent to Hindu-Muslim unity.

The memorandum of the Secretary of State, dated 28 January 1942, noted the Congress Party’s “*ingrained conviction that it is the natural heir to the British government in India, and entitled to take over control both of legislative and executive power...*” (*TOPI*, p.82 em-



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phasis added. Cited in *ibid*,p.221).

Gandhi, according to Ghosh, now considered “the vivisection of India to be a sin” and held that only “when the British power is entirely withdrawn and the Japanese menace has abated”, then “it will be time to talk of Pakistan and other ‘stan’s and to come to an amicable settlement or fight”. Gandhi thereby ruled out negotiations with the League before those conditions were fulfilled (CWG, LXXVI, 120,143,167 in *ibid*).

On 15 May, Gandhi had a meeting with prominent Congressmen of Bombay, including Patel, Bhulabhai Desai, B.G.Kher and Morarji Desai. There he made the following points:

First, if the British would not heed his advice to leave India, *he would force them to leave*—by non-cooperation or civil disobedience or by both. This time not individual satyagraha, but all-out mass satyagraha would be launched to force them to leave.

Second, he did not think Japan would invade India and it would be possible “to come to terms with Japan” after the withdrawal of the British. The British were no better than the Japanese: the British would not willingly part with power. If the Japanese did invade India, Congressmen would resist them non-violently. He expected the Japanese to sign a neutrality pact with them. *The Congress would “launch our movement only against the British”*.

Third, Rajagopalachari conceded Pakistan but Gandhi could hardly swallow the splitting of India. Jinnah had not explained what Pakistan was. Hindu-Muslim unity was impossible of achievement because of the British. He insisted that the British should “leave India to anarchy”. If they refused to withdraw leaving India to anarchy, the Congressmen would have to create anarchy by launching satyagraha, “take charge

of the anarchy and fashion it into Hindustan”.

Fourth, it seemed Gandhi, Azad, Nehru and Rajagopalachari spoke in four different voices. However, as Ghosh asserts, Gandhi was confident that Nehru and Azad would follow him so far as action was concerned. There would actually be two voices—his and Rajagopalachari’s and Congressmen would have to choose between them.

Fifth, Gandhi would take two months more to launch the fight against the British. Though he himself would not indulge in violence, *his advice to all those “to whom non-violence is not a belief but a weapon” was: “you needn’t desist from helping Japan. Nay, to be true to yourselves, you should help it by every means, by even violent means, if possible”*(TOP, II, pp.128-32; CWG, LXXVI, 106-11), cited in *ibid*, pp.222, 252).

Sixth, when India was free, she should remain neutral.

Before concluding, Gandhi decried the communists and ridiculed their theory of ‘People’s War’. Gandhi said that Congress could hardly depend upon Britain and America, “whose hands are stained with blood.”

According to Ghosh, that was the first time Gandhi expressed his determination to launch an all-India struggle against the British that would lead to anarchy, out of which he hoped to fashion a Hindustan. Similarly, Nehru, too, altered his previous position. He talked no more of co-operation with the British in the war efforts or of guerrilla struggle against the Japanese; instead, he directed his attacks against the British and criticized their denial of freedom to India (SW Nehru, XII, 358-9,368).

Nehru, too, changed his stand. He talked no more of cooperation with the British in the war efforts or of guerrilla struggle against the Japa-

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nese; instead, he directed his attacks against the British and criticized their denial of freedom to India (Ghosh, p, 222).

The Working Committee met at Wardha from 6 to 14 July in a tense atmosphere. It adopted a 'Quit India' resolution and referred it to the

AICC, which would meet on 7 August in Bombay for final decision. The Committee's resolution demanded immediate transfer of political power to a "provisional government representative of all important sections of the people of India", while it agreed to "the station-

ing of the armed forces of the Allies in India should they so desire". The resolution stated that if the demand was not met the congress would "be reluctantly compelled" to launch a widespread non-violent struggle under Gandhi's leadership (Ghosh, p.224). □□□ [To be continued]

