

# India. Revisiting Gujarat 2002: How Law and Cinema Shape Collective Memory

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**In Ways of Remembering: Law, Cinema and Collective Memory in the New India, Oishik Sircar analyses the judgment in the Best Bakery case and examines the plots of three Hindi films released after the 2002 Gujarat pogrom.**

On March 24, 2002, while living in Ahmedabad, I received an invitation to an unusual Oscar viewing party. The party began in the wee hours of the morning, given the time difference with Los Angeles, and since flat screen TVs were unheard of back then, the invitation came with a request to help the host drag his boxy TV outside so that all of us in the housing society could gather together to see if *Lagaan* would win an Oscar that night (it didn't, sadly).

I decided not to attend. It was past my bedtime, and, more critically, we were in the middle of a pogrom. None in my all-Hindu area knew that I am Muslim, and it felt odd to watch them cheer on an actor named Aamir Khan, especially given that I could not reveal my own name to them or tell them about my work in the Muslim relief camps just a few kilometers away.



Ways of Remembering: Law, Cinema and Collective Memory in the New India, Oishik Sircar, Cambridge University Press, 2024.

I thought of this story when I read Oishik Sircar's superb new book, [Ways of Remembering: Law, Cinema and Collective Memory in the New India](#), published by Cambridge University Press. For me, ever since the 2002 pogrom, cinema is inextricably linked to memory and mass violence, no matter how hard I try to untangle the two.

In Sircar's book, he explores how "the shared narrative of law and cinema participates in the ordering of the collective memory, which produces ways of remembering that acknowledge the horror of the pogrom and simultaneously rationalise it as aberrant."

Sircar first developed an interest in the subject while a student at ILS Law College in Pune. He visited a Muslim relief camp in Ahmedabad during the 2002 pogrom and observed how the Bollywood stars plastered inside of rickshaws, and on the billboards around the city, became companions in his effort to make meaning of the pogrom.

About a decade later, he returned to Ahmedabad for field work as a doctoral student at the University of Melbourne. He began to notice, especially among liberals, how critics of Narendra Modi framed the conversation around 2002 as a contestation between remembering the pogrom and forgetting the pogrom. He found this method to be flawed, if only because it ignored the very nature and desire of power to create new memories that suit its political agenda.

"It would have been far easier," Sircar observes, "to contest the Hindu Right if they made this a memory vs forgetting issue - because those in opposition to Hindutva will know which side to choose. But when it is memory versus memory, sometimes you almost unknowingly become foot soldiers of the project." In this way, Sircar argues, memory becomes "a sight of pedagogy."

For Sircar, memory is reconstructed through two principal means - law and cinema - which he views as "two key narratives of India's secular legal imagination." To support his argument, he provides an analysis of the judgment in the Best Bakery case and examines the plots of three Hindi language films released after the pogrom - [Dev](#) (2004), [Parzania](#) (2007), and [Kai Po Che](#) (2013).

In the Best Bakery [case](#), an armed mob attacked a Muslim owned bakery in Vadodara on March 1, 2002, killing 14 people, including three Hindus and eleven Muslims, nine from the Sheikh family. Zahira Sheikh, a witness to the attack, testified about what she saw in one of India's most high profile and controversial trials.

In *Ways of Remembering*, Sircar is not interested in "a critique of the case and its judgements." Instead, he aims to "narrativise the complex story of the legal journey of the case and to signpost a set of tropes in the judgments that have been used as narrative devices in the writing of the texts."

This, I would argue, is a welcome change. So much of the conversation around Gujarat 2002, especially among liberals, is whether or not the courts got it "right." This is understandable, especially since justice has eluded many. But Sircar pushes us to keep looking, to notice how the courts are not just issuing judgements but are also constructing meaning and language around the pogrom that, inevitably, seep into society, film, and collective memory.

For example, in the Best Bakery case, while the court acknowledged the brutality of the attack on the bakery, they cite the cause as being the "heinous" train fire in Godhra. And while Muslims and human rights activists have argued that the attack was animated by anti-Muslim hatred, the court disagreed, saying, "The psychology of the fanatic mob is dangerous and senseless." In Sircar's reading of the verdict, the court "rendered the 'Hindu crowd' blind to the religion of those killed."

