

Communalism and the Use of State Power

The assumption of political power for the first time since independence by an avowedly communal party at the national level in 1998 was a new experience for the Indian people. The mask of Gandhian socialism worn in 1980 when the Jan Sangh was reborn in a new avatar as the BJP had been stripped off in full public view when the Babri Masjid was demolished on 6 December 1992 by Hindutva-inspired volunteers in the presence of top BJP leaders. Almost 3,000 people had lost their lives in the communal violence that followed, and communalization of popular consciousness had reached new heights.¹ The usual tactic of whitewashing the crimes of the party by blaming them on 'extreme elements', and projecting the top leadership as distressed, unhappy, and shocked at the mayhem was tried once again. When the BJP came to power in 1998, and then again in 1999, as the leader of the National Democratic Alliance (NDA), it was to be seen whether or not the argument that power would mellow the extreme elements, strengthen the moderates, and thus mainstream the party, was valid. Or whether the secular stand that it was extremely dangerous to allow state power in the hands of communal/fascist forces, as it could and would be used by them to rapidly spread communal ideology, was closer to reality.

The actual experience was that the communal temperature was pushed up by the VHP, the Bajrang Dal and the RSS, which had no intention of being tamed, but, on the contrary, had every intention of using state power to fulfill their long-cherished desire of creating a Hindu Rashtra or nation. The ideological agenda of communalization of education was pursued with great vehemence by the Minister for Human Resource Development (HRD), Murli Manohar Joshi, who remained true to his RSS affiliations, and was also quite keen to please his RSS mentors. Amid strong protests, including by the leader of the Opposition, Sonia Gandhi, the portrait of V.D. Savarkar, whom the Justice Jiwan Lal Kapur Commission had held guilty of the conspiracy to assassinate the Mahatma,² was installed in the Central Hall of parliament, facing the portrait of his victim. Despite the BJP's claim that it had put its communal agenda on the backburner in deference to the sensitivities of its coalition partners, the agitation for the building of the Ram temple at Ayodhya reached its peak in early 2002, notwithstanding the Supreme Court's refusal to allow construction on the disputed site and the surrounding land. The situation got so bad that the prime minister asked the RSS to intervene and persuade the VHP to slow down. This agitation had a direct effect on the communal situation in Gujarat, which witnessed what many observers have called a genocide lasting for close to three months from February 2002. In the following pages we take a closer look at the communalization of education and the tragedy of Gujarat.

Communalization of Education

Despite the fact that the BJP was in power only as part of the NDA coalition, there was no doubt that it would attempt to spread its ideology of Hindutva through every possible means. The RSS, which provided the organizational and ideological ballast to the BJP, was not going to be satisfied

with anything less. Political power at the state level had been used consistently in the 1990s to put in place school textbooks which preached the sectarian and divisive view of Indian history and society. The models were already there in books prepared by the Vidya Bharati for the RSS-run Saraswati Shishu Mandirs functioning since the early 1950s. In Uttar Pradesh, Madhya Pradesh, Rajasthan, Gujarat, wherever the BJP came to power, books demonizing Muslims, and describing minorities as foreigners, and valorizing Hindu civilization were made part of the curriculum. The National Council for Education, Research and Training (NCERT) during the period of the Narasimha Rao government had in fact appointed a high-level committee to enquire into the issue of communalization of textbooks and the report of this committee had revealed the grave extent of the problem in various state-level school textbooks.

The focus of the ideological onslaught was on history textbooks, since the heart of communal ideology was the communal interpretation of history. While the RSS/Hindu communal effort to spread a communal interpretation of history had been around for many years, the new and more dangerous trend, after the BJP came to power at the Centre, was the *attempt to use government institutions and state power* to attack scientific and secular history and historians and promote an obscurantist, backward-looking, communal historiography through state-sponsored institutions at the national level. The last time the RSS came close to power at the Centre was when the Jan Sangh had merged with the Janata Party and the Janata Party came to power in 1977. At that time an effort was made to *ban* school textbooks which the NCERT had persuaded some of the tallest historians of India, such as Romila Thapar, R.S. Sharma, Satish Chandra and Bipan Chandra, to write. A country wide protest, including from within the NCERT and other autonomous institutions, put paid to this attempt and it had to be abandoned.

