

Zahira twin acts & cash film roll

Wary inside, words outside

OUR SPECIAL CORRESPONDENT

Mumbai, Dec. 22: Today, there were two Zahira Sheikhs — one in court and one outside. Just as when she first named the Best Bakery killers only to go back on her testimony later.

Asked four times in court to answer the charge that she had taken money to change her testimony, Zahira replied patiently — smiling each time — invoked Allah once, but did not either admit or deny.

Outside the special court in Mumbai, the 20-year-old was a picture of firmness, issuing outright denials while in Delhi a video was rolling where an associate of Zahira's one-time tormentor, Madhu Srivastava, said she had been paid Rs 18 lakh.

When public prosecutor Manjula Rao asked Zahira the first time if she had been promised a sum of Rs 35 lakh and had received Rs 18 lakh already, she replied: "Whatever I have said in court is true because I have taken the oath to speak the truth."

The prosecution repeated the question. Zahira said: "Nobody gives anything to another person."

When judge Abhay Thipse told her to explain what she meant, Zahira replied that social activist Teesta Setalvad —

whom she has charged with forcing her to accuse innocent men in the Best Bakery killings — had also made many promises, but did not keep them.

"She said she would help me and get my bakery repaired," Zahira said. Best Bakery was owned by Zahira's family and her uncle was among the 14 who died when it was set afire during the Gujarat riots. "Is this why you have taken the money beforehand this time?" the judge asked.

"I have sworn in court that I will not tell lies. Even after death, one has to show one's face to Allah. So how can I tell a lie?" Zahira asked in return.

"Paisa liya kya?" the judge asked again. Zahira said it should be made known to her who had allegedly promised the money. The prosecution would resume tomorrow with the question, but once outside the court, Zahira held an impromptu news conference where she said: "I did not take money."

Replying to a query about the Tehelka video that was shown today, Zahira said: "The allegations are false."

She put them down to a conspiracy between Setalvad and Chandrakant Batthoo Srivastava, Madhu's cousin who says on the video that Zahira was paid Rs 18 lakh.



Zahira Sheikh: Under scrutiny

IN COURT

● **Judge: Paisa liya kya?**

Zahira stays silent. Prosecution asks same question.

Zahira: Nobody gives anything to another person

● **Judge: What do you mean?**

Zahira: Teesta made many promises but did not keep them

● **Judge: Is this why you have taken the money beforehand this time?**

Zahira: I have sworn in court that I will not tell lies. Even after death, one has to show one's face to Allah. So how can I tell a lie?

● **Judge: Paisa liya kya?**

Zahira: I should be told first who allegedly promised me money

ON TAPE

QUESTIONS THAT THE FOOTAGE RAISES

● **Where is the proof that money actually changed hands?**

● **Can a claim that a witness has been bribed be admissible as evidence?**

● **What is the evidence Zahira changed her testimony because she was paid?**

Bribe claim on video

OUR SPECIAL CORRESPONDENT

New Delhi, Dec. 22: Zahira Sheikh, the key witness in the Best Bakery case, was paid off by associates of Gujarat chief minister Narendra Modi to change her testimony in court, the news portal Tehelka claimed today.

It produced secretly filmed footage to buttress its allegation at a news conference today.

The footage with poor audio shows Madhu Srivastava, a BJP legislator, and his cousin and Congress corporator Chandrakant Batthoo Srivastava telling another corporator, Nisar Babu, that they had paid Zahira Rs 18 lakh.

In the footage, the charge that Zahira was paid off flows from a conversation between Batthoo and Babu. Speaking partly in Gujarati and partly in Hindi, Batthoo is quoted in the subtitles as saying: "The whole family (Zahira's) would keep going to Madhu, time and again, time and again. Do this for us, do this, our bakery will get started again, this will happen. Drove us up the wall. Then finally Madhu took the decision that let us give her the money. First, it started from Rs 25 lakh and got stuck at Rs 18 to 20 lakh. Then after collecting cash from everyone, she was given Rs 18 lakh in cash."

But the 10-minute footage

does not show money actually changing hands. Nor was evidence produced that the assets of Zahira and her family had bloated unnaturally since the time she made her first statement as a witness.

Tehelka's editor-in-chief Tarun Tejpal claimed "we have a lot more footage".

On March 1, 2002, at the peak of the riots in Gujarat, a mob surrounded and torched Best Bakery in Vadodara. Zahira's uncle Quasar was among 14 people roasted to death.

First, in court Zahira named persons who she alleged were involved in the carnage. She had also said Madhu was threatening her to change her testimony. On May 17, 2003, in the first of her turnarounds, Zahira claimed she was hiding from a mob and therefore did not witness the violence. Her testimony led to 21 accused being acquitted.

Tehelka claimed that Zahira was paid even before she approached Teesta Setalvad, a social activist, for help. Her testimony was crucial to Setalvad, who says she is committed to fighting for riot victims.

Setalvad has now been dubbed a villain by Zahira, who has alleged that she had forced her to name the accused. Present at the news conference, Setalvad said: "We have approached the Supreme Court for a CBI investigation."

I saw nothing in all that smoke: Zaheera

PRESS TRUST OF INDIA
MUMBAI, DECEMBER 21

ZAHHEERA Sheikh, prime witness in the Best Bakery case, today said she did not see anything on the day when the bakery was set on fire as there was lot of smoke and fire all around and missiles were being thrown by the mob at the terrace where she and her family had taken shelter.

Retracting from her police statement during the retrial here, Zaheera told the designated Judge Abhay Thipsay that her maternal uncle, Quaser, was not present in the bakery when it was set on fire on March 1, 2002.

In her police statement, Zaheera had said Quaser was present at the bakery at the time of the incident. Police records show him as missing.

Zaheera is the seventh witness to turn hostile. Others who did not support the prosecution

include Zaheera's mother Sehrumissa, sister Saira, brothers Nafitullah and Nasibullah and two independent witnesses.

During examination by prosecutor Marjula Rao, Zaheera further told the court that she had signed only one document and that was the FIR, adding that she did not know its contents.

Zaheera said only her sister Sabira was on the first floor of the bakery when it was set on fire. However, police records show that Sabira and some others including Shabnam and Ruksana, were present on the first floor.

Soon after this, the prosecutor declared her hostile.

Altogether 14 persons died when the bakery was set on fire by an irate mob in the post- Godhra riots. A total of 22 accused are facing the trial.

**Zaheera comes out of court
in Mumbai on Tuesday. P71**



Smriti Irani calls for Modi's resignation

Our Political Bureau
NEW DELHI 12 DECEMBER

THE organisational convulsions that have gripped the BJP after its dismal performance in this year's Lok Sabha polls was on full display once again when Smriti Malhotra-Irani, popular TV actress and BJP's national executive committee member, on Sunday demanded the resignation of Gujarat chief minister Narendra Modi. Ms Irani also threatened to go on a fast unto death if Mr Modi refuses to put in his papers by December 25. In Delhi, party leaders read the sudden gush of moral outrage from Ms Irani, who joined the party a year and a half after the Gujarat riots, as a signal of her imminent departure from the BJP.

Ms Malhotra-Irani, popularly known as Tushi for her portrayal of the perennially-suffering, ideal bahu in the TV serial *Kyunki Saas Bhi Kabhi Bahu Thi* took political observers by surprise when she hit out at Gujarat chief minister Narendra Modi for damaging the image of his state because of his inept handling of the communal riots that ravaged the state for much of 2002. Addressing a meeting in Surat, she threatened to go on a fast-unto-death unless Mr Modi put in his papers by December 25, which hap-



Smriti withdraws statement: Hours after the attack on Narendra Modi Smriti Irani on Sunday withdrew her statement after the party made it clear that she has to either retract or face action, reports PTI

pens to be former Prime Minister Atal Bihari Vajpayee's birthday.

"Whenever people mention Gujarat, they only talk about the riots and try to corner the Gujaratis on the issue. So in order to maintain the respect that I have for Atalji and BJP, I won't hesitate to take this step," she announced while inaugurating a showroom in the south Gujarat city of Surat. Ms Malhotra-Irani, who was showcased by the BJP as one of its emerging stars and rewarded with a Lok Sabha ticket from Chandni Chowk in the capital (where she was inflicted a humiliating defeat by the Congress' Kapil Sibal) and a berth in the party's national executive, first, under the presidentship of Venkaiah Naidu and, later, under L.K. Advani, has, it is clear, made up her mind to end her brief honeymoon with the party.

SETALVAD BAIL PETITION DEFERRED

HC asks Gujarat to file affidavit

Press Trust of India

Zaheera meets NCW chairperson

MUMBAI, Nov. 10. — Directing the Gujarat government to declare its stand, Bombay High Court today deferred to 23 November the anticipatory bail petition of social worker Ms Teesta Setalvad after key witness in the Best Bakery case Zaheera Sheikh levelled criminal charges against her.

Hearing the bail plea of NGO workers Ms Setalvad and Mr Rias Khan, Mr Justice RS Mohite of the High Court asked the Gujarat government to file an affidavit declaring its stand on 23 November as it has been named a respondent.

Ms Setalvad feared arrest as Zaheera had filed an affidavit on 3

AHMEDABAD, Nov. 10. — Prime witness in the Best Bakery case Zaheera Sheikh today met the chairperson of the National Commission for Women (NCW) in Gandhinagar, police sources said. Zaheera talked for nearly 45 minutes with NCW chairperson Ms Poornima Advani in a heavily-guarded bungalow. The details of the conversation were not yet known. — PTI

November before Vadodara collector alleging that she was forced to come to Mumbai at the behest of Teesta, kept in confinement, made to sign documents and pressurised to falsely depose before the Mumbai court in the Bakery case.

In a related development, the judge restrained Zaheera and her family from repeating such allegations against Teesta and Rais and advised them to file an affidavit on 23

November if they wanted to make any further statements against the duo.

Gujarat government's lawyer appeared before the court and said that no FIR had been filed against Teesta and Rais so far.

To a query by the court whether Gujarat government intended to file an FIR against Teesta and Rais on Zaheera's allegations, the lawyer sought time on the ground that he would seek instructions from the state.

11 NOV 2004 THE STATESMAN

Hostile Zaheera targets Teesta

TIMES NEWS NETWORK

Vadodara: Zaheera Sheikh, the face of the gruesome Best Bakery carnage, who virtually paved the way for review of all the riot cases, did another volte face on Wednesday which stunned the entire legal fraternity which saw her as a pivot on whom the hopes of justice for the riot victims in Gujarat rested.

The main complainant in the Best Bakery case, which is currently being heard in Mumbai after its transfer from Gujarat, Zaheera told newsmen that she was coerced into retracting her statement before the fast-track court of Vadodara which led to the acquittal of all the 21 persons accused of killing 14 victims in the carnage. She alleged she was in fact facing threats from activists like Teesta Setalvad who had held her in captivity in Mumbai.

Zahira claimed that she was forced into giving statements that

the testimony given by her before trial court was under threat and that she knew the accused involved in the carnage. The 20-year-old resident of Hanuman Tekri, where the carnage took place on March 1,

she was not allowed to meet her mother or any other person.

At present, Zaheera, her brother and mother are being kept at an unknown destination. Zaheera claimed that on several occasions



Zaheera Sheikh Teesta Setalvad

2002, appeared at the posh Hotel Surya Palace clad in a 'burqa'. She alleged that she was forcefully taken from the city to Mumbai in a car after the trial. Zaheera has also claimed that her mother Shehrunisa and brother Nafituallah were also under threat. She alleged that

► **A PACK OF LIES:** Teesta Setalvad on Wednesday dismissed as a "pack of lies" the charges made by Zaheera of being "pressurised" (by Setalvad) to make statements and "naming innocent persons as accused during the ongoing retrial". "I am astounded and shocked to hear what Zaheera has to say this about me," she said in Mumbai. TNN

she was asked to sign papers written in English. "I do not know English and could not read them. Once when I asked Setalvad why she was taking my signatures, she told me that it was to get the Bakery property transferred in my mother's name," she said.

Recall hostile witnesses: HC

HC sets aside trial court's order

Rathin Das
Ahmedabad, October 12

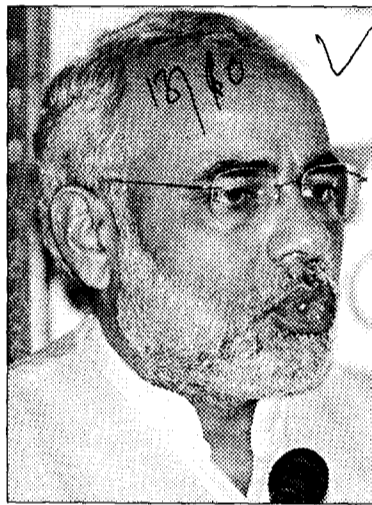
IN YET another blow to the Narendra Modi government, Gujarat High Court has ordered the recall and re-examination of the seven witnesses who had turned hostile in a post-Godhra case of rape and murder in Eral village of Panchmahals district.

Justice C.K. Buch ordered re-examination of the witnesses setting aside a Dahod sessions court order, that had rejected the application filed by Madina Biwi, the main complainant, urging a re-examination of the witnesses, according to her advocate, Siraj Malik.

Hearing a petition filed by Madina Bibi, whose daughter and niece were raped and burnt along with five other relatives on March 2, 2002, a High Court Bench — headed by Justice C.K. Buch — on Tuesday ruled that the seven witnesses, including a police constable, be recalled and re-examined.

Madina Biwi's daughter, Shabana, and niece, Suhana, were raped in Eral village and then set on fire along with five others by a rampaging mob following the February 27 Godhra train inferno. Among the 42 accused, only three were arrested, while 39 others are absconding.

During the trial of the case in a



Narendra Modi
Another blow

fast-track court in Godhra, police constable Babubhai and six other witnesses had turned hostile, but the prosecution counsel did not take cognisance of it.

Madina Biwi then approached the Godhra sessions court to demand a re-examination of the witnesses who had turned hostile.

The Godhra sessions court, too, declined to order a re-examination, following which Madina Biwi filed her petition in the High Court.

THE HINDUSTAN TIMES

15/10/2004

Chandy sorry for 'Gujarat'

deletion

THIRUVANANTHAPURAM, Sept. 17. — Kerala chief minister Mr Oommen Chandy today apologised for deletion of the word "Gujarat" from the National Anthem in some textbooks in the state. "The mistake in some of the textbooks was unfortunate. I am offering my apology on the government's behalf if anyone's feelings are hurt by the inadvertent error," Mr Chandy said here.

