



Bombay 1992-93 Mumbai 2012

JUSTICE FOR MASS CRIMES

When India Fails Its Survivors

Workshop and Public Meeting at St Xavier's College Mumbai, January 2nd, 2013

Part of month long series of events: Bombay ki kahani, Mumbai ki Zabaani

The magnificent hall at St Xavier's College, with its fine wood ceiling and somber portraits of former Principals looking down from on high, hosted the conference which was well attended by a mix of ages, sexes, and communities. It was a good day to have this meeting as the Supreme Court of India had rejected Gujarat Chief Minister Narendra Modi's petition against the appointment of a Lok Ayukta. The St Xaviers hall had a powerful Exhibition put up by the Sabrang Team -- 30 powerful black and white photos and Text Panels spanning twenty years since 1992-1993

First Session:



Teesta Setalvad, Sabrang introduced the speakers for the first panel, Harsh Mander, former IAS (Indian Administrative Service) officer who as Collector of a district in Madhya Pradesh managed to ensure that his district did not burn with 'riots'.

John Dayal: Journalist and Christian activist would speak about atrocities against Christians in Kandhamal District, Orissa.

Dr Amarjitsingh Narang who has campaigned tirelessly for justice for the Sikh victims of the massacres of 1984.

Teesta Setalvad criticized the print media for not covering the pogrom of 1984 thoroughly. It was left to the PUCL (People's Union for Civil Liberties) which in its pamphlet "Who are the Guilty?" documented the names of the instigators of violence. Sikh victims have not been able to get substantive justice till today.

A Bitter Legacy of Impunity – An Overview:

Harsh Mander stressed on the importance of remembrance so as not to repeat past horrors. He referred to a book written by Dr Amarjitsingh Narang 'The Idea of Justice'. Harsh Mander felt that striving for justice was essential to human nature. Humans had the quality of empathy. Recently at Jantar Mantar many young people were mourning the death of the gang-rape and assault victim. They felt they were grieving for someone in their family. But, Mr. Mander went on, there are limitations to empathy. Ashish Khetan of Tehelka had captured on video a man proudly describing how he had raped Muslim women during the pogroms in

Gujarat in 2002. His wife sat next to him and was approving of his behaviour. Empathy must be universal but it is not. Two decades after the Bombay riots something has not healed.

People are deeply affected, and after 1992-1993 Bombay violence, for instance Saeed Mirza, filmmaker has been largely inactive with film making since 1992. Mahatma Gandhi lived for many ideas but he died for one, Mr. Mander said: a secular society. Riots have become more frequent after Nehru's death but 1984 was a turning point. The Nellie massacre of 1983 in Assam where over 2000 Muslims were killed is near forgotten. Entire families were killed...

After such acts of mass violence, the victims' suffering does not stop. In Tilak Vihar where refugees from the anti-Sikh pogrom of 1984 have been resettled, the survivors relive those horrible events as though they occurred yesterday. Children of victims are unable to rebuild their lives. The Hashimpura massacre of 1987, where scores of Muslims were shot by the Uttar Pradesh Provincial Armed Constabulary, was followed by the Bhagalpur massacre of 1989. The pace of mass killings quickened with the agitation around the Babri Masjid /Ram Janambhoomi issue. The 1990s saw the Bombay riots of 1992 and 1993. In 2002 Gujarat erupted in violence. Recently 500,000 people have been displaced in Assam.



Harsh Mander then listed broad lessons from these events:

- 1) These are NOT riots; they are pogroms (organized massacres). Systematic planned violence occurs with the active connivance of state authorities. Unless the state sponsors or enables violence no riot can go on for more than a few hours.
- 2) Suffering for the victim NEVER goes away.
- 3) No rehabilitation measures are taken. No help is given by the state, indeed it actively blocks any help from

reaching the victims.

4) Active and systematic subversion of justice is no less well planned than the original massacre. FIRS (First Information Reports) do not even mention certain deaths. The perpetrators are never called to account.

Systemic Failure and Apathy: 1984 Struggle Recounted

Dr Amarjitsingh Narang began by appreciating this particular meeting as several communities were in attendance. It was unfortunate that communities did not interact as all were under threat. He was happy too that many young people were present. He directed his remarks at them because they would not know the context and details of the events of 1984. He advised the Sikh community to be concerned about injustice to others." Where were we when Nellie happened?" he demanded. Everyone had to be concerned about the status of minorities, the rule of law and the status of women.

