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# Memorial to a Genocide

February 27/28 marks ten years since the tragic death of 59 persons in a fire in a coach of the Sabarmati Express near Godhra railway station and the criminal manipulation of this tragic incident as a pretext for the Modi government-sponsored anti-Muslim genocide throughout the state.

On February 27, thousands of survivors of the mass crime together with lawyers, jurists, activists, artists, artistes and intellectuals from all over the country will assemble at Gulberg Society, Ahmedabad, for a commemoration. Through words and images, reminiscences and video clips, photographs and digital installations, a wailing wall in memory of missing persons, acknowledgements to those who risked their lives to save others and to those who joined the struggle for justice, with music and tears, the crimes against humanity committed ten years ago will be recalled and the plight of the traumatised and the displaced highlighted. Survivors from Gulberg Society will lead the assembled people through the housing colony and recount the horrors of February 28, 2002. A collective resolve will be renewed to continue the struggle for justice for the survivors and punishment to the perpetrators and masterminds of the carnage. Saviours, those who swam against the tide of hatred to give succour and save lives will be especially remembered... their conversations relayed live.

A unique concert, Music in Memoriam, will be the finale of the live memorial, performed by Shubha Mudgal (vocal), Aneesh Pradhan (tabla) and Sudhir Nayak (harmonium).

The entire programme at Gulberg Society, symbolising the holocaust in Gujarat, will be webcast live and posted on YouTube subsequently so that we remember and never forget. The URL for the webcast will be available on [www.cjponline.org](http://www.cjponline.org) and [www.sabrang.com](http://www.sabrang.com) from February 27. Secular and minority rights activists and groups in Ayodhya-Faizabad, Aligarh, Malegaon, Lucknow, Madurai, Calicut, Mumbai and Delhi will also be having commemorations at around the same time. All these will be available for permanent viewing thereafter.

*Communalism Combat* will join all the others at Gulberg Society on February 27 to participate in the commemoration. This issue of the journal is part of that effort.

We are grateful to the Citizens for Justice and Peace teams in Ahmedabad and Mumbai, the Sabrang team in Mumbai and SAHMAT, New Delhi, for their unstinting efforts and unwavering commitment to this endeavour.

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## In Search of Justice

The battle of memory against indifference

### I

My name is X. It could be Zakiya Jaffri or Rupaben or even A or B. I am a citizen, an Indian, a Muslim, a woman, a survivor, a witness. Originally, I never thought of all of these identities. I was just a housewife. Sometimes I feel that housewives stand outside history till politics takes over. I was content in my house and with my family, each relationship, like an envelope, a cocoon that encompassed me.





My life was a chorus of familiar sounds and colours, a litany of habit, of children growing up, of generations changing, of working hard even to dream small. Then history intrudes. It mauls you; it molests you as a riot becomes a rape of identities. The normal breaks like a fragile egg and never returns, as we become Humpty-Dumpty's of yesterday, never to be put together again.

As housewives, we felt betrayed by the riot. It was a double displacement. We lost our families and we lost our homes. Space and place, both were destroyed. For us, justice became a need to rebuild place, our homes, the little cosmos we call neighbourhoods that kept us going. For us, justice was a search for guarantees, a

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search that this never happens again, to us or to anyone. We claim no copyright on suffering, no patent on torture. Tortured families might look alike but each individual being suffers pain in his singular way.

What I want to raise today is a different question, a question that each of our autobiographies raises in a different way and that all must answer collectively. What is justice?

## II

I admit that I am not a scholar. I am neither a lawyer nor a judge. I have no bywords to hide behind. For 10 years my people have been talking of justice. Many talk as if sentencing one man would deliver justice. One man cannot atone for genocide. One man sounds too puny to embody all the colours of evil unleashed then. Others think that obtaining justice is like repairing a machine. Justice literally summons the plumber to repair the leaks of life. Others see justice as a balance, where one bad deed triggers another. Godhra led to Gulberg and people think or feel that revenge is a form of justice. Maybe. For others, especially clerks, justice is procedure, a strange occult ritual, where rules must be followed correctly to create an effect. I might be illiterate but procedures guarantee fairness not justice.

Procedures can fine-tune justice but justice is something bigger and smaller. It can be done by measure or by rule of thumb. But eventually, for all its sense of measure, proof, objectivity, justice is that moment when a cosmos feels just right again. For others, justice is like an act of certification, a recommendation, a ration card, a badge, a unique identification which says or verifies that a procedure has been followed and a stature confirmed. As a housewife, I claim that such definitions don't capture my story. My husband was murdered, my children burnt and I was raped. Simple facts. And I asked for justice.





I remember the first time we filed an affidavit. We were so proud, so full of civics. It was an initiation ritual, the sense that citizenship is also a form of competence. It was such an innocent act of faith, a belief that the affidavit would bring instant justice. Our belief in the courts was naïve. We thought the courts would hear us and act instantly. I remember Teestaben and Suhelbhai telling us that there was no instant justice. They talked of '84 and Bombay, about how far they had gone and how much was still left. They tried to explain, holding hands, and simplify the process. It is then that you realise that justice is a form of waiting. It does not make a difference whether you wait in silence or in anger. But waiting cannot be a passive act. You have to reinvent justice. It is a craft, a craft ritual which every citizen has to learn and it is hard and pitiless. It is a double act where a survivor becomes a witness. Justice is a twofold act of memory. You have to remember what had happened to you and then remind society of what it has forgotten.

Being a witness is a surreal act because all those who raped you, murdered people close to you, walk normally around you. The rapist looks you in the eye and jokes with the policeman sent to protect you. Justice is the battle of memory against indifference. You pick up the courage to file a first information report (FIR) and it becomes an act of torture. You have to file your affidavits in two languages, tell the world how you were raped in two dialects. Lower courts demands two languages whereas higher courts are content with one. As you work hard with telling your story, you realise citizenship is a skill, a form of literacy you never practised. You rebuild yourself by finding yourself. In constructing yourself, you construct a community. Witness demands company and we women learn to be witnesses together. You realise that everydayness after a riot is a form of courage. The policeman, the clerk, the majority treat you as a joke. A witness, especially a woman,

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asking for justice is like a Dalit wearing a full three-piece suit. You become an object of laughter, of contempt, merely for being or wanting to be a human.

Justice is a claim to dignity that society cannot understand. Grief and mourning are not enough. One must identify the body, describe the wounds and elaborate the events. It is like choreography, a recreation of something that you desperately want to forget.

Justice becomes like a long pregnancy with many abortions. Your every act of witness is a foetus which some clerk aborts or some policeman flicks into a dustbin. Facts remain stillborn because the state is deaf. Then you realise that for all its magical power, justice, unlike beauty, is a secondary concept. Justice is always rebuilding, restoring, restitutive, reordering, and repairing. You repair a world which is broken. Justice is the real myth of the eternal return, the dream that you can repair or restore a broken world. Justice is always *afterward*.

## III

Every witness needs a listener, not just another survivor but someone from the outside, someone who listens, who tolerates the eternal repetition of witness. To be a witness is to repeat, to retell so that one day you may restore. Justice is a million repetitions. As you repeat your story, it becomes a cuticle on you, a callous second skin, thickened by indifference, thickened by waiting.

There are also threats. The women of the accused would sit with us and argue: “How long do you think you will last?” They told us in Naroda Patiya that we were daily wagers and that as daily wagers, we would not succeed. The court gave many of us security as witnesses. But that made us spectacles, targets of questioning. We were asked repeatedly why we insisted on pursuing the cases. Every ‘why’ hardened us, made us realise that the battle would be a long one, that the first affidavit was the end of innocence, of *nad’veté*. I realise that pursuing justice is a tiring act. It hardens you. Yet let me tell you that the cliché, justice delayed is justice denied, is only partly true. What is truer is that justice waylaid is justice denied. Waiting can still be liveable but watching justice being mimicked cynically is painful.