As soon as the error was brought to his notice yesterday, a "correction erratum" was issued and circulars sent to all schools to include the missing word in the Anthem. New textbooks had been printed, a copy of which was sent to Gujarat chief minister Mr Narendra Modi. He said it was unfortunate that a false campaign about the state was going on in Delhi and Ahmedabad for the "admitted error" even after corrections were issued.

Earlier, the RSS joined the Gujarat-omission issue with spokesman Mr Srikant Joshi in Coimbatore saying it was a "deliberate act". Miss Uma Bharati, in her Akola leg of the *Tiranga Yatra*, said the lapse reflected the damage Mrs Sonia Gandhi's nationality was inflicting on national interest. She also went on to say that the UPA government was being run by MNCs.

Dismissing the BJP's salvo against the Kerala government for the omission of the word "Gujarat", the Congress today said the BJP's line "again betrayed its politics of deception".

— PTI & SNS

Guardians of law

IPS officer exposes Gujarat's ugly face

The Narendra Modi government is under increasing pressure and from quarters which they never expected. Modi believed he had the police force and the judiciary in Gujarat well under his thumb, and the political aspect in anti-Muslim pogroms would never come to light. But slowly the pieces of the jigsaw puzzle are coming together and the accusing finger is firmly pointing at Modi and his cohorts for instigating the murder and rape of about 2,000 Muslim victims in Gujarat. Modi and the BJP have used the Gujarat police force in both protecting the Hindu mobs while they committed murder and rape, and then helping to destroy evidence of the crimes with mass burnings and burials. The police have played a large part in hindering victims by refusing to accept FIRs or distorting them so that the real names are suppressed. Neither have they carried out proper investigations, so that a case would appear poor and get thrown out by courts. Thanks to the Supreme Court which has repeatedly indicted the police for their biased and improper action, more than 2000 cases which were closed due to lack of evidence have been forcibly reopened.

Now an upright officer of the IPS who headed the state's Intelligence department during the month long carnage has deputed before the Nanavati Commission giving explosive evidence of Modi and other BJP leaders' connivance in the pogrom. ADG Shreekumar has debunked the "conspiracy" theory of the Godhra train carnage — a "sudden" quarrel at the railway station. This was the initial explanation of the vendors of Godhra station but the BJP government refused to accept it, as they were looking for a "sinister" motive. Shreekumar makes the point and states that police inspectors were taking orders directly from political leaders, ignoring their senior officers. He has confirmed lack of proper recordings of investigations by lower level police officers. The picture that Shreekumar exposes of the Gujarat police is frightening. They are totally communalised and conspicuously lack any moral fibre to do their duty. The blame is due solely to the BJP which has virtually ruled Gujarat for a decade and a half.

New probe to dig out Godhra truth

Centre sets up panel parallel to Modi's

Jay Raina
New Delhi, September 2

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Fresh look

MORE THAN two-and-a-half years after the Godhra carnage, the UPA government today announced a high-level probe into the tragedy over and above the one set up by Narendra Modi. Railway Minister Laloo Prasad Yadav had promised such a probe; the final decision was taken at a Cabinet meeting chaired by Prime Minister Manmohan Singh.

The new inquiry into the fire on the Sabarmati Express that killed 59 people on February 27, 2002, will be headed by a retired Supreme Court judge, Justice U.C. Banerjee. The committee is to submit its findings within three months. It will examine all the aspects of the incident apart from ascertaining the precise cause of the fire in coach S-6. The panel will inquire into the acts of commission or omission responsible for the fire, and fix responsibility on railway officials and workers, including security staff, for neglect or default leading to large-scale loss of life and property. That apart, the probe panel is expected to inquire into the developments on the Sabarmati Express after it left Muzafarpur on its way to Godhra.

Apparently, the Centre decided to set up a committee as against a commission of inquiry to pre-empt accusations of constituting a parallel commission. The Narendra Modi-led BJP government in Gujarat has already appointed the Nanavati Commission "to go into the facts, circumstances and course of events of the incidents that led to the setting on fire some of the coaches of the Sabarmati Express train".

Legal experts say the Nanavati Commis-

Probe panel will be headed by former apex court judge U.C. Banerjee



It will submit its findings within three months. A three-member team of railway experts will assist it

Apparently, govt set up a committee — and not a commission of inquiry — to pre-empt accusations of constituting a body parallel to Nanavati Commission

sion's terms of reference more or less preclude an inquiry into whether the fire was an accident or whether enhanced railway safety measures might have prevented the fire from breaking out and spreading.

Significantly, Gujarat's Forensic Science Laboratory report, dated May 15, 2002, concluded that no inflammable fluid was thrown into coach S-6 from outside — neither "through the door of the bogie" nor through the windows, which "were closed during the time of the fire".

The Centre's latest move comes at a time when the Modi government has come in for a lot of flak from the apex court for its lackadaisical investigations into the riot cases that followed the Godhra killings.

■ **BJP sees political vendetta, Page 2**

Apex court picks prosecutor in Best Bakery killing case

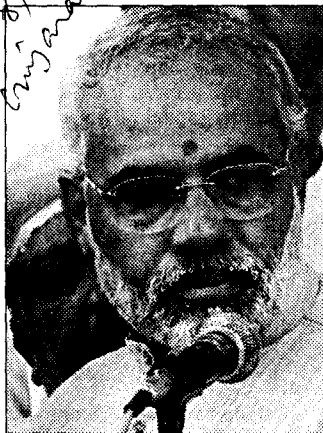
New Delhi
16 AUGUST

THE Supreme Court on Monday appointed P.R. Vakil special public prosecutor in a Mumbai court in the Best Bakery case.

Mr Vakil was one of the four public prosecutors suggested by the Maharashtra government.

On April 12, the court had directed shifting of the trial in the bakery massacre case outside Gujarat, but the trial could not commence since there was a dispute between Maharashtra and Gujarat over appointment of public prosecutor.

The court shifted the case outside Gujarat on an application by Zahira Shaikh, one of the survivors of the mob attack on the Best Bakery at Vadodara during the post-Godhra riots in 2002. In the gruesome incident 14 people were killed, including nine family members of Zahira.



MODI: BEST MAN

A Bench comprising judges Arijit Pasayat and H.K. Sema also appointed Manjula Rao as associate public prosecutor to assist Mr Vakil in conducting the trial. The Bench asked

the Gujarat government to explain within four weeks its steps against those intimidating witnesses in the case. Finding that seven of the 21 accused had not yet surrendered before the trial court as per its April 12 judgement, the Bench also issued notice to them asking why it should not start contempt proceedings against them for not surrendering before the trial court.

Meanwhile, Gujarat's director general of police Arun Kumar stated in an affidavit that the process of attaching the properties of the seven absconding accused was on to secure their presence at the trial.

The affidavit was filed in response to a directive asking him to investigate the steps taken to arrest them.

The police chief said despite sincere efforts by the state police, the accused could not be arrested and the police, therefore, decided to attach their properties.

— IANS

Bilkis hopeful of justice now

Press Trust of India

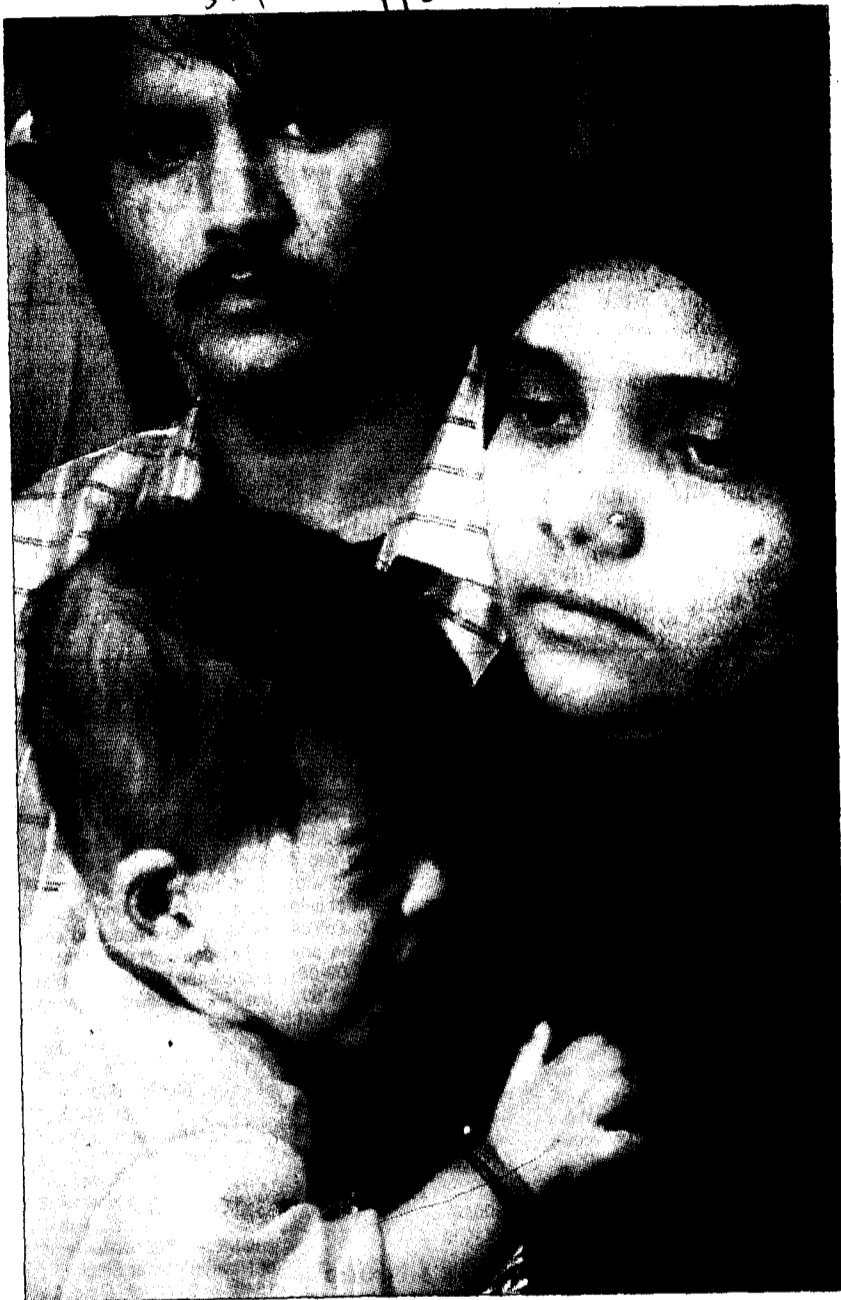
AHMEDABAD, Aug. 8. — Accusing the Gujarat government of failing to protect Muslim women, Bilkis Bano, gangrape victim during the post-Godhra riots and sole witness to the massacre of her 14 relatives, today expressed hope that justice would be done now as the trial has been shifted to Mumbai by the Supreme Court.

In her first press conference since the incident occurred on 3 March 2002 in Dahod district, Bilkis claimed that there were cases similar to hers in the post-Godhra communal riots and that her case may pave way for them to seek justice.

“Was it not the state’s responsibility to protect us and should it not compensate us for the incident? Now that the Supreme Court has taken up the matter, I hope the question about compensation and impunity for sexual violence will also be addressed,” she said.

Bilkis said the main reason for her applying for the case to be transferred outside Gujarat was due to the threats received by her, her relatives and the witnesses.

On being asked why her police statements varied, as claimed by Gujarat police, and the reason cited by them for dropping investigation of the case, she said the police had taken her statement twice and warned her not to name anybody. “I gave my first police statement on 4 February and they said they were taking me to a doctor who might inject me with poison if I gave any names. Then I went to a relief camp and my statement was again recorded and my thumb impression taken. I am illiterate and do not know what they wrote in the complaint,” she said.



Bilkis with her child and husband Yakub Rasool at the press conference. — AFP

Bilkis follows the Best route out of Gujarat

HT Correspondent
Ahmedabad, August 6



Narendra Modi
Another setback

IN YET another slap on the Gujarat government's face, the Supreme Court today transferred the infamous Bilkis Bano rape and murder case to a court in Maharashtra.

Earlier, the apex court had ordered the Best Bakery case to be tried in Mumbai after a Vadodara Fast Track court acquitted all the 21 accused of burning to death 14 Muslims during the post-Godhra riots.

Unlike the Best Bakery case, which has been caught in a legal web over which of the two state governments should appoint the public prosecutor, the Bilkis Bano case may face no such hurdles as the CBI would be the prosecutor in this case as per the apex court order.

VHP activists raped a pregnant Bilkis Bano and killed her 14 relatives in a village of Panchmahals district. The case was closed by the local police even after Bilkis identified her rapists and the killers. The police claimed that the accused named by her were "eminent people of the area" and that there were inconsistencies in her statements.

The case was reopened after the Supreme Court in December ordered a fresh probe by the CBI following intervention by the National Human Rights Commission (NHRC) at the insistence of some local NGOs. Within a month, the CBI unravelled the case and arrested about a dozen people, including policemen, who had connived with the accused in tampering evidence. One doctor couple was also among those arrested by the CBI for tampering evidence.

During its probe, the CBI recovered some beheaded skeletons from a riverbed and stumbled upon evidence that about 60 kg of salt were used in the burial to ensure speedy decomposition of the bodies.

Naroda Patiya massacre

The Supreme Court today also stayed the trial in cases pertaining to the massacre of 110 people in Naroda Gam and Naroda Patiya during the riots as a petition sought their transfer outside the state as well.

THE HINDUSTAN TIMES 7 AUG 2004

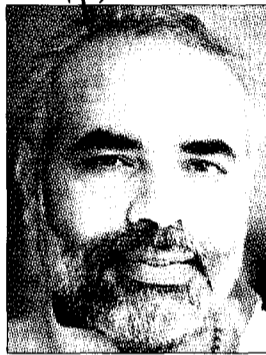
Movie models villain on Modi, gets banned

New Delhi, July 13

MICHAEL MOORE'S violently anti-Bush film *Fahrenheit 9/11* made it past the censors to rule the box office across America. But the Indian censors have banned a Hindi film romance simply because the villain may have been modelled on Narendra Modi.

Set against the backdrop of the 2002 Gujarat violence, *Chand Bujh Gaya* depicts a morally challenged, violence-perpetrating chief minister, who even looks like Modi. That has been enough for the Central Board of Film Certification, commonly known as the censor board, to reject it.

With the Film Certification Appellate Tribunal agreeing with the board, the 140-minute movie — which stars Aamir Khan's brother Faisal and is directed by Sharique Minhaj — is unlikely to



Narendra Modi

Too close for comfort

ever see light of day.

