

**Threatened Existence: A Feminist Analysis of the Genocide in Gujarat**  
**Report by the International Initiative for Justice (IIJ)**  
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**Prologue**

The violence that was unleashed against Muslim communities, and on women from the Muslim communities in particular, in the state of Gujarat, India from February 27, 2002, onwards was beyond description in its horror. Its efficacy in showing the worst effects of communalism combined with a thirst for political power is unmatched in the post-independence Indian history.

**What happened in Gujarat**

Although it has been repeatedly suggested that the burning of the Sabarmati Express in Godhra on 27 February 2002 triggered the violence against Muslims in Gujarat, much evidence reveals the planned nature of these attacks and casts doubts on the representation of events that occurred on 27th February. Reports show a systematic attempt to identify Muslims in various areas by singling out their homes and establishments much ahead of that date. They also reveal that arms had been procured and distributed widely to the public as part of the plan to target the Muslim community. What happened on the 27<sup>th</sup> of February 2002 was but a pretext to carry out the carnage that was long planned, a flashpoint that facilitated it and gave it a rationale.

On 27<sup>th</sup> February 2002, there was an attack on a train carrying Hindu *kar sevaks*<sup>1</sup> coming back from the demolished *Babri Masjid* site, where they had gone to volunteer their services for the building of a Ram temple. One of the train compartments was set on fire just outside Godhra, a station in Gujarat and 59 people (women and men) perished in the blaze. The assailants were not known and the reason for the train attack was not very clear but by late evening there were statements from the Gujarat government and the Hindu right wing organisations that this was an attack on the *kar sevaks* who were travelling in large numbers in that train. Not only this, there were claims that this was the work of the local Muslim residents around the area where the attacks took place and there were also statements that there was an alleged hand of the Islamic terrorists from across the border – from Pakistan.

The cause for the attack and who was behind it is still not known clearly and although official investigations are still underway, these perhaps shall remain questions that may not be ever fully answered. What followed, however, was a full-scale attack on people from the Muslim communities across the length and breadth of the state. There were thousands of armed mobs moving in towns and in villages spread over an area of hundreds of square kilometres. They were carrying similar weapons, they were carrying out destruction in the same manner and they were all shouting the same slogans. They were well aware of all the Muslim properties (they carried printed lists at times or the houses were appropriately

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<sup>1</sup> Kar sevaks is the term that is used for the volunteers willing to offer free services for community activities. It is the term that has been appropriated by the VHP for the volunteers that it gathers for what it calls the 'Ram Janmabhoomi' movement (sic). Every time there is a show of strength of the VHP and its allies, these kar sevaks are gathered in large numbers from all over the country and taken to the site of the agitation. Many a times people join in with the full knowledge of why they are going but there are also some who go because it is usually a pilgrimage to some holy site.

marked beforehand) – residential and business – in different towns and remote villages and they went about systematically attacking all of them. They brutally killed many, they sexually assaulted and violated women and young girls, and they injured people in the most gruesome manner. All property was destroyed in ways that it could not be rebuilt. (See Annexure I for more details on the carnage before and after the burning of the train.)

In a matter of 72 hours – the time for which the administration did not act or was given strict instructions by the state government to not act – there were about 2000 people killed in the violence. Although the official figure is 762, about 2000 people were missing or killed according to unofficial estimates and around 113,000 people were living in relief camps while others who were displaced were living with relatives in Gujarat or outside. The losses suffered by the Muslim community were estimated to be 38,000 million rupees – 1150 hotels burnt in Ahmedabad city alone, over 1000 trucks burnt, thus severely affecting the hotel and transport industry, which were businesses mainly run by Muslims. About 250 mosques and dargahs were destroyed as part of an attack on the community itself<sup>2</sup>. The state was ravaged and its Muslim populations were displaced from lands they had inhabited for generations and made refugees in their own country. They lived in refugee camps set up by others who were able to withstand the attack.

The violence continued much after the first 72 hours and was further compounded by police violence against the Muslim community as well as by the complete indifference of the other state institutions in providing humanitarian and medical support, or compensation to the violence affected and the active hampering by the police of efforts to register FIRs and other moves towards securing justice.

As many reports from civil rights groups and constitutional state bodies such as the National Human Rights Commission (NHRC) have repeatedly evidenced, the various arms of the state were complicit both in the initial attacks on the Muslim community as well as the later continuing violence. The state and the central government both played a major role in the Gujarat carnage causing sexual violence to the women, destroying property and killing members of the Muslim community. The acts of continuing violence and denial of all rights to the members of the Muslim community could not have happened without the complicity of the State and its institutions. The role and functioning of the Gujarat government has been directly influenced by its penetration by the Sangh Parivar. This fact underlies the conduct of the State before, during and after the peak period of the pogrom.