## ON WAQFS

# Undermining Religious Rights?

I Mallikarjuna Sharma

IN ISLAMIC LAW, WAQF IS THE permanent dedication of property for charitable, religious, or pious purposes. The word "waqf" comes from the Arabic word *waqafa*, which means "to detain" or "to hold". According to Wikipedia it is also called a (plural or), or *mortmain* property, which is an *inalienable charitable endowment under Islamic law*. —that the term *waqf* literally means 'confinement and prohibition', or causing a thing to stop or stand still... once an asset has been donated as *waqf* it cannot be sold, transferred or given as a gift. Once a *waqif* has verbally or in writing declared a *waqf* property, it is *legally conceived as the property of Allah* and must be used to "fulfill public/family needs" as a *charitable social service*. A *waqf* property can be of two categories: movable or immovable. A 'movable' asset includes money or shares which are used to finance educational, religious or cultural institutions such as *madrasahs* (Islamic schools) or *mosques*. The *madrasahs* and *mosques* themselves are an example of an 'immovable' asset which refers to land or structures open for public use. An important function of the latter is also to provide shelter and community spaces to the poor, also known as the *mawquf 'alayh* (beneficiaries). *Waqf* is defined as a system comprising three elements: *hayrat*, *akarat*, and *waqf*. *Hayrat*, the plural form of *hayr*, means 'goodnesses' and refers to the

motivational factor behind the *vakýf* organisation; *akarat* refers to corpus and literally means 'real estates,' implying revenue-generating sources such as markets (*bedestens*, *arastas*, *hans*, etc.), land, and baths; and *waqf*, in its narrow sense, is the institution(s) providing services as committed in the *vakýf* deed, such as *madrasahs*, public kitchens (*imarets*), *karwansarays*, mosques, libraries, etc.—that generally, the *waqf* must fulfill three primary constraints: 1. The one endowing the *waqf*, and its subsequent maintainers, should sequester the principal and allocate the proceeds to charity. 2. The endowment should legally be removed from commodification, such that it is no longer on the market. 3. Its sole purpose must be charitable, and the beneficiary group must be named.

For one thing *Waqf* is to be distinguished from *Zakat*; *Waqf* is a *not mandatory but a voluntary donation*, whereas every Muslim who has a minimum amount of wealth (*nisab*) is commanded to donate a part of his property for charitable purposes. So, *Zakat* is a *mandatory donation of a portion of a Muslim's wealth to charity*, and is *one of the five pillars of Islam*: it is an Arabic word that means "giving to charity" or "giving to the needy". It is a religious obligation for Muslims who meet certain criteria. *Eligibility*: Muslims who have a minimum amount of wealth, known as the *Nisab*, must pay *Zakat*. The

*amount to pay* is typically 2.5% of a Muslim's liquid assets. *When to pay*: *Zakat* is due once a year, after one lunar year has passed since meeting or exceeding the *Nisab*. There is no set time frame for payment, but it's most commonly given during Ramadan and the Hajj pilgrimage; *What to donate*: *Zakat* can be paid on a variety of assets, including food grains, fruit, camels, cattle, sheep, goats, gold, silver, and movable goods. *How to distribute*: *Zakat* is distributed to the poor, travelers, refugees, displaced people, and others who meet the criteria. *How to use*: *Zakat* aid must be used within one lunar year of when it was given. It cannot be used for infrastructure or administrative costs.

There is no direct Quoranic injunction for *Waqf* but as per Wikipedia, it can be inferred from certain ayat in *Surah Al-i'-Imran* (3:92): "You will never achieve righteousness until you donate some of what you cherish. And whatever you give is certainly well known to Allah." Their formal conception in Islamic society has been derived from a number of *hadiths*. It is said that during the time of Muhammad, after the *Hijrah*, the *first waqf was composed of a grove of 600 date palms*. The proceeds of this *waqf* were meant to feed Medina's poor.

It is clarified that a *waqf* is a contract; therefore, the founder (called *al-wâqif* or *al-mu%abbis* in Arabic) must be capable of entering into a contract. For this, the founder must: 1. be an adult; 2. be of sound mind; 3. be capable of handling financial affairs and 4. not be under interdiction for bankruptcy. Although

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*waqf* is an Islamic institution, *being a Muslim is not required to establish a waqf*, and *dhimmi*s may establish a *waqf*. Finally, if a person is fatally ill, the *waqf* is subject to the same restrictions as a will in Islam.