The filmmaker has decided to move court, but members of the tribunal say they are confident it will make no difference. "The entire film is an aberration. It's communally volatile," said Rakesh Sinha, a member of the tribunal. "It will cause public disharmony and strife between the two communities."

But Sinha's main ob-

jection is the depiction of the Modi-lookalike chief minister. "He is shown as the devil, fuelling the violence and encouraging people to kill each other. It is an implicit attack on the RSS."

The objection was reflected in the tribunal's order, which noted the "definite resemblance" to real life personalities.

The film is based on the love story of a Hindu boy and Muslim girl on the Sabarmati Express, a train that became famous after the Godhra carnage. The secretary of the tribunal, V.K. Sharma, said the film had scenes of extreme violence that were unfit to be shown to the general audience. Another film that has loosely drawn from the Gujarat violence is *Dev*, though the characters do not bear any tantalising resemblance to real people or events.

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14 JUL 2004

THE HINDUSTAN TIMES

14 JUL 2004

Questions of life and death

By Praveen Swami

AHMEDABAD, JUNE 27. Almost a fortnight after the elimination of four alleged Lashkar-e-Taiba operatives in Ahmedabad, the big question isn't about their guilt or innocence. It is whether the encounter was a genuine response to an imminent attack — or a cold-blooded execution.

On the face of it, several parts of the Gujarat Police narrative on the June 15 encounter don't make sense. According to the Ahmedabad Crime Branch, the four suspects were interdicted at Himmatnagar, on the bypass that skirts Gujarat's principal city. The route is used by most traffic approaching Ahmedabad from Maharashtra. Assistant Commissioner of Police Narendra Amin, who led one of the ambush groups, later told journalists that the shootout lasted some 30 minutes.

Critics note that this account leaves several key questions unanswered. The light blue Indica car used by the four alleged terrorists would have taken at least four and a half hours to reach Ahmedabad from the Gujarat border, near Vapi. This leaves open the question of why the police waited to ambush the vehicle until it almost entered the city. Nor did the police find in the car the Rs. 5 coupon its occupants would have purchased to use the toll bridge near Sarkhej, just short of the city.

None of this, however, is conclusive. The Ahmedabad Crime Branch could have waited to execute the ambush in their own jurisdiction, reluctant to share credit with another police district. The toll coupon could have been thrown out of the window after purchase, something many drivers do. While ACP Amin's claims of a half-hour encounter seem overblown, since the first bullets directed at the Indica would have claimed the lives of those inside, those who have faced fire know the duration of the engagement often appears longer than it actually is.

Whatever the truth, though, the fact is the Gujarat Police carry part of the blame for their current crisis of credibility. Thirteen suspects held in an earlier alleged assassination attempt on Chief Minister Narendra Modi were dis-

charged after the killing of key suspect Samirkhan Pathan, on whose confession the prosecution had been based. The Ahmedabad Crime Branch also faced embarrassment after the Jammu and Kashmir Police blew open its claims that several city residents had collaborated in the storming of the Akshardham Temple.

It is also true that since at least 1999, when the hijacking of Indian Airlines flight 814 to Kandahar forced India to release top terrorists Mohamad Masood Azhar, Sayyed Omar Sheikh and Mushtaq Zargar, police forces across India have been reluctant to take Pakistani nationals prisoner. In the absence of a political decision on not negotiating with hostage-takers, holding high value terrorists poses problems. Then, despite years of debate on police modernisation and reform, forces on

AHMEDABAD ENCOUNTER — PART III

the ground do not have access to the kinds of technology needed to secure convictions.

On top of it all, India has no witness protection programme. As such, anyone depositing on a terrorist crime does so at considerable risk to his or her life. All of this has manifested itself in a dismal conviction rate in terrorism-related offences: less than 50 people have been convicted for the tens of thousands of civilian deaths in Jammu and Kashmir and Punjab. "Police-men on the ground are finding that law and order are sometimes in opposition," argues a senior official, "but no one seems to be talking about the structural reforms that are so desperately needed."

What is known about the Ahmedabad case does not enable an unequivocal finding of fact. Advanced forensics could settle the questions: tests exist, for example, which could establish whether any of the four accused fired a weapon during the shootout.

What the controversy has underlined is the need for a transformation of the criminal justice system: a process that needs both cash and political will, commodities conspicuous by their absence.

(Concluded)

Lashkar fishes in troubled waters

By Praveen Swami

AHMEDABAD, JUNE 26. Like most young people her age, Ishrat Jehan Raza occasionally cruised the internet. If the Gujarat police are right and the Mumbai college student who was killed in Ahmedabad on June 15 was a Lashkar-e-Taiba operative, she would most certainly have seen a graphic image on the organisation's website: riot survivor Qutubuddin Ansari begging for his life. Underneath the image, the Lashkar's site designer added a slogan: "don't you think he should have a gun?"

Like most things to do with the organisation, the Lashkar's plans for Gujarat are no secret. Ever since the pogrom of 2002, the organisation has been publicly calling on Indian Muslims to join its Jihad.

In an article published that year on the Lashkar website, its political head, Hafiz Mohammad Sayeed, asked "the Muslims of India that they themselves rise up for their protection."

"Only Jihad," he continued, "is the defence of the oppressed Muslims. The riots have proved that the Hindus are fully armed but the Muslims are badly ill-equipped to cope with such a situation."

Almost two weeks after the controversial encounter that

claimed Ishrat's life, along with those of Pune resident Javed Sheikh and two Pakistani nationals, it is still unclear just what motivated the young college student to join the ranks of the Lashkar. That she did so, in at least some peripheral form, seems probable. Evidence has emerged that Ishrat maintained telephone contact with Javed, and that codenames entered in her diary match those in a separate register maintained by her associate.

These codenames, meant to refer to potential assassination

AHMEDABAD ENCOUNTER — PART II

targets, offer at least some clues to her motivation. Leaders widely believed to be at the cutting edge of anti-Muslim political mobilisation received particularly venomous nomenclature. Bajrang Dal leader Vinay Katiyar is referred to as 'Kutta,' or dog; Vishwa Hindu Parishad demagogue Dr. Praveen Togadia as 'Tingu,' or dwarf. Gujarat Chief Minister Narendra Modi is coded 'Mubarak,' or congratulations — a reference, perhaps, to the sentiments the Lashkar would pass on to his assassins.

Ishrat's sentiments mirror those of some youth who were

incensed by the Indian state's failure to deliver justice during or after the violence in Gujarat. Mr. Sayeed's article taps this anger, arguing that "the only way for the Muslims of India is to organise their movements [sic.] for liberation. There is no other way out." "Why to die helplessly?" the Lashkar chief asks. Some have been listening. Since the Gujarat riots, evidence has emerged that the Lashkar has succeeded in recruiting several — perhaps dozens — of young people from the State and elsewhere.

Apart from six men known to have trained with the Lashkar in Poonch, the investigation into the assassination of former Gujarat Home Minister Haren Pandya threw up a mass of evidence on recruitment by Islamist groups in Gujarat. Residents of the State working in West Asia are major targets.

Key figures in such recruitment include Abdul Bari, a Hyderabad resident last seen in Saudi Arabia operating under the *nom de guerre* Abu Hamza.

Javed, like several of those involved in recent terrorist crime, is believed to have been recruited on the second of two visits to Oman.

It would, however, be facile to link recent recruitment only to the Gujarat pogrom. Lashkar recruitment outside Jam-

mu and Kashmir dates back to the immediate aftermath of the demolition of the Babri Masjid in 1992, when the organisation won several recruits.

Ishrat's neighbourhood, the Thane ghetto of Mumbra, has a strong subterranean tradition of support for the Lashkar, underpinned by the influence of the local Ahl-e-Hadis seminary — the sect from which the terrorist groups derives its religious legitimacy. As early as 2000, four top Lashkar terrorists were arrested in Mumbra, along with local sympathisers.

Religious organisations such as the Tabligh-i-Jamaat and the Ahl-e-Hadis have cashed in on the climate of fear generated by decades of anti-Muslim violence, emphasising communal separateness.

From this ideological foundation, violence is for some just a small step away.

HTD-1
26/6

Gujarat Lashkar conspiracy was infiltrated by Intelligence mole

By Praveen Swami

AHMEDABAD, JUNE 25. Claims by the Gujarat Police that four Lashkar-e-Taiba terrorists killed in an encounter last week intended to execute an attack on the Chief Minister, Narendra Modi, may have been overblown. An investigation by *The Hindu* has found that the group was indeed engaged in reconnaissance for a suicide-squad attack on Hindu fundamentalist leaders — but the mission was monitored by intelligence agencies at each stage and infiltrated from its outset.

Last week's encounter on the outskirts of Ahmedabad, along with a separate encounter in Mumbai which claimed the lives of alleged Lashkar operatives, Adnan Kirmani and Anwar Illahi, was the outcome of a four-month-long covert operation by the Intelligence Bureau. The operation was sparked by a letter discovered on the person of the Lashkar commander, Ehsan Illahi, who was eliminated along with six other terrorists in a shootout at Andarwali Dhoke in Arai, in the border district of Poonch, on February 20 last.

Authored by Haji Sadiq Ahmad, a Poonch resident held in the Ahmedabad Central Jail for his role in a related 2003 terrorism-crime, the letter provided the Intelligence Bureau considerable insight into the Lashkar's pan-India apparatus. In the light-blue inland letter, written in Urdu, Mr. Sadiq Ahmad asked for Rs. 2 lakhs "to get ourselves freed from here." He proceeded to name suspected Intelligence Bureau sources in Poonch, and asked Ehsan Illahi for his intercession to

help four Lashkar recruits from Hyderabad to escape a police dragnet.

Most important of all, though, Mr. Sadiq Ahmad's letter mentioned the name of a key member of the Lashkar's support network in Gujarat — a lawyer. It turned out he was peripherally involved in transporting six Ahmedabad men to Poonch for training with the Lashkar in 2003. One of the six, Munir Ahmad, died in an encounter while the others made their way across the Line of Control. A Poonch resident who operated a transport business in Gujarat, Latif Khan, was subse-

AHMEDABAD ENCOUNTER — PART I

quently held for his role in the affair.

It turned out that the lawyer's elderly mother had passed on information, during questioning, to the Ahmedabad Crime Branch on the group of six. Mr. Sadiq Ahmad's letter made it clear that the Lashkar knew of this betrayal. It is most likely that the Ahmedabad police told the lawyer that the score would be settled. After some persuasion, he turned and began cooperating with the intelligence agency. The Intelligence Bureau's Ahmedabad station now took charge of their new-found mole, and began using him to lure Lashkar cadre to Gujarat.

In essence, the operation was simple. The lawyer was instructed to tell Javed Sheikh, a Pune resident who was among those killed on June 16, that the infrastructure was in place to execute an attack on Mr. Modi. Much of their subsequent

dealing was conducted through Ishrat Jehan Raza, a Mumbai college student whose killing sparked off furious protests. Police officials in Ahmedabad now have in their possession records of several calls she had made to Javed from Tavakkal Communications, a public telephone centre in Mumbra, where she resided.

By early May, Javed had requisitioned two suicide-squad members to launch the actual attack. The Border Security Force's in-house intelligence wing, the General Branch, picked up signs of the movement in mid-May. Its signals intelligence staff intercepted coded wireless communications asking two Lashkar cadre to report to a handler in Udhampur, near Jammu, and then proceed to their final destinations. New Delhi was referred to as Rajdhani, and the final destination, Ahmedabad, as Manzil.

Informed official sources say that both suicide-squad volunteers had served upwards of a year in Jammu and Kashmir. Jishan Johar, a resident of Gujranwala in Pakistan, had operated in the Bandipora area while Amjadali Rana, who hailed from Sargodha, worked with a Lashkar unit in the Reasi area. Rana also held fake identification papers issued by an executive magistrate from the mountain town of Mahore. Like the Lashkar operatives who carried out the earlier attack on the Akshardham temple in Gandhinagar, the terrorists probably hoped to reach Ahmedabad just days or hours before the intended assault.

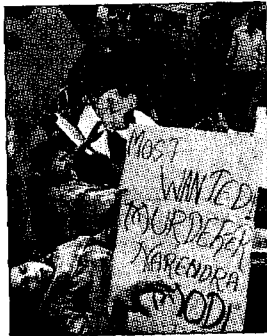
In this case, however, there was no target: just a police ambush.

Gujarat cops find terror trace in 'Ishrat diary'

HT Correspondent
Ahmedabad, June 20

THE CONTROVERSY over the "encounter death" of 19-year-old Ishrat has taken a new turn with the Gujarat police coming up with "Ishrat's diary", claiming it contains clinching evidence of her terrorist links.

Analysis of some coded entries in the diary and subsequent checks have conclusively proved that Ishrat had been to Ahmedabad at least once before and had received money to pass it on to terrorists, assistant commissioner of police D.G. Vanjara said. Ishrat and Javed had reached the old city on May 15 and checked in at Shiv Ganga Hotel under assumed names, he claimed. Interrogation of the hotel receptionist,



A protest before Gujarat Bhavan in New Delhi on Sunday.

who was shown photographs of the slain "terrorists" had revealed they had checked in as "Abdul Rehman and wife". They had visited the city for a reconnaissance of the houses and offices of "target VVIPs" mentioned in the diary in a coded form, Vanjara added.

Recovered from the "terrorists' car", the diary apparently indicates Ishrat had received Rs 4.80 lakh, from which she gave Rs 1.06 lakh to Salim, one of the two "terrorists" of supposed Pakistani origin.

Asked why the police took so much time to come up with the "evidence" though the diary had been found on June 15 itself, Vanjara said, "We can't reveal everything until investigations are complete."

The police also backed up the "evidence" with a taped "confession" of Ishrat's mother Shami-ma, grilled by the crime branch when she had come to collect her daughter's body. Shami-ma has already claimed she made her statement under pressure.

Mother claims Ishrat's body, says she's innocent

By Anil Singh/TNN

Shinde Says No Need For CBI Probe, NHRC Seeks Report 'Ishrat used as a cover by militants'

interrogation by the crime branch, Shamima said. "They asked me where Ishrat would go, with whom, the source of our income, who all used to come to meet her. They also asked me whether I had seen any of the three men who were accompanying Ishrat had gone missing. On being asked if she had any inkling of being involved in a terrorist network and that intelligence sleuths has tailed her on earlier occasions, Shamima said, "My daughter is innocent."