## IV

It began with our police and the law courts trying to merge cases or ignoring affidavits. An absent-minded or indifferent justice system hurts the dignity of law. The beauty however is that untruth at one level can face the truth of another level. When the local court refused to be fair, the Supreme Court stepped in to guarantee due process. There are tensions. Sometimes the brute rule of majority makes the rule of law seem fragile. But you persist.

The Supreme Court in its wisdom set up the Special Investigation Team (SIT) to investigate investigations. The idea is a beautiful one. The SIT had tremendous powers. It could summon anyone, reopen any investigation.



Yet it was almost chaste in its use of law, seeking to say little or do even less. I think it saw investigation as a pollution ritual refusing to be contaminated. Law sometimes gets caught in its own paradoxes. The SIT had no local team. It used the police in Gujarat to police the investigation. There is a touch of irony here, expecting vested interests to police vested interests. Yet with the sanctity of the Supreme Court backing, we expected a lot. The SIT was disappointing, distant. As one of us said, even virgins would be more forthcoming.

Thinking of the SIT and of Gujarat, you realise that the old Gandhian term, 'the oceanic circle', fits our notion of justice as a lived fact. The court judgements can have the integrity of the burnished sword but justice as being, as consequence, as absence, refers to events in another way. People forget that we have to return to our homes but ignore the fact that we cannot. Standing in the way is a real estate operator or a Bajrang Dal obsessive. Without a return to livelihood and neighbourhood, there is no return to normalcy and without it, there is no forgiveness, no forgetting or justice. Our transit camps are pigsties and Mr Modi thinks life is normal. Maybe for pigs. As humans, we have to ask for more.

### V

There is also another displacement that people talk about. Justice for the majority is not a priority. They seem to prefer development to justice. They even believe that development guarantees justice. Development acquires sacredness, a Camelot-like status, whereas justice is seen as banal, even retrograde. We are asked to forget in the name of development, to be citizens by emptying our cupboard of all our identities. Only the empty Muslim is welcome. Progress is a beautiful word. It asks us to erase our memories. When people say that Gujarat has developed, it only means that they have forgotten us. I wish people would develop our transit camps. Begin with hope and tap water. And drainage. We want development too but we want development with freedom and justice.



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Then came the blessed SIT ruling. A half-cooked judgement. A hiccup rushed to the press. The headlines read: 'Modi gets a clean chit', claiming that he did not light the fire. It even says he was correct in rushing the bodies from Godhra to Ahmedabad. We listen silently. We are disappointed.

The SIT was set up as a moral trustee, a tuning fork to guarantee the resonance of justice. Yet it changed shape as it developed. It became a gatekeeper for information rather than a guarantor of procedure or truth. Its style struck us as being remote. We could hardly access it. It literally refused access to the victims. Mr Raghavan was like a viceroy whom the natives spied at a distance. Yet I believe that the SIT remained porous to the government as it remained impregnable to us. I guess the final obscenity came when it denied Zakiya Jaffri access to its judgement. One wonders whether the 'some will have more justice than others' tactic dims our chances. I guess the SIT has run its course. It is back to the courts. But by now citizenship is a reflex. We go on; clear that living life means living with justice, for justice.

# Forgotten Worlds

A tale of transit camps

## I

Transit camps are a world of their own. They possess an irony that extends from their naming to their very continuity in time. Transit camps are rarely temporary. They begin as an act of desperation, created as a fragment by some desperate councillor and sustained by a few NGOs. As funds run out, even the NGOs leave. Located miles away from the main road, these camps are soon forgotten. They seem to operate in a different space and time.



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Ekta Nagar is a sandwich of 45 flats in three sombre tiers. The walls outside are cobwebbed and dusty. Even the dust looks aged. Cycles lie huddled. A few tired graffiti offer some signs of commentary.

They seem drawn by children. The municipality makes Kafka's castle seem simplistic. Men talk of mythical cheques they have tried to obtain. They claim that the clerks seek to swallow (*hajam*) cheques belonging to survivors. The municipality creates a labyrinth of problems the survivor talks about with awe, talking of paper chases and xerox trails which lead nowhere. For the survivor, the municipality is a form of power which demonstrates their powerlessness. The municipal corporation tyrannises these little *nukkads* (corners), these habitats eking, surviving and dreaming of a gutter line and a tap connection.

What connects the camps to reality is corruption; the corruption of the municipal corporations and the violence of the goons who disallow any act of progress, any little repair or improvement, in case they lose control of their turf. The names of the areas bring out the irony of disaster relief. These areas are named in hope, or maybe cynically, as Ekta Nagar, invoking unity, Citizen Nagar, summoning entitlements.

Waste is ubiquitous. Stale plastic and stiff cloth substitute for grass. Dirty quilts lie desperate for a touch of the sun. The only signs of hope are dogs, content on the road, and kids curious about visitors. Governance, as the World Bank would describe it, is non-existent. Corruption and the desperate games it creates become the only chain connecting survivor and state. As Rafiquebhai, a guide, said, "These groups are twice cursed. When the riots came, they targeted the lowest strata of Muslim society. Their lives were unfortunate before the riots, their lives are miserable after the riots." It is as if poverty conspired with the carnage to create a vulnerability that leaves little hope. Ten years, and almost nothing has happened in these areas. Only children are proud of school and list out their classes as honour lists. Maybe education is a way out.

Curiosity becomes an obscene partner to witness as you wonder what these groups of houses consume. Wayside shops are a good marker of surplus in subsistence. The first sign is packaging. The little shop at Ekta



Nagar camp was listless. It has a string of gutkha pieces, adding to the cheerfulness. The variety of gutkha is one sign of the consumer revolution. There is Captain, Mahak, Guava, Zatpat, Mijaj. Gutkha becomes the favourite brunch and timepass of the camps. There are no cigarettes on the shelf, just a few packets of bidis. A Bubbalo packet in pink offering a chewing gum that lasts. A few bars of Ghadi soap. One tired box of Maxo mosquito coil. One hardly sees currency; just kids scurrying with coins, asking for Tarzan, a *papdi* mix (snack). The shop is bare, almost apologetic in its sparseness, almost empty of hope.



## II

The camp at Citizen Nagar is deep in the shims. As we walk through the lane, one tries not to exaggerate the surreal bareness of things. One realises exaggeration is obscenity and rage sounds sentimental. But as one walks the lanes, one sees the streets are now gutters, black with a filthy, polluted water one has to skirt past. There is no foliage of any kind, just one palm tree pretending it is part of a barren postcard of poverty. The smell eats into the mind, and yet we are unprepared for what we encounter.



One sees a wasteland of garbage, a Borobodur of waste piled high like a monument to 2002. It is the *tekra* (hill) sewage farm, run by the municipal corporation. Its scale humbles the spectator. Dogs and humans scurry on its surface, foraging, scavenging a bit of value. Fires smoulder all over it, acrid to the eye. There is also a dump for chemical waste. The guide remarks that it is bearable in winter but in summer the dump catches fire and the smell and the sight is unbelievable.



The visitor feels like an archaeologist at a monument, a memorial to waste, junk, and garbage smouldering like the people. Bulldozers come in every day and vomit their new pile of indifference while kites keep a vigilant eye. It is almost as if the shit of the city is piled on the survivor, saying this is what we think of you. A walk suggests a war zone; the only touch of colour is bits of plastic and shreds of cloth that punctuate the way. A resident tells us that the dump is over 10 years old. “It was less than waist-high when I came.” It is twice the height of Humayun’s tomb now. A young boy in tight jeans flies a kite featuring Aamir Khan’s *3 Idiots*. The senses compete to stun you. The dump is colossal in scale, the smell eats into you. As a monument to waste in every form, it seems a cynical tribute to the wasted survivors of 2002, a statement that life goes ruthlessly on. So colossal is the obscenity that it does not allow exaggeration. A young boy stops us and asks curiously: “Will your visit change anything?”, implying our forgetting is only another form of waste, the wasted hope of people who believed in the state.





