

'Court's duty to see why witnesses turned hostile'

Ahmedabad: The trial court judge and the public prosecutor should have played an "active" role in the "specific circumstances" of witnesses turning hostile one after another during the trial in the Best bakery carnage of Vadodara, the Gujarat government submitted to the high court here on Saturday.



Zahira Sheikh

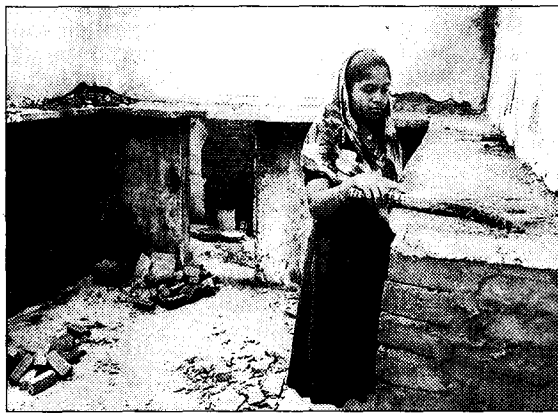
Advocate general S.N. Shelat, appearing for the state government made this submission before the division bench of Justice B.J. Sethna and Justice J.R. Vora, during the hearing on the "amended" appeal challenging the acquittal of 21 accused in the carnage and seeking retrial in the case.

Mr Shelat also submitted that the court had, in this specific circumstances (of witnesses turning hostile), the discretion to exercise other legal options like "in-camera trial" as provided under section 327 of the CrPC or "postponement" of trial.

Mr Shelat told the bench that out of the 37

witnesses who turned hostile, seven were eyewitnesses, four of whom were examined on May 9 and remaining three on May 17.

The advocate general contended that it was the duty of the court and prosecution to see why witnesses were retracting from their police statement or whether they had been won over, purchased or pressurised. PTI



Supreme court issues notice to Gujarat on killing of UK nationals

TIMES NEWS NETWORK

New Delhi: The supreme court on Friday issued notice to the Gujarat government and the Centre on a petition by UK-based Imran Mohammad Salim Dawood alleging that he and his relatives were cornered by a mob on February 28, a day after the Godhra train carnage incident, and four of his relatives, including three British nationals, were killed.

Mr Dawood accused the Gujarat police of shoddy investigation into the killing of the three British nationals and sought a CBI probe into it.

A Bench of Chief Justice V.N. Khare and Justices S.B. Sinha and S.H. Kapadia asked the state government and the Centre to file their responses within two weeks.

Mr Dawood's counsel said the British

high commission repeatedly wrote to the police saying that the accused mentioned in the complaint were not arrested. The response of the police was that they were trying to trace the culprits.

The court also asked the Gujarat government to provide a status report on the number of accused in all the riot cases, those on bail and those in custody.

Gujarat government's counsel and additional solicitor-general Mukul Rohtagi said several cases were referred by petitioners and amicus Harish Salve in which the high court had granted bail to the accused, yet the state government was being blamed.

In its status report, the Gujarat government gave details of the riot cases and said more than 24,000 accused had been arrested in substantive offences and more than 2,090 chargesheet filed.

US report slams Gujarat for post-riot record

TIMES NEWS NETWORK

Ahmedabad: A US state department report on international religious freedom has slammed India, and particularly Gujarat, for poor record in protecting the interests of religious minorities.

The 'International Religious Freedom Report 2003' which was released on December 18 in Washington by the Bureau of Democracy, Human Rights and Labour is seen as the official position of the US administration on the subject. Almost 15 pages in the voluminous report have been devoted to

India, with a clear focus on incidents in Gujarat which took place last year and the failure of the government to deal with the matter subsequently.

The report says after the Godhra train burning case "Hindu mobs in Gujarat, incited and organised by members of the Sangh Parivar, destroyed Muslim businesses, raped Muslim women and killed an estimated 2,000 Muslims. In addition, 100,000 Muslims were forcibly displaced into makeshift camps throughout Gujarat. The government closed the camps in mid-June, forcing the displaced to return to burnt houses and destroyed property, with the perpetrators still at large. Initially the government announced a probe only of the Muslim attack on the train. However, after criticism by opposition

parties and the media, the government expanded the probe to include the violence after the attack on the train".

The report further said, "Human rights groups expressed concern that those responsible for the Gujarat violence may never be tried or convicted for their crimes. They charged that although the government initially arrested thousands following the attacks, most of those arrested have since been acquitted, released on bail with no further action taken or simply released. In addition, even when cases did reach trial, Muslim victims often faced biased prosecutors. Judges and lawyers representing Muslim victims also have faced harassment and threats."

The report says that in some instances of Hindu aggression against Muslims, the police and government officials abetted the violence, and at times, security forces were responsible for abuses. "The police sometimes assisted Hindu fundamentalists in committing violent acts," said the damning report. It said human rights activists reported that "the Gujarat police received specific instructions not to take action to prevent a possible violent reaction to the February 27 attack by Muslims on a train in Godhra."

The report said that in December 2002, "the BJP, with its Hindutva brand of politics, won the Gujarat election, with 126 of 181 assembly seats, sweeping those constituencies in the central part of the state that were most affected by the rioting".

2003
21 DEC 2003

Gujarat agrees to CBI probe

TIMES NEWS NETWORK

New Delhi: The Gujarat government, on Tuesday agreed to abide by the supreme court's direction for a CBI probe into the alleged gangrape of a pregnant woman Bilkis Yakoob Rasool by a mob during the post-Godhra violence.

Gujarat's counsel and additional solicitor-general Mukul Rohtagi gave an undertaking to this effect before a bench of Justices S. Rajendra Babu, A.R. Lakshmanan

including the petitioner, from Limkheda taluka of Dahod district were trying to escape the mob which was targeting members of the minority community.

"However, the mob cornered them at a secluded place near Panivala village and gangraped and killed most women. The petitioner, then pregnant, was also raped and was left to die by the mob," she added.

On September 8, the court issued notices to the Gujarat government and its home department on the petition.

Mr Rohtagi said the state government would order a CBI probe into the case of alleged gangrape of women six days after the train carnage at Godhra.

However, he said that this concession was limited to this particular case and "without prejudice" to the state's stand that the Gujarat police was fully competent to probe it.

The bench then asked the CBI to file a status report of its probe within eight weeks and adjourned the hearing on the case on the suggestion of victim's counsel Harish Salve.

GANGRAPE CASE

and G.P. Mathur, who are hearing Bilkis' petition.

The petitioner said that the Gujarat police had closed the rape case against the alleged perpetrators of the ghastly crime despite her medical examination clearly establishing that she was sexually assaulted by a mob.

Supported by the National Human Rights Commission, Bilkis' petition said: "A group consisting 17 Muslim men, women and children,

THE TIMES OF INDIA

2003
17 DEC 2003

HC clean chit to Bakery accused

Statesman News Service

GANDHINAGAR, Dec. 26. — The Gujarat High Court today dismissed the Gujarat government's amended appeal that had challenged a fast track court's verdict acquitting all the accused in the Best Bakery case. The grounds for rejecting the amended appeal, however, will be declared only after the winter vacation. The High Court will furnish the details only in January.

The amended appeal was filed on the direction of the Supreme Court after the case became controversial with the acquittal of the 21 accused by the fast track court. Fourteen people had lost their lives in the attack in the bakery in Vadodara on 1 March 2002 in the aftermath of the Godhra incident on 28 February.

