

The *Fatwa* against Terrorism: Indian Deobandis Renounce Violence but Policing Remains Unchanged¹

Kamala Kanta Dash

Abstract

Since '9/11' and the global war on terrorism that followed, Muslim clerics and intellectuals in India have been under pressure from various quarters to publically denounce terrorism. This demand has come from media, political parties and fellow non-Muslim citizens. On 31 May 2008, the leading Islamic Seminary Darul-Uloom Deoband (based in Uttar Pradesh) issued a public "Fatwa against terrorism" at a public rally of no less than 100,000 Islamic clerics in Delhi. This paper analyses the background to the declaration, the contents of the Fatwa by the Deobandis and the responses from the ruling Congress Party government, the right wing (Hindu fundamentalist) opposition BJP, the Delhi Police and also Muslim intellectuals. What is the significance of this Fatwa, can the declaration make a difference, and why have terrorist explosions rocked New Delhi since this declaration (most recently, in early September 2008, 5 bombs went off in Delhi)?

Introduction

On May 31 2008 more than a hundred thousand clerics, under the banner of *Darul Uloom Deoband*,² issued a fatwa on terrorism and declared violence to be un-Islamic.³ The fatwa was also highly critical of the Indian government and police treatment of Muslims. It demanded deeper community engagement and greater sensitivity towards Muslims.

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² *Darul Uloom* (can be translated as house/abode of knowledge, others regard this as house of science), the most influential Islamic educational institution in South Asia, is located at Deoband in the district of Saharanpur of Uttar Pradesh, India. This seminary was established in 1866 during the British colonial rule. The Deobandis represent the majority Sunni denomination of Islam and follow the *Hanafi* School of thought. A renowned centre of Islamic learning (*Madrassa*), the Darul Uloom is also known for their nationalist orientation which played an important role in the Indian freedom struggle. In India Muslims constitute around 14% of the 1.1 billion populations and close to 90% of Muslims follow Sunni Islam. For more details on Deoband see the official site: <http://www.darululoom-deoband.com>. For a brief introduction on the seminary see The Milli Gazette, *Darul Uloom Deoband* <http://www.milligazette.com/Archives/2004/01-15Oct04-Print-Edition/011510200496.htm>. For more on the history and impact of the Deobandi movement refer to Metcalf (2003) and Tabassum (2006), and for Muslim population details, refer to the official Census of India website: http://www.censusindia.gov.in/Census_Data_2001/India_at_glance/religion.aspx

³ For the May 2008 fatwa against terrorism see CNN-IBN (2008). For more information on earlier initiatives in this direction see the *Fatwas against Terrorism*, Muslims for Secular Democracy (2008), <http://www.mfsd.org/>.

This paper analyses the Deobandi fatwa as a community initiative and the Indian government's response to it. It also evaluates the responses of the major political parties. It compares the fatwa with a police encounter six days after the Delhi bombings in September 2008. The situation after the bombings raises the question of why and how the Indian government failed to engage the community in dealing with terrorism, even though the Muslim community had come forward to cooperate.

Fatwa on Terrorism and the Deobandis

“*Fatwa* comes from the Arabic root word *afwa* which means to describe or enlighten.”
(Abdulaziz al-Gharyani, 2007)

A fatwa seeks to explain, analyse or interpret the different facets of Islamic life.⁴ Hence a fatwa is issued to clear doubts and set guidelines for proper behaviour. With the passage of time the fatwa has acquired a quasi-legal status, and its rulings are widely accepted and followed. Therefore the fatwa can be defined as an edict or instruction issued by a recognised body of Islamic scholars or a well-qualified Islamic scholar on different matters pertaining to socio-political, cultural and public affairs aspects of a Muslim society.⁵

Ironically the word ‘fatwa’ became internationally known when Ayatollah Khomeini of Iran issued one against Salman Rushdie in 1989 for his controversial book *The Satanic Verses* (Guardian, 1989). A decade later Osama Bin Laden’s 1998 fatwa to wage *jihad* against the United States and its allies made international headlines.⁶ These fatawa have created an incorrect stereotype that suggests that fatawa are typically oppressive or violent.