The size and the scale of the dump leave you in awe. It is like an inverted heritage site selected by a surreal UNESCO to mark the violence and carnage of 2002. It is obscene, it is everyday and it grows like a guano dump as machines add to its size. A sculpture of obscenity, it needs no exaggeration as it leaves you helpless, wondering whether this mass of waste is a heritage site of city development, a monument to every form of decay, shredding even hope. Stray dogs run on it in happy freedom. It is a 10-minute walk from a locality aptly called Citizen Nagar. Words like governance, citizenship, progress and rights appear silly before this monument to indifference.

The visitor is asked the same question in different variants. It is as if each response is a dialect of their emotions. One greets us with cynical indifference, saying: “Take your pictures, nothing will change. Your pictures only freeze time.” Another asks shyly whether there is a chance of a gutter line. A group stares





angrily, saying: “Why do you come? You know nothing is going to happen.” One senses their anger has been bleached by waiting. In fact, survival wavers between an ethnography of waiting and the task of moving on. Words like temporary and transit acquire a density of permanence. The kids walking cockily around have known no other life. Corruption contaminates survival. Visit after visit to the corporation yields nothing. Hope piles on like garbage. Only hope cannot be composted. It turns acid with waiting. One realises that for many, waiting has made them sluggish; it has created a form of dependency, a sense of sloth, as the magic of the state and the promises of politicians have failed to work. Life becomes hopeless, a habit, where each day repeats its arid self. The heroism of subsistence and survival has few storytellers.

### III

There is something about the alchemy of the camps, the unstated pain and suffering which asks questions of those who visit it. Is one a spectator? Is a spectator a consumer of disasters? A voyeur of the new histories of pain and suffering. Is he an activist living off the compost heaps of suffering? Does he use suffering to promote himself? Is he a consumer of disaster sites advocating a distant humanitarianism or suffering disaster fatigue which asks you to switch off?

There are however the more critical roles of the survivor and the witness. As witness, one provides testimony. As survivor, one rebuilds a life. In rebuilding oneself, one rebuilds a society and hope in the norms and dreams of the society. A witness provides a testimony and testament for justice. One needs an ethics of memory even in forgetting. Yet what one sees in the camps is not communalism or the weak liberalism of the secular. One sees the crime of indifference, of silence, which refuses to listen or even let the survivor speak. The murderer and rapist now find new company in the citizen who is silent, who feels suffering is the prelude to obsolescence, a fact to wish away or sweep under the table with new buzzwords like progress or development.

## IV

The ethnography of camps demands a range of reflections. One has to admit that merely visiting them, sitting with survivors, walking around, is not living in them. To understand that, one needs to make a leap of imagination, to understand lifeworlds devastated by violence. As one visits different camps, one realises that there is a gradient of pain and suffering. Everyone begins with the story of the Carnage but then tells the story differently. As one compares the difference, one is faced with uneasy questions: Is waiting for help, or even justice, a form of addiction? Does waiting corrupt the giver and the receiver? There are other questions. How does a society where so many ordinary people were murdered, raped and looted live so easily with itself? One sees few traces of guilt. In fact, one sees explanations of the act as if history has at last redeemed itself; one hears the litany of the same arguing that Godhra validated their violence. One feels that a society has canned the event and moved on blissfully. Gujarat, as a society, has washed its memories away.



One is reminded of a sign on the way to Himmatnagar. The tropic of Cancer passes through it. There is a map of the line tracing its trajectory through the town. For a moment one forgets that it is an imaginary line. It almost feels real. One can trace its way across the town. The imaginary line seems more real, more real than the riots are to Gujarat. It is as if facts, reports, dissolve before the refusal to listen. But ‘the real’ hits you as you enter the camp.

We move to Sardarpura, Mehsana. Twenty-two families live together as a clan. As a resident explains, we live together as a clan (*parivar*) but stay separately as families (*ketumb*). There is the solidarity of a camp, where all members are tied together by ancestry and by the memory of one event. They call themselves the Sheikh *parivar*. Twenty-two families, 110 individuals. They all remember that 33 of the family died after the Godhra *haadsa* (tragedy).

History becomes a backdrop to the problems of everydayness. Central to everything is work and the paucity of employment. This is a clan of labourers who work in the fields or who are hired for daily work, contracts

for house painting. They also serve as rickshaw-drivers. Most of them do “colour *kaam*”. They whitewash, distemper, plaster houses. They complain that there is little to do. Stories of hunting for work weave into narratives of 2002. They talk matter-of-factly. When work comes, they earn Rs 50 a day, of which Rs 12 goes in transport to Himmatnagar. They complain that life is tough. Water is a problem. There is water but it is only adequate for cleaning and washing. It is not drinkable. Jaundice seems rampant in the area and medical debt becomes burdensome. Clean water has to be bought in bottles at Rs 20 a bottle. Medicines are expensive and sickness adds to unemployment.



As the workers gather around, they talk of *dhanda-pani*, the need for work and the lack of capital to start any small enterprise. They are unemployed for 15-20 days of the month. Hunting for daily work is also expensive. One spends Rs 20 a day hunting for work, whether one gets it or not. Survival becomes difficult. They see no romance to it. They feel like a forgotten fragment. “No one comes here. No *netas* [politicians] visit the camp.” The government is of no help. They complain that their houses are slapdash. The AFM charitable trust which gave them this plot built the base. It was a mound, a skeleton to which they added as life went on. They have no papers to claim that this is their land. One of them claims that some other villagers had offered them land, as they work their fields. But the offer was in fragments and they chose to stay together.

They talk of Baserabibi. Her husband, a labourer, died during the riots. She was left with three children. Her children are 12, 14 and 17 today. Two of them work and one goes to school. But they see school as a sideshow with no facilities and no effort. She had no job, she was not literate. For the members, as daily workers and survivors, work is history and they feel that the history of 2002 has kept them from work. *Dhanda* (work) in any form dominates their minds. Without livelihood, survival, even in the solidarity of a clan, becomes difficult. Time gets carved into daily units, emptied further when there is no work. The past unfolds behind them but the future seems truncated. Yet there is a confidence that

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justice will come, even if work is erratic, *inshallah*. They state proudly that 31 perpetrators of the Sardarpura massacre have been sentenced. But the appeal is still on.

Initially, the conversation is all about prices and budgets. Their greater worry is education. Education is expensive. To go to school in town, costs Rs seven one way. Annual school expenses, including fees, stationery and books, add up to Rs 2,000. The local school offers no future. Students feel frustrated and unprepared to transfer to other schools. They lack the skills and the attitude, they feel incompetent to proceed. There seems to be no future without competent teachers. The conversation of the young turns to *badla* (revenge). They feel frustrated that the riots blocked their future twice, once as Muslims, once as workers. Their question is: “How can we move on when we cannot move ahead?” They mention the fact that citizenship seems difficult.



The riots and the story of the riots appears as an aftermath to the story of everydayness. The members of the Sheikh family were *mazdoors* (labourers) working on a farm. Initially, the Patels, who they worked for, assured them that they were safe. Such a trust in the Patels made them unprepared for what followed. “They exploited us but we did not know that they would harass and torture us. We were sitting targets. The Patels had prepared for the attack. Halogen lamps lighted the space around us. Our houses are tiny and huge volleys of stones smashed into us from the big house above. They must have been collecting them. There was no escape. Some of them hid in a cabin built by the Indira Awaas Yojana. As the attacks proceeded, a police van drove into the area. However, it did not stop. That became a clear signal to the Patels that they could do what they wanted with us. If the police had stopped that day, 33 of our family would be alive. They had chemicals which ate into the walls and chewed our skins. It is difficult not to feel that the violence was planned.” They add wistfully: “Today we have constables to protect us.”

As we leave, an older woman comes and holds our hands. She is dumb but enacts an eloquent mime. She blesses us, a smile tracing a line across the webbed face.