During Islamic invasions in India vast properties of people of the majority community and other religious communities were gulped by the invaders and, out of those, considerable properties donated for the Islamic religious purposes, and mainly for *Waqfs*. The Mughal Emperors were recognised sovereigns all over India and all other native princes, mostly, paid tributes to them and also ran their administrations as tributaries to the Empire. Even the British when they first came to India through East India Company mainly as merchants had to pay obeisance to the Emperor and collect the revenue and taxes for him and other Nawabs as their 'tributaries' in deed. Also the religious injunctions influenced the Islamic wealthy to donate considerable properties for the *Waqfs*. Cumulatively all this made the *Waqf* properties in India quite large and the Central *Waqf* Council seems to be the biggest urban landlord in India. However, there are innumerable encroachments of the said lands also and whole villages where farmers have been conducting agriculture since many decades are in reality declared as *waqf* properties and the *Waqf* Act even bars judicial intervention (of course not the extraordinary jurisdiction of High Court and Supreme Court which is a part of the basic structure of the Constitution) and makes the decision of *Waqf* Tribunals final. Section 40 of the *Waqf* Act 1995 is very contentious:

"40. *Decision if a property is [waqf] property.*—(1) The Board may itself collect information regarding any property which it has reason to believe to be *[waqf]* property and if any question arises whether a particular property is *[waqf]* property or not or whether

a *[waqf]* is a Sunni *[waqf]* or a Shia *[waqf]*, it may, after making such inquiry as it may deem fit, decide the question.

(2) The decision of the Board on a question under sub-section (1) shall, unless revoked or modified by the Tribunal, be final.

(3) Where the Board has any reason to believe that any property of any trust or society registered in pursuance of the Indian Trusts Act, 1882 (2 of 1882) or under the Societies Registration Act, 1860 (21 of 1860) or under any other Act, is *[waqf]* property, the Board may notwithstanding anything contained in such Act, hold an inquiry in regard to such property and if after such inquiry the Board is satisfied that such property is *[waqf]* property, call upon the trust or society, as the case may be, either to register such property under this Act as *[waqf]* property or show cause why such property should not be so registered:

Provided that in all such cases, notice of the action proposed to be taken under this sub-section shall be given to the authority by whom the trust or society had been registered.

(4) The Board shall, after duly considering such cause as may be shown in pursuance of notice issued under sub-section (3), pass such orders as it may think fit and the order so made by the Board, shall be final, unless it is revoked or modified by a Tribunal."

[Subs. by Act 27 of 2013, s. 4, for "wakf" (w.e.f. 1-11-2013).]

Though, no doubt, there are certain advantages to the disadvantaged and poorer sections of Muslims by the institution of *Waqf*, yet its working has generally affected by the people of other communities in India, especially the majority community in an adverse manner, since, after all, they were conquered people at the mercy of their conqueror—the Muslim invad-

ers first and later the Mughal Empire for the major part of the medieval ages, especially so in North India. Its adverse effects can be noticed even today even in the extreme South because of the once-upon-a-time reign of Muslim kings there and their bestowal of large properties [plundered from the majority and other communities] to *waqf* donations.

"Early references to *waqf* in India as can be found in the 14th-century work *Insha-i-Mahru* by Aynul Mulk ibn Mahru reveal that *Muhammad of Ghor* dedicated two villages in favor of a *congregational Mosque* in *Multan*, and, handed its administration to the *Shaykh al-Islâm* (highest ecclesiastical officer of the Empire). In the coming years, several more *waqf* were created, as the *Delhi Sultanate* flourished.

