

## **India: What about the '93 rioters ?**

Thursday 9 August 2007, by [PUNIYANI Ram](#) (Date first published: 2 August 2007).

SANJAY DUTT'S defence for keeping an AK-56 rifle and an 9 mm pistol was that they were for protecting his family as they were getting threatening calls during the 1993 Mumbai riots. His father, the late Sunil Dutt, was amongst the few trying to save the colonies under siege by hooligans. Sanjay Dutt's mother was the legendary actor Nargis, a Muslim. The Dutts got many threatening phone calls. Sanjay Dutt did procure the rifle illegally, but all the same it was not used at any point. As one saw the glum face of Sanjay Dutt after the verdict was pronounced, one remembered another case of violation of the Arms Act. During the 1992-93 riots, Shiv Sena leader Madhukar Sarpotdar was caught carrying revolvers, pistols, choppers and hockey sticks. The role of this Shiv Sainik, who became an MP, was outlined by the Srikrishna Commission of inquiry: "The other two pistols were unlicensed. (Sarpotdar's) explanation (was that) they were carrying them for self-defence. This explanation strains credulity. "Further, the Commission pointed out, "It took police two days to register an offense against Sarpotdar. The mere possession of unlicensed firearms in a 'notified area' would have attracted penal liability under TADA (but) there was neither an attempt to (do this) nor to oppose bail." Sarpotdar was not even served a chargesheet. The Shiv Sena Government dropped all cases against him. The Congress alliance, which came to power after this, on the promise of implementing the Srikrishna Commission report, not only failed to reopen the case but shamelessly proclaimed that the recommendations of the commission have to be implemented in letter and spirit.

These two cases in a way show as to how the justice delivery system in the country is turning politically schizophrenic. The Mumbai riots took place in the aftermath of the demolition of the Babri Masjid. The riots were followed by the bomb blasts. The verdict on those

involved in the cases is close to complete by now. During the Mumbai violence the police not only participated and aided in the anti-minority violence, it deliberately refused to register the First Information Reports (FIR). And where the FIRs did get registered they were neither recorded properly nor pursued. Later the cases were closed on one pretext or the other. The Srikrishna Commission clearly indicted the Shiv Sena and BJP leaders. It also named several police personnel for their crimes. Forget punishing them, some of the policemen even got promotions in due course. The commission was initially stalled midway and later its findings were withheld on the ground that they would reopen old wounds. Finally, the findings were rejected by the Shiv Sena- BJP government.

The Gujarat violence is still being investigated by the inquiry commission, but as far as the police is concerned nothing had happened. Here matters go one step further: the complainants are threatened and asked to withdraw the cases, witnesses turn hostile and the victims are reduced to second-class citizens. Now the police are coming into 'efficiency mode' again and are ready to launch cases against the culprits of the July 2006 blasts. The rioters of the Gujarat carnage are moving with pride at "having taught them a lesson".

In April 2006, two activists belonging to Bajrang Dal died while making bombs in Nanded, as confirmed by the Maharashtra Anti-terrorist Squad Chief K.P. Raghuvanshi. One of them, Himanshu Panse, had stated that unless Hindus bomb mosques, it would be perceived that Hindus are hijras (eunuchs). The blasts are the only way to stop attacks like the ones in Varanasi and Delhi. The Malegaon blast, the blast in a Hyderabad mosque and the Samjhauta Express followed this pattern. It is explained away as the work of an external hand in league with local minority elements to foment trouble.

One can see the emergence of a clear pattern in dealing with communal crimes and acts of terrorism. While the communal parties proactively pursue a divisive agenda, most other parties have compromised their principles of fair play. At one level they are . infected by this communal virus

and at another most of the police and bureaucratic system have succeeded in demonising Islam as the propagator of violence and projected Muslims as a violent, terrorist community. Seeing the fate of justice in the case of the Mumbai and Gujarat riots and many other scattered acts where minorities were the victims, and conflating them with the way justice is meted out in acts of terrorism, a uniform pattern seems to be emerging: punish those involved in acts of terrorism and exonerate those indulging in communal violence.

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\* From Hindustan Times, 2 August 2007. Circulated by South Asia Citizens Wire | August 6-9, 2007 | Dispatch No. 2432 - Year 9.

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