

# BOMBAY RIOTS: A PEOPLE'S COMMISSION REPORTS

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The Indian People's Human Rights Commission constituted a tribunal to enquire into the alleged large-scale violation of human rights during the communal riots in Bombay. The tribunal, comprising Justice Daud and Justice Suresh, two former judges of the Bombay high court, had 26 sittings in different parts of the city and collected 2,046 statements from victims and social activists as well as a large number of other documents, including newspaper reports and articles and some documentary films. The judges also had the opportunity to see the places of devastation. After processing the evidence, they concluded as follows:

- 1) The December riots commenced as a reaction to the demolition of Babri Masjid. The reaction took the form of leaderless, unchanelled and impotent rage against the government which had betrayed the Muslim citizens of India. As happens in such situations, the popular wrath was directed at the most visible symbols of the government—public property and the police. The police retaliated swiftly and ferociously opening fire to kill the demonstrators. Most of the deaths in the December riots were caused by police bullets. The dead and the injured had bullet wounds, above the waist in several cases.
- 2) There was no direct nexus between the December riots and the January riots. The January riots were preplanned and executed by Hindu chauvinist forces with a view to terrorising the Muslim minority. An ostensibly religious ritual like the 'maha-arti' was used to whip up mass hysteria and to mobilise the Hindu masses against the Muslims. Between December 26, 1992 and January 5, 1993, 33 of such 'artis' were organised in various parts of the city.

On January 2 and 3 certain persons claiming to be employees of the Housing Board had gone around Pratiksha Nagar under the guise of carrying out a census and numbering the houses and had marked out the Muslim houses. This was done in places like Malwani as well.

The January riots were highly organised. Shiv Sena activists travelled in jeeps, vans, and trucks and went from building to building identifying Muslim families. They did not spare even a

building like Buena Vista where top bureaucrats and judicial officers stay.

- 3) The Hindu communalists and the government cite three incidents as the triggering points for the January riots—the burning of a room along with six of its inmates in Gandhi Chawl at Jogeswari on January 8, the killing of two mathadi workers also on the same day and the alleged stabbing of 138 Hindus on January 5, 6 and 7 in the J.J Hospital area, out of whom all but one are said to have died.

The facts do not corroborate that these incidents had sparked the riots. On December 27, 1992, itself, there were portents of things to come. A large mob of Shiv Sainiks had attacked Muslim houses and injured some people in Antop hill. The Shiv Sainiks had also taken out a huge procession near Behrampada in Bandra to install a Ganesh statue. They had shouted abusive and provocative slogans against Muslims. The 'maha artis' were started in Jogeshwari from January 1 and on January 6 a bakery and some Muslim houses were set on fire. There was tension in the area and police firing on January 7, in which one person was killed. As for the alleged cases of stabbing, it is inconceivable that stabbing could have been so accurate that 137 out of 138 alleged victims could have died. The records of hospitals in the area testify to only stray incidents of stabbing. Finally the killing of the mathadi workers took place in a Hindu dominated area. There is reason to believe that these killings were the result of inter-union rivalry.

Analysis of the data collected by the tribunal explodes the myths about the causes of the January riots. The riots, started, in full intensity, on January 6. The alleged stabbings on January 5, 6 and 7 took place in the J J Hospital area and the two mathadi workers were killed in central Bombay on January 5, while bloody riots broke out January 6 in far away places like Chun Bhatti, Dharavi, Bhandup and Ghatkaopa. Whereas the December disturbances subsided relatively quickly, the riots which began on January 4 continued for a long period, indicating the systematic preparation for them.

## Communal Virus

The Bombay riots demonstrate the havoc caused by prolonged campaigns of disinformation and falsehood.





Ordinary people committed murder, mayhem, rape and arson in the name of religion and god. They could do this because propaganda has projected the members of the other community as embodiments of evil. So when people indulged in the worst forms of violence often against their erstwhile neighbors they felt righteous, they felt they were carrying out a patriotic and divine duty. This steeled them against remorse and piety. The communal virus also cut across caste and class barriers. The toiling masses, the backward classes and the dalits acted as the spearheads of the Hindutva forces in the campaigns against the Muslim minority.

Rumours played an important role in the mobilisation of the rioters. They roused the worst fears among the Hindu masses and kept them in a state of high tension. Hindu residents in many parts of the city took to keeping all-night vigils; they also collected and stored weapons, women are said to have kept boiling oil ready to pour on would-be Muslim attackers. At the Dadar sea-shore thousands of people used to gather and remain awake at nights, expecting an attack from the sea by Islamic countries. The seafront used to be lit up by hundreds of cars parked with their headlights switched on.

There is a strong cultural hegemony favouring communal forces which, when it is exercised, sweeps the masses off their feet. It is not that the riots were engineered and organised by builders, slum lords and other anti-social elements, as claimed by apologists on behalf of the rioters. Even when such forces participated in the riots, it was in a social milieu which facilitated and sanctified the riots. The riots were supported, directly or indirectly, by the Hindu masses, irrespective of their political affiliation.