This time round the lessons of the previous experience were well learnt by the BJP. Anticipating resistance from autonomous institutions like the NCERT, UGC, ICSSR and the ICHR, the government first took great care to appoint those who were willing to serve as its instruments as directors, chairpersons and council members. Having achieved that, the BJP government gave the Education Minister, Murli Manohar Joshi, full backing in implementing the RSS ideological agenda in education. For the RSS combine, there was no pulling back in the ideological sphere unlike what was done in the economic, political and even foreign policy spheres. The demands of the trade union or peasant fronts of the Sangh were often set aside, the Swadeshi Jagran Manch's objections to economic reforms could be essentially ignored but not the RSS agenda in spreading communal ideology.

Murli Manohar Joshi now presided over the systematic destruction of the academic edifice built up painstakingly over decades. The NCERT director introduced a new National Curriculum Framework (NCF) in 2000, without attempting any wide consultation, leave alone seeking to arrive at a consensus. This when education is a concurrent subject (involving partnership between the Centre and the states) and virtually since independence the tradition had been to put any major initiative in education through discussion in parliament and the Central Advisory Board of Education (CABE), a body which includes among its members the education ministers of all states and Union territories. The NCERT arrived at the New Curriculum, which was widely seen by professional academics as introducing the Hindu communal agenda, without any reference to

the CABE, thus violating both tradition and procedural requirements.

This was followed by deletions of passages from the existing NCERT history books written by eminent secular historians of the country without any reference to the authors, violating all copyright norms. As mentioned above, these authors had been persuaded by the NCERT on the recommendation of the National Integration Council to write textbooks for children which would correct the existing colonial and communal bias in history books. The deletions were decided not by any recognized committee of professional historians but by the RSS, with the RSS view put on record in a published volume a few months before the NCERT was ordered to carry them out!³

It was repeatedly claimed that the deletions were in deference to the religious sentiments, especially of minorities. The NCERT director even asserted that he 'would consult *religious experts* before including references to any religion in the textbooks, to avoid *hurting the sentiments* of the community concerned'.⁴ This extremely dangerous move was supported by the Education Minister, Murli Manohar Joshi, who stated that 'all material in textbooks connected with religions should be cleared by the heads of the religions concerned before their incorporation in the books'.⁵ Once such a veto over what goes into textbooks is given to religious leaders or community leaders, as the government had started doing, it would become impossible to scientifically research and teach not only history but other disciplines, including the natural sciences. Deletions had already been made from textbooks for pointing out the oppressive nature of the caste system in India, presumably because some 'sentiments' were hurt. The dangerous implications of such a practice, especially in a multi-religious country like India, were pointed out by a very wide range of critics.

However, at this point an alarming trend began of branding as anti-national those who did not agree with the kind of interpretations promoted by the Hindu communal forces. The RSS Sarasanghachalak, K.S. Sudershan, called those who were resisting the revisions of the NCERT textbooks 'anti-Hindu Euro-Indians'.⁶ Vigilante groups demanded that the historians Romila Thapar, R.S. Sharma and Arjun Dev be arrested. The HRD minister, Murli Manohar Joshi, at whose residence this group had collected, defended the deletions from their books and called for a 'war for the country's cultural freedom'.⁷ The minister went one step further and added fuel to this fascist tendency of trying to browbeat or terrorize the intelligentsia which stood up in opposition by branding the history written by these scholars as '*intellectual terrorism unleashed by the left*' which was '*more dangerous than cross-border terrorism*'. He exhorted the BJP stormtroopers to counter both types of terrorism effectively.⁸

There were a lot of protests from the secular forces at this attempt at communalizing the education system. Historians, the secular media and a very wide section of the Indian intelligentsia voiced their protests unambiguously. The government's attempts were resisted with reason and argument. It was pointed out that civilized societies cannot ban the teaching of unsavoury aspects of their past on the grounds that it would hurt sentiments or confuse children or it would diminish patriotic feelings among its children, as the government was trying to do. Nor could India fabricate fantasies to show India's past greatness and become a laughing stock of the

world. Should America remove slavery from its textbooks or Europe the saga of witch hunting and Hitler's genocide of the Jews, it was asked? India should stand tall among civilised nations and not join the Taliban in suppressing history as well as the historians.

