THE GUJARAT CARNAGE (2002)

The tragic incident of Sabarmati Express train, occurred at Godhra (Gujarat), on 27 February 2002, and aftermath, large scale communal violence against the Muslim community, engineered by the fanatic Hindus, shocked the nation. This tragedy was quintessence of the holocaust, which occurred during partition, when common people, miserably suffered. According to Human Rights Group, the Gujarat’s BJP government failed to prevent it and in some cases even connived series of pogroms that resulted in the death of more than a thousand Muslims and forced many thousands more to leave their jobs and homes. Near about two thousand crores of social wealth went in the gullet of the communal demon.

Many people think that Gujaratis are very tolerant, mild mannered, and peace loving and they become bewildered, how and why the people of Gandhi’s Gujarat, came to acquire such a violent communal personality. But we should not forget that Gujarat is not only of Gandhi, it is also a Gujarat of Mohammad Ali Jinnah, L.K Advani, K.K Shastri, and Pravin Togadia (both are members of Vishwa Hindu Parishad). The conception that Gujarat society is peace loving and non-violent is only a myth. In fact, cruelty, violence and inhumanity are hidden in social structure and open violence and cruelty of 2002, is an example of the same nature of the state. There are many factors behind this nature of Gujarat e.g. economic situation, geography of state, social structure, power politics, psychological and cultural climate etc. Out of these, major factors are geography of the state and power politics, on which other factors depend. Geographically, Gujarat is a border state, its northern border touches Pakistan. This has always created ‘fact-cum fiction’ about continuous Pakistani ‘infiltration’ into the state, which continue to be exploited by the Jan Sangh and then by the BJP (Bharatiya Janata Party).

Different castes and communities constitute the population of Gujarat, who are, developed/upper castes, OBC (Other Backward Classes), SC (Scheduled Castes), ST (Scheduled Tribes), the Christians and the Muslims. The Muslims constitute 9% in Gujarat. The sizable Muslim community votes is a key factor in capturing power in
Gujarat. A significant political factor that has contributed to deepen the communal division, is power politics oriented election strategies.

To create a solid vote bank, as the Congress strategies evolved, the popularly known as KHAM (Kshatriya, Harijan, Adivasi, Muslim) model. On the other hand, to compete against the Congress and break its politics of vote bank, the Bharatiya Janata Party, resorted to Hindutva, isolating the Muslims and winning a large number of Hindu community votes. After BJP came to power, Gujarat witnessed number of anti-Muslim incidents as Gujarat was communally sensitive even before the BJP came to power, and after the BJP’s rule (1998) in the state, it became much more communally sensitive. The BJP adopted most aggressive communal stance in the state especially during post-Babri demolition period, by its tall talk of Hindu values and culture, discipline and anti-Pakistan and anti-Muslim diatribes. They acquired aggressive behaviour against the Christians also. The Christian missionaries were attacked in the tribal districts of the state before 2002 anti-Muslim riots, during December 1998-January 1999. So Gujarat had been chosen a laboratory for Hindutva experiment by the Sangh Parivar. But it did not happen overnight. From long time, the Sangh and its sympathizers began poisoning the Gujarat environment. Unwittingly, the Congress also helped the Sangh by dividing Gujarat society for electoral gains.

One more phenomenon that ought to be taken into account is large scale migration of upper caste Gujaratis abroad, which had an impact on communal situation. These Non-Resident Indians suffered from an identity crisis and feel rootless in foreign countries, and are liberally financing the VHP. It (VHP) established branches in foreign countries, promoting Hindutva politics among NRIs. Because of such NRIs especially of Gujarat, VHP has been thriving financially. To understand the background of the carnage (2002) in Gujarat, one more factor can be taken into account. The defeat of the BJP (2002 assembly elections) in UP (Uttar Pradesh), Punjab (where it was in coalition with Akalis) and Uttranchal (where it had its own government), and also in by-elections in two assembly seats in Gujarat, created a great political crisis for the party. Due to corruption and non-governance of the BJP, people of these states rejected this party. The scandals, during the earthquake and collapse of buildings, constructed by contractors linked to the BJP ministers and their relatives, further exposed the BJP’s tall claims of
being a ‘party with a difference’ and a non corrupt party. Thus it was losing election after elections and after defeat in UP (Uttar Pradesh), it was particularly worried. During this period, early signs of RSS (Rashtriya Swayam Sevak Sangh) and VHP (Vishwa Hindu Parishad) making Gujarat the model of their futuristic polity, seem to emerge.  

Before the Gujarat carnage, the BJP’s popularity was on the downslide. The Congress had swept the district and *taluka panchayat* elections in 2000. It continued to win every subsequent election. A nervous BJP central command brought in hardliner Narendra Modi as Chief Minister to rescue the sinking ship. When Sabarmati Express was burnt on the evening of 27 February, the BJP saw it as a golden opportunity to engineer an election win. The next day, the Sangh Parivar mobs unleashed a pogrom. Mainly the Congress strongholds in north and central Gujarat, were targeted during the violence. The strategy of hate and violence paid off. The BJP won state assembly elections in December 2002, decisively with 126 of 181 seats, improving on its previous tally of 117 seats. Gujarat became a state where there was the rule of hatred and crime, since the coming of BJP to power. Here minority communities were killed and powerful persons made use of political power for their own benefits and compelled the poor people to work against their own interests. Here, the large part of the state lost sense of differentiating between the right and wrong. We know many communal riots and carnages occurred in Gujarat e.g. 1947, 1969, 1982, 1985, in 1990, following Advani’s *Rath Yatra* and in 1992, after demolition of Babri Masjid. But post-Godhra bloodbath was perhaps the most horrible, horrendous and destroying in its aims, objectives and modus operandi, leaving a sinister message to the nation as a whole. The most disturbing aspect of this carnage had been the participation of village communities in violence, because during earlier riots, villages by and large remained untouched by communal violence.

It was an engineered holocaust, a wonton attempt for destruction of secular fabric and flagrant violation of human rights. The myth of Gandhi’s Gujarat as peaceful, tolerant and non-violent state exploded. In the state of Gujarat, thousands of Indian citizens, including women, children and unborn babies were butchered, thousands more remained in refugee camps for months, without any help from government or politicians, who were elected by them, to ensure their security and safety. Even now, many years
after 2002, the situation of Muslims is still bad in Gujarat and the government has not given any relief to them. So if Modi is indicted, that may provide some sense of justice to them.\textsuperscript{18}

Now it is necessary to analyze the Godhra train incident, that followed the communal riots and the widespread violence in post-Godhra incident period and calculate the response of state government and administration. First of all, we have to analyze the Godhra train incident of 27 February 2002 which proved to be the cause of action of referred holocaust.

I. GODHRA TRAIN INCIDENT, 27 FEBRUARY 2002

The tragic incident of an overcrowded train-9166UP Sabarmati Express, occurred at about one kilometer away from Godhra railway station, in which 58 passengers including 26 women and 12 children were burnt to death, threw a question mark to those people, who claim to be secular or liberal. This most condemnable incident shocked the sensibility of Indians as well as the world.

