

## Government ready for CBI probe in 2002 Gujarat violence

The central government has told the Supreme Court that it was willing to have crucial cases of communal carnage in Gujarat in 2002 probed by the Central Bureau of Investigation (CBI) and have them tried outside the state.

'The central government submits it would have no objection to the investigation of the cases by the CBI and transfer outside the state of Gujarat, if so desired by this court,' the home ministry told the apex court in an affidavit filed last week.

The affidavit was filed days before the hearing slated Tuesday of a bunch of petitions, including those by the National Human Rights Commission (NHRC) and several other public interest lawsuits, seeking a CBI probe into various cases of state-wide communal violence in the wake of a train carnage in Godhra in February 2002.

Besides seeking a CBI probe into various cases, the petitions have sought transfer of the trials of some of the cases outside the state.

In state-wide violence following the train carnage, at least 1,000 people had died, majority of them from the Muslim community, as the Narendra Modi government was widely criticised for alleged biased handling of the situation.

The cases for which the lawsuits by the NHRC and others have sought a CBI probe included those that took place in Godhra, Ahmedabad's Gulbarga Society, Naroda Patiya, Vadodara's Best Bakery, Baranpura, Machipith, Tarsali, Raghovpura and Pandarwada.

The home ministry in its affidavit quoted the NHRC's finding which said: 'There is no doubt in the opinion of this Commission that there was a comprehensive failure on the part of the state government to control the persistent violation of the rights to life, liberty, equality and dignity of the people of the state.'

The NHRC has urged that 'the critical cases be entrusted to the CBI and that the central government ensure that this is done', said the affidavit.

The home ministry also quoted the NHRC as saying that 'in its view, the trials of the cases mentioned in the petition are not likely to take place in a free and fair atmosphere within Gujarat.'

Expressing its willingness for the transfer of the trial of some cases, the ministry in its affidavit also quoted Justice Arijit Pasayat's ruling April 2004 ruling in the Best Bakery case, in which 14 people had been burnt alive.

Justice Pasayat had pointed out several shortcomings on the part of the Gujarat government in conducting the trial of various cases there.

Quoting Justice Pasayat's ruling, the ministry said the apex court itself had 'identified serious deficiencies in the manner the case had been investigated and also the manner in which the proceedings in that case had been conducted in the trial court and in the high court'.

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