The argument with the communalists was joined with great persuasion by the Nobel laureate Amartya Sen in his Presidential Address to the Indian History Congress in January 2001. Arguing that attempts to distort Indian history and to give it a narrow sectarian colour obfuscated the truly remarkable aspects of India's past of which any society in the world could be justifiably proud he pointed to 'India's persistent heterodoxy' and its 'tendency towards multi-religious and multi-cultural coexistence' which had important implications for the development of science and mathematics in India. Emphasizing that the history of science is integrally linked with heterodoxy, Sen went on to say that 'the roots of the flowering of Indian science and mathematics that occurred in and around the Gupta period (beginning particularly with Aryabhata and Varahamihira) can be intellectually associated with persistent expressions of heterodoxies which pre-existed these contributions. In fact Sanskrit and Pali have a larger literature in defence of atheism, agnosticism and theological scepticism than exists in any other classical language.' He went on to say that rather than the championing of 'Vedic Mathematics' and 'Vedic sciences' on the basis of 'very little evidence', 'what has . . . more claim to attention as a precursor of scientific advances in the Gupta period is the tradition of skepticism that can be found in pre-Gupta India—going back to at least the sixth century B.C.—particularly in matters of religion and epistemic orthodoxy'.⁹ He could well have added that the tradition of scepticism in matters of religion and epistemic orthodoxy was continued by Mahatma Gandhi, when he argued that, 'It is no good quoting verses from Manusmriti and other scriptures in defense of . . . orthodoxy. A number of verses in these scriptures are apocryphal, a number of them are meaningless.' Again he said, 'I exercise my judgement about every scripture, including the Gita. I cannot let a scriptural text supercede my reason.'¹⁰

However, despite nationwide protests, particularly from the academia (including the widely respected, more than sixty-year-old, Indian History Congress, the national organization of professional historians) and the media, this process, of what the editor of the *Hindustan Times*, Vir Sanghvi, called the 'Talibanisation' of education, was continued. A new syllabus based on the NCF 2000 was adopted, again without proper procedures being followed. The process culminated in the existing NCERT history books written by eminent scholars (from which deletions were made) being withdrawn altogether and being replaced by books written by people whose chief qualification was their closeness to the Sangh ideology and not recognized expertise in their field of study. The Indian History Congress published a volume called *History in the New NCERT Text Books: A Report and an Index of Errors*.¹¹ The volume ran into 130 pages just listing the major mistakes and distortions introduced in these books. To quote from its findings:

Often the errors are apparently mere products of ignorance; but as often they stem from an anxiety to present History with a very strong chauvinistic and communal bias. The textbooks draw heavily on the kind of propaganda that the so called Sangh Parivar publications have been projecting for quite some time . . . With such

parochialism and prejudice as the driving force behind these textbooks, it is clear that these cannot be converted into acceptable textbooks by a mere removal of the linguistic and the factual errors pointed out in our Index . . . These textbooks are therefore beyond the realm of salvage, and they need to be withdrawn altogether.

A major controversy arose when it was discovered that in the first edition of Hari Om's *Contemporary India* for Class X, a book dealing with the twentieth century, Gandhiji's assassination was not even mentioned! When there was a national furore on this question, including in parliament, a reprint edition was brought out with the addition of this bare sentence:

Gandhiji's efforts to bring peace and harmony in society came to a sudden and tragic end due to his assassination by Nathuram Godse on January 30 1948, in Delhi while Gandhiji was on his way to attend a prayer meeting. (p. 57)

No mention was still made of who Godse was, and of his strong links with the RSS and the Hindu Mahasabha, particularly its leader Savarkar.

That the communalization of textbooks had long-term dangerous consequences was shown by the way communal violence flared up in Gujarat. Activists familiar with Gujarat had been pointing out for some time the extremely objectionable material in school textbooks. For example, children reading the Gujarat State Social Studies text for Class IX would have learnt that minorities are foreigners:

apart from the Muslims even the Christians, Parsees and other *foreigners* are also recognised as the minority communities. In most of the states the Hindus are in minority and Muslims, Christians and Sikhs are in majority in these respective states.

In the Gujarat State Social Studies textbook for Class X, which virtually eulogizes fascism and Nazism, the children are taught how to deal with these 'foreigners' who are making the Hindus a minority in their own country:

Ideology of Nazism: Like Fascism, the principles or ideologies for governing a nation, propounded by Hitler, came to be known as the ideology of Nazism. On assuming power, the Nazi Party gave unlimited total and all embracing and supreme power to the dictator. The dictator was known as the 'Führer'. Hitler had strongly declared that 'the Germans were the only pure Aryans in the entire world and they were born to rule the world'. In order to ensure that the German people strictly followed the principles of Nazism, it was included in the curriculum of the educational institutions. The textbooks said, 'Hitler is our leader and we love him'.