As per the *Wakf* Act 1954 (later *Wakf* Act 1995) enacted by the government of India, *waqf* are categorized as (a) *waqf* by user such as graveyards, *Musafir hanas* (Sarai) and *Chowtries* etc., (b) *waqf* under *Mashrutul-khidmat* (Service *Inam*) such as *Khazi* service, *Nirkhi* service, *Pesh Imam* service and *Khateeb* service etc., and (c) *Wakf Alal-aulad* is dedicated by the Donor (*Wakif*) for the benefit of their kith and kin and for any purpose recognised by Muslim law as pious, religious or charitable. After the enactment *Wakf* Act 1954, the Union government directed to all the states governments to implement the Act for administering the *wakf* institutions like mosques, *dargahs*, *hussainiyas*, graveyards, *takhiyas*, *eidgah*, *anjumans*, and various religious and charitable institutions. A statutory body under Government of India also oversees *State Wakf Boards*. In turn the *State Wakf Boards* work towards management, regulation and protect the *Wakf* properties by constituting *District Wakf Com-*

mittees, *Mandal Waqf Committees* and Committees for the individual *Waqf* Institutions. As per the report of *Sachar Committee* (2006) there are about 500,000 registered *Wakfs* with 600,000 acres (2,400 km) land in India, and Rs. 60 billion book value."

It will be apt to quote here major excerpts from a perspicacious analysis and bitter comments made by a Muslim scholar in a net debate over whether *Waqf* Councils need be disbanded for their inefficiency and injustice. [<http://www.anindianmuslim.com/2009/08/should-waqf-boards-be-disbanded-in.html>]:

"Tuesday, September 01, 2009: *Waqf Woes: Corruption, mismanagement in Waqf Boards, encroachment on land-properties a major issue in India;*

It is true that the *Waqf* properties in India are so huge that they are enough to finance the educational and social needs of Muslims, however, gross corruption in most of the *Waqf* Boards and the greed of officials has wrecked the system.

For over a millennium, Muslims in India have been setting aside property [or part of property] and pledging it, in the name of God, for charitable works. The purpose was that the earnings would go to the upkeep of orphans, widows and for other social causes. Even in rural areas there are *waqf* properties that can fetch earnings to the tune of crores.

But this money that should go in establishment of orphanages, opening charitable hospitals, schools, colleges, disbursing pensions to destitutes and scholarships to poor students, is mostly gobbled by the corrupt bureaucracy.

How the earnings from *Waqf* properties is siphoned off? Here are just a few examples:

1. Commercial establishments and shops on *Waqf* properties [like the shops around mosques or grave yards] are let out to relatives on nominal rent, sometimes as low as Rs 50 or 100. That's because the corrupt *waqf* officials take bribes to let out shops.
2. The corrupt 'mutawallis' [caretakers] and those in district *waqf* committees, even sell the *Waqf* land or 'allow encroachment', as they are in cahoots with encroachers. Often the caretaker himself grabs the land.
3. The legal cells don't fight cases. Lawyers of *Waqf* Boards are often 'bought' by the other party that has encroached a property and sold it after constructing a multi-storey complex on it.
4. Political-bureaucratic-land mafia nexus is always eyeing the *Waqf* land. Though a *waqf* property can not be sold or its use changed till eternity, the exact opposite happens, because lands are mostly in prime locations. They are given on lease in lieu of money that goes in the pockets of officials. If cases go to courts, the files disappear and lawyers often don't put up defence.
5. In states where the upright officials want to pursue cases, the district administration doesn't take interest, citing that removal of encroachments may lead to law-and-order issue.

The collectors, DMs, ADMs and tehsildars aren't interested enough to take the help of police and municipal corporation, to execute the anti-encroachment drive. The earning from *Waqf* properties could be to the tune of tens of crores from any of the big states in India, but mostly the boards are in loss.

In case of an old mosque, there are nearly 100 shops on the ground floor, basement and on the land around the mosque. However, the rents were last fixed in pre-independ-

dence era and continue to be Rs 5-Rs 18.

The traders who earn lakhs a day because they sit on the most precious property in a town, won't pay more rent as the Board doesn't want it either. The officials go routinely every year and 'settle' the matter 'unofficially'.

The property of *Dargah Baba Kapur on the border of Uttar Pradesh and Madhya Pradesh* is huge. The *waqf* land is spread to over 500 villages. But not a penny reaches the Board. All money goes to a pre-independence era department and the Board never showed inclination to fight the case or get the revenue that could be spent on charitable works.

#### **Wrecking the Waqf**

Unfortunately, most of the corrupt officials in the *Waqf* Boards are Muslim. They understand the religious and social implications of the corruption but stilly they may not just change the intent of the '*waqif*' [the person who had endowed the property] but also sell it illegally.

