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A LETTER TO HUMANIST FRIENDS IN INDIA AND ABROAD

1st April, 2006

Dear humanist friends,

I write this letter to tell you that I have, this forenoon, handed over charge as Chairman of the Indian Humanist Union to Air Marshal (retd) Vir Narain. Having worked as Chairman of IHU for about 15 years, including more than 5 years as the Editor of the Humanist Outlook, and before that as Vice - Chairman, Executive of IHU for 18 years, I have, for quite some time, expressed the need for a change. Finally, in our last AGM held on 4th December 2005, Vir Narain was persuaded to take over as the new Chairman with effect from 1st April 2006 and was so elected unanimously.

Vir Narain, apart from being a Founder Member of IHU, is also a well regarded writer on humanist subjects, particularly through his editorials as the Editor of the Humanist Outlook for the last 7 years, which have received much appreciation from readers in India and outside. He is a noted Defence analyst, has written books and articles on Defence matters and worked as a Consulting Editor on these subjects. He is also the inventor of an internationally recognized formula in aerial navigation known as the " Vir Narain Formula" which is part of the Air Force training syllabus in India and in other countries. With this intellectual and administrative background he will, I am sure, do very well as the new head of the IHU and I hope will be greatly helped by cooperation and support from you, as you were good enough to give to me.

I do hope to continue to be involved with IHU and the humanist movement in some ways, not requiring much day to day administrative work and leaving me some more time for my interest in the transportation sector. On this occasion, I recall my very pleasant memories of lively and fruitful interactions with a large number of humanist friends in India and elsewhere through writings, correspondence, meetings, seminars, World Humanist Congresses, IHEU Board meetings, General Assembly sessions etc. I especially remember the Narsingh Narain Memorial Lectures held for 12 years from 1991 to 2002, the IHEU Board Meeting at Mexico City in November 1996 in which the revised Minimum Statement of Humanism was approved, the IHEU's 50th Anniversary Congress at Amsterdam in July 2002 when the Amsterdam Declaration 2002 was adopted and the IHEU General Assembly at Paris in July 2005 on which occasion the Resolution on Comprehensive Secularism [incorporating the right and the responsibility of the State to intervene in the territory of religion for preventing gross violation of human rights] was passed. I would like to express my deep thanks to all of you for being such excellent and valuable company during all these years and for your friendship, understanding and support in so many ways.

With all good wishes

Prakash Narain

EDITORIAL

Ethical Issues in Affirmative Action

Few questions of public policy are as politically sensitive, socially divisive or emotionally charged as those of affirmative action, or positive discrimination. Affirmative action seeks to redress historical wrongs whose effects are seen to afflict identifiable groups of people even today. Given the background of its ancient caste system - highly stratified, highly iniquitous and highly persistent - India carries a larger (and more complicated and unwieldy) burden of such historical wrongs than perhaps any other nation or society. Caste remains a dominant factor in Indian politics even today; so it is not as if the redressal comes from a neutral or disinterested party. The victims and the beneficiaries (most intermediate castes are, in varying degrees, the victims as well as the beneficiaries!) of these historical wrongs are locked together in a complex - and often chaotic - process of democratic power-sharing and decision making. Emotive issues of guilt and grievance, retribution and atonement are pressed in the service of electoral politics. Political parties of all hues exploit divisions where they exist, and try to create them where they do not, to encourage the politics of group grievances and vote banks. Even political leaders who belong to groups which have been the beneficiaries of historical wrongs - ostensibly driven by ideology - are no less keen on the politics of grievance than those who belong to the wronged classes. As elections approach, communal passions and caste antagonisms, cloaked in the rhetoric of social justice, are whipped up for political gains. As Breytenbach said, and our politicians know by instinct, *"Humans are fragile. It is not dificult to bring out the worst in them"*.

In the scramble to secure benefits in terms of quotas and reservations, questions of fairness and equity, and issues of larger national interest, are being ignored. Irreversible changes have already taken place; and the pursuit of divisive policies for political gains seems to be gathering pace. Still, it may not be too late even now to look again at the ethical aspects of affirmative action.

Hardly any one disputes the need for affirmative action to redress historical wrongs. But sharp differences of opinion arise regarding the fairness or effectiveness of specific steps taken in the name of affirmative action. Perhaps the best starting point for for our inquiry is Rawls' two principles of justice for *institutions* :-

First Principle (the **Liberty Principle)**

Each person is to have an equal right to the most extensive system of equal basic liberties compatible with a similar system of liberty for all.

Second Principle (the **Difference Principle)**

Social and economic inequalities are to be arranged so that they are both: (a) to the greatest benefit of the least advantaged and (b) attached to offices and positions open to all under conditions of fair equality of opportunity. (Rawls, A Theory of Justice, page 83)

The Difference Principle has a direct bearing on affirmative action. Equality of opportunity is the key. If the victims of past injustice are to move towards greater equality of opportunity certain compensatory steps have to be taken. But first the victims of historical wrongs (not as individuals, but as groups) have to be identified, and the degree of deprivation or injustice for each group assessed. Unlike the situation in the USA - where blacks are a comparatively undifferentiated wronged group - the incredibly complex caste-differentiation in India makes it practically impossible to tackle this task in a fair manner. As compensatory action becomes more specific and precisely targetted, this requirement becomes more critical. Where more general and broadbased compensatory action is planned, the question of compararative deprivation or injustice tends to lose its salience. Here education is the key.

Even apart from the requirement of affirmative action, it is the responsibility of the State to provide free and compulsory education at the primary and secondary levels to all. Where adequate schooling (which is the minimum obligation of any State) is provided to the general populace; and extra resources are invested in the healthcare and education of deprived classes, the first critical step in providing equality of opportunity can be said to have been taken. As Robert Allen says; "*... a Rawlsian society would compensate the victims of injustice be redoubling its efforts at providing high quality, universal primary and secondary schooling. To someone in the original position this endeavor would appear highly desirable: since therein it is not known who would be educationally disadvantaged but for its existence. It would be understood as a safeguard against historical injustices such as racism, sexism, religious bigotry, homophobia, and poverty determining anyone's share of the primary goods, leaving nature and one's efforts as the deciding factors. Rawlsian affirmative action would begin at the schoolhouse." (Rawlsian Affirmative Action: Compensatory Justice as Seen from the Original Position: Robert Allen)*

It is widely acknowledged that the Indian State has dismally failed in the area of primary and secondary education. It has failed similarly in providing primary health care. The biggest victims of this failure are the very groups who are to be provided relief and redress through affirmative action. Faced with this failure, and unable to remedy it (for remedial action requires the honest application of resources) the government has to take recourse to other means. The handiest tool is a policy of quotas and reservations. It has many attractive

features: it is a great political stimulant, it has populist appeal, it diverts attention from the government's failure to provide adequate health and education to the poor and backward sections of society, and it relieves the government of the entire burden of affirmative action. This burden now falls on individuals belonging to purportedly privileged castes (regardless of their own personal situation) who are thus directly and personally deprived of positions which they would otherwise merit.

One critical feature of the Difference Principle is that it clearly excludes a "zero-sum" outcome; where one person's (or group's) gain is another's loss. Another feature of Rawls' two principles is that he enunciated them as *"two principles of justice for institutions*".(emphasis added.) Where identifiable individuals are involved in a zero-sum exchange, as in the case of quotas and reservations, the ends of justice are clearly not met. The costs of atoning for collective wrongs in the past must be shared *collectively* by those who belong to groups that benefitted from the unfair dispensation at that time. It must not be left to 'innocent' individuals to pay the price. Affirmative action has to be at the *collective level*; and should never be allowed to 'degenerate' into a choice between two individuals. Affirmative action is based, at best, on aggregated data and statistical averages. But, as one commentator has said: *" it is individuals, not statistical averages, who gain or lose in admissions determinations and employment selections. "* An interesting example of this from the USA is the oft-quoted "coal miner's son" question. In India it translates into the creamy-layer question. *"Imagine a college admissions committee trying to decide between the white [son] of an Appalachian coal miner's family and the African American son of a successful Pittsburgh neurosurgeon. Why should the black applicant get preference over the white applicant?"*

Apart from the issue of injustice to individuals - which in itself is a decisive factor - there is the vital, and deeply ethical, question of social integration. To paraphrase US Supreme Court Justice Blackmun's observation in the famous 1978 Bakke case: **The legitimacy of caste preferences is to be measured by how fast using them moves us towards a society where caste doesn't matter.** The undeniable fact is that affirmative action through quotas and reservations will only serve to harden and perpetuate caste-divisions in Indian society. For affirmative action to succeed in its mission of achieving justice and social harmony there can be only one general prescription: The fruits of good governance - adequate health and education - must be made available to all. In addition, adequate extra resources must be provided in these areas to identifiable groups who are still suffering from the effects of past discrimination. Reservations and quotas should be the last resort, and should never be applied at the individual level to competitive positions.

Vir Narain

MUSLIM WOMEN IN INDIA - I*

Vrinda Narain

Introduction

The rise of religious fundamentalism and the sharp politicization of religious identity are prominent aspects of present day India. Personal laws [1] have become the site for the contestation of power as the State and conservative religious leaders struggle to retain authority. Personal laws are based on religious laws as modified by State legislation and judicial precedent. These laws regulate the family, which is the sphere in which Indian women experience the sharpest discrimination. A significant consequence of this power struggle has been an attack on women's rights. Despite the fact that the Constitution of India [2] (Constitution) guarantees to all citizens the fundamental rights of equality and freedom from discrimination,[3] personal laws continue to deny women equal rights within the family and the community. The false dichotomy of "public" and "private" spheres maintained by the State and religious leaders has served to deny equality to women and to marginalize their interests.

