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## Communalism Watch

resources for all concerned by the rise of the far right in india (and with occasional information on other countries of south asia)

### The Truth about Godhra (Pts I-VI) by Siddharth Varadarajan

The following is a comprehensive account of the Godhra train tragedy as pieced together from official records.

The Hindu

January 23, 2005

<http://www.thehindu.com/2005/01/23/stories/2005012303901400.htm>

The Truth about Godhra

By Siddharth Varadarajan

The Truth about Godhra - I

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Three years after 59 train passengers, most of them VHP members and sympathisers or their family members, perished in a fire on board coach S-6 of the Sabarmati Express at Godhra, a coherent picture is finally emerging of what actually happened th at fateful morning.

Siddharth Varadarajan pieces together the puzzle.

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WE HAVE before us now four bodies of evidence regarding the cause of the February 27, 2002, fire - the police charge sheet (based on the police investigation), the Justice U.C. Banerjee Committee's interim report, the deposition of passengers and police and rail officials before the Nanavati Commission and the technical report prepared by an independent panel of engineering experts on behalf of the Hazards Centre.

Unfortunately, none other than the Hazards Centre report can be considered a complete body of evidence. The police charge sheet is

January 24, 2005

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riddled with contradictions and relies too heavily on retracted confessions and statements by witnesses of dubious credibility. The Banerjee interim report bears all the hallmarks of a rush job, while the Nanavati panel's work shows no signs of concluding despite the passage of nearly three years.

Nevertheless, the burden of evidence gathered so far definitely does not seem to support the pre-planned conspiracy theory of the police.

Mr. Justice Banerjee and the Hazards Centre experts aver that the fire was most likely caused by an accident, though there is no doubting the fact that coach S-6 was stoned by an angry mob.

That there was an accidental fire at the same time an angry mob was throwing stones from outside might seem like something of a coincidence. Perhaps it was the panic induced by the stoning which made an accident more likely - a half-smoked cigarette thrown down carelessly, a stove used for making tea not turned off properly.

On the other hand, if the Hazards Centre theory - of a smouldering object under a berth eventually burning the latex seat, thereby generating thick black smoke and then bursting into flames - is correct, then the process of combustion might actually have started 15-20 minutes prior to the first time smoke was detected. This would be well before the stoning started.

#### The platform

By now all narratives agree that a fracas broke out on the platform between aggressive karsevaks and Muslim vendors. A Muslim girl was molested by them. Stones were thrown on the coach and the karsevaks also gathered stones to throw back. Worried that the situation might deteriorate, the station master sent the train off suddenly at 7.48 a.m.

#### The first stop

No sooner had the engine crossed the platform than chain-pulling stopped the train. Satyanarayan Varma, the train guard, told the Nanavati Commission that the chain had been pulled because some passengers had been left behind.

The first charge sheet says the karsevaks pulled the chain but

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subsequent charge sheets claim one of the conspirators forced a Muslim vendor to board the train and pull the chain.

In fact, rail records submitted to the Banerjee Committee show that the chain had been pulled in four coaches (83101, 5343, 91238 and 88238). These were rectified but it is possible there was a fifth coach too which was not rectified. The record in the chargebook of the Assistant Station Master (ASM) shows that there was another coach requiring rectification.

Once the four coaches were set right, the train started moving again. The time now was 7.55 a.m. according to the ASM and 8 a.m. according to the guard. Passengers have testified that even as the train was standing and then began to move, the stone-pelting which began on the platform continued.

The second stop

Soon after the engine crossed Cabin `A' about a kilometre to the west of the station, the train came to a halt again. There is no written record of a chain pull or rectification or of an altered clappet valve or dangling hosepipe as per the police claim that one Anvar Kalandar stopped the train because the conspirators told him a Muslim girl had been kidnapped by the karsevaks. It is possible that the unrectified fifth coach dragged the train to a halt. Either way, there is no record of physical evidence to suggest someone from outside the train got it to stop. The only evidence with the police is Kalander's statement as a witness that he was responsible.