According to the Registrar, Gujarat High Court, Mr Justice BJ Sethna and Mr Justice JR Vora said: "As desired by the honourable Supreme Court when the matter was put up before this court on 19 December 2003, we started hearing immediately... after hearing the parties for a week and today, the marathon hearing comes to an end." The statement further added: "Having heard the learned counsel for the parties, we are of the considered opinion that all the applications and appeals are required to be dismissed. We could have as-



- 1 March, 2002 - Attack on Bakery, 14 killed
- 27 June, 2003 - Fast track court acquits all 21 accused
- 7 July, 2003 - Prime witness Zahira Sheikh says she led in court after threats from BJP MLA Madhu Srinivasan
- 8 July, 2003 - A team of NHRC visits Vadodara for on-the-spot inquiry
- 12 July, 2003 - Zahira deposes before NHRC
- 31 July, 2003 - NHRC moves Supreme Court
- 7 Aug, 2003 - Supreme Court indicts Gujarat

government on its appeal in High Court, says "It's eye-wash"

- 29 Sept, 2003 - Gujarat government files amended appeal in Gujarat High Court
- 1 Dec, 2003 - Case comes up, hearing adjourned till 17 December
- 17 Dec, 2003 - Judge refuses to hear case, refers it to Chief Justice
- 19 Dec, 2003 - Regular hearings begin with two new judges
- 26 Dec, 2003 - Amended appeal dismissed

signed the reasons, but as today is the last day before the winter vacation, the reasons will follow later on."

The Best Bakery case judgment by the fast track court of Mr HU Mahida, delivered in June this year, acquitting all the accused, became a cause in the name of "miscarriage of justice" and put the BJP government in the dock.

After the visit of a team from the National Human Rights Commission to Vadodara on 8 July "to collect relevant documents of police and court records of the case," demand for a trial outside Gujarat beca-

me more vociferous. Of 73 witnesses who deposed in the fast track court, 41 had turned hostile.

A week after the judgment, Sehrunissa Sheikh, a main witness and wife of the bakery owner, and her daughter Zahira, said they retracted their statements "under pressure" and were ready to speak the "truth" if given "support". This put a question mark on the case itself. Soon the NHRC approached Supreme Court and the Gujarat High Court heard the amended appeal of the state government under the Supreme Court's directions.

THE STATESMAN

2003
7 DEC 2004

'Hitler' Modi promises a riot-free Gujarat

Statesman News Service

NEW DELHI, Nov. 24. — The Confederation of Indian Industries was in for a major embarrassment today when Gujarat chief minister Mr Narendra Modi, invited to deliver a lecture, was greeted by a group of protesters shouting slogans against him and the CII.

Nearly 25 protesters from an NGO, Anhad (Act Now for Harmony and Democracy), barged into the conference organised by the CII and World Economic Forum (WEF), shouting anti-Modi and anti-globalisation slogans.

In the 45 minute protest Mr Modi was compared to Hitler. "Would you invite Hitler? Then Why Modi?" read a placard, while another said: "Shame on Corporates for Inviting Narendra Modi".

Led by Sahmat's Shabnam Hashmi and activist Nafisa Ali, they said

"Fascist Modi down down", "WEF-CII shame for inviting Modi to address a seminar on economy when he has destroyed the economy of Gujarat." "Modi should be sent to jail," they said.

The protest was also against globalisation and liberalisation. "Market economy down down", they said before being dispersed by the police.

The Gujarat chief minister was here on the summit's second day to address the session on "Competitiveness of Indian States". After a confrontation with Mr Modi during a conference here last year, the CII had made up with him.

Even as NGOs protested Mr Modi's presence at the India Economic Summit here, he asserted that the minorities in his state were protected and the law and order situation was the best among Indian states. "Even if you compare any city of Gujarat with Bangalore or other major cities

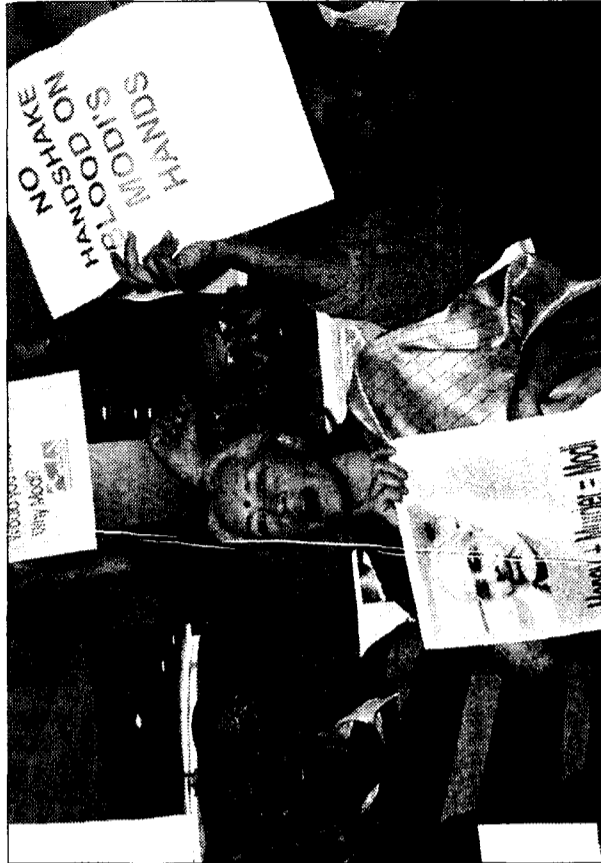
of the country, you will find cities of the state have less law and order problems," Mr Modi said.

"Minorities are best protected in the state and Muslims have the highest per capita income in Gujarat," Mr Modi said expressing concern over the events of the past two years. He also said the Parsis — the smallest minority in the country — are the richest community.

"Whatever has happened in the state is past. It should not be repeated and I would ensure that such incidents do not take place again," he remarked when asked about the developments in the state.

Despite the past events, the state received investment proposals involving Rs 66,000 crore during the last Navratri festival, he said.

"After the festival, Chinese, US and Canadian companies have also entered into MoUs with the state," he said.



Nafisa Ali demonstrates with a group of NGO activists against Mr Narendra Modi. — PTI

COURT STAYS RIOT TRIALS

SC poser to Gujarat on case transfer

Our Legal Correspondent

NEW DELHI, Nov. 21. — Taking serious note of several glaring lapses in the ongoing trial of four riot cases, the Supreme Court (coram, Khare, CJ, Sinha, Lakshmanan, JJ) today issued notices to Gujarat government asking it to explain why trial of all such major cases, including the Best Bakery case, should not be transferred outside Gujarat.

The court stayed till further orders ongoing trials in 10 cases, including those related to killings at Gulberg, Naroda Patiya, Sardarpura and Ode. Amicus curiae Mr Harish Salve had pointed out that the way in which these trials were being investigated left much to be desired. "If that is the state of things, then we will transfer all cases out of the state," Chief Justice Mr VN Khare said. "I thought by now they (the state government) will be wise enough," he remarked.

The court issued notices to the state on the NHRC's petition seeking transfer of cases relating to Godhra, Chamanpura (Gulberg society), Naroda Patiya, Best Bakery and Sardarpura (Mehsana district). It also issued notices to the state on one SLP filed against acquittals of all the accused in Kadiad (Limabadiya Chowky) case in which 87 people

were burnt alive and another SLP filed by the NGO Citizens for Justice and Peace. The court listed the matter for hearing again on 19 December after hearing out Mr Salve's proposals on the way riot cases should be handled.

Mr Salve urged the court to set up a special Gujarat police team to investigate riot cases; a local committee, comprising of a retired HC judge and reputed lawyers to select public prosecutors; and transfer of trial in some cases outside Gujarat. He informed the court that Gujarat government had in-principle agreed to the constitution of a committee headed by a retired SC judge to scrutinise cases where there "appears to have been a gross miscarriage of justice".

Earlier Chief Justice Mr Khare came down harshly on Gujarat government when the amicus pointed out how public prosecutors functioned in the state. "Do you support all this," Mr Khare quizzed Additional Solicitor General Mr Mukul Rohtagi, who represented the state. "If not, why didn't you file an SLP against the court order," he asked.

The Supreme Court (coram, Babu, Mathur, JJ) today also adjourned for three weeks hearing on a case filed by Bilkis Rasool Yakub.

Gujarat BJP's reaction to the stay on cases was muted. Congress spokesman Hasmukh Patel said: "It's a severe indictment."

2 ? NOV 2003

THE STATESMAN

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Three killed, 40 injured in Gujarat violence

AHMEDABAD, NOV. 2. Three persons were killed and 40 injured today when a former municipal councillor allegedly opened fire on a mob after a local cricket match turned violent in Virangam town, 70 km from here, sparking off communal clashes and prompting the administration to impose an indefinite curfew.

