

**THE PROMOTION OF IMPUNITY IN INDIA:
HOW OPPRESSIVE NATIONAL POLITICAL AGENDAS INTERACT
WITH THE GLOBAL WAR ON TERROR**

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Supported by the Harvard University Committee on Human Rights Studies

"It has always been a mystery to me how men can feel themselves honored by the humiliation of their fellow beings."

Mahatma Gandhi
My Experiments With Truth, Part 2 Chapter XX

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ABSTRACT

In the aftermath of September 11, the government of India was quick to offer its support to the Bush government's 'global war on terror,' citing its own challenges in combating cross-border terrorism, especially in Kashmir. In early 2002, in the Indian state of Gujarat, 2000 people were killed and 200,000 forcibly displaced from their homes. Mobs of thousands of activists belonging to India's right-wing Sangh Parivar implemented a concerted campaign against Gujarati Muslims, with the aim of destroying their lives, livelihoods, and property. Domestic and international human rights organizations found the state government of Gujarat to be complicit in the violence. However, the atrocities committed against the Muslims met the silent approval of the majority Hindu community and the government was voted back to power in the subsequent elections. Leaders of the Sangh Parivar and the Indian State justified the violence against Indian Muslims as India's contribution to the global war against terror, blaming Muslims for fomenting trouble globally.

The crimes committed against the Gujarati Indians, and the actions of the Indian state during and after the violence, violated a number of fundamental rights recognized by the Universal Declaration of Human Rights and its two Covenants, all of which have been ratified by India. These fundamental rights include the right to human dignity, security of life, religious freedom, equality before the law, and freedom from discrimination and prejudice. Almost two years after the eruption of violence in Gujarat, none of the perpetrators have been prosecuted. The international community (including both media and governments) took little notice of the happenings in Gujarat. The impunity enjoyed by the Indian state, promoted by the silence within its borders and the war-on-terror rhetoric without, raises concerns about the consequences of ignoring the rising religious intolerance in South Asia. The Sangh Parivar aims at converting secular India to a Hindu nation where minorities do not enjoy equal citizenship, and has influenced key Indian social, cultural, political, economic, educational, and government institutions. The Parivar has crafted a pervasively powerful process of social indoctrination that has succeeded in equating Hindu pride to the annihilation of Indian Muslims, making the events of Gujarat palatable to vast sections of Indian society.

The preamble to the Universal Declaration of Human Rights guarantees inalienable rights to *all members of the human family*. The UDHR and the Genocide Convention were formulated in the aftermath of the 'barbarous acts that had outraged the conscience of mankind.' While many collectively vowed 'never again,' the world survived to witness Rwanda and Bosnia, both of which were forecast by warning signals. Political analysts have warned that Gujarat is a harbinger, and that if unchecked, this divisive nationalist ideology may succeed in eroding the tumultuous relations between India's many religious and caste denominations, catapulting the nation, and the sub-continent, into anarchy.

While continuing to foster global solidarity in the war against terror, it is imperative for the international community to recognize the impunity enjoyed by states manipulating the global war rhetoric to further their domestic agenda. In this specific case, it is important for the Indian state to recognize the universality of international human rights law and its obligation to *all* its citizens. It is equally crucial for leaders of the Indian people to recognize the dangers of politicizing religion; lessons that humanity has learnt and forgotten once too often. Some say that it is impossible for the Sangh Parivar to annihilate India's 100 million Muslims. But genocide is a crime of intent, and one must ask not about the result, but about the purpose of the offender.

INTRODUCTION: THE TRADITION OF IMPUNITY

Despite what happened half a century ago, most people do not recognize the danger of politicizing religion. Fifty years down the line, we have in the sub-continent Muslim nationalism that is hegemonic in Pakistan and Bangladesh; and in India the Sangh Parivar is making Hindu nationalism, the hegemonic ideology and practice. Indian society as conceived by James Mill and Thomas Macaulay has come to fruition in the politics of religious nationalisms.

Romila Thapar¹

On 26th November, 1949, the Constituent Assembly of Independent India adopted a new Constitution, carefully drafted under the leadership of Dr. B. R. Ambedkar, after an examination of many national Constitutions. The Constitution of India is exhaustive and sweeping in scope. It guarantees the right to life, liberty, equality and dignity for all its citizens, and freedom from discrimination on the basis of race, ethnicity, gender, caste, and religion. However, the Indian State has demonstrated its inability to safeguard at all times the rights of its people and uphold the Constitution. The past five decades have seen massive human rights violations perpetrated against select populations within India, when the Indian State has failed to intervene in time. In some cases, as in the Punjab in the 1980s, in Bombay in 1992-3, and in Gujarat in 2002, the State itself has been observed to be complicit in the violence against these sections.² These State-perpetrated human rights violations have included extra judicial executions (as against the Naxalites in West Bengal in the 1960s and 70s or the Sikhs in the 1980s), wanton destruction of life and property (observed in Gujarat 2002), failure to prosecute the guilty (reflected by failure to implement recommendations of the Srikrishna Commission Report of 1998), and failure to administer adequate compensation (as observed in the Narmada River Dam displacement cases, or in the Punjab, Bombay and Gujarat victims' cases).

The Hindu Nation

The impunity enjoyed by the Indian state is made possible in part on account of the reluctance of political parties to prosecute each other when in power, and in part due to the public's preoccupation with the diversions provided by the political parties. In recent years, India has seen a rise in religious intolerance, manifesting itself in gross human rights violations against religious minorities, especially Muslims, Christians and lower caste Hindus. Sustained hate campaigns against the minorities have eroded the secular space guaranteed by the Indian Constitution, allowing for the rise of the religious right in India. Perpetrators of the violence against Muslims and Christians in the past decade have enjoyed State support, and have belonged to a coalition of social and political organizations called the Sangh Parivar which believes that post-partitioned India, in a befitting reply to Pakistan's self-determination as an Islamic State, must be a Hindu nation. Non-Hindu citizens of this Hindu nation are not to enjoy the same civil and

¹ Romila Thapar is the first holder of the Kluge Chair in Countries and Cultures of the South at the US Library of Congress. See R. Thapar, Preface, in K. N. Panikkar, *Before the Night Falls: Foreboding of Fascism in India* (India: Books for change, 2002).

² See R.N. Kumar, *Reduced to Ashes: The Insurgency and Human Rights in Punjab* (Nepal: South Asia Forum for Human Rights, 2003); Srikrishna Commission Report (Government of India, 1998); and National Human Rights Commission of India Case 1150/6/2001-2002 (<http://nhrc.nic.in/Gujarat.htm>), for recorded evidence of State complicity in Punjab, Bombay and Gujarat respectively.

political rights as their Hindu counterparts.³ Members of the Sangh Parivar have infiltrated State institutions including the government and police, as well as educational and cultural institutions, resulting in intense communalization of these organizations. The Bhartiya Janata Party (BJP) that heads India's coalition government at the Center (Delhi) is an avowed member of the Sangh Parivar, and many of BJP's ministers swear allegiance to the Rashtriya Swayamsevak Sangh (RSS), the fountainhead of the Sangh.