MAP OF GUJARAT

Source: http://www.mapzones.com
The tragic incident occurred at Godhra, a small town in Panchmahal district of Gujarat. Its distance from Ahmedabad is about 150 kilometers. Godhra has a population of more than two lakhs, that is mostly, the Hindus and the Muslims. Since partition, it has witnessed communal violence between the Hindus and the Muslims from time to time e.g. 1948, 1980, 1990, 1992 and then 2002. It is clear that Godhra always had been prone to communal riots. Despite it, the authorities failed to take any precautionary measures. It shows that innocent people of the town were completely in the dark.19

The incident raised several questions i.e. was there a confrontation before the burning? What was the reason behind this? Who started the confrontation? Was the incident pre-planned or sudden? What was the police doing? Why was the situation allowed to take the form of arson? These are such questions, which have not been satisfactorily answered. There were conflicting reports about how violence started. According to some versions, it was pre-planned, but others claimed, it was sudden. Different versions of its occurrence, have appeared in press reports and in the media. In this study, different reports will be analyzed.

It was officially stated that it was a pre-planned terrorist attack by the ISI (Intelligence Inter Service) of Pakistan. After intensive questioning of officials and witnesses, an objective account was provided by Rajiv Chandrasekaran, the correspondent of \textit{Washington Post}. The \textit{Washington Post} concludes that the train incident in Godhra was not pre-planned by young Muslims, but an argument provoked by the Hindu activists, that went out of control. The \textit{Washington Post} stated that,

\begin{quote}
For two days, as the Sabarmati Express sneaked across northern India, some Hindu activists in cars S-5 and S-6, carried on, like hooligans. They exposed themselves to other passengers. They pulled headscarves off Muslim women. They evicted a family of four in the middle of the night for refusing to join in chants, glorifying the Hindu god, Ram. They failed to pay for the tea and snacks, they consumed at each shop. When the train pulled into this hardscrabble town in western India on the morning of February 27, the reputation of its rowdiest passengers proceeded it.
\end{quote}
When they refused to pay for their food, the Muslim boys among the vendors at Godhra station stormed the train. Interviews with passengers on the train, witnesses to the incident and police and railway officials suggest that the train fire was not a pre-meditated ambush by young Muslims, but a spontaneous reaction provoked by the Hindu activists, that went out of control. “Both sides were at fault,” said a police official here, who spoke on condition of anonymity. The provocation was there and the reaction was strong. But no one had imagined this would turn into such a big tragedy.\textsuperscript{20}

Different versions of eyewitnesses to the whole Godhra incident have been given by \textit{Mainstream}, the weekly magazine, founded by Nikhil Chakravarti, which reads as follows.

The actual story didn’t start at Godhra, as it is being told everywhere, but it started from Doahod, 75 Kilometers before the Godhra railway station. At about 5:30 to 6:00 A.M, the train reached Doahod railway station. These Kar Sevaks, after having tea and snacks at the railway stall, broke down the stall, following some argument with the stall owner and proceeded back to the departing train. The stall owner then filed a complaint against the Kar Sevaks at the local police station about the above incident. At about 7:00 or 7:15 am, the train reached the Godhra railway station. All the Kar Sevaks came out from their reserved compartments and started to have tea and snacks at the small tea stall on the platform, which was being run by an old bearded man from the minority community. There was a servant helping the old man in the stall. The Kar Sevaks purposely argued with the old man and then beat him up and pulled his beard. This was all planned to humiliate the old man, since he was from the minority community. The Kar Sevaks kept repeating the slogan, \textit{Mandir ka nirmaan karo, Babur ki aulad ko bahar karo}.\textsuperscript{21}
This is what eyewitnesses narrated to the correspondent, thereafter, they said the situation took a turn for the worse. The sixteen years old daughter of the old man, present at the station, came forward to save her father. But *Kar Sevaks* lifted the young girl and took her inside their compartment (S-6) and closed the compartment door. The train started to move out of the platform of Godhra railway station. The old man kept banging on compartment and begged the *kar sevaks* to let go of his daughter. An eyewitness recounted,

Just before the train could move out from the platform, two stall vendors jumped into the last bogie, that comes after the guard’s cabin. And with the intention of saving the girl, they pulled the chain and stopped the train. By the time, the train halted completely, it was one kilometer away from the station. The two men then came to the bogie in which the girl was and started banging the door, requesting the *Kar Sevaks* to let go off the girl. As a result of commotion, people in the vicinity, near the tracks started moving towards the train. The boys and the mob (which included women) had by then gathered near the compartment. They requested the *Kar Sevaks* to return the girl to her father. But they did not agree, instead they shut the windows of the bogie. This infuriated the mob and they retaliated by pelting stones at the compartment. The compartments adjoining compartment S-6 on either side, had *Kar Sevaks*, carrying banners that had long bamboo sticks, attached to them. The *Kar Sevaks* got down and started attacking, with those bamboo sticks, on the mob, gathered to save the girl. This further angered the crowd; they brought diesel and petrol from trucks and rickshaws standing at the garages in *Signal Falia* (a place in Godhra) and burnt the compartment. In retaliation, the *Kar Sevaks* in other compartments, got down and started burning down the garages in *Signal Falia* including *Badshah Masjid* at Shehra Bhagaad.
This report proves that without any reason, the Muslims were, irritated and harassed by the *Kar Sevaks*, then they protested against this harassment, burning the train, it was a sudden reaction.

It must have been a planned affair and written in the prestigious magazine, *Outlook*, by Prem Shankar Jha, in his column,

> It is barely possible that the dispute came out of a fracas between *Kar Sevaks* and Muslim vendors in Vadodara, or on the train. The VHP and Bajrang Dal are not exactly known for their sensitivity to sentiments of minority community and may have cast aspersions on Islam, that brought forth this unwanted, although still utterly condemnable reaction. However, if reaction had been spontaneous, it would almost certainly have taken several hours to gather force and would have taken place in Vadodara and not 150 kilometers away. Even the theory floating around that the persons, who had been roughed up in Vadodara, rang up co-religionists in Godhra and set-off the conflagration, sounds far-fetched, for the attack on train was too well organized and too cold-blooded, to have been organized in the two hours or so, that the train took to get there. Thus one cannot rule out the possibility, that the attack was planned, was intended to occur after the Ayodhya meeting of VHP *Kar Sevaks*, and was instigated by outside elements.  

The author remains unable to prove this successfully, that attack was planned. He was only doubtful about pre-planning of this incident.