According to the DIG, Ahmedabad Range, A.K. Sharma, the incident occurred when Purushottam Jadhav, allegedly fired from his rifle on the mob after a cricket match between locals turned violent and led to clashes.

Mr. Jadhav, along with 24 others, have been arrested and the rifle seized, Mr. Sharma said adding two empty cartridges have been recovered.

According to sources at the V.S. Hospital here, three persons, belonging to the same family were brought dead. While a youth reportedly died on the spot, two others died on way to the hospital. Earlier, police sources put the toll at four.

The victims were identified as Sharifbhai, Zakir Allarakha and Zakir Yusuf.

Forty persons, including three teen-aged boys, are being treated at a private hospital.

Police fired at least 20 rounds to quell the rioting mobs that torched close to 12 shops in the Chand Fadi and Sheth Vaad areas of the town.

Mr. Sharma said the situation was completely under control. He, however, said curfew would remain in the trouble-affected town for an indefinite period.

The injured three teenagers alleged that the ex-councillor

and some others opened fire.

Twelve-year-old Mohammed Shoaib Abdul Kader, who received multiple shrapnel injuries, said they were playing cricket when trouble broke out and led to a heated discussion between Mr. Jadhav and the locals.

Kader alleged that Mr. Jadhav opened fire that left him and many others injured while Mr. Jadhav's friends opened fire from their private arms and injured others.

Police said the condition of two persons was serious. The condition of another youth in hospital was also serious.

"Investigations into the incident reveal that a few minority community youths were playing cricket in the Chand Fadi area of the town and the incident occurred when the ball entered a place of worship", Mr. Sharma said.

Mr. Jadhav, who was passing by, reportedly abused the youths who beat him up. Mr. Jadhav immediately called the police and informed them that a mob was gathering outside his house and throwing stones.

"A similar incident during Diwali had occurred but timely intervention by the local leaders prevented the incident from flaring up", an official said.

The former councillor reportedly came out of his house and allegedly fired four rounds "in self-defence" from his rifle, the DIG said, adding several persons were injured and had to be rushed here for treatment.

The situation flared up immediately after that and mobs from both communities began throwing stones and ransacked shops, he said. — PTI

Haryana CM under CBI scanner

Apex court tells agency to probe teachers' recruitment

Liaquat Ali
New Delhi, November 25

THE SUPREME Court has directed the CBI to probe charges that Haryana Chief Minister Om Parkash Chautala and his aides wanted to substitute the original list of successful candidates with a fake one prepared by them to fill over 4,000 posts of primary school teachers across the state.

A Bench comprising Justices R.C. Lahoti and Ashok Bhan on Tuesday asked the CBI to complete the probe into the appointment scandal within six months. The court also told the CBI to register a formal case if the investigating agency could make out a prima facie evidence against them during the investigation.

The SC's order followed a petition

by an IAS officer, Sanjiv Kumar, the state's former director of Primary Education, who alleged that a fake selection list of candidates to appoint them as teachers was prepared at the behest of the CM.

The Bench rejected the Haryana Government's plea to set up an inquiry commission to carry out the task on the ground that a follow-up action on such a panel's report depends on the state government's discretion. The SC said the government's action on an inquiry commission's report also depends on political considerations rather than for public good.

Moreover, the Bench said, the public memory would fade away by the time the commission's report is submitted to the government. "The people will not bother anymore

about the results," it added. Voicing concern over the allegations, the SC noted that questionable methods are being adopted to provide employment to persons to deprive genuine candidates.

The suspended IAS officer had demanded a CBI inquiry into the alleged complicity of the CM and his close associates in the appointment scam. In his petition, Kumar alleged that his security was in jeopardy because he had refused to oblige the CM in the appointment of teachers.

According to the petition, the CM had called Kumar at his residence and asked him to appoint candidates in accordance with a duplicate list containing new names, which was handed over to him by the OSD to the CM, Vidyadhar, in 2000.



Om Parkash Chautala

PM announces Rs 553-crore package for HP

96-5 19/5
 eriment to prepare specific devel-
 ommental projects, including
 speedy implementation of the ma-
 jor irrigation project at Shانهar.

The PM said despite the Cen-
 tre's clearance for extension of the
 airstrip at Bhuntar, the project had
 not moved further due to the state's
 inability to acquire land for the pur-
 pose. "Since early completion of the
 project is crucial for the develop-
 ment of tourism in Kullu-Manali,
 the Centre had decided to bear the
 project's total cost. Ministries con-
 cerned would consider if the state
 submitted a master plan for devel-
 oping tourism," he declared.

Virbhadra expressed his satisfac-
 tion over the announcement of the
 Rs 553-crore package for Himachal
 Pradesh. "Basically, our plan outlay
 has been protected. The non-plan ex-
 penditure has bloated and we
 needed a bigger plan outlay to meet
 our expenses," he told reporters.
 "The announcement has belied the
 propaganda of the BJP which has
 been saying, *ab inko ek dhela bhi*
nahin milega (Now, they will not get
 even a single penny)," he said. Re-
 gretting the maltreatment of media-
 persons by police yesterday, the CM
 said that action would be taken
 against those guilty.

Vajpayee steals the show at kavi sammelan

MUKESH BHARDWAJ
 MANALI, MAY 18

THE poet in Prime Minister A.B. Vaj-
 payee stole the show at the ill-managed *kavi*
sammelan organised by the Himachal Pradesh
 government in his honour last evening.

As Vajpayee recited his famous poem,
Geet Wohi Gaata Hoon, a spellbound audi-
 ence listened with rapt attention and Gover-
 nor Vishnu Sadashiv Kokje and Himachal
 Pradesh Chief Minister Virbhadra Singh were
 seen nodding their heads.

The function was marked with much chaos
 with the organisers even forgetting to formally
 request Vajpayee to come up to the stage. The
 responsibility fell on the battery of mediaper-
 sons who virtually chorused their request to
 the Prime Minister.

The audience, who were made to sit
 through one hour of ill-recited poetry, looked
 relieved when Vajpayee took the stage. Going
 by the poems recited at the function, it seemed
 the organisers did not even bother to scrutinise
 the entries.



The Prime Minister
 recites from his book
 of poems

**MUKESH BHARDWAJ &
 CHANDER THAKUR**
 MANALI, MAY 18

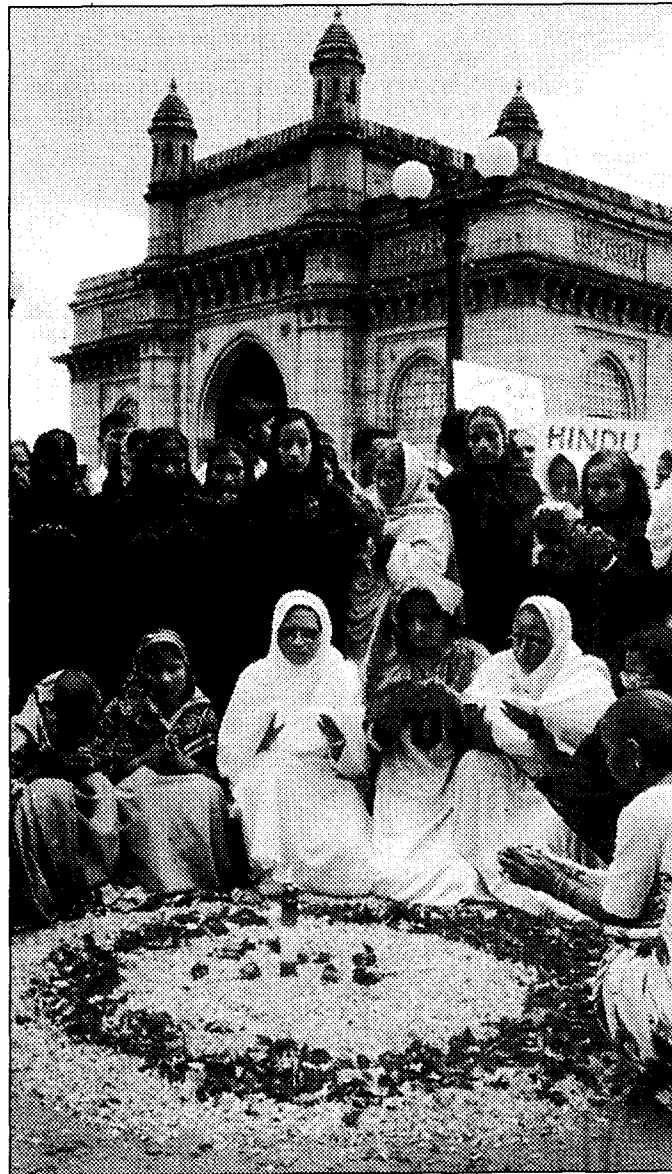
PRIME Minister A.B. Vaj-
 payee has announced an
 additional financial pack-
 age of Rs 553 crore for Hi-
 machal Pradesh. He made the an-
 nouncement while talking to
 mediapersons before leaving Man-
 ali after his six-day sojourn today.