Despite this, and especially since 9/11, many Islamic scholars and centres of learning have denounced violence and issued fatawa against terrorism.⁷ Until now, however, there have been very few studies of these kinds of fatawa. Because the Deobandi

⁴ *Fatwa* is singular, *fatawa* is plural.

⁵ For a detailed analysis of fatwa see Bar (2006: pp. 1-18).

⁶ For a detailed analysis of this fatwa see Ranstorp (1998: pp. 321- 330) and National Commission on Terrorist Attacks (2004). *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States*. New York. W.W. Norton & Company.

⁷ For a detailed list of such fatawa see <http://www.unc.edu/~kurzman/terror.htm>

fatawa of 31 May 2008 is such a powerful symbol of Islamic peace initiatives, it is particularly worthy of study.⁸

The Deoband School was established in Uttar Pradesh against the backdrop of the anti-colonial struggles in 1866.⁹ The Deobandis were closely associated with the secular-oriented Indian National Congress Party, and the Deobandi clergy opposed the idea of the ‘two-nation theory’ and the creation of a separate state of Pakistan. Ironically today the Deobandis are ideologically powerful in Pakistan and are representative of the different sectarian groupings into which Muslims fall.¹⁰ In contemporary India the Deobandi opposition to Pakistan’s formation has long been forgotten, and it is now commonly assumed that the Deobandis are merely Islamic fundamentalists. This misunderstanding perhaps explains why the fatwa discussed in the next section was not taken sufficiently seriously.

India’s Fatwa on Terrorism:¹¹ Text and Context

After 9/11, institutions and intellectuals in Muslim societies across the world, especially leading seminaries like Deoband, were placed under serious scrutiny and accused of being silent sympathisers of fundamentalist Islam. There were persistent demands from all quarters in India that the Deobandis denounce terrorism. With each terrorist attack Indian Muslims were targeted and arrested, and a pattern of witch-hunting of Muslim youth by police has been clearly visible (Sikand, 2008). By this time a dominant stereotype has also developed that Muslims do not want to engage with the state or with non-Muslim communities.

Since Independence in 1947, Indian Muslims have faced difficult questions about their loyalty to India and how national identity can be reconciled to their faith. The

⁸ Deobandi ideology and movement is being seen as inspiration to the Taliban. The *9/11 commission Report*, National Commission on Terrorist Attacks upon the United States, p.63. <http://govinfo.library.unt.edu/911/report/911Report.pdf>

⁹ For details see Metcalf (2003) and Tabassum (2006)

¹⁰ Abdullah Hussain Haroon Pakistan’s permanent representative to the UN ‘linked the Deoband seminary to Taliban fighters in NWFP and Federally Administered Tribal Areas (FATA)’ and spoke of the need a fatwa from Deoband to stop terrorism in Pakistan, quoted in *The Times of India* (2008).

¹¹ After 9/11 there were initial efforts in India to denounce violence and terrorism as un-Islamic but they all remained confined to their local milieu. The Deoband initiative is the first of its kind that has been able to reach the national level. For a detailed analysis of fatwa see Bar (2006).

creation of Pakistan created the perception that all Indian Muslims had some allegiance to Pakistan and that their commitment to India had been compromised. Over the last two or three years, and especially in 2008, India experienced a series of coordinated terrorist attacks in its major cities. The earlier demands to clarify their stance on terrorism, followed by the terrorist attacks, convinced the clerics at Deoband and *Jamiat Ulema e Hind*¹² to publicly denounce violence and terrorism to be un-Islamic. At the Deoband headquarters in Uttar Pradesh, the All India Anti-Terrorism Conference, held on 26 February 2008, categorically rejected any use of violence and terrorism in the name of Islam (Darul Uloom Deoband).¹³ A unanimous decision was taken to accord the February declaration the status of a national fatwa, and this was duly declared in Delhi, the nation's capital, on 31 May 2008. This reiterated the February declaration and declared that "Islam is a religion of peace and harmony. In Islam, creating social discord or disorder, breach of peace, rioting, bloodshed, pillage or plunder and killing of innocent persons anywhere in the world are all considered most inhuman crimes." It further went on to declare "Islam was born to wipe out all kinds of terrorism and to spread the message of global peace (Darul Uloom Deoband, 2008)."