For example, if a widow dies, and before his death she had pledged that her land should be deemed *Waqf* property, and a girls' school ought to be founded on it, it is not possible to change the intent. But it is routine to find the land leased to a builder or shops constructed over it.

What a shame! *Blaming the government is wrong, as the levels of corruption and immorality among society is responsible* for wrecking the *Nizam-e-Awqaf [Auqaaf]*. The apathy of Muslims is astonishing to say the least.

The truth is that the prime property of *Waqfs* [like the land in Mumbai where *Mukesh Ambani's colossal building* came up] is worth billions in each state, but is getting encroached, sold and wasted by the day. {See <https://www.rediff.com/money/2007/jul/06ambani.htm-Ed.>}

Sadly, in large states like UP, Bihar, Maharashtra, West Bengal and the

*Delhi-Punjab area that has huge waqf land, corruption on hitherto unimaginable proportions, has reduced the Waqf Boards to a status where they are permanently in debt and eternally crisis-ridden."*

The *Waqf (Amendment) Bill, 2024* was introduced in the Lok Sabha on 8 August 2024. It seeks to repeal Mussalman Wakf Act, 1923 and amend the Waqf Act, 1995. The Act regulates *waqf property in India*, and defines *Waqf* as an endowment of *movable or immovable property* for purposes considered pious, religious, or charitable under *Muslim law*. Every state is required to constitute a Waqf Board to manage waqf. The Bill renames the Act to '*United Waqf Management, Empowerment, Efficiency and Development Act, 1995*' (UWMEEDA 1995). The Act allows 1. waqf to be formed by: (i) declaration, (ii) recognition based on long-term use (waqf by user), or (iii) endowment when the line of succession ends (waqf-alal-aulad). The Bill states that *only a person practicing Islam for at least five years may declare a waqf*. It clarifies that the person must own the property being declared. It *removes waqf by user*. It also adds that *waqf-alal-aulad must not result in denial of inheritance rights to the donor's heir including women heirs*. 2. Omitting the provisions relating to the "waqf by user". 3. Providing the functions of the Survey Commissioner to the Collector or any other officer not below the rank of Deputy Collector duly nominated by the Collector for the survey of waqf properties. 4. Providing for a broad based composition of the Central Waqf Council and the State Waqf Boards and ensuring the representation of Muslim women and non-Muslims. 5. Providing for establishment of separate Board of Auqaf for Boharas and Aghakhani. 6. Providing for representation of Shia, Sunni, Bohra, Agakhani and other backward classes among Muslim communities. 7. Streamlining the manner of registration of waqfs through a cen-

tral portal and database. 8. Providing for a detailed procedure for mutation as per revenue laws with due notice to all concerned before recording any property as *waqf property*. 9. Reforming the Tribunal structure with two members and providing for appeals against the orders of the Tribunal to the High Court within a specified period of ninety days. 10. Omission of section 107 so as to make the Limitation Act, 1963 applicable to any action under the Act; and omission of sections 108 and 108A relating to special provision as to evacuee waqf properties and Act to have overriding effect. [Section 40 of the Act also seems to have been omitted – Ed.] 11. Renaming of the Waqf Act, 1995 as the *Unified Waqf Management, Empowerment, Efficiency and Development Act, 2024*. A 31-member JPC has been established to review the *Waqf (Amendment) Bill, 2024*. The committee will comprise 21 members from the Lok Sabha and 10 from the Rajya Sabha. The formation of the committee was announced by MoM A Kiren Rijiju on 9 August 2024. Trinamool Congress MP Kalyan Banerjee boycotted the JPC meeting. The opposition parties have accused the government of trying to undermine the religious rights of Muslims through this amendment. The government, on its part, has claimed that this legislation is aimed at enhancing "the efficiency of the administration and management of the waqf properties." But following a public outcry, the draft Bill has been referred to a Joint Parliamentary Committee (JPC) for closer scrutiny. When the JPC sought written suggestions from the public, it received a staggering 1.2 crore suggestions. Earlier this week, when the JPC gathered for a meeting, the Opposition members of the Committee walked out, alleging that the panel was not functioning as per the rules and regulations. What exactly does the proposed Bill seek to do? What are the objections to it? Did the government

involve Muslim stakeholders before or while coming up with the draft Bill? And what's the way forward?

