

1984, 1989, 2002
Three Narratives of Injustice, and the Lessons for Democracy

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The man whom we are honouring today was not just the President of India, nor was he merely a politician of deep distinction and rare integrity. Above all, Dr. Zakir Husain was a passionate educationist who had a full measure of just how liberating the idea of a University can be.

In a memorable speech, he noted how teachers and students “can function fruitfully if they all have the feeling of being free, responsible members of a free academic community – *free to think, free to express their thoughts, free to refuse to conform, free to be unorthodox, free even to err...* It is only in such freedom that one develops that invaluable quality—moral courage—to speak out freely, frankly and fearlessly when the moral good of society is involved... Universities are houses of ideas; enquiry and challenge are their function; to question established patterns is almost their business in a progressive society. Let society ensure that they can perform this function untempered and unmolested.”¹

Unfortunately, that idea of a university – and of a vibrant public sphere that nourishes it -- is increasingly coming under strain thanks to political interference, bureaucratic management, cronyism, as well as cultural and intellectual intolerance. Nevertheless, I am taking advantage of the spirit this venue and this occasion represent in order to speak freely and frankly, to ask questions that may make those in positions of authority and power uncomfortable: Why is it that mass injustice in the face of mass communal crimes has become such an established pattern of state practice in modern India? Why does our police fail us? Why do our courts fall short? Of course, this line of inquiry also then leads to a question that should make all of us uncomfortable: Why do we keep putting political power in the hands of people who tolerate or actively encourage divisive propaganda, who do nothing to investigate and punish those guilty of violence, and who would rather use the victims – be they Hindus, Sikhs or Muslims or Christians -- as political pawns than properly rehabilitate them?

In 1984, some 5,000 citizens of the Sikh faith were massacred in cold blood in Delhi, Kanpur and other cities following the assassination of Indira Gandhi. Thirty years later, the Congress party leaders who planned and organized the killings remain unpunished.

In 1989, the involuntary exodus of Pandits from the Kashmir valley started in the wake of militancy and terrorism that saw the targeted killing of key community

¹ Zakir Husain, *The Dynamic University* (1965). Quoted in Ikram Ahmad (ed.) *Uniqueness of Zakir Husain and his Contributions* (2002)

figures; in a short span of time, a total of 74,692 Kashmiri Pandit families were forced by circumstances to flee their homeland and seek refuge in squalid camps that sprung up in Jammu and Delhi. Twenty-five years later, the exiles, who represent 99 per cent of the pre-1989 valley community, are still unable to return home; shockingly, 60,000 families continue to languish in makeshift camps.²

In 2002, following a mob attack on a train at Godhra railway station in which 59 Hindu passengers were killed, Muslims across the state of Gujarat were subjected to murderous assaults that left more than 1,000 people dead, including women and children. The killings, in places spearheaded by local Bajrang Dal and Vishwa Hindu Parishad leaders, happened under the watch of the state government, led at the time by Narendra Modi. Around one lakh Muslims were rendered homeless and ended up in relief camps. Thirteen years later, 16,000 of them still have no place to go.³ Thanks to the intervention of the Supreme Court and persistent efforts by activists like Teesta Setalvad, some of the perpetrators of the Gujarat massacres, including one Bharatiya Janata Party minister, Maya Kodnani, have been convicted of murder. But the election of Mr. Modi as Prime Minister has put a question mark over the future of that process.

In their own way, the massacre of Sikhs in Delhi after Indira Gandhi's assassination, the forced migration of the Kashmiri Pandits and the mass killing of Muslims in Gujarat represent three instances of extreme injustice in modern India. Despite the shared victimhood they are testimony to, these tragedies have never become the basis for a united response to the challenge of communalism and sectarian violence. If anything, politicians have tried to exploit the victims for their own political ends, playing one tragedy against the other. This is unfortunate because these three tragedies are a product of the wider patterns and practices of the Indian state, especially the abdication of official responsibility towards dispossessed citizens and the impunity that politicians and officials enjoy.

Let us draw out, to begin with, the detailed pathology of November 1984. There are six distinct but related elements.⁴

First, the mobs which assembled in New Delhi, Kanpur, Bokaro and other north Indian cities had the political blessing and backing of the ruling party at the time, the Congress. Since there was never a formal criminal investigation into this aspect, we cannot say for certain how the conspiracy was hatched and executed. The involvement of senior Congress ministers and leaders like H K L Bhagat and

² Rajya Sabha question, 17 December 2014.