Time the key

Given the speed of the train after the first stop (10-12 km/h) and the distance of Cabin `A', the train would have come to a stop the second time around 7.55-8.05 a.m.

Assuming the police case is correct, the conspirators were already in position and began cutting the vestibule connecting S-6 and S-7. Presumably, the process of cutting the vestibule, clambering aboard the train with jerry cans, opening the door to allow three more conspirators to get on board, emptying all the petrol and then setting the coach on fire would take more than a couple of minutes.

Even allowing for the implied claim that the karsevaks on board S-6 did

not attempt to stop the conspirators from performing these tasks as rapidly as possible, it is difficult to square this scenario with the fact that in the railway records the fire/smoke is reported at 7.55 a.m.

#### The fire

In fact, the railway records state that the second stoppage and sighting of smoke were simultaneous. The Wardhi Book entry of the GRP, for example, records a complaint of fire at 7.55 a.m. received from the ASM, who had in turn been intimidated by the guard. The duty of the officer recording the complaint ended at 8 a.m., when he handed over charge. The GRP inspector, M.J. Zala, noted that the information about the fire was received by him at 8.05 a.m.

Finally, the Special Duty Diary of the Vadodara control room shows notification of the fire by 8.05 a.m. The Godhra fire station, for some reason, records receiving the information only at 8.20 a.m.

Even assuming a five-minute gap between the second stoppage and the fire, the police case is quite improbable.

The charge sheet says the main conspirators ran from the platform after the stoning began all the way to a lane near the Aman Guest House where the petrol was stored, loaded it on to an autorickshaw, drove to a drain some 50 steps from the track, unloaded the cans, ran up to the track and then cut the vestibule. Even assuming they began this process at 7.43 a.m., as soon as the Sabarmati Express arrived at the Godhra station, and set the train on fire by 8 a.m., was 17 minutes enough time?

According to a 'panchnama of rehearsal' dated 18.9.2002, it took the police four minutes to move by auto from the Guest House to the drain. In the remaining 13 minutes, the conspirators would have to have run from the platform to the Guest House, loaded and unloaded the petrol, covered the 50 steps by foot, cut the vestibule and gone on board S-6.

Even this improbable scenario becomes possible only because of the 8-10 minutes additional delay caused by the first stoppage. If the guard's testimony is correct, the first stoppage was because karsevaks on board pulled the chain. How could the conspirators, assuming they ran from the platform at exactly 7.43 a.m., have known the karsevaks would pull the chain?

No waiting mob

Finally, the testimony before the Nanavati commission of Rajendraprasad Meena, ASM on duty at Cabin `A' at the time, makes it clear there was no mob standing between the cabin and the train when it came to a halt the second time. There was, however, a crowd running alongside the train after it moved from the platform. When he got down from the cabin, "some people from the crowd had come near the cabin... the mob did not arrive together but 10-15 persons were coming and gathering... There were women and children also." Mr. Meena was not witness to anybody trying to cut the vestibule. "I did not see personally as to who set the fire and how."

<http://www.thehindu.com/2005/01/23/stories/2005012303891400.htm>

Part II: Arun Jaitley's questions...and some answers

In response to the Justice Banerjee Committee's conclusion that the Godhra fire was most probably an accident, BJP spokesperson Arun Jaitley posed a number of technical questions that he said contradicted the "accident theory."

Mr. Jaitley's questions - and those raised by the Gujarat police - all stem from the police charge sheet in the case and have been answered, in whole or in part, by Justice Banerjee's report, the testimony of passengers of coach S-6 and railway officials before the Banerjee and Nanavati panels, and even more comprehensively by the report of the independent panel of engineers assembled by the Hazards Centre, New Delhi.