"The change of government has
 not affected the Centre-state rela-
 tions and the track record of the last
 five years of the NDA Government
 shows that the Centre deals even-
 handedly with all states, irrespective
 of the party in office," said Vajpayee.

"Thank you, sir," muttered Chief
 Minister Virbhadra Singh as the PM,
 standing beside Vajpayee at the
 Sirova and Avalanche Study Estab-
 lishment helipad.

Vajpayee said modalities of the
 additional financial support would
 be worked out by the Planning Com-
 mission in consultation with the
 state. He urged the Virbhadra gov-

Gujarat told to 'keep off' rape victim



Women offer prayers at the site of last month's bomb blast near the Gateway of India in Mumbai on Thursday. (Reuters)

OUR LEGAL CORRESPONDENT

New Delhi, Sept. 25: The Supreme Court today again pulled up the Gujarat government in a riot case, ordering the state police to "keep off" a riot rape victim who had petitioned the apex court alleging police harassment.

The petitioner, Bilkis Yakub Rasool, had alleged that she was raped on March 3 last year, four days after the Godhra train carnage. Rasool said police were harassing her to "shut up" and had closed the case saying there were contradictions in her statement, even though a medical report had confirmed the rape.

A division bench of Justices S. Rajendra Babu and A.R. Lakshmanan told the Gujarat ad-

ministration and police to "keep off" Rasool till it took a decision on her petition seeking to transfer the case from the state CB-CID to the CBI.

On September 8, the Supreme Court had issued notices to the Gujarat government and its home ministry on Rasool's petition. The petitioner, a resident of Limkheda taluk in Dahod district, also sought a CBI inquiry into the state police's closing of several rape cases. The court had also issued notice to the Dahod district police superintendent.

Harish Salve, senior counsel for Rasool, had told the court then that rape cases were being "pushed under the carpet" by the state police, which had rushed to close proceedings.

Salve today said the CID branch of Gujarat police was ha-

arrassing his client. When he said police had closed the case despite a report confirming rape, the judges said: "It would be appropriate for the state police to keep off her (Rasool) till the court decides her plea for transfer of the case to the CBI."

Rasool alleged that though the medical reports categorically stated that she had been sexually assaulted, police had closed the case for technical reasons.

Earlier this month, Rasool said she was part of a 17-member group of Muslims trying to escape a mob "targeting members of the minority community" last year. But they were cornered at a secluded place near Panivela village. "The mob (then) gangraped and killed most women. The petitioner, then pregnant, was also raped by the mob," Rasool said.

Cr 6 26/9
The petitioner today said it was only after she urged the Supreme Court to transfer the case to the CBI that the Gujarat government ordered a probe by the CB-CID.

Counsel for Gujarat told the court that the CB-CID would probe the case from now.

Salve said Rasool was called by police for questioning at about 8 pm on September 16. She was told that she would be taken to Godhra to identify the "dead bodies". But Rasool refused to do so, saying "no dead body" would still be on the spot after 18 months. She added: "After the matter has been taken by this honourable court (the Supreme Court), the state administration is trying to harass and terrorise the petitioner and her family members."

BASANT RAWAT

Ahmedabad, Sept. 25: On March 3, 2002, 14 of her relatives were killed and she was gangraped and left for dead by a marauding mob. She regained consciousness three days later.

When 24-year-old Bilkis Yakub Rasool, four months' pregnant, regained consciousness, she was surrounded by the bodies of relatives who had been killed before her own eyes. Her two-year-old child had been snatched from her arms and beheaded, and her sisters, aunts and mother were raped.

The culprits were known to Rasool, who used to supply milk before marriage. She named the culprits, but there was no mention of rape in the statement recorded by police. The murder-

ers were not named either. Her statement was found to be "true", but police closed the "undetected" case as no evidence had been found against the accused, all well-known faces in Panivela village.

Rasool had lost all hope of getting justice until she approached the National Human Rights Commission in July, seeking a fresh trial outside Gujarat and investigation by the CBI.

Her case has been reopened

after the Supreme Court, acting on the panel's appeal, directed the state government to submit documents relating to the case.

Rasool and her family members were forced to flee their village of Radhinkpur after Muslim houses were attacked on March 1 last year. They kept moving for two days without food and water. Completely exhausted when they reached Panivela village, they thought the worst was over.

When a truck full of people from their village and a few outsiders appeared, Rasool and her kin thought they were safe. Instead, the mob set upon her and her sisters, aunts and mother, raping and killing them.

On regaining consciousness, terrified and in pain, Rasool began walking once more. She kept going for six hours until she was found by police who took her to the Limkheda police station where her complaint was recorded.

From there, she was transported to the camp where she met her husband who did not know she was alive.

A medical examination was conducted two weeks later. Even though the medical report confirmed rape, police filed a closure report for the case.

Riot taint on friends & police

Question mark on CM political longevity

Three-fold crisis looms on Modi

OUR CORRESPONDENT

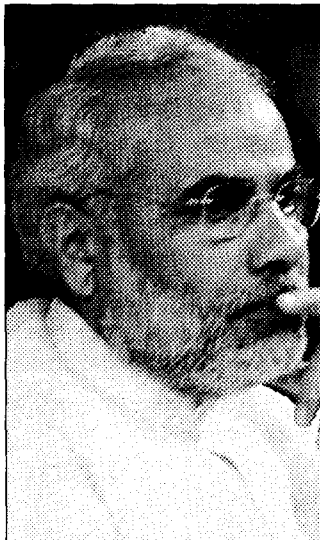
Ahmedabad, Sept. 13: Even two days ago, no one doubted that Narendra Modi was here to stay. It took just 12 words to rip that veneer of cool confidence.

The Supreme Court's scathing observation on the Gujarat government yesterday — asking the chief minister to quit if he cannot prosecute the guilty and protect the weak — has put a question mark on his political longevity.

Analysts say the short, stern warning could lead to a three-fold crisis for the chief minister. With the judges summoning the chief secretary of the riot-scarred state and the director-general of police on September 19, the bureaucracy is unlikely to toe the Modi line blindly, as they now have to answer to the Supreme Court. According to the analysts, they can no longer be "his master's voice".

The rap on the government's knuckles also means that the lower judiciary is bound to be under tremendous pressure to act. In the process, many of those affiliated to the Sangh parivar who have been involved in last year's riots may face stern action. This could eventually make Modi unpopular among this section of the people who are the backbone of the Hindutva movement in Gujarat.

The third fallout of Chief Justice V.N. Khare's rebuke to the state's counsel, Mukul Rohtagi, is that it has sent out a clear message to the BJP leadership: that it is dangerous to continue with the political line the chief minister is following. The cen-



Narendra Modi

sure rasped out when Rohtagi repeated Modi's argument in a letter the chief minister had written to President A.P.J. Abdul Kalam in which he asked why Gujarat was being singled out when no one had been punished for the 1984 anti-Sikh riots.