## V

We drive past Himmatnagar. Our two guides, who are Muslims, talk of the problems the riot has created. They mention systematic targeting, referring to the way rich shopkeepers had been targeted. They then talk of the two kinds of indifference. They talk of administrative surveys (*shaasans*) which map, inquire, collect and move on callously. Then they refer to the dominance and indifference of the Patels in the area. Whether they are Chaudharys, Kadava or Leuva Patels, they are anti-Muslim in attitude. They added that land is a huge temptation for Patels. The power of land overcomes any hesitation. “The Patels always want to acquire the piece of land next to theirs.” Consolidation of land is a constant itch. They felt that what diverts a society against the Muslims is the rabidness of the Vishwa Hindu Parishad (VHP) and the organisational skills of the Rashtriya Swayamsevak Sangh (RSS).

Rafiqsaab, our guide, is an old Janata Dal activist. He mentioned that the RSS has established 123 institutions, each specialising in one aspect of social life. “One organisation would focus on students, one on peasants. There is one just for lawyers. Every segment has a special unit.” Rafiqsaab, who has worked in many areas, added that the patterns of riots almost behave like waves of a business cycle. A riot emerges and flattens out Muslim livelihood and business. The Muslims rebuild again and as soon as this grows, another riot emerges to flatten it out. Rafiq added: “Look at the years ’47, ’69, ’81, ’92, 2002; each flattened the economic foundations of Muslim livelihood. I do not know whether they are correlations or causations but it is time we read the patterns of riots.” He added that the systematic nature of riots is present in discrete facts. The 2002 riots saw the presence of a new chemical that eats into skins, even into house surfaces. It comes in little bottles and was almost ubiquitous during that time. Deep down, he noted, the VHP has changed the climate by changing attitudes and mentalities. The tribals were more than obvious as perpetrators. The VHP’s role in strategising the tribal areas into a new domain needs to be understood.

Rafiq added that the rules of the game have changed. Any protest or complaint is seen as defiance. “The police implicate you in false cases, turning law into a nightmare rather than a procedure for justice.” Rafiq was shrewdly reflective. He said that the odds are stacked against them. Poverty, violence, the riots as disaster and the climate of hostility turn the Muslim into a vulnerable figure. Poverty, minoritarianism and marginality are potent inflictions. “But the Muslim has to think of himself as Muslim and citizen to break through. Waiting and fear will not help; agency is needed to propel him out of his situation. Unfortunately, democracy turns ironic in its electoralism and the law becomes a labyrinth. To stay, citizens and witnesses require a different courage.”

## VI

We move to a small camp of 16 families living together in a three-storeyed, half-built house. They are members from different villages. They remember violence in capsules. They said that the village in which they stayed was not violent till outsiders taunted the villagers with bangles. Some people did protect them. One cited the case of a child that a Bania hid. She was in a room from where she could watch the violence.

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Her friends had to stifle her cries so that she would not reveal herself. Such a memory brands you, scalds you. Otherwise, life seems better at this camp.

The buildings are badly built, even rudimentary as structures. People assemble the rest like an absent-minded jigsaw puzzle. The corporation is the villain here and con men fleece people, promising them below poverty line cards. “They took 100 rupees from each of us and never came back.” The houses have not been allotted to them. They have been asked to pay Rs 30,000 per unit. “Where can labourers get that kind of money?”



The Muletti camp has 27 families. The houses are at least somewhat more substantial. Sewing kits grace the houses, conveying handiwork and stability. Somehow the machine signifies everydayness beyond the riots. We sit in a drawing room with kitschy furniture, the number 786 (considered auspicious in Islam) prominent on the walls. Many survivors explain that they came from small hamlets where they were, at the most, two or three families. Chances of survival were slimmer. A gathering of women talk of the past.

Zubeida talks of the day. There was to be a wedding. The trousseau was piled up on beds. It was all burnt. Worse, the anger extended to the dead. Bodies, over two months old, were brought out of coffins and burnt. What continues to smoulder is fear and anxiety. A lot of them sold their plots of land and fled. Fear creates a market for land. Fear sells real estate. Sometimes riots seem to be a real estate manoeuvre, a hunger for land at any cost, at any place.

Their narratives are pained but nuanced. Anyone who helped, Bania or Adivasi, is singled out for grateful mention. One of them mentions how the Thakur who otherwise exploited them hid them in the fields. However, he was pressurised by other villagers and asked to move them.



Sakinabibi, a woman of 65, bursts in. She runs back to her house and returns carrying a large photograph of her husband. She tells us: “When they could not find my husband, they stabbed his picture.” She holds up the picture to show two large rents, scars in the picture, wondering what kind of people could do such a thing.

The narratives move to trends and comments rather than stories as concrete nuggets. They talk with sadness yet with a dignified resignation. They cannot go back to the villages, even to reclaim objects, as the Patels threaten them with further violence. They talk of the anarchy and chaos of escape, the fight for survival when families abandoned someone and then spent agonising moments searching for lost ones. Sakina talks of a *miya bibi* (couple) who abandoned their child in panic. “*Beta phak diya* [They left their son behind].”

Past and present merge in their narrative. Things are better. The only real complaint is the stagnating water in the rains and the waste disposal. Yet there is also the everydayness of trauma. Trauma refuses to go away. “My child sleeps with me, waking up again and again screaming. The violence never goes away.”

Looking around, one senses that the land on which they stay is barren or rugged. Our guide, a woman, shrugs it off, pointing to a fortress in the distance. Time almost seems like a sandwich. One can pick the slices of time one wants to fill it with.

The women gather to review the past. They explain that not everyone was violent. Parmars and Rajputs in their areas were not. Who they feared were Adivasis and the Bajrang Dal. Their stories become a chorus as they echo a sequence of how they fled, abandoning their houses, hiding in the fields, watching the looting, and waiting for help. No one came to help. In fact, the police stopped people from entering the area, creating a cordon for violence.

Memory however cannot compete with files, as files only recognise official memory. Pain and trauma do not qualify till they are medicalised. Even here people are fair, saying: “*Dukaan ka paisa mila, makaan ka nahin* [we

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got compensation money for the shop but not the house].” There is little rancour. The “Godhra *kaand* (incident)” seems or appears like an impersonal force of history, the outside, which tore up their village lives. While Rajputs and Parmars receive thanks, the Patels are remembered with fear. One of them even mentions how the sarpanch reassured them of safety in his wily way. It is the Adivasis, they said, who were the instruments of violence.

An old man with a hearing aid signals desperately that he wants to speak. He says: “My son is in jail. Can you do something?” The young man was picked up after Godhra and is in Kolkata jail. The father is too poor to visit him. He has no work. His eyes plead. “He is 25 years old. Allah will bless you if you do something.” Hope still sticks tenaciously to this barren wasteland.





# Champions of the Cause

## Joined in common purpose

The first thing that strikes one about the advocates assembled in the Citizens for Justice and Peace (CJP) office on a winter afternoon in February 2012, a mere few days before the 10th anniversary of the Gujarat carnage of 2002, is their sense of purpose. It might be a decade after the fact but to these men and women, justice delayed is not justice deferred. Among this collective are those who are still fighting (only two verdicts are in as of now – the Best Bakery and Sardarpura cases) and to them – so too, more importantly, the people they represent – the luxury of ‘moving on’, glib as it sounds, is not one that is available. Yet.



Advocate Yusuf Shaikh

On this occasion we would like to list, enumerate, acknowledge and revel in their work – past and ongoing – in a bid to highlight that even in the face of immense challenges and odds, there are indeed those who have strived to see justice prevail, strived to see the courts and populace take cognisance of the devastating losses suffered by so many. It is to these unsung heroes we would like to take a moment to doff our collective hats – theirs is the good fight, and these are its many exponents.

Even so, most of them defer to the NGOs – CJP and others – without whom, these advocates say, it would have been impossible to achieve what has been done over the course of these past 10 years. “It has been a herculean effort on the part of the NGOs to keep the morale of the victims from flagging in the face of the constant and inevitable delays which have marked the legal investigations and proceedings surrounding the events of 2002. On their own, without the know-how required to take their cause into the courtroom, these victims would have languished.



