

GUJARAT VIOLENCE AND STRUGGLE FOR JUSTICE

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Title of the Book: Foot Soldier of the Constitution – A Memoir

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Communal violence is not new in India. This has existed all along. Despite India adopting the word 'Secular' in its constitution, religious tolerance yet remains a distant dream. Individuals, communal organisations, political parties have in some form or the other played a role in perpetrating communal violence all along. Adoption of 'Secularism' has not resulted in a communal free behaviour among the social and state institutions. The example of Gujarat 2002 remains a classic example where communal ideas, communal organisations, communal propaganda came together to create a mayhem of religious genocide. This was instigated by the State, which was to protect the basic values of the Constitution including Secularism.

Gujarat 2002 evokes different responses. For the perpetrators of the violence, it was a way to teach a lesson to the minorities to accept the majoritarian goondaraj, for minorities it was an experience where permanent wound was inflicted through violence and fear psychosis, for the secular elements it was a complete breakdown of the functioning of state institutions in protecting secular values and a draconian phase in Indian Democracy.

While the damage has been done through Gujarat violence, the task however remains that for delivering justice to victims of Gujarat violence. The book titled '*Foot Soldier of the Constitution – A Memoir*' by Teesta Setalvad represents her struggle for justice for the victims of Gujarat 2002 violence. Born in a family where subsequent generations undertook legal practice and worked in judicial institutions and growing up in a liberal environment, she imbibed the values as thrust upon by the Constitution. Though she chose a different path of journalism, technical acumen to legal aspects was natural to her.

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Setalvad's association with reportage of communal violence began in 1984 itself through coverage of Bhiwandi communal violence in Mumbai during 1984. This was followed with engagement with Mumbai riots in 1993. It was during coverage of 1984 violence, she also came in touch with Javed who extensively covered the violence. Each of the instances revealed the partisan behaviour of police and state agencies. In the context of Cosmopolitan Mumbai, Shiv Sena had laid foundations for a parochial communal rhetoric.

Communal violence witnessed an increase in the country in the 1980s with the rise of Hindutva politics. In Gujarat too the seeds of communal mindset were strongly laid by RSS and VHP during the 1980s. By the 1990s there was a strong undercurrent of anti-Muslim sentiment. 2002 was only a result of the continual communal propaganda carried out by the Saffron clique. Across the country too, this was seen. In Assam, one can find the 1983 anti-Muslim Nellie massacre. While media questioned 1984 anti-Sikh riots in relation to 2002 Gujarat violence, it failed to talk of Nellie massacre which was committed by majoritarian community. Anti-social elements in minorities were glorified to build a stereotypical image of the minorities. This was by excluding the larger image of the population who tended to be secular.

Teesta's struggle against communal violence as a Journalist was spread across her stint in *The Daily*, later *Indian Express* and *Business India*. She later established her own *Sabrang Communications* and its magazine *Communalism Combat* which offered deeper explanations to communal incidents in the country. It went into the context of eruption of communal incidents and its fallout. It also took up issues related to victims of communal and caste violence.

While Dadri, Latehar or Una were later developments, the foundations of the same were laid in Gujarat. Cow terrorism of Gau Rakshaks was prevalent from earlier times in Gujarat. Muslim festivals such as Bakri Id were used to mobilise Hindu sentiments against them. The perpetrators of majoritarian communalism were made immune from punishment. A culture of impunity was created.

Setalwad points that Indian Constitution remains a threat for the aspirants of Hindu *Rashtra* (nation). Hence they subvert into the institutions. They segregate cities and communities along religious lines. They felicitate the perpetrators of violence. The discriminatory behaviour of the state also reflects in disaster relief, where it is offered on religious lines as was found during the Bhuj earthquake. Certain caste and religious communities were excluded in getting relief. Social textbooks were used as a means to teach prejudice.

