



## **No, the SIT did not exonerate Modi of communalism**



Narendra Modi ([source](#)).

Owing to a highly successful image-makeover, it is common knowledge today that poor Modi has been a victim of a sinister media campaign to defame him. Its the *Supreme Court*, after all, that has exonerated him of all charges in relation to the Gujarat riots. What more can one ask for ?

Unconsciously assumed, as a corollary from the above, is that all charges of communalism against him must be fabricated *too*. The media must have falsely portrayed him as communal, in the same way they portrayed him as the engineer of the Gujarat aftermath. That, as will be shown below, is one of the most sinister urban myths of our times. Unlike his complicity in the 2002 riots, his communal record is established beyond an iota of doubt.

### **Targeting the NHRC (National Human Rights Commission)**

Soon after the Godhra riots, NHRC (National Human Rights Commission) gave an urgent recommendation report to the Gujarat govt highlighting the partiality of police in evidence gathering and filing FIRs. The Modi govt simply replied that *"police investigation cannot be put into disrepute, and its fairness questioned merely on the basis of hostile propaganda"*. Meanwhile, all 21 accused of the Best Bakery carnage were set free. Given the government's

above response (and after waiting two months for a reply to its confidential report), the NHRC petitioned the Supreme Court to try the case outside Gujarat (*Mitta : Page 54*). Modi was livid at the gall of NHRC to bypass the Gujarat justice system, and wrote an [open letter](#) to President APJ Abdul Kalam :

*"Vested interests are trying to obstruct the path of progress. They are identifying stray incidents and exaggerating them with the sole objective of slowing the pace of development. Not only this, such self-appointed and so-called champions of human rights groups do not even hesitate to point fingers, with the help of a section of media, at institutions like the judiciary in the State. Such activities raise serious doubts about the intentions of such groups which cannot even accept a constitutionally elected democratic government... It is more disturbing that some national-level institutions are also carried away by propaganda."*

The Supreme Court tried to give the Gujarat govt another chance and asked them to file an appeal against the blanket acquittals, which they did. The shoddy nature of the appeal, however, [infuriated](#) the Court. The Bench remarked :

*"Is this an appeal? Even a counsel with one year's experience will not draft such an appeal. It appears to us that it is an eyewash. It is just an eyewash and nothing else. We will not be silent spectators. We will act if the State keeps silent before the High Court"*.

Stating that he had **"no faith left in the prosecution and the Gujarat Government"**, Chief Justice VN Khare ordered the case to be tried outside Gujarat. Finally, 4 people were given life imprisonment when the Bombay High Court delivered its verdict. The Bilkis Bano gang-rape case was similarly shifted outside Gujarat, and again, 11 people were sentenced to life imprisonment.

In this way, *"self-appointed and so-called champions of human rights groups"* got justice for *"stray incidents"* only when the cases were transferred outside Gujarat, despite frantic attempts by our beloved PM to characterize them as *"vested interests"* out to defame his beloved state

**A hate speech that even SIT admitted**

In September 2002, the NCM (National Commission for Minorities) asked the Gujarat govt to deliver the transcript for an alleged hate speech Modi delivered at Becharaji. The task came under the chief of the State Intelligence Bureau, R. B Sreekumar. While deposing in front of the SIT, the DGP admitted that the Additional Chief Secretary (ACS) (the bureaucratic head of the Home Deptt directly under Modi) **did not want the transcripts to be given**. This was even given to Sreekumar *in writing!* (the written note was produced in front of SIT)

So, what was so damning in this speech that the Home Ministry did not want the courts to know ?

