

# India: Riots and bomb blasts: Two faces of justice

Saturday 11 August 2007, by [SETALVAD Teesta](#) (Date first published: 10 August 2007).

**The uncomfortable reality of discriminatory justice has raised its ugly head in riot cases.**

Acknowledgement, remorse, justice and reconciliation are the accepted steps required for collective healing when wounds of an indescribable nature have been inflicted on a whole population.

In Gujarat, five years after independent India's worst genocide, there has been little or no acknowledgement of the crimes and no question therefore of any expression of remorse by perpetrators and masterminds. Justice, except in a few isolated cases, dodges Gujarat's survivors. It must, therefore, be a while before we talk of reconciliation.

In the midst of the struggle for reparation and justice, this year brings an electoral battle to the battered state.

In the past few months, Chief Minister Narendra Modi has utilised most of his energies and much of the taxpayer's money to sell the "normalcy" jingle and the "vibrant Gujarat" pipe-dream. But, the aura around Modi appears a trifle less bright, a little less shining.

Electoral predictions apart, what are the issues that will be brought before the electorate, an autocratic chief minister and his failed electoral promises on the development front or the fallout of post independent India's worst genocidal violence?

Will and can the issues of mass murder, mutilation and gender violence be issues that resonate in mainstream politics? Will issues of impunity to mass crime figure not just in party manifestos but action plans for governance?

Will the rule of law and good governance be the stuff that the Gujarat 2007 state election campaign is made of?

This could well be a pipe-dream. Switch to nearby Maharashtra, where in 1992-1993, after the Babri Masjid demolition, a communal pogrom led by the Shiv Sena ripped Mumbai of its essence, its cosmopolitan fabric.

Two years later, the perpetrators, the Shiv Sena-BJP romped home to a calculated electoral victory, riding high on hatred and division among the people. Two governments have since come to power, in 1999 and 2004, both "secular," and a combination of the Congress and the NCP who promised punishment of the guilty but failed to deliver.

In February 1998, when the SS-BJP government was in power that Justice B N Srikrishna submitted his historic report on the Bombay violence, making detailed recommendations for punitive actions and remedial measures.

It was expected that the perpetrators, the SS-BJP would junk the report but what of the "secular" parties who promised its implementation? Perpetrators have not been punished and memories of the pogrom lie buried.

In stark contrast, the system has meted out harsh punishment if not speedy justice to those convicted of "involvement" in various degrees in the serial blasts of 1993. 64-year-old Zehbunissa Qazi given five years for keeping a "bag" unknowingly. Eleven accused have been given death penalties normally a sentence meted out in the "rarest of the rare cases."

The soul of Mumbai was forever scarred with the brute mob violence that held us to ransom from December 8 to January 20, 1993. Mobs stalked streets that were likened to Nazi Germany. The Mumbai police connived with mobsters in mass arson, murder and even rape. Worse still, our political leaders watched as Mumbai burned.

Justice Srikrishna, who conducted an official probe into the violence, had this to say, "One common link between the riots and bomb blasts... of 12<sup>th</sup> March 1993 appears to be that the former

appear to have been a causative factor for the latter...

The serial bomb blasts were a reaction to the totality of events at Ayodhya and Mumbai in December 1992 and January 1993... The resentment against the government and the police among a large body of Muslim youth was exploited by Pakistan-aided anti-national elements... The common link between the riots and the blasts was that of cause and effect."

Justice Srikrishna, had recommended stringent action against the criminals, in and out of uniform. Despite assurances in public and statements in court, the state of Maharashtra has failed to deliver. Using the Right to Information Act, the author of this article, accessed detailed information from the state home department and the police on case by case details.

They reveal a shocking state of affairs. Of the 31 policemen recommended for prosecution by the judge, one was dismissed, the rest escaped lightly, many being promoted. Political bigwigs from the Sena named as leading the mobs to killing and arson have been allowed by a convenient political arrangement, to go scot free.

The convictions, many extremely harsh, to the accused in the 1993 Mumbai blasts case are seen as a form of redress for the 200 families who lost dear ones in the serial blasts - a message that the Indian system delivers justice if delayed to some for crimes of brutality. The uncomfortable reality of discriminatory justice has, however, raised its ugly head. Each of those accused of the Mumbai 1992-1993 pogrom roamed free, escaping arrest or getting uncontested bail.

The bomb terror of March 12, 1993 must be recalled with the same horror as the mob terror of December 6, 1992 in Ayodhya that unleashed premeditated violence in Mumbai and many other parts of the country, resulting in the loss of hundreds of lives all over the country. The cause as much as the effect must be rehailed and firmly located in public memory.

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\* From the Deccan Herald, August 10, 2007. Circulated by South Asia Citizens Wire | August 10-11,

2007 | Dispatch No. 2433 - Year 9.

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