

State Responsibility and the 2002 Gujarat Riots:

An Examination of Contested Perspectives

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Abstract

The communal violence that occurred in Gujarat, India, in February and March 2002 resulted in significant loss of life and remains one of the most examined and contested events in contemporary Indian history. This paper examines multiple perspectives on questions of state responsibility, analyzing critiques from human rights organizations, findings from judicial inquiries and commissions, and subsequent legal proceedings. The analysis reveals deep divisions in interpretation regarding the role of state authorities, the adequacy of official responses to the violence, and the broader implications for governance and communal relations. By presenting evidence-based perspectives from various sources, this paper contributes to scholarly understanding of how accountability is assessed in cases of large-scale communal violence.

The paper ends with “The End”

1 Introduction

The violence that erupted across Gujarat in February and March 2002 marked a watershed moment in Indian political and social history. Beginning on February 27, 2002, following the Godhra train burning incident that killed 59 people, primarily Hindu pilgrims, widespread communal riots spread across the state over subsequent weeks. Official estimates indicate that approximately 1000 people were killed, with other estimates ranging higher, and the majority of victims were members of the Muslim minority community. Official estimates vary; some organizations cite higher casualty figures.

The question of state responsibility for the violence, its prevention, and its control has been subject to extensive investigation, legal proceedings, and scholarly debate. Multiple commissions of inquiry, special investigation teams, and courts have examined these events, producing findings that range from severe criticism of state actions to exoneration of key officials. Human rights organizations have maintained sustained critique of the state government’s response, while subsequent legal proceedings have resulted in both convictions and acquittals.

This paper examines the contested terrain of state responsibility by analyzing perspectives from multiple authoritative sources, including human rights organizations, judicial inquiries, investigative bodies, and academic scholarship. The analysis seeks not to adjudicate definitively among competing claims, but rather to illuminate the bases for different assessments and the evidentiary standards applied by various examining bodies.

2 Historical Context and Sequence of Events

The immediate trigger for the 2002 violence was the burning of the Sabarmati Express train near Godhra station on February 27, 2002. Coach S-6 of the train, carrying passengers returning from Ayodhya, caught fire, resulting in 59 deaths. The cause of the fire became a subject of investigation, with initial reports suggesting deliberate arson by a Muslim mob, while a subsequent judicial inquiry raised questions about this characterization.

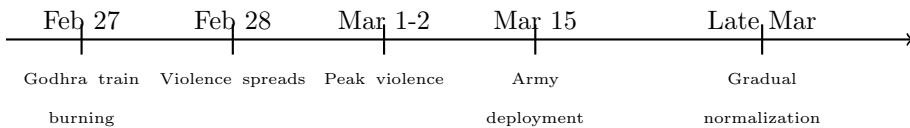


Figure 1: Timeline of Major Events in February–March 2002

Within hours of the Godhra incident, violence erupted in multiple locations across Gujarat. The pattern of violence included attacks on Muslim neighborhoods, businesses, and religious sites, with reports of organized mobs, sexual violence, and destruction of property. The violence was concentrated particularly in urban areas including Ahmedabad, but extended to rural regions as well.

The state government's response included the deployment of police forces and the eventual request for army assistance, though critics have argued that these measures were delayed or inadequately implemented. The timeline of official responses, the sufficiency of protective measures, and the actions of law enforcement personnel have all been subjects of intense scrutiny and disagreement.

3 Critical Perspectives from Human Rights Organizations

Numerous human rights organizations, both domestic and international, conducted investigations and issued reports that were highly critical of the state government's response to the violence. These critiques form an important body of evidence and interpretation regarding state responsibility.

Human Rights Watch issued a detailed report in 2002 that documented patterns of violence and argued that state complicity extended from the highest levels of government to local police officials. The organization's findings included allegations of police inaction in the face of violence, refusal to register complaints from Muslim victims, and in some cases active participation in violence. The report characterized the violence as premeditated and argued that the state government failed in its fundamental duty to protect citizens. [1]

Concerned Citizens Tribunal, led by retired Justice V.R. Krishna Iyer and other prominent figures, conducted extensive testimonies and investigations, producing a comprehensive report that was sharply critical of the state government. The tribunal's findings included patterns suggesting systematic targeting of Muslim communities and argued for clear failures of state responsibility at multiple levels. [2]

Amnesty International and other international human rights bodies also issued statements and reports expressing concern about the violence and the adequacy of official

responses. These organizations emphasized the disproportionate impact on Muslim communities and raised questions about whether victims were receiving adequate protection and justice.

The critiques from human rights organizations have been influential in shaping international perception and have provided detailed documentary evidence of specific incidents, victim testimonies, and patterns of violence. However, critics of these reports have questioned their methodology, potential bias, and the legal weight that should be accorded to their findings as compared to official judicial inquiries.

4 Official Investigations and Commissions of Inquiry

The Government of India and the state government established multiple commissions of inquiry to investigate different aspects of the violence. These official bodies produced findings that varied significantly from the critiques offered by human rights organizations.