Meanwhile, Maharashtra CM Sushil Kumar Shinde said that he did not feel the necessity for a central probe at present. Speaking to reporters at Pune, Shinde said that Maharashtra police is capable of carrying out the investigations into the encounter in Ahmedabad. At the current juncture, the police were investigating the matter, he said.

The National Human Rights Commission on Friday sought a report from Gujarat police on the encounter. Taking suo moto cognizance of media reports, it questioned the police claim that the slain persons were terrorists. The NHRC also directed the Gujarat DGP to take "appropriate action" with regard to investigation of the case and submit its report within six weeks, a spokesperson said.

The Maharashtra State Minorities Commission has also called for a CBI probe into the encounter.

High drama prevailed in the city civil hospital and crime branch headquarters as the relatives of Ishrat Sheikh, the Mumbai girl who was shot down along with three alleged LeT operatives by the crime branch Tuesday, came to claim her body.

The victim's mother Shamima Raza demanded a CBI probe into the "fake" encounter. She was accompanied by members of a fact-finding committee constituting members of 12 political and religious organisations, including Samajwadi Party, Congress and Jamat-e-Islam. They took the body back to Mumbai and said that a second post mortem could be conducted on Ishrat at a hospital in Mumbai.

On her arrival, Shamima was questioned by crime branch ACP G L Singhal in presence of some committee members and later by additional CP (Crime) D G Vanzara in isolation.

The group arrived at around 3.30 pm and went straight to the post-mortem room from where they re-emerged shortly afterwards, refusing to claim the body and take it back to Mumbai without the post-mortem report. The stalemate was resolved with the intervention of senior policemen and hospital authorities.

Sneaking to reporters about her ing her. I told them I had not seen them before." Shamima claimed Ishrat had told her that she was going to look for a job in Mumbai, but a CBI probe into the encounter.

could not answer why Ishrat had carried three pairs of clothes. The mother, however, refused suggestions that Ishrat had gone missing on earlier occasions too. On being asked if she had any inkling of being involved in a terrorist network and that intelligence sleuths has tailed her on earlier occasions, Shamima said, "My daughter is innocent."

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mother Shamima said she left home on June 12 after telling her sisters that she was going out of town for a few days.

"She told her sisters, 'Tension mat lena, hum vapas aa jayeenge (Don't worry, I'll be back)'," Shamima said on Wednesday. Ishrat's classmates said she was a regular student but would remain absent intermittently for two to three days. It is not clear whether Ishrat had been indoctrinated by the militants or she was accompanying them for money or adventure. Her classmates remember her as a cheerful girl who did not discuss politics or religion. Ishrat's father, a construction contractor, had died in 2001, leaving behind his wife, five daughters and two sons. Ishrat, the second child, taught kids in the neighbourhood to pay for her college education. The family had shifted from Patna to Mumbai 14 years ago.

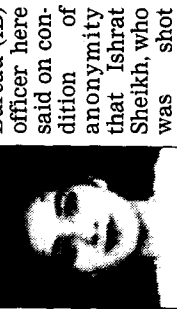
Police sources here do not give credence to the Thane police statement that they had not been able to establish any link between Ishrat and any terrorist group.

Mumbai: An Intelligence Bureau (IB) officer here said on condition of anonymity that Ishrat Sheikh, who was shot dead along with three alleged terrorists in Gujarat on Tuesday, was being used as a cover by the militants.

Terrorists often travel with women and children while ferrying weapons or explosives to get past police checkpoints without arousing suspicion. In fact, Ishrat, a SYBSc student, was even carrying her Khalsa College identity card at the time of her death. According to the IB source, she was in love with one of the two Pakistani ultras killed in the encounter.

The information that Ishrat accompanied the militants on trips out of Mumbai is indirectly corroborated by statements given by her mother and her classmates. Asked by TNN how Ishrat had reached Gujarat, her

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Cong presses for CBI probe into Modi attack

Our Political Bureau

NEW DELHI 18 JUNE

NEVER mind Maharashtra police's assertion that Javed, alias Pranesh Kumar Pillai, was one of the terrorists gunned down by their counterparts in Gujarat and chief minister Sushil Kumar Shinde's statement that it was too early to give a clean chit to Ishrat Jahan Shaikh, the Congress is insisting on a CBI probe into the whole episode.

The Congress on Friday sought to link the timing of the encounter with the political predictions of chief minister Narendra Modi. The central leadership which was inclined to go with the Gujarat PCC's stand on the issue also sought the intervention of the National Human Rights Commission.

Addressing a press conference, Congress leader Salman Khurshheed said the Congress was always for actions to check the terrorists activities anywhere in the country, but it was backing the demand for the CBI probe into the Ahmedabad incident as "serious doubts" have been already raised about the genuineness of the encounter.

Mr Khurshheed also said in Gujarat it had become a trend during the last many years that whenever chief minister Mr Narendra Modi came under political attack, there were incidents of such police en-



ounters. He said it had also become a trend in Gujarat that none of the terrorists were ever arrested alive but were silenced through bullets without the accused ever getting a chance to explain his side of the story. He said the timing of the latest killing in Ahmedabad coincided with Mr Modi coming under increased attack from the former Prime Minister, Mr Atal Bihari Vajpayee. "A CBI inquiry should find out among other things how these so-called terrorists were allowed to travel so far from the border and how they could get close to the alleged target, Mr Modi, when they were gunned down."

Probe to ascertain Ishrat's record

SNS & PTI

MUMBAI/AHMEDABAD, June 17. — With doubts being raised over whether the four persons killed by Gujarat Police were actually terrorists, Maharashtra government today ordered an inquiry to ascertain if the Mumbai-based girl shot dead had any criminal record as it found no evidence to link her with any militant outfit.

The 19-year-old Ishrat Jehan Shaikh, resident of Mumbai in Thane district, was

among those killed by Gujarat Police claiming that they were Lashkar-e-Tayyaba terrorists and were planning to assassinate Chief Minister Mr Narendra Modi. Mumbai Police which found no evidence of her having links with any terrorist outfit, visited her college today. Maharashtra home minister Mr RR Patil said: "I've asked for a probe to see if she was involved in any criminal activities and had any crime record."

Gujarat's leader of Opposition, Mr Amar Singh Chaudhary, has demanded a CBI probe into the "encounter". "Since Mr

Modi was being cornered, the incident was there only to generate sympathy for him," he said. A Muslim organisation, Raza Academy, also demanded a CBI inquiry into the killings, calling it a result of "political warfare" between Mr Vajpayee and Mr Modi. Also today, Samajwadi Party MP Abu Azmi visited Ishrat's family.

Bilkis case: The Gujarat government today gave permission to the CBI to conduct proceedings against four policemen and two doctors accused in the Bilkis Banu gangrape and murder case.

Relentless Atal hammers Modi

94 1866



MODIFICATIONS

June 13

Atal Bihari Vajpayee:
We are thinking afresh about the situation in Gujarat. The matter will be discussed at the Mumbai meeting (BJP national executive). All kinds of decisions can be taken

June 14

M. Venkaiah Naidu:
There is no question of the national executive discussing the change of the chief minister of Gujarat

June 16

Mukhtar Abbas Naqvi: Replacing Modi as Gujarat chief minister will be discussed on the sidelines of the national executive

June 17

Atal Bihari Vajpayee:
We will discuss Gujarat in Mumbai. We discuss (such issues) both after victory and defeat. We will not be afraid of discussions

Today?

RADHIKA RAMASESHAN

New Delhi, June 17: A decision on sacking Narendra Modi may be taken on Sunday when Atal Bihari Vajpayee is expected to hold a meeting with L.K. Advani, party president M. Venkaiah Naidu and the Sangh point man for dealing with the BJP, Madan Das Devi.

Vajpayee today insisted Gujarat would be discussed at the national executive next week in Mumbai, apparently threatening not to attend the session if he did not have his way.

Emboldened after silencing Modi backers in the Sangh and the BJP, Vajpayee said: "We will discuss Gujarat in Mumbai. We discuss (such issues) both after victory and defeat. We will not be afraid of discussions."

Vajpayee had reopened the Modi chapter last Sunday when he said Gujarat would be raised at the executive.

If the issue is clinched the coming Sunday, Modi could be told to put in his papers before the executive meets on June 23-24. If not, the leadership would wait for the anti-Modi legislators to regroup and launch their next offensive. The interregnum, sources said, would help them find a successor.

discuss and decide on such issues."

The Sangh request was that Modi's resignation should be de-linked from the post-Godhra violence and the defeat in the Lok Sabha polls. But going by Vajpayee's mood, he may not play ball.

Today's insistence was seen as the clearest signal from him that if Modi went, it would only be because of the violence and the way his government had handled it.

Vajpayee has been smarting under the humiliation of being unable to get him out when he was the Prime Minister. Besides, he had to suffer the adverse publicity his own government had received within and outside India on Gujarat.

Those who had picked up the bat for Modi soon after Vajpayee's first statement were today either not heard or had changed tack.

There was no word from the RSS chief, K.S. Sudarshan, or the Vishwa Hindu Parishad while Naidu has started ingratiating himself to Vajpayee with the determination that marked his damage-control mission after last year's blundering remark about "lauh purush and vikas purush" (iron man — Advani — and development man — Vajpayee).

■ See Page 6

But there was also a view that the longer the wait, the greater the chances of Modi consolidating his position and striking back.

"Eighty per cent of the Gujarat party wants him to go. So rather than wait for the battle to be fought in public, the change should happen swiftly," said a central office-bearer.

After the second assertion from Vajpayee that Gujarat would be on the Mumbai agenda, there was a feeling in the BJP that the sooner the "Modi matter" was settled the better.

A discussion on Gujarat could trigger a slugfest on why the BJP was worsted in states like Uttar Pradesh and Bihar; the sources said. The Maharashtra BJP, hosting the meeting, did not want a discussion on Gujarat for fear it may alienate its hardcore constituents in the state which goes to the polls in three months.

It is learnt that Advani and general secretary Pramod Mahajan, who is in charge of Maharashtra, could try and persuade Vajpayee, at the June 20 meeting, to give up his stand.

Appearing to harp on technicalities, senior leader V.K. Malhotra said the issue of chief ministership is not a subject for a meeting of the executive. "It is for the parliamentary board to

Modi murder 'plot' throws up questions

OUR CORRESPONDENT

Ahmedabad, June 16: Police today claimed to have identified the lone woman in the group of four alleged militants "on a mission to kill Narendra Modi" who were gunned down yesterday.

The woman was identified as Raza Ishrat Jahan, a resident of Thane in Maharashtra and a student of Khalsa College. Additional police commissioner D.G. Vanzara said the police found her college identity card.

The police had claimed yesterday that the four were Lashkar-e-Toiba militants and identified the three men. Two of them were Pakistanis and the third was Javed from Pune, they had said.

But today the police said Javed's real name — as listed on his driving licence — was Premesh Kumar Gopinath Pillai. He was driving the Indica car bearing a Maharashtra registration number that the police claimed to have chased for 10 km before

gunning down the four early last morning.

Vanzara claimed that the Pune resident had converted to Islam in 1992. But he did not offer any proof to support the claim.

There was no explanation either why he had retained his Hindu name. "At this juncture," the officer said, "we only have this much information. We are still in the process of verifying things and collecting information."

The police version has left a

lot of questions unanswered.

If the four were trained "dayeen" from Lashkar's suicide squad who were experts in handling explosives and on a mission to kill the chief minister as the police claim, how is it that they failed to injure even a single policeman in the "shootout"? The police have claimed that the militants fired 40 rounds from an AK-56 rifle and pistols. Yet, not one bullet hit a policeman.

Apart from the AK-56 and two pistols, the police said 20 kg of

explosives and 150 cartridges were found on the four.

It is surprising that the trained militants, who the police claim had managed to conduct a survey of Modi's bungalow and office in the high-security zone where even MLAs are screened, were unable to shake off the policemen in a 10-km chase.

In a strange coincidence, the four alleged militants were gunned down at the same deserted place — Kotarpur — where underworld don Latif was killed

in an encounter seven years ago. Former chief minister

Amarsinh Chaudhary today accused the police of becoming a tool in Modi's hands. He alleged that the encounter was staged to evoke sympathy for the beleaguered chief minister.

The People's Union for Civil Liberties has demanded that the investigation be handed over to the CBI "as two of the alleged terrorists were from Pakistan and the case has ramifications across the border".

'Plot' to kill Modi foiled

HT Correspondent
Ahmedabad, June 15

THE CITY police today claimed it had foiled an imminent attempt on Chief Minister Narendra Modi's life by gunning down four persons, including a woman, allegedly linked to the Lashkar-e-Tayyeba (LeT).

Joint commissioner of police P.P. Pandey said two of the slain militants, Jishan Johar and Amzad Ali, were Pakistanis, while the third, Javed, hailed from Pune. The identity of the woman has not yet been established. But the commissioner hinted that she might be an Indian.

An AK-56 rifle, two imported pistols, a satellite telephone, two mobile phones, cartridges, magazines and more than Rs 2 lakh in cash were recovered from the slain persons' car.

On what led the police to believe the gang's mission was to eliminate Modi, Pandey said it was based on intelligence inputs. He refused to answer a question on why there was an encounter whenever Modi faced a political crisis.

According to the joint commissioner, they had set up vigil at all six entry points to the

ANOTHER POLITICAL CRISIS, ANOTHER ENCOUNTER



Bodies of the four Lashkar-e-Tayyeba terrorists who were killed in an encounter in Ahmedabad.

city on being tipped off that the militants were likely to head for Gandhinagar from Vadodara. As soon as the Indica car was spotted at the Narol crossing around 4.30 in the morning, the police gave it a hot chase. It was stopped at a barricade set up on the way to the airport.

The militants opened fire on the police vehicles blocking the road towards Gandhi-

nagar, as the policemen hot on their chase shot at the Indica's tyres, Pandey said.

Soon afterwards, the militants were surrounded from all sides and killed after gunfire. Interestingly, no policeman sustained injuries in the crossfire.

Pandey also said that the terrorists had reportedly done a recce of the chief minister's residence, office and

the routes he usually takes.

Gandhian's prophecy

Just last Friday, a Gandhian activist had, while speaking at a meeting of NGOs, expressed fears of some incidents being triggered off to evoke Hindutva sentiments in the state, in view of the political situation and the forthcoming Rathayatra on June 19.

BJP weighing sack for Modi, says Atal

HT Correspondent & PTI
New Delhi, June 13

9th Street
HR/19/6

A DAY after admitting the Gujarat riots had led to the poll debacle, A.B. Vajpayee today dropped another bombshell by saying next week's BJP national executive meeting in Mumbai will discuss sacking Narendra Modi as chief minister.