<http://mha1.nic.in/par2013/par2014-pdfs/rs-171214/2745.pdf>

³ Mansi Choksi, 'Narendra Modi's Shame: Muslim Survivors of the Gujarat Riots are Still Suffering', Vice News, May 7, 2014

(<https://news.vice.com/article/narendra-modis-shame-muslim-survivors-of-the-gujarat-riots-are-still-suffering>)

⁴ The following section draws upon my article, 'When a Big Tree Fell', *Times of India*, 31 October 2014

Sajjan Kumar has been credibly alleged. However, the moral, political and even legal culpability of the highest levels, including Rajiv Gandhi who was prime minister at the time, may persuasively be inferred from their behaviour after the violence ended.

The fact that Rajiv did not want the massacre probed or investigated and was happy to let the guilty walk tells us their monstrous crime must have had his approval. The judicial commission he set up under Justice Ranganath Mishra was a farce; subsequent commissions and committees established to probe various aspects of November 1984, such as the complicity of police, were either ineffective or had their recommendations brazenly cast aside. Many of the politicians named by survivors and independent citizens' inquiries all prospered in Rajiv's time and later.

Second, minorities had always been disproportionately affected by communal violence in independent India but unlike the 'riots' of earlier decades, there was no face-off between mobs this time. The November 1984 killings were the result of targeted, one-sided attacks on Sikhs by politically mobilized mobs.

Third, the mobs operated with a certain amount of planning and precision. They appeared to have voter lists so as to identify individual Sikh homes. They had transport and fuel and arms, all of which was openly on display.

Fourth, the killings took place with the backing of police, which let the mobs go about their business with impunity, refused to offer any protection to the victims, and in some places actively prevented Sikhs from defending themselves. Once the violence ended, police complicity took on a different dimension: across the city, they refused to accept complaints or register First Information Reports. When cases were sometimes opened, police wrote them up and investigated them in a slipshod manner so that it would be impossible for a court to convict the accused.

Fifth, victims were left to look after themselves in relief camps set up by co-religionists and members of civil society, with state administration refusing to provide any assistance.

Sixth, there was no shortage of God-fearing, decent folk – “people like us” – who willfully ignored the crimes which were committed all around, who found ways to rationalize and justify the violence, who did not see the Leader in whom they reposed so much faith as tainted in any way by his moral and political responsibility for what had happened.

It does not take much imagination to recognise several or all of these symptoms in the communal killings that took place in Gujarat in 2002. As Santayana said, those who cannot learn from history are condemned to repeat it.

All you have to do is substitute BJP for Congress, Maya Kodnani for HKL Bhagat, Narendra Modi for Rajiv Gandhi -- and the 'action-reaction' theory⁵ of our current Prime Minister with the big tree whose falling the late Congress PM invoked as an alibi for his own moral culpability. In Gujarat too, the police sabotaged the investigation of cases; just to be on the safe side, the Modi government appointed weak or biased prosecutors to ensure there were no convictions.

There, was fortunately, one difference between 1984 and 2002: the higher judiciary, which remained singularly unmoved by the gross violation of minority rights that November 1984 came to signify, has since been more mindful of its constitutional duties. And the media, too, which chose not to stay with that story, has learned some lessons of its own. Were it not for the apex court, the convictions we have seen in Gujarat would likely never have happened. Despite their greater vigilance, however, the SC and the media seem unable or unwilling to connect the dots and to insist on basic legal reform that would end the political abuse of state power that lies at the heart of the worst massacres.

Unlike these two related tragedies, the forced exile of the Kashmiri Pandits was not a crime that the state or ruling party perpetrated or even sought to justify, but the callousness with which the victims of militant violence and threats were treated is similar to the fate that befell the Sikhs and Muslims of Delhi and Gujarat. Words like genocide should not be bandied about lightly but if the targeted killings of 1984 and 2002 had a *genocidal quality*, so does the extinction of the Kashmiri Pandit community as a living presence in their homeland.

The transformation of a thriving community into a scattered, dispirited collection of uprooted persons is one of modern India's most poignant tragedies. The 25th anniversary of their exodus has produced heart-rending stories of displacement that every one of us should read and reflect upon.