The BJP has made a medieval mosque in northern India -- allegedly built on the site of a Hindu temple, razed by a Muslim Emperor -- the rallying call of their election campaigns, projecting Indian Muslims as an impediment to the restoration of the temple. The machinations of the RSS and its affiliates have managed to keep large sections of Indian society preoccupied with the Ram temple dispute, and incited in them a growing intolerance for India's 100 million Muslims. In 2002, this intolerance manifested itself in the form of collective hate, leading thousands of fanatic Sangh recruits to rape, plunder and kill Muslims across the state of Gujarat. The silent approval the Sangh received from many sections of Indian society points toward the lurking danger of letting the proliferating Sangh ideology go unchecked.

The 'global war on terror' was evoked by the State to justify its actions in Gujarat. This paper examines this response to Gujarat, and the consequences of ignoring the escalating violations against minorities in India, much of it now shrouded within the 'war on terror' rhetoric. The initial sections deal with the events in Gujarat, the human rights violations within domestic and international framework, and the reactions of the State to it. Subsequent sections address the positioning of the violence in Gujarat within the context of terrorism in India, and the public's perception of it. The structural organization of the Sangh Parivar and its activities are outlined in order to explore the social engineering initiatives that made the genocidal events of Gujarat acceptable to much of Gujarati civil society. The concluding section discusses the importance of taking urgent and serious cognizance of the exploding religious fanaticism on the sub-continent, and the probable outcomes of failing to do so.

THE 'LABORATORY': A SUCCESSFUL EXPERIMENT

Gujarat, for many years, has been touted as a 'Hindutva laboratory' where members of the Sangh Parivar, having infiltrated key political, social, cultural and educational institutes had succeeded in turning large sections of the majority Hindu community against the Muslim and Christian minorities.⁴ The Sangh affiliates that had until recently silenced those that opposed its ideology through threats to their lives, have moved from public display of intolerance to sponsorship of indiscriminate killing.⁵ On February 27, 2002, fifty-eight Hindu passengers were killed when two coaches of the Sabarmati Express train were set on fire, allegedly by a Muslim mob, in the town of Godhra in the western state of Gujarat in India. Chief Minister Narendra Modi of the BJP promised the Legislative Assembly that the State Government would take "symbolic strict steps, and

³ T. Basu, *Khaki Shorts Saffron Flags* (Hyderabad, India: Orient Longman), pp. 26-29.

⁴ Shamsul, "Welcome to the Hindu Rashtra" in *Communalism Combat* (Mumbai: Sabrang Communications, October 1998).

⁵ See note 1, R. Thapar.

punish in such a way that (a similar) incident may not repeat (itself) in the future.” The train burning incident in Godhra required the state not only to acknowledge the potential of communal conflagration in its aftermath,⁶ but also to take prompt preemptive measures to protect innocent lives. The Chief Minister, instead, warned of repercussions against the minorities and supported the call for a state-wide bandh (strike) the next day, allowing avenging Hindu fundamentalist mobs a free reign of the streets.

Home Minister Advani immediately blamed ‘Islamic terrorists’ for the incident, alleging at one point that the Pakistani ISI was responsible for the attack.⁷ State ministers in Gujarat blamed the jihadi mentality of the Muslims and representatives of both the state and central government stressed the ‘pre-planned,’ ‘collective,’ and ‘terrorist’ nature of this event.⁸ While the truth about Godhra is still not known, and investigations have been inconclusive as of the writing of this paper, all investigating agencies and journalists have established beyond doubt that the Muslims of Godhra had not pre-planned the attack, as was alleged. The National Human Rights Commission (NHRC), the Concerned Citizens Tribunal Report, and the Human Rights Watch investigations that followed the Gujarat carnage all confirmed that what was in fact pre-planned was not the incident at Godhra, but the retaliatory violence that engulfed Gujarat over the next few days and simmered for months thereafter.

The retaliatory violence that followed was not restricted to Godhra or its surroundings. Mobs of thousands of activists from various Sangh outfits, chiefly the VHP and Bajrang Dal, committed rampant arson and looting in several hundred villages of Gujarat and in its cities, chiefly Ahmedabad. Over two thousand Muslims were killed and over two hundred thousand displaced from the homes.⁹ Ministers of state were reported to have been physically present in the police control rooms discouraging the police from responding to distress calls made by the victims.¹⁰ Muslim homes and businesses were targeted by making use of municipal records and voters lists supplied by the government. Sexual violence against women was seen as a necessary component of ‘destroying the enemy.’¹¹ Women were gang-raped and burnt alive. Children and babies were also burnt

⁶ VHP activists aboard the Sabarmati Express immediately commenced their retaliation against the Godhra attacks: ‘The activists attacked Muslims at every station en route, except for Kheda where the Superintendent of Police had ordered all Muslim vendors and porters off the platform. At Vadodara, they took over the platform with sticks, broken bottles, tridents and daggers, shouting slogans and swearing revenge. Three persons were stabbed. One Muslim was stabbed at Anand station. In Ahmedabad, seven buses were burnt that night.’ S. Nandini, “License to Kill,” in S. Vardarajan, *Gujarat: The Making of a Tragedy* (New Delhi: Penguin Books, 2002).

⁷ ‘Although facts will be revealed only after the inquiry is over, one feels that only local residents of Godhra were not involved in the horrendous act. The needle of suspicion points to those elements which attacked Parliament (on December 13 2001).’ “Priority for controlling violence, says Advani,” *The Hindu*, March 2 2002; and ‘Advani clean chit to Modi.’ *The Telegraph*, March 4, 2002.

⁸ Gordhan Zadaphia corroborated Advani’s theory: ‘The bogie burning is a terrorist act similar to the attack on the American Center in Kolkata. The culprits in both cases are the same.’ D. Oza, “Gaps in the chain of tragedy,” *Hindustan Times*, 17 June 2002. For a detailed discussion of the need to portray Godhra as part of a preplanned Islamic conspiracy, see “Chronicle of a tragedy foretold,” note 6, S. Vardarajan, pp 5-10.

⁹ Human Rights Watch, “We have no orders to save you,” Vol. 14, No. 3(C) (New York: HRW April 2002).

¹⁰ *Ibid.* Section IV: State and Police Participation and Complicity.

¹¹ For a discussion on the role and centrality of sexual violence against Muslim women in Gujarat see T. Sarkar, “Semiotics of Terror,” *Economic and Political Weekly*, July 13, 2002; and International Initiative

and killed. In the months that followed, Muslims across Gujarat (who had lived in communally integrated societies prior to the violence) found themselves unable to return to their former homes, and were compelled to relocate to Muslim majority areas.

