2002 Gujarat Riots Case

Why in news?

The Supreme Court dismissed the protest petition challenging the clean chit given to Prime Minister Narendra Modi and 63 other senior officials of the State for their alleged role in the 2002 communal riots.

What is the case of Gujarat riots?

- In 2002, a coach of the Sabarmati Express was returning with passengers from the Ram Janmabhoomi (a politically disputed site).
- It was reported to be set ablaze near Godhra railway station by a mob consisting of people from the Muslim community.
- As many as 59 Hindu devotees, including children, were charred to death in the train attack.
- A retaliatory bloodbath followed in many parts of the state.
- Instead of isolating those Muslim criminals who attacked the train and punishing them legally, the state government allowed revenge killings.

What is the Zakia Jafri protest petition about?

- Congress MP, Ehsan Jafri, was brutally slain in the Gulberg Society massacre, a day after the Sabarmati express was torched in Godhra.
- Zakia, Ehsan Jafri's wife, filed a complaint against top officials, bureaucrats and some ministers, including the then Chief Minister of Gujarat, Narendra Modi, alleging inaction.
- As the State police did not take any action, Zakia approached the Gujarat High Court seeking the complaint to be treated as an FIR but the court dismissed the petition.
- The dismissal by the High Court was challenged before the Apex Court.
- The Supreme Court constituted a Special Investigation Team (SIT) to investigate some cases of the 2002 riots.
- In 2012, the SIT had presented the final report before the concerned Metropolitan Magistrate.
- The SIT has not found any conspiracy, linking acts of arson and looting or outrageous claims made in sting operations or individual utterances/publications of purported hate speech.

What commissions were constituted to investigate the case?

- **Nanavati Commission-** A Commission of Inquiry (Nanavati Commission) was constituted by the Gujarat government headed by then Chief Minister Narendra Modi.
- The final report of the Nanavati Commission submitted in 2008 described the train burning as a conspiracy.
- **Banerjee commission**- The UPA government set up a separate inquiry commission headed by Justice UC Banerjee, who in his report submitted in 2006, called the incident to be an accident.
- The Supreme Court rejected the report as unconstitutional and invalid.
- **Special Investigation Team (SIT)** - The Supreme Court constituted a SIT that concurred

with the charges of the prosecution that this was not an incident of unplanned mob outrage and rather it involved conspiracy.

What was the SC's verdict on the Zakia Jafri protest petition?

- **Inaction of officials**- The court held that the inaction of some officials of one section of the State administration cannot be the basis to infer a pre-planned criminal conspiracy by the State government.
- **Lack of evidence**- There is no evidence of the bureaucrats, politicians or the state political establishment for hatching a larger criminal conspiracy to precipitate mass violence against the minority community.
- **SIT report-** The court further upheld the report of the Special Investigation Team (SIT) and rejected the protest petition filed by Zakia Jafri.
- **False claims**- The court also said the SIT probe has exposed the falsity of claims made by disgruntled officials of Gujarat and said that all those involved in abuse of process need to be in the dock.

References

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