1. Did you consider the evidence that the conspirators entered S-7 and cut open the vestibule between S-6 and S-7?

\* Mr. Justice Banerjee's report makes it clear that since the Railways allowed S-7 to proceed onwards to Ahmedabad and subsequently disposed the burnt connecting vestibule as scrap, there is no forensic evidence of the vestibule having been cut. In any event, the Railways' formal note on the condition of coaches after the incident says only that the vestibule was burnt. In other words, the sole written appraisal of the vestibule based on a physical inspection by a qualified rail official does not mention anything about it being cut.

\* M.N. Joshi, a forensic expert with the Gujarat State Forensic Science Laboratory (FSL) told the Nanavati Commission on January 18, 2005, that the door connecting the vestibule between S-6 and S-7 was of the sliding type and could not be kicked open, a claim the police chargesheet makes.

\* Dunu Roy and Prof. Dinesh Mohan of the Hazards Centre told The Hindu: "On both sides of S-6 the vestibule was composed of steel walls ending in neoprene rubber buffers. Those neoprene buffers are very tough and impossible to cut or force one's way through".

2. Did you consider the evidence that the entire quantity of 140 litres of petrol was poured inside S-6? The FSL report has confirmed that the coach was burnt by inflammable liquid being thrown on the floor of S-6.

Justice Banerjee considered the FSL claim and rejected it because of its improbability.

\* The police chargesheet says that no less than six miscreants entered S-6. First, Mehmood Hasan and Jabir Binyamin Behra cut the vestibule and entered, followed by Shaukat Ahmed Charkha, who then opened the door facing the Signal Falia side to let in Rafiq Husain Bhatuk, Irfan Kalandar and Imran Bhatuk. The six men, each holding 20-litre carbays filled with petrol, poured the contents on the floor of the coach. A few minutes earlier, Abdul Razzak Kurkur had poured in 20 litres of petrol through the toilet window. The six men then detrained and set the coach on fire by throwing burning rags in.

\* With six men allegedly entering and pouring petrol into S-6, notes Mr Justice Banerjee, "it is not only improbable but absurd... that inflammable material would be thrown out in an overcrowded coach from the entry point of the coach to deep inside and not one whisper would be raised by anyone of the persons within the bogie."

\* One passenger, R.R. Rajpoot, who travelled on seat 62 near the entrance the six miscreants allegedly came through, was asked by Mr Justice Banerjee, "Did you see anybody setting the coach on fire or throwing any substance?". He replied: "No, I did not".

\* There were, by all accounts, as many as 140 passengers on board, at least 80 of who survived. But none has testified seeing the miscreants entering and throwing petrol.

\* Asked by The Hindu for their opinion on the theory of petrol being poured on the floor, the Hazards Centre engineers said: "The floor is an impregnated plywood base with a vinyl cover - both of which are 'fire-resistant', meaning thereby that if the source of flame is removed they will self-extinguish. Hence, something else has to keep it burning. The FSL may think that what did that was 60 litres of petrol, but the very nature of petrol is that it is so flammable that it will rapidly burn away without extensively damaging the floor. And in this case, the floor has been burnt away over three cubicles, as is evident in the photographic evidence. The only plausible explanation for that is that burning foam (from the seats) and plywood fell on the floor and induced it to burn".

\* Both Justice Banerjee and the Hazards Centre note that if the miscreants had thrown petrol outside the bathrooms, as the police claims, there would have been a large spread out of flames first, and not smoke. But none of the passengers noticed large flames. Only smoke was noticed. In some cases, passengers have testified that it was only after they escaped from the smoke and came off the train that they saw flames leaping. Raju Bhargava, police superintendent of Godhra, who told the Nanavati commission he arrived at the scene "at about 8:30 a.m." testified: "I had not seen any raising of flames in the area of that coach which I could see from the door. I had seen only smoke in that area... I had not noticed any flames on the floor of the area between the two doors." Mr Bhargava, incidentally, was at the scene within 10 minutes of the time the police claims the coach was set on fire. Of course, the Godhra station railway records note that the first intimation of fire was between 7.55 a.m. and 8 a.m.