Aided by the police, ministers of state were observed to have participated in the wanton killings and arson.¹² Subsequent domestic and international human rights investigations concluded that the State was complicit in the violence.¹³ Affiliates of the Sang Parivar, however, celebrated the cleansing of many Gujarati villages of Muslims, deeming Gujarat a 'success.'¹⁴

HUMAN RIGHTS IN GUJARAT: VIOLATIONS AND IMPUNITY

The events of Gujarat were in violation of a myriad of basic human rights accorded by the Universal Declaration of Human Rights and enshrined in the Constitution of India. The response of the State was observed contrary to the directives outlined under various Indian legal instruments. The NHRC that had undertaken a *suo moto* investigation of the violence in Gujarat urged the central government of India to intervene in Gujarat as required by Article 355 of the Indian Constitution to protect lives and property of the citizens of India. The NHRC observed that the State had not effectively employed the statutory provisions listed under the Indian Penal Code, the Police Act, the National Security Act and the Arms Act. It found that the State had not employed the provisions available to counter offenses against public tranquility and offenses relating to religion. The NHRC also found that the State had not utilized powers granted under the special sections on 'arrest of persons and preventive action of the police to prevent the commission of cognizable offences.' Finally, the NHRC declared that the State had especially failed to follow its own 'Guidelines to Promote Communal Harmony' issued by the Central Ministry of Home Affairs.¹⁵

Domestic and International Obligations of the State

The government's acts of omission and commission at the central and state level resulted in the violation of several fundamental human rights. India has ratified several international treaties including the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). The Indian State failed to guarantee the rights of its citizens it is obligated to protect under these treaties. Noteworthy among these are the right to life, the right to liberty, the right to equality, the right to dignity, the freedom from discrimination, the freedom from cruel, degrading and inhuman punishment and torture, and the freedom to pursue one's religion, all guaranteed also by the Indian Constitution.

for Justice (IIJ), "Threatened Existence: A Feminist Analysis of the Genocide in Gujarat," December 2003 (Accessible online at <http://www.onlinevolunteers.org/gujarat/reports/iihg/2003/>).

¹² See note 2, National Human Rights Commission of India Case 1150/6/2001-2002.

¹³ See note 2, National Human Rights Commission of India: Gujarat Orders; and note 9, Human Rights Watch.

¹⁴ S. Dasgupta, "We are acting like Lord Ram tackling asuras: VHP," Tehelka.com March 2002 (Accessible at <http://www.tehelka.com/channels/currentaffairs/2002/mar/1/ca030102bandh.htm>).

¹⁵ See note 2, National Human Rights Commission: Orders on Gujarat. March 1, 2002 – May 31, 2002.

Non-derogable Rights

The right to life, the prohibition of torture or cruel, inhuman, or degrading treatment, the freedom of thought and the freedom of religious belief are defined by Article 4 of the ICCPR as non-derogable rights that the State is obligated to protect at all times. Mutilation, cruel, degrading punishment and torture were the reported norm in the attacks against the minorities in Gujarat. The acts included the dismemberment of men, women and children, the most publicized of which was the mutilation of a former member of the Indian Parliament, Muslim by faith, and member of the opposition Congress Party.¹⁶

Discrimination

While discrimination is explicitly forbidden under humanitarian law in times of conflict,¹⁷ the principle of nondiscrimination is the pillar of human rights in times of peace: it guarantees equality before the law. In Gujarat, the State's discriminatory practices extended beyond the failure to protect its citizens, and into the domain of reparation and redress.¹⁸ The Gujarat government initially awarded twice the amount of monetary compensation to the Hindu victims of the Godhra attack than to the Muslim victims of the retaliatory violence; the discriminatory policy was reversed following admonition by the NHRC and the media. Victims of Gujarat, as have the victims of the Punjab or Bombay riots, not yet received adequate and timely compensation.¹⁹

The government of Gujarat used the Prevention of Terrorism Act (POTA) against the 131 Muslims detained in connection with the Godhra train burning incident, further buttressing the 'terrorist attack theory' proposed by BJP's ministers, by now disproved by the NHRC and other human rights organizations. The POTA bears much resemblance to its predecessor, the Terrorists and Disruptive Activities (Prevention) Act (TADA), of 1985. The POTA expanded the state's investigative and procedural powers, allowing the state to also detain suspects without charge. The POTA, when still a bill (the Prevention of Terrorism Ordinance) in parliament in October 2001, was hotly debated. In the wake of the September 11 attacks on the United States, Chief Minister Modi employed the 'war on terror' rhetoric to accuse the Congress Party's opposition to the Ordinance, citing that it (the Congress Party) was not supporting India's 'fight against terrorism.' The discrimination observed in the matter of reparation for the victims of the events in Gujarat pervaded the prosecution process as well. The POTA was not employed against a single Hindu detainee in connection with the retaliatory violence.

Sexual Violence

Within days of the violence commencing in Gujarat, there were reports of reports of the atrocities committed against women during the violence in Gujarat. The sexual violence committed against Muslim women was openly acknowledged in the election slogans, victory rallies and speeches surrounding the December 2002 elections in Gujarat. The sexual violence against, and humiliation of, Muslim women was considered an integral

¹⁶ Ehsan Jaffrey's case received wide media coverage.

¹⁷ See Protocol Additional to the Geneva Conventions of 12 August 1949 Protocol I Art. 9, Protocol II Art. 2, Geneva Conventions GCI-IV Common Art. 3, GCI and GCII Art. 12, GIII Art. 16, GCIV Art. 13.

¹⁸ People's Union for Democratic Rights, "Little relief, no rehabilitation," note 6, S. Varadrajana.

¹⁹ Ram Narayan Kumar and Teesta Setalvad at a public meeting "Accountability, Impunity and Governance in India," held at the Massachusetts Institute of Technology, Cambridge November 15, 2003.

component of building the image of the powerful and virile Hindu man.²⁰ Women were subjected to gang-rape, forced nudity, and molestations. A majority of the rape victims were burnt alive. Those that survived are unable to come forward to register complaints due to a combination of social embarrassment and threats.²¹ None of the perpetrators have been prosecuted to date. The UN Special Rapporteur on Violence Against Women observed that state institutions in Gujarat including the police had failed to respond swiftly to prevent the violence against women, and that the efforts to help the survivors were insufficient.²²

INTERNATIONAL RESPONSE

In spite of the nature and magnitude of the violence against the Muslim minorities in Gujarat the international response was conspicuous by its absence. The governments of Finland, Canada, UK and the US released statements protesting the violence to various degrees, but in muted tones. The Indian government took severe objection to these, sending its emissaries to make foreign diplomats including the Finish minister retract their statements.²³

The US state government included an accurate summary of the incidents in its 2002 International Religious Freedom Report, but has not, as Martha Nussbaum describes, “foregrounded these events in its foreign policy.”²⁴ Of the international response, Nussbaum notes:

The events of Gujarat have led to few large-scale public events...Here is a clear case for heavy diplomatic pressure, and possibly economic sanctions, given the complicity of the government in the terrible events. But nothing like that has even been suggested...But I know of no organized efforts by American academics to express moral outrage...Whether these actions would be correct is unclear to me, but we should be asking what actions are correct and debating the alternatives...In short, we can try to promote knowledge, debate, and the circulation of the truth, knowing that silence and indifference are the allies of tyranny.²⁵

GLOBALIZING THE INDIAN MUSLIM: ISLAMIC TERROR IN INDIA

India’s independence from foreign rule was expected to usher in an era of freedom from poverty, illiteracy and ill-health. This optimism soon turned to disillusionment when people did not start enjoying the prosperity they were promised. The last decades of Congress rule were seeped in a quagmire of criminal and corruption charges against various ministers including those occupying the highest offices of state, all of who

²⁰ See note 11, Sarkar T.

²¹ See note 11, IJ p. 24-34.

²² R. Coomaraswamy, “Integration of the Human Rights of Women and the Gender Perspective: Violence against Women,” Commission on Human Rights Resolution 2002/52.

²³ A. G. Noorani, “India and world concern on Gujarat,” Frontline, Volume 19 - Issue 11, 2002.

²⁴ M. Nussbaum, “Genocide in Gujarat: The International Community Looks Away,” Dissent Magazine, Summer 2003.