Azam Shahab, a columnist, interviewed several eyewitnesses in Godhra for Urdu daily, *Hindustan* of Mumbai. He did not find any evidence to justify the theory that burning of people in Sabarmati Express was a planned affair. According to him, when news spread like wild fire of Muslim girl having been kidnapped and detained in bogie of train, some scoundrels burnt the girl, hundreds of people rushed towards the train to see what was happening and some of them tried to put the fire off. He said that no one out of them brought petrol bombs or *lathis* with them. It was natural reaction of people, who ran
to witness the sordid affair. This has been confirmed, according to Shahab, by the report of the railway police, submitted to the authorities on April 15, 2002. Why would Muslims burn bogie no.6 that only contained fifteen *Kar Sevaks* and not the other bogies which contained hundreds of *Kar Sevaks*? This is asked by Azam in his dispatches. It was really a height of madness on their part to burn the bogie, when the girl detained by *Kar Sevaks* was in referred bogie, if it was done to save that girl.25

Praful Bidwai stated in *Frontline*, that Godhra incident was a sudden rather than pre-planned. He wrote,

Reconstruction of Godhra incident for example, in Citizen’s Forum report, suggests that it was a spontaneous, rather than an elaborately planned, over-reaction to the daily harassment of local *Ghanchi* Muslims (oil-pressers by occupation) by communally charged *Kar Sevaks*, returning from Ayodhya. Had there been serious preparation for the attack on Sabarmati Express, scheduled to reach Godhra at 2:55 am, there would have been a large crowd on the railway platform at dawn. There was not. When the train rolled in five hours late, there were only a handful of vendors, porters and passengers on the platform. An altercation broke out between *Kar Sevaks* and Muslim tea vendors. It was only when a rumour spread that young Sophia Khan had been dragged into the coach S-6, that a crowd gathered near *Signal Falia*, a *basti* known for communal tension and criminal activities. Seven weeks on, the government has failed to provide credible evidence linking the Godhra episode to a ‘conspiracy’, involving Pakistan’s ‘Inter-Services Intelligence’ or even an organized group in Gujarat or elsewhere. Nor can it explain why towns such as Ratlam, which are physically far closer to Godhra, and which have a similar composition of the Hindus, the Muslims and the Adivasis, did not register any ‘retaliatory’ violence, while distant Ahmedabad did.26

So it is difficult to draw a decisive conclusion, whether the railway platform incident and burning of bogie of Sabarmati Express at Godhra was a predetermined act. But the VHP and other Sangh Parivar elements and Modi’s government wanted to make everyone believe that it was pre-planned. Most evidences indicate that Godhra events was not pre-planned by the Muslims as alleged by the Modi government. In this connection, we could also refer to statements made by senior police official, incharge of investigation team, and IGP (Inspector General Police), railways, P.P.Agja. He gave his findings as follows.

- Chaïwallas in train came from Ghanchi community. There was a quarrel between Kar Sevaks and Chaïwallas on the Dahood Godhra sector and then they reached Godhra.

- There was an exchange of words about payments between Kar Sevaks and tea vendors, gathered at Godhra railway station. Then the vendors got on to the train and at Signal Falia they pulled down the chain. Other Muslims gathered from the basti. Many local Muslims got into the train.

- They procured diesel from the garages near the track and threw diesel, using cloth balls dipped in diesel. They also threw stones.

Chronologically speaking, in the assessment of this officer, there was no pre-planning. The fire was not intended. It caught more than they expected.

Inspector General of Police, P.P. Agja states that there is no evidence at all that the attack was pre-planned. This was reference by a report published in The Times of India, 29 March. Agja states, “At Godhra station, the hawkers on the platform started stoning the train, after an unsavory incident, especially targeting coach S-6, because some occupants of the coach, had given to offence. At any point of time, there are some 250 hawkers on the station. Some of them carry stoves with kerosene. All of them live in the slum, called Signal Falia, next to the station.” He also states, “This means it is not surprising that a crowd could collect at the station so fast. The people who live cheek by jowl, in the slums next to the station, include a fair share of criminals, indulging in railway crimes like looting, pick-pocketing and stealing goods of passengers and also
railway property. All of them are Ghanchi Muslims, who are uneducated, without any job and are poor."\textsuperscript{30}

From 8:30 am when the Godhra attack on the Sabarmati Express took place, until 7:30 pm, that evening, repeated statements by the Godhra District Collector, Jayanthi Ravi, relayed on Doordarshan and Akashwani stated that, “the incident was not pre-planned. It was an accident."\textsuperscript{31} It was only after 7-7:30 pm, when CM Narendra Modi, spoke and called it a ‘pre-planned’, violent act of terrorism’ that the official version changed.\textsuperscript{32}

So according to the police, on that day all was not well in coach S-6 of Ahmedabad-bound Sabarmati Express. A group of unruly Kar Sevaks had boarded the train at Lucknow, without reservations and created disturbance in the coach and made the genuine passengers uncomfortable. Even some ticket paying passengers had to sleep on the floor, so overcrowded had the compartment become, that ticket collector who came aboard the train at Ratlam (two stations before Godhra), was not allowed to enter the coach.\textsuperscript{33}

Some inquiry commissions gave their reports on Godhra train incident, but these reports were so different from each other. e.g. Tewatia Commission (April 2002) reported that in Godhra train incident, the Pakistan government had its hand, planned to burn the entire Sabarmati Express. Pakistan had its objective to increase communal conflagration between the Hindu and the Muslims in India.\textsuperscript{34} On the other hand, Justice Banerjee concluded that fire in the compartments of Sabarmati, was an incidental spark. There was no pre-planned conspiracy behind the incident.\textsuperscript{35} The Banerjee report became the tension for Sangh Parivar, because subsequent Gujarat carnage was justified by Sangh Parivar, solely on the basis of this incident, describing it as a conspiracy by Muslims of Godhra with the involvement of ISI of Pakistan. Even Chief Minister, Narendra Modi, said that 140 liters of petrol, used by Muslims, to flare up the fire, without telling about the source of his information (But in 2006 the Gujarat High Court ruled that the Banerjee Commission was illegal and unconstitutional).\textsuperscript{36}

A report was submitted by Gujarat Forensic Science Laboratory, after four months of incident, which gave rise to various contradictory versions. According to this report, fire was spread from inside the train, BJP protested this version. The former Chief
Minister of Gujarat, Shankarsinh Vaghela (Congress), finds in the report, enough proof that burning incident was done by scoundrels of VHP, to fuel the fire of massacre of the Muslims all over Gujarat, but on the other hand, report also shows that it was a planned operation by some fanatic Muslims, who were supported by the local population.37

The team of National Human Rights Commission, also visited the Godhra railway station and conversed with some witnesses, finding that, on 27 February 2002, Kar Sevaks quarreled with a tea vendor, Sadique Bakkar. Then they beat him, pulled down his beard and compelled him to say ‘Jai Shri Ram’. After this, the train started, somebody pulled down the chain and started stoning the train. For the second time again, the train started but once again, the chain was pulled down by somebody, and the train stopped at one kilometer distance from the station and then again stoning started. After this, the coach-6 was put on fire by the mob.38

A Commission headed by Justice G.T. Nanavati and KG Shah, looked into Godhra and post-Godhra incidents, concluded that the incident of Godhra was not an accident, but the coach was indeed set on fire by the mob.39

And now after nine years, a Special Court in Allahabad, delivered a judgment, that pleased the Narendra Modi government in the state. On February 22, 2011, Justice P.R. Patel ruled that the train fire was the result of a conspiracy. He convicted thirty one of the ninety four persons, arrested on charges of being involved in the incident. Curiously, among the sixty three acquitted, was Maulana Hussain Umarji, who was accused of being among the main conspirators. He was set free owing to ‘lack of evidence’.40 It happened, the way, as the Modi government wished.