Advocate Aslam Baig

Organisations like CJP have made it possible for victims to learn how to reach the doors of the court and make themselves heard, and this in the face of various communal and political forces who’ve constantly tried to overwhelm them and derail this process,” says Advocate Yusuf Shaikh, who worked on the Sardarpura case alongside Aslam Baig and Sameer Mansuri. On what is the next step from here (31 people have been sentenced to life imprisonment in that case), he says, “All our efforts now have to be channelised towards establishing that the carnage of 2002 was the result of an orchestrated, premeditated conspiracy, implicating everyone from top to bottom. This genocide could not have taken place without the complicity of police and state machinery alike.”



Advocate Sameer Mansuri

Advocate SM Vohra, who has been handling the Gulberg Society case alongside Salim Shaikh and Sadik Shaikh, says it has been a long and hard battle for them, seeing as they had to begin by fighting to so much as

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Advocate SM Vohra

make their submission to the court which initially refused to grant them local standing in the case. “Their callousness showed in incidents like this – if a victim who was being deposed broke down while recalling the horrific events that happened at Gulberg in 2002, the court would merely account for this as a “disruption” of proceedings. In this particular case, we’ve also noted on the record, several times, that the SIT is clearly biased against us.” “Did you know,” he adds, “that a fire brigade did not once go to Gulberg to put out the fires that gutted the entire society? Not even as late as four or five days after the incident there?”

All of them concur, on being asked their personal motivations in persisting with these cases, that it is an empirical and moral “duty” that they cannot possibly fail in stepping up to shoulder. “How can we when such a glaring travesty as this is something we live with? Consider this: a lot of the accused booked in our cases have been out on bail right from the word go; people who have been charged with murder, rape, looting. On the other hand, bail wasn’t granted to any of those accused in the Godhra incident. In fact, one of the accused who was suffering from cancer even died in custody. Also, we’re talking here about fighting for people who’ve lost everything, and the state has absolved itself of any and all responsibility to contribute towards their welfare – it has extended nothing towards their rehabilitation,” explains Advocate Shaikh.



Advocate Salim Shaikh

“In the case of Gulberg, the police wouldn’t even accept the names the victims were trying to register complaints against! This is one of the reasons that the reality of what transpired there has never come to light,” adds Advocate Vohra.



Advocate Sadik Shaikh

“What can the next step be, once law and order break down, investigating machineries fail and the minorities suffer such colossal losses? There is a lesson to be learnt from this. If, god forbid, such a situation ever arises again, we have to try and ensure right from the start that the law isn’t shackled by, or under the purview of, the state; the centre needs to step in and demand accountability immediately,” avers Advocate Shaikh.

At this point another voice speaks up in tones so quiet one has to lean in to hear the import of his words. He is Advocate Mohammed Hussain, handling the Naroda Gaon case where there are 86 accused, all of whom are out on bail. This list includes a former minister (Maya Kodnani), two erstwhile corporators and a senior leader of the VHP. “There is a curious delay in this case and trial has been held up for a year now. The SIT-appointed special public prosecutor, Ajay Choksi, has resigned and another hasn’t been appointed since. It is, as I said, a curious situation.”



Advocate Mohammed Hussain

Next, Advocates Irshad Mansuri and Nasir Shaikh talk about the separate incidents in the Odh Gaon case they are fighting in the Anand court. “Despite the fact that a total of 27 people died in the three incidents

which together comprise the Odh massacre, the government to date has given out no death certificates, since only two bodies were ever found. They have however handed out compensation to the kin of the remaining so-called ‘missing’. What exactly are they compensating them for if they refuse to take cognisance of these deaths?” asks Advocate Mansuri. “What this effectively means is that the survivors cannot get their lands transferred in their names. What is even worse is that here, prior to 2002, people lived comfortably alongside each other. The Muslims weren’t ghettoised – in between a cluster of Patel fields, you would find a Muslim’s land and they shared the water that came to their area too. After 2002, this has been compromised – in fact, these practices have come to a grinding halt.”



Advocate Irshad Mansuri

Just like in the Naroda Gaon and Gulberg cases before them, here too the special public prosecutors have resigned, and this while proceedings were at a very crucial point, causing even further delays in the delivery of justice. “Also, here’s another interesting fact: at the time of the incident itself several accused filed for and were given anticipatory bail.”



Advocate Nasir Shaikh

Musing on the changing face of the ‘justice’ meted out in Gujarat, Advocate Shaikh interjects at this point, saying: “It is said that the founder of Ahmedabad, Ahmed Shah Badshah, had his own son-in-law hanged in the Bhadra fort when he discovered that he had been unjust. We’ve fallen a long way since then, for we now live in a state where 10 years on, justice has still to be delivered to those who’ve lost so much.”

Next, we hear from Advocates Altaf Jidran and Rajemohammed Shaikh handling the Naroda Patiya case, who, after stating the facts of it (there were 98 people butchered there; there are 62 accused, including the infamous Babu Bajrangji and ex-minister Maya Kodnani, of whom 12 are in jail), say: “Tomorrow



Advocate Altaf Jidran

(February 9, 2012), we begin arguing the case. A total of 327 victims have been examined. This time though, thanks to the extrajudicial ‘confessions’ on tape (referring to *Tebelka’s* sting operation from 2007) of Babu Bajrangji and others, we believe strongly that in this case at least, justice will be served. Thus far we believe that the judge has been fair – no process has been transgressed or tampered with and we are genuinely hopeful of getting several convictions.”



Advocate Rajemohammed Shaikh

On this note of cautious but unconcealed hope, we leave this motley crew of workers committed to fighting with every ounce of energy and resource available to them, in the belief that late though it is, that elusive spectre known as justice will eventually prevail. We salute their courage and faith even as we join them in sounding the two words that sum up the decade that was: never again.

## Suhel Tirmizi



By the time 2002 came around, with everything in its wake, Suhel Tirmizi had been a practising high court lawyer with a thriving practice in criminal law for over a decade. Described by all the lawyers involved in this long-drawn-out fight for justice as being the ‘bedrock’ of their efforts, Mr Tirmizi is one of the champions of this cause.

“When the carnage and devastation of the 2002 riots left an entire community broken and disinherited in its wake, there were certain expectations about what needed to be done to try and seek legal recourse to justice. NGOs came into Gujarat – some stayed only for a few years but Teesta Setalvad continued with the motive of encouraging the victims in their legal battle. Some of these NGOs contacted us in the legal fraternity to see what could be done. The idea was simple – justice had to be perceived as being done. If the victims of these riots saw the accused get off scot-free or if they weren’t compensated for loss of life and livelihood, they might react. The secular fabric of India would be severely compromised,” says Mr Tirmizi.

He recalls for us an incident typical of the kind of intimidation that the victims have faced in trying to get themselves heard, in trying to so much as get their complaints registered by the police. “The sentiment among the victims has largely been this – the state and police machineries have collapsed. This is exacerbated by incidents such as this one. In 2003 a victim living in the Shah Alam camp post-riots recounted how he was taken by the Naroda police to record his statement a few days after the incident there took place. In the jeep on the way to the station, not only was he jeered and taunted, he was also told in no uncertain terms that should they choose to, the police could implicate him in another case. There would be mobs of 15-20 or more at the station itself, comprising the very people the victims wanted to name as the accused. Most “investigations” and registering of complaints took place like this.”

In addition to the professional “unpopularity” that comes with fighting a fight like this against the powers-that-be, Mr Tirmizi has had to fight discrimination from other quarters as well. “The lived reality of being seen as someone who has dedicated the past decade of his life to work of this nature is this: professionally, people throw brickbats at you and you have to find ways of dealing with that. But the other pressures that are brought to bear upon you and your family, from every quarter, are staggering,” he muses.

And yet there is no doubt in his mind, he says, that this is the only way forward: “I have to fight for these people who have lost so much – about this there can be no doubt. Good days will follow bad ones, and courage comes from knowing that this is undoubtedly the right cause to dedicate all one’s ability towards. I firmly believe that even if the Godhra incident hadn’t occurred on February 27 [2002], what happened on the 28th and in the days and weeks after that would have come to pass anyway. This was a deeply premeditated carnage, not a spontaneous outburst of hostility triggered by the catalyst of Godhra.”