The convergence of personal laws, religious identity and the conceptualization of women as markers of the cultural community has profound implications for the status of women in India. This Article explores issues of the accommodation of group difference and minority rights from the perspective of Muslim women in India. Underlying the Article is the premise that the recognition of group difference is essential in a pluralist democracy. It critically analyzes discrimination against Muslim women under personal laws; the reluctance of conservative leaders of the Muslim community to reform personal laws in favor of women, by arguing that it is a signifier of their distinct identity; and, the consequent tension between women's rights to equality and freedom from discrimination guaranteed under the Constitution, and the right of the Muslim community to preserve its religio-cultural identity under the right to freedom of religion. [4] Finally, the role of the State in negotiating the boundaries between gender and community is examined

. This Article is divided into three parts. Part I provides a general introduction to the development of religious personal laws in colonial India. It also outlines discriminatory aspects of Muslim personal laws to situate Muslim women's inequality within the family. Finally, it discusses salient aspects of the controversial Shah Bano [5] case together with the subsequent enactment of the Muslim Women's Act. [6] This does not purport to be a comprehensive analysis; the objective is to provide background information pertinent to the issues raised in this Article. Part II examines the manner in which the political manipulation of religious identity has recast Muslim women's rights as oppositional to Muslim collective interests. It highlights the tension between individual rights and group rights, the manner in which the State seeks to accommodate cultural difference

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and the way in which this accommodation implicates women's equality. It then discusses the potential of the Uniform Civil Code [7] to end discrimination under personal laws, examining whether it can guarantee gender equality without violating group rights. Lastly, Part III proposes a basis for formulating State policy toward ensuring women's equality while respecting group difference.

I. CONTEXTUALIZING MUSLIM PERSONAL LAW

The Historical Context

Historically, Hindu and Muslim religious systems applied to all aspects of life in India. However, a distinction between religious and secular law was introduced by British administrators in 1772.[8] Under Warren Hastings' Regulating Plan of 1772, [9] a judicial system was established whereby civil, criminal and commercial laws were codified and made uniform, leaving only family law and laws relating to certain property transactions regulated by Hindu and Muslim religious law. It has been suggested that the contemporary English division of law into ecclesiastical and temporal matters prompted this distinction in India. [10] However, the regulations purporting to "save" native Hindu and Muslim laws did not always cover the same topics. Further, the argument that the British saved personal laws in deference to the religious sentiments of Indians cannot be sustained since the claims of other religious minorities, such as Parsis and Jews, were not entertained until the middle of the nineteenth century.[11]

Arguably, the reasons for this distinction between personal and secular laws can be sought in the evolution of British control over India and the efforts to secure political and economic ascendancy.[12] Once the British consolidated their position in India, the need for a unified system of laws emerged as a priority in the governance of the sub-continent. There began a process of the Anglicization of indigenous laws through codification and the rationalization of the system of courts. Although commercial, criminal and procedural law were codified by 1882, personal laws were exempt from this codification. [13] However, certain topics which had previously been part of personal laws were now governed by civil law. Only family matters such as marriage and divorce, inheritance and succession and religious endowments now made up personal laws.[14] Yet, the administration did not hesitate to modify religious laws when it saw fit, and the boundaries between personal laws and civil laws were not strictly maintained.

The colonial State embarked on a series of modifications in personal laws, initiating a policy known as the Islamization of Muslim law and the Sanskritization of Hindu law. [15] The formulation of personal laws was informed by the colonial conception of the Hindu and Muslim communities as oppositional, distinct and homogenous, and by the presumption that the primary source of law was the Koran for Muslims and the Brahaminical Shastras for Hindus.[17]

This privileging of textual law over custom and usage served to make family law rigid and abstract, and unable to respond to the lived experience of those it was meant to serve. More importantly, it resulted in establishing religion and personal laws as important signifiers of community identity, as the colonial legal structure administered a unified Muslim law hitherto unknown in India.[19] Muslim and Hindu personal laws were further modified and influenced by the contact with English law. The common law maxim of "justice, equity, and right" was applied by the English judges in deciding cases under personal laws.[20] Where a rule of English law was deemed suitable for application to an Indian situation, the rule was applied. Precedent was also binding upon the courts. Thus, substantive principles of English law were incorporated into personal laws.

By the twentieth century, in an effort to preserve its political power, the colonial State extended the scope of the legislative process to allow Indian representation.[21] This resulted in several initiatives by Indians to modify personal laws. The Government acknowledged the Ulema[22] and the Muslim League [23] as the leaders of the Muslim community. The circumstances of Muslim personal law reform demonstrate that the impetus for reform was the consolidation of political power by the Ulema. Excluded by the colonial State from all other aspects of national politics, religion and community were the only spheres in which the Ulema could assert their authority and stake a claim to political power.[24] The Ulema, anxious to consolidate their power over the community, were concerned that certain provinces were still following customary law contrary to strict Islamic principles, and were thereby beyond their control. The Ulema therefore took the initiative to reform Muslim personal law, seeking to reduce the role of custom over which they had no jurisdiction while bringing the Muslim population under the authority of the Shariat, of which they were the sole interpreters.[25] Although the status of women was foregrounded as the primary motivation for reform, the disparities between the legal rights of men and women remained unchanged.[26] In fact, these legislative initiatives only served to Islamisize Indian Muslim personal laws and to modify the rights Muslim women exercised under the customary law. The consequence for Muslim women was that they "were subjected to the more rigorous control of the high culture Islamic law."[27] The significance of the Ulema's legislative initiatives was that it set the pattern for an increasing use of Islam by religious leaders to *48 further their political ends, and established a precedent for subsequent legislative activity by Muslim leaders in independent India.[28]

Two major legislative initiatives of the Ulema were passed: the Muslim Personal Law (Shariat) Application Act, 1937, (the Shariat Act), and the Dissolution of Muslim Marriages Act, (DMMA), 1939.[29] The Ulema insisted on the application of the Shariat[30] to all Indian Muslims. They sought to impose a uniform Islamic identity on the Muslim population through the Shariat

Act.[31] Colonial authorities accepted this demand and privileged the Koran as the sole authority for Muslim law, ignoring "the fact that Muslim communities in India were historically constituted in ways that did not conform to strictly Islamic practices."[32] For example, the Memons in Gujarat followed Hindu laws of succession, and the Mapillas of Kerala followed the custom of matrilineality of the Hindu Nayar community.[33] The Muslim League, representing the rich landholders who followed customary inheritance laws which excluded women, succeeded in gaining an exemption from the application of Shariat laws of inheritance and succession for agricultural land holdings.[34] All other aspects of family law were to be governed by the Shariat Act, thus gaining for the Ulema a central role in the Muslim community. Although the Shariat Act was proposed by the Ulema as a way to improve women's inheritance rights and, thereby, their economic position, the gains for women were more symbolic than real.[35] In fact, Muslim women did not gain the right to inherit agricultural land, which constituted 99.5% of all property in India.

The Dissolution of Muslim Marriages Act is also representative of the efforts of the Ulema to use legislative enactment to consolidate their position within the Muslim community. Under Hanafi law, applicable to the majority of Muslims in India, women could obtain a divorce if they apostatized from Islam.[36] The Ulema were concerned about the trend of Muslim women apostatizing from Islam in order to obtain divorces.[37] They proposed that only Muslim judges should have the authority to regulate divorce. Declaring that "true Islam" did not permit apostasy as a ground for divorce, the Ulema overrode Shariat law and formulated the DMMA which defined Muslim women's right to judicial divorce on certain specified grounds. This Act demonstrated the willingness of the Ulema to override traditional Shariat law when it suited their interest. [38] The Ulema endorsed the Act as enlarging Muslim women's rights by defining and codifying grounds for divorce. However, in contrast to men's unregulated and unilateral right to divorce their wives, these grounds were limited and difficult to prove.[39] Under the Act, women's right to spousal support was not addressed or enlarged. [40]

The Ulema used the Act to strengthen their authority over women and made an effort to reform men's unilateral divorce rights to address women's financial or social vulnerability. However, the Act denied women the relatively easy method of obtaining a divorce by apostasy, while a man's right to divorce by apostatizing remain unchanged. [41] Most important, it made no provision for spousal support for divorced women beyond the three month iddat period [42] thus leaving their economic position unchanged. [43]

While the Government gave into the Ulema's demand that this new law be applied to all Muslims regardless of their specific sects, it refused to concede that only Muslim judges were to have the authority to adjudicate divorces. [44] In the final instance, this refusal resulted in the Ulema's withdrawal from support of the Act and their condemnation of it as "un-Islamic [45]

II. DISCRIMINATORY ASPECT OF MUSLIM PERSONAL LAWS

By the time India gained independence, [46] personal laws of various communities had been labeled religious personal laws. However, these laws were either a result of State legislative enactment or were based on religious rules as modified by the State. [47] Recognizing that secularism had to be the cornerstone of State policy, the Constitution made secularism and the commitment to pluralism its governing ideology. Nevertheless, in continuity with the policy of the colonial State, the independent Indian State retained for itself the right to regulate and modify religion as well as personal laws. However, the bitter circumstances of the partition of India along religious lines determined State policy toward the accommodation of religious difference and the treatment of minorities. [48] The religious identity of Muslims became inevitably more pronounced—both the self-identity of Muslims as well as the identity imposed on them by the Hindu majority. A significant consequence was the emphasis on personal laws as signifiers of identity. [49] The Muslim community was faced with a dilemma: it was forced to assert group identity and solidarity as a defense against Hindu hostility, but this heightened sense of difference led to it being viewed with suspicion and hostility.