²⁵ Ibid.

enjoyed freedom from prosecution. The legacy of impunity nurtured by the Congress was inherited by the BJP and its allies. This lack of accountability to its constituencies allows the present Indian state to make decisions serving the rich but detrimental to the disempowered masses. Development continues to remain focused on India's urban centers while the majority of Indians live in villages. The lack of attention paid to rural development has forced millions to migrate to the streets of India's urban towns and live at the fringes of society without a voice in the socio-political system. Power remains the privilege of the moneyed, whether they be corporate giants, builders and film-stars in Bombay,²⁶ or the traditional upper-caste landowners in Bihar. Widespread unemployment and illiteracy have given birth to a teeming population of unemployed youth in rural and urban India that sees little change and no scope for improvement. Young adults²⁷ seeking a way out of their misery have been promised prosperity once again by India's ruling elite, this time by identifying the Muslims as the cause of its bane.²⁸ Partition and freedom have been projected as incomplete until India purges herself of her unwelcome minorities; India's progress is projected as impossible, until the purging is complete. In doing so, the Vishwa Hindu Parishad promises, India will only be doing her duty in the global war on terror.

State Response to Gujarat

Leaders of the many organizations under the Sangh's banner, including Prime Minister Vajpayee, Home Minister Advani, Chief Minister of Gujarat Modi, and the General Secretary of the World Hindu Council (Vishwa Hindu Parishad), Praveen Togadia, justify the indiscriminate killing in Gujarat by invoking, time and again, the 'global war on terror.' Within a few days of the September 11 attacks, the Indian government offered unconditional support to the United States to fight terrorism. India offered its intelligence services, refueling facilities, and bases for US aircraft. Indian ministers drew parallels between the September 11 attacks and the terrorist attacks on Indian soil, especially over the territorial dispute over Kashmir. The rationale for India's unilateral support was explained by Home Minister Advani:

Cross-border terrorism has been the biggest challenge to India in recent times and it can play a very vital role in guiding countries which are coming forward to fight global terrorism.²⁹

²⁶ For a comprehensive examination of the exploitation and manipulation of identities for political gain, and current power structures in Mumbai, see T. B. Hansen, *Urban Violence in India: Identity Politics, 'Mumbai', and the Postcolonial City* (Delhi: Permanent Black, 2002).

²⁷ 60% of India's population (more than 600 million) is between 15 and 65y of age.

²⁸ For an illustration of the identification of the Muslim as the enemy of youth in Mumbai, as early as the 1980s, refer to the speeches made by Shiv Sena Supremo Bal Thackeray, recorded in the documentary, "Father, Son and Holy War," directed by Anand Patwardhan.

²⁹ "US attacks bring India's concerns into focus: Advani." New Delhi Television September 12, 2001. Accessible at ndtv.com.

Referring to the Bombay bomb blast of March 11, 1993, masterminded by Muslim underworld dons in retaliation to attacks against Muslims in 1992, Information and Broadcasting Minister Pramod Mahajan asked:

If we are seeking bin Laden dead or alive for what happened on September 11, what about March 11?³⁰

In step with these earlier observations made by his ministers, the Indian Prime Minister Atal Bihari Vajpayee, addressing a rally in Goa forty-three days after the violence in Gujarat started, asked his audience: “Who lit the fire? In Indonesia, Malaysia, wherever Muslims are living they don't want to live in harmony. They don't mix with the society. They are not interested in living in peace.”³¹ One year later, Praveen Togadia, the General Secretary of the Vishwa Hindu Parishad (the organization that admitted to inciting and planning the retaliatory violence in Gujarat) freely traveled across the country, engaging in hate-propaganda, which is in fact punishable under the Indian Penal Code.³² He warned Muslims in India that “they were alone.” He promised converting India into a “Hindu nation that will crush jihadi fundamentalist forces.” Togadia concluded:

The jihadi philosophy of all Muslims is the same, whether they are from Bosnia or Kashmir, or Mumbai. It is the same intolerant, uncivilized, anti-democratic anti-pluralistic, jihadi policy that is creating problems for humanity. So you cannot see Mumbai in isolation.³³ You have to see it in reference to global terrorism.³⁴

Civil Society

Large sections of Indian society have started echoing Togadia's fear of an Islamic terrorist threat to India. Traditionally, Indian Muslims have been characterized as “distinct from Muslims elsewhere, given their non-participation in any pan-Islamic jihadi organization.”³⁵ Yet much of Hindu society sees them as a trouble-making, fanatic constituency of the Indian population. The slow stifling of Muslim livelihoods seen in Gujarat and elsewhere would not be possible without the participation of the majority community, whose sections believe that their salvation lies in the annihilation or subjugation of Indian Muslims.

Non-governmental organizations responded to the violence in Gujarat by organizing shelter, food, medicine and economic aid. But the support to these organizations from the local community was not forthcoming. Public outcry to violent crimes committed against innocent citizens was muted. Local media was concomitantly observed to be heavily

³⁰ H. Khare, “Fears over US-Pak deal allayed,” *The Hindu*, September 19, 2001. Exact quote posted at <http://groups.yahoo.com/group/vediculture/message/1946?source=1>

³¹ Widely published speech in the Indian media, also accessible online:

<http://www.freerepublic.com/focus/news/664878/posts> Accessed August 2003.

³² “Complaint against Praveen Togadia,” a First Information Report (FIR) filed by Teesta Setalvad as a citizen of India, at the Dadar Police Station, Mumbai, May 2003 (Accessible at <http://www.countercurrents.org/comm-togadia200503.htm>).

³³ With reference to the twin blasts in Mumbai in August 2003, reportedly in retaliation for the violence against Muslims.

³⁴ A. Thakraney, “India has a problem: Pravin Togadia,” Interview in *Mid-Day* March 16, 2003. Accessible at <http://web.mid-day.com/news/city/2003/march/47500.htm>

³⁵ A. Waldman, “Anxiety Rises in a Muslim Enclave Near Bombay,” *New York Times* September 1, 2003.

communalized and biased in its reporting. In September 2002, Modi embarked upon a Gaurav Yatra (Journey of Pride) – a celebratory procession that wound through hundreds of Gujarati towns. Local citizens participated in this rally in large numbers, congratulating Modi for restoring Gujarat’s pride.³⁶ In spite of its overt majoritarian ideology which is in contempt of the secular constitution of India, the BJP was voted to power in the state elections in Gujarat held in the wake of the riots in 2002, and in the recent winter 2003 elections held in Rajasthan, Madhya Pradesh and Chhatisgarh, ousting the incumbent Congress party from all three states.

Political Alternatives

The opposition party – the Congress Party of India – has also failed to acknowledge the violations committed against the minorities, whether in the past (in case of the Sikhs) or in the present. Noting the pulse of Indian society in recent years, the Congress Party has not only periodically adopted the Sangh’s pro-Hindu stance (as seen during the Gujarat state elections in 2002), but has also started using the ‘global war on terror’ rhetoric.³⁷ The opposition seems to be willing to sacrifice issues of social justice and human rights on the altar of sectarian politics.

This failure of civil society and political parties to react swiftly, adequately, and appropriately to the human rights violations of the minorities is a result of the elaborate social engineering carried out by affiliates of the Sangh Parivar for the past five decades. The next section deals with the organizational structure of the Sangh, and its use of anti-Muslim rhetoric to create a monolithic Hindu vote-bank out of the hitherto diverse Hindu society.

