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## **1993 Mumbai blast and riots: dual justice system - a blot on Indian democracy**

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The convictions of around 100 people in the 1993 Mumbai blasts case has been accompanied by much euphoria by the Indian establishment. But the loud self-congratulations have only served to make the silence on the 1993 Mumbai riots all the more deafening. Those who unleashed the communal carnage that paved the way for the blasts continue to flaunt their freedom. Few can deny that the 1993 blasts are irrevocably linked to the Mumbai riots of 1992 December and 1993 January. Many of the people recruited by terror groups to undertake the bomb blasts were those whose families had suffered heavy losses and were scarred by the experience of the 1992-93 communal riots. Yet, 15 years later, they stand convicted by the courts while those who conducted the genocide that turned them into terrorists go scot-free.

The riots in Mumbai claimed 900 lives — 275 Hindus, 575 Muslims (incidentally, three times the number of blast victims). Apart from these, 356 others — mostly Muslims — were killed in cold-blood by a communalised police force with the active support of several Shiv Sena and BJP leaders.

It is instructive to compare the fate of the blasts accused with those accused in the riots. The trials in the blast case were conducted by the prestigious TADA Court while the riot investigation was consigned to a Commission with no powers of prosecution. The Commission headed by Justice Srikrishna, however, refused to conduct a cover-up - and conducted an exemplary and unbiased investigation. The Srikrishna Commission indicted 31 policemen for involvement in the riots - most were not even prosecuted; and were even promoted to plum posts. Joint Police Commissioner R.D. Tyagi, according to the Srikrishna Report, shot dead nine young Muslim boys in the Suleiman Usman Bakery operation "point-blank and in cold blood". Tyagi and his accomplices have been acquitted by a sessions court, since the police deliberately made a weak case against them. The Srikrishna Report also indicted Shiv Sena supremo Bal Thackeray who ordered Shiv Sainiks to organise attacks on Muslims; and BJP leaders Gopinath Munde, Madhukar Sarpotdar and Ram Naik for inciting riots and possessing illegal weapons - needless to say, all these have enjoyed impunity from the law. Cases against all these were dropped by the Shiv Sena-BJP Maharashtra Government in 1995 - and subsequent Congress Governments have done nothing to revive the cases. The Srikrishna Report indicted the Congress Governments which ruled both Maharashtra and the Centre during the riots for condoning the saffron mobs as well as the communal bias displayed by the police force.

In January 1996, the Sena-BJP Government had disbanded the Srikrishna Commission but was forced to revive it in May 1996 in the face of public outrage. The Congress, when it came to power in Maharashtra declared that it "disagreed with the conclusions of the Srikrishna Commission," and refused to take any action based on the Srikrishna Report for "fear" that it might "re-open old wounds".

Following the blast verdict, Maharashtra's Congress Chief Minister Vilasrao Deshmukh has responded to accusations of bias by promising yet another Committee - this time to "identify the alleged lapses" in the implementation of the Srikrishna Commission's report. The Congress, by shielding the communal perpetrators of riots - both during and after the riots - has been rewarded

by Sena support to Pratibha Patil on the post of President.

And Mumbai is no exception: planned communal pogroms sponsored or condoned by the state and political outfits inevitably evade justice. In the rare riot cases where judgements are delivered, they are highly unsatisfactory. In the Bhagalpur riots of 1989, 166 people were brutally massacred by a VHP mob, and buried in a mass grave which was covered with a vegetable field. This massacre was directly instigated by BJP leader Lal Krishna Advani's communal calls during his Rath Yatra. In the recent judgement in the Bhagalpur riots case, the Court refused to give any of the offenders a death sentence - saying that it was not a "rarest of the rare" case. In the 1993 blasts case, though, 12 men have got a death sentence - possibly the highest number of death sentences in a single case. Do riots, according to our courts, merit less severe punishment than blasts - though both are cold-blooded, planned acts that claim innocent lives? Why are the political leaders and forces who stoked mass massacres during their communal Mandir campaign never sentenced?

The conviction of film star Sanjay Dutt has also been touted as an instance of the impartial nature of Indian justice. Dutt, however, has been absolved of any terror links, and he has been tried and convicted not under TADA but under the Arms Act for a mere six years. Contrast that with the Supreme Court verdict that upheld life sentences meted out by a TADA Court to CPI(ML) activists from Jehanabad. Those activists had not procured arms from underworld links implicated in terrorist blasts. In fact, in most of their cases, possession of arms could not even be alleged - and in the rare case where it was alleged, there was a strong possibility of the arms having been planted by the police. Their only crime was their struggle against local feudal forces for their rights. There were no grounds at all for their being tried under TADA - and yet they are serving life sentences under TADA. Their possession of Kisan Sabha and Communist literature, was taken as proof of their 'terrorist intent'! So much for the 'unbiased' nature of the Indian judicial system! TADA courts are the worst instances of the arbitrary and whimsical nature of the judicial system in India.

The Indian media and establishment was smug in its outrage at the Australian Government's arrest and detention of the Indian Dr. Haneef on flimsy and exaggerated charges of involvement in an aborted terror attack in Britain. Not long after the Haneef episode, Abdul Nasser Maudhany of the Kerala-based party PDP was acquitted of all charges of involvement in the 1998 Coimbatore blasts. But not before the ailing Maudhany had spent eight long years in prison - despite the fact that there was absolutely no evidence to suggest any role in the blasts. That an innocent man was forced to spend eight years in prison is a stark reminder on the Haneefs galore on India's own soil - and a contrast, again, with Sanjay Dutt who received bail in the Mumbai blast case despite evidence of his illegal possession of arms.

The differential treatment of the blasts and riots of Mumbai 1993, and of terror-accused and riot-accused in general smacks of a dual justice system - that is a blot on Indian democracy.

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**P.S.**

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