Alarmed by the *Waqf (Amendment) Bill, 2024*, Muslim groups from Telangana have teamed up to oppose it. They have launched an awareness campaign against the proposed legislation, and are submitting representations to the Joint Parliamentary Committee that is currently reviewing the Bill. And objecting to the proposal of including non-Muslims in Waqf boards, the Muslim law board chief-Maulana Khalid Saifullah said the government's only aim was to snatch Waqf lands from Muslims. And declared "We will stop Waqf bill, it is a matter of life and death for us"! Particularly he was sore at including some non-Muslims in the Waqf Boards (perhaps government circles cite the need for including them because there are not that sufficient number of Muslim officers to represent the official side!?). "If its (*waqf* boards) management is done by non-Muslims, will they sympathise with your mosques and graveyards? The result will be your land will be taken away from you... This is a very dangerous law," he said. "In Tamil Nadu itself there are 4,78,000 acres of temple land. In Andhra Pradesh, there are 4,68,000 acres of temple land. Both these states have 10 lakh acres of temple land. If Muslims have six lakh acres of Waqf land in the whole country, then what is the problem?" Saifullah further said.

Another article by Praful Goradia on this topic which scathingly criticizes the Waqf Act and current practices and even calls for total abolition of Waqf laws needs mention. He writes:

"The *Waqfs* are the biggest urban landlords in India. Their origin dates back to the life and times of Prophet Muhammad. The institution began with a place called Khaybar in Arabia. It was the genius for turning a conquered property into an inalienable ownership. [Asaf AA Fyzee, Outlines

of Muhammadan law, Oxford University Press (OUP), Delhi, 1999.]

Joseph Schacht, an international authority on Islamic law, in his book, originally published by OUP in 1964, said, "The Waqf has one of its roots in the contributions to the holy wars which Muhammad had incessantly demanded from his followers in Medina". For one thing, a Waqf property is an outcome of conquest. If any further proof of expropriation was required in this context, the temple-turned-mosque provides it. The corollary of this development would be that the conflict over the temples should extend to question the validity of the institution of Waqf itself.

Uncannily, none other than the Caliph of all Sunni Islam and the Ottoman emperor thought it fit to abolish the institution in his empire in 1917. Thus, there are no Waqfs in Turkey, Libya, Egypt, Sudan, Lebanon, Syria, Jordan and Iraq. In 1956, on the morrow of Tunisian independence, President Habib Bourguiba abolished Waqfs."

"For India, there are several other arguments that support the abolition of Waqfs. The dispute over a Waqf in the late 19th century

eventually went up to the highest court of appeal, namely the Privy Council in London. The four British judges described the Waqf as "a perpetuity of the worst and the most pernicious kind" and declared it to be invalid. In the Privy Council, the judges were Lord Watson, Lord Hobhouse, Lord Shand and Sir Richard Couch.

"Waqfs in India date back almost to the beginning of the Sultanate of Delhi. S Athar Husain and S Khalid Rashid, in their work, Waqf laws and Administration in India, Eastern Book Company, Lucknow, 1968, have traced their history. According to them, Sultan Muizuddin Sam Ghaor dedicated two villages in favour of the Jama Masjid of Multan and handed its administration to Shaikhul Islam.

"Another commentator, Ahmedullah Khan has recalled several properties which were brought under Waqf much earlier. For example, the dargah of Moinuddin Chishti at Ajmer Sharief as well as Nagaur in Rajputana, Hansi and Ajodhan in Punjab, the dargah-i-Sabiri at Kalyar and the dargah of Shaykh Ahmed' Abdal

Haqq at Rudauli. The Government of independent India found it expedient not to interfere with the operation of the Waqf laws. Political expediency dictated this unfortunate approach just as Article 44 of the Constitution with regard to the personal law of the Muslims has remained a pious lip-service."

