

# India's Supreme Court orders limited inquiry into Gujarat police murders

Kranti Kumara  
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In a pattern that has become all too familiar, India's Supreme Court has appointed yet another commission of enquiry to probe into summary executions, most of them of Muslims entirely innocent of any wrongdoing, carried out by the Gujarat police between 2003 and 2006.

In reaction to a complaint filed by social activists, the court has formed a single person commission comprised of retired Supreme Court Judge M.B. Shah.

Far from being a comprehensive enquiry, the court order restricts the investigation to just 13 of at least 21 killings, claiming that several of the other deaths are already being probed by other agencies, such as the CBI (Central Bureau of Investigation).

In its terms of reference, the Supreme Court ignored the large body of evidence that the police kill-teams acted with blessings from the highest levels of Gujarat government. Its order requires Shah to submit a report in 3 months, recommending either further enquiry or financial compensation to the victims' families.

Narendra Modi, Gujarat's Chief Minister since 2001, recently appointed Judge Shah to investigate corruption within his own government. Modi, a notorious communalist who has cultivated the image of a strongman prepared to bend and even break the rules to get things done, would hardly have appointed Shah unless he had full confidence that he would not uncover anything threatening to him or his Bharatiya Janata Party (BJP) government.

That India's Supreme Court nevertheless saw fit to appoint Shah to investigate the wave of summary executions that occurred in the state in the aftermath of the 2002 anti-Muslim pogrom in Gujarat demonstrates the Court's indifference to, and indeed complicity in, the numerous crimes that have occurred against Muslims under Modi's rule.

Modi is a leading figure in the BJP, which espouses "Hindutva" or Hindu supremacism. Indeed, he has ambitions to be a future Indian Prime Minister, ambitions that have been whetted by the accolades bestowed upon him by many of the country's leading businessmen. While spouting Hindu-communal poison against Muslims so as to divide the working class along communal lines, Modi has endeared himself to domestic and foreign corporations by offering cheap land and tax breaks and moving quickly to repress any working-class resistance.

In February 2002, Modi instigated an anti-Muslim pogrom that resulted in the deaths of more than 1,200 people and rendered hundreds of thousands homeless. He publicly blamed the state's Muslims for a train fire in which 59 people, mostly Hindu communal activists, died, then effectively ordered the police to stand down.

Since then, Modi, in partnership with the states police forces, has repeatedly invoked the threat of "Muslim" terrorism to paint a picture of a state under siege and encouraged and defended police violence, especially against Muslims.

There is evidence to suggest that the Gujarat police invented numerous non-existent death threats against Narendra Modi in order to further ingratiate themselves to him. And so as to fan communal discord and burnish his strongman image, Modi encouraged, or at the very least covered up, staged police "encounters" with phoney Muslim terrorists—what were in fact staged executions.

The utter lawlessness and impunity with which the police went about this grisly task is demonstrated by the case of Soharbuddin Shaik and his wife, Kauser Bi.

In the early morning hours of 24 November, 2005 a joint police squad of Rajasthan (a neighbouring state) and Gujarat police stopped an inter-state bus. They then

abducted Shaik and his wife with the latter forcibly separated from her husband and taken to a farmhouse belonging to the brother of a high level state BJP politician.

Three days later the police murdered Shaik in a staged encounter while publicly claiming that they had killed a member of the Lashkar-e-Toiba, a Pakistan-based terrorist group. Since Kauser Bi was a witness to the abduction, the police decided to eliminate her as well. She was brutally raped, then strangled to death. Later the police burned her body and spread her ashes in the farm belonging to a police official, Vanzara, who had won accolades as an “encounter specialist.” Vanzara’s brother, it should be noted, was appointed by Modi to the state’s Human Rights Commission.

Subsequent investigation by a Gujarat police officer implicated Vanzara and two other high police officials with links to the Modi government in the deaths of Shaik and his wife. Nevertheless, Gujarat police felt so confident that they enjoyed impunity that a few months after the indictment of the three officers for their role in the staged encounter they eliminated a key eye-witness to the abduction of the Muslim couple, one Prajapati

Former Gujarat Home Minister Amit Shah, a close confidant of Modi, has been summoned for questioning numerous times by the CBI as he is suspected to have given the order to eliminate Prajapati. But to date he has not been charged.

Modi has repeatedly defended the execution of Shaik even after the bogus nature of the “encounter” began to come to light. During a state election rally in late 2007, Modi asked the crowd what should have been done with Shaik, eliciting staged chants of “Kill him, kill him.” Modi, according to numerous press reports, then announced with satisfaction, “Well, that is what I did. And I did what was necessary.”

Others who fell victim to the Gujarat police included Ishrat Jahan, a 19 year-old college girl, and three of her young friends. In June 2004 they were picked up by police and murdered while in custody. However the police, led again by the notorious Vanzara, claimed that the four had been shot down in an “encounter” after police uncovered they were plotting to assassinate Modi.

Like the investigation of the Gujarat pogrom, the investigations into the summary executions in Gujarat have largely stalled due to official acts of commission

and omission. While the obstruction, including outright intimidation of witnesses, carried out by the Gujarat police and Modi government have played a major role, the cover-up of these crimes has depended on the widespread sympathy for Hindu communalism throughout the state apparatus, courts, and political elite. Court cases have almost invariably become bogged down in obstructionist legal manoeuvres.

The Congress Party that leads India’s UPA (United Progressive Alliance) government has been complicit in shielding Modi from prosecution. On coming to power in 2004 the party could have initiated the prosecution of Modi as there was ample evidence pointing to his central role in the 2002 pogrom. The Congress Party in Gujarat has completely adapted to the BJP’s vile communalist politics. Its campaign in the 2007 state elections was derided even by much of the corporate media as “Hindutva-lite.”

The limited terms of reference of the latest Supreme Court inquiry as well as the choice of presiding judge make it clear that those most responsible for the communal murders perpetrated under Modi’s rule will continue to escape justice.

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