

Judging Modi: The Historical Context

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Fair

Hardly a day before India's Prime Minister Narendra Modi was scheduled to land in the United States for his first state visit since being elected, an American [federal court issued a summons](#) to Mr. Modi over his alleged role in the 2002 Gujarat riots in which, according to [Indian official figures](#), 790 Muslims and 253 Hindus were killed. At the time of the riots, which many refer to as an anti-Muslim pogrom, Modi was Gujarat's chief minister. His critics allege that he was indirectly or directly culpable for the violence either because he did too little to prevent it or because he may have secretly encouraged it. Because of his alleged role in those riots, in 2005, the U.S. Department of State invoked a 1998 law that renders those foreign officials who are responsible for "severe violations of religious freedom" ineligible for a U.S. visa. Upon being sworn in as Prime Minister, this ban was obviated as Modi qualified for an A-1 visa for heads of government. The United States needs historical and political perspective on Mr. Modi and the Indian political milieu for the simple fact that the United States needs India as a partner to confront myriad regional challenges and common enemies. Too much is at stake to be squandered by ignorance and arrogance.

The Gujarat Riots in Context

Modi is a controversial figure within and without India because of his connection to the Gujarat violence in 2002. His defenders dismiss the varied allegations against him as rampant [nonsense](#). They enthusiastically recount that Modi was never charged with a crime and remind his critics that a [team of special investigators](#), which were appointed by India's Supreme Court, found no evidence to support the claim that he was criminally liable for failing to stop the riots. They also recite the conclusions of several [other investigations](#) that also failed to find incriminating evidence. Critics of the varied investigations claim that these conclusions of his innocence were "[predestined, if not predetermined](#)" in part because they relied "[implicitly on Modi's testimony](#)." They also explain how various technical aspects of the investigations were flawed.

This author has a long history of criticizing Indian failures with respect to its numerous ethnic and religious minorities, including the Gujarat violence. However, the Indian Government is not blind to these matters. It conducted its own investigation into the status of India's Muslims and the report that ensued (the [Sachar Committee Report](#)) found that India's varied Muslim communities were among the most [down-trodden](#), even compared to what used to be known as "other backward castes." While India understands the problems, it has yet to do anything substantive to address them. Some Muslims are trying to take the matter into their hands. In various states across India, Muslims are forming Muslim-led political parties. Curiously, these parties are not Islamist and not related to the various [indigenous Islamist militant groups](#) that, with help from Pakistan's intelligence agencies and proxies like Lashkar-e-Taiba, wage episodic terrorist attacks across the country.

Modi's ascent to the prime ministry raises important concerns because of his communal history. Not only is he the leader of India's Bharatiya Janata Party (BJP), which is a Hindu nationalist party, he was also a long-time member of the controversial [Rashtriya Swayamsevak Sangh](#) (RSS, translated as the National Volunteer Service Organization). Despite its banal name, the [RSS was formed in 1925 as a Hindu nationalist \(Hindutva\) paramilitary organization](#). [RSS goals](#) include rebuilding a Hindu temple in Ayodhya in the state of Uttar Pradesh, where some Hindus believe Lord Ram was born. Proponents of rebuilding the temple there contend that a sixteenth century mosque, the Babri Masjid, was built on top of the temple. Hindu nationalists destroyed the mosque in 1991 and demanded that the temple be rebuilt. That episode sparked massive anti-Muslim riots across the country and the issue remains a lightning rod in the country. The RSS also demands that the contested state of Kashmir no longer enjoy a special legal status and they insist upon a common civil law that would govern all religious communities with respect to marriage, inheritance and divorce. Incidentally, this was also the goal of the [Indian constitution](#). Article 44 of the

[“Directive Principles of the Constitution”](#) specified that [“The State shall endeavor to secure for citizens a uniform civil code throughout the territory of India.”](#) However, RSS critics also note the organization’s long history in violence against [religious minorities](#). Some Indians have even accused the RSS of fomenting [“Hindu terror.”](#)

The BJP is Not the Only Party to Play in Communal Politics

Many liberal U.S. citizens—including this one—and liberal Indians alike were disappointed that India elected Modi as the country’s prime minister given his sketchy past. However, the alternatives were terribly disappointing. While the BJP’s communal role in politics is overt, the Congress party too is alleged to have much blood on its hands. First, Indira Gandhi of the Congress party did much violence to Indian secularism when she pandered to Sikh extremists in the Punjab. In an effort to undercut the Sikh political party known as the Akali Dal, her primary rival in the Punjab, she propped up a Sikh militant known as [Jarnail Singh Bhindranwale](#). She paid with her life. Bhindranwale’s militants launched a spree of terror and holed themselves up with massive arms caches in the most sacred of Sikh temples, the Golden Temple. Seeing no other option to contain the menace, she dispatched the Indian army into temple. In retaliation, she was assassinated by her Sikh bodyguards.

