

# Gujarat court frames Muslims for train fire used to incite 2002 Gujarat pogrom

Kranti Kumara, Keith Jones  
12 March 2011

A “fast-track” bench of the Gujarat State Court, operating inside the Sabramati Central Jail, has convicted 31 Muslims of setting ablaze the S6 compartment of the Sabramati Express train on February 27, 2002 in the town of Godhra and having done so as part of a “pre-planned criminal conspiracy.”

This fire—which resulted in the death of 59 people, most of them Hindu supremacist activists—became the pretext for one of the most odious events in the history of independent India: the Bharatiya Janata Party (BJP) state government-incited 2002 Gujarat pogrom. During the three days of anti-Muslim violence that erupted after Narendra Modi, then as now Gujarat’s BJP Chief Minister, blamed the Godhra fire on “the Muslims,” at least 1,200 people were killed. Some estimates place the death total closer to 2,000. To this day, tens of thousands of Muslims who were driven from their homes by the Gujarat pogrom languish in squalid refugee camps.

The Gujarat State Court judgment in the Godhra case is part of a systematic attempt on the part of the state’s political and legal establishment, aided and abetted by an indifferent Congress Party-led central government and Supreme Court, to cover-up and excuse the 2002 pogrom.

In the nine years since the pogrom, none of the chief organizers and perpetrators of the anti-Muslim violence has been brought to justice. Instead, the central government and the Supreme Court have presided over a spate of ineffectual and toothless investigations and commissions of inquiry, in a harrowing replay of the Indian state’s reaction to the communal violence ignited by the Hindu right’s razing of the Babri Masjid in Ayodhya in 1992 and the Congress Party-incited anti-Sikh bloodletting of October 31–November 3, 1984.

Now with the Godhra judgment, a group of 31 mostly poor Muslims have been framed up for the Godhra fire—a fire that was probably not even deliberately set, let alone the result of a “pre-planned criminal conspiracy”.

And Judge P.R. Patel, concurring with the prosecution’s claim that exemplary justice should be meted out to the 31 “terrorists,” ordered that eleven of them be executed and the other twenty incarcerated for life.

The Godhra case is a legal travesty: police bullied witnesses and concocted testimony, key prosecution witnesses reversed their testimony or admitted to lying, and the judge ignored the many gaping holes in the prosecution’s case.

So flimsy and riddled with contradictions was the prosecution’s case that Judge Patel, while convicting 31 defendants, was forced to exonerate 63 others, including Maulana Umarji, the Muslim cleric whom the prosecution had contended was the mastermind of the purported conspiracy.

In finding that there was a “pre-planned criminal conspiracy” to torch a Sabramati Express coach, Judge Patel gave judicial imprimatur to the Modi BJP government’s provocative and communally-inspired claims about the Godhra fire.

This required that he accept numerous implausible police and prosecution claims and disregard the findings of a central government inquiry that concluded the train fire was accidental. He also needed to disregard a 2009 Gujarat High Court decision upholding a POTA (Prevention of Terrorism Act) review committee finding that the fire was not the result of a terrorist conspiracy, as well as the implications of his own finding that the alleged “mastermind” of the conspiracy was not part of it.

## The altercation at the Godhra train station

To arrive at his verdict, Judge Patel had to deny the significance of the communal altercation that erupted at the Godhra train station just before the fire’s outbreak and accept the unsubstantiated claims of dubious witnesses concerning a meeting of Godhra Muslims alleged to have taken place the night before the fire.

On the morning of February 27, during a scheduled stop of the Sabramati Express in Godhra, fighting broke out when Hindu *kar sevaks* (activists), on the return voyage from a visit to the site of the razed Babri Masjid, taunted Muslim tea and snack vendors. Some of the *kar sevaks* from the Vishva Hindu Parishad (VHP—Hindu World Council) and its youth wing, the Bajrang Dal, made lewd and menacing comments to a Muslim teenage girl who was with her mother. After witnessing other *kar sevaks* beat a man while shouting “Kill Muslims,” the girl and her mother fled the train platform.