Internal Achievements of Nazism: Hitler lent dignity and prestige to the German government within a short time by establishing a strong administrative set-up. He created the vast state of Greater Germany. He adopted the policy of opposition towards the Jewish people and advocated the supremacy of the German race. He adopted a new economic policy and brought prosperity to Germany. He began efforts for the eradication of unemployment. He started constructing Public buildings, providing irrigation facilities, building Railways, roads and production of war

materials. He made untiring efforts to make Germany self-reliant within one decade. Hitler discarded the Treaty of Versailles by calling it just 'a piece of paper' and stopped paying the war penalty. He instilled the spirit of adventure in the common people.

That in order to maintain the purity and supremacy of the 'Aryan' race millions of Jews were butchered is not even thought worthy of mention.

A generation brought up on glorification of Nazism and trained to think of minorities as foreigners was probably easy to mobilize into acting as stormtroopers for communal/fascist forces and participating in an unprecedented targeting of a minority community, as was done in Gujarat in 2002.

Genocide in Gujarat

'A black mark on the nation's forehead' which had 'lowered India's prestige in the world' is how Atal Bihari Vajpayee, then prime minister of India, described the ongoing violence in Gujarat on March 2002 in a televised address to the nation in which he also endorsed the appeal for peace made by an all-party meeting a day earlier.¹² That the government over which he presided failed to quell the violence to which he referred is evident from the fact that it not only continued unabated for almost three months but also spread to new areas and from towns to villages, in the process lowering 'India's prestige in the world' even further. When the fury spent itself, most (unofficial) estimates placed the number of dead at over 2,000, and the number of refugees in camps at around 200,000.

The gruesome story began on the morning of 27 February at Godhra, a small town in Gujarat, where 58 people, including 15 women and 20 children, burnt to death in a fire that engulfed a bogey of the Sabarmati Express. The victims were all Hindus, karsevaks or volunteers, returning from participating in a yagya or religious ceremony at Ayodhya. They were part of the thousands of volunteers being brought to Ayodhya by the VHP, a militant Hindu organization, as part of its campaign for the construction of the Ram temple at the site of the Babri Masjid which had been demolished by a communally aroused crowd on 6 December 1992. The BJP had promised construction of the temple and now that it had been in power for over three years, its stormtroopers were getting restless. This heightened communal feeling was bound to lead to conflagration sooner or later, and sure enough it did in Godhra. The actual incident, as has emerged from various enquiry reports, was of a quarrel between karsevak passengers and Muslim vendors at the station, probably caused by some taunting of the Muslims by the Hindu militants. In some reports, it is said that the Muslims were asked to shout slogans in praise of Lord Ram, and when they refused, their beards were pulled. The altercation escalated as word reached the nearby Muslim neighbourhood and groups of ten or fifteen people rushed towards the train and pelted stones. The train, however, moved out of the station, but stopped on its outskirts. At this stage, one of the coaches in which the karsevaks were travelling caught fire and the tragedy unfolded.

The most popular theory that was current was that the Muslim mob had poured some

inflammable substance into the bogey and set fire to it. All later forensic reports as well as the U.C. Banerjee Enquiry Report have shown that this could not have been the case and that the fire was possibly accidental, or caused by some inflammable material such as kerosene or diesel being carried in the train itself, and that the thick black smoke reported by all survivors which possibly caused the maximum casualties was due to the rubber vestibule catching fire. But at that time, the anger against 'Muslims' was legitimized by responsible people clearly pointing fingers.

The chief minister of Gujarat, a BJP-ruled state, Narendra Modi, an RSS man, was an ardent votary of Hindutva, the sectarian ideology espoused by the BJP, of which the core was antipathy to Muslims, in the same way as the core of Nazism was antipathy to the Jews. He immediately announced a state funeral for the victims of the fire. The bodies were to be brought to Ahmedabad and the time of their arrival was announced on the radio. Television channels and Gujarati-language newspapers carried pictures of the burning train. The chief minister declared that the attack on the train was organized by Pakistan's Inter-Services Intelligence, thus clearly suggesting that the fire was part of a pre-planned attack by Muslims. The VHP openly put the blame on Muslims, and called for a statewide bandh on 28 February, which also received the support of the government.