Religious leaders resisted women's requests to reform personal laws, arguing they were immutable, while themselves initiating modifications in these laws when it suited their political and economic interests. [50] The State, for its part, anxious to portray itself as secular and democratic, was reluctant to reform Muslim personal laws. It assumed that for Muslim women, religious rights would take precedence over gender rights, and the interests of Muslim women were subsumed under the interests of the community. [51] Today, family law continues to impose an identity on all Indians, defining them by their membership in religious communities. Muslim personal laws discriminate against Muslim women, granting them fewer rights as compared to Muslim men, and as compared to other Indian women. Muslim women thus face multiple discrimination—as Muslim women, as Muslims and as women. Personal laws serve to keep Muslim women firmly in their place within the patriarchal family and comunity .

First, Muslim women do not have equal inheritance rights. [52] The general rule is that if there are male and female heirs of the same degree, the share of the male heir is always double that of the female. [53] Widows take a one-fourth share in the property of their husbands if there are no children. This rule applies regardless of the number of wives a man has. Thus, if a man has two wives, they have to divide between themselves the one-fourth share. If there are children, then Sunni widows get one-eighth while Shias receive one-sixth of the deceased husband's property. On the other hand, a Muslim husband inherits one-fourth of his wife's property upon her death. [54]

Second, a mother can never be the legal guardian of her young children, though she may claim physical custody. [55] The father is always considered

-dered the legal guardian. Upon the father's death, guardianship of the children passes to their father's executor, paternal grandfather or the paternal grandfather's executor. [56] While a father may appoint a testamentary guardian, a mother is not permitted to do so. The period of the mother's physical custody of her children is prescribed by law and cannot be extended. This period varies between Sunni and Shia Muslims with different lengths of custody prescribed for male and female children. Among Sunnis, the mother may have custody of her sons until they are seven years old while Shias have custody until the males are weaned at the stipulated age of two. Sunni mothers have custody of their daughters until they reach puberty, while for Shias, females remain in the custody of their mothers until the age of seven. A mother's right to custody of her minor children is not absolute, and she may be deprived of it if she is deemed unsuitable and unable to contribute to the physical, moral and intellectual development of the child.

Second, a mother can never be the legal guardian of her young children, although she may claim physical custody. [55] The father is always considered the legal guardian. Upon the father's death, guardianship of the children passes to their father's executor, paternal grandfather's executor. [56] While a father may appoint a testamentary guardian, a mother is not permitted to do so. The period of the mother's physical custody of her children is prescribed by law and cannot be extended. This period varies between *52 Sunni and Shia Muslims with different lengths of custody prescribed for male and female children. Among Sunnis, the mother may have custody of her sons until they are seven years old while Shias have custody until the males are weaned at the stipulated age of two. Sunni mothers have custody of their daughters until they reach puberty, while for Shias, females remain in the custody of their mothers until the age of seven. A mother's right to custody of her minor children is not absolute, and she may be deprived of it if she is deemed unsuitable and unable to contribute to the physical, moral and intellectual development of the child.

Third, Muslim women are the only women in India whose right to monogamous marriage is not protected. [57] Whereas bigamy is a criminal offense, Muslim men are exempt from the application of this provision of the criminal law. [58] In contrast to other Islamic countries where the right to polygamy has been regulated, and even prohibited, the Indian State has not reformed the law and has placed no restrictions on polygamy. [59] The State has preserved Muslim men's right to polygamy, arguing that any call for change must come from within the Muslim community. [60] The State, however, has chosen to ignore the long-standing demands of Muslim women and the women's movement to end this practice. Further, women do not have equal rights with men in regards to whom they may marry. Whereas Muslim men are permitted, although not encouraged, to marry non-Muslim women, a marriage between a Muslim woman and a non-Muslim man is void ab initio. [61] Fourth, divorce laws are discriminatory against Muslim women. While men

have a unilateral right to divorce, women's rights to divorce are limited and subject to several constraints. [62] Thus, while divorce for Muslim men is a relatively simple procedure, for women, it is particularly difficult. [63] There are various forms of divorce (talaq) for Muslim husbands. [64] Although they have been classified as more or less meritorious, this does not affect their validity. [65] Indian case law has established that a Muslim man may divorce his wife "at his mere whim and caprice." [66] The absolute power of a Muslim husband to divorce his wife unilaterally, for any reason or for no reason at all, without judicial regulation and even in the absence of his wife, is recognized. [67] The talaq, in whatever form, does not require the consent of the wife. In fact, under Muslim law, the wife cannot resist divorce. [68] Although considered religiously unmeritorious, the most common form of divorce in India is the triple talaq (talaq al bida), whereby the husband pronounces "I divorce thee" thrice in one sitting and is considered divorced upon the third pronouncement. [69] Coulson emphasizes that it is talaq, far greater than polygamy, which causes severe prejudice to the status of Muslim women. [70]

In contrast, Muslim personal laws permit women to divorce husbands under certain circumstances only and require the husband's consent. The circumstances under which a woman may seek a divorce are the following: (a) if the right to divorce has been delegated to her by her husband; (b) by asking for a khul; (c) by asking for a mubbaraat; or (d) by seeking a judicial dissolution of the marriage under the Dissolution of Muslim Marriages Act. [71]

Divorce by delegation is a right that may be conferred by the husband upon the wife as part of the marriage contract, either at the time of marriage or later. The "khul" is a divorce "with the consent, and at the instance of the wife, in which she gives or agrees to give a consideration to the husband for her release from the marriage tie." [72] The wife may agree to give the husband part of, or the entire amount of her dower and any other property as agreed on by both. Khul, unlike talaq, is not a unilateral right. It is essential that the husband consent to the khul. [73] "Mubbaraat" is a form of divorce similar to divorce by mutual consent. It may be initiated by either spouse. However as in khul, the wife has to give up her dower or a part of it. [74] Finally, although a Muslim wife may seek judicial divorce under the DMMA on certain limited grounds, this remedy can be availed by few Muslim women. [75] Significantly, it makes no provision for spousal support for divorced wives. Although in theory it has extended the rights of Muslim women, in practice it has not proven effective. [76]

The Indian State has failed to check the excesses and abuses of the talaq system, in contrast to most Muslim countries. Pearl notes that, "all attempts to reform this area of Muslim law, as indeed other areas as well, have been met by allegations of interference in the political and religious rights of the Muslim minority community." [77] There have been no efforts either by the Ulema, the State or Muslim scholars to suggest ways in which the effects of talaq may be counteracted and women's rights protected.

Muslim women are further disadvantaged in maintenance and alimony arrangements. Muslim men's right to unilateral divorce does not carry with it a corresponding duty to provide long-term spousal support to their divorced wives.[78] The limited right to divorce granted to Muslim women is rendered meaningless by the lack of provision for long-term spousal support upon divorce. For the divorce option to be a viable possibility for women, it is critical that their economic security be ensured. However, under Muslim law, upon divorce, a woman is entitled to alimony from her husband only for a period of three months. [79] Due to this lack of adequate provision for spousal support, divorced Muslim women were resorting to the secular law of support under Section 125 of the India Criminal Procedure Code.[80]

Until 1986, Section 125 applied to all Indian women irrespective of their personal law. However, after the Shah Bano controversy, the Muslim Women's (Protection of Rights on Divorce) Act, 1986, [81] was passed, denying divorced Muslim women access to this secular law. [82] Whereas all other Indian women have a right to claim support under the secular law, at the insistence of conservative Muslim leaders, Muslim women have been deprived of this right. The new Act relieves Muslim husbands from the duty of spousal support after the three month iddat period. [83] If during this three month period, a woman gives birth to a child conceived before the divorce, then she is entitled to child support from her ex-husband for a period of two years from the birth of the child. There is, however, no provision for child support from her ex-husband if any of their children born before the divorce remain with the mother after the divorce. [84] Beyond this three month period, a woman is to be supported by her children, her heirs or her parents. [85] If none of her relatives are in a position to support her, then the Court can directly the Wakf Boards [86] to support her. [87]

To be continued in thr next issue

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NOTES

1 Personal laws are the only laws which apply to individuals on the basis of their *religious identity. Thus family law in India is made up of the various personal laws governing the different religious communities. It includes: Hindu law, Muslim law, Christian law, Parsi law and Jewish law. See Paras Diwan, Family Law 3 (1983).*

2 India Const. (1950).

3 The fundamental rights are set out in Part III of the Constitution from Articles 12 through 35. The rights to equality and freedom from discrimination are provided in Articles 14 and 15. Article 14 provides: "Equality before law - The State shall not deny to any person equality before the law or equal protection of the laws within the territory of India."

The relevant provisions of Article 15 are the following:
Prohibition of Discrimination on grounds of religion, race, caste, sex or place of birth.—(1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them. (3) Nothing in this article shall prevent the State from making any special provision for women and children. (4) Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes. Id.

4 See id. at arts. 15, 25.

5 Mohammed Ahmed Khan v. Shah Bano Begum, AIR 1985 SC 945.

6 C.I.S. Part II (1986), The Muslim Women's (Protection of Rights on Divorce) Act, 1986 of the Government of India, Chandigrah, 19 May 1986.

7 The State shall endeavor to secure for the citizens a uniform civil code throughout the territory of India. See India Const. art. 44. Article 44 refers to a uniform family code applicable to all Indian citizens irrespective of religious affiliation, to replace the system of religion-specific personal laws. Although there has been considerable debate in Parliament as to the nature and scope of this UCC, there is as yet no proposed draft, nor is there any agreement as to its scope or content.