Modi's party colleagues admit the damaging impact of the court's words but refuse to believe that the chief minister is in danger of being replaced. BJP state unit chief Rajendrasinh Rana said the observation of the judges has made an impression on the minds of people who might be anticipating a change. "But any change at this juncture is out of question," he asserted, pointing out that Modi, after all, was elected by the people and enjoys mass support.

A BJP insider said after the apex court's remarks, a number

of people had called up Modi to boost his morale and advised him not to panic or take any hasty decision.

Modi, known for keeping his cards close to his chest, has not indicated to state party leaders what he intends to do. However, one close aide said the chief minister would never lock horns with the judiciary but certainly target human rights bodies which he blames for giving Gujarat a bad name.

Sources said he would try to wriggle out of the situation and take political advantage of the Supreme Court's words. Will he succeed? "No," said political analyst Achut Yagnik, who feels Modi has been cornered. Although deputy Prime Minister L.K. Advani, BJP national chief M. Venkaiah Naidu and Arun Jaitley continue to back him, Modi, Yagnik believes, has come under pressure from many central leaders who do not support him.

Moreover, with five states going to polls in November, political expediency demands that no more controversies are generated that might adversely affect public opinion in the election-bound states. However, Modi's strength, despite his "monster image" outside Gujarat, is that he is considered a clean, non-corrupt person.

The question many are asking now is can the BJP afford to sacrifice the Hindu *hriday samrat*. And if the party decides to replace him, who will be its nominee? Several names are doing the rounds, including that of a central minister, a favourite of the Prime Minister, and a Modi protégé.

14 SEP 2003

Court declares loss of faith in Modi

9 - Court (Gujarat)

R. VENKATARAMAN

New Delhi, Sept. 12: In an unusual observation, the Supreme Court today told Narendra Modi's government to quit if it could not protect the "weak" and perform "raj dharma".

A three-judge bench of Chief Justice V.N. Khare and Justices Brijesh Kumar and S.B. Sinha said the Gujarat government's appeal in the Best Bakery case and in other riot cases was an "eyewash".

It directed the state chief secretary and the director-general of police to be present in court on September 19.

Of the 43 witnesses in the Best Bakery trial, 37 turned hostile and all 21 accused were acquitted. Fourteen people were burnt to death in the bakery at Vadodra on March 1, 2002.

The chief justice said the court had no faith in the prosecution and the Gujarat government that they would bring the guilty to justice.

In a reference to the statement of Prime Minister Atal Bihari Vajpayee made during the riots that Modi had to perform his "raj dharma", Khare said: "What is the raj dharma of your government? You quit, if you cannot prosecute the guilty and protect the weak."

The judges said if Gujarat could not establish special trial courts for riot cases, "we could order for one right away".

Additional solicitor-general Mukul Rohtagi's argument provoked the observations by the court. Appearing for the Gujarat government, Rohtagi cited the criminal cases of the 1984 anti-Sikh riots in Delhi and other places. He argued how difficult it was to prove guilt in such cases and how not a single person had been convicted in the 1984 riots.

The judges shot back: "What will a court do if the government through its prosecution does not bring facts and evidence? What will a court do other than acquit-



Modi: Suspect

Rohtagi argued that the "malady" in the system was such that the guilty in riots often escaped punishment.

Khare told the counsel: "We

have no faith in your (state) prosecution. I am not talking of Article 356 (imposition of President's rule) for the failure of the state government, but of raj dharma. You have to protect people and punish the guilty and not the opposite."

The counsel caused further aggravation by contending: "Gone are the days when a chief minister's tenure depended on somebody's mercy. He is a democratically elected person."

"Are you suggesting that the 'malady' in the system means rioters in Gujarat should be acquitted?" the judges asked.

Rohtagi replied that criminal law required amendments to an-

swer such situations. Khare asked: "Who is to amend the law?" Obviously, it is the legislature that has to.

In its criticism of the state, the judges referred to the appeal against the acquittal in the high court. "Even a lawyer of one year's experience will not draft such an appeal. Is this an appeal?"

"It is just an eyewash and nothing else. We will not be silent spectators. We will act if the state keeps silent before the high court," Khare said.

The court said there was no cross-examination of the witnesses who turned hostile. "There appears to be some sort of collusion between govern-

ment and prosecution in a case where 14 people were burnt to death and almost all the witnesses had turned hostile."

"Is this the way prosecution is conducted before the trial court?" the judges asked.

The Opposition Congress sought Modi's resignation immediately after, but the BJP — though deeply embarrassed, particularly as the court used Vajpayee's words — presented a brave face.

"There is no need for Modi to resign," said party chief M. Venkaiah Naidu. "The Gujarat government is an elected government and it will take note of the comments, advice and direction of the apex court." (See Page 6)

SC notice to Gujarat on rape victim's plea

Our Legal Correspondent

NEW DELHI, Sept. 8. — The Supreme Court (coram, Babu, Mathur, JJ) today issued notices to the Gujarat government on a petition filed by riot victim Bilkis Yakub Rasool seeking a CBI inquiry into the manner in which the state police closed a case relating to the mass rape and murder of women

at Limkheda in Dahod district during the post-Godhra riots.

The court also issued notices in this regard to the Gujarat home department and the DSP Dahod.

The petition, filed by Bilkis the sole surviving witness to the carnage near Panivela village, through advocate Ms Shobha, also sought the Supreme Court's intervention in setting aside the Limkheda judi-

cial magistrate's order of 25 March 2003, accepting the police's report on the incident without hearing the petitioner at all. The petitioner, who was pregnant at the time, was also raped and left to die, the petition states. But she survived.

She argued that she had a fundamental right to a proper and free probe under Article 21 of the Constitution. "It is a well-known

fact... that Gujarat police is not carrying out a proper investigation as the attempt is to let free all the accused...", the petition said.

Bilkis also charged the investigating body with having done "a surface job intentionally and deliberately so as to make sure that the guilty... may go scot-free".

Another report on page 4

Godhra curfew after festival riot

OUR CORRESPONDENT

Ahmedabad, Sept. 5: Communally-sensitive Godhra town simmered again today after an immersion procession of the Ganesh festival turned violent, prompting the authorities to clamp indefinite curfew in this flashpoint of last year's Gujarat communal carnage.

Twenty people, including two police officers, were injured in the resultant pelting of stones and about a dozen shops were looted and set ablaze in sensitive Polan Bazaar and a truck torched and several other vehicles damaged.

Trouble started around 5 pm when a slogan-shouting procession of devotees reached Rani Masjid. They were to pass through a stretch of Polan Bazaar, dominated by the minority community.

Some members of the procession were said to have raised "provocative slogans", prompting protests from people in the mosque. The resultant commotion ended in stone-pelting by both sides.

A resident, however, claimed that the trouble actually started when a member of the festival procession scribbled "Jai Shri Ram" on the wall of the mosque,

angering the people who had gathered for Friday prayers.

The skirmish spiralled into mob violence in no time as the confrontation spilled to Neelam Hotel and Station Road locality, the main trouble-spots of Godhra town, Panchmahal district superintendent of police Manoj Anthani said.

According to Anthani, some altercation over shouting of slogans resulted in heavy stone-pelting from Rani Masjid, located on the "border" between minority-dominated Polan Bazaar and nearby houses of the majority community.

The mob then ran amok, loot-

ing and burning shops across a half-kilometre stretch from the spot which the procession was passing through.

Members of the majority community vented their anger on the police *chowki*, which they pelted with stones, demanding action against the "troublemakers".

The police cane-charged the mob and lobbed 80 teargas shells and finally resorted to firing in the air. Five rounds managed to disperse the mob.

The injured included a deputy collector, a police inspector and two other policemen, the district police chief said. According to PTI, official sources

said at least 20 people who were part of the procession were injured in the clashes.

Curfew has been imposed on five police *chowki* areas that cover all the town's sensitive localities. The situation was now under control and immersions in other places passed off peacefully, the sources said.

According to the news agency, director-general of state police K. Chakravarthi said a company of the Rapid Action Force has already been deployed in sensitive areas. He also said the inspector-general of police (Vadodara range) was supervising the situation.