Eventually, the court convicted nine of the 21 accused and found Zahira Sheikh guilty of perjury. In doing so, the court echoed a Hindutva narrative of the violence. As Sircar writes:

"When the case comes to a close, some of the Hindu perpetrators have been convicted of murder, and Zahira Sheikh, the Muslim victim-survivor, has been convicted of perjury. The judgments thus offer a way of remembering in which the rationality of secular law

equalises murder by Hindus with perjury by a Muslim—in effect, secularising both the law and the event of violence as one in which both parties are culpable.”

The court also admonished those who fought the case, saying that they were “misusing poor persons like Zahira” to obstruct “the development and progress of Gujarat.” This line of reasoning parrots Modi’s own diatribe against activists and rubberstamps his election campaign of Gujarat as a site of “development and progress.”

While some may cite the Best Bakery conviction as a “triumph” for “secular” India, a closer examination reveals how the judgment is coated with references to Hinduism and sounds like a BJP manifesto. In the court proceedings, Judge Hemantsinh Mahida cited the Hindu epic Mahabharata, saying that while there was war, because of the wisdom of Lord Krishna, “Bharat” remained intact. It was the British, Judge Mahida insisted, who made “both the communities...fight each other.”

For Sircar, “the secular tone in which the Mahabharata reference appears in the judgement alongside colonialism blurs the line between history and myth and establishes India’s ancient past as singularly Hindu - in line with Hindutva ideology - when there was ‘sweet harmony’ between the two communities.”

Sircar finds a similar effort to tamper with memory in Indian cinema. Of the three films he examines, I found his analysis of *Dev* to be the most compelling. The movie is set in Mumbai and while it is ostensibly not about the Gujarat pogrom, it is, in many ways, India’s first cinematic exploration of the violence.

*Dev* was released in 2004, not long after the Best Bakery case was shifted from Gujarat to Mumbai, and a few months before India’s national elections. When it debuted in Gujarat, it created quite the stir. The writer and scholar Martha Nussbaum attended a screening in Ahmedabad and observed that “the mood of the audience was staunchly anti-Muslim.” In Jamnagar, Hindus and Muslims got into so many heated arguments after the movie that some theaters stopped showing the film altogether.

The movie revolves around a joint commissioner of police, Dev Pratap Singh, played by Amitabh Bachchan. When a package explodes near a Hindu temple, it sets off a chain of violence against Muslims. In doing so, the film reiterates the action-reaction framework used by Modi, who [said](#) soon after the Godhra train fire that “every action has an equal and opposite reaction.” By the film’s logic, even if violence is committed by Hindus, it is never the catalyst or the culprit. It is always Muslims who spark the unrest.

In the Best Bakery case, Hindu scriptures were presented as a panacea that could unite all of India. Likewise, in *Dev*, Bachchan appears before the court and says, “My Gita is the constitution of India, and the rule of law.” In invoking the Gita, Sircar argues that *Dev* “Hinduises not only his own conscience, but also the conscience and legal foundations of the nation, in keeping with an Indian Supreme Court judgment from 1994 that did not find any reason for Hindutva ideology to be considered antithetical to secularism.”

Bachchan, who would later go on to make a series of hagiographical [commercials](#) for the state of Gujarat, plays a character that is somewhat admirable, but his character also echoes one of Modi’s favourite talking points, that the Indian constitution is his “holy book.” Both the movie *Dev*, and the judgement of the Best Bakery case, leave the Indian state completely off the hook. In fact, they both posit the idea that anti-Muslim violence is out of sync with India’s constitution.

Many of us on the left - myself including - have used this line of reasoning. But as Sircar writes:

“While the parliamentary and ideological Left and the Liberals see the Constitution as a tool to resist the spread of Hindutva, the Hindu Right cite the Constitution to vindicate its commitment to secularism and consider Hindutva ideology to be in alignment with the secular constitution.” However, this logic, Sircar reminds us, forgets the way that “injustices against Muslims...is in fact institutionalised within India’s legal and cultural imagination.”

Sircar’s book is, above all, a clarion call that perhaps a new way of speaking about 2002 is needed, one that recognises that violence, especially against India’s Muslims, is not an aberration, but the very thing the Indian legal system is designed to create.

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