8 See Archana Parashar, Women and Family Law Reform in India 46 (1992).

9 See M.P. Jain, Outlines of Indian Legal History 89-90, 697-725 (1966).

10 See J. Duncan M. Derrett, Religion, Law and the State in India 233 (1968).

11 See Parashar, supra note 8, at 66.

. 12 See D.A. Washbrook, Law, State and Agrarian Society in Colonial India, 15 Modern Asian Studies 649, 660 (1981).

13 See Marc Galanter, Law and Society in Modern India 18 (1994).

14 See id.

15 See Parashar, supra note 8, at 71-72. Examples of changes made in practices considered sacred or religious are inter alia the Caste Disabilities Removal Act, 1850; the Hindu Widows Remarriage Act, 1856; the Native Converts Remarriage Act, 1866 and theChild Marriage Restraint Act, 1929

16 See id. Parashar, supra note 8, at 73.

17 See David Pearl, A Textbook on Muslim Personal Law 27 (1979); John H. Mansfield, The Personal Laws or a Uniform Civil Code?, in Religion and Law in Independent India 145-47 (Robert D. Baird, ed., 1993); Michael Anderson, Islamic Law and the Colonial Encounter in British India, in islamic family law 211-12 (Chibli Mallat & Jane Connors eds., 1990).

18 See Parashar, supra note 8, at 73.

19 See Anderson, supra note 17, at 220-21.

20Id. at 208-09.

21 See Parashar, supra note 8, at 79. The Government of India Act, 1935, permitted, for the first time, Indian representation in the legislature. Significantly, the British established a system of separate electorates based on religious affiliation.

22The Ulema are religious clerics; Ulema is the plural form of alim. They are the legal and theological interpreters of the Koran and the Haadith (Tradition). See Donald E. Smith, The Political Implications of Asian Religions, in South Asian Politics and Religion 3, 18 (Donald E. Smith ed., 1966).

23 The Muslim League was a political party formed to represent Muslim interests in India. At this time, it was led by Mohammed Ali Jinnah, who later founded the state of Pakistan in 1947 when India was partitioned by the British.

24 See Barbara D. Metcalfe, Reading and Writing About Muslim Women in British India, in Forging Identities: Gender, Communities and the State in India 1, 2 (Zoya Hasan ed., 1994).

25 See Parashar, supra note 8, at 146.

26 See Janaki Nair, Women and Law in Colonial India 182 (1996).

Notes (continued)

27 Parashar, supra note 8, at 75.

28 See id. at 151-58.

29 C.I.S. Part III (1937), Muslim Personal Law (Shariat) Application Act, 1937 of the Government of India, Lahare, 7 Oct. 1937. C.I.S. Part III (1939), Dissolution of Muslim Marriages Act, 1939 of the Government of India, Lahare, 17 Mar. 1939.

30 Islamic canonical law.

31 See Anderson, supra note 17, at 222; Parashar supra note 8, at 150.

32 Nair, supra note 26, at 190.

33 See Derrett, supra note 10, at 523-28.

34 See Parashar, supra note 8, at 149.

35 See Parashar, supra note 8, at 150.

36 See Tahir Mahmood, Muslim Personal Law: Role of the State in the Subcontinent 57 (1977).

37 See id. at 54.

38 See N.J. Coulson, A History of Islamic Law 187-88 (1978). Although there are several schools of law within Islam, the overwhelming majority of Indian Muslims are Sunni and are governed by the Hanafi school. The next largest group are the Shia Muslims, governed by the Ithna Ashari school of law.

39 See Werner F. Menski, The Reform of Islamic Family Law and a Uniform Civil Code in India, in Islamic Family Law 253, 281 (Chibli Mallat & Jane Connors eds., 1990).

40 C.I.S. Part III (1939), Dissolution of Muslim Marriages Act, 1939 of the Government of India, Lahare, 17 Mar. 1939. See also Menski, supra note 39, at 284 (discussing how legislative enactments such as the Dissolution of Muslim Marriages Act, 1939 kept women's rights upon divorce undisturbed).

. 41 See Paras Diwan, Muslim Law in Modern India 90 (1977)[hereinafter Muslim Law in Modern India].

42 See discussion infra note 91.

43 See Menski, supra note 39, at 284.

44 See Nair, supra note 26, at 195.

45 Id.

46 India gained independence from Britain in 1947.

47 See Mahmood, supra note 36, at 49.

48 When the British left India in 1947, they partitioned it along religious lines into India and Pakistan. Pakistan was created as an Islamic State and was seen as a homeland for Muslims, safe from the uncertainties of being a religious minority in a land with an overwhelmingly Hindu population. At the time of partition, vast numbers of Hindus and Sikhs crossed the border from what is now Pakistan to India, while Muslims went to Pakistan. There were terrible riots and mass killings on both sides of the new borders. Currently, Hindus make up 82% of the total population of India. Of the many religious minority groups, Muslims constitute the largest minority: 11.4%; Christians: 2.4%; Buddhists: 0.7%; and Jains: 0.5%. See Observer Research Foundation, India: 1991 Observer Statistical Handbook 60 (1991)

49 See Parashar, supra note 8, at 159.

50 See Anderson, supra note 17, at 221-23; Parashar, supra note 8, at 155-58.

51 See Parashar, supra note 8, at 158-60; Zoya Hasan, Minority Identity, State Policy and Political Process, in Forging Identities: Gender, Communities and the State 59, 60-63 (Valentine Moghadam ed., 1994); Partha Chatterjee, The Nationalist Resolution of the Women's Question, in Recasting Women: Essays in Colonial History 233-39 . (Kumkum Sangari & Sudesh Vaid eds., 1993). See also, Kumari Jayawardena, Women, Social Reform and Nationalism in India, in Feminism and Nationalism In the Third World 73-75 (1986)

52 See Parashar, supra note 8, at 288. Muslim law is a combination of pre-Islamic customary law and Koranic law. The shares of Koranic heirs are specified and the remainder of the estate is divided among the customary heirs. Wives and daughters are Koranic heirs. Islamic law remedied the situation under customary law whereby females were excluded from inheritance.
53 See id.
54 See id.
55 See id. at 292. The following discussion of custody under Muslim law is based on the works of Paras Diwan. See id. at 286-92.
56 See Pearl, supra note 17, at 83.
57 See Family Law, supra note 1, at 39.
58 See India Pen. Code §§ 494-95. Although the Independent Indian State reformed Hindu law abolishing bigamy in 1955, under the Hindu Marriages Act, Muslim law was not similarly reformed. India Code § 5 (1958).
59 See Menski, supra note 39, at 276.
60 See Parashar, supra note 8, at 159.
61 See Paras Diwan, family law 43 (1991).
62 For a discussion regarding the various forms of divorce see Muslim Law in Modern India, supra note 41, at 72-100; and Pearl, supra note 17, at 89- 113.
63 See Pearl, supra note 17, at 101.
64 Sunnis recognize divorce which may be express, implied, contingent or delegated. Shias recognize only the express and delegated divorce.
65 See Pearl, supra note 17, at 89.
66 Ahmed Kasim Molla v. Khatun Bibi, I.L.R. 59 (Cal.) 840.
67 See Muslim Law in Modern India, supra note 41, at 73.
68 See Menski, supra note 39, at 280-81.
69 Shia law does not recognize the talaq al bida and further requires that divorce be pronounced in the presence of two witnesses.
70 Coulson, supra note 38, at 209.
71 See Muslim Law in Modern India, supra note 41, at 80-91.
72 As described by the Privy Council in Buzul-ul-Raheem v. Luteefoon-nissa, 8 MIA 378, 395 (1861).
73 See Pearl, supra note 17, at 101-02.
74 See id. at 106.
75 The DMMA is far less progressive than the changes initiated in other Muslim countries such as Egypt, Tunisia and Turkey. See Pearl, supra note 17, at 197-201.
76 See Menski, supra note 39, at 281; discussion supra Part I.A.
77 Pearl, supra note 17, at 101.
78 See discussion infra Part I.C.
79 See infra note 91.
80 India Code Crim. Proc., § 125 (1974). The relevant provisions of § 125 are the following:
(1) If any person having sufficient means neglects or refuses to maintain-(a) his wife, unable to maintain herself, ... a Magistrate of the first class, may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife.... at such monthly rate not exceeding five hundred rupees in the whole, as such Magistrate thinks fit. Explanation - For the purposes of this Chapter,-... (b) "Wife" includes a woman who has been divorced by, or who has obtained a divorce from, her husband and has not remarried. Id.
81 C.I.S. Part II(1986), supra note 6.
82 See discussion infra Part I.C.
83 The relevant provisions of this Act are the following:
Mahr or other properties of Muslim women to be given to her at the time of divorce.-(1) Notwithstanding anything contained in any other law for the time being in force, a

divorced woman shall be entitled to-
(a) a reasonable and fair provision and maintenance to be made and paid to her within the iddat period [three months] by her former husband;
(b) where she herself maintains the children born to her before or after her divorce, a reasonable and fair provision and maintenance to be made and paid by her former husband for a period of two years from the respective dates of birth of such children;
(c) an amount equal to the sum of mahr or dower agreed to be paid to her at the time of her marriage or at any time thereafter according to Muslim law; and
(d) all the properties given to her before or at the time of marriage or after her marriage by her relatives or friends or the husband or any relatives of the husband or his friends. C.I.S. Part II (1986), The Muslim Women's (Protection of Rights on Divorce) Act, 1986 of the Government of India, Chandigrah, 19 May 1986.