THE SANGH PARIVAR

Large organizations, affiliated with the Rashtriya Swayam Sevak Sangh (RSS) through shared membership or distinctly overlapping ideologies, serve to make the RSS philosophy acceptable in various constituencies of the Indian people. Together, they constitute the “Sangh Parivar.” The Sangh, on account of this multi-faceted structure, has made inroads into diverse sections of Indian society. Each of these organizations, that constitute the Sangh Parivar, caters to a unique section of the Indian community, and parades itself as a defender of its rights, and deliverer of its needs.³⁸ See Appendix 1 for an organizational chart of the Parivar.

³⁶ Commenting on the large turnout at the processions, Deputy Prime Minister of India, Advani, advised BJP recruits to use the procession as an example to be followed during mass contact programs. “Advani pats Modi on Yatra.” YahooIndia.com September 16 2002.

³⁷ On the eve of the second anniversary of the September 11 attacks, the Deputy Chief Minister of Maharashtra and currently member of the Congress Party, Chhagan Bhujbal, said that there was a possibility of a terrorist attack in Bombay and elsewhere in India on September 11, 2003. “State alerted of terrorist attack,” Business Standard September 11, 2003.

³⁸ ‘And each of the organizations they (swayamsevak) have built such as the VHP, BMS, ABVP, BKS, BJP, Vidya Bharati and others is completely autonomous with its own independent set-up and mode of functioning. But all of them together feel themselves as part of a wider family sharing common national goals and aspirations, and bound by fraternal ties.’ Seshadri, “Epilogue,” RSS: A Vision in Action.

Fascist Roots

The RSS that leads the Sangh Parivar believes in the supremacy of the Hindu race. Fashioned after the Fascist Academy of Physical Education in 1925,³⁹ and drawing inspiration from Mussolini, and Hitler,⁴⁰ the RSS believes that citizenship must be based on the notion of ‘pirtubhumi’ (fatherland) and ‘punyabhumi’ (religious land): only Hindus can claim that Hindustan is both their *pitrubhumi* and *punyabhumi*, while Muslims and Christians owe allegiance to a foreign *punyabhumi*. Non-Hindus must therefore, concludes the RSS, live in subordination in India.⁴¹

The RSS operates through over 300,000 small organizational units called *shakhas* (branches), reproduced in identical form across the country.⁴² The *shakhas* recruit young boys, and impart physical training to them along with the subtle but definite inculcation of pride and Hindu supremacy.⁴³ Former RSS shakha boys now hold key positions in the Indian Administrative Service, in the police force, in the judiciary and in government. Prime Minister Vajpayee, Home Minister Advani and Chief Minister Modi are all RSS members. RSS ideologues considered Gandhi’s endeavors for retaining Hindu-Muslim unity an anathema to Hindu pride, resulting in the Mahatma’s assassination by the RSS trained Nathuram Godse.

Catching Them Young

Revolutions have historically occurred in societies that have a marked youth bulge – that is, a relatively high proportion of the 15-25y age group population.⁴⁴ Popular opposition is particularly easy to mobilize among the youth, who are not attached to careers and

³⁹ RSS founders were inspired by Mussolini and Hitler: Moonje, one of the founding fathers, visited Mussolini in 1931 and subsequently structured the RSS on the lines of the Fascist Academy of Physical Education. See note 3, T. Basu.

⁴⁰ RSS leader Gowalkar in the 1940s and 1950s states in his book, *We or Our Nationhood Defined*: ‘German national pride has now become the topic of the day. To keep up the purity of the national and its culture, Germany shocked the world by her purging the country of the Semitic races – the Jews. National pride at its highest is manifest here....a good lesson for us in Hindustan to learn and profit by...The non-Hindu people in Hindustan must either adopt the Hindu culture and language, must learn to respect and revere Hindu religion, must entertain no idea but the glorification of the Hindu nation; they must cease to be foreigners or may stay in the country wholly subordinated to the Hindu nation claiming nothing, deserving no privileges, far less any preferential treatment, not even citizen’s rights. Muslims call themselves Sheikhs and Syeds...They still think they have come here to conquer and establish their kingdoms. What else is it if not treason, to join the camp of the enemy and leaving the mother nation in the lurch.’

⁴¹ Ibid.

⁴² Lalit Vachani’s two documentaries, ‘Boys in the Branch’ and ‘Men in the tree,’ produced ten years apart, offer good insight into the activities of the RSS shakhas. The first documentary deals with the subtle indoctrination and implicit hate-propaganda woven into the shakha activities, and the second interviews the subjects of the first film, now all young men ten years later, and their role, if any, in the Hindutva movement.

⁴³ ‘The shakhas have sessions every day that train members in imagined histories of outrages against Hindus. A documentary on shakhas depicts a favourite game that enacts the reconquest of Kashmir through battles. A headmaster of an RSS school proudly declared that he held forth on the Babri mosque saga at the assembly everyday. Five year olds would clench their fists in fury and swear vengeance under the influence of his oratory.’ T. Sarkar, ‘Hindu Rashtra or Secular State,’ *The Hindu*, Nov 24 1998.

⁴⁴ M. Teitelbaum M., and M. Weiner, *Threatened Peoples, Threatened Borders: World Migration and US Policy* (NY: WW Norton 1995).

family, and have the energy to seek radical change.⁴⁵ Moreover, individuals and groups can be roused to hostile thought or action when their economic or political circumstances relative to others appear not to be improving.⁴⁶ Youth mobilization has been the rallying call of the Sangh; they have mobilized millions of youth throughout India through their student organizations, their youth clubs and youth militias. Many observers in India contend that the absence of a unifying national movement in the last few decades made the renewed call for a Hindu state a welcome proposition.⁴⁷

The Sangh's labor union, the Bharatiya Mazdur Sangh (Indian Workers Union) rejected secularism as a western notion. Its student organization, the Akhil Bharatiya Vidyarthi Parishad, which enjoys a strong presence across thousands of educational institutions in the country, aims to restructure relations between students, teachers and college managements on the 'family model.' The BJP government has now institutionalized the agenda of the Sangh Parivar through alterations in history text-books – a move labeled as the 'saffronization of history.'⁴⁸ Over 20,000 RSS trained teachers were recruited at the village level in Gujarat itself, to 'infiltrate' schools, and the syllabus modified accordingly to suit RSS ideology. The state prescribed history text-books in Gujarat praise Hitler's organization of Germany, and identify India's minority communities as the nation's foremost problem. The new NCERT text-books do not mention that Mahatma Gandhi was assassinated, thereby conveniently glossing over the role of the RSS in his assassination. Frequent lectures on the necessity of dying for one's religion, assembly and mealtime prayers on the same theme, patriotic and devotional music and an overpowering visual display of the armed Ram, Ayodhya Temple, and of Hindu figures fighting Muslims, ensure the projection of the 'macho' Hindutva message, in the Sangh Parivar affiliated schools.

Culture Police

The formation of the Vishwa Hindu Parishad (VHP) in 1964 ushered in an overtly militant phase of Hindu nationalism. The VHP appointed itself the guardian of "Hindu culture." Its leaders repeatedly incited communal violence and praised the valor of marauding Hindutva mobs. The VHP drew most, if not all, its *pracharaks* (evangelizers) from the RSS. The RSS, that until now had existed on the fringes of society, largely remembered for its role in the assassination of Gandhi, now started gaining wider acceptability.