The former Prime Minister also confirmed what had been widely speculated earlier: that he wanted to sack Modi but had yielded to the hawks in the Sangh Parivar.

Indications are that the BJP leadership may be toying with the idea of removing Modi before the Assembly polls in Maharashtra in September.

"We are thinking afresh on the situation in Gujarat. The matter will be considered at the Mumbai meeting (on June 23-24) of the national executive. All kinds of decisions can be taken," Vajpayee said. Asked if the BJP could rethink the issue of sacking Modi, he said, "We have to see what will be the losses and gains in that. We will have to have new policies."

Vajpayee confirmed that after the riots, "there were two opinions (in the BJP) on the question of removal of Modi. Some people wanted his removal. I was of the same opinion. But the entire responsibility was put on me and I had to take a decision keeping in mind all shades of opinion. I felt that holding elections would be more beneficial."

Asked if the decision not to sack Modi had been the wrong one — and if the party had suffered because of it — the former PM replied, "On this also there were different opinions. But we did not realise that this strategy would be exploited so much outside Gujarat. The kind of films that were distributed... the



Some people wanted Modi out after the riots. I was of the same opinion. But the entire responsibility was put on me and I had to keep in mind all shades of opinion

whole thing was run like a campaign."

He agreed it would have been better to have sacked Modi. "But after the event, such debates are academic in nature and it does not change the situation."

RSS nails Vajpayee 'lie'

RSS chief K. Sudarshan attacked Vajpayee's statement blaming Gujarat for the BJP's poll defeat, saying this was a "lie" aimed at maligning Hindus. "If a lie is repeated many times, it is perceived to be the truth," he said.

THE HINDUSTAN TIMES 14 JUN 2004

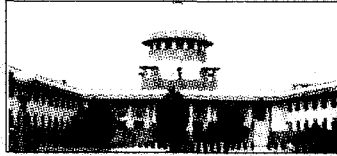
Prosecutor row hits Bakery retrial

HT Correspondents
Mumbai/Ahmedabad, June 7

Blast from past

THE BEST Bakery retrial, shifted to Maharashtra from Gujarat by the Supreme Court, was adjourned for two weeks hours after it opened today as the two state governments fought over which of them should appoint the public prosecutor.

Late at night, Gujarat appointed a prosecutor of its choice without it being immediately clear whether Maharashtra or the trial court would accept the appointment. Nor was it clear whether the state had sought the opinion of the riot witnesses on the appointment, as directed by the Supreme Court. The apex court had earlier said the prosecutor at the original trial in a Gujarat court had



The public prosecutor (at the original trial) behaved like defence counsel. Prosecutor for retrial to be appointed after consulting the witnesses

— Supreme Court on April 12

behaved like a defence lawyer.

At the opening of the retrial this morning before Mumbai sessions judge Abhay Thipsay, both Gujarat

and Maharashtra sought time to appoint a public prosecutor, interpreting the Supreme Court directive in their own way.

Thipsay, appointed to hear the case by Bombay High Court, observed that "there cannot be two prosecutors for one case". He adjourned the hearing till June 21 and asked the two states to settle the issue between themselves by then. He reminded them of the Supreme Court directive that the opinion of the witnesses must be sought on this.

Later in the evening, Gujarat unilaterally announced the appointment of Vadodara-based lawyer Atul Mehta as public prosecutor in the case. State Law Minister Ashok Bhatt told *HT* that Mumbai-based lawyer T.S. Nanavati will assist Mehta.

Modi wings clipped, rebels told to shut up

Shekhar Iyer and Rathin Das
New Delhi/Gandhinagar, May 28

THE BJP top brass today virtually put Narendra Modi on notice though it publicly backed the Gujarat chief minister and warned the rebels against fresh attacks on him.

Party chief Venkaiah Naidu — who spoke to Modi and dissident leader Suresh Mehta today — announced that there is no plan to replace Modi as chief minister. He issued a notice to rebel MLA Purushottam Solanki, asking him to apologise for his attack on Modi.

At the same time, the BJP central leadership handed a sop to the rebels, indicating that state BJP chief Rajendra Singh Rana may be replaced with a leader from the anti-Modi camp. Modi will also be advised to shuffle his council of ministers and induct some disgruntled MLAs; and to change his style of functioning, allowing better access to MLAs and BJP workers.

If these steps fail to solve the problem in the next few months, BJP sources said, the party top brass may well consider replacing Modi. But for now, both Modi and the dissidents have been told to exercise restraint, at least till the Assembly session is over. The tough-talking had the desired



Narendra Modi
Under siege

effect. Solanki, who had led about 60 of the 127 party MLAs into demanding a change of leadership at the birthday party of veteran BJP leader A.K. Patel, phoned Naidu and apologised for his public statement against Modi. Naidu asked Solanki to apologise in public.

Root of the rout

ONE OF the BJP's most visible Muslim leaders, Shahnawaz Hussain, today virtually blamed Modi for the poll debacle, saying the Gujarat riots had had a major influence on the Lok Sabha voters. "It was the biggest issue among the minorities," he said.

Modi bruised in birthday bash

HT Correspondent & PTI
Ahmedabad, May 27

ON THE heels of the party's poor showing in the Lok Sabha elections in Gujarat, Chief Minister Narendra Modi was faced with a stiff revolt tonight from within the ruling BJP with nearly 60 of the party's 127 MLAs demanding a change of leadership after accusing him of functioning like a dictator.

Senior Gujarat BJP leader Suresh Mehta, said to be a critic of Modi, met party president M. Venkaiah Naidu and party general secretary Sanjay Joshi, who is the RSS

pointman in the BJP, and conveyed to them the growing resentment in the party's state unity against the Chief Minister's style of functioning.

The dissidents led by Purnushottam Solanki, the legislator from Bhavnagar, went public with the demand for Modi's ouster at a birthday party of veteran BJP leader A.K. Patel, considered close to Modi's predecessor and arch-enemy Keshubhai Patel, at a farmhouse Gandhinagar, which turned to be a show of strength by Modi's critics.

Upping the ante against Modi by several notches, Solanki alleged Modi was be-

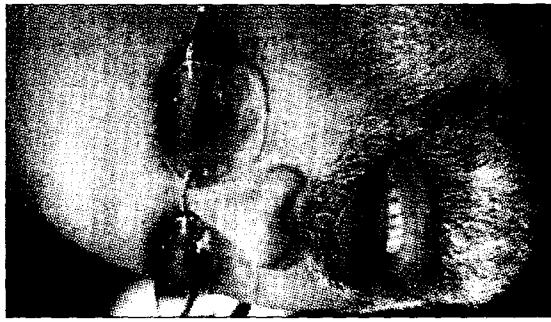
having like a dictator and his removal is necessary. "Nobody is listening to the MLAs. Their work is not being done and they are unhappy and demanding a change."

Solanki claimed the demand for Modi's ouster has the support of 62 MLAs and Keshubhai Patel, all of whom were present at the birthday function. Asked if the dissidents would take their demand to the BJP high command, Solanki said: "We have not yet decided about that."

Besides Keshubhai Patel, former Union Ministers in the NDA government, Valabh Kathiriyia and Bhavna

Chikhaliya, who lost the recent Lok Sabha polls in Junagarh, sitting MP from Surendranagar Soma Ganda, Maya Kodhani and former state Home Minister Gordhan Zadafiya were present at the party. Over 60 MLAs, mostly known to be from the Keshubhai camp, were present.

Solanki said when the party, under Keshubhai, had lost just two Lok Sabha seats in Gujarat bypolls some years ago, he had to make way. Now that the party has lost 14 seats, there is naturally a demand for a change of guard. He wouldn't say if the demand has the RSS' backing.



Narendra Modi
House on fire

Modi threatens to resign in bid to quell dissent

TIMES NEWS NETWORK

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Wingent

Gandhinagar: In a bid to arrest the dissidence, which has now assumed gigantic proportions, Narendra Modi on Wednesday threatened to resign and recommend dissolution of the state assembly. The threat was delivered just after the weekly cabinet meeting ended with most ministers still within earshot and carried further when Modi met MLAs individually later.

Referring to the large number of MLAs meeting state BJP chief Rajendrasinh Rana in Ahmedabad to complain against him, Modi was quoted angrily asking the ministers, "What is all this happening? If the MLAs do not have confidence in me, then I will resign". A senior BJP MLA said Modi repeated the threat later during a meeting with MLAs individually, pointing out that many of them had been elected because of him.

Dissidence has been mounting after the results of the Lok Sabha polls were announced and has gained momentum during the last three days. Matters came to a head on Monday evening, when Modi abruptly closed a BJP legislature committee meeting after 25 MLAs stood up to air their grievances. BJP MLAs have been virtually behaving as opposition legislators in the state assembly whose session is presently on.

Reacting to Modi's sharp remarks after the cabinet meeting, revenue minister Kaushik Patel, health minister I.K. Jadeja, home minister Amit Shah and law minister Ashok Bhatt reportedly tried to reassure the CM that they would convince the

MLAs not to indulge in "groupism". They also persuaded Modi to start meeting MLAs individually in an effort to take care of their grievances.

Later, in the evening, after the day's state assembly session ended, Modi was found meeting MLAs individually.

Rumblings in the state assembly began immediately after the cabinet meeting ended. There were also reports that ministers I K Jadeja, Ashok Bhatt and Amit Shah, who are Modi's men had been given the job of obtaining signatures from MLAs in support of Modi.

Throughout the day, very few BJP MLAs were present in the state assembly. Finance minister Vajubhai Vala had to send frequent reminders to both ministers and MLAs to listen to the debate on the budget but none seemed interested. In the last few days, BJP MLAs were behaving as if they were opposition legislators during assembly proceedings.

The MLAs on Wednesday were huddled together at various places, including the chamber of BJP chief whip Jitendra Sukhadia, MLAs' lounge and MLAs' quarters. Some of them were also seen at the Circuit House annexe in Ahmedabad to meet state party chief Rajendrasinh Rana. According to one BJP MLA, on Tuesday alone about 35 MLAs had met Rana, taking the total number to 85.

Wednesday's developments took shape after senior BJP leaders Suresh Mehta, Kashiram Rana and Rajendrasinh Rana held a meeting at Keshubhai's residence late on

Tuesday evening to discuss the political developments and whether it was time to further step up the offensive against Modi.

Mehta is leaving for Delhi to apprise the central leadership about the deepening political crisis. On the other side, some Modi loyalists have started collecting signatures of MLAs in favour of the chief minister.

In another development, Rajendrasinh Rana had a telephonic conversation with L K Advani as well as Venkaiah Naidu on Wednesday morning and told them about the resentment against Modi. Rana who was elected to Lok Sabha from Bhavnagar had alleged that two MLAs close to Modi had tried to sabotage his election.

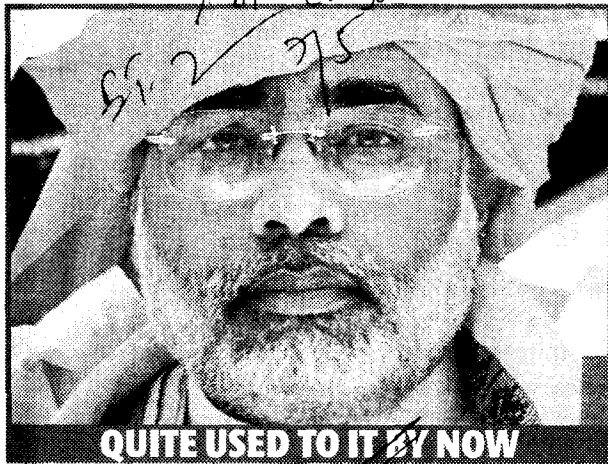
Birthday bashing!

Gandhinagar: The birthday celebrations of former Union minister A K Patel in Ahmedabad on Thursday evening may serve as a platform for the Modi baiters in the Gujarat BJP to show their strength.

BJP sources said that Patel, a former MP from Mehsana, had decided to celebrate his birthday in Ahmedabad though the venue had not been communicated to the MLAs. BJP sources said Modi's fate would well hinge on how many of the 127 BJP MLAs attend the birthday bash which has now assumed political overtones. TNN

27 MAY 2001

Modi socked again, SC calls him arrogant



Our Political Bureau
NEW DELHI 6 MAY

THE Supreme Court delivered another blow to the Narendra Modi government in Gujarat when it said, "it appears to be arrogance on the part of the state" to seek a review of the Best Bakery judgement.

The remarks came while the apex court reserved its verdict on the maintainability of Gujarat government's plea seeking review of an earlier judgement transferring the Best Bakery case trial to a Maharashtra court. Miffed at the plea of the state that the apex court did not have jurisdiction to transfer the trial suo motu, a bench comprising Justice Doraiswamy Raju and Justice Arijit Pasayat came down heavily on the government and questioned its plea to expunge certain remarks against the state.

Additional solicitor-general Mukul Rohtagi, who appeared for the state, was at loss of words as both the judges went on castigating the manner in which the application seeking review was drafted. The Bench had in its judgement had compared the Gujarat government officials to the modern day Neros, who looked the other way when the innocent were burning during the trial. The state is seeking expungement of this and similar other observations of the court in the judgement. The Bench said "we never tried to identify the persons. It is after the judgement that they are trying to identify themselves with the act. This is a case of arrogance on the part of the state." When Rohtagi apologised for "hurting the sentiments" of the Judges, there was more in store for him. "If at all you have hurt something, it is this institution and the profession."

The court wanted to know from the government as to who has filed the affidavit along with the review application as it had been averred that the Court did not give proper opportunity to the State and also whether he was present during the hearing of the appeals filed by the State and key witness Zahira Shaikh. Warning the state that it cannot "browbeat the Supreme Court like this", the Bench said: "If this happens to the SC, we shudder to think what will happen to the High Court or the subordinate courts."

Too late to check jailbirds: Apex court

Our Political Bureau
NEW DELHI 6 MAY

THE SUPREME Court today stayed a Patna High Court order directing the Election Commission to countermand polls in constituencies where candidates have been disenfranchised due to their being in jail, saying it was too late to be implemented.

"When the elections have reached the last stage, the directions of the high court are not practicably implementable," observed a three-judge bench of the apex court headed by Chief Justice S Rajendra Babu while admitting EC's appeal against the April 30 high court order.