Following her assassination, militant Hindus went on a rampage and thousands of Sikhs were gruesomely slaughtered. The Congress party was [accused](#) of facilitating the identification and subsequent murder of Sikhs through a variety of means including providing the killers with voter ration lists and school registration forms. Allegedly, Congress party workers even read the lists to the illiterate among the killers. The [U.S. government](#) was convinced of the Congress government’s culpability for the sanguinary anti-Sikh riots of 1984 and condemned them for it.

Equally problematic, Mrs. Gandhi’s son Rajiv Gandhi continued to undermine India’s secularism with his handling of what became known as the “Shah Bano Case” in 1985. Ms. Bano was an indigent Muslim woman whose husband divorced her. She appealed to the Indian Supreme Court under Section 125 of the Code of Criminal Procedure in hopes that the court would overrule her ex-husband’s claim that he was exempted from paying alimony under Muslim personal law, which was still in effect despite the [Directive Principles of the Constitution](#). The court ruled that her husband was obliged to pay alimony payments. The ruling enraged many of India’s Muslims who interpreted the ruling as a veiled attempt to marginalize Muslims in India. Rajiv Gandhi’s Congress party relied upon Muslim votes. Fearing Muslim retribution at the ballot box, he used his parliamentary majority to grant Muslims [“a separate dispensation in matters of marriage and divorce.”](#)

This move angered Hindus in India who felt that the Congress was catering to Muslim sentiments despite the clear intent of the Indian constitution. The Hindu Nationalist party, the BJP, was quick to move in on the disgruntled Hindu voters. Rajiv Gandhi, not to be outflanked by the BJP, made a bold and dangerous move: he decided to make the Babri Masjid, discussed above, a national issue. [Sumit Ganguly](#) of Indiana University describes Rajiv Gandhi’s decision “to make a national issue of this dispute between two religions over a single piece of holy ground” as “entirely deliberate and calculating” and inflicting yet another “wound” upon Indian secularism.

In 1949, [Hindu activists-cum-intruders placed murtis \(idols\) of Lord Ram in the mosque](#). Fearing communal violence, India’s then Prime Minister Nehru ordered the idols to be removed. Local officials balked and were eventually sacked. While state officials left the idols in the mosque, they sealed it and the house of worship remained in disuse until Rajiv Gandhi re-opened the issue for electoral gains.

In 1986, Hindu extremists associated with the Vishva Hindu Parishad (VHP, another Hindu nationalist organization allied to the RSS and the BJP), antagonized by the Congress’s reversal of the court decision in the Shah Bano case and subsequent Muslim protests, agitated to unseal the Babri Masjid. A lawyer filed a case to unseal the mosque and a local judge agreed with the petition. Once the mosque was again made accessible to the public, Hindu demands to demolish the mosque and rebuild the temple mounted. In the 1991 elections, the BJP lost nationally to the Congress, which formed the government under Prime Minister Rao. However, the BJP’s interest in rebuilding the temple did not diminish despite this defeat. Instead the BJP was re-invigorated because it did prevail in the state elections of Uttar

Pradesh, where Babri Masjid is located. As communal calls in Uttar Pradesh flared, Prime Minister Rao was slow to act. In December 1991, large crowds of Hindu extremists descended upon mosque in a well-organized attack. They destroyed it brick-by-brick. Rao dismissed the Uttar Pradesh government and even ordered the arrest of some of its officials for the incident. The efforts did little to stem the communal violence that ensued in which as many as 2,000 Hindus and Muslims perished.