84 See Shahida Lateef, Muslim Women in India: Political and Private Realities, 1890s-1980s 194 (1990).

85 C.I.S. Part II (1986), The Muslim Women's (Protection of Rights on Divorce) Act of 1986 of the Government of India, Chandigrah, 19 May 1986. provides:
Order for payment of maintenance.-(1) Notwithstanding anything contained in the foregoing provisions of this Act or in any other law for the time being in force, where a Magistrate is satisfied that a divorced woman has not remarried and is not able to maintain herself after the iddat period, he may make an order directing such of her relatives as would be entitled to inherit her property on her death according to Muslim law to pay such reasonable and fair maintenance to her as he may determine fit and proper, having regard to the needs of the divorced woman, the standard of life enjoyed by her during her marriage and the means of such relatives and such maintenance shall be payable by such relatives in the proportions in which they would inherit her property and at such periods as he may specify in his order: Provided that where such divorced woman has children, the Magistrate shall order only such children to pay maintenance to her, and in the event of any such children being unable to pay such maintenance, the Magistrate shall order the parents of such divorced woman to pay maintenance to her:
Provided further that, if any of the parents is unable to pay his or her share of the maintenance ordered by the Magistrate on the grounds of his or her not having the means to pay the same, the Magistrate may, on proof of such inability being furnished to him, order that the share of such relatives in the maintenance ordered by him be paid by such of the other relatives as may appear to the Magistrate to have the means of paying the same in such proportions as the Magistrate may think fit to order.
(2) Where a divorced woman is unable to maintain herself and she has no relatives as mentioned in sub-section (1) or such relatives or any one of them have not enough means to pay the maintenance ordered by the Magistrate ... to be paid ... the Magistrate may, by order, direct the State Wakf Board established under section 9 of the Wakf Act, 1954, or under any other law for the time being in force in a State functioning in the area in which the woman resides, to pay such maintenance as determined by him under sub-section (1) or, as the case may be, to pay the shares of such of the relatives who are unable to pay, at such periods as he may specify in his order.
.86 The Wakf Boards are charitable institutions which administer lands donated by pious Muslims for the upkeep of Islamic religious institutions. The administration of Wakf Boards is overseen and regulated by the State. The members of Wakf Boards are nominated by the State.
87. See C.I.S. Part II (1986), The Muslim Women's (Protection of Rights on Divorce) Act of 1986 of the Government of India, Chandigrah, 19 May 1986.

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BAD KARMA

- *Mary Garden*

A recent court case in the United States has found Hare Krishnas guilty of child abuse on a massive scale. Mary Garden uncovers the story of a hidden scandal.

I remember dancing along with the Hare Krishnas on the streets of Auckland in 1973. The most visible of the religious groups that mushroomed during the 1960s and 70s, they were known for their chanting, shaved heads and saffron robes. For me they were the ultimate rebellion, the finger up at authority and the 'establishment'. I was a new devotee of Eastern mysticism (yes I was lost, naïve and idealistic) and even though I did not join that particular group, I could well have done. They seemed a bit extreme but I regarded myself as not quite ready for the austere, 'pure' lifestyle that the Hare Krishnas demanded. How ironic, then, that of all the religious sects spawned from the counterculture movement, the Hare Krishnas (also called International Society for Krishna Consciousness - ISKCON) ended up being one of the most authoritarian. It also ended up being one of the most abusive to the children in its care.

On 23 May 2005, the United States bankruptcy court approved a plan for ISKCON to pay $9.5 million in damages to former students who had suffered sexual, physical and emotional abuse during the 1970s and 80s. Even though a majority of claimants had to vote for the plan in order for the court to accept it, there have been reports that many did so grudgingly, because they thought they would miss out otherwise. Regardless, a total of 550 plaintiffs will receive amounts ranging from $2,500 to $50,000 each (depending on the severity of the abuse) with disbursements beginning in September 2005 and the bulk of compensation to be paid by 2011.

The case was originally filed at a federal court in Dallas, Texas, in 2000 on behalf of 90 students with a claim for $400 million. At the time, the plaintiffs' lawyer Windle Turley said: "This lawsuit describes the most unthinkable abuse and maltreatment of little children as we have seen. [...] As a result, a generation of ISKCON children are permanently, and many profoundly, injured. It is estimated that more than one thousand children as young as three years of age suffered neglect, emotional, physical and sexual abuse. A number have already taken their own lives."

Unlike other Hindu - derived sects such as the Sathya Sai Baba and Muktananda groups, who have had similar allegations made against them, ISKCON has not disputed the abuse claims. In fact, some members have been very active in bringing the issue into the open. They even commissioned Burke Rochford, a sociology professor at Vermont University, to investigate the allegations, and published his report in 1998. For some years a Child Protection Office was set up to investigate cases of alleged child abuse (a list of 200 alleged abusers was complied) and to help temples and schools establish

child protection teams and screening systems. So what happened to the victims and why did it take so long for these allegations to be brought into the open?

Most of the abuse took place in ashramï¿½based gurukulas (Sanskrit for school of the guru), in particular those in India but also in several schools in the United States. During the 1970s and 80s parents were encouraged to send their children to these schools from the age of three. Most were discouraged from visiting or forming close bonds with their children as parental attachments (along with material possessions) were regarded as "illusionary" and hence would prevent them from doing the work of Krishna - the god of love in the Hindu pantheon. They were however expected to raise money for the organisation, but little of this went to running the schools. Their children were taught that in the spiritual world there were no parents, only souls and hence this justified their being kept out of view from others, cloistered in separate buildings and sheltered from the 'evil material world'.

From court documents lodged by Turley and reports from ISKCON itself, what happened during those years is horrifying. Children suffered broken noses, serious bruises and contusions, lost teeth from being beaten with clubs and fists and also from being kicked. A number had their ears slapped so severely that bleeding and loss of hearing occurred. Medical care was sometimes denied, even for malaria, hepatitis and broken bones. Children did not receive proper food and some report they ï¿½were always hungryï¿½ and had to eat leftovers or insectï¿½infested food. If they vomited they had to eat their own vomit; if they wet their beds they were forced to drink urine and wear soiled underwear on their heads. Apart from physical beatings they were also punished by being shut in closets, refrigerators or trash bins for hours, even days at a time. Some schools were filthy and overcrowded: children slept on the floor, often in sleeping bags. There was no TV, radio, toys or games. Some children were raped every day for years and there were arranged marriages between girls as young as eleven to men twice or thrice their age.

The perpetrators of these crimes were none other than teachers, administrators, and, in some cases, ISKCON leaders. It was not uncommon for the children to be told they were being treated this way because it was their bad karma and they must have hurt a child in a past life

. The leader of the group, Indianï¿½born Sri Prabhupada, was told of the abuse as early as 1972 but evidently did nothing to stop it. After he died in 1977, leadership was passed on to eleven male disciples, called gurus, and the abuse continued. Nori Muster, former devotee and author of Betrayal of the Spirit, claims: "If parents tried to speak up, the gurus either silenced them or kicked them out. Some parents just pulled their kids out and left the organisation. Also, many parents abused their children, since they were low on parenting skills and violence was a way of life in ISKCON."

In 1988 one of the mothers wrote to ISKCON's minister of education

regarding the abuse of her son at one of the smaller schools. "*A total of five children are known to have been abused to some degree. Penetration had been attempted and oral sex had been done repeatedly to the degree of seminal discharge into the mouth with a condom. It seems it had all been going on for a year and a half with no one suspecting it. The real horror of all this is that they were abused in the holy dharma by teachers, monitors, etc. And the children were even witnessing a guru doing it to boys. It seems it had been very rampant and 'just a part of life there'. You were either forced to engage in it or you observed it around you."* Her letter was ignored

. Finally a few autobiographical essays were published and gurukula reunions held where survivors began to talk about what had happened, but it wasn't until the late 1990s that these stories reached the media, at about the time that stories of abuse within a range of other religious organisations (including the Catholic and Anglican churches) were aired.

The world of academia hasn't helped. What is astonishing is that over the past 20 years there has been a tendency among academics to give more weight to the statements of members and leaders than to claims by former members and the media. The late Dr Bryan Wilson, a sociologist of religion at Oxford University, once wrote: *"Neither the objective sociological researcher nor the court of law can readily regard the apostate as a credible or reliable source of evidence."* In what other sort of crime is a victim not a credible or reliable source of evidence? Professor Beit-Hallahmi of Haifa University challenges this "supportive collaborative majority" and points out that allegations by outsiders and detractors have been closer to reality than any other accounts. Ever since the Jonestown tragedy, statements by ex-members turned out to be more accurate than those of apologists and academic researchers. He points out that the reality revealed in the cases of the Rajneeshees, the Branch Davidians, Aum Shinrikyo, Solar Temple, or Heaven's Gate is positively horrifying as in these *"we encounter a hidden world of madness and exploitation in a totalitarian, psychotic, group, whose reality is actually even worse than detractors' allegations".*

Research on child abuse suggests that religious beliefs can foster, encourage, and justify the abuse of children. When contempt for sex underlies teachings - as it does in some traditional and new age religions - this creates a breeding ground for abuse. Abuse is widespread in some of the guru-based groups in India, which is understandable given the fact that gurus are often considered to be vehicles of God - if not God incarnate - hence one should not question or doubt them, let alone judge them. Some devotees regard their leaders as operating on a level beyond good and evil!