On October 31st 1984 Dr Narang was driving a scooter when a parking attendant (a non-Sikh) warned him that trouble was brewing. The first salvo was fired at 4.45 pm on October 31 when Indira Gandhi's death was announced. The car of the then President of India Giani Zail Singh was attacked that evening when he went to the All India Institute of Medical Science where Mrs. Gandhi had been taken. The underlying message was: no Sikh however highly placed will be spared, and no action will be taken against those who 'avenge' Mrs. Gandhi's death. 1984 started something new. It was not a communal riot but a communal massacre. It was sponsored or supported by the state. The administrative and judicial officers were completely subservient to those who organized the massacres. The state subsequently became party to the denial of justice.

In the 1992 with the demolition of the Babri Masjid, and in the 1992-93 Bombay riots as well as in Gujarat in 2002 there was similar subservience demonstrated by the state machinery. All facts alleged by human rights groups were supported by Commissions of Enquiry later appointed by the Government itself. Till the late 70s the police were expected to perform their duties even if politicians had whipped up public sentiment and exacerbated communal tension.

The Rajiv – Longowal accord of 1985 led to the appointment of the Justice Mishra Commission but not to find ‘who are the guilty?’ Dr Narang said. Justice Mishra ended up as a Congress member of the Rajya Sabha. When the BJP led coalition was in power it appointed the Nanavati Commission. Its report was delayed till the Congress led coalition came to power. The Commission named 4 Congress leaders: Sajjan Kumar, HKL Bhagat, Jagdish Tytler, and Lalit Makkhan. Cases against responsible individuals were kept pending or judges were transferred so that the procedure had to be repeated. No justice has been done either directly or indirectly like providing a livelihood or adequate rehabilitation. The political class uses the victims for their own ends. He urged all minorities to join together. Sikhs must unite with Dalits, Muslims and women. He warned that if these groups do not stand together political parties will continue to exploit them.

Teesta Setalvad added that all 4 of those named above got elected with over 60 % of the popular vote in the 1984 elections as did Manohar Joshi and Madhukar Sarpotdar after the Bombay riots of 1992-3 and Maya Kodnani after the Gujarat riots of 2002. Electoral democracy did sit comfortably with constitutional governance and did not provide justice. Honouring the provisions guaranteed by the Constitution were necessary for democracy to provide justice.

Forgotten Crimes – Kandhamals and Justice

John Dayal gave an impassioned speech that shook the audience. He maintained that the BJP/RSS advised people to vote for the Congress after the 1984 massacres of the Sikhs. The anger of the Sikhs remained, the Christian church was beaten into submission. It had been asked to ‘move on’; widows were uncompensated for their loss, no jobs were offered, they were judged not to qualify for NREGA (National Rural Employment Guarantee Act) benefits. The state denied that atrocities had taken place. John Dayal stated “ I abuse civil society, it has a monumental capacity to forget; there have been no protest demonstrations in Orissa. Delhi has seen protests over the recent rape case but silence over Kandhamals.

Sister M was brutally gang raped in Kandhamal, she was paraded naked in the streets, the police refused to lodge a basic FIR. Magistrates register what they want, not what has occurred. The Orissa High Court is complicit in all this. The judiciary at the District and High Court level cannot be trusted. Everything has to go to the Supreme Court. Relief is not provided to victims as per one District Collector’ it would lead to an increase in disturbances.’”

How is the state to recompense victims? Perverted logic is followed by the Collector, where though the cost of reconstructing a dwelling is Rs 80,000 only Rs 20,000 is sanctioned. The church is eager to provide relief but not to fight the state. They have money in FCRA (Foreign Contribution Regulation Act) accounts which cannot be used for legal costs. 400 villages were ‘purged’ of Christians, 6000 homes were destroyed as were scores of churches. 49 churches were attacked. No pro bono lawyer could be found to defend the victims. The then Home Minister P Chidambaram did not want even to listen to human rights activists about the events in Orissa. For a fortnight there was no state functioning in that district. Two jawans of the CRPF (Central Reserve Police Force) were killed; their killers too were not brought to book. In 29 cases of murder no one was convicted. Manoj Pradhan, a BJP (Bhartiya Janata Party) MLA (Member of the Legislative Assembly) was convicted in 2010 for his role in these riots. John ended with a cry for justice because even the church is shackled. Seven states have enacted laws against religious conversion. The media takes no interest in the plight of the Christians of Orissa as they are mainly poor Adivasis whose lives are of little concern to the media.

