

Acceptance Speech

# **Refuse to sit by and let the mass crimes go unpunished**

Nani A Palkhivala Civil Liberties Award

Tuesday 20 February 2007, by [SETALVAD Teesta](#) (Date first published: 15 January 2007).

**On January 15, 2007 Teesta Setalvad was honoured with the Nani A Palkhivala Civil Liberties Award, 2006. Here is the full text of her acceptance speech.**

Friends,

As I stand here to accept this award given in memory of a man who has been described alternately as a passionate democrat, a patriot and above a good human being I cannot but recall how this one man institution associated with us, Communalism Combat, in its nascent years. In response to one of the darkest moment this great metropolis, Mumbai (then Bombay) has lived through, December 1992 and January 1993, he sat alongside the inimitable and unique, the late Mr HM Seervai to speak to the then President of India to 'call in the army'. When a subsequent government in the state reaped the benefits of hate politics and in a stroke of executive arrogance scrapped the Justice Srikrishna commission of inquiry investigating the mass murder and police complicity behind the violence, Mr Palkhivala stepped down from Bombay House and along with another captain of industry Mr SP Godrej joined us in the nationwide protest that was one of the citizens actions that eventually led to the reinstatement of the commission. That was January 30, 1996. A year earlier, two judicial decisions one of the Bombay High Court and the other by the Supreme Court had shaken the common man's faith in the judiciary. Citizens had challenged the hate writing in the Saamna, and through a writ petition urged for a judicial directive to compel the state government to

prosecute the author of these speeches a man who went unchallenged by the law and order machinery in this great city, Mr Bal Thackeray. Mr Palkhiwala said the future of India was at stake if the court did not compel the state to intervene and take action against this kind of journalism.

Today, in 2007 we see a glittering and glamorous India everyday, through the media and parts of our large cities ; an India that suggests growth and wealth and prosperity yes, but only for a section of our population. A third of Indians reel under rural hunger where the lack of access to nutrients in their diet should be a matter of national shame. Narrow and aggressive definitions of patriotism coupled with rank unprofessional, if not biased conduct in the intelligence services and the law and order machinery, have 'othered' many sections of Indians, reducing them to irritants, trouble makers or rank anti-nationals.

It is a moment of profound test for all our institutions. The paradigms of fair play, equal rights to life and ownership of private property, make both the shock of farmers being shot dead in communist West Bengal and the shame of the mass victim survivors of the Gujarat carnage of 2002 a living reality. Closer home, in Maharashtra, protests following the brutalization and murder of a Dalit family in Khairlanji allowed the Nagpur police to pull out 55 year old women and other protestors from their homes and thrash them into silence. In Amravati a rickshaw driver protesting was shot point blank in the head by the police.

Does the Indian state need to answer, any more, to the largest number?  
Does the executive initiate and take decisions of economic and social policy after due consultation, through the vote, in a democratic manner?

Have our Courts shown due and democratic concern to issues of economic and social access, equity and non-discrimination?

Does our media, television and print reflect news at all, leave aside news and views of the majority of Indians?

Do institutions of Indian democracy adhere to the word and spirit of the Indian Constitution?

Is India a living and breathing democracy?

Be it West Bengal, Gujarat, Maharashtra or Orissa lands belonging to voiceless Indians are being seized, without adequate debate, transparency or Constitutional accountability. 'Globalisation' has come here in partnership with vengeful and vindictive state terror and repression. State force at its most brutal is being used to stifle democratic protest and dissent. As I look forward to the memorial lecture by an icon of modern India, a captain of industry, I urge this prestigious audience here to ask some of these difficult questions. Of themselves.

Friends, next month is the fifth anniversary of the Godhra mass arson and the post Godhra genocidal killing. Justices VR Krishna Iyer and PB Sawant both retired judges of the Supreme Court- who headed a citizens tribunal into the Gujarat carnage, have observed that "the post Godhra carnage was an organized crime perpetuated by the state's chief minister and his government" and held Gujarat's CM Modi to be "the chief Author and Architect of all that happened in Gujarat after the arson of February 27, 2002.". The National Human Rights Commission and the Supreme Court of India have drawn similar conclusions about the head of the state of Gujarat.

Today for the same captains of industry who see the vision of a glittering India exemplified in the 'strong political leadership of Mr Narendra Modi'. I refer to the recent investments promises to the state. I would like to place this reminder on record. All and each of us, especially those who hail from Gujarat would like to see Gujarat vibrant, and prosper. The community that Mr Palkhivala hailed from was first given refuge within what is today known as Gujarat when the Parsis migrated to India, from Persia. Strength, cohesion and prosperity can be built through an enlightened administration and polity that respects the rights of all, harbours dissent and respects the struggle for rights and justice, a state of affairs that supports the natural order of things.

However, when 'normalization' and strength' are equated with a vindictive administration and political repression, when brute compromise is thrust, when acknowledgement of the horrors of

mass crime are denied hundreds of thousands of victims, when villages, cities and mohallas are divided by borders, when the victim survivors and human rights defenders who stand up for justice are threatened arrest and torture, it is repressive strength and state power that we are talking about. Civil liberties, the struggle for the defence of which I am being honoured here today, are severely trampled upon.

Friends, even what actually happened at Godhra railway station on February 27, 2002 is hotly contested today. There is absolutely no proof of the theory perpetuated shrilly by Mr Modi to justify state sponsored mass rape, killings and murder. As we approach the fifth anniversary of a truly bleak period in Indian post-Independence history, I request each one of you present here, to remember. The struggle of man against power is the struggle of memory against forgetting.

As I acknowledge the huge contribution of my family to my work, I would like to laud the joint vision of my comrade in arms, Javed Anand that launched us into this collective battle since 1993. Colleagues at Sabrang and the board of trustees of Citizens for Justice and Peace and its myriad supporters (even from captains of industry) who have the vision to support the dissenting voice, Raisbhai and Suhel, my tribute. Top lawyers of the Supreme Court and the High Courts, masters in their field, continue to offer pro bono services for the causes that we plead.

Our work of a decade and a half has made us experience the relentless attempts of the system to tire out the protestor, the dissenter, the victim. Therefore today's award, I dedicate to one man within the Indian system, who stood (and still stands) mighty in the face of a murderous and vindictive Gujarat administration. Mass murder, mass rape and mass arson were allowed in Gujarat by a complicit and participatory administration and police force. Many police officers stood out. But only one man has remained a stoic and principled dissenter until today, refusing to cave in even as weeks lapsed into months and months into years. This man that I dedicate today's honour to not a victim, he did not lose a dear family member. He does not hail from the victim community. His only quality- that

many but his co-travellers have seen as a fault-  
is that he refused to sit by and let the mass  
crimes planned at the highest level go  
unchallenged. He documented the illegal and  
unconstitutional orders spat out by Mr Modi in a  
meticulously maintained personal diary. He filed  
well-documented affidavits before the ongoing  
Nanavaty-Shah Commission. He suffered for these  
acts by being denied due promotion to the post of  
Director General of Police, Gujarat, the highest  
post in his field that as a policeman and thrice  
Presidential Award winner for bravery, he would  
and should aspire to. He faced attempts to  
browbeat him in and out of the courts. He and his  
wife live socially and politically ostracized in  
a state that captains of industry tell us is  
vibrant and shining due to (quote) 'a strong and  
political leadership favouring rapid growth'. Mr  
RB Sreekumar, Additional Director General of  
Police, the state of Gujarat, I salute you.

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**P.S.**

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