ISKCON has now developed a zero tolerance attitude towards child abuse. To safeguard children, teacher Karuna Purna claims on the website chakra.org that it is now *"absolutely forbidden for school staff to have any*

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FIGHTING ILLITERACY

- R.C. Mody

I had been to Bangladesh in early 1998 on a visit sponsored by an Indian NGO, to study what is called its BRAC system of Non-Formal Primary Education (NFPE) through which the country had taken giant steps forward in eliminating illiteracy, without government assistance in any form. I was amazed at the degree of success of the experiment in what is regarded as one of the poorest countries of the world. Of course Bangla Desh had yet another success to its credit, that of uplifting rural communities through micro-credit schemes of its Gramin Bank, with a bad-debt free record which could be the envy of any developing country. These two experiments in fact suggest that the present economic level of the country is due not to the dearth of its human capital, but in spite of it. The present write up is confined to providing an outline of the BRAC system and giving an account of the writer's attempt, in a very minor way, to replicate it in a part of India.

Outline of the BRAC model

BRAC model is based principally on the premise that it was well nigh impossible in a developing country beset with financial and political problems, besides problems of governance, for Government alone to eradicate massive illiteracy. The impediments are many. Poor parents would always hesitate to spare their child for the school for the entire day , as he/she is needed as a helping hand, for augmenting meagre family earnings. Of the limited number of children who do enrol, most would drop out after some time - before attaining minimum levels of literacy. The problem would be greater still if the school is at a long distance from home, which a Government school often is. Then the teacher engaged by Government would not always turn up at the school; and even when he does, he often would not teach. It was not possible for Government to ensure that his pay and career prospects depend on his regularity and the quality of his work. The attitude of parents towards inadequacies of this nature would always be cynical. They would never believe, even if they feel concerned, that they would ever be able to remedy the situation. Illiteracy would thus not only continue but may keep on growing, at least in terms of absolute numbers.

The solution to the daunting problem, according to the authors of the BRAC model, basically lies in involving the community at large in tackling it. Their approach takes into account the various impeding factors mentioned above. A BRAC school, thus, is run for just three to four hours a day so that the child has not to be away from home for the entire day. To offset shorter school hours, there are no vacations, and holidays are few. The timings are flexible,

and vary according to factors like seasons , for sowing and harvesting of crops in which parents need children's help. The school is always in the heart of the area to which it caters; walking up and down does not take more than ten minutes each way. It is located either in the house of the teacher or that of one of the residents, provided, in either case, on a nominal rent. There is no home work and there are no examinations. Despite limited school hours, sufficient time is devoted to play and creative activities. Besides, children's help is sought in keeping the class room clean and aesthetically attractive, displaying local art in some form or other; the décor is kept on changing to relieve boredom.

A school, consists of a single class and it has a life of just 3 years during which it is expected provide the child with thorough grounding in what we call 3 RS (reading, writing and arithmetic). On completion of the prescribed period at a BRAC school, the child can join a formal school (government or private) for further education or enter life as a literate person. All this would depend on the pupil's aptitude, ability and family circumstances. We were told that the performance of BRAC graduates, when they join formal schools is above average. After expiry of 3 year period the particular school closes down. Even if another class starts later with the same teacher at the same premises, it is considered to be a new school.

A BRAC school belongs to the community. At the commencement of its 3 year life, it identifies a teacher mostly a housewife, who has studied up to high school level (has not necessarily passed the high school examination) who has inclination to teach and can spare time for it. After selection, she undergoes a few weeks training at a BRAC establishment located at a centre within her district. It is followed up by one or two refresher courses during her 3 year term. She gets a modest salary (it was around 500 Takas in 1997-98). She takes up the job often for twin considerations of (i) supplementing the family income and for (ii) the prestige which the work gives to her in the community Her work is under informal supervision of the community at large through the parent-teacher association (PTA) which is an integral part of the BRAC system and meets at prescribed intervals. Its meetings become a sort of social get togethers of the community at which other common day to day problems like water supply, drainage living costs etc are also incidentally discussed. The teacher's performance is also monitored by a group of regional inspectors appointed by BRAC who report to its headquarters. But there are rare cases, we were told, wherein a teacher once appointed abandons her job during her 3 year term or is required to step down.

The number of pupils in a BRAC school (i.e a class) is normally not allowed to exceed 30. While selecting the students the principle of what we call antodyaya in India is applied i.e the applicants are selected in ascending order

of family means, with child from the poorest family getting the first preference. This is however, subject to an overall requirement that at least 20 of the 30 selectees should be girls. The emphasis of BRAC on the girl child is based on the belief that the most effective way to spread education is to educate of the girl child. As stated earlier, the teachers are also almost invariably females. I also observed at the two PTA meetings which I attended that the majority of those turning up for the meetings, are mothers who, though mostly illiterate, make lively contribution to the deliberations of the meetings. Although in most economic and social indicators, Bangla Desh is still behind India and Pakistan, in one crucial one, it has left both of them behind. Its "under 5 mortality rate per 1000" in 2002 is 73 as against 90 and 110 of India and Pakistan respectively (World Development Report 2005); even the figure in respect of a far better off Sri Lanka at 74 is a shade worse than Bangla Desh's.This can obviously be attributed to the attention which the girl child receives in that country.

The work of BRAC was evaluated by the World Bank in 1996 and the success rate of its programmes was assessed, on the basis of the extent of illiteracy eradication, dropping out etc, at 98% Its founder Fazal Hasan Abed was decorated with Magasaysay award. Harvard University honored him and in its citation called him "a harbinger of a major social change".

My small experiment

Based on the knowledge and inspiration which I derived from my visit to BRAC in early1998, I made an attempt to replicate it (with variations warranted by circumstances), on a very minor scale in villages around Almora town in Uttaranchal, under the auspices of Great River of Happiness (GRH), an NGO, with which I was associated. I involved other trustees of GRH also in the experiment. We did not have either the resources or the infrastructure which the BRAC has built up over the years. Besides, all of us were outsiders in Almora. To overcome this handicap we involved in our programme a leading local social worker who was running there a well established private school, with orientation towards children from under privileged section of society. With his help we identified 3 villages around at which we established just one school each, on the first of January 2000. All the three teachers we selected were females, two of them wives of army personnel posted outside Almora. At two of the centres, the teachers made their own houses available for the classes; at the third one a government school made a part of its premises available for classes to be held in the evenings. We paid Rs 500 pm to the teacher and additional Rs 500 to the two who provided their house to the school.

We made the school at Almora the base from which to service the three non formal village schools. We entered into an arrangement with the senior teachers of the Almora school (its convenor being one of our

co-workers in the experiment) to provide initial training to the teachers of our village schools. We also arranged that the children of the village schools would be periodically brought (one school at a time) to the premises of the Almora school (along with their teachers) for interaction with us and with senior teachers.During the visits the village children were given benefit of some of the teaching aids and other facilities available at the Almora school. We would informally administer to them some tests evolved with the help of experienced teachers. The occasions were also utilised for the education of the village teachers. This approach was very rewarding and we could see the village children as well as their teachers growing both academically and in self esteem, as a result of such exposures.

Once in a while, I or one of the other trustees would pay unannounced visit to the village schools. It, however, could not be done as frequently as we wished as terrain was hostile and time and strain involved was considerable (all of us being in high age brackets).

On the expiry of the term of the three schools in early 2003 we had to reluctantly terminate the experiment. Two of the three teachers were not in a position to accept another 3 year term and suitable successors were not readily available. Besides some vested interests surfaced, which adopted a hostile attitude towards our work. Although we could endear ourselves to the children, we could not overcome our handicap vis-à-vis others on account of our being total outsiders.

One of the major flaws in our approach from the very start was that we could not involve the local leadership of the three villages in our experiment. And for this very reason, we could not at any stage establish PTAs which are kingpins of the BRAC system. This was not because, we were not aware of their importance or that we did not make any effort in these directions . But we depended for them solely on the convenor of the Almora school who somehow was not too keen on them. Due to the hostility of the terrain, we could not persue the matter entirely on our own. All told we have no regrets that we tried and could provide at least basic education to about 100 children of non-privileged background. And in the process we learnt some lessons which would stand us in good stead, if we get another opportunity to launch such an experiment again and have the physical strength to carry it out. I am now over 80 years of age; my other partners in the experiment are approaching this age.

RC Mody retired as one of the top officials of the Reserve Bank of India. Since retirement, he has been associated actively with a number of NGOs working in the field of health, education and social uplift. He is a Life Member of IHU and is currently President of HEFS.

HUMANISTS NEED CONGREGATION

- by C. Martin Centner

Many humanists skewer religions because they are based upon irrational precepts that are often internally inconsistent. Yet nearly all of us think and behave irrationally, as Las Vegas, the capital of incoherent thinking, clearly attests. Many of us wish each other luck, buy cars for style, emotionally attach ourselves to the success of a sports franchise, invest in companies we know nothing about and assert our kids are both brilliant and talented (contrary to all evidence). Humans are irrational; they are built to make quick decisions and associations that are often inconsistent and in retrospect incomprehensible. That religion is irrational, then, is no surprise, and hardly useful in arguing whether it is of social or personal value. Religion clearly is of value.

For the average churchgoer, religion is not just a set of odd beliefs. Ask any Catholic or Protestant whether they believe all that is uttered or held sacred by their clergy and the answer often will be no. We all know the pro-choice Catholic and the feminist Evangelical. Sometimes these individuals take leadings roles in their local religious communities, despite the cognitive dissonance required to hold opposing views simultaneously. Why? The reason is that churches, mosques and synagogues provide communities, care and support for its members and a launching pad for actions to better humanity. Many parishioners do not go to service to be with God, but to be their friends, their family, and their greater community. The church is a touchstone in their lives, something their parents attended, and their children attend. It is at their church that they find the warm hand of support, the cooling voice of empathy.