\* Finally, both the Banerjee report and the Hazards Centre experts point out that none of the passengers who were medically examined had burn marks on the lower body, which would have been inevitable if petrol was burning from below. Had there been a large fire emanating from the floor near the bathroom, passengers in the 9th compartment (seats 64-72) would have been burned on their legs, and many people's trousers, pajamas, sarees would have caught fire. But there is no such evidence even from those who escaped from this compartment.

3. The police say an accidental fire is impossible since the materials used in the bogie were fire retardant and self-extinguishing.

When asked this question by The Hindu, the Hazards Centre experts said

there was no contradiction.

\* The fire-retardant materials are the vinyl-coated fabric (rexine) of the seats, the ready mixed paints, the impregnated plywood floor base, the vinyl cover on the floor, the asbestos ceiling, the synthetic wool insulation, and the laminated plastic panels. But the latex foam and the plywood base of the berths is another matter altogether. They are both inflammable, the latter highly so, and neither have specifications for fire-resistance.

\* In any event, the presence of a smouldering object can make even fire-retardant materials catch fire. Says the Hazards Centre: "The floors, formica walls and rexine seat covers are the materials treated with fire retardants. All these materials are sheets. The fire retardant chemicals are added to the parent material. So if you try to set the sheet on fire from one edge, the fire won't proceed along its length easily. Similarly, if you pour some inflammable fluid on top of this material, the material itself won't flare up until high temperatures are generated. However, if some other material smoulders and then burns, produces hot gases, and temperatures are raised enough, there will be a flashover and the whole surface of the fire retardant material gets heated at the same time, and not just a thin edge. In such a situation the whole top surface (not just a thin edge) of the linoleum, rexine or formica would melt and crumble and even burn at the same time".

\* The fact that this happens, says the Hazard Centre, is clearly demonstrated by the accidental fire damage sustained by coaches parked at the railway workshop at Jagadhri in Delhi. "That a carriage can be burnt to cinders within 20 minutes or so without large amounts of fluid being thrown is proved by the 5 carriages parked at Jagadhri and the railways themselves have this evidence". (See photographs)

Part III: The police chargesheet... and some questions

The police chargesheet has been revised many times to add new faces and elements to the crime. Apart from one major revision - when the police abandoned the charge that the train was burned by throwing petrol from the outside - the basic story of the core conspirators boarding S-6 and setting it on fire from within has remained more or less constant.



Essentially, the police says the conspiracy was hatched by a core group at the Aman Guest House at Godhra on the night of February 26, 2002. The conspirators learn that night that karsevaks will be passing through Godhra on board the Sabarmati Express on the 27th and purchase 140 litres of petrol from a nearby petrol pump. The decision to burn S-6 alone among all the coaches was allegedly taken by Mauala Umerji and communicated to the conspirators. The plan was to engineer a confrontation with karsevaks at the platform itself, and then, once the train started, to pull the chain so that the train would stop near Cabin 'A', where a 1,000-strong mob would lie in wait to ensure none of the passengers escaped S-6 after it had been set on fire.

As matters stand, apart from contradicting what we know about the timing and spread of the fire and the testimony of passengers, the conspiracy theory raises a number of questions.

\* How did the conspirators know the train was coming with karsevaks on board when neither the railway authorities nor the SP of the Godhra police had any prior knowledge.

\* Why was S-6 selected for attack when the entire train was full of karsevaks?

\* How did the conspirators know that the karsevaks would pick a fight with Muslim tea vendors on the platform?

\* The chargesheet, which describes this fight, also says the karsevaks molested a Muslim girl on the platform, Sophiya Haque, and that this incident seems to have inflamed passions. How did the conspirators know in advance that the kar sevaks would molest a girl?

\* Assuming they took advantage of the Sophiya incident to spread the rumour that she had been taken on board the train, how could the conspirators ensure, in advance, the presence of a chivalrous man named Anvar Kalander on the platform with both knowledge and inclination to adjust the clappet valve outside the train and stop coach S-6 exactly at Cabin 'A'. Despite effecting such a key role, the police says Kalandar was just a bystander and not part of the conspiracy.