“When my parents were still alive, they encouraged and supported my involvement in this fight in every way possible. They knew that there could be no other way; despite everything that has happened and all that remains to be done, in the end, as long as we ensure that the victims are not denied justice, it will all be worth it,” he concludes.

## Aparna Bhat



For Aparna Bhat, who is a part of CJP's Supreme Court panel, non-violence is a non-negotiable creed. Any violation of this basic principle is a gross travesty and it is for this reason, she says, that she extended her know-how and services to this cause for justice, and she's one of the few who've been involved in it, in its entirety, since the very beginning in 2002. "I'm optimistic that despite the fact that it has been 10 years and counting, given the results we've achieved so far, justice will eventually be done. This I cannot doubt for a moment," she says.

Of course, it cannot be and has not been easy. "When there is a collapsing of categories and judicial processes become political, there are bound to be problems and issues will abound. Our judiciary is a conservative one and on the face of it, they often discount the narratives and accounts of the citizens themselves, privileging instead the discourse of 'official' state accounts. This is damaging and in cases like Gujarat in 2002, extremely time-consuming, as the citizens have to set out to not just tell their stories but tell them in a fashion the courts will have to take cognisance of. In addition, the judiciary also needs to ferret out the discrepancies between the state's official narrative and the accounts of the people who lived through these events because the composite picture posited by just the one official account is clearly a distorted one," she explains.

"What we sought therefore was the idea that justice should be delivered but also that it should come better and faster. Over the course of the past decade we've forced a number of major convictions, including in two of the biggest verdicts yet (the Best Bakery and Sardarpura cases), and this despite the fact that even most 'normal' criminal trials tend to go on for at least four to five years. This is why, as I said earlier, I can't help but be optimistic in thinking that delayed as it may be, justice will eventually be done," she reiterates.

On the difficulties faced by her and others working on these cases in a day-to-day reality, Ms Bhat says: "The most we have to contend with here is that the court does not accept what we have to say and this despite various reasons to the contrary. Difficult or trying as this may be, it's people like Suhel (Tirmizi) and others who work in Gujarat who have to face the brunt of these hostilities most. It takes a lot of courage to stay firm and committed in the face of these pressures but we have to believe that ours is the good cause and that's what we're invested in," she concludes.

## Sanjay Parikh

Zakiya Jaffri's (widow of Ahsan Jaffri, the Congress MP who was brutally murdered in the massacre at Gulberg Society on February 28, 2002) plaint regarding the involvement of the upper echelons of the Gujarat government and police machinery in some of the worst massacres seen in 2002 has proved to be one of the most contentious fallouts of aforesaid events. Her counsel in this case has been Supreme Court advocate Sanjay Parikh.

"From the police refusing to register Zakiya Jaffri's complaint as an FIR, to her and CJP taking this complaint to the high court which dismissed their writ petition, to them taking it to the Supreme Court which appointed

and commissioned an investigation into it by an amicus curiae (Raju Ramachandran) and the SIT, and from there to the trial court, it has been a long and extremely fraught battle,” says Mr Parikh. “We can only hope that the attitude of the trial court at this point is going to be one which allows us access to the closure report filed by the SIT. Teesta (Setalvad) and Zakiya Jaffri have the right to seek all the documents pertaining to this, as this is a very significant case for all concerned in proving that there was a larger conspiracy at play in the happenings of 2002,” he adds.

“When a case is this high-profile, implicating the very powers-that-be, as you can imagine, lots ‘happens’. Take the Best Bakery case, for example. The court found Zahira Shaikh’s claims against Teesta and others baseless but this takes time and in the meanwhile, aspersions are cast on blameless people. The bottom line has to be this – if somebody, anybody, commits a crime, they need to be brought to book. People shouldn’t get the impression that anyone is above the law. They can and should be questioned in a bid to uncover the truth. In instances like this though, taking the law forward is extremely hard work and a lot of expertise is involved – not to mention courage in the face of the pressures that are brought to bear upon one – but the courts have to look into matters broadly, holistically, and CJP and other organisations have done a fabulous job of making sure that matters are brought to light,” he says.

It has been a long and hard battle thus far but Mr Parikh, just like all the others on this list of people committed to fighting the good fight, hasn’t for a moment considered the possibility that justice won’t eventually be done. “I have great faith in our judiciary and no matter the cost or the time involved, I believe firmly that we’ve achieved a fair amount and while there remains a lot to be done, there isn’t one doubt in my mind that justice will be done,” he concludes, echoing the indomitable faith of his fellow workers.

### **Kamini Jaiswal**

Senior Supreme Court advocate Kamini Jaiswal is no stranger to Gujarat. She’s worked on several Gujarat-related cases in the past and says that when the riots of 2002 came to pass, she felt for the cause implicitly and has been appearing for several of its Supreme Court-related matters from the start. Also, it is Ms Jaiswal who appeared as counsel for Maulana Umerji, alleged to be the ‘brains’ behind the Godhra train incident.

According to her: “I’ve been working on cases pertaining to Gujarat for a long time and it is important to remember that this isn’t the first time that such a thing has happened there. Violence and discrimination appear to be ingrained into the workings of the state machinery and for the minority groups living in the region and the people representing them, it is an extremely hostile atmosphere to live and work in on a daily basis. The powers-that-be have targeted these groups in the past and theirs is a factious regime which is not conducive to maintaining or forging syncretic relationships between communities.”

“It is a vicious regime and when they feel threatened, they come out fighting with no holds barred. It takes genuine courage to continue to fight for what we believe in, in the face of the violence and threats, both covert and obvious, which plague the day-to-day existence of some of our colleagues in Gujarat, such as Suhel Tirmizi, for instance,” she adds.

In terms of whether the odds seem stacked against a true reckoning allowing for those who orchestrated and perpetrated the carnage of 2002 to be brought to justice, Ms Jaiswal says that she has a different take on the matter. “One of the philosophies I espouse wholeheartedly is that of divine justice. I wouldn’t be able to continue to do what I do if it weren’t for this belief that eventually, somehow and in some capacity, justice will be done. I am able to fight what are sometimes seemingly losing or lost causes simply because I am bolstered by the belief that even if the courts let us down – as they sometimes do – ours is undoubtedly the right cause and we are fighting a good and true fight. Our consciences are clear for this reason. Of course, there are corrupt people and one sees this but not getting retribution immediately does not mean we stop fighting. We have to believe that divine justice will eventually be exerted and people will get whatever is their due,” she concludes on a quietly optimistic note.

### **Ramesh Pukhrambam**

Another of those involved with the effort to see that justice is done apropos the victims of the various events which together comprise the Gujarat riots of 2002, right from the very beginning, is Supreme Court advocate Ramesh Pukhrambam. Alongside Aparna Bhat, Mr Pukhrambam has been appearing before the Supreme Court in a number of cases and matters pertaining to these events. “As an advocate, but also just as a prerequisite to being human, it rankles me to think or see that injustices are being perpetrated. The state is meant to prevent this from coming to pass but what happened in Gujarat in 2002 changed things completely, for here it was the state perpetuating this discrimination and injustice upon a minority community living in it. My interest and work has always pertained to human rights so this forms the crux of my decision to get involved in this fight for justice,” he explains.

“Ten years on, but we still have a very long way to go. There is much still to appeal and we have to be prepared for long and winding, not to mention fractious, fights. Suhel (Tirmizi), our colleague working at the Gujarat high court, is probably the most affected and victimised out of the lot of us – we salute his courage in finding the strength to move on and keep fighting for this cause. Of course, over the course of this past decade a lot has also been achieved: the Best Bakery case was moved out of Gujarat and in a lot of other cases of mass carnage which are currently being argued, we think that we’re on track and things seem to be panning out, slowly but surely. Issues such as lack of compensation for some of the victims and so on are still to be dealt with but on the whole the feeling is that we’re finally getting somewhere,” he says.