By now a large and furious mob numbering in the hundreds had assembled. With the two Muslim women who had been targeted by the *kar sevaks* gone, the fear spread that they had been kidnapped spread. The crowd gave chase to the Hindu-communalists, pelting them with stones and forcing them to retreat onto the train. During this altercation the emergency-chain on the train got pulled several times bringing it to a complete stop. Soon after, fire erupted in coach S-6 which was almost entirely full of *kar sevaks*.

According to the survivors and subsequent examination of the coach by several teams of investigators, all of the metallic window-shutters and the doors of the coach had been shut tight by the passengers to protect themselves from the hail of stones thus transforming the coach into a potential death-trap.

When in May 2002 the police first filed their charge sheet concerning the train fire, they gave short shrift to the Godhra platform riot and attributed the train fire to a pre-planned conspiracy.

This accorded with the claims of Chief Minister Modi and his BJP state administration both prior to and after the pogrom. It was Modi who, before even a cursory investigation of the Godhra tragedy had begun, publicly proclaimed it an act of “terrorism.” Modi’s politically motivated

statements were subsequently given wide publicity by the Gujarat media and constituted the rationale for his call for a *bandh* or shutdown of the state the next day. With police either standing down or actively encouraging anti-Muslim violence, the *bandh* quickly became a pogrom.

Subsequently, Modi and the BJP, including India's then Prime Minister Atal Bihari Vajpayee, sought to excuse and justify the anti-Muslim violence by claiming Gujarat's Hindu population had been provoked by the purported Godhra attack

The police's May 2002 charge sheet was based upon nine supposed eyewitnesses, all of them local BJP leaders. According to the charge sheet the nine had been on the train platform on the morning of February 27 and had seen sizable quantities of flammable liquid being thrown into coach S-6 from outside just before it burst into flames. The Godhra BJP leaders identified 41 Muslims as having been party of the conspiracy, including several Muslim city councilors with whom they were involved in a bitter struggle for control of the Godhra municipal administration.

Ultimately Judge Patel was forced to set aside the testimony of the nine BJP leaders as it was shown to have been a lie. It clashed with the conclusive evidence that the coach was locked. Even more damning was the revelation by *Tahelka* news magazine that it had taped conversations with two of the BJP leaders in which these purported eyewitnesses admitted that they had not been present on the train platform and had fabricated their claims, with the help of the police, so as to serve "the cause of Hindutva," i.e. Hindu supremacism.

Thus in his verdict Judge Patel was compelled to exonerate all 41 of the Muslims who had been falsely accused by the local leadership of the BJP, but only after these 41 had been held in prison for nine years and for most of that time under the onerous provisions of POTA.

Judge Patel nonetheless joined the prosecution in clinging to the criminal conspiracy claim first given legal substance with the police charge sheet of May 2002 based on the Godhra BJP leaders' lies.

The crux of the reconfigured conspiracy claim is a Gujarat state Forensic Science Laboratory (FSL) investigation. Following their first examination of the burnt train in May 2002, FSL investigators said that they had found no evidence of any flammable liquid having been thrown into the coach from outside. Subsequently, however the FSL would claim that lengthy experiments with buckets of water had led it to conclude, in a leap of logic, that about 60 liters of flammable liquid had been thrown into the S6 train-compartment by person or persons who had broken into the coach. According to the FSL, immediately after this the S-6 was set alight.

However, this explanation left a gaping hole. How was it possible for the perpetrators to enter into a locked compartment full of aggressive Hindu-communalists? In order to explain this, the police produced a "star witness" in July 2002, a Hindu tea-vendor named Baria, whose testimony was heavily relied upon by Judge Patel in his judgment.

Baria claimed not only to have witnessed Muslims setting the train on fire. He claimed that they had asked him to help carry the flammable fluid to the train and that several of the Muslims then broke open the vestibule connecting coach S-7 with S-6, where the *kar sevaks* were barricaded.