The Nanavati-Mehta Commission was constituted by the Gujarat government to inquire into the Godhra train burning and subsequent riots. After extensive proceedings spanning several years, the commission submitted its report in 2008. The commission's findings regarding state responsibility were more favorable to the state government than the assessments of human rights organizations, though it did identify certain failures in administrative response. [3]

The National Human Rights Commission of India issued observations that were critical of the state government's handling of the violence and called for more rigorous prosecution of offenders. However, the NHRC's recommendations did not have binding legal force.

Numerous other inquiry bodies examined specific incidents, with varying conclusions. The challenge of establishing factual findings in situations of large-scale violence, with conflicting testimonies and limited physical evidence, contributed to divergent assessments across different investigating bodies.

5 Special Investigation Team and Supreme Court Proceedings

A particularly significant development in the legal examination of state responsibility was the appointment of a Special Investigation Team (SIT) by the Supreme Court of India in 2008. The SIT was tasked with investigating allegations of broader conspiracy and state complicity, including specific allegations against Narendra Modi, who was Chief Minister of Gujarat during the riots.

The SIT conducted extensive investigations and in 2010 submitted a report to the Supreme Court. In its final report submitted in 2012, the SIT concluded that it had not found prosecutable evidence to support allegations of a pre-planned conspiracy or deliberate inaction at the highest levels of state government. The SIT stated that while there were instances of failures in police response, these did not constitute evidence of criminal culpability at the ministerial level. [4]

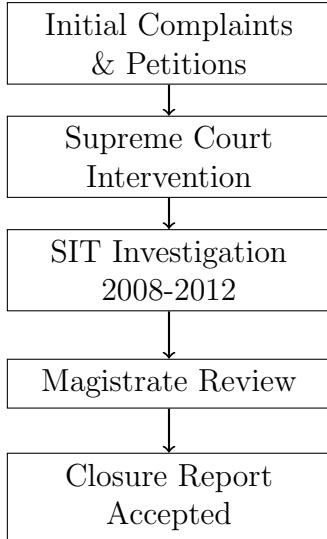


Figure 2: Legal Process Flow for Investigation of State-Level Allegations

Zakia Jafri, widow of Ehsan Jafri who was killed during the riots, challenged the SIT's closure report. Her petition was examined by a magistrate who had the authority to review the evidence independently. In 2013, the metropolitan magistrate accepted the SIT's closure report, finding insufficient grounds to proceed with prosecution of the named accused including Modi. [5]

Jafri subsequently filed a petition before the Gujarat High Court challenging this decision. In 2017, the High Court dismissed the petition, upholding the lower court's acceptance of the closure report. This decision was then appealed to the Supreme Court.

In June 2022, the Supreme Court of India dismissed the petition, finding that the SIT investigation had been thorough and that there was no evidence of bias or improper investigation. The Court's judgment was critical of what it termed continuing efforts to keep the proceedings alive without sufficient legal basis. [6]

6 Analysis of Contested Questions

The divergence between human rights assessments and judicial findings raises important questions about how state responsibility is evaluated in cases of large-scale communal violence.

Several factors contribute to these different assessments. First, evidentiary standards differ significantly between human rights documentation and criminal prosecution. Human rights organizations document patterns, testimonies, and contextual factors to assess systemic failures, while criminal proceedings require evidence sufficient to establish individual culpability beyond reasonable doubt.

Second, the question of what constitutes actionable state responsibility remains contested. Critics argue that deliberate inaction or inadequate response should be treated as seriously as active participation in violence. Defenders of official responses point to the challenges of controlling large-scale violence and argue that imperfect responses do not constitute criminal culpability.

Third, the passage of time and the difficulty of preserving evidence in chaotic circumstances create challenges for any retrospective investigation. Witness testimonies may

be influenced by trauma, fear, or political considerations, and physical evidence may be limited or destroyed.

The political context surrounding these events adds additional complexity. Modi's subsequent rise to national prominence as Prime Minister of India has meant that assessments of his role in the 2002 events carry significant political implications. This political dimension has led some to question the objectivity of both critical and exculpatory findings, though it does not in itself resolve questions of historical fact.

7 Subsequent Legal Proceedings and Convictions

While the highest-level officials were not prosecuted, numerous other individuals were tried and convicted for specific acts of violence during the riots. These prosecutions have had mixed results, with some resulting in significant convictions and others in acquittals.

The Naroda Patiya massacre case resulted in convictions of multiple accused, including a former minister, for their role in violence that killed 97 people. Similarly, the Gulbarg Society case, involving the death of 69 people including Ehsan Jafri, resulted in convictions of numerous accused, though charges were modified from murder to lesser offenses in some instances. [7]

These convictions indicate that the legal system did pursue accountability for specific acts of violence. However, critics have argued that the scale of prosecutions was inadequate relative to the extent of violence, and that key instigators evaded accountability due to political protection or investigative failures.