*“What brothers, should we run relief camps? Should I start children-producing centres? We want to achieve progress by pursuing the policy of family planning. We are five, and our 25! Can't Gujarat implement family planning? Whose inhibitions are coming in our way? Which religious sect is coming in the way?”*

Rejecting all the excuses offered by Modi, the SIT interrogator remarked, *“The explanation given by Mr. Modi is unconvincing and it (speech) definitely hinted at the growing minority population.”*. As expected, Sreesanth was duly rewarded for his honesty by being transferred, and a case was filed against him by the Gujarat govt for (waitforit) *leaking sensitive information!*

### **Delay in visiting relief camps**

Though he had rushed to Godhra within hours of the train burning on 27 February, Modi did not visit the next day—or indeed for some days—any of the places ravaged by post-Godhra violence, although three of them were right in Ahmedabad. This was because he was, as the SIT put it, *‘awfully busy’* holding meetings and taking decisions related to the escalating crisis. Significantly, this excuse of his having been *‘awfully busy’* was offered by the SIT only in its 2012 closure report. This was a far cry from the finding in its 2010 inquiry report, which said:

*‘Modi has admitted to visiting Godhra on 27 February 2002. He has further admitted to visiting Gulberg Society, Naroda Patiya and other riot-affected parts of Ahmedabad city only on 5 March 2002 and 6 March 2002... This possibly indicates his discriminatory attitude. He went to Godhra, travelling almost 300 km in a day, but failed to go to the local areas where serious incidents of riots had taken place and a large number of Muslims were killed.’*

In a separate note accompanying the 2010 report, SIT chairman R.K. Raghavan added:

*‘Modi did not cite any specific reasons why he did not visit the affected areas in Ahmedabad city as promptly as he did in the case of the Godhra train carnage’*

(entire extract taken from *Mitta*; page. 232).

### **Rewarding hate-spewing newspapers**

On 18th March, 2002, *Sandesh*, *Gujarat Samachar* and 14 other Gujarati newspapers received letters of appreciation from Modi, in which he expressed his gratitude that these newspapers had lent '*full support to the state government*'. and for having '*exercised restraint during the communal disturbances*'. Let's see some instances of the "*restraint*" shown by them :

- The front page of *Sandesh* on 28th Feb carried a story on VHP's anger with the headline '***Avenge blood with blood***'. It also falsely claimed that 15 Hindu girls had been dragged out from the Sabarmati Express and 2 of them had their breasts cut.
- It followed it up with the false story that bodies of two Hindu girls abducted from Sabarmati had been recovered after they were burnt and raped.
- On 1 March, it carried a report saying, '*Hindus were burnt alive in Godhra and leaders in Bhavnagar did not even throw a stone in the name of bandh. Ahmedabad, Vadodara and Rajkot partly avenged the killing of Hindus in Godhra. In the case of Bhavnagar, the gutless leaders are hiding their faces under the guise of non-violence*'.

The *Editor's Guild of India*, in its report on 3rd March 2002 held the role of these two newspapers as '*provocative, irresponsible and blatantly violative of all standard accepted norms of media ethics*'. The Guild recommended that the govt should appoint a high judicial officer to examine those sections of the media that were '*prima facie in flagrant violation of the law, and recommend what action, if any, should be taken against them*'. Of course, that never happened. Instead, they received congratulatory messages from Mr Modi. (*Mitta 238-41*)

### **Communal remarks against the election commissioner**

Under severe criticism after the Gujrat riots in 2002, Modi dissolved the Gujarat assembly and called for early elections. With thousands languishing in relief camps, the Election Commissioner, J M Lyngdoh rejected his call as he felt that the atmosphere was too communal for any fair elections. In a striking display of bigotry, Modi described his decision as

a minority-appeasing "*fatwa*" and called him out by his full name, James Michael Lyngdoh, at least 6 times in order to emphasize his Christian roots. Not having stooped low enough, he [made](#) the following remark :

*"Some journalists asked me recently, 'Has James Michael Lyngdoh come from Italy?' I said I don't have his janam patri, I will have to ask Rajiv Gandhi. Then the journalists said, 'Do they meet in church?'. I replied, 'Maybe they do.'"*

Disgust caused even PM Vajpayee to [rap](#) him for such "indecorous insinuations"

### **Harrassment of Rahul Sharma**

Rahul Sharma is one of the few officers who were praised for their proactive role in preventing the riots from spreading. He famously saved 400 *madrassa* students from being burned alive after being told by his seniors to not expect any help as the '*bureaucracy has been neutralized*'. Outnumbered by the mob, he ordered his troops to '*use maximum weapons while dealing with violent mobs*' and '*If anybody asked for reinforcement without resorting to firing, they would be suspended right away*' in order to prevent his officers from excusing themselves on grounds of their small numbers.