However, the court agreed to consider the basic question of



whether an undertrial prisoner, who has no right to vote, can contest an election. Appearing for the EC, counsel K K Venugopal assailed the Patna high court order saying

that it went against Article 329(b) of the Constitution that specifically debar all courts from interfering with the conduct of an election once the process gets underway. He also argued that "if the declaration of the law by the high court were to be given retrospective effect...it would result in directly affecting the already concluded stages of scrutiny of nomination papers, withdrawal of nominations and publishing the list of candidates, apart from the polling that has already taken place".

SC notice to Gujarat on Mallika plea

HT Correspondent
New Delhi, April 29

THE SUPREME Court on Thursday issued notice to the Gujarat government on a petition by danseuse Mallika Sarabhai challenging Gujarat High Court's order refusing to quash the human-trafficking case against her.

However, a Bench, headed by Chief Justice V.N. Khare, allowed the

police to continue investigations into the case but barred the trial court from taking cognisance on the basis of the police report.

Sarabhai alleged that the state government had been harassing her for the stand she had taken on the communal violence in the state.

She claimed that the police had slapped a false case on her.

Sarabhai said her in-

stitute, Darpan Academy, had selected 13 people for a tour abroad at a cost of Rs 3.3 lakh each.

She claimed the institute had returned the amount to each participant after the tour was cancelled.

But the police registered a case of human-trafficking against her on the complaint of Manushi Shah, one of participants.



Mallika Sarabhai

Best Bakery case: Gujarat seeks 'modification'

HD-16
22/4

By J. Venkatesan

NEW DELHI, APRIL 21. The Gujarat Government today moved the Supreme Court seeking modification of the April 12 judgment shifting the Best Bakery case for re-trial to Maharashtra.

In the light of this development, the Additional Solicitor-General, Mukul Rohatgi, appearing for the Gujarat Government, pleaded before a three-Judge comprising the Chief Justice V.N. Khare, Justice S.B. Sinha and Justice S.H. Kapadia for deferring the hearing of the petitions seeking transfer of other post-Godhra riot cases for hearing outside Gujarat.

The Bench acceded to the request and posted the petitions filed by the National Human Rights Commission (NHRC) and some others seeking transfer of 12 most sensitive cases for hearing on August 3. The Bench issued fresh notice to the accused in these cases and asked the office of the Director-General of Police, Gujarat, to ensure

that the notice was served on all the accused. Notice was also directed to be served on those who had not been served so far in pursuance to an earlier notice issued by the court. The Bench gave four weeks to the accused to respond.

Mr. Rohatgi submitted that unless the modification application of the State Government was heard and disposed of, the plea of transfer in respect of 12 sensitive cases had to be deferred. He submitted that in the appeals before a Bench of Justice Doraiswamy Raju and Justice Arijit Pasayat, the issue of transfer of trial outside the State was never prayed for nor argued. He said the Bench went beyond the scope of the prayer in both the appeals while shifting the trial to Maharashtra.

In the application, the Government submitted that the only question that was argued before the Bench was whether or not the Gujarat High Court should have permitted the Government to adduce additional evidence for deciding the culpability of the

21 accused in relation to the death of 14 people. While so the Bench had ordered shifting of the case to Maharashtra.

The application also sought expunging of certain portions of the judgment, which said, "the modern day Neros were looking elsewhere when Best Bakery and innocent children and helpless women were burning and were probably deliberating the perpetrators of crime could be saved or protected."

The application prayed for shifting the case back to the same sessions court in Vadodara or some other sessions court and the Chief Justice of the Gujarat High Court could monitor the re-trial.

The Bench headed by the CJI also issued notice to all the States and Union Territories on the question of witness protection returnable by July 12. The court asked the Centre to come out with a draft scheme for providing protection to witnesses, who often turned hostile when threatened or coerced, resulting in miscarriage of justice.

No room for peace

Intolerance reigns in Gujarat

Gujarat is becoming more and more fascist under chief minister Narendra Modi, where ordinary citizens campaigning for peace and communal harmony are manhandled, beaten up, abused and threatened. Freedom of expression is no longer allowed in Modiland, and opposition to Hindutva is not brooked from any quarters, intolerance reigns supreme — and that too from a parivar which claims to speak for Hindus and tolerance. A group of 27 youths led by peace activist Shabnam Hashmi — sister of murdered theatre-activist Safdar Hashmi, are undertaking a tour of 40 towns across the country to promote peace and communal harmony, but this is not a message that goes down well in Modi's Gujarat which survives on preaching hate. The group were first heckled by partisan journalists — who themselves should be worried about the lack of freedom of speech considering it affects their bread and butter — as they addressed a press conference, then the goons of the VHP burst into the room and manhandled and abused the activists. The aim was obviously to intimidate activists in Vadodara, their second stop, so that they would not visit any more towns in the state with their message. They threatened women present with rape brazenly holding that they would meet the same fate as was inflicted on Muslim women during the riots. Here is admission if ever there was one!

If the BJP is on such a strong-wicket in Gujarat and the state is shining, then why is Modi so frightened of a handful of youngsters preaching peace. The group was targeted with the now old line of 'maligning Gujarat'. According to VHP, the state was not maligning when it carried out the anti-Muslim pogrom, or when they raped and killed defenceless women and children, but it is if one preaches peace. If violent intimidatory tactics are used on outsiders who are simply passing through the state, then one shudders to think what fear and intimidation is faced by anyone — Hindu or Muslim — who does not believe in Hindutva, but lives in Gujarat.

THE STATESMAN

14 APR 2004

410-01
14/19

Large number of summary investigations in Gujarat riot cases

By Jyotirmaya Sharma

9-87-Gujarat

The Supreme Court's direction on Monday ordering a fresh investigation and trial outside Gujarat in the Best Bakery case might open a can of worms for the Gujarat Government. Already under severe pressure from the Supreme Court and the National Human Rights Commission, the State Government had submitted an affidavit to the Supreme Court on January 28, 2004, admitting that the total number of riot cases registered were 4,256 as against 3,912 mentioned in the intervention application filed on December 12, 2003 by Harsh Mandar in the NHRC vs. the State of Gujarat case (Writ Petition No. (CRI.) 109 of 2003).

In the affidavit, the Gujarat Government denied that there was "any attempt, planned, systematic or otherwise... to deny justice to the victims of the widespread communal riots that had engulfed the State in the aftermath of the Godhra incident." The document argues that it would not be judicious to shift the cases outside Gujarat because of the quantum of cases, as well as the poor financial condition of the people accused. It points to the "social implications"

of doing so and the "prejudice likely to be caused to the accused in their defence."

The matter that would be of special concern to the apex court as well as human rights organisations is the large number of summary investigations against the cases registered. The affidavit admits that the correct number of such cases was 2,108 out of a total of 4,256. In certain cities, the number of summary investigations is almost half the number of cases registered. For example, out of the 961 cases registered in Ahmedabad city, summary reports were filed for 427 cases. In Vadodara city, 206 out of 617 cases were instances of summary investigations, while in Vadodara rural, 152 summary reports were submitted for the 242 cases registered. The statistics in Bhavnagar weigh in favour of summary reports that number 267 against the 310 cases registered.

In the case of summary reports, the Gujarat Government maintains in the affidavit that "conviction or acquittal depends on the nature of evidence furnished by the prosecution and defence witnesses, and a low conviction rate *per se* cannot lead to an inference of faulty investigation and/or weak prosecution, and certainly cannot be the ba-

sis for transferring the riot cases outside the State of Gujarat." The document also dismisses allegations of intimidation and enticement of witnesses as something not "on record" and hence not worthy of investigation.

Another reason given in the affidavit for not registering and investigating cases, especially under Section 120-B of the Indian Penal Code, was that conspiracy to riot in many instances could not be established. This was so because the "communal backlash was marked by spontaneity in response to the gruesome incident of the Sabarmati Express at Godhra."

Similarly, in cases involving members and leaders of the Bharatiya Janata Party and the Bajrang Dal, the affidavit speaks of lack of "independent and sufficient evidence."

The Supreme Court on Monday thought otherwise and indicted the judicial criminal administration system in Gujarat while transferring the Best Bakery trial to Maharashtra.

The fate of the other cases in the absence of a free and fair trial within Gujarat is a question that will eventually have to concern the Supreme Court.

THE HINDU

THE HINDU 14 APR 2004

'The riots took place when I was in power, so I know I can't detach myself from them'

Narendra Modi spoke to SHEKHAR GUPTA, editor-in-chief of *The Indian Express*, on his plans for Gujarat and, in a rare moment of confession, admitted that despite these, he will forever carry the burden of the post-Godhra riots. Excerpts from the interview telecast on NDTV 24X7's *Walk the Talk*:

ON THE RECORD

NARENDRA MODI

Gujarat chief minister

■ This episode is unusual because it has been shot when most of the city is still asleep. Nothing sinister about it, just a very hot summer. It is very hot this year.

There are two types of summers.

■ Two types of summers?

The heat of the weather and the heat of the elections.

■ Gujarat is hot and dry but there is some amount of optimism this year due to Narmada. We are at the canal through which you took the water to Sabarmati and this year you have the permission to raise the height by 10 metres.

Gujarat, I think, is the first state where the river grid concept has successfully been implemented, because of which there have been great benefits.

■ And I also see, and even the Supreme Court has agreed, that in the area of rehabilitation, Gujarat's record is better than that of

about 200 top state officials goes door-to-door. That makes even the parents feel that there has to be a solution. And last year, I was successful in enrolling 100 per cent of the girls of school-going age.

Now my aim is to reduce the dropout ratio. For that, I have worked out a scheme, Vidya Lakshmi Bond. As soon as a girl is admitted to school, I give a Narmada bond worth Rs 1,000. If she reaches VII standard, she gets the money along with the interest so that she can continue studying. Secondly, we insure all the girls going to school under Vidya Lakshmi Pariyojna. Thirdly, the girl's family gets 10 kg of food-grain. Then, and it's my personal decision, when politicians go to various functions, we get gifts. I don't know what they (the rest of them) do with them but I collect them in the state treasury and then auction them. I have given Rs 75 lakh towards girl child aid collected this way.

■ Girl child is one thing. But time and again, you talk of the Gujarati pride and it has a great influence. If you have noticed, there's a new pride, a new hero. Irfan Pathan.

He's 19 years old. Two years ago, he was 17 and in Baroda, two people were killed in his neighbourhood during the riots. About 5 km from his house is Best Bakery, where 14 people were killed. He could have been killed in those riots. It's not right to think that way.

■ But these are the figures of your special branch.

They are wrong. Secondly, I still believe that one who is guilty is guilty. But I am not in favour of seeing this in terms of religion. Those who saw it in such a light have run the country down for 50 years. They sowed the seeds of hatred which are now bearing fruit. And I have to go through this. It is my fate. But remember, in a country as big as ours, there is no alternative to social harmony. We keep raising such issues even after two and a half years, when the state is peaceful and progressing in every field. But you don't leave all that behind because you have an agenda. You feel that such a big incident happened in somebody's governance but we, the media, could not get him punished. And till we do that, we can't be at peace. I wish you the best. If I seem guilty, you can hang me.

■ Do you agree with the view that the Godhra incident and the riots afterwards were regrettable?

I believe that such incidents, in any civilised society, are not welcome, and we all have to think of ways to avoid them.

■ Have you given any thought, as an administrator, to alternative ways of managing the situation? So that it never happened?

I am waiting for the inquiry commission so that we can get a third party's objective view and then work on the shortcomings. I believe that anyone who believes that he is perfect is wrong.

■ Advaniji has said that the key to healthy Hindu-Muslim relations is good relations between India and Pakistan. Do you agree?

If there is an atmosphere of friendship with Pakistan, there's a reflection of that here.

■ In this atmosphere of peace, are you then making a political shift from your Mian Musharraf to Bhajji M. Shinde?

You, as a journalist with a knowledge of words, would know that Mian is a term of respect.

■ No, you didn't use it as a term of respect.

Do you know that in Muslims, a wife addresses her husband as Mian? It's a term of respect.

■ But you didn't use it as a term of respect.

That could be your point of view.

■ According to an *Indian Express*-NDTV opinion poll, you are clearly winning the election in Gujarat. You are winning 24 out of 26 seats. You are Gujarat Hriday Samrat. Then why do you use language like "they won't get a clerk's or a driver's job", while your own party leaders are asking for the level of political debate to be high. Is this part of the Modi brand?

Elections are an occasion to educate people and we should work hard and reach out to the maximum number of people and convey our views. Also, while speaking at a public meeting, one or two no balls do slip in.

■ A wide ball or a no ball?

We should try for a no ball but could be a no ball, a wide ball or even a bouncer, and we should be careful.

■ Did the third umpire tell you to tone down the no balls and the wides?

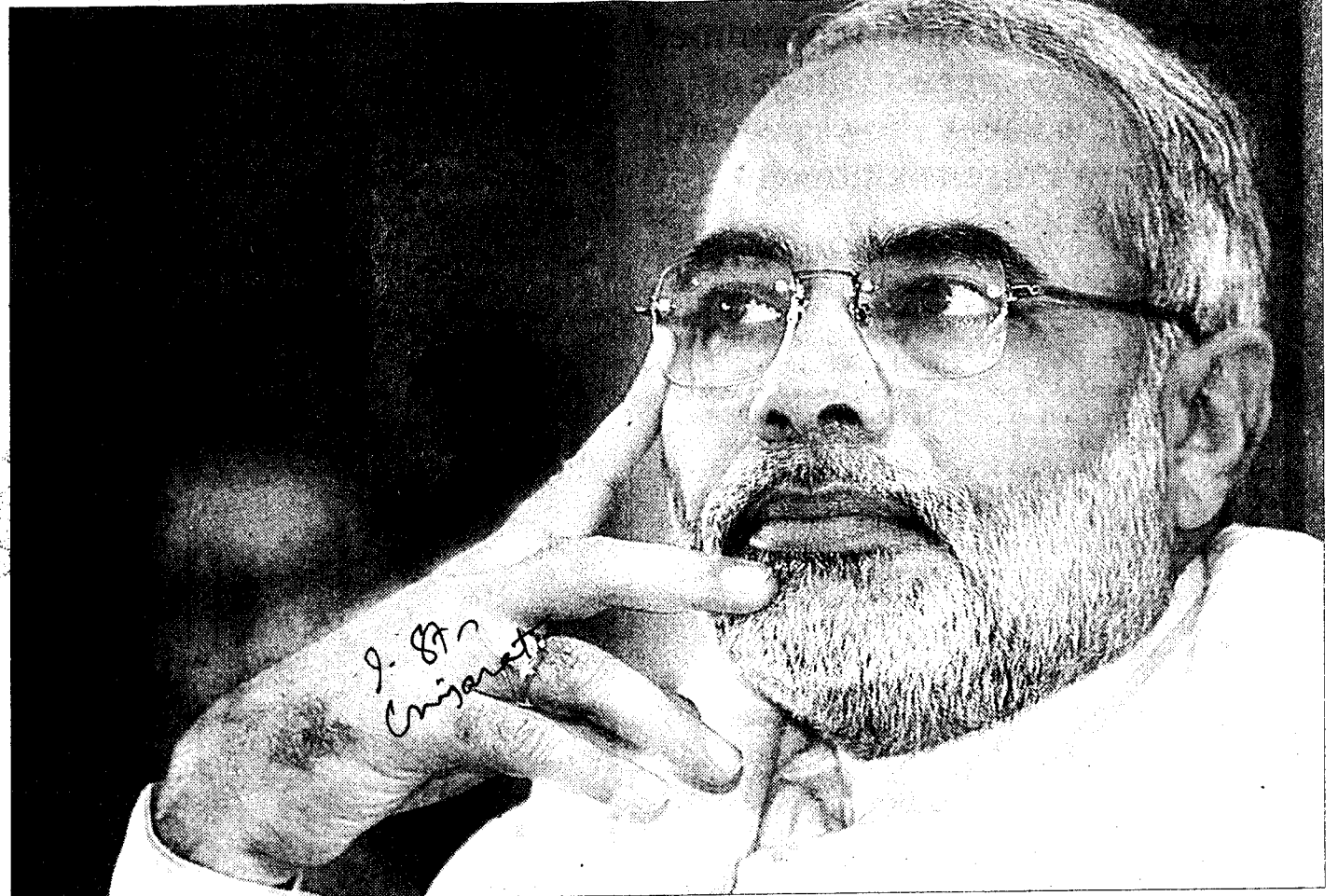
You are saying it...

