

# The Genocidal Pogrom in Gujarat: Anatomy of Indian Fascism

After Gujarat, Ayodhya, Orissa

Fight POTO, Ban VHP

By Praful Bidwai

It is a telling comment on the quality of the Bharatiya Janata Party's leadership that Ramachandra Paramahansa (93), president of the Ramjanmabhoomi Nyas (RJN), mahant of Digambar Akhara, and one of the principal villains of Ayodhya, has just declared Mr Atal Behari Vajpayee a "hidden supporter" of the temple movement. He likens Mr Vajpayee to a pativrata, so reverential towards her husband that she dare not utter his name, although "she loves him more" than an ordinary wife. "Similarly, [Vajpayee] may not take the name of Ramjanmabhoomi, but he knows that he is in power because of it and supports it."

The mahant's stated reason for saying this is that Mr Vajpayee despatched Mr Shatrughan Singh, director of the Ayodhya cell in the Prime Minister's Office, to genuflect before him and accept the shila daan on March 15. This decision, and Mr Singh's crass public display of his private religious faith--utterly impermissible for a civil servant--is reason enough for Mr Paramahansa to be pleased as punch with the Vajpayee government.

There could be no clearer proof of what the March 15 ceremony really meant at least for the protagonists of the temple campaign: a shameful act of sacrilege against the Constitution and appeasement of Hindutva bullies by the government, which has implicitly but demonstratively legitimised the inauguration of the temple construction plan. The shila is not just a carved pillar of Dholpur stone. It is a component of what the VHP has decided will become a temple--no matter what the Supreme Court says. By kowtowing to the VHP, the government has sent out the signal that it will reward communal thugs. If they do not agree to respect the law, it will even pamper them with dishonourable "compromise" formulas that make a mockery not just of the law but of democratic decency and secularism.

That the government indulged in this act of appeasement despite the Supreme Court's order not to favour the VHP and maintain strict neutrality in respect of the Ayodhya land further compounds its culpability. The Court had not merely ordered the maintenance of the status quo as regards the entire 67.7-acre plot. It also reprimanded Attorney General Soli J. Sorabjee for suggesting that a tilt towards the VHP can be compatible with the "basic structure" of the Constitution. Its March 13 obiter dicta were a directive not to privilege the VHP-RJN. Yet the government did just that.

To accomplish this, Mr Vajpayee had to beg RSS hardliners to intercede with the RJN on his behalf, thus yielding ground to them and accepting their ultimate moral-political authority over the entire sangh parivar, including the BJP. That retreat was bad enough. Worse, Mr Vajpayee also involved civil servants, including Mr Singh, Mr Navneet Sehgal, former Faizabad district magistrate, and Mr Harbhajan Singh, former police superintendent. These men became accomplices of the BJP's parochial agenda pertaining to Ayodhya. They blatantly violated their Constitutional obligation not to side with any one religious community. They gratuitously allowed the civil service to be politicised--in the worst sense of the term.

Even more odious was the conduct of Mr Sorabjee who, to his abiding disgrace, pleaded the VHP's case. He so "creatively" interpreted the Supreme Court's 1994 judgment that a violation of the mandated Ayodhya status quo would be effected through a "limited" shila puja with 50 to 70 sants, lasting a good three hours. This is precisely the kind of dishonourable "compromise" (read, betrayal of the state's

obligation to defend secularism) that the VHP-RJN has long craved. What aggravates Mr Sorabjee's culpability is his astounding claim that he appeared in the Ayodhya case in his personal, not official, capacity!

Now, the Attorney General's is an exalted, exceptional, office in the Westminster system we have adopted. The AG is the government's highest law officer and legal representative, who can appear in any court in India. He is also its chief legal adviser, whose opinion is sought by the courts, and by Parliament too. The AG's mandate is to perform comprehensive "duties of a legal character, as may from time to time be referred or assigned". His remuneration is fixed directly by the President, without reference to government pay-scales. The post has no age bar. The AG is the only officer of the government who has a right to participate in the proceedings of both Houses of Parliament.