\* If Abdul Razzak Kurkur threw petrol into the bathroom, as the chargesheet says, much of it would have fallen on the tracks via the commode. When the fire was lit, it should also have spread below the

wagon on the tracks - something the forensic laboratory says it found no evidence for.

<http://www.thehindu.com/2005/01/23/stories/2005012303911400.htm>

Part IV: Passengers saw heavy smoke, no fire on floor, no intruder

None of the passengers saw miscreants entering or pouring petrol themselves. Moreover, none recalled other passengers - who might have seen such a thing - mentioning this as the cause of the fire.

Hari Prasad Joshi: When the train came to a halt the second time (near Cabin `A'), there was heavy stone pelting from the platform side... The train was overcrowded and people said the train was on fire. At that point, people started getting off but the smoke was very thick and Joshi and his wife had difficulty breathing.

Writes Mr. Justice Banerjee: "Joshi fell down on the floor and located some place obviously on the floor where he could breathe. He then crawled towards the door, which was open, and then came out after crawling the entire distance in the coach itself." His wife, however, choked to death and fell down. "I was standing near the window for the safety of my wife and I could hear the cries for help, but within two to three minutes, all became quiet and it is thereafter only that flames were seen and not at any earlier point of time."

Mr. Justice Banerjee records that Joshi got down from the rear of the coach on the yard side, near seat 72, because most passengers had fled towards the front of the coach away from the source of the smoke. If the fire was caused by petrol thrown on the floor near seat 72, Joshi would not have been able to exit through there, let alone crawl on the floor. Moreover, the flames should have been visible from outside almost immediately since seat 72 was a window seat on the yard side.

D.N. Dwivedi: He was sitting on the floor and noticed very heavy and thick smoke coming from the top left inside of the coach.

Jamuna Prasad: He testified that there was a 10-minute gap between the detection of smoke and detection of flames. "We were not able to imagine that any fire could break out even in a steel or in an iron coach. For this reason, it took quite some time to make up our mind to escape."

Dwarkabhai: His deposition before the Nanavati Commission states, "I came out through the window of the third cubicle... Till I came out of the coach, I had not seen any flames. As long as I was inside the coach, I had not noticed any fluid having been poured inside the coach. I had not seen any person sprinkling any fluid or putting fire on the coach."

Jayantibhai: "Due to smoke, I had moved towards engine side... I do not know how the smoke had taken place... The people on back side of the coach were talking that the coach was burning from inside and therefore all should run... The smell of the smoke was like that of burning rubber. It was like burning of luggage." (Testimony before Nanavati Commission).

Ramfersinh: He told the Nanavati Commission he saw burning rags coming in from the platform side through broken windows but "nothing on the floor had burnt due to throwing of burning rags."

Bhupatbhai: He told the Nanavati Commission, "I had not seen anybody from the mob entering the coach. I had seen one or two burning rags being thrown on the coach but I had not seen whether those rags entered the coach or not."

<http://www.thehindu.com/2005/01/23/stories/2005012303921400.htm>

Part V: The voice of a victim

Girish Rawal, an 82-year-old man who lost his wife, Sudhabehn, in S-6, died before he could learn the truth about the train tragedy. But he knew even then that his family had been made "sacrificial goats by the VHP in its political game."

His son, Ashwin, a local Bajrang Dal leader, was killed in a stabbing incident in the post-Godhra riots. This is an extract and summary of an affidavit filed by the late Girish Bhai before the Supreme Court in October 2003.

Sudhabehn was a senior social worker with the Agha Khan Foundation's Khoja Council. Like others from Janatanagar, Ahmedabad, she "participated in the yatra spontaneously, thinking it was a religious event.

In her life and mine we did not share the communal sentiments that are part and parcel of the VHP/BJP's politics." However, "as his [Ashwin's] father, I say with regret that just like any terrorist" he had been "turned in heart and mind by the vicious VHP propaganda."