A lively Question and Answer session followed. A 20 year old woman wanted to know if justice existed in this country. Dr Narang felt that she need not be that cynical as justice though slow in coming did exist however partially. John Dayal said democracy had some plus points but we must struggle for justice. Giving up would be cowardice.

Another questioner wanted to know if there had been a change in our police and administration, were they more communally biased?

Harsh Mander maintained that inaction is a big crime. If laws were enacted where an administrator could be jailed for 5 years when massacres occurred in their area, it would have a salutary impact. Dr Narang said that as now there was a greater media presence more incidents were reported. They did occur in the past but now were reported to the public as the citizenry went and spoke about them to various media outlets. There is much less of 'booth capture' at election time. He urged us to vote and to get others to vote. Nothing occurred in isolation and the struggle had to be on many fronts but he had hope in the younger generation.

A student wanted to know why secular forces had failed? How could one have a mass movement in support of secularism? Was the IAS bias against minorities mirrored in the media? Do we need education that promoted empathy and human values? Why do Harsh Mander, Dr Narang and John Dayal not contest elections? Harsh Mander remarked that the US led Global War on Terror had further inflamed issues with 'Muslim' scapegoating encouraged worldwide. Education was meant to make us better human beings but has not done so. In fact prejudice was not as rampant among those with less formal education.

John Dayal pointed out that the media favoured Narendra Modi, iconic images of him were broadcast widely. He criticized Rajdeep Sardesai and Arnab Goswami's abject behavior and servility to Thackeray during their coverage of his funeral. The Hindi media devoted one page each day to religion which nearly exclusively dealt with Hindu religious matters. In Gujarat the two leading Gujarati newspapers, Gujarat Samachar and Sandesh had an 'incestuous' reporting of matters that encouraged communal hatred.

Dr Narang said that electoral democracy had to compromise with market forces and caste related politics. More than contesting elections we need to actively participate in the political process. Harsh Mander pointed out that the judicial system is corrupted but human rights activists should stick to the truth and not indulge in tactics such as bribing officials. John Dayal emphasized that fast-track courts were not an answer in themselves. A strong Witness Protection Program was crucial to getting justice for victims of pogroms.

Second Session:

What it means to be a survivor



Farooq Mapkar, who survived a bullet wound inflicted on him by an API (Assistant Police Inspector) Nikhil Kapse, recounted his story. Mr. Mapkar, a riot victim of the Mumbai 1992-93 carnage, was witness to the police firing in Hari Masjid which killed seven persons. Mapkar was shot in the back and yet the police filed a case against him and 50-odd others, accusing them of rioting, murder, attempted murder and rioting with deadly weapons. For 16 years, Mapkar, both a victim and an accused in the firing, had been running around for justice. Mapkar was one of the several injured when police opened fire at Hari Masjid on the afternoon of January 10, 1993. "We had all gathered for namaz and people were milling around the mosque when the firing

took place," Mapkar said. He tried to save a young lad who had been shot. As he tried to get help for this boy, a policeman came and shot the boy dead and wounded Mapkar and would have killed him except for a slight change in the bullet's trajectory which left Mapkar with an injury in his shoulder. Instead of being taken to the

hospital he was jailed for 15 days. "The bullet was removed on January 27," he recalls after he was let out on bail. The police's own witness stated that the police opened fire. The police claimed that AK47s were used by the Muslims in the Masjid. None was ever found. The police were unable to prove where Mapkar was picked up from and what time the incident had taken place. The Sri Krishna Commission, which has produced a voluminous report on the 1992-93 riots in Mumbai, has documented the Hari Masjid case in detail. It said that one of the policemen, API Nikhil Kapse, was not justified in opening fire and his conduct was violent. Mr. Kapse who has been promoted since then, was exonerated in a departmental inquiry and even the STF (Special Task Force) that was set up to look into the riots cases gave him a clean chit. Mapkar is resolute in seeking justice for victims of the 1992-93 riots. Though the police case against him was dismissed in 2009 he works tirelessly for justice for those who lost kith and kin.

Where the System Failed

Mr. Yusuf Muchhala, Advocate for the Survivors, listed several points that have become clear after these massacres;

- 1) When an act of violence occurs in a normal civil society the legal machinery does function. But it does not apply when there is a complete breakdown of the state apparatus. There is complicity between administration/police/politicians.
- 2) Police officers ignore hate speeches and do not prosecute those who write hate articles in the press. Victims rather than assailants are arrested by the police. Crimes are committed by the police against citizens of a particular community. Existing laws cannot deal with these crimes as the state is the offender. Indian law is constructed with the state being on the side of the victim. As the state is the victimizer these laws do not help the victim.
- 3) There is a complete cover up of events as the perpetrators of crime are themselves the investigators! The CBI (Central Bureau of Investigation) is also biased.
- 4) Communal violence yields electoral dividends, the BJP/Shiv Sena came to power in Maharashtra after 1992-93 as did the BJP in Gujarat after 2002.
- 5) Lower levels of courts and state High Court have communal bias and even the Supreme Court has to 'warm up' to take up the pursuit of justice.