■ We are spectators. Do you regret the no ball? Most bowlers try to correct themselves after a no ball.

We will do so.

■ So you will change your line and length from talking about the jersey calf, driver, conductor and clerk?

That's not an agenda for me. I have been giving speeches for two and a half years now—four-five speeches a day. You've picked out one. After all, it must be tough for you people to find something to



ask me.

■ Even if Shoaib Akhtar bowls four no balls, everyone remembers them. Even if he's taken a wicket, Inzamam-Ul Haq, Javed Miandad and everyone else say that he has his air...

I believe in sarcasm, after all an election cannot be bland. But I am in favour of politeness.

■ But this is not humour. This is hitting below the belt.

I don't defend it, but a no ball happens while bowling. So what's there to defend? You have asked a question about brand Modi. I think that I am being given too much of importance. When I look back at the last century, I cannot see anyone as a brand other than (Mahatma) Gandhi.

■ You are an admirer of Gandhi.

Perhaps Gandhi is the only person who could fit the mould of a brand.

■ Do you sometimes feel that you made a mistake?

Good question. I pray to God to give me the strength to go on with my work well, rid myself of my shortcomings and take the help of my friends if I can't do so myself.

■ Do you feel any remorse about, and think of other ways of having dealt with, Godhra?

Firstly, I think I did the most I could with the resources at my disposal and with the amount of experience I had. As far as the results are concerned, I managed to protect 98 per cent of Gujarat where not a single untoward incident occurred.

■ Advaniji and Vajpayeeji called the Godhra incident a blot and also what happened after it. Do you agree?

In my own statement, I have said that such incidents, in any civilised society, are not welcome. Everybody has their own way of speaking...

In a country as big as ours, there is no alternative to social harmony. We keep raising such issues even after two and a half years, when the state is peaceful and progressing in every field. But you don't leave all that behind because you have an agenda. You feel that such a big incident happened in somebody's governance but we, the media, could not get him punished. And till we do that, we can't be at peace. I wish you the best

■ At some places, you stick to the line and length while in others a no ball slips in.

I have the courage to call it a no ball.

■ Surely it is not just that after an incident that claimed a thousand or fifteen hundred lives, not a single senior official was transferred or suspended. You say that you're waiting for the inquiry report. However, as an administrator, do you feel remorse at not having dealt with the situation differently? We could have averted it.

Look at it differently. In our country, there's a trend that when an incident takes place, two officials are hanged while the politician goes scot-free. You should give me credit for not passing the blame to anyone other than myself. In politics, it's rare to find someone who is ready to own responsibility. Otherwise, it's easy to pass the buck. Where will you find someone like that in politics?

■ God forbid, if this kind of a situation arises again, the officials would have no fear.

Rather than me handing out a punishment, it is better if the legal system takes action. To misuse one's being in power by hanging someone else—I think that would be trying to save one's skin. That's why I said in the Assembly that if anybody has to be punished for what happened in Gujarat, it should be me.

■ Where do we see you 10 years from now? Because you have learnt from the riots and the last election campaigns, you will bowl the right line and length, you have also seen the adverse impact of no balls and wide balls. And for three years, you have run the government. So where do we see Narendra Modi 10 years from now?

I have not made a roadmap for myself. I have reached here but it wasn't according to any roadmap, but you will always see me as a devoted BJP worker.

■ Another question I want to ask is that the PM speaks of *raj dharma*. How do you define it? In the same context in which he spoke about it?

I have not discussed this in detail. I will surely sit with the PM and I don't see a reason why my concept should differ from his.

■ *Raj dharma* also means that the ruler loses his sleep over the concerns of his subjects and feels remorse. Today, two years after riots, do you ever wake up from your sleep thinking about the victims? Or feel anxious that it happened during your governance... The commission won't ask you this question.

If I say yes, people will say I talk big. If I say no, then people will say: 'What kind of a person is this?'

■ But you must give a true answer. That is why I say that this issue is a matter of my personal feelings

and the right time hasn't come for me to put it in words.

■ Do you feel the pain?

Today, a mishap upsets me—be it in my state or Kashmir. Two days ago, I was in the yatra and a journalist friend was hospitalised. But I was in touch with him.

■ So you do feel the pain of 2002? I also feel hurt about 1984.

I am a human being born in India and it's not possible that you imbibe the culture of this land but I don't. Everyone has it.

■ So the things I feel sad about bother you as well? And you say it's not the right time to talk about it.

I don't need to present myself in words. My behaviour, my conduct can help reach a conclusion, but I don't think I should praise or criticise myself.

■ I am not talking about praise or criticism but introspection... Sometimes I also say that I have not done my work properly. I believe that introspection should be done in the right way. Not in an extrovert manner.

■ That is not possible in public life. It has to be open. The way Gandhi used to do it.

I think it is beyond me to match up to Gandhiji. I believe in his path and of him as a great person, but how can I say that I can reach there?

■ But there is introspection as you feel the pain?

Everyone feels it...it hurts. Even if a flower wilts...

■ Do you learn from your past experiences and evolve?

Let me tell you that I request people not to give me bouquets but books instead. I am also a human from within, but just because one incident happened during my governance, I know that I will have to bear the burden forever.

■ It's a loaded expression, no pun intended, and I am not saying that it is negative. It's a positive expression.

It's for the 'pundits' to analyse all that, but it took place when I was in power so I can't detach myself from it.

■ I would say that you're a politician, as all you were befitting a politician's reflection even in your roadmaps.



To misuse one's being in power by hanging someone else—I think that would be trying to save one's skin. You should give me credit for not passing the blame for the riots to anyone but myself. Where will you find someone like that in politics?

its neighbouring states.

As far as rehabilitation is concerned, the entire world has noticed Gujarat particularly in two areas. We rehabilitated after the earthquake the way we have done at Narmada. You must be knowing that Gujarat has won a UN award. World records say that after an earthquake, it takes seven years for people to come out. Then they take another 10 years to start walking again. But Gujarat is a state where, after the biggest earthquake in 100 years, it started running in three years. And we won the award.

■ You always talk of Gujarati pride, *asmitya*. Your theme is about being proud of Gujarat, taking pride in being a Gujarati. The Narmada canal is a part of that. The dam is a part of that. What other changes have you seen in the past two years which you believe are the symbols of Gujarat's pride?

Gujarat is one of the better states in the country. But when I came here, I was surprised to note that it ranks 19th in the education of the girl child. I was upset to read that it ranks as low as that! I made it my goal and today I can proudly say that within two years, we have brought about plenty of changes.

Every year, a day before the schools reopen in June, I visit villages where less than 20 per cent of girl children are educated. I go there with my team of ministers and bureaucrats. So a team of

that he could have been killed. Anyone being killed is bad, even if he's the poorest or the most ordinary man.

■ Or of any religion?

Killing a human being is bad. How can a person not feel bad when another human being is killed? That isn't possible.

■ But I want to talk about governance, which you also talk about a lot. Can you guarantee Irfan or his family that there will be no riots? That they will be safe?

You are mixing two issues. It's like mixing our *masala dosa* with Italian pizza, which is quite unsavoury. So it will be better if you discuss the two separately. I can discuss them at length if you want.

■ I know these days you think a lot about Italian pizza, but in governance, all the issues are interconnected. It's more like a buffet...

After the Akshardham incident, there were chances of riots in Gujarat. But still the state exercised restraint. I think that in our country, we need to educate people on such incidents in the right perspective.

■ If 183 people are killed in police firing, in which 103 are Muslims and 80 Hindus—and these are figures of your special branch—what does that show?

Your information is absolutely wrong.

Everyone feels it...it hurts. Even if a flower wilts...Let me tell you that I request people not to give me bouquets but books. I am also human from within, but just because one incident happened during my tenure, I know I will have to bear the burden forever



‘উদ্ধৃত’ গুজরাত ফের তিরস্কৃত, বেস্ট মামলা মহারাষ্ট্রেই

নেওয়া থেকে বিরত থাকেছে। উল্লেখ্য, বেস্ট বেকারি মামলার মতোই আরও ১০টি গুজরাত দাপ্তর সংক্রান্ত মামলার বিচার রাজ্যের বাইরে করার সিদ্ধান্ত নেওয়ার সিদ্ধান্ত সূত্রিম কোর্ট নিজে থেকে নিতে পারে না বলে দাবি করে রাজ্য সরকার যে বৈধতার প্রশ্ন তুলেছিল, তা খারিজ করে সূত্রিম কোর্টের বিচারপতি ডোরাইবাঈ রাজু ও অরিন্জিৎ পাসায়তের ডিভিশন বেস্ট বলেছে, ন্যায়বিচারের স্বার্থে এ ধরনের সিদ্ধান্ত নেওয়ার ক্ষমতা সূত্রিম কোর্টের হাতে অর্পণই রয়েছে। রাজ্য সরকারের এই আবেদনের পিছনে উদ্দেশ্য কী, তা নিয়েই প্রশ্ন তুলেছেন। তারা বলেছেন, এ ধরনের আবেদনে কাঙ্ক্ষিত সূত্রিম কোর্টের আগের রায়কে পিছনের দরজা দিয়ে চ্যালেঞ্জ করা হয়েছে।

গুজরাত সরকারের এই আবেদনের বক্তব্য ‘মিথ্যা ও বিভ্রান্তিকর’ বলে বিচারপতির মন্তব্য করেন।

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এর পর পঠের পাতায়

‘উদ্ধৃত’ গুজরাত

প্রথম পাতার পর চোখ ফিরিয়ে রেখেছিল।” সে বক্তব্য থেকেও সরতে নারাজ সূত্রিম কোর্ট। নাগরিকদের যখন জীবন্ত পুড়িয়ে মারা হচ্ছিল তখন আমরা তাদের দায়িত্ব পালনে ব্যর্থ হয়েছেন বলেই কোর্ট মনে করে। এ বিষয়ে অভিযুক্তদের একটি আবেদনও খারিজ করা হয়েছে।

বেস্ট বেকারি হত্যাকাণ্ডের প্রত্যক্ষদর্শী ও অন্যতম সাক্ষী জাহিরা শেখ পরে তার বক্তব্য পাল্টানোর রাজ্য সরকার যে আভাসে ইঙ্গিতে জাহিরার বিরুদ্ধে আইনী ব্যবস্থা নেওয়ার হুমকি দিয়েছিল, তার উল্লেখ করে সূত্রিম কোর্ট বলেছে, এ সব ব্যাপারে সরকারের বক্তব্য পড়ে মনে হয় গুজরাত সরকারের চোখে জাহিরা শেখই অপরাধী, এবং যারা ওই মামলায় অভিযুক্ত তাদের ছেড়ে জাহিরাকেই আদালতের কাঠগড়ায় তোলা উচিত ছিল। এদিকে কেন্দ্রীয় সরকার আজই সূত্রিম কোর্টকে জানিয়ে দিয়েছে যে ২০ মে-র মধ্যেই গুজরাত দাঙ্গার বিভিন্ন মামলায় গুরুত্বপূর্ণ সাক্ষী ও দাঙ্গার ক্ষতিগ্রস্ত অভিযোগকারীদের নিরাপত্তার ব্যবস্থা করা হবে। এর আগে সাক্ষীদের রাজ্য সরকার নিরাপত্তার ব্যবস্থা করছে না বলে অভিযোগ আসায় সূত্রিম কোর্ট কেন্দ্রকে নিরাপত্তার ব্যবস্থা করতে বলে। কেন্দ্রের প্রতিনিধিরা ঘুরে এসেও ওই মর্মে রিপোর্ট দেন। তারপরেই কেন্দ্র সূত্রিম কোর্টে নিয়ে এই নিরাপত্তার ব্যবস্থা করার আশ্বাস দিল। — পি টি আই

স্ট্রাসবুর্গ, ৭ মে: ফ্রান্সে ফের নব নাৎসিরা উৎপাত চালিয়েছে। আজ তাদের লক্ষ্য ছিল ভারদু শহরের কাছে ইহুদি সৈন্যদের একটি কবরস্থান। নব নাৎসি দুর্ভুক্তীরা কবরগুলির ওপর স্বস্তিকা চিহ্ন একেছে, ‘হাইল হিটলার’ লিখে দিয়েছে। ওই সৈন্যরা প্রথম বিশ্বযুদ্ধে জার্মান আক্রমণে প্রাণ দেন। — রয়টার্স

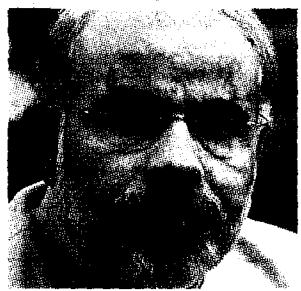
Riot retrial away from 'Neros' glare

OUR BUREAU

New Delhi, April 12: The Supreme Court today brought a sled-gehammer down on the Gujarat government, issuing a series of unparalleled directives that nudged the riots of 2002 back to centre stage a week before elections.