### **Responses of the Civil Society**

The loss suffered by the Muslim community in Gujarat was so great that one would have expected the state government to rush with relief. The government having failed to reach out to the victims of this violence, it was the civil society that took the lead. The initial efforts towards providing relief and shelter were taken up immediately by the Muslim community and the organizations within. They set up relief camps in schools and other common places both in the urban and rural areas. They mobilized resources, food, medicines and shelter where people fled and took refuge. Later many groups mobilized funds to rebuild houses and to resettle and rehabilitate the survivors of the violence.

Many non-Muslim women and men from the tribal, dalit, and other communities formed pockets of support for many people from the Muslim community when they were under

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<sup>2</sup> “Genocide Gujarat 2002”, Communalism Combat 77-78 (March-April 2002).

attack or fleeing from the attackers. These people acting out of their belief in humanity and often at great risks to their lives and livelihoods, helped save the lives of many men, women, and children. They may not have been visible in the later organised efforts towards rehabilitation and support, but initially were often the brief safe space for a people under attack.

Many individuals, NGOs, women's groups, human rights organizations and civil liberty groups from all over India stepped in as well to provide support in terms of collection of food grains, clothes, books, medicines, health care and house building materials. Students, elderly, young and old came forward to help in different ways by spending time with children, filling information forms or providing medical help. Legal aid and support was given by activists from lawyers' collectives helping people to file FIRs, filling in forms and submitting to the authorities for compensation, retrieving property papers and reclaiming their ownership on whatever was left. People were also prepared to witness and depose in the court of law. Many NGOs also provided medical help in the camp by providing medicines and attending to the sick and pregnant women. Support was extended and counselling done with adults and children who had suffered stress and depression due to mental trauma. Even though all these measures were taken, they were very inadequate to deal with the enormity of the situation.

Besides relief and social and economic rehabilitation, groups have come together to organize events for justice and peace. The groups have intervened at various levels to bring the affected people back to their villages, ensure their safety, see that they get a reasonable compensation and that justice is done to them. Above all there has been a struggle to make the state government responsible for this pogrom and to bring justice and redress to the people. There has been a collaborative effort on the part of various groups to set up information networks and work collectively.

Activists from citizen's groups, human rights groups, NGOs, women's collectives, journalists, artists and doctors formed fact finding groups and published reports giving details of the carnage, provided a critical analysis of the situation and demanded justice for the people affected. More than 50 such reports have been published documenting the situation. Citizens' tribunals were conducted to provide a platform to the victims and survivors to speak of the violence they had been so brutally exposed to and demand both compensation and justice. Many films documenting the carnage, the events leading up to it, and providing a critical analysis of the violence have also been made and screened nationally and internationally. (See Annexure I for a list of reports.)

Political parties other than the right wing BJP, while forthcoming in their criticism of the state, were ineffective in providing a critical analysis and the political will to take up forms of redress to ensure justice. Most business conglomerates maintained a studied silence, though a few well-known members of the Confederation of Indian Industries criticised and questioned the Gujarat government. Amongst the national constitutional bodies, it was the NHRC that took active measures to ensure justice and drew attention to the failure of the State in controlling the violence. The Election Commission resisted the state government's pressure to conduct early elections until a reasonably conducive environment could be created for free and fair elections. The Minority Commission of India also presented its report and held the Gujarat Government responsible for not protecting life, liberty and freedom of minorities in the state.

## **International Responses**

What happened in Gujarat has also violated several international laws and treaties, including the Convention Against Genocide, and can be defined as a Crime Against Humanity. The serious nature of these attacks, and their contravention of international standards of human rights, warrants an international response.

Yet the response from the international governments and other international agencies like the UN bodies and Special Rapporteurs has been almost absent. Very few international governments as well as independent human rights bodies criticised the Indian State in failing to provide for the victims of the violence and more importantly in protecting their citizenship rights. The image of India as a functioning democracy has at times not allowed this intervention and at other times the present government has actively sought to dissuade any 'external' intervention. Bodies like Amnesty International published reports on the carnage but were not permitted by the central government to conduct fact-finding missions in Gujarat.

Many appeals were made to the concerned UN Special Rapporteurs and the UN High Commissioner from women's groups and other human rights groups but there has been no public response to these. One reason for this inaction is the pressure exercised by the Indian Government on the UN mechanisms to not interfere in the 'internal issues' of India. In this regard, the then Chairperson of the National Human Rights Commission, Justice Verma met the then UN High Commissioner for Human Rights, Ms. Mary Robinson and informed her that it was not necessary for her to visit India in the context of the violence in Gujarat.