Humanists expend far too much time conducting factual vivisections of myths and irrationality, and too little time building alternatives to the unique supportive communities congregations provide, and that people need. If humanism is to expand we must build similar humanist communities, inviting and supportive. We must go beyond nit-picking others' faith and rise to do what humanism claims it is committed to doing: addressing human needs.

At present, humanists have far too few communities that address the needs of its members as they travel through life. Several of our major cities have ethical societies, congregations that embrace religious ideals: that every human life has inherent worth, and that culture can progress and improve. Staunchly humanist, ethical societies provide institutions and traditions so absent elsewhere among humanists — Sunday schools, seasonal and life passage ceremonies and care for the needy. Whether members believe in a deity or deities is irrelevant: what is relevant is their commitment to make the world just a little better. Many Unitarian Universalists also consider themselves humanists, and a humanist association can provide celebrant services. Scattered throughout

Source : Humanist Network News, May 2006

the nation and the globe are individual assemblies addressing local issues from a religiously humanist perspective. Each group serves humanists who seek a different spiritual experience, much as various theistic denominations provide varying degrees and avenues to the religious experience. We need more ethical societies and more "denominations" across the humanist spectrum.

Some might argue that the church model is in decline, and indeed, church attendance has fallen in the United States. But while the demise of organized religion has been prophesied through the years, it remains strong in our nation. Congregations provide the organizing structure for social action in America, and are a visible reminder that those assembled are part of our country's social fabric. Creating our own congregations would also make humanists more understandable to our theistic counterparts who may not understand humanism but can understand congregations and congregational activities.

If we are the humanists we claim, we need to build the foundations of local and national humanist communities. We should quit focusing so singularly on the irrationality of religion and instead humbly seek its lessons in community, deeds and caring. We should build our Sunday schools, our meetinghouses and our charities. From these will flow our success, growth, influence and future. After all, a humanist without a fellowship of humanity is a contradiction.

C. Martin Centner is the secretary of the Northern Virginia Ethical Society in Vienna, Virginia.

□

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physical contact with any pupil under any circumstance. Not even a gentle hand on a shoulder when they did well or to make a queue move faster."

Unlike some mainstream religious groups, such as the Catholic church, which have been responsible for appalling cases of child abuse, it is clear that a small group within ISKCON has worked tirelessly over the years to bring the issue of child abuse out into the open and bring some justice to the victims. At the conclusion of the court case, spokesman Anuttama Dasa announced: *"It is heartbreaking that many of our children were abused. On behalf of our entire society, I apologise to these young people. I pray that someday they will be able to forgive us. And, I pray that today's agreement will help them heal and move forward in their lives."*

From personal experience I can say that for the survivors the major hurdle is yet to come: realising that the abuse was not their fault. Or as ISKCON would put it, their karma.

Mary Garden is a freelance writer from Queensland, Australia. She is the author of The Serpent Rising - a journey of spiritual seduction, based on her experiences in India during the 1970s.

**Source : New Humanist, August 2005. Reprinted by permission.*

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NATURALISM AND ATHEISM :

The Foundations of True Humanism

- Enyeribe Onuoha

Humanism Defined

Humanism is a philosophical and ethical alternative to the religious worldview. It is a naturalistic and nontheistic life stance that seeks to promote a more humane society through the instrumentality of reason, science, technology and free inquiry. Humanism opposes all that belittles or enchains the Human while supporting anything that liberates and ennobles. Humanism has no army, no police and no gun-boats. It pursues its ideals through educational and peaceful means.

Humanism provides people with an authentic nonreligious worldview that dispenses with religion altogether. It replaces the theistic, supernatural outlook with a naturalistic one. In the moral field, it inculcates moral decency, moral excellence and social responsibility. In the cultural field, it promotes the arts and encourages artistic self-expression and works of creative imagination. In the social field, the humanist blue-print is humane and is drawn from reason and experience, intended to enhance human freedom and human welfare here on earth. Some of the elements of the humanist social programme are Peace, Dialogue and non-violence, Secularism, Democracy and human rights, Freedom of thought and expression, Equality of opportunity, Nondiscrimination, Unimpeded technological progress, Separation of religion and state, Protection of the environment and care for future generations, Global internationalism, Happiness and abundant life for all.

The only form of government worthy of the human is democracy, and the buffer against political oppression is human rights. Governments must offer their citizens equal opportunity to attain the good life and freedom to pursue their own legitimate objectives as creatively as possible. Humanism demands a secular state with no element of theocracy or clericalism.

The Religious Worldview

Humanism and religion are two incompatible worldviews, sharply contrasting with and contradictory to each other. One may profess either one or the other, never both. Are you curious about the stars, what is holding them in place and why they never collide? How did life begin on earth? Do you wonder about the origin of the sexes and the species, or about how the first human appeared? Do you know the purpose of human life.

God is the answer to all these questions! He did it, and for His own purpose. He made the world and keeps it in being. Without Him, the universe would immediately collapse and, in fact, disappear. The riddle of the world is

Source : International Humanist News, February 2005

solved! Apart from God, there are also spiritual substances (souls, angels, devils), which exist outside the mind. These substances are also endowed with personality and serve as mediators of good or evil outcomes to the human.

This religious or theistic point of view is charming in its simplicity and comforting in its promise, but is completely lacking in empirical evidence. No theist will ever show you God or any direct, observable and incontrovertible evidence of Him. Nobody ever saw anything being created – it all happens in the dark, away from all observation, in the simple minds of pious people. God is a necessary being in the speculative logic of theistic philosophers, never in the laboratories, microscopes or telescopes of empirical researchers.

The Alternative Worldview

For the empiricist or the skeptic, or simply, for the Humanist, the complete explanation of all that goes on in this world is to be found in this world, through scientific inquiry.

To begin with, the world is self-existent for the Humanist. That the world is self-existent means, first of all, that it was not caused by anything outside of itself. Secondly, it means that the world has no beginning and no end. Matter is eternal and indestructible – its non-existence is absurd and unthinkable as there would be no mind to think it. A total vacuum is impossible. If ever there was total vacuum, then, for ever, there would never be anything in existence: for ex nihilo, nihil fit. Nothing comes out of nothing. Therefore, the existence of the universe is an ontological necessity. It cannot notexist. It exists, not from being caused, but from the very nature of existence.

Thomas Aquinas made a few attempts to prove the existence of God a posteriori, from the basic characteristics of the universe. But God's existence cannot be proved from the characteristics of the earth. From the wonders of the world, we can only demonstrate the marvelous, stupendous and ecstatic dimension of the earth itself, the physical, chemical, electrical, geometrical and artistic properties thereof, not the existence of another being.

Aquinas assumes that the atheistic posture could only be valid if the universe were motionless, changeless, formless, disorderly and, in fact, chaotic. But who is he to dictate to existence? Existence asserts itself in the form it has, of necessity, to take. Unfortunately for the theists, Existence chose to appear in the form of an organized cosmos, strung in a bundle of ineluctable laws, caught in interminable motion, obedient to Law – the first being the law of order – with design and programming as its existential concomitants, and, above all, indebted to no one for the way it is. To exist is to be powerful, orderly, creative, pregnant with potentiality, subject to evolution.It is to be beautiful, fantastic, complex, marvelous and breathtaking. That is the existence that exists, not Aquinas' putative chaos.

Naturalism

In the long run, Nature is self-explanatory. But in the short run, we have not got all the explanations; hence, the need for continuous research and alternative worldviews to the theistic approach. Naturalism is one such worldview.

Naturalism is a specific mental outlook based on confidence in the empirical, experimental or scientific method of reaching the truth about the Human and the world, or of guiding action. It is a rejection of faith, revelation, authority, tradition, a priori reasoning, and intuition as sources of truth or guidance. For the naturalist, all meaning originates in experience, and all beliefs must be tested by experience, in accordance with the general cannons of the scientific method. The Human is wholly a part of this natural world in space and time, both as to body and mind and as to origin and destiny. No element of our being is immortal, and we are only an incidental product of the world process, whether considered as individuals or as a species.

There are no absolute values or transcendental norms known to us in non-empirical ways. All values and norms are in some sense a function and product of human attitudes, interests, needs, satisfactions, individual and social, or at least, of natural processes and regularities. They have no support of a supernatural or cosmic nature, even if they have some sort of universal validity. Humanism is based on this naturalist outlook. A humanist has chosen the alternative life stance. He has rejected all the trappings of supernaturalism: god, angels, devils, saints, priests, orthodoxy, prophets, holy books, miracles, dogmas, censorship, souls, revelation, salvation, immortality, heaven, hell etc. He has denied them all. He enjoys freedom from religion.

Humanists are Atheists

"Who made you?" is a loaded rhetorical catechism question. "God made me" is the wrong, invidious answer. The question "Who made the world?" implicitly and fraudulently excludes the correct answer from the start. The world was not made, and, therefore, nobody could have made it. The task remains for man to trace the world back to its true source within Nature, – even beyond the Big Bang.

Mere belief cannot make God exist. "Belief" is not the same thing as "knowledge" and belief without objective evidence is gratuitous, and what is gratuitously asserted can be gratuitously denied. The general belief in God is instinctive and intuitive, rather than rational. It arises from a feeling of awe, humility and reverence at the vastness, the complexity, orderliness and beauty of the universe. This instinctive feeling is preserved by custom, handed down by tradition, enforced by the authority of parents, teachers and elders and nurtured by the artifice of priests.

Humanism can only flourish in an atheistic ambience. Because there is no God, the human is free, and the human is the greatest being in existence. The

only ethics fit for the human is ethics based on man's reason and experience, based on human dignity, autonomy and freedom, based on the highest ethical values. Without atheism, ethics ends up being authoritarian, oppressive and unacceptable.