By the time the court was through this afternoon, the acquittals in the Best Bakery carnage stood quashed, a retrial was ordered outside Gujarat and those who looked the other way were labelled "modern-day Neros".

Indicting the Gujarat government of "subversion of the jus-



The modern-day Neros were looking elsewhere when Best Bakery and innocent children and helpless women were burning
SUPREME COURT

tice delivery system", the division bench of Justices Doraiswamy Raju and Arijit Passayat ordered the fresh trial in a "competent court" in Maharashtra.

"Keeping in view the peculiar circumstances of the case and the ample evidence on record glaringly demonstrating subversion of the justice delivery system with no congenial and conducive atmosphere still prevailing, we direct that the retrial shall be done by a court under the jurisdiction of Bombay High Court," the bench said.

The judges added: "The modern-day Neros were looking elsewhere when Best Bakery and innocent children and helpless women were burning, and were probably deliberating how the perpetrators of the crime can be saved or protected."

The damning comments compelled the Congress to revive

the demand for chief minister Narendra Modi's dismissal. The Congress has been smarting under Modi's persistent attacks on Sonia Gandhi but the party was somewhat reluctant to make the riots a campaign issue in the light of the polarisation that handed the BJP a landslide in the Gujarat Assembly election.

The Congress sought to take the issue beyond Modi and said it would cite the court censure to corner the chief minister's "patrons" — a veiled reference to the BJP's central leadership.

The BJP stood by Modi, refusing to acknowledge the judgment as an "indictment" of the Modi government. "If a witness turns hostile and alleges that she has been pressurised, how can you drag the chief minister into it?" party spokesperson Arun Jaitley asked.

Modi, who ironically was in Godhra — the fountainhead of the Gujarat carnage — was not in a pleasant mood this evening. Jignesh Parikh, a Gujarat journalist, said he was "pushed roughly" by the chief minister when approached for a reaction to the court's comments.

The Supreme Court also called into question the public prosecutor's role, removed the official and directed Maharashtra to appoint a new prosecutor.

The judgment marked a first in the history of Indian jurisprudence. The bench gave the "affected persons" the option to suggest a new public prosecutor.

"Though the witnesses or the victims do not have any choice in the normal course to have a say in the matter of appointment of a public prosecutor, in view of the unusual factors noticed in this case, to accord such liberties to the complainants' party would be appropriate," the judges said.

The judges also expunged "irresponsible" remarks made by the high court against activist Teesta Setalvad and the National Human Rights Commission. Both were instrumental in helping Zahira Sheikh, the key witness whose family members were among the 14 killed in the bakery riot, move the Supreme Court and declare that threats made her lie in the high court.

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মোদী চাপে, 'নর্মদা পূজন যাত্রা'য় নিষেধ কমিশনের

জয়ন্ত ঘোষাল • নয়াদিল্লি ১৫

২০ মার্চ— আবার বিতর্কের শিরোনামে নরেন্দ্র মোদী। আজ সকালে তিনি রাজ্যে 'নর্মদা পূজন যাত্রা' শুরু করেছিলেন, কিন্তু সঙ্ঘার আগেই নির্বাচন কমিশন এই যাত্রায় নিষেধাজ্ঞা জারি করেছে। এ বার নির্বাচনী প্রচারের প্রসঙ্গে বিজেপি'র শীর্ষ নেতৃত্ব নরেন্দ্র মোদীকে সে ভাবে কাজে লাগাচ্ছেন না। এমনকী গুজরাতে প্রার্থী বাছাইয়ের কাজেও প্রধানমন্ত্রী এবং উপ-প্রধানমন্ত্রী নরেন্দ্র মোদী'র পাশাপাশি প্রাক্তন মুখ্যমন্ত্রী কেশুভাই পটেল ও সুরেশ মেটার মতামতকেও যথেষ্ট গুরুত্ব দিয়েছেন। বিজেপি সূত্রে বলা হচ্ছে, এ বার ভোট প্রচারে দল হিন্দুত্বকে প্রচারের অন্যতম বিষয় করতে চাইছে না। আর সেই কারণেই নরেন্দ্র মোদীকে সে ভাবে গুরুত্ব দেওয়া হচ্ছে না। গত বিধানসভা নির্বাচনের সময়ও মোদীকে রাজস্থান ও মধ্যপ্রদেশ নিয়ে গিয়ে প্রচার করানো হয়েছিল।

নরেন্দ্র মোদী অবশ্য চাপের মধ্যেও দমে যাননি। তিনি এক প্রসঙ্গের জবাবে বলেছেন, “খুব শীঘ্রই আমি রাজ্যে-রাজ্যে প্রচারে যাচ্ছি। জম্মু-কাশ্মীরের উধমপুরে যাব, আবার অন্ধপ্রদেশ, মহারাষ্ট্র প্রভৃতি রাজ্য খেঁকেও প্রচারের আমন্ত্রণ এসেছে। রাজ্যান্তরে আমাকে সবাই ডেকেছে। গোটা দেশ জুড়ে আমি প্রচার করব। তাই দলের মধ্যে আমাকে কোণঠাসা করা হচ্ছে এমন কোনও ইঙ্গিত আমি পাচ্ছি না।”

তবে নর্মদাপূজন যাত্রার উপর কমিশনের নিষেধাজ্ঞা অপ্রত্যাশিত হলেও দমে যাননি গুজরাতে মুখ্যমন্ত্রী। তিনি এক

প্রসঙ্গের জবাবে এই প্রতিবেদককে বলেছেন, “আমি যে উদ্দেশ্যে এই প্রচার শুরু করেছি তা সার্থক। এই অভিযানের কোথাও ধর্ম বা সম্প্রদায়িকতার প্রশ্ন নেই। বিরোধী দলগুলি উদ্দেশ্যপ্রণোদিত ভাবে এই বিষয়টি সম্পর্কে মিথ্যা প্রচার চালাচ্ছে।”

নর্মদা বাঁধের উচ্চতা ১১০ মিটার করার দাবি নর্মদা কমিশন অথরিটি মেনে নেওয়ার পর আজ নর্মদা পূজন যাত্রা শুরু করেন মোদী। যদিও শর্তাধীন অনুমতি দেওয়ার সঙ্গে সঙ্গে অথরিটি বলেছে, এই নিয়ে বিজয়োসব করা যাবে না। নরেন্দ্র মোদী এই যাত্রাকে রাজ্যের উন্নয়নের সঙ্গে যুক্ত করতে চাইলেও আজ সকালে এই যাত্রার প্রারম্ভিক অনুষ্ঠানে যে ভাবে যজ্ঞ হয়েছে তা দেখে বিরোধী দলগুলি নির্বাচন কমিশনের কাছে নালিশ জানায়। অভিযোগ জানান নর্মদা বাঁচাও আন্দোলনের নেত্রী মেধা পটেকরও। এর পরই, অথরিটির দেওয়া শর্ত লঙ্ঘিত হচ্ছে এই যুক্তিতে গুজরাত সরকারকে নর্মদা পূজন যাত্রা বন্ধ করার নির্দেশ দেয় নির্বাচন কমিশন।

গুজরাতে গোধরা কাণ্ডের পর বিজেপি সেখানে ক্ষমতায় আসে এবং মোদী মুখ্যমন্ত্রী হন। কিন্তু ধীরে ধীরে বিজেপি'র শীর্ষ নেতৃত্ব মোদীর ডানা ছটিতে শুরু করেন। ভোট প্রচারে ও রণকৌশল রূপায়ণে অরুণ জেটলি, প্রমোদ মহাজন এমনকী সুযমা স্বরাজ যে গুরুত্ব পাচ্ছেন মোদী তা পাচ্ছেন না। এ বার ভোট প্রচারে, এমনকী আড়বাণীর ভারত উদয় যাত্রাতেও হিন্দুত্বের পরিবর্তে সরকারের কাজকর্মকেই বিশেষ গুরুত্ব দেওয়া হচ্ছে। এই কারণেই মোদী বা উমা ভারতীকে প্রচারে সে ভাবে আনা হচ্ছে না।

Crusade
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21/3

Election Commission stops Modi in his tracks

Angry Gujarat CM lashes out at 'Miyaa Musharraf'

New Delhi/Gandhinagar: The Election Commission on Saturday suo moto banned Gujarat chief minister Narendra Modi's Narmada Pujan Yatra on the ground that the exercise verged on the misuse of official machinery for the BJP's partisan ends. The yatra, ostensibly taken out to "celebrate" the recent decision of the Narmada Control Authority on increasing the dam height, started from Ahmedabad on Saturday morning and had to be stopped about 50 km from the dam site.

An angry Modi later said the yatra had only been suspended, not cancelled and emphasised that it would be held after the elections. "We will definitely offer our prayers to the Narmada," he said. He accused the Congress of taking the help of NBA leader Medha Patkar to stall the rally. Halted in his tracks by an Election Commission order banning his 'Narmada Pujan Yatra' on Saturday afternoon, just about 50 kms from the dam site at Kewadia Colony, an angry Chief Minister Narendra Modi accused the Congress of taking Narmada Bachao Andolan leader Medha Patkar's help to have the rally stalled midway. He again made a reference to 'Miyaa Mussharraf' and referred to the Congress president as 'Begum Sonia'.

Speaking to reporters after terminating the rally at Dabhoi, Modi, who had commenced the yatra early on Saturday morning from Ahmedabad to celebrate the clearance given to the raising of the height of the dam by 10 meters, he said "we are a responsible political party and we have decided to suspend the rally for the time being as we don't want to create more trouble for the Commission." Modi emphasised that the rally had not been cancelled. "We have only suspended it and after the election the party will surely hold it again at an opportune moment. We will definitely go and offer

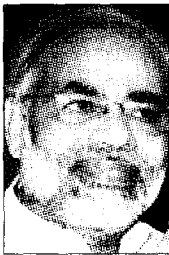
our prayers to Narmada after the elections."

Apparently, Modi was expecting the decision of the EC which had already warned against use of the issue for electoral gains, while approving earlier this week the Narmada Control Authority's decision to allow the height of the dam to be raised to 110 meters. There was no flutter of surprise in the cavalcade when the EC's decision was disclosed to the party members.

The chief minister also revived some of his 'Gaurav Yatra' days by attacking Sonia Gandhi and Pakistan president Pervez Musharraf in the same breath. "There are only two persons who are not feeling good today when the rest of the world is - Miyaa Musharraf and Sonia Gandhi," he told a large public gathering at Dabhoi.

He even referred to the Congress chief as Begum Sonia. "Begum Sonia came to Gujarat recently to find out what beautiful roads Prime Minister Vajpayee has built for the people of Gujarat," he said. He said the Congress president knew that Gujarat had received approval to increase the height of the Narmada dam to 110 metres but she did not find it necessary to congratulate the people of the state.

Government officials said the EC asked chief secretary P.K. Laheri in the afternoon to tell the chief minister to stop the yatra forthwith as it contains a political message, violating the model code of conduct. Laheri, who was busy in a meeting in Ahmedabad, told the CM about the EC order: "We received the telephone call from Laheri requesting us not to do any prayers at the Narmada dam site. We discussed the matter on receiving the telephone call. The entire Cabinet was present when this happened. The EC order was acceptable to us. We decided to wind up the yatra forthwith", said Cabinet minister Bhupendrasinh Chudasma. TNN



Another riot mother stands up, HC listens

■ **MADINABIBI** | Saw daughter ⁹²⁻¹ raped, killed, ³⁹³ accuses public prosecutor of bias

EXPRESS NEWS SERVICE
AHMEDABAD, MARCH 2

AFTER Zaheera Sheikh, Bilkis Yaqoob Rasool, it's Madinabibi Shaikh—slowly, Gujarat riot victims are standing up to ask for justice. And the courts are stepping in.

Madinabibi, who hid in a field with her son the whole night of March 2, 2002, and says she saw her daughter and niece being raped and later murdered along with five more relatives in Eral village of Panchama-

als, moved the Gujarat High Court today accusing the public prosecutor of bias and requesting that the witnesses be examined again.



**GUJARAT RIOTS
GETTING AWAY
WITH MURDER**

She told the court that the prosecutor should have declared the witnesses as having turned hostile when they suppressed information or deposed in

a manner that helped the accused.

Allowing Madinabibi to produce xerox copies of the depositions of seven witnesses along with xerox copies of their statements, Justice CK Buch, while fixing the hearing for March 8, stayed ongoing proceedings before the sessions court.

The judge also asked the prosecutor to be present before the court on March 8 "so that this court can put certain questions as to his role...(in the) conduct of the trial."

CONTINUED ON PAGE 2

INDIAN EXPRESS

3 MAR 2002

SC order to lift Mallika curbs

OUR LEGAL
CORRESPONDENT

New Delhi, Feb. 16: The Supreme Court today expressed displeasure over the Gujarat government initiating criminal cases against danseuse Mallika Sarabhai "simply because she filed a petition" against the state government in the riot cases.

A three-judge bench of Chief Justice V.N. Khare and Justices A.R. Lakshmanan and S.H. Kapadia advised the state government to "see to it" that restrictions imposed on her foreign travel and surrender of passport "are removed by February 23".

The judges fixed February 27 for further hearings in the Godhra train burning case and other riot cases.

Petitions seeking transfer of riot cases outside Gujarat for trial will also be taken up for hearing on that day.

"She is not a criminal. It appears you are prosecuting her simply because she filed a petition here," Khare said.

Appearing for the Gujarat government, additional solicitor-general Mukul Rohtagi told the court that it was the trial court that had imposed the restrictions and the state government had nothing to do with it.

Criminal proceedings were

initiated against Sarabhai on a complaint that she had duped several students of her dance institute in Gujarat.

Senior counsel Kapil Sibal, appearing for Sarabhai, told the court that she was being harassed by local police and "even day before yesterday, policemen went to her residence telling that either she obtained a stay from a court or the orders were to arrest her".

Expressing happiness over the apex court's order, Sarabhai said the verdict ended the "horror" she had experienced during the last few months.

"The whole case was a horror and the last two to three months was hell... It is wonderful that the Supreme Court came up with this decision without my going to it," Sarabhai said.

She said the whole case was a "horror for someone who has been working for 23 years for Gujarat and been responsible for building the state".

Taking a dig at the state government, she said that "this case was realisation of what was happening in the fascist front and how people can be nullified by terror tactics and fear".

The bench also issued a notice to the Gujarat government on a petition filed by Citizens for Justice and Peace, seeking transfer of the Godhra train carnage case outside the state.