In any case, these agencies can act only with permission from the respective governments and so these options are difficult to exercise when the State is complicit in the violence. It is ironical that it is precisely these situations in which citizens living in a democracy like India need international intervention to support their efforts to preserve the democratic values of the country and to protect the basic human and citizenship rights of a significant part of the population. In a globalised world, international support from governments and civil society is vital for sustained actions demanding accountability of elected governments within countries and this was very inadequate in the case of Gujarat.

## **Seeking a feminist response**

Much of the post-pogrom activist discourse in India has centred largely around issues of democratic and civil rights of the Muslim community in general, with little specific focus on the rights of women belonging to the Muslim community. For activists grounded in broadly left wing and 'class-based' politics, issues of economic rights have been paramount, and constitute the primary lens through which the pogrom is understood. Even though some reports spoke about the sexual violence that took place in Gujarat, the specific location of 'woman' in these political projects is not articulated as a matter of concern. It is no coincidence that out of the numerous fact-finding reports that came out immediately after the pogrom, only one focused specifically on women. Many of the civil liberty groups, anti-communalism groups which have been the most active have not been concerned with foregrounding feminist concerns about the centrality of sexual violence as an inherent and intrinsic part of the *Hindutva* project as indeed of all projects that seek to forge collective political identities (like ones based on religion, ethnicity, caste) in terms of 'us' and 'them' boundaries.

Women's groups from Gujarat as well as other states have been very actively part of the relief, rehabilitation, legal aid, fact-finding and all attempts for justice, peace and redress being made in and outside of Gujarat after the carnage. They have also attempted to expose, from the beginning, the ways in which the instruments of a democratic state are working against the interests of its own citizens, and the ways in which women's bodies are being used as battlegrounds in the struggle over defining India as a Hindu State. However, there has been a lack of a coherent, national, feminist response to the violence in Gujarat grounded in a 'primarily' feminist understanding of the nature of power and sexual violence as a tool in conflict situations.

Further, in Gujarat, the inability and unwillingness of the Indian judicial system to provide justice for the victims and survivors of the pogrom was coupled with the failure of the Indian political and electoral system to provide equal representation for numerical minorities. This implied a particularly bleak future for any expectations of justice for the women survivors of the violence necessitating particular action.

### **The International Initiative for Justice in Gujarat (IIJ)**

The need to foreground within India the issue of sexual violence in conflict situations, to evolve a coherent response within the space of the Indian women's movement and to develop a feminist critique of systems of justice and democratic governance brought together feminists from India and outside for international solidarity in analysis and action regarding justice for Muslims in Gujarat. It is in this context that this collective feminist initiative, the International Initiative on Justice in Gujarat, came into being.

As early as May 2002, women's groups working in Gujarat met to discuss various measures that could be collectively taken to voice our growing concerns and highlight the issues as we understood them. From these conversations the idea of having the IIJ grew and then groups from Mumbai, specifically Forum Against Oppression of Women and Aawaaz-e-Niswaan, took the initiative to flesh it out as well as begin a more focussed dialogue with other women's groups. Over several meetings the following groups came together to organise, plan, and finally make the IIJ happen: Citizen's Initiative (Ahmedabad), People's Union for Civil Liberties (PUCL) - Shanti Abhiyan (Vadodara), Communalism Combat, Aawaaz-e-Niswaan, Forum Against Oppression of Women (FAOW) and Stree Sangam (Mumbai), Saheli, Jagori, Sama, and Nirantar (Delhi), Organised Lesbian Alliance for Visibility and Action (OLAVA, Pune), and other women's organizations in India.

The International Initiative for Justice in Gujarat brought together a panel of jurists, activists, lawyers, writers and academics from all over the world. The IIJ team came together as an expression of solidarity with feminists from India to draw international attention to the very concrete impact of the violence on the lives of ordinary Muslim citizens of Gujarat. The specific mandate of the IIJ Panel included investigation of the violence – physical and sexual – suffered by women since 27<sup>th</sup> February 2002 and analysis of the use of sexual violence in conflict situations. The many correlations between what has happened in Gujarat and massacres of various cultural, religious, and ethnic subgroups around the world provided important reasons for convening an international panel, especially in light of how these attacks in Gujarat have affected women.

The IIJ itself was hence framed by three main contexts:

- An understanding of sexual violence against women and how this can be effectively addressed by a legal system not equipped to deal with crimes of this nature and scale.
- The historical context of the Indian sub-continent, where divisions along religious, community and caste lines, along with the rise of Hindu fundamentalism, have led to immense violence, intolerance and divisiveness.
- The globalised representation of the “Muslim” as terrorist worldwide and the alliances and attacks that this has fostered over the various Muslim communities all over the world.