The VHP, a legally recognized trust, has several departments, the activities of which provide clues to VHP's agenda. The VHP organizes mass "reconversion" programs that "welcome Christians, Muslims and Dalits into the Hindu fold." Their Sanskrit department aims to revive Sanskrit as a contemporary Indian language since, they believe, all crucial

⁴⁵ Ibid.

⁴⁶ J. Leaning J. and S. Arie, "Human Security: A Framework for assessment in conflict and transition," Working Paper Series Vol. 11 No. 8 September 2001, Harvard Center for Population and Developmental Studies, Harvard University.

⁴⁷ Harsh Mander and Smita Narula at a lecture at the Massachusetts Institute of Technology, Cambridge May 25, 2002. Also see A. Sur A "Report on MIT meeting..." in South Asia Citizens Wire Dispatch 2, May 22, 2002. Accessible at http://bridget.jatol.com/pipermail/sacw_insaf.net/2002/001249.html

⁴⁸ M. Dasgupta, "NHRC indictment shocks Gujarat," The Hindu, April 3, 2002.

sanskar (value) forming texts are in Sanskrit.⁴⁹ Resolution passed at public meetings organized by the VHP, center around the Ram temple issue and anti-Muslim, anti-terrorism propaganda.⁵⁰

The Bajrang Dal is the militant outfit of the VHP, formed in 1984 to mobilize youth for the Ram temple campaign. Bajrang Dal activists have engaged in violent crimes against minorities including the globally reported murder of Australian missionary Graham Staines and his two young sons. Professor Keshavram Kashiram Shastri, 96-year-old chairman of the Gujarat unit of the VHP, while speaking of the Bajrang Dal's participation in the rapes and massacres of Gujarati Muslims, admitted that the retaliatory violence "had to be done."^{51,52}

This militant ideology is not restricted to men. Women have also been recruited by the Durga Vahini and trained in martial arts under the guise of "self-protection." In Gujarat, women aided the violence by preparing Molotov cocktails for the mobs to use against the Muslims.⁵³ Older women are indoctrinated into the RSS ideology through the seemingly innocuous "Maitri Mandals" (Friendship groups).

The Diaspora

In the Untied States, the RSS operates under the banner of the Hindu Swayamsevak Sangh, or the HSS; the VHP enjoys a large overseas membership, especially in the US and UK, recruiting its cadres from among the rich professionals and businessmen settled in these countries. The VHP started the Hindu Students Council on the campuses of

⁴⁹ Central to the ancient texts prescribed by the VHP are the Manusmriti and the Arthashastra; the former prescribes a rigid caste system and gender hierarchy, the latter recommends a police state under a single head.

⁵⁰ The building of the Ram temple at Ayodhya is central to the VHP's campaign. The VHP has already stocked several truckloads of carved stones and raw material for the temple in Ayodhya at their workshops in Karsevakpuram. Using some of the 300,000 consecrated Ram *shilas* (bricks) sent by 'devotees' from all over India and abroad, the VHP has built a small replica (80feet X 25feet) of the proposed temple. Over the last two years, through 2002 and 2003, the VHP has stepped up its temple agitation: it even laid siege to the Indian parliament by holding a 'dharma sansad' or religious parliament in Delhi, where 10,000 VHP activists from across the country converged outside India's parliament. The resolutions passed at the end of the meet included the following on "Jehadi terrorism:"

- Ban madarassas, "the breeding grounds of terrorism"

- Enforce POTA in Jammu Kashmir and destroy terror camps in Paksitan and Bangladesh

See Appendix 2 for a complete list of demands made at VHP's Dharma Sansad.

⁵¹ "These things [*non-violence*] look good in the *shastras*. Our boys were charged because in Godhra women and children were burnt alive. The crowd was spontaneous...In villages all these people who were angry are not our people. They are angry because Hindutva was attacked. This is an outburst, a tremendous outburst that will be difficult to roll back...We don't believe that the boys have done something wrong, because this was the result of an outburst... We needed to do something. It's said that snakes that are not poisonous should keep the enemy away by hissing once in a while." S. Bhatt, "It had to be done: VHP leader says of riots." Rediff.com March 12, 2002.

(Accessible at <http://www.rediff.com/news/2002/mar/12train.htm>).

⁵² The Bajrang Dal front serves to keep alive issues where it is prudent for the RSS and BJP to remain silent. 'The fact that the BD is known to recruit untrained, volatile, semi-lumpen elements in contrast to the hand-picked and thoroughly coached RSS cadres absolves the larger front and core organizations from direct responsibility for reckless acts of indiscipline or violence.' note 3, T. Basu.

⁵³ See note 47, A. Sur

American Universities. Though some of the HSC bodies have denied ties with the Sangh Parivar, many serve as recruiting grounds for the Sangh ideology.⁵⁴

REPERCUSSIONS

Diversion

The Parivar has crafted a pervasively powerful process of social indoctrination that has succeeded in equating Hindu pride to the annihilation of Indian Muslims, making the events of Gujarat palatable to vast sections of Indian society. The rise of Hindu nationalism in India has a manifold impact. The more direct and obvious effects are the atrocities committed against minorities, and the subsequent perpetual sense of uncertainty and fear for life instilled in the minds of millions belonging to the non-Hindu faiths. The diversion that the projected Muslim threat has provided allows the transgression of fundamental rights under the guise of pro-Hindu sentiment. The ‘global war on terror’ and the ‘Islamic threat to India’ have succeeded in filling the space of public discourse in India, leaving little room for the real and more pressing issues of local empowerment, justice and equality -- an examination of which would pose a threat to current power balances.⁵⁵ The equation of the *Hindu rashtra* to ‘prosperity and economic progress’ has instilled in people a blind faith in the government’s policies. In Gujarat, for example, where Narendra Modi enjoys both popular support and impunity, the people do not seem to be overly concerned about the staggering economic fall-out of the carnage or about the impact of the government’s continuing flawed developmental policies. Social scientists, political analysts, and participants of grass-roots level movements in India are alarmed by the ease with which the Hindutva movement has distracted the attention of large sections of Indian society from issues of globalization, impending agricultural reforms, rural development, illiteracy and poor health infrastructure – all of which impact the lives of the very people directly participating in the perpetuation of violence.⁵⁶

In the summer of 2002, the escalating tensions between India and Pakistan, who have already fought three major wars over border issues, compelled the United Nations and other foreign governments to withdraw their emissaries from India. India and Pakistan mobilized over one million troops to their border at the height of the tension last year,

⁵⁴ The Hindu students Councils of many US universities jointly organized a ‘Global Dharma Conference’ in the summer of 2003 to promote the understanding of ‘dharma.’ It was co-sponsored and attended by a series of Sangh outfits in the US, including the VHP, the HSS and the Ekal Vidyalaya School program. VHP officers at the conference did not hesitate from engaging in rabid anti-Muslim rhetoric, repeatedly invoking the global war on terror. A senior VHP official went as far as declaring himself a ‘proud Hindu fundamentalist,’ while sanctioning the violence in Gujarat. The author was present at the Dharma Conference.