Transferred thereafter to a relatively low-key job, he single-handedly took the initiative to collect critical cell phone records of the relevant periods, later re-producing them from his local copy in front of fact-finding commissions when the originals that he had submitted were "*lost*". It was on the basis of these call records that big players like Maya Kodnani, Babu Bajrangi, etc. could be convicted later.

Curiously, he was [chargesheeted](#) by the Modi Govt in 2011 for, among other things, "*passing on records of calls made during the 2002 riots in the state, to the Nanavati Commission, without any official clearance!*" Continuously harassed, he was served 6 show causes by the Modi govt in 2013 alone, including one for (*gulp!*) [spelling mistakes](#).

### **Appointing Yogi Adityanath as star campaigner (and then, the Chief Minister of India's most populous state)**

Soon after winning the 2014 general elections, Modi [decided](#) to make the firebrand Hindutva preacher Yogi Adityanath, as its star campaigner for the UP state elections. Other than [advocating](#) "*taking away*" 100 Muslim girls in exchange for every Hindu "*they*" take and telling his followers to [take the law into their own hands](#) instead of filing FIRs, he is quite famous for attending rallies where speakers fantasize about [exhuming dead Muslim girls](#) and raping them. "I will not stop till I turn UP and India into a Hindu *rashtra*", [declaimed](#) the man who Modi

later rewarded by making him the Chief Minister of Uttar Pradesh - a man who has openly [declared](#) that Hindus and Muslims cannot co-exist.

### **Pitting communities against each other**

Sensing loss in the 2015 Bihar elections, Modi resorted to pitting the OBC and *dalit* communities against the Muslims in his election rallies. Twice, he [said](#) that the Mahagathbandhan were conspiring to take away part of the quota and give it to "a particular community"

### **Hypocritical stand on conversion**

In an [interview](#), Modi spoke against conversion and even cited Gandhiji in his support. But when the anchor asked about conversions to Hinduism, he replied (to the very visible amusement of the anchor), "*If you return to your former house, its not called conversion.. Its only natural that people should return to their original homes*"

### **Regarding the SIT**

The formulation of SIT was indeed a remarkable step by the SC, and it indeed worked admirably for the most part. But before accepting the "*clean chit*" as blanket impunity for Modi, some things should be kept in mind :

- In Feb 2010, SIT's own Special Prosecutor for Gulberg Society, R K Shah quit, stating that SIT was being extremely reluctant in giving him evidence that could allow him to properly cross examine important witnesses (like their previous statements to the police). He [said](#) :

*"The attitude of the learned judge towards the witnesses, particularly the victims-eyewitnesses, has by and large remained hostile. He browbeats them or threatens them or taunts them. He does not allow witnesses to go to the dock for the purpose of identification"*

Judge B U Shah was eventually replaced owing to this.

- Two of the three local (from Gujarat) members of the SIT were [dropped](#) in 2010 because one was found to be have concealed evidence in the Sohrabuddin fake encounter case,

and the second himself came under the scanner of SIT. Even the third, Ashish Bhatia, observers allege, should have been ousted (as SIT's Special Prosecutor for Gulberg Society, R K Shah had accused him of high bias) but somehow survived the purge.

- The *amicus curiae* (friend of the court), appointed by the SC to independently verify the findings of the SIT, publicly disagreed with its findings and said that Modi [should be prosecuted](#). (although his case was admittedly weak)

#### References :

- "[Modi is accountable](#)" by A.G. Noorani in Frontline
- "[The Fiction of Fact-Finding](#)" by Manoj Mitta, who also wrote a critical book on the "fact-finding" in 1984 riots