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The Bari report (India): New threats on secular activist and human rights defender Teesta Setalvad

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The central-government committee holds the activist ‘culpable for hatred-filled, disharmony-spreading, ill-will generating, enmity-creating explosive writings’.

The surgical strikes on Teesta Setalvad continue with the Bari report, and we should all be ashamed

Teesta Setalvad is under attack again. This time, it has come in the form of a report by a committee set up in March [1] by the Union Ministry of Human Resource Development to look into allegations that Setalvad and her husband Javed Anand misused a grant given to the Sabrang Trust, which they run, under the central government’s flagship Sarva Shiksha Abhiyan, an education programme.

The report should alarm and shame all of us, especially those in academia, because the committee that wrote the report was headed by Professor Syed A Bari, Vice Chancellor of the Central University of Gujarat.

The committee holds Setalvad “culpable for hatred-filled, disharmony-spreading, ill-will generating, enmity-creating explosive writings”, and says that there is a case against her under Sections 153A [2] and 153B [3] of the Indian Penal Code. These sections relate to promoting enmity between different groups on grounds of religion, indulging in acts prejudicial to maintenance of harmony, and making imputations or assertions prejudicial to national integration – and are punishable with jail terms and fines.

The committee was formed to look into how the Sabrang Trust utilised a nearly Rs 2 crore grant released by the Manmohan Singh-led government.

Promoting secular values

Setalvad, who has achieved national prominence for helping victims of the 2002 Gujarat riots pursue their legal quest for justice, heads the Sabrang Trust, whose main activity is to prepare and publish educational material. The Trust publishes a monthly magazine, *Communalism Combat*, which has been an important source of information for secular activists, and also runs a creative educational programme called Khoj.

One of the main objectives of school education in a diverse country like India is to help its young inculcate a secular outlook. This necessarily involves critically examining our country’s past and present and making an informed decision about our role in forming an active, secular citizenship. All India’s policy documents related to school education, ranging from the Radhakrishnan Commission (1948) to the Mudaliar Commission (1952-’53), Kothari Commission (1964-’66) and the National

Policy on Education of 1986 state this explicitly. The latest document is the National Curriculum Framework (2005), which this government still adheres to if we go by its statements in Parliament. The 2005 document also reiterates what its predecessors have set forth.

The Ministry of Human Resource Development made a grant to the Sabrang Trust to prepare educational material to promote secular values, especially in slum areas. Promotion of secularism also means combating communal prejudices and ideas. It was this work by the Sabrang Trust that the Bari Committee examined. The learned members of the committee concluded that what the Trust was doing could not be called education. On the contrary, the committee concluded that Setalvad, through her work, was creating and spreading hate.

Doing Gandhi's work

Setalvad spreading hate is akin to Mahatma Gandhi asking Indians to take up arms. For Setalvad's mission is only a continuation of what Gandhi was busy doing, especially in the last phase of his life - creating a secular India by assuring its minorities that they would have dignified equal status in a nation where Hindus comprise the largest religious group.

However, a section of Hindus did not like what Gandhi was doing. Gandhi sought from them not only empathy for Muslims but also justice. Since Gandhi would not stop in his audacious endeavour, he had to be killed. It is this mindset that also believes that Teesta Setalvad must be stopped.

To disable Setalvad, the government of Gujarat, headed by the man who now heads the central government, filed criminal cases against her, charging her with misuse and embezzlement of funds collected for the victims of the 2002 communal violence in Gujarat. It has been a vicious campaign [4]. When the Bharatiya Janata Party came to power at the Centre in 2014, it became ferocious. Central government agencies like the Central Bureau of Investigation were used to raid her office in Mumbai. The Sabrang Trust's bank accounts were frozen. A malicious media campaign was unleashed to defame Setalvad. The intent was to somehow get her arrested. Fortunately, the courts have not allowed that.

Justice must be paramount

A free Setalvad is dangerous for those who oppose the idea of a secular India. She was at the forefront of efforts that encouraged several victims of the 2002 violence to come out and stand firm in court despite a hostile government. The courts were persuaded to move some of the crucial cases outside Gujarat.

It's all very well to speak about communal harmony, but to make it substantive, the element of justice has to be foregrounded. Political parties and local administrations have the ability to hold peace marches after each incident of communal violence. But in such incidents, people get killed, their property is destroyed and they are displaced from their habitats. Rarely do these institutions ensure that justice is done in such cases.

Gandhi was faced with this question in the bloody days of 1946 and 1947. He was not ambiguous. He did not say that we should forget and forgive and move on. He said that the law must take its course in such matters and there was no question of general amnesty for the perpetrators of violence - criminal cases should not be closed and justice must be done.

It was his insistence on justice that became the cause of Gandhi's death. It is Setalvad's intervention to secure justice for wronged Muslims that has made her an object of hate for those who have pursued the culture and politics of majoritarianism. For them, what makes her dangerous is her consistency, perseverance and rigour. She has not lost her focus in her fight against communalism.

Friend of minorities

When reporting on Setalvad, the media describes her as an activist and the head of a Non-Governmental Organisation, both entities that are generally viewed with suspicion in our society. People like Teesta Setalvad are viewed with suspicion because they keep the state and society constantly aware of the unfinished task of secularising the nation. It involves reminding us of the rights of the minorities. Setalvad and people like her do what our state and educational institutions should be doing. She tries to record and document each case of the lapse of the state in matters related to the principle of secularism.

We are living in times when Muslims in India feel deserted by the political class in general. They feel friendless. The ruling party wants this feeling to spread. Many members of minority communities, especially Muslims, see an unwavering friend in Setalvad. As a consequence, proponents of majoritarianism see her as somebody who needs to be neutralised through some surgical action. The Bari report appears to be part of this plan.

It is sad that Setalvad has been left to fend for herself in this unequal fight against a state machinery that has scant regard for our foundational constitutional principles.

These are not ordinary times. We need constant vigil and extraordinary courage to keep secularism alive. Setalvad is doing exactly that. She is facing the consequences. But what future generations will remember is the silence of the elite – who have benefited most from our secular Constitution – when one of them was being persecuted for not letting institutions of the state forget the Constitution's promises to minorities.

Apoorvanand

P.S.

* Scroll.in. Oct 24, 2016 · 08:00 am. Updated Oct 24, 2016 · 08:50 am:

<http://scroll.in/article/819646/the-surgical-strikes-on-teesta-setalvad-continue-with-the-bari-report-and-we-should-all-be-ashamed>

* Apoorvanand is a professor of Hindi at the University of Delhi.

* We welcome your comments at [letters scroll.in](http://letters.scroll.in).

Footnotes

[1] <http://indianexpress.com/adblocker/>

[2] <https://indiankanoon.org/doc/345634/>

[3] <https://indiankanoon.org/doc/771276/>

[4] ESSF (article 39348), [India, secularism battling Hindutva: The many ideas that Teesta Setalvad has come to symbolise](#).