Mr Pukhrambam adds that another reason for the various delays and waiting games that plague proceedings is that it is a bid on the part of the state machinery to “tire people out” but that this won’t work because what is being fought for is too important to forego for want of patience and seeming setbacks. “I’m optimistic about where we stand at the moment and it is vital that we never give up hope. Sure, more can be achieved yet but it will only come to pass if we’re committed to stay in this for the long haul and work to do whatever needs to be done. We are lawyers and this is how we can play our part, just like the NGOs have played theirs, and everyone else involved in our struggle has done the same, shouldering the cause as best they can,” he concludes.

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## Mihir Desai



Advocate Mihir Desai has been involved in the campaign for justice for the victims of the Gujarat massacres of 2002 right from the onset of proceedings. In addition to much else he has done and continues to be involved in, he also appeared for CJP when the Best Bakery case was transferred out of Gujarat and into Maharashtra.

“From the time that, immediately in the aftermath of the riots, Teesta (Setalvad) called a meeting of lawyers in Mumbai to see how we could help with matters pertaining to the riot cases, a number of us have helped in whatever capacity was required of us – whether it was helping file FIRs, drafting petitions or going to Gujarat to file for cancellation of bail applications, joining of more accused to complaints or whatever else was needed. It was obvious that what we witnessed in 2002 was a collapse of government and judicial machineries in Gujarat and that is an extremely scary proposition for a victim seeking justice to be faced with,” says Mr Desai, on the beginnings of his association with this fight.

“From having been involved with cases of this nature in the past, if there was one thing we knew it was that in times bygone we hadn’t used the law as well as we could have or ought to have, which was why a lot of our earlier struggles did not yield perhaps the results they could have. This was something we were clear we could not afford to replicate this time. What we had to do comprised two distinct levels of work. Firstly, we had to take on the street-level mobs – that is, bring to book the actual perpetrators of the violence which blasted across Gujarat in 2002. These perpetrators might be just the foot soldiers of a higher order but we have succeeded in getting a large number of prosecutions as far as these physical perpetrators of violence go. The second level we need to contend with is identifying and then bringing in those behind the scenes who orchestrated the violence played out by those mentioned above. Even here we’ve been somewhat successful, if you compare the results achieved thus far not just in the light of the events of 2002 but compared with similar other occurrences in our history,” he explains, putting things into perspective.

Despite the fact that he acknowledges that there is a long way to go, he still maintains that he is optimistic because “even apart from what we’ve achieved in the courts of law, the lessons of Gujarat 2002 have wider ramifications: we’ve effectively prevented the *sangh parivar*, who was using Gujarat as a laboratory to experiment with the bounds of how far they could carry out their pogrom against the minority communities, from being able to replicate these events elsewhere. The attention we’ve (NGOs, human rights groups, lawyers) been able to draw to the workings of 2002, nationally and internationally, has ensured that this will no longer be an option,” he says. Concurring wholeheartedly, we can only hope his words prove prophetic.

## Gautam Patel

“Based as we are in Bombay, at this distance from what transpired in Gujarat, in the initial days following the riots of 2002, we were at sea about what we could do and how we could contribute towards seeking justice for the victims of these events. Teesta (Setalvad) and others called a series of meetings at that point to



explain clearly what the on-ground reality of Gujarat was and how, as concerned citizens, we could help make a difference. The other avenue where specialised help was required, of course, was that of legal work.

With respect to this second proposition, a number of us have been helping out as best we could and I've appeared for RB Sreekumar (former Gujarat director general of police) before the Central Administrative Tribunal. This man has been hounded for standing his ground against the government and the threats/pressure he's been living under is astounding. Luckily, we got a good bench who weren't easily swayed. They weren't pressurised (or if they were, they withstood it really well) and justice was done.

For there to be reconciliation, there needs first to be an acceptance of remorse, of wrongdoing, even if not outright culpability in the legal sense of the word. If this doesn't happen or isn't offered, the other side cannot "forgive and forget", since no forgiveness has been sought. This is precisely why, unlike what happened in South Africa, places like Sri Lanka and Kashmir still suffer from the same lack of closure which is plaguing Gujarat today."



**Without a return  
to livelihood and  
neighbourhood,  
there is no return  
to normalcy**





**And without it,  
there is no  
forgiveness, no  
forgetting or  
justice**



# The Gulberg House Manifesto

**More than memory or testimony, this museum invokes a different future**

Gulberg Society, a House, a collection of Houses which were once homes, spaces which still hold on to the idea of place. These houses are not abandoned. They have been left empty. They are tributes to people who refused to give up, who seek a satisfying resolution to a problem we call the Gujarat riots of 2002.

A solution. Anything in any form. A ritual. A plea. A prayer. A statement. A sacrament. A judgement. Something to create closure. These houses are a mnemonic, an aesthetics of protest; there is no outrage. The screams died long ago. The pain is scratched into the surfaces of walls. Fire creates its own texture and textuality. Fire burns but it does not always cleanse. This building is more than a museum. Even a museum by itself is more than its materiality. It is a reminder, a memo pad of things undone, words unsaid. It recruits silence to perform the act of speech. Silence speaks, especially as the voice of the dead. The corrosive softness of silence speaking the speech of waiting. Yet we need to go beyond the speech of silence to voices, to conversation, to create a vision. Ready to forget, forgive, move on, move away but only when the rituals of civility and citizenship are complete. This house of possibilities is now your house. It is for you to live it out. It is an invitation to a homecoming, to a Gujarat all of us share.

A lot of what we say might sound like repetition, one witness echoing the same old story or each story sounding like a variant of the other. As stories pile on, they appear like noise; but repetition is a sign that our voices have not been acknowledged. This overlap of stories creates a new universe of a ganglion of pain and suffering, where voice, visuals, objects, create a new site for invention. We repeat, hoping you may remember. A museum does not preserve or pickle pain. This site is a reminder of possibilities, of promises made and those not yet kept. We merely ask you to listen, look, touch, reflect. It is our idea of a thought experiment.

We are not asking for anything. We are only hoping that you remind yourself of your humanity, your sense of person, place, your sense of stories aborted. There is nothing as tragic as a story left unheard or half-said.

This manifesto evokes a list of the missing. A roll-call of remembrance, as faces, names, numbers. A wailing wall. A prayer on stone. Each face a story, each name, an act of storytelling. Missing but not forgotten. There but not there.

Missingness, an acid that eats into the everyday enjoyment of living. Missing – the other face of waiting. A roll-call of absences. A census as a prayer. A Facebook of premature obituaries. Our emotions lie bare as bones.

The starkness eliminates the sentimentality.

When we hear the stories, each unique in itself yet repeating a refrain, creating a redundancy of proof, we may realise that proof is a banal word in a charnel house of pain.

Evidence lies piled up like bodies at Naroda Patiya. Each story bare in its statement but each adding flesh to testimony. It is not dying that we object to. It is your need to exterminate our community, our identity, our will to live.

We share a nation, a civilisation, a Constitution, a city, a community. It is not pity we ask for. Pity needs no memorials. It is our humanity built on difference that we want to speak about. His holiness, the dalai lama, with that puckish sadness, reacting to the violence of George Bush, once said that George Bush brings out the Muslim in him. We only ask that what you see makes us part of you, constitutionally, in the full double meaning of the word.

We may be survivors but you are spectators. You watched. You felt it in your skin. So it is our story we preserve as ours.

Memory is what we share but it needs reciprocity. See and recognise. We are reciting the roll-call of the dead as a refusal to die. It is not justice that will redeem us but hope, the constitutionality of hope. Let us explain.

Gulberg House cannot begin with Gulberg. Gulberg has to talk about Godhra. One form of violence does not redeem another. It becomes two variants from an anthology of evil.

The killing of the *kar sevaks* was wrong. This house is equally a memorial to them. But what followed Godhra was obscene. The arrest of innocent people, including a blind man, adds little to justice. Revenge does not balance the scales of justice. It only adds to the quantum of violence. Narendra Modi rewrote Newton that day. To say, as he did, that every action has an equal and opposite reaction is fine for machines but illiterate about people. Machines are not people. People are not artefacts. They make choices. They discriminate. They suffer pain and guilt.