That Visa Issue

It is well known that Modi had been denied a U.S. visa since 2005, when he applied for a visa to visit the United States for a conference sponsored by a hotel owners association. David C. Mulford, then serving as the U.S. Ambassador to India, issued a [statement](#) explaining the decision. Mulford noted that the visa was denied under “section 214 (b) of the Immigration and Nationality Act because he was not coming for a purpose that qualified for a diplomatic visa.” Mulford continued:

Mr. Modi's existing tourist/business visa was also revoked under section 212 (a) (2) (g) of the Immigration and Nationality Act. Section 212 (a) (2) (g) makes any foreign government official who “was responsible for or directly carried out, at any time, particularly severe violations of religious freedom” ineligible for a visa to the United States.

He further explicated that the decision was made “based on the fact that, as head of the State government in Gujarat between February 2002 and May 2002, he was responsible for the performance of state institutions at that time.”

What is *not* well known is that Modi is the [only person](#) who has ever been denied a visa under this law. Surely many other officials of foreign government, who routinely visit the United States, should be denied a visa by a judicious application of this law. The denial of Modi's visa by the Bush Administration likely had more to do with a desire to demonstrate to the global Muslim publics that the United States was not anti-Muslim in the context of ongoing wars in Iraq, Afghanistan and the persistent fiascos in secret prisons such as Abu Ghraib, Bagram and Guantanamo, among lesser-known others.

South Park's Wisdom About Elections

When Indians voted in the general election earlier this year, they had three choices: a new upstart party called the [Aam Admi Party](#) that promised much but delivered little, a known communal party called the BJP, or the Congress Party.

During Modi's campaign, he left his RSS past behind him. While he made no particular effort to dissociate himself from the Hindutva agenda of his base, he made no effort to give voice to their issues. Instead, he campaigned on economic growth and righting India's glide path as a major power. Indians, vexed with the consistently lackluster Congress-led government, voted with their imagined future wallets.

Since becoming Prime Minister, Modi has made important overtures to India's Muslims. In his first speech at the Lok Sabha, Modi's language focused upon inclusion. He explained that he did not consider “focused activity” for the welfare of Muslims as “appeasement.” He also argued for the welfare of “all sections” of India's society. He singled out “Muslim backwardness” by way of a personal anecdote. [He said in that speech:](#)

Even the third generation of Muslim brothers, whom I have seen since my young days, are continuing with their cycle repairing job. Why does such misfortune continue? We will have to undertake focus [sic] activity to bring about change in their lives. We will have to bring such programmes. I do not view such programmes within the prism of appeasement. I see them [sic] to bring about a change in their lives. No body [sic] can be called healthy if one of its organs is disabled. All organs of the human body

needed to be fit in order for a person to be healthy. Similarly, all sections (organs) of the society need to empowered [sic].

This is an important and even bold move. Rather than giving Modi the cold shoulder for his alleged past, the United States should encourage him to do more. His political competitors have been guilty of equal if not worse crimes of omission and commission.

What's at Stake?

The current court summons in New York requires Modi to respond within twenty-one days. The complaint was filed by [two Indians](#) who identified themselves only as “Asif” and “Jane Doe.” While it will have little if any practical impacts upon Modi’s visit, it is a reminder of the problematic policies that Washington has adopted with respect to Modi. The State Department should step in quickly to diffuse this situation as much as that is possible before it evolves into yet another bilateral spat.

Not only do the two countries need to forge ahead make headway on a variety of commercial and economic issues, the United States and India have many shared concerns: the rise of China, the ever-spreading menace of Islamist terror from Pakistan coupled with that country’s irresponsible nuclear proliferation, the fate of Afghanistan and the rise of the Taliban. India has a good relationship with Iran and India could be an important partner in breaking the log-jam between Iran and the West.

Long ago, President Clinton recognized that India and the United States should be partners in a wide array of security-related issues in and beyond South Asia. President George W. Bush, working with then Prime Minister Atal Bihari Vajpayee, furthered that vision. During the Obama-Singh years, the relationship has languished due to a lack of vision and attention. The Obama administration should make a renewed attempt at re-invigorating ties with India. Prime Minister Modi—despite his communal past—sees a future world with India as a major player. Prime Minister Modi can be a real partner for security, counter-terrorism and defense cooperation that India’s former Prime Minister Singh could not be. Obama needs to give Modi a chance. Both countries need to seize this opportunity.

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