It is proved from the analysis of different reports, about the incident, that most evidences indicate that the incident was not pre-planned by the Muslims as alleged by the state government. Only the Nanavati Commission and recent special court judgment about the train incident, have intriguingly opted for the theory.

It was sudden and occurred due to the provocative actions of the Kar Sevaks. But some politicians declared it pre-planned (by Muslims) to create communal violence, throughout Gujarat between the Hindus and the Muslims for political gains. Anyway, this is shameful for our democratic country that even after six decades of independence,
minority communities are insecure in our country and they suffered in different ways for political considerations.

**GODHRA TRAIN BURNING, 27 FEBRUARY 2002**

![Image of train burning](http://hindurevolution.blogspot.in/2011/02/31-convicted-in-godhra-train-burning.html)

**Source:** http://hindurevolution.blogspot.in/2011/02/31-convicted-in-godhra-train-burning.html

II. POST GODHRA COMMUNAL VIOLENCE AND THE RESPONSE OF CENTRAL AND STATE GOVERNMENTS

When the compartment of Sabarmati Express was burning (on 27 February), the passengers, activists of the Vihwa Hindu Parishad, began to attack the Muslims. They quickly moved towards the mosque, situated at *Signal Falia* (an area near Godhra railway station) and tried to demolish it. When Sabarmati Express, left for Ahmedabad, at noon, with its two burnt compartments, the VHP activists attacked the Muslims at every railway station on the way. On the same day, with the tacit consent of the BJP, the VHP took the decision for Gujarat Bandh, on 28 February 2002 and All India Bandh on 1 March 2002. According to an article, published in the magazine *Outlook*, the Chief Minister of Gujarat, held a meeting on 27 February night and decided that police would take no action, when Sangh Parivar activists attacked on the Muslims. And it was proved, when police helped the rioters, instead of victims in different cases. Even rioters shouted, *Yeh andar Ki baat hai, police hamare saath hai.* In the incident at Naroda Patia (a village, 15 kilometers from Ahmedabad), police clearly told the victims that they had got the order, not to protect Muslims. During Gujarat Bandh, VHP as well as Bajrang Dal activists, found an opportunity to act revengefully. They adopted several strategies to
generate violence e.g. holding public meetings, demonstrated with the dead bodies in different places, publishing of the photographs of burnt people in Godhra train incident in newspapers etc. Even numerous fictional stories about sexual harassment of Hindu women by the Muslims were also published in the newspapers.46

Undoubtedly, the rulers of Gujarat decided to teach a lesson to the Muslims. The Chief Minister, Narendra Modi, justified the policy of revenge, and made a statement on national T.V on 28 February:

To assure the people that Gujarat shall not tolerate any such incident, the culprits will get full punishment for their sins. Not only this, we will set an example that nobody, not even in his dreams, thinks of committing a heinous crime like this.47

On the same day, Narendra Modi, delivered the similar statement in Gujarat Legislative Assembly:

The State Government taking this dreadful incident of massacre seriously, decided to take the stern steps and to give strict punishment so that no one could commit such crime in the future.48

The referred statements evince that some serious trouble was to fall upon the Muslims. The next day, the VHP called Bandh took place, and genocide of the Muslims took place in full swing for three consecutive days. On 28 February, violence at a large scale began, and by the end of first day, more than 100 persons done to death. These were well planned riots, in which the hooligans were provided or allowed to manage swords, cylinders, petrol bombs and mobile phones, besides voter lists and sale tax details, with an objective to identify Muslim properties. The Muslim shops and business establishments were systematically looted and set on fire. The Muslims, who did not pay sales tax, could not be identified and as such escaped the rage of the rioters.49

Everyone spoke of the plunder organized like a military operation, against an external armed enemy. In the very beginning, a truck crowded with hooligans arrived, shouting inflammatory slogans. It was followed by more trucks, full of young men, wearing khaki shorts and saffron sashes. They were equipped with explosive material, trishuls and daggers. Their leaders were seen communicating on mobile phones, from riot venues, receiving instructions from and reporting back to a coordinating centre, listing
Muslim families, flats and their properties. The Mosques and *dargahs* were raged and were replaced by statues of *Hanuman* and saffron flags.\(^{50}\) Obviously, the whole task was done with promptness and in a very systematic manner. It could not have been done overnight and Modi’s statement that violence subsequent to Godhra incident was in keeping with Newton’s law of action and reaction, was not based on facts.\(^{51}\) Numerous eyewitnesses evince that police officials also were leading the marauding mobs. Many places were set on fire were situated quite near the police stations. For example *dargah* of Wali Gujarati, a prominent Urdu poet and *Sufi Sant*, was bulldozed and a temporary *Hanuman* temple, installed right behind the *Shahi Baugh* police headquarters.\(^{52}\) The offices of Wakf Board and Minority Development Board, which were situated in the precinct of the secretariat, were burnt.\(^{53}\) It was the beginning of a series of incidents, which showed that not only law and order situation, was allowed to deteriorate, but state itself, also abetted to these heinous crimes, through its police force. A number of trucks with their drivers were set on fire at the main gate of Gujarat High Court.\(^ {54}\)

An awful shocking incident took place when Ahsan Jafri, an ex-MP of the Congress party was burnt alive with thirty-nine more persons, in his bungalow in Chamanpura, in Ahmedabad city. Jafri had contacted on phones various authorities, including the police commissioner and politicians, but no security was provided to him. Ahsan Jafri, ultimately, met a sorrowful death, along with his 19 family members and 20 more persons of the colony. It was founded by numerous statements that Jafri campaigned against Narendra Modi in his by-election for state assembly and paid for it, with his life and lives of several of his family members.\(^ {55}\)
GUJRAT RIOTS AFTER GODHRA TRAIN INCIDENT

On February 28 evening, another sorrowful incident occurred at a slum called *Naroda Patia* where more than 100 persons were burnt alive in full view of police force. According to the witnesses, when the victims moved towards the police, standing aside the locality for rescue, the police pointed guns and pushed them towards the mob. Several Muslim girls and women were raped and burnt alive. A heart rending incident of a pregnant woman occurred when the mob ripped her womb with a sword, took out the foetus and burnt it before her. The Naroda Patia incident alone would put any civilized government to shame. But Modi government remained unmoved and did nothing to control the situation.

The situation became too critical because the Muslim police officers were also not safe. For example, a Muslim Inspector General of Police was threatened by his own, Hindu subordinates, and he had to put off his uniform to save himself. A High Court Judge Justice, M.H Kadri, being a Muslim, was not safe in his residence and had to shift under advice from Chief Justice of Gujarat High Court, to a safer place in a Muslim locality. Such a critical situation describes the negative role of the police as well as, the nature of violence.