This national fatwa is the first of its kind in South Asia and it is by far the most important community initiative taken by Indian Muslims to denounce violence and to declare terrorism to be un-Islamic. The All India Anti-Terrorism Conference was followed by a series of state-level anti-terror conventions organised by the state units of *Jamiat Ulema e Hind* to take the campaign and movement to the grassroots level.

The Indian government claims to have taken several steps to redress the grievances of the Muslim community (Ministry of Minority Affairs, 2006),¹⁴ but in reality it has failed to engage with them. The idea of community engagement appears to be completely absent from official Indian anti-terror policy and discourse. The following section analyses the developments after the September 2008 Delhi attacks to provide evidence of this.

¹² The *Jamiat-ul-Ulema-e-Hind* was founded by Deobandi scholars in 1919, supported the Congress in national freedom movement and became a political mouthpiece for the seminary Darul Uloom at Deoband.

¹³ For more on the media coverage of the fatwa see "Indian Muslims rally against Terrorism", *Muslims for Secular Democracy*, <http://www.mfsd.org/fatwareport.htm>

¹⁴ Also see the Sachar Committee Report (2006).

Police Responses to the Delhi Blasts

Five coordinated attacks took place in Delhi on 13 September 2009. At least 30 people were killed and more than 100 were injured. This attack was followed by earlier attacks in Jaipur on May 13, Bangalore on July 25, and Ahmedabad on July 26. Indian Mujahiddein, a new home-grown terrorist group, took responsibility for all four incidents and claimed to be avenging attacks on Muslims (Swami 2008).¹⁵

Delhi Police were held responsible for not preventing these bomb blasts. As pressure mounted to arrest the perpetrators, the police hunt intensified. As a result, Delhi's Muslim community came under general suspicion and were particularly targeted for surveillance. Instead of consulting with the community, the police allowed rumours to spread and multiply. Eventually, on 19 September, the anti-terrorist special cell of the Delhi police became engaged in what they claimed was a 'shootout' in Jamia Nagar, a Muslim-dominated suburb of South Delhi. However, the police version of this event has been widely contested, and many have claimed that the police rigged it as a cover-up of their killing of two Muslim youths (Bidwai, 2008).

The community's complaint was that Delhi police had entered the residential area and shot two men and arrested two university students without any proof of guilt. The killing of these two Muslims, whether the shootout was real or staged, triggered a passionate response from the local Muslim community. Even months later, local Muslim leaders and intellectuals remained extremely angry about what had happened.¹⁶

The encounter generated intense political debate and the demand for an independent inquiry emerged. Civil liberties groups and local residents questioned the methods used by the police, methods which resulted in the isolation of Muslims in this suburb and elsewhere in the city. This in turn fuelled the negative perceptions the Muslim

¹⁵ For the original document that the Indian Mujahideen sent to different media houses to claim responsibility see *Eye for an Eye: The Dust will Never Settle Down*, <http://www.scribd.com/doc/5991401/message-of-death> accessed 5 March 2009.

¹⁶ Author's personal interaction with students, faculty at Jamia Millia Islamia and common residents of Jamia Nagar while in Delhi, January-February 2009.

community had of Indian police and government and further removed any hope that they had of being treated fairly. Coming so quickly after the Deobandi fatwa, local Muslims also believed that their community's efforts to renounce terrorism and counter the radicalisation process amongst Muslim youths had been ignored. The partnership between the Muslim community and the Indian government and police that might have emerged after the declaration of the national fatwa in May 2008 was now more unlikely than ever to be forged.