The Humanist worldview has rightly been defined as "atheism with an ethical programme". One element without the other is untenable. An atheist without a humane moral code is not a humanist.

Religionists and atheists cannot follow the same moral code in so far as the former are guided by faith and authority while the latter are led by reason and experience. It is easy to indicate some issues on which the two groups would instantly disagree: divorce, contraception, abortion, sex education, euthanasia, cloning, genetic engineering, bioethics, homosexuality, the death penalty, autocracy, blasphemy laws, fatwas, circumcision, crusades and jihads, gender equality, separation of church and state, etc.

Atheism and Ethics

Theists fear that if it is established and widely accepted that there is no God, there will immediately be moral anarchy in the world, since God for them is the ultimate basis of moral values: truth, justice and love. Without God, morality loses its anchor and must float adrift on the ocean of human caprices and fallible judgments. Above all, the belief in divine retribution or justice after death, in heaven or hell, meted out by a just and allknowing Judge is the only effective brake on men's arbitrary behaviour here on earth: so they say. But prison yards are full of convicts who believe in God.

Humanist ethics is, in fact, superior to theological ethics in so far as the former is based on reason, experience and consensus while the latter is based on authority and revelation. Humanists have moral principles and their own distinctive secular ethics, divorced from religion and grounded in human values. The mission of the International Humanist and Ethical Union should be to wean all men and women from the obfuscation of religion – the Way of the Multitude – to the light of reason, science and free inquiry.

Humanism in every nation must be built on a solid foundation of atheism and on the foundationmembership of a few convinced and articulate atheists. Only then will it be strong. Only then will it be true.

This is the abbreviated text of the June 2004 World Humanist Day Lecture of the Nigerian Humanist Movement and the IHEU-sponsored Tai Solarin Memorial Conference at the Mayflower School in Ikenne, Nigeria.

NEWS & NOTES

Another Glaring Religious Privilege Granted

Britain will allow religious workers in non-pastoral and non-preaching roles to remain in the country for up to two years, a move that would benefit Hindu religious workers who are, apparently, "much in demand".

The new measures would benefit 'pujaris' who lead worship or perform sacramental rites, or 'bhandaris' who are trained cooks. Under the measures unveiled by Minister for Immigration and Nationality Tony McNulty on Monday, Muslim Imams, rabbis and other foreign clerics who want to preach in Britain will not be required to qualify for English language tests and can apply for two year visas of a non-settlement nature.

McNulty said he had decided that preachers should not face tougher requirements than other immigrants who only have to take the civic test when they are applying to become citizens after four years in the country.

A new pre-entry qualification will be devised to establish whether an applicant is qualified to carry out a religious role under a 'new points-based immigration system' to be introduced in mid-2007.

The Hindu Forum of Britain has welcomed the move. "We informed the minister at the meeting that we are pleased that the Home Office has listened to our views and acted appropriately," Ramesh Kallidai, secretary general of the forum said in a statement.

NSS Newsline 23 Dec 2005

Taliban Kill Teacher Who Educated Girls

Taliban insurgents in southern Afghanistan have executed a school teacher in front of his pupils for refusing to comply with warnings to stop educating girls. The attack took place at a secondary school in Nadi Ali district, Helmand province, the scene of many Taliban attacks in recent months, according to the police, who learned of the incident yesterday.

Pupils at the school said two armed men arrived by motorcycle. "They dragged the teacher from the classroom and shot him at the school gate," said Abdul Rahman Sabir, Helmand's police chief. "He had received many warning letters from the Taliban to stop teaching, but he continued to do so happily and honestly he liked to teach boys and girls." He identified the teacher by the single name of Laghmani.

Under the Taliban interpretation of Islamic Sharia law, female education was banned along with female employment. Since the overthrow of the Taliban government by the US-led invasion of 2001, the Afghan government claims six million Afghan children have returned to school, many of them girls.

However, Taliban insurgents in the south have repeatedly targeted schools, burning many to the ground at night or issuing beatings or warnings to teachers.
NSS Newsline 23 Dec 2005

UN Interfers in Denmark's Domestic Law Over Mohammed Cartoons

The United Nations High Commissioner for Human Rights has hinted that she will intervene in the row in Denmark over cartoons of the prophet Mohammed that appeared in the country's leading newspaper, Jyllands-Posten.

High Commissioner Louise Arbour says that she deplores the denigration of other people's religion and has written to the 56 countries that complained about the cartoons saying that she will investigate. Denmark's Foreign Minister says he will co-operate with the investigation, but that it is ultimately the courts who will decide whether the paper is guilty of "blasphemy", not the government.
NSS Newsline 9 Dec 2005

Muslim Worker Has Feelings Hurt Over Wine Prize

A Muslim insurance salesman says he suffered religious discrimination because the firm he works for — Direct Line — only offered wine as an incentive for the best performance Imran Khan, 25, claimed that the bottles of wine on offer put him at a disadvantage because, as a Muslim, he could not drink alcohol and was therefore unable to claim the prizes. He is, therefore, claiming compensation for "hurt feelings" under the Employment Equality (Religion or Belief) Regulations 2003.

Mr Khan's team leader, Louise Cummings, said she introduced the incentives as a means of improving staff morale and performance. "If I had realised that I had hurt anyone's feelings, then I would have taken steps to rectify that immediately," she added. Tariq Sadiq, for the company, said that another Muslim worker, who had won an alcoholic prize in a similar scheme, had simply exchanged it for an alternative. Judgment was reserved.
NSS Newsline 25th November 2005

Muslim Woman Wins Right not to Wear Hijab

Islamic groups across Europe have campaigned for years for the right of Muslim women to wear the religious headscarf, or hijab. Now a Muslim woman in the Netherlands has won the right not to wear it. Samira Haddad, 32, won her case against the Islamic College of Amsterdam, which insists that all Muslim women wear the hijab. The secondary school rejected her for a job after she said in an interview that she did not wear it. The country's Equality Commission ruled in Ms Haddad's favour, saying that the college had illegally discriminated against her on the ground of her religion and that it could not legally compel Muslim women to wear headscarves
NSS Newsline 18 Nov 2005

LETTERS

A letter to Humanist Friends in India and Abroad

To Prakash Narain

Dear Prakash,

When you now step down I want to thank you warmly for all your contributions to humanism internationally as well as in India. You have been - and are - one of our best intellctual resources, not only because of your intelligence and philosophical capacity but also because you have had the motivation and energy to communicate and even fight for your ideas. Our cooperation has been most fruitful . If we had not had the Minumum Statement, we might have been swallowed by the postmodernist spiritualism of the eighties. I am quite sure that Vir Narain is a worthy sucessor, and I very much hope that Indian Humanist Union will prosper.

Oslo, Norway Levi Fragell
4th *April 2006*
email <levi@human.no>
Levi Fragell is the immediate past president of the International Humanist and Ethical Union.

What is there in a Name?

A Rose by any other name will smell as sweet: so said Shakespeare. And why only a rose, even a mango will taste as good by any other name. This dictum is applicable to all objects of nature. Then why we don't make it applicable to humans, I wonder. All names of Hindu children, with a few exceptions, are derived from Sanskrit-based words. They are also after Hindu gods and goddesses. Even some of our hard-core secularists have their names after Hindu gods. In a book fair, I was surprised to find books of Hindu baby names, Muslim baby names and Christian baby names. The question arises: will a Hindu boy or girl be any less Hindu if he or she is called Salim, Naaz, Violet or Julie? Or: will a Christian boy or girl be less Christian if he or she is called Rajesh, Akash or Alka? The same is true of a Muslim boy or girl. If the answer is in the negative, where is the need to identify religion while giving names to newborn children?

One reason could that our forefathers always did like that and that is the tradition. Therefore, why should we change. If that is the only reason, then perhaps we would never have made any progress. If our ancestors always walked on foot, and always lived under natural conditions, why should we use today's sophisticated transport system, use different gadgets for our comfort? Tradition should not permit it because our ancestors did not use these things.

Tradition apart, I do not think there is any other reason to segregate names language-wise for different communities. But, on the contrary, there are a lot of disadvantages. First and foremost is that it divides the nation and society into distinct entities. When any of our countrymen achieve something great, the first thought to many is that they belong to our clan. I have always been equally happy when Wilson Jones won the world title, Sunil Gavaskar made history on cricket field or Sania Mirza zoomed on a tennis court. But, however we may dislike it, there are people who do tend to think in terms of their religion, region or community when they hear about the great achievement of their countrymen. This reminds me of an interesting anecdote. When Kumble took all the ten wickets in a test match, I told everybody present that about 50 years ago Jim Laker took 19 wickets in a test match and if his record is broken it will be an all time record never to be broken. Without giving any thought to the enormity of the achievement of Laker, one of my listeners asked me if Jim Laker was a Maharashtrian. Surprised, I asked him why he thought so. Pat came the reply, Jim Laker sounds like Gavaskar, Tendulkar, Manjrekar!

The second disadvantage of naming people, as at present, is that whenever there are clashes between communities, it becomes very easy for antisocial and fanatical elements to target people of a particular community because they are easily identified by name as belonging to a particular community or religion. Unfortunately, communal riots have been a sad reality in this country. Thirdly, if names of people of different communities are not segregated on the basis of language, the society will tend to be more homogenized. It would not be possible to find the religion of a person on first introduction. Thus, a person would be judged on his attributes, manners, knowledge and achievements rather than the basis of his religion or community. Many times we miss a very good friend because we do not communicate with him thinking he belongs to this or that religion

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Rakesh Kumar

INDIAN HUMANIST UNION

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