Rights group seeks Modi's arrest

By Rashmee Z. Ahmed
TIMES NEWS NETWORK

London: Gujarat CM Narendra Modi on Sunday began a whistle-stop tour through Europe to re-brand his state internationally, but he may have to shout to make himself heard above the massed protesters pleading for justice.

In particular, Mr Modi's lawyers may have to prove to a British magistrate that he is not Augusto Pinochet, the former Chilean military

leader who was uniquely arrested in the UK in 1998 and detained for 17 months on charges of crimes against humanity.

Just hours before Mr Modi began his first visit to the UK since the Gujarat violence, members of the human rights group Awaaz-South Asia Watch claimed they would seek his

arrest on Tuesday through the court of a Bow Street magistrate, where public interest cases are heard.

But observers said the Modi affidavit may turn out to be no more than a "gimmick".

servers said the affidavit had come "late in the day" with Mr Modi leaving the UK on Wednesday.

On Sunday, Mr Modi's London visit began with an altogether sunnier "community event" near Wembley stadium, attended by 2,400 Gujaratis. Mr Modi's main message, said organiser Anil Pota, general secretary of the Overseas Friends of the BJP, was to seek the help of Gujaratis everywhere for his 'Vibrant Gujarat' initiative. Mr Modi is to meet representatives of

oil company Shell in the UK and several leading business groups during his next stop in Zurich and Geneva. The European tour will culminate in a "global investors meeting" late next month in Ahmedabad, where Fortune 500 companies will be invited to invest in the state.

Crime and punishment?



An application for the Gujarat CM's arrest will be made before a British court on Tuesday, but observers say it may turn out to be a mere gimmick

An office-bearer of the organisation said, "The application is made under the European Conventions Human Rights Act, but obviously, there are three options before the magistrate. He could throw the case out; he could ask Mr Modi to attend court, or could issue a warrant of arrest." However, legal ob-

Furnish details of Best Bakery case, SC tells Modi govt

By Rakesh Bhatnagar
TIMES NEWS NETWORK

New Delhi: The supreme court on Friday issued notice to the Gujarat government on the National Human Rights Commission's petition seeking fresh investigation and retrial—outside Gujarat—of the Best Bakery and other riot-related cases, including the Godhra train attack.

Indicating that it would possibly monitor the trial of these cases, the court asked the Gujarat government to provide security to the witnesses. At least 41 witnesses had turned "hostile" in the Best Bakery case, resulting in the acquittal of all the 21 persons accused of burning alive 14 persons in Vadodara on March 1, 2002.

During the proceedings in a crowded court room, Zahira Sheikh—a key witness in the Best Bakery case who had turned "hostile under pressure"—also sought a retrial of the case outside Gujarat. Ms Sheikh alleged that "crucial evidence had been kept out through threats and intimidation" given on behalf of the accused.

Converting the NHRC's special leave petition into a petition in the public interest, a bench of Chief Justice V.N. Khare, Justices S.B. Sinha and Arun Kumar asked the state government to submit within two weeks details of the statements made by the witnesses in the Best Bakery case both before the police and the trial court. It also sought details of the grounds on which the state government had challenged the case judgment by a

Vadodara fast-track court.

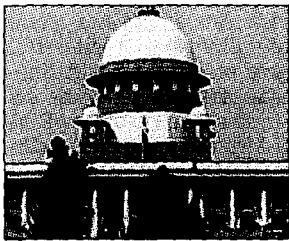
Although the NHRC counsel said the Gujarat government's appeal on the eve of the hearing of the NHRC's petition was "an eye-wash", the SC said "we cannot undermine our courts and the high court in Gujarat". However, CJI Khare said the state government's appeal in the case would not be allowed to be an "eye-wash".

"Furnish the grounds of appeal before us. If we find that it is a mere eye-wash, we will allow the NHRC to intervene in the appeal before the high court," said the bench.

The judges said all the prayers NHRC counsel P.P. Rao and S. Murlidhar were making could be granted by the high court. "It can even do it suo motu (on its own). Once we hold that the high court could give proper relief, your purpose will be served," the bench explained.

The bench said, "We will monitor the trial proceedings but not (in) the manner in which you (NHRC) have put it in the petition. If necessary, we will allow your intervention in the appeal pending before the high court."

Expressing serious concern over the manner in which the criminal justice system had been damaged by the fact that trials in sensitive cases do not start until witnesses are won over, the bench asked the Centre whether it had framed any scheme to implement the Justice Malimath Committee's recommendations on improving the criminal justice system.



Blast toll rises to 43, Modi orders probe

SMC chief told to conduct survey of dilapidated buildings

EXPRESS NEWS SERVICE
SURAT, AUGUST 4

THE toll in Sunday's blast at an emery-wheel making unit, which brought down a three-storey building at Mahadev Nagar Society in Varachha, went up to 43 even as Chief Minister Narendra Modi made a flying visit to the site.

The police have registered a case against the owner of the emery-wheel making unit, Chubhai Radadia, under Sections 304(a) (causing death by negligence), 307 (attempt to murder), 338 (endangering life) and 427 (mischievous, thereby causing damage) of the IPC. Radadia, however, is absconding.

Rescue work continued till the wee hours of Monday even as

heavy rain hindered the work of fire-fighters and volunteers who were clearing the debris. The rescue team found three bodies around 3 am. Sixteen persons with serious injuries are still undergoing treatment at the Maskati hospital, while 22 others were discharged on Monday.

Experts from the Indian Oil Corporation (IOC), Forensic Science Laboratory (FSL) and explosive experts examined the building thoroughly. FSL experts have said there is no possibility of an explosion due to the bursting of LPG cylinders.

Fire Officer B I Pathan said, "We cleared the debris by 5 am and recovered a heavy furnace measuring 4x6 feet. It was completely destroyed. The furnace used to make the emery-wheels could have triggered an explo-

sion due to increase in the temperature." ACP (Range-1) Mohan Jha says, "A case has been registered against the owner of the emery-wheel making unit. There is confusion regarding the cause of the explosion as we have recovered six intact LPG cylinders from the debris."

He adds, "Prima facie evidence suggests that the blast occurred due to an increase in the furnace's temperature. But we are still to find out the real cause behind the explosion."

Meanwhile, Narendra Modi visited the collapse site in Varachha on Monday morning. The Municipal Commissioner and District Collector briefed him about the rescue operation. Modi then left to meet the victims undergoing treatment at the Maskati hospital before leaving



for Gandhinagar. Addressing me-diapersons here, Modi said, "This is a horrible tragedy as most of the victims are between 18 to 35 years of age. A detailed survey will be carried out to find out the number of illegal and low-quality constructions in the city. A probe will be or-

dered to find out the exact cause of explosion."

Highly placed sources in the District Collectorate said the Chief Minister appreciated the work done by the rescue teams including the Fire Brigade and the volunteers. Modi also announced Rs 50,000 as compensation for those who died in the blast.

Regarding the survey ordered by Modi, Municipal Commissioner G R Aloria said, "We have identified four adjoining buildings at Mahadev Nagar Society which may be demolished tomorrow. We will also begin a survey of old, dilapidated buildings and those who have dangerous industrial units in residential premises."

Aloria added, "The SMC, industries, labour and pollution departments will join hands to initiate action against defaulters and wrong-doers who are risking the life and property of residents."

40 die as Surat blast flattens 3 buildings



Firemen inspect the debris after the early morning blast. — AFP

Press Trust of India

SURAT, Aug. 3. — At least 40 people, including nine women, were killed and 27 others injured in a powerful blast that flattened three residential buildings in the city's Varchcha area in the wee hours today. At least 10 more people are trapped and feared dead.

Policemen supervising the rescue operations said late tonight that 40 bodies have been pulled out of the rubble and chances of extricating more "appeared negligible". The injured include at least five children and two fire brigade personnel. Surat police commissioner Mr VK Gupta said rescue operations are expected to continue till the early hours in the morning.

Two adjoining buildings also came crashing down in the impact of the explosion which occurred around 3.25 a.m. on the ground floor of the building, which housed a unit manufacturing instruments used in the diamond industry.