On 28 February began a wave of communal carnage which lasted for almost three months. From the beginning, the new pattern that emerged was of large mobs of Hindu youth with saffron bands tied round their heads attacking and looting Muslim neighbourhoods, setting fire to homes, burning people to death and slaughtering them in cold blood, molesting, raping and sexually torturing women, while the police and administration looked the other way or even connived and helped. Considerable evidence surfaced that officials were instructed by the highest political authorities not to intervene to stop the violence. Not surprising then that the violence spread from Ahmedabad and Vadodara, to many more towns and even to villages. At one time, forty towns had to be put under curfew. The pattern, scale and persistence of violence suggests that it was by no means spontaneous. The attackers often had lists of business establishments owned by Muslims which they identified, targeted, looted and burnt by releasing and lighting cooking gas from cylinders they had carried with them. A very large number of religious places, including many of historical value, such as the dargah of Wali Gujarati, a famous Urdu poet, revered by Hindus and Muslims, were destroyed. In the new pattern of communal violence it was noticed that the violence spread to villages, where people who had lived together for generations suddenly became enemies. This led to a large-scale exodus from affected villages. Also, Dalits and tribals were very active participants in the assaults, along with the upper castes.

Many observers have remarked that what distinguished the events of 2002 was that, unlike a typical riot situation in which two groups engage in, usually spontaneous, violence, the assault was one-sided, premeditated, brutal, and supported or facilitated by the state. The terms that have been frequently used to capture the nature of the violence are 'genocide' and 'ethnic cleansing'. No doubt, after the first shock was over, there were also instances of violence being initiated by minority groups in areas where they had numerical preponderance, but this remained a relatively minor phenomenon. The communalization of Gujarati society had clearly reached very far, as social activists had been warning for some time and as testified by the frequent

outbreak of communal riots in the previous two decades, when both Hindu and Muslim communalists had been active. Gujarati children had for many years been reading textbooks in which Hitler was a hero and Muslims the villains of Indian history. In 1998, the Hindu communal forces had unleashed widespread attacks on Christians in Gujarat on the plea of preventing conversions, and it was popular knowledge that they saw it as a 'trailer' of the main story which was yet to come. Thus Godhra was in many ways a convenient pretext for putting into action a plan that had been in the making for quite a while.

The Gujarat events shook the conscience of the nation. The national media, print as well as visual, played a sterling role in bringing the truth about Gujarat into the open. The Opposition parties, led by the Congress, put enormous pressure on the Vajpayee government to get the state government to act. The government was obliged to ask the National Human Rights Commission to send a team to enquire into the situation. The NHRC's report was a big blow to the Government, since it held that the Modi Administration failed in its duty to protect the rights of the people of Gujarat by not exercising its jurisdiction over non-state players that may cause or facilitate the violation of human rights.

More blows were to follow. On 29 April, one day before the censure motion tabled by the Opposition was to come up in parliament, Ram Vilas Paswan, the Coal Minister, and a major Dalit leader, resigned from the cabinet, and withdrew his Lok Janshakti Party from the NDA. He said this was in protest against the failure of the Gujarat government in controlling the communal violence and continuation of the state chief minister, Narendra Modi.¹³ Further ignominy awaited the prime minister and his party colleagues in the Lok Sabha the following day. As reported in *The Hindu* newspaper on 1 May 2002, 'what became obvious during the course of the speeches, the sparring, and the shouting was that the allies and the parties "friendly" to the National Democratic Alliance were one with the Opposition in their strong condemnation of the continuing murder and arson in Gujarat and their demand for the removal of the chief minister, Narendra Modi'. The National Conference decided to abstain from the voting, and Omar Abdullah, its representative in the NDA government, offered to resign. The TDP leader, Yerran Naidu, and Mamata Banerjee of Trinamul Congress, both allies of the NDA, asked for Modi's ouster. The former prime minister, Chandra Shekhar, charged that the cabinet minister, Uma Bharti of the BJP, had spoken more like a 'Nazi volunteer' than a 'sanyasin', thus implying that the BJP in Gujarat was attempting to do what the Nazis did in Germany. The Samajwadi Party leader, Mulayam Singh Yadav, asked the prime minister: 'How many more bodies have to be counted in Gujarat, and how many more incidents of arson you want before you act?' The issue at hand was 'not the survival of one government or another, but the survival of the nation', he said. The CPI(M) leader, Somnath Chatterjee, who later became Speaker of the Lok Sabha, went so far as to say that Gujarat was witnessing a 'State-sponsored genocide, masterminded by Narendra Modi'.¹⁴