Sadly, Godhra becomes the trigger, the rationale, the magic word that explains away everything that happens afterwards. Godhra cannot balance the scales of history. What happened was sad but what followed was sickening.

To say Godhra was wrong does not make the violence of Gulberg right. Revenge can be measured in body counts, not justice. Revenge cannot justify an escalation of murder into genocide. Revenge cannot add multipliers to maths and say 56 equals 2,000.

A life – any life – is priceless. Beyond number, beyond measure. Gulberg House begins by mourning Godhra. But it cannot stop there. There was a difference in the quality of violence of the two events.

A riot is a composite of battles. It is war over land, over neighbourhoods conceived as real estate. A riot is a war against livelihoods, especially as those living on subsistence lose their living. A right to life includes a right to livelihood. A riot is a battle to erase difference, to wipe out identity and the places that evoke it. To call a 120-day riot a spontaneous outburst is to treat citizens as ethical idiots.

## THE GUJARAT GENOCIDE

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This seems too systematic; stage-managed to evoke an outburst. Riots earlier had a sense of repair, of reciprocity, of apology, at least in their aftermath. This riot lacked apology; it sought to root out a community.

An organised riot does not stop at violence; it seeks boycott, ostracism, it perpetuates terror to create displacement. A riot like this breaks up old reciprocities, friendships, business relationships. We are caught between erasure and the shrinking ghetto. A riot ghettoises the mind of a citizen. Gulberg House seeks a non-ghettoised society.

Gulberg House asks that all of us unravel the layers of violence in a riot. Murder. Arson. Rape. Terror. Displacement. Denial. Delay. Missingness. Erasure. One recollects the words of the French philosopher Baudrillard: “Forgetting the extermination is part of the extermination itself.”

We realise that there is a battle implicit between our testimony and the nature of investigative records. The SIT is lord of the textual archive and yet it deliberately overlooked police control room records, station diaries, fire brigade registers, mobile phone records of conversations between politicians and civil servants.

When power protects the literate and the digital, voice and orality have to create different forms of memory. Our voice appeals to the materiality of stone, brick and artefact. These houses as they stand, speak. Their silence has textures that few texts will have. These houses create a materiality of protest and memory. Burns on the wall evoking scars on the body. Come smell. Touch. Feel. Listen. This is a sensorium of the survivor where every bodily sense appeals to a different sensibility. This is the house and the colony that Ahsan Jaffri built. These are the neighbours that remember. This is the Jaffri house where people took refuge only to die after Jaffri was murdered.

Remember fire has its own artistry. The burnt siennas of fire evoke a palette of greys, blacks, browns, seeking to convey traces and textures of violence.

Remember this fire is not the fire of hearths, kitchens or homes, of logs warmed in love, of cooking fires. This is fire as arson, fire from a gas cylinder. Riots create their own irony, inverting the use of tools. They produce their own archaeology of weapons, subverting instruments from their original purpose. The *dhariya* (scythe) was an agricultural implement, not a tool for disembowelling bodies. The gas canister was a middle-class convenience, not a twin torch and explosive for devastating homes. With the carnage, tools for conviviality become lethal instruments of destruction.

We realise that death produces its own graffiti, smudges on walls, textures in stones, shadows on ceilings, a mix of colours creating its own impressionistic sadness, a visuality that defies art in its artistry. In these so-called museums, artefacts are not sacred objects but everyday objects. The ritual objects of memory are sparse. A table. A *laari* (handcart). A cloth sponging dust, footprints becoming imprints, a kite clinging to a wire.

There is no narrative matrix except that of everydayness. Just spaces like huge punctuation marks, connecting the said and the unsaid. Memory is not a catalogue. It is protean. A table triggering my anguish of loss might

be my neighbour's laughter. It is not merely a memory that triggers autobiography; this is a mnemonic for a collective politics, for events that seek closure in forgiveness, not forgetfulness.

Gulberg House is neither a monument nor a memorial. Memorials are cathartic ceremonies, a way of mourning as a last goodbye. Monuments are often historic, empirical, a tribute to a people. This set of houses is neither a tribute nor a farewell. Even the word museum is a playful irony because these houses as space are a womb for new possibilities. It is a thought experiment asking you to interact and participate, to add your dialects of meaning to our struggle. This museum is more than memory or testimony; it is a manifesto for a different future. It is asking us, can we be a mirror to you?

This is a survivor's effort claiming that life goes on. There is nothing more banal or poignant than an empty house. This is not public art and its evocation of sentimentalities. There is an invitation to citizenship which begins with history because it hopes to go beyond it. In that sense, it is not historically referential, being tied only to one event. This house could be any house, anywhere. Gulberg House is a metaphor for all such events, to those marginals, minorities, for all the vulnerable who feel that the Constitution still belongs to them. Ordinary people will continue believing in the Constitution because that is all we have. The police and the politicians may laugh at law but our hope is that law and justice have the last laugh. That is all a survivor can ask.

We realise that there is no magic to evidence. Evidence can be piled before us and be left to rot like garbage. We know investigations have become aborted stories, that the foetus of truth has not survived, so what we ask is, when evidence is ignored, what can people do to screw justice to its sticking place?

We want to say that our memory speaks to life. We do not want a memory caught in old utterances. Our bodies, our speech, have to be a text for a new life. Our politics seeks to speak all the dialects of pain and deprivation.

All Gulberg asks is that a right to life be a right to livelihood and everydayness, the right to live life without fear, to work with hope, to be families in a world of communities. By imagining this, can we imagine *not this*? Can we think of a future without Godhra, Gulberg, Delhi 1984, the Orissa of Staines? This is our invitation to citizenship.

Remember ours is not merely a fight for justice around one event or one community. This museum is a reminder of all the failures of justice. The roll-call includes Manipur, the Delhi of 1984, the tribals fighting mines, the Dalits challenging every atrocity. Waiting for justice is a fine art, a subaltern science. This museum is not a list of obsessions but an exploration of possibilities. It is a statement on behalf of survivors, victims, the innocent and the oppressed, that faith never dies, that resistance always survives. This much a survivor can hope for. Welcome to Gulberg.

## From Kauser Bano's Unborn Daughter

– By Anshu Malviya

Everything was all right, Amma!  
The tartness of the pickle you ate,  
your flavours of the earth,  
would often reach me...  
Filtering through your womb,  
the sun would find its way to me.

I was so happy, Amma!  
Soon I would take  
my first breath of air,  
I would feel  
my own pangs of hunger,  
I would see  
my own share of sunshine.

I was so happy, Amma!  
I had seen the silhouette  
of Abbu's palm on your belly;  
I wanted to see his face,  
I wanted to see Abbu for myself,  
I wanted to see my share of the world.

I was so happy, Amma!  
Then one day  
I was frightened... slithering like a fish...  
in the waters of your womb;  
What was this unfamiliar shadow over the water...  
I sensed you crawling,  
not walking;  
It was hurting me, Amma!  
I don't know what happened next;  
From the soft and cosy darkness of your womb



I landed  
in harsh sunlight  
and then...  
a raging fire.

That was a very major operation, Amma!

I saw  
with eyes  
that never opened  
big, big doctors bent over you, Amma,  
three-pronged surgeon's knives  
in their hands...  
They let out a shriek when they saw me!  
Why did they shriek, Amma...  
Were they overjoyed to see me?

The moment I was out,  
they gave me fiery toys, Amma!  
And then I was so lost in play,  
I didn't even look at you...  
But you must have sung me a childbirth song  
with your last breath, Amma!

I was never born, Amma!  
Nor did I ever die;  
Like an unborn child in hospital,  
stored in coloured water,  
I became immortal, Amma!  
But there is no coloured water here,  
only a searing fire!  
How long must I keep burning... Amma!

(Kauser Bano from Naroda Patiya in Ahmedabad was attacked by a mob on February 28, 2002. She was pregnant at the time. The murderers slit her stomach and flung her foetus into the fire. In this poem, the foetus is imagined to be an unborn girl to signify another dimension of sexual assault.)

(From *Dakshin Tola*, a collection of poems by Anshu Malviya. Translated from the Hindi by Javed Anand.)