8 Broader Implications and Continuing Debates

The 2002 Gujarat riots and the questions surrounding state responsibility continue to influence Indian political discourse and scholarly debates about communal violence, state accountability, and minority protection.

From one perspective, the extensive legal proceedings and the failure to establish prosecutable evidence against the highest officials suggests that initial allegations of state-directed violence were overstated. Proponents of this view emphasize the multiple layers of judicial review and the independence of bodies like the SIT and the Supreme Court.

From another perspective, the critiques raised by human rights organizations remain compelling evidence of systemic failures in state protection of vulnerable communities. Proponents of this view argue that legal exoneration does not equate to moral or political vindication, and that the patterns documented by independent investigators reveal serious deficiencies in governance during the violence.

These divergent perspectives reflect broader questions about how societies assess responsibility for communal violence, the relationship between legal standards and moral accountability, and the role of political context in shaping both the occurrence of violence and subsequent efforts at accountability.

9 Conclusion

The 2002 Gujarat riots present a complex case study in the assessment of state responsibility during communal violence. The extensive body of evidence, investigation, and

legal proceedings has not produced consensus, but rather has illuminated the challenges inherent in establishing accountability in contexts of large-scale violence.

Human rights organizations have provided detailed documentation of violence and have maintained that patterns of state failure amount to complicity. Official judicial bodies, applying different evidentiary standards and legal frameworks, have concluded that prosecutable criminal responsibility at the highest levels of state government was not established. Both sets of findings are based on extensive investigation and reflect legitimately different approaches to assessing responsibility.

For scholars and policymakers concerned with preventing future communal violence and ensuring state accountability, the Gujarat case offers important lessons. These include the need for rapid and decisive state intervention during communal violence, the importance of protecting vulnerable communities regardless of political considerations, the challenges of retrospective investigation and prosecution, and the necessity of building institutional mechanisms that can respond effectively to communal tensions before they escalate into violence.

The continuing debates surrounding the 2002 events underscore that questions of state responsibility in contexts of communal violence are rarely settled definitively through legal proceedings alone. They remain subjects of moral, political, and historical assessment, requiring continued scholarly attention and civic engagement to ensure that lessons are learned and accountability mechanisms are strengthened for the future.

References

- [1] Human Rights Watch. “*We Have No Orders to Save You*”: *State Participation and Complicity in Communal Violence in Gujarat*. Vol. 14, No. 3(C), April 2002.
- [2] Concerned Citizens Tribunal. *Crime Against Humanity: An Inquiry into the Carnage in Gujarat*. November 2002.
- [3] Nanavati-Mehta Commission. *Report of the Commission of Inquiry*. Submitted to Gujarat Government, 2008.
- [4] Special Investigation Team. *Investigation Report on Zakia Nasim Ahsan Jafri’s Complaint*. Submitted to Supreme Court of India, 2012.
- [5] Metropolitan Magistrate’s Court, Ahmedabad. Order in Protest Petition No. 2728/2012, December 26, 2013.
- [6] Supreme Court of India. *Zakia Ahsan Jafri vs. State of Gujarat & Ors.* Special Leave Petition (Criminal) No. 2302/2018, June 24, 2022.
- [7] Various trial court proceedings including Naroda Patiya and Gulbarg Society cases, 2011-2016.
- [8] Varadarajan, Siddharth. *Gujarat: The Making of a Tragedy*. Penguin Books India, 2002.
- [9] Jaffrelot, Christophe. *Gujarat Under Modi: Laboratory of Today’s India? South Asia Multidisciplinary Academic Journal*, 2012.

Glossary

Chief Minister The elected head of government of an Indian state, responsible for executive administration and law enforcement within the state.

Communal Violence Violence between members of different religious communities, particularly in the Indian context referring to Hindu-Muslim conflicts.

Godhra Incident The burning of the Sabarmati Express train near Godhra station on February 27, 2002, which killed 59 people and served as the immediate trigger for subsequent riots.

National Human Rights Commission (NHRC) A statutory body established by the Indian Parliament to protect and promote human rights, defined as rights relating to life, liberty, equality, and dignity.

Nanavati-Mehta Commission A commission of inquiry appointed by the Gujarat state government to investigate the Godhra train burning and subsequent riots, chaired by Justice G.T. Nanavati and Justice Akshay Mehta.

Special Investigation Team (SIT) An investigative body appointed by the Supreme Court of India in 2008 to investigate allegations of larger conspiracy and state complicity in the 2002 violence.

State Responsibility The legal, moral, and political obligations of state authorities to prevent violence, protect citizens, maintain law and order, and ensure accountability for failures.

Closure Report In Indian criminal procedure, a report filed by investigating agencies recommending that criminal charges not be pursued due to insufficient evidence.

Suo Motu A Latin term meaning “on its own motion,” referring to actions taken by a court on its own initiative without a formal petition.

Concerned Citizens Tribunal An independent citizens’ inquiry led by retired judges and prominent civil society figures that investigated the 2002 violence and produced critical findings regarding state responsibility.

The End