Narratives of Survival and State Response



Meena Menon, a journalist for the Hindu, spoke with a powerful set of slides of photographs of the 1992-93 riots in the background. She spoke of the impact of the riots 20 years later. They have led to:

- polarisation of communities
- loss of livelihood and economic hardship
- disillusionment and alienation
- formation of new ghettos
- lack of justice
- mental trauma and a lingering sense of loss

She told us of Tahir Wagle whose teenage son Shah Nawaz was shot dead as his daughter watched from the balcony of their apartment. The police refused to believe her testimony as they 'cannot trust Muslim witnesses'. Using RTI (Right to Information) laws for cases against Bal Thackeray, she recounted how appeals were rejected for 8 years .Charge sheets are not filled in time by police officials. Cases against 31 policemen are still pending in the Supreme Court 2 decades after the riots. She emphasized that the state is deliberate in not punishing crime; the onus is the victim to get justice. The victims

often cannot get lawyers to fight their case. The situation is pathetic she remarked. She said that while she was not cynical or pessimistic, she wondered why neither the media nor we as a society care about the plight of the victims.

She drew up a timeline since 1992:

1993-96 The Sri Krishna Commission conducted its inquiry.

1994: Times of India and Indian Express stopped reporting on the Commission, the former as an act of omission, the latter claiming lack of public interest.

1996 The Shiv Sena/BJP dissolved the Commission. Atal Bihari Vajpayee, then Prime Minister, reinstated it.

1998 The Commission issued its report which held Bal Thackeray as the one responsible for the riots.

1999 The Indian National Congress and the Nationalist Congress Party vowed to carry out the recommendations of the Sri Krishna Commission but once in power prevented further action.

Changes in Police Since 1992



Assistant Commissioner of Police (ACP) Krishna Prakash was to speak about what the Mumbai police had done to implement the recommendations of the Sri Krishna Commission. He excused himself by saying he had only been on the job for 6 months and did not know enough to speak to us about it. He said he had come as he had been invited by the organisers. I thought he was rather brave to address an audience that was at a minimum critical of the police. ACP Prakash felt some issues had been addressed.

He related that the Police Act was enacted in 1861 and police reforms since then have not been carried out. Changes at a local level are temporary as they are

dependent on the officer in charge. Permanent change will not occur until there is systemic reform. But, he asserted, things were better than before. The decisions at the discretion of the Station House Officer are now strictly in accordance with the law.

Urdu classes have been started for better understanding in communicating with the Muslim community. Regarding corruption, he felt that the top officers were honest as were 90% of the constabulary. For the police moneys were available in several categories: goodwill money, shared money to obtain a contract, speed money to move ahead in the system, and extortion money.

How to have an impartial police force was the issue. At some point a member of the audience shouted out that he was to speak on the police force's implementation of the recommendations and he had not done so. Krishna Prakash again said that he was not conversant with the details of the report. He felt that it is hard to free policemen of prejudices ingrained in their growing years. Many influences made a policeman, they come from the larger society and reflect it, he remarked. Transfers of senior police officers were less frequent than before. Also tenured police officers could not be easily subjected to investigations.

Alyque Padamsee, who was in the audience, got up to remark that in 1992 a substantial proportion of the police force were members of the Shiv Sena.

Lessons from the Struggle in Gujarat



Teesta Setalvad began with the question: Can the system deliver justice? She pointed out that the Citizen's report on the Gujarat massacres of 2002 had 3 former Supreme Court judges and one former High Court judge on its panel. This was one of the reasons the Supreme Court of India took the report seriously. 158 out of 2000 cases were reopened. With the hard work of many activists and lawyers the Supreme Court agreed to monitor the trials in Gujarat. It also prevented the transfer of Judges like Dr Jyotsna Yagnik who delivered the landmark judgment in the Naroda Patiya case. Further the Supreme Court ordered that 570 witnesses, many of them living in villages, be given protection by the CPRF. Teesta declared that people

involved in trying to obtain justice for victims of massacres have to be obsessed by it. The Tehelka tapes were saved when the National Human Right Commission sealed them thus preventing any alteration on an application made by her after the Gujarat High Court and the Supreme Court had refused to step in. The tapes raised many larger questions. In the Naroda Patiya case did the criminal conspiracy stop with Dr Mayaben Kodnani or did it go further? A further precedent in such massacres was that gender violence re-surfaced during the trial, an empathetic judge made strong observations on the offences of gang rape that the Special Investigation Team (SIT) had not properly investigated. Judge Yagnik acknowledged that women had been raped and treated women's complaints with respect and seriousness with one individual convicted for rape, while others could not be convicted for lack of specific evidence.

