

# India: victims of Gujarat pogrom found in mass grave

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Nearly four years after the communal violence, the villagers are still seeking to expose what happened. No one has been convicted for any of the killings that took place. The relatives of the dead are accusing the police of hiding evidence and protecting the perpetrators.

The riot in Pandharwada was part of orchestrated communal violence against Muslims across the state in March 2002, following the death of 58 Hindu extremists in a train fire at Godhra in late February. Egged on by the Bharatiya Janata Party (BJP) state government, gangs of Hindu fanatics attacked innocent Muslims. Local police stood by as homes and businesses were burnt down and their occupants beaten and killed. At least 2,000 people died in the riots.

In the case of Pandharwada, the Hindu extremist Vishwa Hindu Parishad (VHP) held a series of meetings in the area. A coordinated attack was made by mobs from several nearby villages who descended on Pandharwada to attack the 70 Muslims who lived in the town and loot their businesses and homes. At least 34 people were killed in the violence.

After relatives reported the latest discovery to the media, local government authorities and police made the extraordinary claim that the mass grave was not a cover-up, but a legal burial carried out in accordance with all the proper procedures. Then in an attempt to intimidate those who found the grave, police charged the relatives and a human rights activist with illegally digging up a gravesite.

The claims are absurd. If they had known about the grave, the police did not bother to tell the relatives of the victims. A local villager Gulam Kharadi told the *Indian Express* that he was skeptical that the dumping of the bodies in an unmarked pit in a wooded area was by the book. "If rituals are followed, you don't pile up 20 bodies in a pit. Where are the graves?"

The grave was only discovered after a local municipal worker, while drunk, blurted out enough information for the relatives to locate it.

Ameena Rasool, the son of one of those killed, has petitioned the Gujarat High court to ask the Central Bureau of Investigation (CBI) to investigate the matter and to conduct DNA testing at laboratories outside the state of Gujarat.

The petition stated that "no proper post mortem of any of the deceased was done by the police". The victims had been buried in their own clothes rather than in a white robe. "Normally, after post-mortem bodies are kept in white shrouds, but here the clothes of the victims who had been massacred were found intact," it declared.

The petition also pointed out that the First Incident Report (FIR) filed by police had falsified the number of people killed in the riots. "[T]he original FIR recorded by the local police shows [the] death of only eight persons whereas in fact those dead were at least 26," it stated. "The police had not only failed to protect the innocent citizens [during the riots], but also did not investigate the offence sincerely leading to lack of evidence and acquittal of the accused persons for want of evidence."

The BJP government in Gujarat has opposed the petition and attempted to keep control of the exhumed remains and the investigation. A government lawyer argued in the High Court that the CBI should not be involved as it would have a "demoralising effect" on state police. Likewise the state government has stated that federal authorities should have no role in the investigation.

The High Court ruled on January 13 that the CBI could have the DNA samples tested at the Centre for DNA Finger Printing and Diagnosis in Hyderabad. This small legal concession, however, will not ensure justice for the victims of the pogrom. Those who fled Pandharwada in 2002 have still not returned to the village for fear of their lives as the perpetrators are free. A fast-track trial in

November 2002 acquitted all the accused.

Witnesses blamed the police. “The case fell through because the police didn’t take down our statements properly. We named 56 people as accused, of whom they brought only eight to court,” they told the *Frontline* magazine. “They didn’t bring the real culprits, but put up bogus people including a one-handed man, as the accused. Obviously, no one could identify them. Moreover, only six of the 56 witnesses were examined. And many of them were scared to speak since the real criminals are roaming freely in the village. We can’t even go back home because they can still threaten us. Only if the CBI investigates, the truth will come out.”

The experiences in Pandharwada are similar to those of Muslims elsewhere in Gujarat. As many as 151 towns and 993 villages experienced communal violence in March and April 2002. While the state government claims less than 900 were killed in the riots, it is widely accepted that there were more than 2,000 deaths.

The police and government officials are widely viewed as protecting and failing to prosecute those involved in the riots while falsely prosecuting those who spoke out. The courts have convicted very few people over the violence and no leading political or police figures have been sentenced.

A Human Rights Watch report entitled *Discouraging Dissent: Intimidation and Harassment of Witnesses, Human Rights Activists, and Lawyers Pursuing Accountability for the 2002 Communal Violence in Gujarat* stated that the BJP state government “has created a climate of impunity, where perpetrators of the riots and those who took part in the violence feel they can threaten activists and witnesses to discourage them from pursuing justice, without response from state authorities.”

The report documented cases in which the police refused to record allegations or left out vital evidence in order protect Hindu supremacist politicians and activists involved in the 2002 pogrom. Human rights groups and lawyers have faced intimidation and threats from Hindu extremist groups such as the VHP and Bajrang Dal.

An inquiry into the riots and the preceding Godhra train fire, which is headed by two retired judges hand-picked by Gujarat Chief Minister Narendra Modi, has held off from handing down a report for over three years. The Nanavati-Shar Commission was initially asked to deliver a report by June 2002, but has four times asked for a new deadline, which is now set for June 2006.

Testimony in the form of a deposition and several affidavits, given between April 2004 and October 2005, to

the Nanavati-Shar Commission has implicated Modi and his BJP state government in orchestrating the violence. R. Sreekumar, a senior official of the State Intelligence Bureau (SIB) at the time of the riot, told the commission that Modi and senior officials met after the Godhra train fire and “produced” a conspiracy theory that Muslims terrorists, aided by Pakistani intelligence, were responsible for the fire. According to Sreekumar, this theory, which was exploited to instigate the riots and subsequently poison the campaign for the 2002 state elections with communalism, was created “without any sufficient evidence”.

Sreekumar also alleged that at the meeting, details of which were recounted to him by Director-General of Police K. Chakravarty, Modi asked the police to “allow Hindus to give vent to their anger.” In addition, Sreekumar provided evidence that senior state ministers were planted in police headquarters in order to oversee the actions of police, who stood by, and in some cases participated in, communal killings, rape and looting.

Modi and the BJP have been able to get away with their crimes through the collusion of the Congress, which has remained largely silent on the involvement of police, politicians and state officials in the communal pogrom and subsequent cover ups. While claiming to be a secular alternative to the Hindu supremacist BJP, Congress has a long history of communalism. So blatant was the political accommodation of Congress to Modi’s communal campaign during the 2002 state election, that the Indian press dubbed it as “soft Hindu chauvinism”.



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