In an earlier work this author analysed the need for police/community engagement in countering terrorism and how countries like Britain and Australia have adopted more effective models of community engagement. The Indian counter-terrorism policy, by contrast, continues to follow the historical and paramilitary model of policing (Dash, 2008). Under this policy, surveillance of the community takes priority and blocks any possibility of the police engaging with the community and winning their trust and support in controlling terrorism. One possible reason for the failure of the Indian police to move towards such a policy can perhaps be found in the general politics of India. The following section addresses this issue.

Political response

The Deobandi fatwa was welcomed by all major parties, even the right-wing Bharatiya Janata Party (BJP), which nevertheless still put forward several reservations. BJP spokesman Mr. V.K. Malhotra was cautious in his reaction to the fatwa. He quoted the Deobandis as saying that "Islam does not permit terrorism," and added that "if it can be put in practice, it will be most welcome" (Times of India, 2008). For the ruling Congress Party the fatwa was welcome and praiseworthy and the BJP later welcomed by calling it a "historic" effort (Two Circles Net, 2008). In other words a significant proportion of the Muslim leadership had taken a strong stance against terrorism. One might have expected the Indian government and police to have made better use of this anti-terror fatwa. But instead of engaging the community in apprehending the criminals behind the Delhi attacks, the police's unilateral action (exemplified by the shootout) seems to have further marginalised the Muslim community.

The police killing of the two alleged terrorists was hailed by the BJP as a crucial achievement in the fight against terrorism. The Congress Party, however, offered a more muted response. It did not openly celebrate the success of the operation, but it also did not openly condemn it. Nevertheless, they seemed to support the police version of the events and regarded the operation as a police matter. By contrast, opposition parties such as the Communist Party India-Marxist (CPI-M), civil rights groups such as *Janhastakshep* (Campaign against Fascist Designs) and Peoples Union for Democratic Rights (PUDR), local Muslim leaders, students, teachers and activists led by Jamia Teachers Solidarity Group (JTSG) all condemned the shootout. They labelled it as a fake encounter, and demanded an independent judicial inquiry and for the investigation to be handed over to the Central Bureau of Investigation (CBI) as the anti-terrorist special cell of Delhi Police was a party to the encounter (PUDR 2008).¹⁷ The government rejected this demand (The Times of India, 2008a; The Hindu, 2008a).

The Times of India (2008b) reported that the government did not want to order an inquiry as this could have allowed the BJP to attack the Congress-led UPA as weak in fighting terrorism. The government also appeared to accept that the security agencies had substantial and sufficient evidence against the two young men who were shot dead in the encounter. The government therefore regarded a separate judicial probe as being likely to demoralise the police force. *The Times of India* (2008b) report further adds that “the government resisted demands for a judicial inquiry on the grounds that it would not serve ‘the national interest’ to do so and it was time to move on with other measures to reach out to the minority community.” It is my personal opinion, however, that the fatal encounter was unfortunate, and it is even more unfortunate to find that the entire episode has become embroiled in electoral politics and the political rhetoric of ‘the national interest.’

Another major development to the ongoing debate over the police encounter was Professor Mushirul Hasan’s offer of free legal aid to the alleged terrorists. Hasan is the Vice Chancellor of Jamia Millia Islamia (JMI), a prestigious central university in Delhi, where the alleged terrorists were enrolled. BJP accused him of supporting and

¹⁷ Also see South Asia Citizens Web, *Hundreds march to demand Judicial Enquiry into the Batla House 'Encounter'*, <http://www.sacw.net/article160.html>.

promoting terrorism (The Hindu, 2008b). This created fresh debate on the role of political parties in and their commitment to community engagement.