Specially designated courts were set up by the order of the Supreme Court which kept a watch on the cases. The *writ of continuing* mandamus, monitoring trials is crucial to ensure justice. Referring to the recent horrific case of gang rape in Delhi, she wanted the media to interview Narendra Modi about his garlanding known rapists involved in the pogroms of 2002. She advised perseverance even if there is only a 20 to 30 percent chance of success. The system wants to tire you out, she said, one must be ready for a long and arduous journey. Public servants must be held accountable, mass crimes must be included as crimes under the Indian Penal Code, the consequences of crimes must go up along the chain of command and responsibility, rehabilitation and restoration must be made mandatory.

Justice Hospet Suresh noted that the Babri Masjid issue has been kept alive since December 22nd 1949. Narendra Modi, by calling a Gujarat Bandh after the Godhra fire of February 2002, violated the oath he took on the Constitution and should have been dismissed for that alone. Chief Minister Bangarappa of Karnataka called for a Bandh over the Tribunal decision allocating the waters of the Kavery to Tamil Nadu. For the next 3 days Tamilians were attacked by Kannadigas. No inquiry was instituted and no action was taken. L K Advani has not been held to account for his part in the demolition of the Babri Masjid. Adding that "we are unable to forgive what we cannot punish" Justice Suresh said the perpetrators must confess before those they have assaulted and victimized. Narendra Modi must be held accountable for his crime of genocide and no time limitation can be put on his responsibility for this crime.

The Questions and Answers session began with a question for ACP Prakash. What will he do to make minorities more secure? He replied that everyone from police constable to officer must respect all religions and if they have a bias must understand that all witnesses are to be trusted. To another question about how to change the 'culture' of the police, several panelists remarked that 'ghettoisation' did not help. In elite schools people of different communities mix a bit but at a lower level the schools are also divided on a communal basis and in the workplace there is little if any minority representation.

Meena Menon remarked that the English press was not as impartial as was believed but the language press was worse. She cited the examples of the Gujarati press' bias in 2002 and of the Marathi paper Saamna, but

also emphasized that the larger Marathi press did not endorse the violence of 1992-93. The Rashtriya Sevak Sangh (RSS) had infiltrated the press and the IAS. Communal ideology had to be dealt with on a broad front not just by paying attention to different sections like the police or the press alone. The 1994 petition of J B D'Souza and Dilip Thakore to the Mumbai High Court regarding hate speech was dismissed on flimsy grounds by the Court and the Supreme Court refused to hear their appeal. Inaction in 1984 and 1992-93 must have emboldened the planners of the Gujarat massacres of 2002.

After a brief break the meeting continued with a powerful short piece directed by Alyque Padamsee. He read from the Citizens Report on Gujarat 2002 while a dancer Shruti Misra through her movements conveyed the agony and anguish of what many had faced in those awful 3 days. Padamsee described how a 6 year old boy was forced by the mob to drink kerosene, his mouth then lit by a match, his body exploding like an incendiary bomb.....

PUBLIC MEETING: To punish the guilty : Pass the proposed law for the prevention of Communally targeted violence.



Harsh Mander, former member of the NAC (National Advisory Council) chaired by Mrs. Sonia Gandhi, described the culture of impunity that flourished because the perpetrators were sure they would not be punished. Hence a bill was drafted which might prevent communal violence. Mr. Mander cautioned that no law can prevent communal violence but if officials were punished pogroms might not be conducted so regularly. The main features of the bill were:

- 1) A new offense would be categorized: Dereliction of Duty by public officials. The offense would be punishable by jail terms of up to 5 years. He felt this would be a strong deterrent to IAS officials who might not so easily comply with the criminal orders issued by their political masters.
- 2) Victim Rights to be assured. The criminal justice system was based on the premise that the state would be on the side of the victim. When the state itself is on the side of the accused the state machinery is hostile to victims.
- 3) National Standards of Relief and Rehabilitation would be set up. Presently these standards are arbitrary, in Kerala for instance Rs 10,00,000 were awarded to Hindus and no moneys were given to Muslim victims.