After showing great hesitation, curfew was imposed in Ahmedabad and twenty six other towns and cities by the evening of 28th February. The army was called in only
on in the afternoon of 1 March 2002 despite repeated requests by minority leaders and concerned citizens. But before the arrival of army, communal violence had already spread into other districts of Gujarat, like Panchmahal, Dahood, Sabarkantha, Vadodara, Kheda and Gandhinagar. In Sadarpur village, near Vijapur town of Mehsana district, a mob attacked a minority Mohalla and burnt alive 29 people on the spot. On March 2, violence spread to Banaskantha district, Surat city and Bhavnagar city. For next three days, the north-eastern tribal belt of Gujarat from Ambaji to Narmada, witnessed widespread looting and arson, where adivasis attacked the Muslim shops and bastis. Upto the last day of first week of March, more than 700 people were killed and Ahmedabad at the top of list with 350 deaths. Women, property and mosques were main target in the violence. In a relief camp in Godhra, women narrated how they were stripped, gang raped and beaten up. It was really heart-rending.

The major incidents of violence took place mostly from 28th February to 2nd March 2002. But in few districts, violence started late at the end of March and beginning of April, and violence continued upto the month of July 2002. The central government accepted that in these astray and minor incidents, 216 citizens lost their lives, 790 people were injured, while property of 417 crores was destroyed. The figure of looting and burning of other commercial establishment was unaccountable. Despite this heart-rending carnage, there was not the slightest effect on the state government. Infact, post-Godhra violence was ‘tactfully’ sponsored by the state government. When Chief Minister, Narendra Modi was questioned on the day of Bandh, about violence in state, he said:

*It is natural that what happened in Godhra, day before yesterday, where forty women and children were burnt alive, has shocked the country and world. The people in that part of Godhra have criminal tendencies. Earlier, these people had murdered women teachers and now they have done this terrible crime for which a reaction is going.*

The Chief Minister by his statement of action-reaction, tried to disguise his diabolical designs of allowing the genocide of Muslim community. Modi’s statement not only justified the violence as response to an alleged long history of criminal tendencies, they also portrayed it as inevitable and unstoppable, more like a natural cataclysm than a
set of blameworthy human acts. Since the events in Godhra, more and more evidence has surfaced about Chief Minister Narendra Modi’s involvement, in his failure to restore law and order. The testimony of his own chief of police is an eye-opener. On August 31, 2004, R.B. Sree Kumar, D.G.P, said that the police force had been pressurized by political leaders into not registering riot offences and going easy on the accused. In April 2005, he released his diary of relevant period to the press and the material contained extremely damaging to Modi.64

On 14 April 2011, Sanjeev Bhatt, who was Deputy Commissioner (Intelligence) in Gujarat police at that time, revealed that he had testified that the twenty minutes meeting did take place at Modi’s residence on 27 February 2002, in which he instructed the D.G.P the Chief Secretary and other senior officials, to allow the Hindus to vent their anger at the Muslims for the Sabarmati train tragedy.65

Except Sanjeev Bhatt, Haren Pandya, former Gujarat Minister of State for Revenue, on May 13, 2002 told the ‘Concerned Citizen Tribunal’ that he had attended the February 27, 2002, meeting, in which Modi made it clear that the police should not come in the way of Hindu backlash, but Pandya was killed on March 26, 2003, making impossible to confirm whether he had referred to the same meeting in which senior officers had taken part.66 We all know that such a horrendous crime could not have taken place, without the connivance of the state government.

The columnist Tavleen Singh, when chatting with some youngmen at a teashop in Mogri, found that their support for Narendra Modi was quite open, for the obvious reason of escaping police action against them. They told her that if the Congress returned to power, half of them would be in jail.67

The gentle natured Indians are bound to be concerned over the fact that the state (Gujarat) actively helped the saffron fanatics in every manner in executing well planned genocide of the Muslims. Moreover, the then Home Minister, L.K Advani, approved the ghastly crime indirectly. He visited Gujarat after five days and gave a cleanchit to the Chief Minister, Narendra Modi by declaring, “I am satisfied by the government’s handling of situation.” Naturally, it means he was satisfied that state administration remained friendly to the killers.68
The ‘Concerned Citizens Report’ regards the carnage in Gujarat as an outcome of failure on the part of the Chief Minister, who behaved more like RSS pracharak. His cabinet colleagues were complicit in denying justice and carrying on fanatic loot, arson and burning. On the role of Chief Minister, the report holds the following observations:

a) Took an active and leading part in leading and sponsoring violence against the minorities all over Gujarat.

b) refused to give shelter and succour to victims of carnage.

c) refused to provide land for rehabilitation of the victims.69

Once again in 2007, a magazine, Tehelka exposed openly the dirty blots of Godhra genocide by a T.V channel, Aaj Tak. This channel gave information about the rioters which included the members of the BJP, the VHP, Bajrang Dal etc. One BJP MLA, Haresh Bhatt clearly said that he was present at the meeting in which Modi gave them three days time to kill the minority community. Tehelka editor in Chief, Tarun Tejpal told a crowded press conference that, “genocide following the burning of coach S6 of Sabarmati Express in Godhra was strategised and executed by top functionaries of RSS, VHP, Bajrang Dal and state authorities, with knowledge and sanctions of Chief Minister, Narendra Modi.”70

Along with the Modi state government, the central government of Atal Bihari Vajpayee failed badly to control the situation. The Prime Minister not only failed in controlling the situation, but also lost all his credibility, by making totally contradictory statements in Ahmedabad and Goa. For example he said, “Wherever, there is a Muslim population in the world and the country, lives under, threat of militancy and terrorism.” He followed the Modi line of Gujarat and used the same language as Modi had used. He, rhetorically, asked at Goa on March 3, 2002,

What happened in Gujarat? If a conspiracy had not been hatched to burn alive the innocent passengers of the Sabarmati Express, then the subsequent tragedy in Gujarat could have been averted. But this did not happen. People were torched alive. Who were those culprits? The government is investigating into this. Intelligence agencies are collecting all the informations. But we should not forget how the tragedy of Gujarat started. The subsequent
developments were no doubt condemnable, but who lit the fire?
How did the fire spread? Wherever the Muslims live, they don’t
like to live in co-existence with others, they don’t like to mingle
with others, and instead of propagating their ideas in a peaceful
manner, they want to spread their faith by resorting to terror and
threats. The world has become alert to this danger.71