Muslim Community Responses after May 2008

This section gives some examples how the Muslim community has responded to sensitive national issues and incidents in the post-2008 fatwa phase. There have been several occasions where Indian Muslims have shown solidarity with non-Muslim communities.

- After the 26 November 2008 attacks on Mumbai,¹⁸ the Muslim Council of India and Muslim Jama Masjid Trust-Mumbai refused to bury the bodies of terrorists.¹⁹ According to Islamic tradition, the dead bodies of those terrorists need to be buried. However, the Muslim Council declared them as ‘enemies of the country’ who did not deserve to be called Muslims.
- In Jodhpur, Rajasthan Muslims chose not to celebrate Ramadan when a temple stampede killed more than 200 people (Indian Express, 2008). During the *Navaratra*, a nine-day special Hindu festival to worship Goddess Durga, thousands of devotees thronged Chamunda Devi Temple of Jodhpur to offer morning prayers. The heavy rush and collapse of the barricade caused a stampede. Local Muslims joined the rescue team and led from the front in donating blood and helping victims reach hospital. Jodhpur taxi drivers, who are mostly Muslims, drove victims to hospital without charge. According to the Hindustan Times, one of the first to reach the site was 22-year-old college student Arif Mohammad, who said “we are all creations of Allah who doesn’t differentiate between Hindus and Muslims.” His classmate, Sadiq Khan, added “in solidarity with our Hindu

¹⁸ Ten terrorists attacked Mumbai. Nine of them were killed by the Indian security forces and one was captured alive. For details see: South Asia Terrorism Portal (SATP), *Chargesheet Mumbai Attack*, <http://www.satp.org/satporgtp/countries/india/document/papers/kasab-chargesheet.pdf>

¹⁹ Muslim Council of India demanded to the Muslim Jama Masjid Trust which supervises the Bada Kabrastan (big cemetery) in south Mumbai not to bury the slain terrorists as they killed innocent people and thus went against the basic tenet of Islam. For more details on the denial of burial see Yousef (2008) and The New York Times (2009).

brethren who've lost family members, we have decided not to celebrate *Eid* on Thursday.”²⁰

- When the Malegaon blast investigation suggested the involvement of Hindu extremists, the Jamiat Ulama e Hind (the political affiliate of the Deoband school) was asked if it would use the term *Hindu terrorism*. It responded by saying that the acts of individuals “should not be linked to Islam or any other religion,” and categorically stated that they would never use the term *Hindu terrorist*.²¹
- Despite the 2008 national fatwa on terrorism, the Vishwa Hindu Parishad (VHP), a right-wing Hindu organisation continues to be suspicious of the stand of the Deobandi clerics. The VHP demanded these clerics to clarify their position on whether India is a hostile land or not for Muslims (Times of India, 2009). The Deobandis issued a new fatwa in March 2009 to declare that India had “ceased to be a *Dar al Harb* (land hostile to Islam) with the end of colonial rule (in 1947)” (Hindustan Times, 2009).

Conclusion

The fatwa of 31 May 2008 was the first dramatic sign that Indian Muslims did not want to be branded as a community sympathetic to terrorism. This national fatwa against terrorism has been widely accepted by the Indian Muslim community. The paper suggests that the call for solidarity by Muslim leaders seems to reflect the influence of the Deobandi fatwa and message of peace. However, when Muslims have come forward to engage with the government, there has been little evidence that the Indian government and the police are willing to change their counter-terror strategies. The serious implications of this conservatism are the subject of my doctoral thesis.

²⁰ Eid ul-Fitr is an Arabic word, popularly known in its abbreviated form Eid, is a Muslim holiday which marks the end of Ramadan, a month long tradition of fasting in Islam. For the Jodhpur incident see Hindustan Times (2008).

²¹ See Webindia, *Jamiat meet condemns attempts to link terrorism with religion*, 9 November 2008. <http://news.webindia123.com/news/articles/World/20081109/1100385.html>

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