The bill remains in a draft stage; it has not even been submitted to parliament though Sonia Gandhi signed off on it. John Dayal declared that the bill was sabotaged and is presently dead and buried. There is a hierarchy of victimhood. At a meeting of the NIC (National Integration Council) anti-Muslim/Dalit/Christian baiters were allowed to speak but no one who was in favour of their rights could do so. P Chidambaram chaired the meeting. Newspaper reports labelled the bill anti-Hindu.

Dr Narang said that intense propoganda characterized the bill as being meant only to protect Muslims. Police need to be autonomous and accountable. He felt that Sikh communities tend to be anti-Muslim, telling their children that Muslims are responsible for the Partition of India and therefore deserve what they get. The RSS has schools all over India spreading the ideology of Hindutva.

Rahul Bose, the film actor, remarked that as we grow up, 99 % of us do so with the surety that we cannot bring high officials to account. In a 'riot' we are willing to submit to the actions of the 10 state. But we have

felt that though the state does not care whether we have water to drink, our streets are adequate, our populace has enough food to eat etc.; we still hope that the police will help a defenceless person who seeks shelter with her child in a 'riot'. That too is not the case. It appears that we do not matter at all. He asserted that therefore our nation state has failed. The proposed bill would give citizens hope of justice, that somebody is on their side at last. He spoke with passion and firmness and the audience responded to his speech with loud applause.

Asghar Ali Engineer, noted scholar and human rights activist, demanded why the Muslim community had not organized public demonstrations in favour of this bill? He did not believe that the bill would ever be passed in the absence of public pressure. Standards of uniform compensation for property and life lost during these pogroms were an imperative. The BJP was dead set against it. Their parliamentary leaders Sushma Swaraj and Arun Jaitley launched such a ferocious attack on it that the Congress led government became afraid. It felt that the BJP would find in the bill a rallying point about it being 'anti-Hindu' and that it would cost the ruling party votes. Not one Chief Minister supported the bill in the NIC. It will be very difficult to bring it to parliament, he warned. Only if the minorities insist upon it will the bill revive. But their priorities are different, and their leaders more interested in manipulative politics.

Riots continue every year. Even in the state of Uttar Pradesh ruled by the Samajwadi Party there have been 6 to 7 riots this year. After the Gujarat riots of 2002, the Hindutva groups realized that such a level of violence is difficult to repeat. Hence they decided upon terror attacks to instigate Hindu-Muslim animosity and to have young Muslim men arrested on vague charges of 'terror'. In virtual silence propaganda against Muslims continues and prejudices are nurtured. These are effective. Secular forces wake up only when there are big riots. The BJP charges that Muslims do not accept Indian culture but in Bharatpur, Rajasthan, where Hindus and Muslims share common names and rituals, 8 Muslims were killed last year. The Hindutva forces polarize the Hindus and win their votes.

Teesta Setalvad declared that we must demand the tabling of this bill in 3 to 4 months. The BJP is loud and very active in opposing this bill, while the left has not organized itself in its favour. The Relief and Rehabilitation provisions were worked out in great detail in the draft. People worked 18 to 20 hours a day to draft the bill. A National Statutory Authority was to be formed. The BJP objected to 4 out of its 7 members being from minorities and half of them to be women. Secular forces argued publicly over minor issues in the bill whereas the BJP attacked it as being a bill that always laid the blame for riots at the majority (Hindus). She said that Electoral democracy sits well with majoritarianism whereas we need to abide by the Constitution. She described how activists had been working hard in UP arranging scores of meetings to promote the bill. She hoped this would push social-democratic parties to bring in such a bill at state level. She warned that without mass mobilization this bill will not be tabled in parliament. It was a law that was needed to bring accountability from the administration and genuine reparation.

Justice Suresh had one message: The struggle has to go on. Riots and genocide go on merrily he observed dryly. The bill will not pass as the government is not behind it. Bureaucrats and politicians are united in their opposition to it; they do well with the policy of 'divide and rule'. The bill would require officials to be summoned to court. They want to omit the concept of command and responsibility. The states want to treat communal massacres as a 'law and order' issue. They are quite satisfied with judicial inquiries that take many years to complete and are usually a 'whitewash'. But struggle we must.

I left the meeting feeling that this struggle would be a long one rather like the struggle against slavery but it would succeed.

Dr Bindu Desai, Mumbai