An officer supervising the rescue said the explosion might have been triggered by "extremely high pressure created by the heat which could have gone beyond 900° Celsius" in the unit manufacturing diamond-cutting tools. "This is a very heavy iron plate made by melting metal at 900° Celsius. If the temperatures cross this limit or there is some leakage in the furnace, it may lead to an explosion." The building was also in a "very bad" condition and could not have sustained the impact of the blast, he said.

Chief minister Mr Narendra Modi will visit the spot tomorrow and meet relatives of the dead. He has announced ex gratia of Rs 50,000 to the kin of each of the deceased. Union rural development minister Mr Kishiram Rana has also announced financial assistance of Rs 25,000 to the next of kin.

Police have registered a complaint against the building owner. Officials have ruled out subversive activity as the cause of the blast.

Zahira says she turned hostile under BJP leader's pressure

Massacre Witness in retrial cry

ANAND SOONDAS

Mumbai, July 7: Zahira Sheikh, who retracted her initial statement in court and turned the Best Bakery massacre case upside down, has announced that she will appeal for a retrial, though not in Gujarat.

"I don't trust anything, anybody there, and I am too scared to go there now. Our lives are in danger," Zahira said here today, flanked by ad guru Alyque Padamsee and lyricist Javed Akhtar.

On March 1 last year 12 Muslims and two Hindus were burnt to death at the Vadodara bakery her father owned. The massacre — two days after the torching of the Sabarnati Express in Godhra, the flashpoint of the riots — forced the 19-year-old to go into hiding along with the surviving members of her family.

Today, Zahira broke her silence on the political pressure put on her to turn hostile in court. She publicly blamed Madhu Srivastava, the BJP MLA from Hanuman Tekri in Vadodara, for threatening her.

"Madhu Srivastava asked me to lie in court," she said. "There were threats all the time, those who called repeatedly told us that my mother, too, would be killed if I didn't go back on my statement to the police. I didn't want any more of my people to die. There was no way I could have told the truth in court."

The bakery case, the first of many concerning mostly Muslim victims of the Gujarat riots, fell on its face after a fast track court in Vadodara recently ruled

in favour of the 21 accused. The court, in a very defensive statement, had said there was no evidence to call for action against the accused.

The acquittal came after Zahira — the main witness — refused to identify the 21 accused. Of the 73 witnesses, 39 had turned hostile following Zahira. Instead of the accused, the witnesses blamed police for lodging "false cases against those who saved the lives of many Muslims."

But Zahira, whose case will now also be fought by the Citizens for Justice and Peace, an NGO formed after the Gujarat riots, contradicted her statement all over again. "The 21 accused are the same ones who had killed all those people in the bakery," she said.

Asked if the police, as alleged by many witnesses, had picked up the wrong persons, she said: "No, they are the ones. If the case comes for retrial, I will identify each one of them."

More than anything, it was humanity that Zahira seemed to have lost faith in. "Even my own people (Muslims) didn't stand up for us, we were completely alone," she said. "There were threats from everywhere but when we approached Muslim lawyers to fight for us, they asked for Rs 4 lakh." She added that she had to rely on a government prosecutor who asked her just one question at the tag end of the trial: "Do you want to recognise any of the accused in court?"

Zahira and her mother's arrival in Mumbai — they will not be available to the media from now on — has put paid to the National Human Rights Commis-



Zahira Sheikh at the news conference in Mumbai. (Reuters)

sion's attempts to seek a fresh deposition from them tomorrow. A team from the rights panel is already in Ahmedabad.

"I will send a statement from here," Zahira said. "Anyway, nothing happened earlier when the commission took our statements."

The Best Bakery case has be-

come a rallying point for some of Mumbai's most well-known personalities. "We are here to extend our support and help in the family's rehabilitation," Padamsee said. "We cannot keep quiet any longer. What will happen if those who have promised to protect turn persecutors. We have to get more people to voice our dis-

sent against what is happening." Maintaining that the entire edifice of democracy will crumble if no one can provide justice, Akhtar said: "It is obvious that there have been no serious attempts at meeting out justice to those who suffered in the riots. It is time we stood up to get counted."

Best Bakery case: High Court 'could order re-investigation'

By Our Special Correspondent

NEW DELHI, JULY 2. Two days after the National Human Rights Commission issued a directive to Gujarat asking what its next course of action on the Best Bakery case would be, the chairperson of the Commission, Justice A.S. Anand, told a news channel that "the Gujarat Government must appeal against the verdict. If it chooses not to, then any relative of a victim or a complainant can appeal. The NHRC will fully back them."

Fourteen persons were killed on March 1 last year in Best Bakery in Vadodra's Hanuman Tekri during the anti-Muslim violence in Gujarat. On June 27, a special court acquitted all the 21 persons accused in the case for lack of evidence. Mr. Justice Anand described the case as, prima facie, a "miscarriage of justice". He also said that the Gujarat High Court could order a re-investigation.

Mr. Justice Anand said the case could still be handed over to the CBI. "We have recommended that the Best Bakery is one of the cases which should be investigated by the CBI."

The State government could not directly do so after the judicial verdict, but the High Court could order re-investigation. "Even the Gujarat Government can make a request to the High Court."

The NHRC is to send a team to Gujarat to collect more information on the trial in which a large number of witnesses, including surviving members of the Shaikh family which owned Best Bakery, turned hostile.

The Congress has welcomed the NHRC's move. In a statement, it said the "shocking behaviour of State agencies in conducting a collusive prosecution (in the Best Bakery case) foredoomed to failure" was consistent with their conduct over the Gujarat killings.

THE HINDU

3 JUL 2003

Liberhan panel will visit Babri site

By Akshaya Mishra
TIMES NEWS NETWORK

New Delhi: The Liberhan Ayodhya Commission will be paying a two-day visit on Saturday to the site where the Babri masjid stood before its demolition on December 6, 1992.

Although this will not be their first visit, commission sources say, it comes after many years and assumes importance since the stage of evidence is already over and arguments have begun before the commission. Earlier this month, the Union government told the commission that the blame for the demolition lay with former UP BJP chief minister Kalyan Singh.

Sources also say that the commission has viewed with "keen interest" Mr Singh's statement blaming top BJP leaders—L.K. Advani and Murli Manohar Joshi—for keeping him in the dark about the demolition plan. Mr Singh had also alleged that the central security forces were not allowed inside by kar sevaks acting at the behest of senior BJP leaders. The commission, tasked with looking into the events leading to the mosque's demolition, is paying particular attention to the aspect of security lapses.

The three-member team comprising commission chairperson Justice M.S. Liberhan, counsel Anupam Gupta and registrar A.L. Var-



ma, will stay in Faizabad on Saturday and return to the capital by Sunday evening. According to sources, "The commission is studying the topography around the disputed site."

Faizabad could have been blocked by kar sevaks on December 6, 1992. Although the All-India Muslim Personal Law Board has filed an

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application to summon Mr Singh, moves are afoot within the commission to call him on its own. In the past, Mr Singh has repeatedly avoided coming to the commission and later challenged the summons in the Delhi high court.

Sources point out that the commission's visit to Ayodhya has been prompted by the Centre's detailed arguments about security lapses by the then state and central governments. "At the stage of evidence, the commission spent a lot of time probing the details about the security lapse. But the recent arguments and Mr Singh's assertion have created confusion. A visit would help us a lot," says a commission source.

Savarkar inside, Cong outside

OUR CORRESPONDENT

Ahmedabad, May 28: The Congress Legislature Party today boycotted the unveiling of Veer Savarkar's portrait by Vice-President Bhairon Singh Shekhawat in the Gujarat Assembly.

Leader of the Opposition Amarsinh Chaudhary said they kept away from the function in accordance with the party line. The Congress had boycotted the installation of Savarkar's portrait in the Central Hall of Parliament.

But Chaudhary's move was clearly an afterthought, as was borne out by the fact that the name of the leader of the Opposition was included on the list of official invitations sent to all the legislators and other VIPs.

He had agreed with the state government's decision to instal the portrait when chief minister Narendra Modi announced it during the budget session.