"My story is not the narration of how we left Kashmir," writes Smriti Kak Ramachandran. "It is about being unable to return home. My story is not about death that stared us in our faces; it is about that one chance we got to live. In my story, a gun-wielding monster was not at my doorstep; it was the fear of him appearing that scared me more.

I did not watch my house burn; I saw what was left of it in the pages of a magazine.

My story is not about the loss of material goods; it is about the pain of carrying memories...

I find similarities with the stories of the homeless, from Afghanistan to Congo. I know the pain of the Myanmarese refugee who told me how his life fits into two boxes. I search their stories for signs of betrayal. I ask them

⁵ 'Modi's Action-Reaction Quote', 27 October 2009, <http://svaradarajan.com/2009/10/27/modis-action-reaction-quote/>

how they deal with it, because my story of betrayal is a festering wound, and I don't know how to make peace with it.”⁶

The Government of India may have provided basic facilities and sustenance to the Pandit Internally Displaced Persons (IDPs) but conditions in the camps remain woefully inadequate. From time to time, lip service is paid to the idea that the KPs should be able to go home but no serious political effort is ever made to ensure their safe return. As of December 2014, according to a reply given by the government to a parliament question, only one KP family has returned to the Kashmir valley following the 2008 ‘Comprehensive Package for the Return and Rehabilitation of the Kashmiri migrants’—that’s ONE family in SIX years—while a total of 1466 youths have been given government jobs.⁷

The irony is that the inadequate relief provided to the KPs by successive governments at the centre actually appears generous when compared to the pitiless manner in which Gujarat IDPs have been treated following the 2002 riots. No official assistance was forthcoming at all. Fortunately, Sikh survivors of the 1984 massacres have fared slightly better on the monetary compensation front, with the Congress hoping money can wash away its sins and the BJP using 1984 as a stick to beat its political rival with. Just before the Delhi elections, the Modi government rushed out a new relief package. But justice is something no one seems to be in a hurry to deliver.

Setting up a hierarchy of crimes and victims is a favourite way for governments to indulge their own prejudices, evade their own responsibility, and push their own political agenda. The Muslims who were killed in the Gujarat violence were as much victims as the Hindu passengers who were burned alive at Godhra. Yet, Mr. Modi and others used the strongest possible words to describe the burning of the train while dismissing what followed as merely ‘unfortunate.’ An official Gujarat government press release of 4 March 2002 quotes the then Deputy PM LK Advani as referring to the train attack as the ‘Godhra genocide’. The violence which followed is mentioned only in the context of the ‘restoration of peace’. On 5 March, an official press release quotes Mr. Modi describing Godhra as ‘genocide’ three times; the subsequent massacres were simply ‘riots’ and ‘violence’.⁸

In a shabby attempt to turn the spotlight away from their crimes in Gujarat, the Sangh Parivar and its apologists constantly invoke the 1984 massacres, or the killing and exile of Hindus in Kashmir. This attempt to establish a hierarchy of suffering is aimed at legitimizing a moral universe in which one set of victims is supposed to feel vicariously recompensed by the suffering of another set of victims. A moral universe in which questions of official accountability and justice can be postponed indefinitely so that the failure of the State to provide security to all is covered up.

⁶ Smriti Kak Ramachandran, ‘A story of exile, a story of betrayal’, *The Hindu*, January 19, 2015

⁷ *Op Cit. supra 2*

⁸ Siddharth Varadarajan, *Gujarat: The Making of a Tragedy*, 2002. p. 34

The sense of betrayal felt by Kashmiri Pandits cannot be ameliorated by the suffering of other victims. "Since 1990, groups like the VHP and RSS have played politics with the fate of the Hindus of Kashmir," Sanjay Tickoo, a young Pandit from Srinagar, told me in 2003. "*Hamare naam pe dange karaye gaye Gujarat mein*. But tell me, what do the poor Muslims of Gujarat have to do with our plight?" Tickoo was with the Hindu Welfare Society Kashmir, the body representing Kashmiri Pandits who did not migrate but chose to stay behind in the valley despite the violence.⁹