⁵⁵ State oppression for the sake of perpetuating existing and comfortable power equations is not unique to India. Notes Henry Steiner, Director of Harvard Law School’s Human Rights Program, in his essay, *Youth of Rights: ‘Abolishing discrimination on the grounds of race, ethnicity, religion, or gender can radically alter economic and social arrangements and redirect political power. Protecting rights of free speech, expression, and association will give citizens not only security against arbitrary state action, but also the chance to develop a diverse and vibrant civil society that can influence the directions of the state as effectively as governmental policies influence it. Entrenched structures of domination – landholding patterns, power over rural labor, virtual enslavement of children or women or given minorities – may become open to effective challenge.’* H. Steiner, *International Human Rights* (New York: Oxford 1996).

⁵⁶ K. K. Katyak, “Politics of trishul taking center stage,” *The Hindu* April 29, 2003. See also note 1, Panikkar K.N.; note 6, S. Varadarajan.

costing the exchequers a significant percentage of their gross domestic products. The performance of both countries on the human development index remains poor. Human security levels continue to fall in India as border skirmishes in Kashmir, terrorist attacks in Indian cities and against Hindu pilgrims escalate. The growing resentment against Pakistanis has been now directed toward Indian Muslims who are seen as Partition's leftovers and members of a global Islamic conspiracy. The identification of the Indian Muslim as synonymous with a jihadi terrorist is the central doctrine of the VHP propaganda, often repeated by its general secretary, Togadia.⁵⁷ Sections of Indian Muslims, not previously susceptible to recruitment by fundamentalists operating from Pakistan, are more vulnerable than ever before, especially in regions like Gujarat, to becoming fodder for retaliatory violence. The projected images of the perpetual threat to India's existence from across (Pakistan) and from within (Muslims) India's borders also dissuade Indian society from acknowledging the identical (if not graver) issues of disempowerment and social injustice faced by the majority of Pakistan's population as issues of universal human rights abnegations.⁵⁸

Retaliation

Narula, on her work on the security implications of Hindu nationalism in India, notes:

Standing in front of a mass grave where several members of his family were buried in Ahmedabad, one victim commented, 'They keep talking about terrorism in Sri Lanka and Pakistan. But isn't what they (the Sangh) did worse than terrorism? Now this is what gives birth to terrorists, now terrorists will be born.' Invoking the threat of Islamic terrorism to justify attacks against Muslims may well give rise to a new form of Islamic militancy in India that has so far been limited to the conflict of Kashmir.⁵⁹

Six months after the riots, several hundred children continued to live in relief camps across Gujarat, with little access to schools or educational facilities. The communal divisions in society were reflected in the children's language, play and interaction. Youngsters in the camps voiced the sentiment prevalent in the relief camps – they had lost faith in the government and did not expect it to protect them. A few young adults nursed sentiments of retaliation and revenge.⁶⁰ In October 2002, terrorists gunned worshippers in the popular Hindu temple complex of Akshardham in Ahmedabad. A series of minor bomb blasts have flowed in Gujarati-dominated localities of Bombay. Finally, in August 2003, two massive blasts killing 45 occurred in crowded localities of Bombay, reminiscent of the retaliatory serial blasts of 1993 in Bombay. Recent media reports revealed that some young Muslim adults in Gujarat are now vulnerable to exploitation by the extremists from Pakistan.⁶¹

⁵⁷ "Against the Law," *Communalism Combat*, Year 9, No. 87 May 2003, Cover Story.

⁵⁸ A discussion of similar circumstances in Nepal, Sri Lanka and Bangladesh, though warranted, is beyond the scope of this paper.

⁵⁹ S. Narula, "Overlooked Danger: the Security and Rights Implications of Hindu Nationalism in India," *Harvard Human Rights Journal* Volume 16 Spring 2003.

⁶⁰ "The Effect on Children's Education and Identity," in Human Rights Watch, "Compounding Injustice," Vol. 15, No. 3(C) (New York: HRW July 2003).

⁶¹ 'Many Muslims say the hard-line sentiments found in their religion, especially in the marginalized areas, are a reaction to the growing strength of fundamentalism among India's Hindu majority...' See note 35, A. Waldman.

GUJARAT, A HARBINGER?

The end of the Second World War saw the consolidation of the United Nations, and the formulation of the Universal Declaration of Human Rights, drafted in the aftermath of the “barbarous acts that had outraged the conscience of mankind.” Many collectively vowed, “never again,” yet the world survived to witness Rwanda and Bosnia. The international community had failed to heed the early warning signs alluding to the impending human catastrophe there. Gujarat, warn political analysts, is also a harbinger. The social engineering by the Hindu Right has reached ominous proportions: public approval of the government’s actions indicates an alarmingly high tolerance level of mob justice and religious cleansing. If the hate propaganda promoted by the Hindu Right goes unchecked it may have the potential to spiral out of control, surpassing the expectations of even those manipulating the people’s sentiments for political gains. Strong parallels between the early tactics of the Third Reich and those used by extremists in India today raise this possibility. Both exploit poverty and frustration to incite hatred so extreme that society, under the spell of national pride and sacrifice, is paralyzed into allowing terrible crimes against its own.

VHP campaigns, in line with Nazi operational tactics,⁶² have grouped together all that oppose its ideology, including the secularists, human rights defenders and development workers, and declared them enemies of the nation and the religion. Those targeted by the Right have been systematically harassed and intimidated.⁶³ The hate-campaigns have been vile, derogatory, filled with sexual underpinnings, and aimed at dehumanizing the ‘other.’ The Modi government justified collective punishment in the name of self-defense against the actions of a few, as did Nazi supporters during the early years of the Nazi campaign. The Gujarat State showed utter disregard for the law of the land, and upheld instead its own jungle law. Much of the Hindu majority suffers from the very delusion that many on the streets of Germany in 1933 suffered from -- the return to prosperous days. The Gaurav Yatras of Gujarat, celebrating the restoration of Gujarat’s pride, bear a disturbing resemblance to the loud celebratory displays of power in the erstwhile streets of Berlin.⁶⁴ Meanwhile, Indian minorities, like those persecuted in Germany, have started emigrating. The vastness of Indian territory allows them to seek refuge within India’s borders. Ghettoization of Muslims has been observed across the country, with escalations in trend following communal violence. There are several regions in Gujarat that the VHP has declared “cleansed” – free of Muslims. Unprecedented migrations were seen in the city and suburbs of Bombay following the riots of 1993. These cloistered societies, however, foster insecurity, and the perceived lack of justice drives them to violent action. The area of Mumbra near Bombay, is now 80% Muslim, where “talk of nationalism, democracy, secularism...has come to be seen as anti-Islam.”⁶⁵

While continuing to foster global solidarity in the war against terror, especially in volatile nuclear-armed regions like the Indian sub-continent, it is imperative that the international

⁶² By 1933, the Nazis had declared all those that opposed the regime as enemies of the nation, and had begun systematically targeting and weeding them out. S. Haffner, *Defying Hitler* (New York: Farrar, Strauss and Giroux) Chapter 30.

⁶³ See <http://www.sabrang.com/news/tprotest.pdf> for Togadia’s speeches against human rights defenders.

⁶⁴ See note 62, S. Haffner, Chapter 33.

⁶⁵ See note 35, A. Waldman.

community recognizes the consequences of the brewing communal hatred in the region. In spite of an exhaustive Constitution, powerful domestic legal instruments and an obligation to international treaties, the Indian State has failed not only to protect its citizens but also to deliver justice to them. While the precise nature, method and scope of the desired international intervention in such circumstances remains a matter of debate,⁶⁶ the success of the Indian government in avoiding scrutiny and diplomatic criticism is alarming.