The communal cultural hegemony coupled with virulent propaganda and rumour-mongering constituted a heady mixture which emboldened the masses to indulge in such acts as, for instance, dragging Muslim passengers out of a bus within yards of the Kherwadi police station and stoning them. One of the victims was hit on the head and fell unconscious. The mob poured kerosene on him and burnt him alive. Whilst the man was burning, women (allegedly activists of the Shiv Sena) threw stones at him and the crowd clapped and danced. Youngsters who play cricket in the alleys turned murderers and slaughtered neighbourhood grannies.

It is significant that the Maharashtra government and the Hindutva forces like the Shiv Sena project essentially the same views on the riots. Both cite the jogeshwari incident, the alleged stabbings in the JJ Hospital area and the killing of mathadi workers as the cause of the January riots in a blatant attempt to show the Muslims as having been the aggressors and the bloody slaughter in January as defensive actions by Hindutva forces. This is the stand which the government and the Shiv Sena have taken before the Justice Srikrishna Commission as well.

The way in which the Maharashtra police acted was to be expected because ultimately the policemen belong to the same society. What sways society will sway them as well. In several cases their relatives and close friends are activists of organisations like the Shiv Sena.

## Case for Citizen's Commissions

The enquiry of the IPHRC tribunal brought another important issue to the forefront: do citizens have a right to enquire into a matter of public importance once the government has appointed a commission of enquiry? Twice notices were served on Justice Daud and Justice Suresh to show cause why action should not be taken against them for bringing the official commission into disrepute. This raised the basic democratic issue of whether citizens lose their rights to investigate and comment on matters of public importance once an official commission normally takes about five years to complete its investigation. This will mean that the freedom of expression will remain suspended for a long period regarding a momentous event such as the demolition of the Babri masjid or the Bombay riots simply because an enquiry commission has been set up and this will apply to all public organisations, including political parties. Such a restriction is alien to the scheme of the Constitution. Even in an emergency the fundamental rights can be curbed only by a presidential proclamation.

A commission of enquiry is basically an executive body the purpose of which is to enlighten the government on some issue or issues of public importance. The report of the commission may be published, may be accepted, may not be accepted and may be acted upon or may not be acted upon. It is not necessary that the person appointed as a commission of enquiry be a judge. A ruling party politician or even a police official can be so appointed. Clearly, it is a travesty of a democratic system that such a commission should preclude all other enquiries and reports.

The first non-official judicial commission was appointed in 1919 by the Indian National Congress to enquire into the Jallianwala Bagh massacre. The Congress/working Committee declared lack of confidence in the British judge appointed by the British Government and constituted a commission of its own which included prominent jurists like Motilal Nehru. But unlike Justice Srikrishna, Justice Lord William Hunter did not think that the setting up of the non-official commission brought the official commission into disrepute.

One of the consequences of the IPHRC enquiry is that it has successfully asserted the right of citizens to enquire into any matter of public importance, irrespective of whether the government has appointed a commission of enquiry or not. An enquiry by citizens stands, constitutionally and democratically, on an equal footing with the





official one. The prognosis of the communal situation in India made by the tribunal makes it clear that administrative jugglery and political sleight-of-hand will not prevent the recrudescence of communal outbreaks. The report points out: "The protracted failure on the economic and political fronts created frustrations and resentment among the masses. The Indian state and the ruling elite have used two weapons to counteract this crisis. On the ideological front, they have jettisoned Nehruvian socialism and secularism. They are instead seeking to promote Hindutva, whether it be Indira Gandhi's soft variety or L.K. Advani's more hardline approach...." But the Indian ruling classes need to think twice before they take their ideological stand to its logical conclusion. A policy which will leave large sections of the population discontented

and humiliated is a sure recipe for disaster and for the disintegration of the Indian state. On March 12, we had a foretaste of what might follow if the Hindutva policy is pursued. The message was loud and clear: 'We may not be able to fight your state and you in the streets but we can destroy you. It will not be Khalistan or Pakistan. It will be only 'kabristan' where all of us will lie side by side'.

It has been pointed out that 93 per cent of the people who were deposed of before the tribunal were Muslims. It was hardly to be expected that murderers, rapists, arsonists and looters would present themselves before the tribunal.

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One day...

Youngsters will learn words they will not understand.

Children from India will ask:

What is hunger?

Children from Alabama will ask:

What is racial segregation?

Children from Hiroshima will ask:

What is the atomic bomb?

Children at school will ask:

What is war?

You will answer them.

You will tell them:

Those words are not used anymore,  
Like stage-coaches, galleys or  
slavery—

Words no longer meaningful.

That is why they have been  
removed from dictionaries.

—Martin Luther King—