Even if the BJP and Congress point fingers at one another, no serious attempt is ever made to punish the guilty or reform the law enforcement machinery. Accusations about involvement in riots are only used to score political points but not to ensure that justice is actually delivered to the victims and the guilty brought to book. Thus, despite several changes of government in Delhi—in which, at various times, non-Congress parties like the Janata Dal, BJP, and even CPI have held influential portfolios—justice has not been done for the Sikh victims of November 1984. Errant policemen indicted by official commissions of inquiry such as the Kapoor-Mittal Committee have not been acted against; on the contrary, many got promotions. In Uttar Pradesh, the SP of Mulayam Singh Yadav and the BSP of Mayawati have never thought it fit to prosecute those policemen indicted for their role in Malliana and Hashimpura. In Maharashtra, the Congress defeated the Shiv Sena on the slogan of implementing the Srikrishna Commission report on the 1993 Mumbai riots. However, once elected, it showed no interest in pursuing those cases—either against the Shiv Sena leadership, or against the police. It's almost as if there is a conspiracy on the part of these parties to criticize and attack each other for organizing communal violence while preserving intact the administrative and legal machinery needed for the job.

What India needs is reform that will make ministers and police officers legally liable for mass crimes like the communal killings of 1984 and 2002, or the ethnic cleansing of Pandits from Kashmir, which they fail to prevent despite being in a position to do so. This means the doctrine of command responsibility must be integrated into the Indian law on communal and sectarian violence so that politicians, police officers and bureaucrats cannot escape legal sanction for turning a blind eye to mass murder. The day police officers and politicians are jailed for standing by as innocent people are killed will be the day India can begin to exorcise the ghosts of November 1984 and 2002 and 1989.

India must also reject the corrosive notion of morality that sees in the condemnation of the Gujarat pogrom the diminution of the suffering of the Kashmiri Pandits. Or vice versa. For those who have suffered, justice is not a zero-sum game. All victims must be honoured, respected and compensated adequately and equally, regardless of their religious or political beliefs. And all

⁹ Siddharth Varadarajan, '13 years on, Pandits face being wiped out'. *Times of India*, September 1, 2003 (<http://timesofindia.indiatimes.com/india/13-years-on-Pandits-face-being-wiped-out/articleshow/155712.cms>)

perpetrators must be punished, regardless of the uniform they wear, the political parties they belong to, or the high offices they occupy. A society that cannot guarantee this much for one section of the population today will be unable to prevent a similar tragedy befalling others tomorrow.

When he became President in 1967, Zakir Husain made a Pledge to the Nation. It was a simple and elegant pledge but one that is essential reading even today:

“The process of its constant renewal is, indeed, the process of the growth of national culture and national character,” he said. “I therefore pledge myself to the totality of our past culture from wheresoever it may have come and by whomsoever it may have been contributed... I pledge my loyalty to my country, irrespective of region or language; I pledge myself to work for its strength and progress and for the welfare of its people without distinction of caste, colour or creed...

“The State, to us, will not be just an organization of power but a moral institution. It is part of our national temperament... that power should be used only for moral purposes... Our concept of national destiny will never have the expansionist urges of imperialistic growth, it shall forever eschew chauvinism. It shall work for providing to each citizen the essential minima of decent human existence. It shall fight against intellectual laziness and indifference to the demands of social justice.” (Emphasis added)¹⁰

Zakir Husain knew that to get to such an ideal of the State would require leaders of caliber, leaders who had the courage to lead, to counsel and even reprimand their followers should the need arise. “We are passing through very difficult times”, he told a meeting of Legislators in Madras in 1968. “Our democracy is in a sense on trial. It is the duty of Legislators to mould public opinion on right lines. Violence, in word and deed, is the negation of democracy and of the democratic spirit. When there is mob frenzy, anti-social elements exploit the situation and they thrive by creating disorder. **It is the duty of all right-thinking people to isolate these elements from public life.** I hope the Legislators ... will play an active role in this matter of educating public opinion.” (emphasis added)¹¹

Can we say, with all honesty, that we have legislators and leaders today who have the courage to isolate the anti-social elements? The hate-mongers? The advocates of ‘ghar-wapsi’? The so-called holy men who exploit the religious sentiment of their followers and run down other religions for allegedly not being Indian, or Hindu? Prime Minister Modi called for a 10-year moratorium on sectarian politics last August but spent the next six months in silence as men and women from his *parivar* proceeded to violate that moratorium with abandon. And now, when he has finally spoken out on the need to respect religious freedom, we have Mohan Bhagwat, head of the RSS—an organization Mr. Modi

¹⁰ *President Zakir Husain’s Speeches*, Publications Division, 1975

¹¹ *Ibid.*

says he belongs to and respects—attacking Mother Teresa on the religious conversion bogey.

