

The Muslims And The Right to Vote

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Sanjay Raut, a Shiv Sena Member of Parliament, is reported to have said that if we want to end vote bank politics, then the right of Muslims to vote in an election should be taken away. In other words, crores of Indians should be disenfranchised. The Shiv Sena, to which party this M.P. belongs, has not condemned and disowned this statement and BJP, which is in alliance with Shiv Sena in forming the Maharashtra Government, has only now condemned the statement. Just one day earlier, when speaking in Paris on his State visit, the Prime Minister, Narendra Modi, had stated that his government is totally committed to ensuring that every Indian, regardless of race, caste, creed, region or culture is given an equal place of honour in India, is fully protected and becomes the face of an India in which all are equal. How do we reconcile Sanjay Raut's statement with what the Prime Minister has announced in an international forum?

The Constitution of India in Article 19 gives freedom of speech and expression. However, this freedom can be restricted by law in the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality and in relation to contempt of court, defamation or incitement to an offence. Surely the Member of Parliament cannot claim that he was exercising his freedom of speech because his statement amounted to rejection of the secular character of our Constitution, militates against the conferment of adult suffrage on every citizen under Article 326 of the Constitution and is tantamount to an offence under section 153A IPC because it promotes enmity between different religious groups and is prejudicial to maintenance of harmony and section 153B IPC because it makes an imputation that a class of persons who belong to a particular religion does not bear true faith and allegiance to the Constitution of India. In fact, in case the M.P. is prosecuted and convicted under sections 153A and 153B IPC, he himself might incur the loss of suffrage if the law so decides.

The Constitution of India is aimed at the following:-

Secularism because the Preamble states it, democracy with universal adult suffrage both because the Preamble states it and because Article 326 mandates adult suffrage. The Constitution demands equality of status and opportunity for every citizen and equality before law under Article 14. Article 15 prohibits discrimination against any citizen, which includes Muslims. It is an offence against the Constitution, as also sections 153A and 153B of the Indian Penal Code, to even suggest that a citizen should be disenfranchised because he follows a particular religion. The Member of Parliament's statement is also a violation of the fundamental right of every Muslim to be treated on par with every other citizen and to be entitled to all the rights conferred by the Constitution and the laws of the land. It is also violative of the Fundamental Duties prescribed by Article 51A, including the duty to promote harmony and the spirit of common brotherhood. By marking out the Muslims for disenfranchisement Sanjay Raut stands self condemned as a bigot, a law breaker and an enemy of the Indian Constitution. When standing for election a candidate is required to swear or affirm in Form III A of the Third Schedule that he bears true faith and allegiance to the Constitution and by suggesting that Muslims be disenfranchised he is liable for prosecution for perjury and is disqualified from Parliament.

The M.P. in question is a Member of the Shiv Sena, a political party duly recognised by the Election Commission under section 29A of the Representation of the People Act, 1951. Under sub-clause 5 the party which applies for registration has to submit a copy of its Memorandum of Association and Rules

and Regulations, which must contain a specific provision that the party will bear true faith and allegiance to the Constitution and to the principles of socialism, secularism and democracy. If a party fails to do so it cannot be registered and if it reneges from its above stated obligations, then it can and must be derecognised. By not condemning its own Member of Parliament and stating that it does not accept his call to take away the vote from the Muslims, Shiv Sena lays itself open to derecognition and this is precisely the direction in which the Election Commission must move. In addition cases should be registered against the erring M.P. under section 153A and 153B Indian Penal Code, vigorously investigated and prosecuted and an effort should be made to obtain a conviction. The question I would like to ask is what does the Shiv Sena think is up to? Why is it so keen to drive a rift between Hindus and Muslims so that ultimately the communal situation degenerates into violence? Why blame Owaisi, Geelani, Azam Khan and such ultra right Muslim leaders when we have the whole of Shiv Sena and people like Pravin Togadia doing their very best to foment communal trouble and discriminate against Muslims day in and day out? Fortunately the harmony of the Sanatan Dharma is what guides most of us and the Shiv Sena and Togadia are mere aberrations. It is they who have forgotten the mantra on which the Sanatan is built, Vasudhaiv Kutumbakam or "the whole world is one family".

The Shiv Sena is largely confined to Maharashtra, where it has so successfully played the role of the lunatic fringe that in the State as a whole and Bombay in particular it has made the Udupi Mangaloreans, the North Indians, the Biharis and people of eastern U.P. and, most of all, the Muslims, as the targets of its hate. But suppose such regional bigotry, underpinned by violence, were to spread to other States. Can India hold together if such unbridled regional chauvinism is no longer a lunatic fringe but comes centre stage? What the Shiv Sena says is a direct danger to the sovereignty of India because by encouraging fissiparous activities it undermines the integrity of India. Therefore, let us treat the Shiv Sena as a national enemy and let us crush it before it becomes hydra-headed.