On March 13, Mr Sorabjee was asked by the Court to outline the government's stand, not his personal position, on the 1994 judgment. But the position he detailed was identical to that of the PM, the law and home ministers, and the VHP itself! Mr Sorabjee has a blemished record. He was appointed AG in 1996 by the United Front. Following a well-established convention, he should have resigned in 1998 when that government fell. Instead, he begged the National Democratic Alliance to continue him. That was bad enough. But his self-serving March 13 argument was downright disingenuous and a disservice to his office, for which credibility and respect for Constitutional norms are central.

The government has thus itself instigated the politicisation of the civil service and important Constitutional offices. This is similar to what Mr Narendra Modi accomplished in Gujarat last fortnight--albeit in more extreme and violent forms. The two processes differ in magnitude and effect. But kowtowing to extremism and communalising the bureaucracy are identical in both.

The point is plain: the Vajpayee government is inflicting grievous damage upon our democratic institutions. Each additional day it stays in office, every time it is asked to defend all Indian citizens, in each crisis that confronts this society, it fails--abysmally. After Gujarat, Ayodhya, and now Orissa, it has lost moral legitimacy and its right to govern. It is equally plain that rabidly communal groups like the VHP and Bajrang Dal flourish largely because the BJP supports, shields, encourages and instigates them.

Their thugs wouldn't have had the audacity to vandalise the Orissa Assembly had Mr Vajpayee not sent out strong communal signals regarding Ayodhya and Gujarat, including his refusal to sack Mr Narendra Milosevic Modi. Nor would the RSS have passed an obnoxious resolution at Bangalore telling Muslims that their "real safety" depends on the "goodwill" of the Hindu majority.

In essence, this nasty threat is no different from the idea advanced by Golwalkar way back in 1939: "Non-Hindu people in Hindustan must adopt the Hindu culture and language . learn to respect and hold in reverence Hindu religion. [they] must entertain no idea but glorification of the Hindu race and culture [they] may stay in the country wholly subordinated to the Hindu nation, claiming nothing, deserving no privileges, far less any preferential treatment, not even citizen rights." (We or Our Nationhood Defined, 1947, pages 55-56). The latest RSS resolution justifies the post-Godhra pogrom of Muslims as "natural and spontaneous", and says the Supreme Court order prohibiting a token shila puja has "grievously hurt" Hindu sentiments.

The time has come for firm and exemplary action to stop such provocative and inflammatory hate-speech, and even more important, deter and punish hate-crimes of the kind that the VHP and Bajrang Dal have been committing. The only option is to ban the Parishad and the Dal. One says this in full recognition that banning such organisations is not the only or the main remedy. The hatred they concentrate within themselves may persist even after they are proscribed.

However, banning them would be an effective way of delegitimising their activities and their ideology. It would send a clear signal to the bureaucracy that these groups are not to be indulged--as has happened in Gujarat, where 62 people, all of them Muslims, have been arrested for the Godhra carnage, under POTO, but not a single person among the 800 arrested for the much worse butchery that followed has been apprehended under it.

At the same time, the Opposition must not relent on demanding the sacking of the Modi government. Its continuation has become totally incompatible with even the Constitutional right to life guaranteed to all citizens. The issues of banning the VHP-Bajrang Dal and sacking Mr Modi will put the Vajpayee government on test. It must decide whether it will indulge the likes of Mr Modi, Mr Ashok Singhal, the lawless mahants of Ayodhya, and assorted communal thugs, and make a mockery of the law and citizens' security; or whether it will uphold Constitutional legality, equality of all citizens before the law, and democratic decency.

As for the BJP's "secular" allies, they must decide if the lure of office, tainted with the blood of Indian citizens, will weigh more with them than the NDA's own manifesto, considerations of democracy, pluralism and secularism--and, ultimately, their own legitimacy. It is high time the NDA allies confronted Hindutva forces on the grotesque asthi (ashes) procession proposed by the VHP, and on POTO. To deviously pass POTO in an illegitimate joint session of Parliament would only create a potent communal weapon in today's inflamed circumstances. Secularists must fight POTO tooth and nail.