Intervening in the parliamentary debate, the leader of the Opposition and Congress president Sonia Gandhi, started out by describing in some detail incidents of rape and murder perpetrated in Gujarat. She then proceeded to make the following demands: one, that the Gujarat chief minister, Narendra Modi, should be 'immediately and quickly' removed; two, the state government be put

on notice under Article 355; three, a commission of enquiry headed by a sitting judge of the Supreme Court be set up. She also said that the central government must act firmly and promptly to control the situation in Gujarat. She further added that this must include immediate implementation of all the recommendations of the NHRC and other statutory bodies, prompt action against the guilty and a massive rehabilitation and relief programme for the victims.¹⁵

While speaking of the 'need to move from polarisation to reconciliation, from discord to dialogue, to rebuild Gujarat', Sonia Gandhi questioned Vajpayee's claim that the violence in Gujarat could have been prevented if the Godhra carnage had been condemned in parliament. It was a 'falsehood' that parliament did not condemn it, she said. 'I was the first to condemn the terrible Godhra tragedy in the strongest possible terms on the 27th itself,' she added. But repeating falsehood so that it eventually passed off as truth was a favourite tactic of the RSS and the Sangh Parivar just as it was during those 'obnoxious times in Germany', she said, in a blunt reference to Nazi Germany. She went on to quote from an official BJP document on Vajpayee's Goa speech about Muslims and accused him of 'doublespeak': 'One day he offers sympathy, the next day he condemns the whole community, one day he pleads for tolerance, the next day he plays on divisive prejudices. When the prime minister indulges in doublespeak, what can the nation expect from this Government.' Nevertheless, she said, 'It is still not too late. The situation can still be redeemed.' Appealing to his 'nobler instincts', she called on the prime minister to 'rise above party affiliations and respond to his responsibilities and obligations to the people of India, irrespective of religion and faith'.¹⁶

The sharp attack in the Lok Sabha was followed up by Sonia Gandhi's speech in Porbandar, Gandhiji's birthplace, in which she alleged that Gandhi's Gujarat was being turned into Godse's Gujarat.¹⁷ The President had already publicly expressed his anguish at the situation a few days earlier.¹⁸ Badly cornered, and faced with the prospect of a defeat in the Rajya Sabha in which the NDA was in a minority, the BJP-led government changed strategy and chose to accept the Opposition-sponsored motion—urging the Centre to intervene effectively in Gujarat under Article 355 of the constitution—under Rule 170, which entails voting. This did not, however, save it from very strong criticism in the upper house, with Lalu Prasad Yadav, Rashtriya Janata Dal (RJD) leader, and former chief minister of Bihar, even suggesting that he 'suspected' the RSS's hand behind the Godhra incident and demanding that Narendra Modi be 'arrested under POTA'.¹⁹

Deserted by its allies, ridiculed by the Opposition, and faced with a hostile Press and public opinion, the government took the first step as part of a direct central initiative to stem the continuing violence in Gujarat, and appointed Punjab's former Director-General of Police, K.P.S. Gill, as the Security Adviser to the state chief minister, Narendra Modi.²⁰ Gill had successfully tackled communal incidents during his tenure as the Assam police chief and later effectively curbed terrorist violence in Punjab. The Gujarat government was clearly unhappy with this decision, and initially adopted a posture of non-cooperation. However, it had no choice but to eventually accept the Centre's directive. The situation began to improve thereafter and violence began to subside.