Apparently, Chaudhary was told by the party high command to fall in line with the stand taken by the Congress parliamentary party, which, along with the Left parties, had boycotted a similar function in Parliament.

Clarifying his stand, Chaudhary said his earlier support was conditional.

The Opposition leader said he had told the BJP that he would attend the ceremony only if it was organised after Savarkar's portrait was installed in the Maharashtra Assembly and the dispute over the issue in Parliament was resolved amicably.

But since the BJP had decided to go ahead with the function without meeting his conditions, the Congress decided to boycott the function, he added.

Shekhawat is in Gujarat on a three-day official visit, his first to the state since taking over as the Vice-President.

Earlier, he inaugurated Agro-Vision 2003 in Rajkot and will launch a newly constructed cultural centre at Dudhai near Bhuj.

The Vice-President will offer prayers at the Dwarikhadhish and Somnath temples tomorrow before leaving for New Delhi.

29 MAY 2003

THE TELEGRAPH

Haren Pandya murder; 4 held in Hyderabad

By K. Srinivas Reddy

HYDERABAD, APRIL 17. An ISI operative, stated to be the prime suspect in the killing of the former Gujarat Minister, Haren Pandya, was arrested in a raid, organised jointly by the personnel of the Central Bureau of Investigation and the Andhra Pradesh police, near Medchal on the outskirts of Hyderabad on Thursday.

Sources said Asgar Ali, a native of Nalgonda in Andhra Pradesh, was taken into custody along with three of his associates — Rauf, Abdul Bari and Iftakhar.

The arrested have been flown to Delhi en route to Ahmedabad, in a chartered flight, which took off from the Hyderabad airport around 7 p.m. The sources said that Asgar Ali, who had jumped bail two years ago, had gone to Pakistan for training. On March 25, he shot Haren Pandya as the latter was alighting from his car in the posh Law Garden locality of Ahmedabad for his regular morning walk. Later, Asgar Ali took shelter in Hyderabad.

Police said Asgar Ali engineered the escape of an alleged communal offender, Mirza Fayaz Baig, from a city court here in 1996. Baig was involved in the killing of Nandraj Goud, a BJP corporator, who had participated in the 'kar seva' in Ayodhya. Baig was subsequently shot dead in an encounter with secu-

rity forces in Kashmir.

Son of a retired police officer, Asgar Ali was arrested by the Nalgonda police and at his instance RDX and two pistols were recovered in Hyderabad five years ago. His mentor, Fasiuddin, who took to crime attacking the 'kar sevaks' after the demolition of the Babri Masjid, was shot dead by police here in 1994. Asgar Ali had allegedly vowed to avenge the killing of Fasiuddin.

CBI chief calls on Advani

Our New Delhi Special Correspondent reports:

The CBI director, P. C. Sharma, today called on the Deputy Prime Minister, L.K. Advani. It is understood that he had discussed the progress of the CBI probe in the Pandya murder case. While Mr. Sharma refused to state what was discussed, the meeting assumes significance in the wake of the arrests in Hyderabad today.

PTI reports from Gandhinagar:

The Congress today accused the Gujarat Government of 'criminal irresponsibility' in not providing adequate security to Pandya. The Congress Legislature Party leader, Amarsinh Chaudhary, told reporters that "considering that Pandya had held portfolios like Home and Revenue, adequate security should have been provided to him."

18 APR 2003

REF HINDO

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18 APR 2003

THE HINDU

MODI SEEKS CBI PROBE

Haren Pandya shot dead

By Manas Dasgupta

9-87 Gujarat

AHMEDABAD, MARCH 26. The former Gujarat Minister of State for Home and Revenue, Haren Pandya, whose differences with the Chief Minister, Narendra Modi, cost him the BJP Assembly ticket in the last elections, was shot dead by unknown assailants here this morning.

Mr. Pandya was fired upon as he was about to alight from his self-driven car near the posh Law Garden locality around 7.45 a.m. for his morning walk. He collapsed inside the car with no one noticing the incident as the assailants quietly left. A passerby found the wounded former Minister 45 minutes later and rushed him to the V. S. Hospital where he was pronounced dead, the Home Secretary, K. Nityanandam, said.

He said two bullets had pierced Mr. Pandya's throat, one lodged in the right shoulder and another in the stomach. From the fingerprints found in the car, police believe there were two assailants who had come in a two-wheeler and were waiting for the former Minister at the spot.

Conceding the Opposition Congress demand, Mr. Modi has requested the Centre to order an inquiry by the Central Bureau of Investigation. Mr. Nityanandam said it was still too early to hazard a guess on the motives behind the killing but he ruled out the possibility of its being a "political murder".

Some police sources said the assailants could have been hired from the Mumbai underworld. Mr. Nityanandam denied there was any "threat perception" to Mr. Pandya, at least he had not informed the Government of any such threat, but claimed that it could be in the sequence of similar attacks on political leaders in Vadodara and in Ahmedabad's Naroda locality in recent months to create disturbances. Police declared a red alert in the city, sealed all escape routes and intensified



The body of the former Gujarat Home Minister, Haren Pandya, being taken from hospital in Ahmedabad on Wednesday. — PTI

checks at airports, railway stations, bus terminuses and checkposts. Tension prevailed in the city with shopkeepers in many areas, particularly in Mr. Pandya's erstwhile Ellisbridge Assembly constituency, downing the shutters.

Mr. Nityanandam said two companies of the Rapid Action Force were deployed in the city apprehending disturbances but that the situation remained under control. No untoward incident had been reported from any part of the city or the State except an incident of stone-throwing in Paldi where Mr. Pandya's residence is located.

A large number of Mr. Pandya's supporters, who had gathered in front of the V. S. hospital, booed and jeered the Minister of State for Home, Amit Shah, when he reached the hospital. They also raised anti-Modi slogans alleging that his differences with the Chief Minister had cost him his life.

Political murder, says Gujarat Cong.: Page 11

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THE HINDU

Godhra tense after cleric is arrested

TIMES NEWS NETWORK

Godhra: Tension gripped Godhra town on Thursday after the railway police arrested religious leader and social worker Maulana Hussain Umarji for allegedly "masterminding" the Sabarmati Express carnage on February 27 last year. The pre-dawn arrest came after an accused in the case revealed before the chief judicial magistrate here on Wednesday that it was the Maulana, a respected cleric, who had planned the attack on the train that left 59 dead. The train, which was mainly carrying kar sevaks returning to Gujarat from Faizabad, was halted and attacked after some passengers got into a fight with locals at Godhra station.

Minority-dominated areas of the town and adjacent areas of Panchmahals and Dahod districts observed a voluntary bandh on Thursday in protest against the arrest of the cleric. A special investigative team and the Panchmahals police raided the house of the Maulana in the Signal Falia area of the town around 3.45 a.m. on Thursday. Umarji was arrested from his residence even as mobs started collecting in the area.

Later in the day, the Maulana was produced before the railway magistrate in Vadodara and remanded to police custody for five days. DIG CID (Crime) Rakesh Asthana, who is camping in Vadodara, told TNN that the Maulana was "arrested for his role in instigating the entire episode and his subsequent conduct whereby he asked people

On the right track?

- Police say the Maulana is suspected of having masterminded the Sabarmati train carnage last February
- Few Muslims in Godhra buy conspiracy theory

and witnesses to abstain from helping the police in their investigation. He inspired those who torched the train."

The Maulana has been charged under Section 120 B of the IPC, which amounts to conspiracy. "Zabir bin Yamon Behra has said in his confessional statement that the Maulana had discussed his plans with Haji Billal, who, in turn, instigated the others," he said and added that the police would probe his contacts, the source of funds, if any, that he has helped raise and his role in the conspiracy.

Officers of the Panchmahals district police said that a posse had been posted in the area to prevent any trouble in the wake of the arrest. However, the mood in the town changed once news of the arrest spread like wildfire. Tension bubbled over as the cleric had a large following in the town and was respected by the people.

Comment: The Gujarat government should proceed with the utmost caution in this matter, more so given Umarji's stature and the respect he commands in his community. The last thing the state needs now is for passions to be inflamed afresh.

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