Thus, Vajpayee also proved to be as much a RSS *pracharak* as Modi, though he
was a ‘crypto variety’, while Modi was open. He had said in a meeting of the VHP in
Straten Island in New York(2002), “RSS is my soul”72 and in India, he had said earlier
that construction of Ram Temple is related with national sentiments. Being a Prime
Minister of a democratic and multi-religious country, he was required to keep a balance
between all religious communities, but he could not get rid of the VHP and the RSS
roots. In this way, the Prime Minister’s statements encouraged communal sentiments of
people. The Prime Minister under the circumstances, could dismiss the Modi government
at the earliest by restoring to the system of accountability, that was being systematically
eroded on account of not just political expediency, but also ideological loyalty. He did
not carry out his constitutional obligation, due to his loyalty to RSS and Sangh Parivar,
nor the affected parts of state were declared as ‘Disturbed Areas’ and handed over to the
army. The Union government had enough powers in its hand under the Articles 257,355
and 356, to warn the state government and to make interventions. It also maintained a
kind of innocent silence over it.73 The Governor (Sunder Singh Bhandari) of Gujarat also
failed to perform his constitutional duty. The post of Governor in every state is appointed
by the Union government and he/she is constitutionally required to work for the “well
being” of people of the state. This post is considered to be mainly constitutional as he/she
is head of the state. Later, there were enough media reports in the country, when the
leaders (Like Vasundhara Raje Scindia, former CM of Rajasthan, Navjot Singh Sidhu
MP) of federal governments called the head of the government of Gujarat, Chief Minister
Narendra Modi as “Star” Chief Minister of India.74 On the other hand, neither the
Supreme Court of India nor the High Court of Gujarat, which have constitutional power
to take *suo mottu* notice by issuing warnings or words for corrective behaviour to the
state government, did not do so. In the Parliament, the opposition called for Modi’s

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resignation. It was waved aside because the BJP allies condemned the attack, but did not support the demand for his resignation. At the BJP’s national meeting held in April 2002, the matter was planned in a dramatic way, where Modi offered his resignation, but the party did not accept it and asked him to dissolve the assembly and proceed for elections. In this drama, they killed two birds with one stone. They were eager to convert the communal fervor into votes. The BJP too swept the 2002 assembly elections. The BJP earned greatest gains in the riot affected areas. It gained in fifty two out of sixty five riot affected constituencies. It is noticeable point that in Gujarat, Modi was in a very different position than he was in 2002. Modi has been sent to Gujarat in October 2001 at a time, when the BJP under Keshubhai Patel was doing badly and had lost a by-election. He began his first term on 7 October 2001 and five months later, the carnage happened. Later that year (2002), Modi decisively won the state. Uptill now, he has won three assembly elections and is contesting this year for the fourth term. Now he is the longest serving Chief Minister in Gujarat. Dionne Bunsha comments:

What is the easiest way to win elections? Simple-start a riot, fuel hatred, divide people, make them fear each other, keep the terror brewing. Then project yourself as the savior of larger vote bank. Voters should stop blaming for their problems, so give them a scapegoat. A sure-fire formula, for victory. That in a nutshell was Narendra Modi’s strategy.

Lastly, it can be said that political programmes behind such systematic killings and massive holocaust, was to prepare the minds of people, for this so called principle of majoritarian rule of the Hindus, by marginalizing the Muslims and permanently placing them as the second class citizens. Such policy is ultra-vires of Indian constitution, a slur on the principle of secularism and affront to the fundamental rights of Indian citizens.

III. ROLE OF THE POLICE

The most tension provoking aspect of large scale violence against the Muslims in Gujarat after 27 February, was to handover the Muslims, to rioters by the police, neglecting their responsibilities. The activists of the VHP and the Bajrang Dal, made slogans like ‘yeh andar ki baat hai, police hamare saath hai’. As thousands of Muslims were killed in the state, business establishments and properties were destroyed, but the
police did not point a finger, which indicates politicalisation of police. It had two main reasons, the first was that the police acted on the order of the state government. Secondly, the root of the problem was not only the pressure of the politicians on the police, but the actual problem was that the police too believed in the hatred policies of the government. Such officers who tried to do their duty and arrested the VHP leaders, ignoring the orders of the politicians and foiled the plans of the mob, were transferred out or punished. After the train incident of 27 February 2002, in Gujarat, a great trouble spread, provocative slogans made and processions took place, but the police arrested only two persons and they were Muslims. When the police was unable to perform their duty, the police officers tried to hide their failure by saying the police force was less in numbers as compared to the rioters. As P.C Pandey, a Police Commissioner of Ahmedabad said, “Police tried their level best, but police was helpless, before a large number of rioters.” However, at some places, dutiful police officers performed decisive role, inspite of their small numbers. Unfortunately, in several matters, no action was taken or rioters were supported. Knowing this fact, the violent and armed groups were attacking the Muslims, police instead of firing on rioters, fired at the Muslims. On 28 February, at Morarji and Chrodia Chowk in the police firings, 48 persons were killed, who were all Muslims. A report, prepared by Gujarat police, indicates that after the start of riots, out of 184 people killed, 104 were Muslims. Viney Menon of Hindustan Times, wrote that the police accepted that during the police firing, more persons killed, were the Muslims. The riots could be prevented or mobs could be scattered, by police firing, in Chamanpura, Naroda Patia and other places and hundreds of the Muslims could be saved, but police remained silent. Even then, one police officer, Inspector K.K Masurvala, fired tear gas shells on the people, who were trying to scatter the rioters. This was told by the people, who survived the riots. No riot could continue beyond a few hours, without the active connivance of local police and magistracy. The blood of hundreds of innocent was in the hands of police and civil authorities of Gujarat, and by sharing in a conspiracy of silence, on the entire higher bureaucracy of the country.

A reputed magazine, Outlook, made known a statement of a high rank officer of police that, in the beginning days of the riots, the ministers contacted the district police and directed, not to fire on the Hindus. All India knows that Ahsan Jafri, made hundreds
of phone calls from his Chamanpura residence, but did not get any response.\textsuperscript{89} In the same way, Ahmedabad police neglected the demand for security by Justice Akbar Divecha and Justice M.H Kadri. The Chief Justice of Gujarat High Court, had already alerted them that they should not trust the police.\textsuperscript{90} In Panchmahal, police was also accused of beating the people and burning them alive. Even the police indulged in the loot and shared the loot. At many places, mosques were destroyed and converted to temporary temples, but police remained silent spectators.\textsuperscript{91} Police was cruel with women and also misbehaved, should have taken the service of lady police to enter into the houses instead.\textsuperscript{92} Muslim women were sexually harassed. In the words of one Muslim woman ‘Yeh to Hinduo\'ki police hai’ (This is a Hindu Police).\textsuperscript{93}

The failures and active connivance of state police and administrative machinery is now widely acknowledged. Police misguided the people, played into the hands of rioters, provided protective shields to crowds, bent upon pilferage, arson, rape and murder and were deaf to the pleas of desperate Muslim victims including women and children. The police had fully negative role and did not act according to their duties, as they were under the pressure of politicians and also because of their own Hindutva mind.\textsuperscript{94}

In Gujarat in 2002, police involvement in communal riots was on an unprecedented scale. Vibhuti Narain Rai, DIG of Uttar Pradesh, said, “The other difference was that for the first time, inaction, connivance and bias of police, were all on display on television screens in every Indian and many foreign homes.” So the public knows, this negative role of police in the Gujarat carnage.\textsuperscript{95}