Girish Bhai's affidavit squarely blames the VHP, the BJP, the Gujarat Government and the Railways for both the Godhra tragedy and the 'barbaric violence' that followed.

"Since this tragedy our family members have been used by the VHP and the BJP to amass crores of rupees, here and abroad, and also win the last elections. Worse still, they were used for justifying the [subsequent] murders ... On many occasions the VHP and BJP have held functions with big names from the NRI world and collected large sums of money while they made us sit on the dais as scapegoats. Where has this money gone and what has it been used for?"

The victims themselves "have been denied fair and proper compensation." "Even out of the Rs. 1 lakh promised by the Gujarat Government, Pravin Togadia told us to forget Rs. 50,000, promising that the VHP would make up the amount. All sorts of other promises were also made but none have been kept."

As for justice: "The investigation into the causes and fallout of the Godhra tragedy too are being suppressed by the current BJP establishment... I was scheduled to depose before the Shah-Nanavati commission on September 18, 2003. A few days before, some VHP people came led by Jaykanth Dave of the BJP to tutor us how to speak. Our society of 35 tenements is situated in a remote place and they tried to use this pressure. I was so upset at the fact that we were being told what to say that I did not go. Some others out of fear went ... On October 2, 2003, at 10 pm, 6 persons belonging to the VHP led by Bachubhai Patel came to my house with a singular aim of making us change our minds from pursuing this case ... I said I was not interested in money but in justice ... Jaideep bhai [VHP leader] also tried to influence me but I am very clear that we wish to both fight for justice and dignity for ourselves and use the tragedy that has befallen us to warn innocent victims not to fall prey to yatra politics.

<http://www.thehindu.com/2005/01/22/stories/2005012206010100.htm>

#### Part VI: Godhra report details negligence by railways

NEW DELHI, JAN. 21. Apart from concluding that the fire which engulfed the Sabarmati Express at Godhra on February 27, 2002 was probably caused by an accident, the Justice U.C. Banerjee Committee has indicted the Railways on at least eight counts of negligence, amounting, in many cases, to serious violation of procedures mandated either by statute or plain common sense.

To the millions of Indians who travel by train every day, the picture that emerges is a sobering - and even disturbing - one.

Hinting that the officials involved were either incompetent or effecting a cover-up, Mr. Justice Banerjee writes that if the way the Railways acted in the run-up to and aftermath of the Godhra fire can be taken to be "the normal functioning of the Railways... then only God can help the passengers."

Describing the violations in considerable detail, the committee's 165-page Interim Report - a copy of which is with The Hindu - attacks senior railway officials for giving credence to rumours about the incident that were patently false or absurd. At any rate, the Railways was party to both the destruction of forensic evidence and a sloppy system of record-keeping, which combined to help obscure the truth about the circumstances under which 59 passengers were burnt to death on board coach S-6 of the train.

The report - whose strong logic is sadly marred by a meandering narrative and imprecise syntax - begins by attacking the Railways for not instituting its own inquiry into the incident, as mandated by law. The Commissioner of Railway Safety (CRS), Mumbai, said this was because the Gujarat Government had set up a commission of inquiry. Pointing out that the Shah Commission was notified only on March 6, 2002, i.e., eight days after the incident, Mr. Justice Banerjee says "the explanation put forth by the CRS is unacceptable... The notification for an enquiry under the Railways Act should and ought to have been issued by him within 48 hours from the time of intimation" of the incident.

Mr. Justice Banerjee takes exception to the use of the stock phrase "set on fire" by senior officials in referring to the burning of S-6. "Before making any comment as to how the fire originated, one is

required to examine the necessary details and that is precisely why the Railways Act provided for a Railway inquiry." He suggests that the railway authorities' eagerness to come to a "pre-determined conclusion as to the cause of the fire" was reminiscent of the "Modern Day Neros" in the Gujarat Government - indicted by the Supreme Court in its Best Bakery judgment for "looking elsewhere while innocent people died and... . deliberating how the perpetrators of the crime can be saved or protected."

[continued in Part Seven ]

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