[A historical perspective on Waqfs in India, Monday, 14 May 2018 by Prafull Goradia; [https:// www.daily-pioneer.com:443/2018/columnists/a-historical-perspective-on-waqfs-in-india.html](https://www.daily-pioneer.com:443/2018/columnists/a-historical-perspective-on-waqfs-in-india.html)]

*Waqf is in general only a gift from a Muslim to his religious cause. Of course, other religionists can and may also donate [only] if they believe in Islamic principles. But that community here cannot take defence of their kings/oligarchs of the yore having donated huge assets— got mainly by plundering the poor, oppressed Hindu majority people— abusing their powers, etc. Short of total abolition, Waqf matters need to be strictly regulated, with the wings of the Waqf Boards sufficiently clipped.*

[Sources: Wikipedia, etc]

[I. Mallikarjuna Sharma, Advocate, Editor, LAW ANIMATED WORLD]

## LETTERS

### Dalit Vote Matters

The Opposition, sensing an opportunity to further its claim to be a champion of the Dalits, has opened the battle on many fronts in the wake of the home minister's slip.

Ambedkar is no less than a god to his followers who constitute about 17 per cent of India's 968 million voters and hence even an allusion to 'God' in the debate on the Constitution, of which he was the principal architect, became the tinder that set the issue on fire whose repercussions are hard to gauge now.

Truth to tell, Ambedkar's political and social influence on Indian society has far outgrown the social justice movement he propounded to em-

power the suppressed and the backward who, being on the lowest rung of India's reprehensible caste system, suffered the worst of the discrimination. Only slavery in the West could have matched the caste system's dehumanising effect on society.

And yet the man who opposed M.K. Gandhi and Jawaharlal Nehru when it came to matters of principle was not so much honoured in his lifetime of contribution as a battler of the reviled ancient caste system. Neither the Congress under Nehru, which could not fully support Ambedkar's fight on the highest principles and ideals — and so he resigned as law minister, nor the BJP, which has been prone to claiming his legacy in mod-

ern times, are the real inheritors of Ambedkar's valiant fight for social justice

It is ironic that the two major national parties, the BJP and the Congress, which cannot claim absolute reverence to the principles enunciated by Ambedkar, are facing each other head-on about Ambedkar and the Dalits whose cause he championed throughout his life. The entire narrative in the Constitution debate seemed to be showing each other in poor light when it came to dealing with the history of Ambedkar.

DC

### No Body Bags to Bury the Dead

Israeli troops killed at least 22 Palestinians, most of them in the northern

January 5-11, 2025

FRONTIER

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Gaza Strip, on December 15 in airstrikes and other attacks on targets that included a school sheltering displaced Gazans, medics and residents.

They said at least 11 of the dead were killed in three separate Israeli airstrikes on Gaza City houses, nine were killed in the towns of Beit Lahiya, Beit Hanoun and Jabalia camp and two were killed by drone fire in Rafah. They have no body bags to bury the dead.

Residents said clusters of houses were bombed and some set ablaze in the three towns. The Israeli army has been operating in the towns for over two months.

In Beit Hanoun, Israeli forces besieged families sheltering in Khalil Aweida school before storming it and ordering them to head towards Gaza City, the medics and residents said.

Some witnesses reported “severe injuries” among those who survived the attacks further north.

“They have nowhere to go because the Israeli military forces are encircling the area with tanks and armoured vehicles, and hammering the school with heavy artillery.”

A family of four were among those killed, including two children, after the classroom where they were sheltering took a “direct hit” from Israeli artillery fire that arrived without prior warning, the outlet reported.

On Dec. 5, Amnesty International released a 296-page report—featuring interviews with survivors and witnesses of Israel’s large-scale campaign of bombing, displacement, arbitrary detention, and destruction of Gaza’s agricultural land and civilian infrastructure—that conclude what Israel has been doing in Gaza amounts to genocide.

“Month after month, Israel has treated Palestinians in Gaza as a subhuman group unworthy of human rights and dignity, demonstrating its intent to physically destroy them,” said Agnès Callamard, Amnesty’s secretary-general, upon release of the document.

As the weekend’s latest roster of

death and injuries suggests, it has not stopped.