By early July, the Modi government decided that it should go in for early elections to the assembly, presumably to take advantage of the high communal temperature. It declared that the situation was normal, sent Gill back to Delhi, and dissolved the assembly, and asked the Election Commission to organize early polls. But it had not bargained for the fact that the Election Commission, led by J.M. Lyngdoh, an extremely independent and upright civil servant, had a mind of its own. At a meeting held on 16 August 2002, the Commission not only unanimously refused to bend to the Gujarat government's wish and NDA's pressure, but made many observations which amounted to a severe indictment of the Gujarat government and were a major setback for the BJP. It said that the law and order situation in the state was 'still far from normal' and that the 'wounds of communal divide following the riots have not yet healed'. In its view, the return to normality was being delayed by the slow pace of relief and rehabilitation work, as well as by the fact that the guilty were not being arrested and punished and there was a fear of a communal backlash. It said that 'similar feelings are shared by persons from the majority community living in minority-dominated areas. The people have lost confidence in the local police, civil administration and political executive.' What was needed was confidence-building measures, and 'foremost among these would be to arrest and punish the guilty, irrespective of their status and rank for their crimes', it said. Election campaigns by evoking passions would only shatter the fragile peace, it held.

The Commission referred to the report of its nine-member team that visited Gujarat earlier in the month and found that there was still a sense of insecurity among the victims. This was followed up by a visit of the full Commission to Gujarat, so that it could gather first-hand information. What emerged from this visit was extremely disturbing, as it revealed the full extent of the affected areas to be much larger than understood earlier. Out of 25 districts, 20 were 'affected areas'. It quoted the statement of the Additional Director-General of Police, R.B. Sreekumar, that 151 towns and 993 villages, covering 154 out of 182 assembly constituencies in the state and 284 police stations out of 464 were affected by the riots. 'This evidently falsifies the claims of the other authorities that the riots were localised only in certain pockets of the State,' the Commission observed. The Commission said that on-the-spot inspections had revealed that a substantial majority of electors who left their homes and fled from their villages to escape the arson and carnage in the wake of the Godhra massacre of February 27 had not yet returned, hence the electoral rolls could not be updated. Reminding the government that the drought situation in the state was widespread and serious, it wondered, 'which would be a greater priority for the State Government—holding Assembly elections in the midst of drought and thereby disrupting relief work or (doing) relief work'²¹ It would be difficult to find another example in the history of independent India when a constitutional body such as the Election Commission has used such strong language when talking about a state government.

The BJP suffered more loss of legitimacy when the Supreme Court turned down the appeal by the government against the Election Commission's decision. The appeal argued that elections must be held immediately because according to the constitution six months cannot lapse between two sessions of a legislative assembly. The Supreme Court upheld the right of the Election Commission to decide on the date of the elections and said that the six-month rule applied only to

an assembly that was alive and not to one that had been dissolved. The Election Commission then announced that the elections would be held in mid-December.²² Meanwhile, a terrorist strike on 24 September killed roughly thirty people at the famous Akshardham temple in Gandhinagar, further inflaming passions. The elections were held and showed further how deeply divided Gujarat society had become on religious lines. The BJP won an overwhelming majority of seats and Modi was back as chief minister. Electoral success strengthened the hardliners and whetted their appetite, as is evident from the battle-cry of Praveen Togadia, easily the most aggressive VHP leader, who declared: 'Hindu Rashtra could be expected in next two years . . . we will change the Indian history and Pakistan's geography by then.'²³

The Gujarat experience in many ways brought out the best and the worst in Indian society and polity. On the one hand there was the continuation of victimization of the Muslims through economic boycott, via refusal of employment and hounding of Muslim-owned businesses. There was also the refusal to take back Muslim residents by villages unless they promised not to pursue cases against them. The recourse to the law was consistently blocked by the police not filing FIRs, not framing charge-sheets, withdrawing cases, etc. Activists were threatened, and sought to be physically intimidated. The families of those who died in the Godhra train tragedy were given Rs 200,000 as compensation but others only Rs 100,00 the distinction being a communal one, as in the former case all the dead were Hindus, whereas in the later instances, the majority were Muslims. The state government first refused to set up refugee camps for victims, and then insisted on shutting down camps to prove that there was normality. The POTA was used to terrorize Muslims by picking up 'suspects' who had supposedly conspired to set fire to the train at Godhra. There was an inevitable ghettoization as a consequence of all these developments, and even middle-class Muslims were forced to gravitate towards mono-religious habitats. Most significantly, there was a pervasive climate of fear, of the state, of the police, of the communal bands that roamed untamed, which only the very brave could defy.