Several domestic and international human rights investigations described the events of Gujarat as genocide.⁶⁷ Article 2 of the Genocide Convention (also ratified by India) defines *genocide* as any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such: a) killing members of the group; b) causes serious bodily or mental harm to the members of the group; c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction, in whole or in part; d) imposing measure to prevent births within a group; e) forcible transferring children of the group into another group.

Religious minorities on the sub-continent have been subjected to several, if not all, of these grievous crimes, and trends across the region are beginning to show an alarming escalation. The exploding feelings of mistrust and resentment among the majority community thriving in significant sections of contemporary Indian society are beginning to have a devastating impact on the lives and livelihoods of Muslims in India. While violent conflict takes in its wake precious human lives, it leaves behind in its trail a socially, culturally and economically decimated population. With little means from within or outside to help such a population recover, and in a sustained environment of alienation and hate, the chances of survival look bleak. Compounding its injustice, the current Gujarat government has celebrated the humiliation of its people and justified the wrongs committed against them in the name of the global war on terror.

In spite of successive domestic governments that have faltered in their duties to their citizens, and an international community that responded only with muted disapproval, some sections of Indian society have responded courageously and systematically to human rights violations in India. These sections have operated within the democratic space accorded by India's Constitution and still untouched by the political regimes (in contrast to the situation in other countries on the sub-continent). Noteworthy among these sections are the Indian Supreme Court and several state High Courts; human rights organizations including the National Human Rights Commission of India; hundreds of non-governmental organizations and citizens' groups; and significant sections of the Indian media, all of whom have invited the wrath of the Sangh Parivar. The presence of these various actors stands testimony to the vibrancy of the Indian democracy. In spite of the autonomy enjoyed by these organizations, their impact is often constrained by the

⁶⁶For a discussion of the provisions and limitations of contemporary international human rights law, see Scachter, O., "International Law in Theory and Practice," (Boston: M. Nijhoff 1991); H. Steiner, *International Human Rights Law in Context*. (New York Oxford 1996): Section 3 C: "Human rights challenges to conceptions of sovereignty and domestic jurisdiction," and Section 7 B,C: "Intergovernmental enforcement of human rights norms: The UN System."

⁶⁷ See note 11, IJ "Gujarat Pogrom as Genocide;" and "Nothing but genocide," Concerned Citizens Tribunal Report Gujarat 2002 (Accessible at <http://www.sabrang.com/tribunal/vol2/genocide.html>).

government's inaction. The NHRC does not have the power to ensure the implementation of its recommendations, the human rights organizations are dependent on the government's willingness to act upon the reports compiled by human rights defenders, and the Indian judiciary has, in spite of its landmark judgments, often been subverted by the government.⁶⁸

The Modi government has been rebuked by the NHRC for not taking cognizance of the Commission's concerns. Fearing subversion of justice in Gujarat, human rights advocates have appealed to the Supreme Court of India to intervene in matters concerning the Gujarat riots. Yet, the Modi government has shown unwillingness to change and has declared that human rights advocates (whom Modi refers to as "five-star activists") are the true enemies of the people, hand in glove with 'western conspirators.'⁶⁹ While the notion of human rights as interpreted and understood in the context of its 'western origin' may indeed be subject to critique,⁷⁰ the lessons to be learned from the two World Wars can possibly not be. The Indian State must recognize the *universality* of human rights and its duties to *all* its peoples, failing which the catastrophe that would follow may surpass the imagination of those machinating the current atmosphere of hate.

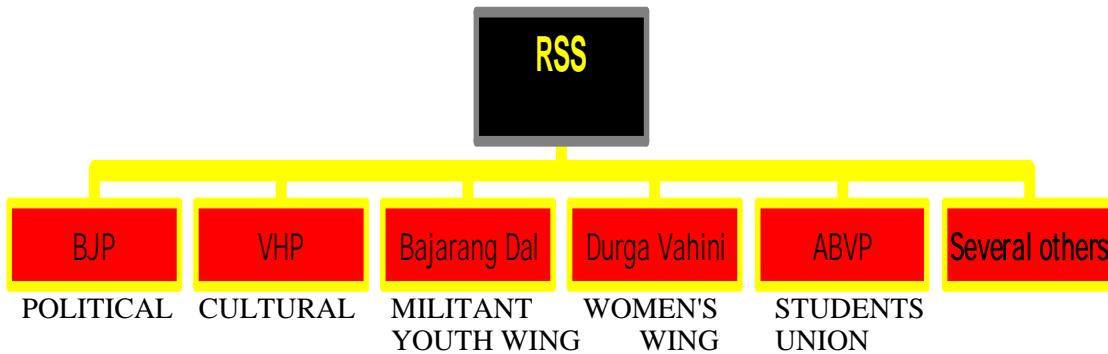
Some say that it is impossible for the Sangh Parivar to annihilate India's 100 million Muslims. But genocide is a crime of intent – and one must ask not about the result but about the purpose of the offender.

⁶⁸ For example, the reluctance of the Congress Government to prosecute the Shiv Sena members in spite of the Srikrishna Commission's findings.

⁶⁹ H. Suroor, "Modi hits out at NGOs," *The Hindu*, August 19 2003, "Beware five-star activists," *The Hindu*, December 27, 2003; and "Narendra Modi warns his critics against defaming Gujarat," *The Hindustan Times*, December 20, 2003.

⁷⁰ R. Pannikar R., "Is the Notion of Human Rights a Western Concept?" *Diogenes* 1982; 120 (Winter):75-102.

Appendix 1: ORGANIZATIONAL CHART OF THE SANGH PARIVAR



Other organizations affiliated with the Sangh include:

Vidya Bharati	- Educational outfit
Ekal Vidyalaya	- Tribal children education program
Bhartiya Mazdoor Sangh	- Labour union
Hindu Swayam Sevak Sangh	- RSS overseas
Hindu Students Council	- Students organizations in the US, started initially by VHP- America
Ranbir Sena	- Upper caste militia targeting dalits

“And each of the organizations they (swayamsevaks) have built such as the VHP, BMS, BJP, Vidya Bharati and others is completely autonomous with its own independent set-up and mode of functioning. But all of them together feel themselves as part of a wider family sharing common national goals and aspirations, and bound by fraternal ties.”

HV Sheshadri
Epilogue, RSS A Vision in Action, October 1998

Appendix 2: VHP Dharma Sansad Pamphlet

VHP Dharma Sansad Demands:

Cow slaughter

- Cattle should be declared national treasure and cow the national animal
- Separate Ministry for protection of cows with a minimum budget of 500crores
- Cow slaughter should be termed as a non-bailable crime, punishable by life imprisonment/death

River Ganga

- Polluting the river should be declared a crime punishable equivalent to treason

Jehadi terrorism

- Ban madarassas, “the breeding grounds of terrorism”
- Enforce POTA in Jammu Kashmir and destroy terror camps in Pakistan and Bangladesh

Bangladeshi migrants

- Dismiss Bangladeshi government
- Distinguish between Hindu and Muslim Bangladeshi migrants
- Time bound programme to push out Bangladeshi migrants

Conversions

- Regulate foreign funding of Muslim and Christian organizations
- Order foreign priests engaged in conversions to leave the country

Illegal immigrants in Assam

- Call a joint session of the Parliament to repeal the IMDT Act

Hindus in Bangladesh

- The center should block economic aid to Bangladesh and force Dhaka to protect Hindus there