*Jon Queally, Al Jazeera*  
**Violence Against Christians**

Incidents of violence against Christians in India are sharply increasing year on year since 2014. As per the complaints received on the United Christian Forum [UCF] Helpline there were 127 in 2014, 142 in 2015, 226 in 2016, 248 in 2017, 292 in 2018, 328 in 2019, 279 in 2020, 505 in 2021, 601 in 2022, 734 in 2023 and in 2024 till November end – 745 incidents respectively. This means many other incidents which may have happened, but were not reported on our hotline, are not included in the total number.

Once again, no numbers of human and church attacks from Manipur have been included. Last year too, the tragic violence and bloodshed, as well as over 200 churches which were demolished in Manipur were not added to the UCF figures.

According to a report published by PUCL, the local police collude with violence perpetrators and turn a blind eye to offences committed against Christians. In addition, the constitutional rights of Christians are being denied systematically. There has been no Christian member in the National Commission for Minorities and National Commission for Minority Educational Institutions for over five years now. Similarly, state minority commissions too are not getting Christian memberships filled up.

There is a petition pending before the Supreme Court of India calling for strict action against vigilante groups that are engaging in anti-Christian violence in India. Sadly, after initial hearings in 2022 the petition has not come up for hearing again.

There are politically motivated anti-conversion laws in 12 states of India. In the recent amendment bill of Uttar Pradesh, which is identical to those under statutes such as PMLA and UAPA, the Supreme Court ob-

served this could be against Article 25.

*United Christian Forum, India (UCF India)*  
**Russia-Ukraine War**

Ukraine’s secret service SBU assassinated Igor Kirillov—the head of Russia’s chemical and biological weapons defence programme. It marks the high-level killing of a Russian military official inside Russia since the start of the war in 2022; Russia has vowed to retaliate.

The 54-year-old general died after a bomb detonated on an electric scooter in Moscow, shattering windows on residential buildings nearby. Kyiv had charged Kirillov in absentia the day before, tying him to over 4,800 alleged cases of chemical weapons deployment in Ukrainian territory. Kirillov was separately known for publicly accusing the US of a biological weapons programme in Ukraine.

Meanwhile, Russia detained a 29-year-old Uzbek national who had confessed to planting and detonating a bomb which killed the General. He further confessed that Ukraine had offered him \$100,000 and residency in a European country.

Russia lost over 1,520 soldiers per day last month, according to UK estimates, and is believed to be struggling to replenish its ranks. Russia is relying in part on North Korean troops to counter Ukrainian forces in Kursk.

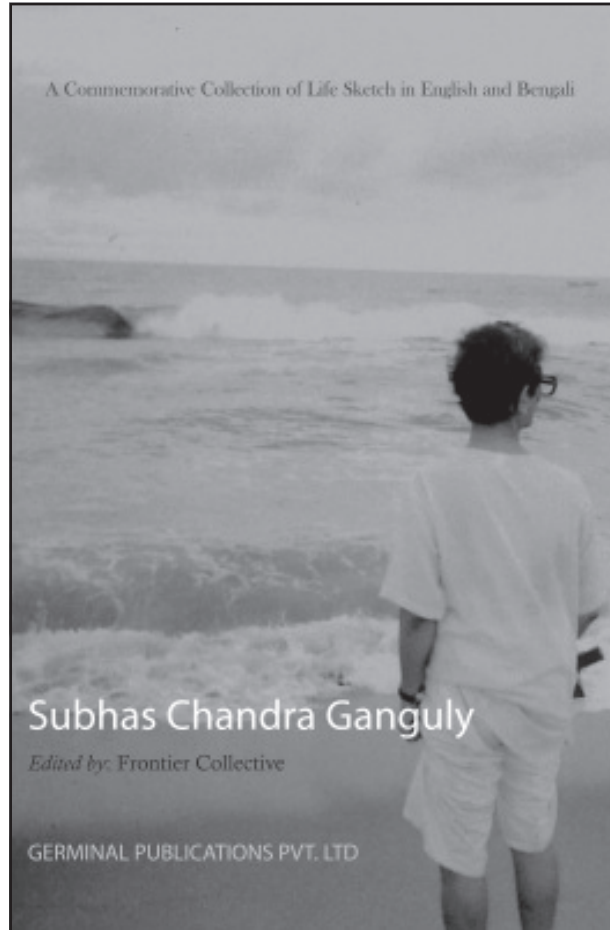
**A Correspondent**

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