This panel was not conceived of as a ‘fact-finding’ mission, because various independent reports and teams had already established the facts beyond doubt. An exhaustive dossier based on these reports and visual materials was provided well in advance to the panellists to acquaint them thoroughly with the events. Knowing and understanding what had happened, through meetings with various affected people, support workers, lawyers, and confidential meetings with affected women, was important and formed a large part of the panel’s work.

The panellists were **Sunila Abeysekara**, Director of *Inform*, Colombo, Sri Lanka, **Rhonda Copelon**, Professor of Law, City University of New York and Director of the *International Women’s Human Rights Law Clinic*, **Anissa Helie** of *Women Living Under Muslim Laws* Algeria/France, **Gabriela Mischkowski**, historian and co-founder, *Medica Mondiale*, Germany, **Nira Yuval-Davis**, Professor of Gender and Ethnic Studies at the University of Greenwich, UK, **Uma Chakravarti**, feminist historian from the Delhi University who has documented the anti-Sikh pogrom in Delhi in 1984, **Vahida Nainar**, Researcher of International Law and a Board member of Women’s Initiatives for Gender Justice, The Netherlands, Urgent Action Fund, USA, and Women’s Research and Action Group, India, current Development Director of the *Women’s Caucus for Gender Justice*, New York, **Farah Naqvi**, co-founder of *Nirantar* and an independent writer and consultant on issues of women, democracy and development, Delhi, and **Meera Velayudan** formerly with the *Institute for Environmental and Social Concerns*, Coimbatore.

The panel first met in Mumbai with the organising women’s groups. They then visited areas in and around Ahmedabad, Vadodara and Panchmahals in Gujarat between 14<sup>th</sup> and 17<sup>th</sup> December in three separate teams. The results of the Gujarat state elections that saw the BJP, the Hindu right-wing political formation that sanctioned and justified the anti-Muslim violence return to power were declared on the 15<sup>th</sup> of December while the panel was in Gujarat and gave a chance to the panellists to witness in person the hopes of the survivors before the results and the despair after it.

During their visit in Gujarat the panellists met with 181 women and 136 men. Of these, 97 women and men were teachers, lawyers, artists, activists from community organisations and relief camps, women’s groups, human rights groups, NGOs, legal aid cells, and other such organisations working in Gujarat. They represented 41 such organisations and groups from Gujarat, Delhi, Bombay, and other parts of the country. People from 7 districts in Gujarat deposed before the panel. They spoke about the violence that had occurred in more than 84 different societies, towns and urban areas and 66 villages within these districts. Around 320 people spoke to the panellists during the IJJ.

The results of these visits were summarized in the short Interim Report, which was distributed to the press, and via mail to various organizations, individuals and media outlets domestically and internationally. This final report comes almost a whole year after the

panel's visit to Gujarat. Over the interim period, the panellists have continued to raise their voices over Gujarat in all possible platforms. This report has gone through several workings in sustained multiple conversations across several continents amongst the panellists with each other and with the organising groups. It is a result of transnational feminist ideology in action and we are very thankful to have worked with such a dedicated and inspiring team of women.

We expect to use this larger report of the panel as one of the tools for continuing to address the situation of Muslims in Gujarat nationally and internationally, in order to address the violence unleashed by Hindutva supporters both within and outside the machinery of the State. We hope that well known and reputed voices, ideas and actions from feminists from different parts of the world will help the struggle for justice and equality worldwide, and will further articulate our concerns in protecting and fighting for our rights to autonomy, democracy and freedom from violence

We also trust that this initiative will lead to a nexus of shared understanding and activism on the immediate issues of justice in Gujarat in the aftermath of the pogrom; serve as a starting point of a transnational dialogue on issues thrown up by the pogrom including that of the inadequacy of existing legal frameworks to address sexual violence in times of social upheaval and conflict and enrich ongoing feminist discourse on citizenship, democracy and justice.

Finally, we feel that the IJJ is a tribute to the spirit and the strength of all the people, especially the women – survivors, activists, feminists – often in the same person, who were not silenced despite all the pain, the hardships and the despair. The courage of the women who spoke to us, who travelled to meet the panellists in the grim month of December 2002, when many had left their villages yet again because of fear of violence during the elections, is the starting point and the impetus for this process. That they spoke to us knowing that we may not be able to contribute anything tangible to their lives, reaffirmed our knowledge that justice is perhaps the most tangible of all things. And it is towards achieving the justice that they desire, the basic rights of citizenship in their homeland, and a democracy that will provide security to all, is what this initiative is aimed at.