IV. DIFFERENT COMMISSIONS ON GUJARAT VIOLENCE

In the aftermath of Godhra incident on February 27, 2002, Gujarat became a communal cauldron. The situation of Gujarat was compared to Nazi Germany and like “ethnic cleansing”, “genocide” and “state sponsored pogroms.”\textsuperscript{96} Many human rights organizations and fact finding missions had come to Gujarat to find and describe the situation and even some commissions are still investigating. Here, the light is thrown on some important commissions or finding agencies, so that it might be estimated, what findings they had made to give justice to the victims and whether these were implemented or not.
(A) National Human Rights Commission (NHRC)

The National Human Rights Commission (NHRC), of India is an autonomous statutory body, established on 12 October 1993, under the provisions of ‘The Protection of Human Rights Act’, 1993 (TPHRA). National Human Rights Commission submitted its report on Gujarat violence of 2002, on 31 May 2002. The Commission pointed, the violation of Article 21 of constitution and other fundamental rights to life, liberty, equality and dignity. The state government and its officials violated the provisions of Indian Penal Code, Code of Criminal Procedure, provisions of maintenance of Public Order and Tranquility, the circulars of Home Ministry on maintenance of communal harmony, issued in 1997 and recommendations of Second Police Commission on maintenance of communal peace. The Commission alleged the political interference in investigating process and blamed the state government for not being able to identify the culprits in cases of violations in rich urban areas. The former Chief Justice, J.S Verma, who headed the NHRC (National Human Rights Commission) said,

“The Gujarat carnage was nothing short of war in terms of suffering undergone by the affected people. How is it different from war? Are their sufferings any less in war. In war people die while fighting, in Gujarat, innocent and helpless men, women and children, were taken out of their homes and burnt alive for no fault of theirs.”

Justice Verma asked, “How can this happen in our country? It haunts every patriotic Indian. I hope I don’t live to witness it again.”

(B) Human Rights Watch (HRW)

Human Rights Watch (Foundation Year 1978) is an international non-governmental organization that conducts research and advocacy on human rights. Its headquarters are in New York city. In late April 2002, HRW produced a report on communal violence in Gujarat, titled “We have no order to save you: state participation and complicity in communal violence in Gujarat.” The basic thrust of report was, as its author Samita Narula states, “What happened in Gujarat was not a spontaneous uprising, it was a carefully orchestrated attack against the Muslims. The attacks were planned in advance and organized with extensive participation of police and state government.
The report stated that the attacks were “state sponsored” and were planned “well in advance of Godhra incident.” Virtually, all blame for Gujarat violence was placed on the Sangh Parivar and the BJP government. Despite it, the HRW had made many recommendations to state government of Gujarat and central government of India to provide justice to the victims.\textsuperscript{102}

(C) **Concerned Citizens Tribunal-Gujarat 2002**

The Concerned Citizens Tribunal, headed by retired, Supreme Court of India, Justice V.R. Krishna Iyer observed that the BJP government was responsible for genocide in Gujarat. This report clearly established that Chief Minister Narendra Modi was the chief architect of all that happened in Gujarat after Godhra train incident February 27, 2002. The state government under Chief Minister, Narendra Modi, took an active part in leading and sponsoring, the violence against the minorities in Gujarat. The RSS and VHP control key functionaries in the State. The Chief Minister was an RSS pracharak. In the report, it was clearly written in the beginning, “The post Godhra carnage in Gujarat was an organized crime perpetrated by state’s Chief Minister and his government.”\textsuperscript{103}

(D) **People’s Union Democratic Rights (PUDR)**

The PUDR, one of India’s premier human rights organizations, in its report (May 2002) titled “Marro, Kaapoo, Baaro: State, Society and Communalism in Gujarat,” observed, “the whole intent of pogroms has been to reduce Muslims to second class citizens in their own country. The civil liberties of people were violated. There was absence of rule of law and the state connived in this. Alternately, the BJP state government did not allow the Gujarat police to function properly. The Muslims were killed inside the government and the official buildings, police killed those who were being attacked by rampaging mobs. FIR’s were not properly written. There existed a pre-planned strategy. The report also provides detailed lists of people, named as organisers and attackers. Many of these are functionaries of ruling party, the BJP, VHP and Bajrang Dal. It demanded the dismissal of Narendra Modi government in Gujarat.\textsuperscript{104}

(E) **UK Mission Report**

The British High Commission reported to the British Foreign Office in London that the continued violence in Gujarat was aimed at removing Muslim influence from

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parts of the state. The report, prepared by three British diplomats, who toured the affected areas, placed the death toll at around about two thousands. This report damages the international image of India by stating that post-Godhra violence in Gujarat was pre-planned and if Sabarmati Express tragedy hadn’t happened, another flashpoint would have been created to justify pre-mediated violence as reaction. Extremely critical of Sangh Parivar’s role, the report identifies the VHP and Bajrang Dal as the main instruments, for realising the ghettoisation of the Muslims. The team also observed that in some areas, police had been specifically instructed not to act, while in some others, the force was communally polarised and looked the other way, without any prompting by political bosses.  

(F) G.T. Nanavati Commission

This Commission was set up in 2002 by the Gujarat Government to probe both, fire in Sabarmati Express at Godhra on February 27, 2002 and post-Godhra riots in the state. This Commission submitted only one part of investigation on 18 September 2008. The Commission attributes fire in Sabarmati Express coach no. S-6 to a pre-planned conspiracy involving “some individuals”. The Nanavati Commission report is diametrically opposed to the Railway Minister’s appointed, U.C. Banerjee Commission report, 2005, on the burning of the two compartments of the Sabarmati Express on 27 February 2002. Banerjee Commission had found that the burning of the compartments was an accident. Moreover, Gujarat’s ‘Forensic Science Laboratory’, concluded that inflammable liquid that caused fire in the train was spread from inside not outside the coach. It was also different from Nanavati Commission report.

The Nanavati Commission report makes it clear that, “there is absolutely no evidence to show that either Chief Minister and any other Minister in his Council of Ministers or police officers had played any role in Godhra incident.” It gave a clean chit to government or Narendra Modi on what followed. The commission took eighteen extensions. But the second part of the report on post-Godhra riots has not been submitted.