Baria's testimony is implausible on the face of it. Why would Muslims ask for help from a Hindu in staging an attack and in the middle of a communal riot?

But there is more. In an interview with *Tahelka*, Baria's mother said that her son was fast asleep at home during the communal clash at the station and subsequent fire. She also told the magazine that Baria became a police witness purely out of fear.

## Suppressing the Banerjee Commission Report

In 2004, the Railway Minister in the Congress Party-led central government appointed a commission of inquiry headed by retired Justice U.C. Banerjee into the Godhra fire, noting that under India's previous BJP-led coalition the government-owned railway corporation had failed to carry out its statutory obligation to investigate the fire's cause. In 2006, Justice Banerjee issued a report in which he categorically rejected the theory of a pre-planned conspiracy. Based upon expert forensic testimony, the Commission concluded that the train fire itself was most likely caused accidentally when one or more of the cooking stoves being illegally used by the *kar sevaks* in carriage S-6 was knocked over. This would be consistent with the charged atmosphere that prevailed in the coach under conditions where it was being pelted with rocks by angry Muslims.

As mentioned above, in his judgment Judge Patel ignored the Banerjee Commission's conclusion that the fire was accidental. He leaned instead on the findings of the Gujarat-government created Nanavati Commission. The complex story of these rival commissions underscore the lengths to which the BJP and its allies are prepared to go to cover up their role in instigating the Gujarat Commission as well as the complicity of Congress Party leadership. Taking advantage of the fact that the Banerjee Commission had at most tepid support from the Congress-led government, the Gujarat government and various BJP surrogates were able to successfully petition the Gujarat High Court to have it declared "illegal, unconstitutional and void" on the grounds that it exceeded the Railway Minister's purview and did not have explicit Supreme Court authorization. Although Railway Minister Lalu Prasad Yadav was legally barred from tabling the Banerjee Commission's report in India's parliament, the Congress-led government chose not to appeal the High Court ruling.

In summary the Godhra verdict is a legal and political outrage—a frame-up meant to excuse, even legitimize, an historic crime. The only conspiracy related to the Godhra train fire, as *Tahelka* journalist Ashish Khetan, has rightly declared, is the conspiracy mounted by the Narendra Modi government to frame Muslims for the train fire.

Needless to say, Patel's judgment has been hailed by the Hindu supremacist BJP. An ecstatic Gujarat BJP government said that "the judgment has established that this was a pre-planned conspiracy, hatched and executed with finesse, so the state government's stand has been vindicated."

The Congress Party, meanwhile, issued a thoroughly cowardly and conciliatory statement: "What we have been saying right through after the Godhra incident is we are not opposed to giving punishment to those involved in the incident. But all along we have been saying that innocent people should not be punished. So it vindicated our stand that innocents were there in jail, some of them were blind, some of them just boys."

The Stalinist Communist Party of India (Marxist), which leads the Left Front parliamentary bloc, has issued no statement denouncing this shocking judicial travesty. Last October when the Allahabad High Court issued a judgment in the Babri Masjid case that on the basis of religious obscurantism awarded most of the site of the razed mosque to Hindu communalist and fundamentalist organizations, the CPM issued a statement proclaiming its confidence in the judiciary to uphold democracy and secularism and urged all Indians to abide by its decisions.

Such is the political putrefaction of bourgeois politics in India that not only have the major parties failed to condemn the Godhra frame-up. None has responded to the crowing of the BJP and the Hindu right by making the elementary point that even had the Godhra fire been the result of a conspiracy involving Muslims, it does not attenuate let alone excuse or legitimize the horrific crime perpetrated by the BJP and its Hindu right allies in holding the Muslims of Gujarat collectively responsible and instigating mass violence against them.

*These authors also recommend:*

Indian High Court abets Hindu supremacists with Babri Masjid ruling

[2 October 2010]



To contact the WSWS and the  
Socialist Equality Party visit:

**[wsws.org/contact](http://wsws.org/contact)**