Referring to post-Godhra violence, the author points how the State used Godhra incident as a means of communal mobilisation. A detailed account of how corpses were paraded and mobs instigated to polarise on religious lines only to encourage violence finds a specific mention. When Gujarat violence finally broke out, calls for help was ignored. Police remained a mute spectator similar to the incidences in Naroda Patiya and Gulberg. The ethnocide of Gujarat was only a trigger of a large and long term plan of violence. In the violence, weapons, chemicals and cylinders

were used. Bombs, guns and weaponry were procured well in advance. Instances of minority women being stripped off, abused, instances of rapes, families being massacred, babies being cut and bruised, Muslim business enterprises being targeted was part of the acts performed by Hindutva forces. Even a Parliamentarian was killed. Dead bodies were a reflection of the level of religious hatred and dehumanisation. In the violence, about 168000 were internally displaced, 2000 killed, homes of 18000 urban and 11000 rural families were destroyed. Violence was reported from 993 villages, and 153 of the 182 assembly constituencies. Hate propaganda in the form of anonymous pamphlets and audio-visual material were widely distributed preceding the genocide.

The response of Saffron forces is to deny the happenings of Gujarat violence on the one hand and blow up the Godhra incident. What is not pointed out is that during the journey in Sabarmati, the RSS-VHP-Bajrang dal was instigating the passengers with a violent communal rhetoric. Post-Godhra, instances of Modi instructing police, senior cabinet colleagues and administrators through statements such as

- a) 'Now the Hindus will awake'
- b) 'Hindu reaction was to be expected and this must not be curtailed or controlled'
- c) To allow 'people to vent their frustration and not come in the way of the Hindu backlash' as instances of encouraging violence is never revealed.

The period also saw the clear bias of the state against Muslim minorities. There was abdication of responsibilities meant to protect lives. So are the instances of Gulberg, Naroda and Sardarpura. The shameful violence had led to physical, emotional, economic, cultural and religious destruction of Muslims. For the past fifteen years, the struggle for justice to the victims of Gujarat violence has been being carried out by Citizens for Justice and Peace (CJP). Legal actions and litigations are being used as means to rebuild confidence in rule of law. About sixty eight legal initiatives, petitions and interventions have been supported. These were related to relief camps, complaints of mass carnage, compensation claims, cases of hate speech, criminal conspiracy, mass murder, manslaughter and others. Concerned Citizen's Tribunal (CCT) was formed consisting of eminent human rights activists, judges and social activists. It was to capture testimonies of survivors, perpetrators and officials. The CCT was able to gather rich evidence and testimonials including those related to state role in instigating violence.

During the fight for justice, threat tactics were used against all those who stood for the cause. Vehicles used by CJP were attacked, constant surveillance of those who testified before the Tribunal was carried out. Even the Judges of High court who were to deliver justice were physically attacked. Chief justice of High Court had to move to Muslim majority area as there was no faith in the law and order machinery. Instances of state buying out people were also common. On one hand the Raghavan led Special Investigating Team (SIT) and lawyers of post Godhra accused being paid handsomely and provided special assignments with high fees was part of buying out. This included the Zakia Jafri case being fought by CJP. On the other hand, those

fighting on behalf of the victims were threatened. CJP was charged with violating FCRA norms as well as accused of becoming a threat to 'national security'.

Despite the Muslim carnage of 2002, 'normalisation' and 'strong leadership' was used as the basis for the creation of a new Prime Minister nominee. In the Vibrant Gujarat summit 2008, Business leaders threw Modi as a potential prime ministerial candidate. The author expresses that Gujarat reflects a state of unchallenged state power, which is not challenged by the political class. Political parties have stood little with the struggle for justice. Despite the scandalous exposures and evidence on the conspiracy behind the genocide, institutional democracy in India has so far left Modi and his co-conspirators relatively untouched. In the struggle for justice, while the likes of Babu Bajrangji and accused of post godhra killings roam free, innocents Muslims accused in Godhra case continue languish in jails despite lack of evidence.

What happened in Gujarat was merely an experiment. The same is being replicated across the country. A communal divide is being built through 'Love Jihad', 'Ghar Vapsi' and now 'Gau Raksha'. These are being used as terminologies to justify organised Hindu violence against Muslims.

This book by Teesta is a warning bell in the quest for justice and clarion call for all those who stand for secular values. Gujarat provides enough evidence of how the mainstreaming of a communal ideology can play havoc with people. It shows how a fascist ideology manipulates institutions and constitutional principles to establish its bias and discriminatory behaviour in the name of religion. The book is an essential reading for those to understand the reality of Gujarat 2002.