Today, the bigots are only bandying around words and accusations but make no mistake: it is these kinds of words and accusations that create the mindset that produce violent footsoldiers—the kind who saw action in 1984 and 2002. Or, coming from a different religious tradition but with the same hate-filled trajectory, the gun-wielding men who wanted the Pandits driven out of Kashmir. With the Great Killings of Calcutta and Bihar weighing heavily on his mind, Zakir Husain delivered a speech at his beloved Jamia Millia in 1946 about the responsibility of leadership. He chose his words well, because in the audience were Nehru and Azad, Jinnah and Liaquat Ali Khan:

“The ‘Poet of India’ said, ‘Every child born in the world brings a message for us that God has not completely despaired of Man.’ We are educationists; as demanded by our work, we learn to respect every child. How can we communicate to you what we feel when we hear that even innocent children are not safe in this raging storm of barbarity? Has our land’s Man so given up on himself that he wishes to crush even these innocent unopened buds? For God’s sake, come together and find a way to extinguish this fire of mutual hatred. This is no time to argue who lit the fire, or how it was lit. The fire already rages around us. You must first extinguish it. It is no longer an issue of the survival of any one qaum. The choice now is between civilized humanity and barbaric bestiality. For God’s sake, do not let the foundations of our civilized life be dug up and cast to winds.”¹²

Several months after his Jamia lecture, Zakir Husain himself had a brush with death, in Jalandhar, when communal thugs sought to do away with him as he got off a train. He never publicly spoke of this incident, which must have shaken him to the core, but confided in his friend, Maulana Abdul Majid Daryabadi, 12 years later in a letter whose contents he urged be kept confidential. The details of that incident, in which strangers came to his rescue, need not detain us. C.M. Naim has done us all a favour by translating the letter into English and publishing it in *Outlook* magazine. But the note on which the letter ends provides a clue to his

¹² Quoted in ‘A Day in August, 1947’, *Outlook*, 29 October 2004.

<http://www.outlookindia.com/article/A-Day-In-August-1947/225540>. I can’t help noting in passing that where a great statesman like Zakir Husain said the fire which was burning must first be extinguished and that there is no time to argue who lit it first, a lesser statesman wanted to point fingers: “What happened in Gujarat?” said Atal Bihari Vajpayee in his infamous Goa speech in April 2002. “If a conspiracy had not been hatched to burn alive the innocent passengers of the Sabarmati Express, then the subsequent tragedy in Gujarat could have been averted. But this did not happen. People were torched alive. Who were those culprits? The government is investigating into this. Intelligence agencies are collecting all the information. But we should not forget how the tragedy of Gujarat started. The subsequent developments were no doubt condemnable, but who lit the fire? How did the fire spread?” (See Appendix 1, *Gujarat: The Making of a Tragedy*, for the full speech)

subsequent evolution as a public personality devoted to education and the elevation of politics and statecraft on to a moral plane. The Delhi he had safely returned to soon became a communal cauldron and he writes:

“What I saw in Delhi after I returned made insignificant what I had witnessed at Jalandhar. Such wretched scenes of meanness, barbarism, and ruthlessness that they left you stunned. But, with the passage of time, all those experiences have faded. Now I only remember this: Kapur Sahib, a Hindu unknown to me, learned somehow who I was; he then spoke to a Sikh army officer, another stranger to me, who put his own life at risk to save mine; Bedi Sahib, who looked after me like a brother; and then that young student and his friends who escorted me back to Delhi.

I escaped death, but I can't decide whether I'm happy about it or ashamed.

I received the gift of life a second time but I didn't make any use of it. My sense of shame at that is far greater. Please pray that I live the rest of this life properly, and that my end be well.”¹³

Dr. Zakir Husain did indeed live the rest of his life properly, as he had wanted to, though his end came too soon. In honouring his memory today, we can do no better than to pledge ourselves to the goals he set for us: for an India that embraces the totality of its culture and the contributions of all those who have enriched it, for an India that rejects chauvinism of any kind, and an India that provides justice – economic, political and social – for all its peoples.

Thank You.

¹³ *Op. Cit. supra* 12