In this way, the report of Nanavati Commission is incomplete because it failed to give its view about post-Godhra riots, in which some Ministers including Chief Minister, police officers and various organizations were alleged to be involved.
On 26 March 2008, Supreme Court directed the Gujarat government to constitute a five member SIT, headed by R.K Raghavan, former Director of CBI (Central Bureau of Investigation), to investigate the nine cases. The government constituted Special Investigation Team (SIT) on April 1, 2008. This order of the Supreme Court was issued on a petition filed by Jakia Nasim Ahsan, wife of former Congress MP Ahsan Jafri, who was killed by a mob on February 28, 2002 in Gulbarg Society in Ahmedabad. She had named Narendra Modi and 62 others in her complaint. It is the only case, in which Chief Minister Narendra Modi is named as an accused and this is therefore, seen as critical in nailing the perpetrators of the pogroms. Coincidently, as the tenth anniversary of the Gujarat riots approaches, the case has taken a significant turn. The SIT has filed “a closure report” saying there is not enough evidence to prosecute Modi. And, finally on 10 April 2012, SIT gave clean chit to Narendra Modi in 2002 Gujarat riots, despite an affidavit of Sanjeev Bhatt which was given by him to SIT on 14 April 2011. Sanjeev Bhatt, who was Deputy Commissioner (Intelligence) in Gujarat police at that time, revealed that he had testified that the twenty minutes meeting did take place at Modi’s residence on 27 February 2002, in which he instructed the (DGP), the Chief Secretary and other senior officials, to allow the Hindus to vent their anger at the Muslims for the Sabarmati train tragedy. Modi was inquired for continuously nine hours by SIT on 27 March 2010. With this, the hope, which expected to justify the minority community, was dashed to the ground, by the final report of SIT. Its final report contradicts its own preliminary report, in which it was said that Modi’s behavior was discriminatory, for the victims and he took the situation lightly. In this final report, Raju Ramchandran’s (He was appointed amicus curiae, advisor to Supreme Court) meaningful suggestions, for logical analysis and, for more investigation, was also ignored.

The minorities had great hopes from this team. But in the end all their hopes were shattered and they could not get justice. Few verdicts about the cases of violence have come, for example, Odh village, Sadarpura village, Dipda Darwaja, Best Bakery, and Naroda Patia. In these cases, few persons were punished and many were acquitted on account of lack of evidences. But actually, it is a matter of thought that many real culprits are out of reach of law. Narendra Modi, who was expected to be punished, is
claiming to be the Prime Minister of India. Top businessmen have joined hands to support him. This combination of Hindutva and the top businessmen, can prove the death of rule of law and justice.

In this way, several Commissions have given reports about the incidence, yet in ten years, no accused has been punished so far. When Zakia Nasim Jafri registered her complaint, she said in an interview, “we can’t wait for Judicial Commission report go on endlessly and have become a convenient escape route for government to avoid taking action.”121 As in previous communal massacres (1984 anti Sikh riots and 1992-93 Mumbai riots) too, the main culprits escaped punishment. However, Ranganath Mishra Commission and Nanavati Commission reports on 1984 and Shri Krishna Commission report on 1992-93 were released, but no action was taken against the culprits. The first thing is that such Commissions take a long time for investigation and secondly judicial Commissions have only the power to recommend to the government, to take action. They cannot order for any legal action.

In this way, the 2002 riots in Gujarat, have created deep scars on the relations between the Hindus and the Muslims, which are very difficult to heal. These riots have resulted in a near complete segregation of two communities and even villages in many parts of state have not remained untouched by this phenomenon. Even forms and modalities of transaction, associated with the delivery and receipt of services at different levels have seemingly got communalized. In the wake of Gujarat genocide, many masks fell one after one. The chief architect of these riots was Chief Minister, Narendra Modi, who was supported by the BJP leadership. Due to hunger for power, the streams of blood flowed. The victims have not got justice till now and they do not hope to get justice in the future. Main reason of this bloodbath of Muslim community, was the politics of vote bank. As Sengupta et.al (2004), attributes the communal carnage of 2002, to political mobilization of people and not to communalism per se. The Hindutva forces were hell bent to break the KHAM (Kshatriya, Harijan, Adivasi and Muslims) vote bank of the Congress Party.122
ENDNOTES AND REFERENCES

5 Puniyani, n.2, p.235.
14 Varadarajan, n.7, p.25.


Outlook, 11 March 2002.


25 Frontline, 10 May 2002.

26 Varadarajan, n.7, p.23.


28 Times of India, 29 March 2002.

29 Dyal, n.28, p.436.

30 Seta lvad, n.6, p.102.

31 Dyal, n.28, p.437.

Ibid.


“Godhra Bogie Burnt from Inside,” *Times of India*, 3 July 2002. According to Forensic Science Laboratory Report, near about 60 liters inflammable liquid put down from inside the bogie and the bogie caught fire. In this way, the conclusion is that no inflammable liquid was thrown into the bogie from outside. According to the Report, the high of windows of bogie was found to be seven feet. Under such circumstances, it was not possible to throw inflammable liquid with the help of buckets or jarrycans.


Datta, n.42, p.5.

Punwani, n.38, p.87.

*Editors Guild Fact Finding Mission Report on Gujarat*, and also see Varadarajan, n.7, p.23.

Ibid.

“Mobs Used Voter lists to Target Victims”, *Indian Express*, 8 March 2002 and Varadarajan, n.7, p.23.

As early as July 15, 2002, an affidavit from Director General of Police R.B. Sree Kumar, who headed intelligence from April 9 to September 17, 2002, contradicted Modi’s claim that he was unaware of large number of Kar Sevaks returning from Ayodhya, For details see, “Diary of Policeman”, *Indian Express*, 15-17 April 2004.


www.muslims.co.uk/news.php?sub=139.

Tribunal, n.1, Vol. 2.


72 Dyal, n.28. p.1024.
73 See for details *Indian Constitution*, Articles 257,355 and 356.
76 Sabha Naqvi, “Train To Nowhere”, *Outlook*, 7 March 2011, pp.18-19.
77 Bunsha, n.74, p.181.
80 *Times of India*, 26 March 2002.
81 Varadarajan, n.7, p.172.
82 *Times of India*, 1 March 2002.
84 Varadarajan, n.7, p.175.
85 *Hindustan Times*, 3 May 2002.
86 Punwani, n.38, pp.20-27.
88 Varadarajan, n. 7, p.181.
89 *Indian Express*, 1 March 2002.
90 Punwani, n. 38, p.37.
91 *The Hindu*, 3 March 2002
92 *Times of India*, 3 May 2002.
93 Engineer, n.9, p.311.
94 Mander, n.86, p.8.
95 Gupta, n.11, p.308.

Engineer, n.9, p.261.


*Times of India*, 5 August 2002.


Ibid, p.185.

Dyal, n.28, pp.354-57.

*Concerned Citizens Tribunal*, n.1.

*The Hindu*, 2 June 2002 and Gupta, n.11, p.304.


*Hindustan Times*, 13 February 2012.

*The Tribune and Ajit*, 11 April 2012.


*Ajit* (Punjabi Newspaper), 5 June 2012.

In 2002, Raju Ramchandran was appointed *amicus curiae* (advisor to Supreme Court) as Prashant Bhushan stepped down. The SIT and *amicus curiae* both are the agencies of the Supreme Court, but both reach divergent conclusions about the pogroms in Gujarat in 2002. While the SIT finds no evidence of Chief Minister Narendra Modi’s involvement in the riots, *amicus curiae* disputes this conclusion and says there are enough material for future investigations. And Modi can be prosecuted under various sections of IPC for his alleged role in 2002 riots. For

116 The Tribune, 10 April 2012.

117 The Tribune, 10 July 2012.

118 The Tribune and The Hindu, 31 July 2012.

119 The Tribune, 10 November 2011.

120 The Tribune, 3 September 2012.