On the other hand there were civil society groups, such as Citizens for Justice and Peace, Anhad, Communalism Combat, Sahmat, and many others, and activists, such as Fr. Cecil Prakash, the lawyer Mukul Sinha, Shabnam Hashmi, Teesta Setalvad and Harsh Mander, who worked fearlessly and tirelessly to give succour and help in getting justice for the affected people. An independent Citizen's Tribunal collected evidence, human rights and feminist groups conducted enquiries, journalists kept public interest alive, and film makers such as Rakesh Sinha produced documentaries and campaigned with them all over the country. A very moving feature film, *Parzania*, was also made.

A major focus of the resistance was to secure legal redress, and the NHRC and the Supreme Court played a sterling role in this process. In May 2003, the NHRC, responding to complaints of threats received by witnesses, asked the Director-General of Police to report on measures taken 'to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses'. On 15 March 2004, the Supreme Court conveyed its lack of faith in the state government when it asked the central government to identify key witnesses in nine Gujarat riot cases, and deploy central police or paramilitary forces to protect them. The Supreme Court judgement in the famous Best Bakery case was also a landmark one, for it ordered fresh

investigations and retrial outside Gujarat of individuals who had been acquitted in a widely-criticized trial for setting on fire and killing fourteen people at a bakery in Vadodara. A similar retrial outside Gujarat was ordered in the case of Bilkis Yakub Rasool Patel by the Supreme Court. But perhaps the biggest victory for the resistance was the Supreme Court response to the application filed by Amicus Curiae Harish Salve, former Solicitor General of India, stating that of the 4,252 cases registered by the police in connection with the Gujarat violence, nearly 2,100 had been closed. On 17 August 2004, it ordered the state government to set up a panel of senior police officials to review cases where the local police had filed closure reports instead of charge-sheets and asked the Director-General of Police, Gujarat, to report every three months on the progress made by the review committee. It further desired that all acquittals in riot trials be re-examined to see whether reviews could be filed.

Meanwhile, in May 2004, the NDA lost to the Congress-led alliance in the general elections. Most analysts believed that the events in Gujarat contributed significantly to the loss of legitimacy of the NDA government, leading to the defeat in the elections. It certainly helped in rallying the secular forces behind the Congress for they had seen the writing on the wall. This also meant that there were high expectations from the UPA government. A complex situation arose when Narendra Modi was refused a visa by the US for a visit in March 2005, largely as a result of a consistent campaign by US-based secular groups who came together in a Campaign Against Genocide, as well as a resolution by a bipartisan group of prominent Congressmen and a recommendation of the US Commission on International Religious Freedom. The UPA government attracted much criticism for taking a legalistic position and protesting against this refusal and even the left was reported to be ambivalent because a supposed national insult was involved. Activists pointed out with great persuasion that Modi had been indicted by some forty reports by all kinds of organizations, and that the refusal of the visa was a victory for all those who had resisted the communal onslaught of the Sangh combine. Further loss of face for the BJP and its friends was in store as the UK followed suit with a refusal of visa! The campaign for the repeal of POTA was only partially successful since it was repealed but not with retrospective effect, and thus those already detained under it could be kept in custody.

The deep mark that the Gujarat genocide has left on India's body politic is far from erased. The BJP continued to rule the state with Narendra Modi at the helm, though factional squabbles within the party contributed considerably to the erosion of his position. Revelations in April–May 2007 of custodial killings and fake encounters involving an alleged underworld Muslim don and his wife by senior Gujarat police officers reminded the nation that all was not well in the benighted province. In Baroda University, in April 2007, an art student was arrested, and his professor who stood up for him dismissed from his deanship, at the behest of Hindu vigilante groups who complained to the vice-chancellor that his painting, which was part of his examination and not for public display, violated their religious feelings. A sting operation by the *Tehelka* magazine, which was shown to shocked viewers on prime time television on 25 October 2007, caught major Hindutva politicians, including the MLA representing Godhra and the lawyer representing the Gujarat government before the Nanavati Commission, boasting and providing gory details about their role in the post-Godhra violence and testifying to the active support of chief minister Narendra Modi.

Hindu communal parties and groups may have been pushed on to the back foot, but they are neither repentant nor defeated. In the Gujarat assembly elections of 2007 Modi was re-elected as chief minister. Gujarat is yet to return to the path of its greatest son, Mohandas Karamchand Gandhi, whose spirit inspires all those who have kept the flame of hope and humanity alive in its darkest days.