

# Muslim law board stops short of triple *talaq* ban

STATESMAN NEWS SERVICE

NEW DELHI, Dec. 25. — The All India Muslim Personal Law Board (AIMPLB) which met in Lucknow today, urged the Muslim community to avoid the practice of triple *talaq*, even as its executive committee approved the draft model *Nikahnama*, which lists guidelines for married Muslim couples.

"Muslim couples should hesitate in giving *talaq*, particularly triple *talaq*, which is considered a sin," AIMPLB assistant general secretary Abdul Rehman Qureshi said after the Board's executive committee meeting. The AIMPLB is the apex body of leading Muslim organisations.

To a query whether the Board felt a need to ban the practice of triple *talaq*, Mr Qureshi said it was not proper to impose the rules adhered to by a partic-



ular school of thought upon the whole community.

If there's a dispute between a married couple, they should not take a unilateral decision, Mr Qureshi said. "The model emphasises that marriage isn't merely a ritual, but a contract," he said adding "the *Nikahnama* is, however, not binding".

The *Nikahnama* gives guidelines on do's and don'ts in relationships and the duties and obligations of couples towards each other. In case of a marital dispute, elders should try to settle it. If it persists, it should be referred to the Shariat panchayat or the local *ulema*.

The draft *Nikahnama* would be placed before the Board's general body for approval.

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THE STATESMAN

# Zahira's excommunication is unfair, says Muslim group

By S Balakrishnan/TNN

**Mumbai:** The Jamaat-i-Islami has denounced the decision of Majlis-e-Shoora to excommunicate Zahira Sheikh, a prime witness in the Best Bakery case. The Majlis took the decision on Friday since Zahira's flip-flop in her testimony has apparently weakened the case against those accused of murdering several innocent Muslims during the Gujarat communal riots.

Spokesperson for the Jamaat M A Ishaq stated on Saturday that several Muslims had turned hostile in riot-related cases in Gujarat. "Why is the Majlis not acting against all of them? Why is it singling out Zahira?" he asked.

Ishaq said Zahira was traumatised and extremely vulnerable. "Instead of empathising with her, the Majlis has adopted a hostile stance which is totally unjustified," he observed. "In any case, the Majlis is only a fringe group.

Only the All India Muslim Personal Law Board is authorised to take a decision on this sensitive issue."

Activist lawyer Majid Memon, speaking about the recent allegation in the Tehelka tapes that Zahira had taken Rs 18 lakh from a BJP legislator to change her testimony in the

Best Bakery case, maintained that social boycott had no legal sanction. "However, if the Tehelka charge is true, she has betrayed not only Muslims, but humanity as a whole, and as such deserves the severest possible exemplary punishment," he said. "Nobody should be allowed to shield mass murderers."

Avisha Kulkarni of the Womanist Party said the Best Bakery case was being sought to be politicised by vested interests, and Zahira was being used as a pawn in a political game. Her plight needed to be looked at from a humanist standpoint, she added.

Syed Noori, general secretary of the Raza Academy, a Sunni religious organisation, defended the social boycott of Zahira even though it has no legal basis. "No Muslim will now have anything to do with her," he said.

Nirmala Samant Prabhavalkar, chairperson of the Maharashtra State Women's Commission and a lawyer, said it was for the court to punish Zahira if she had turned hostile for extraneous considerations. "But there is no doubt that she has let down all those campaigning for secularism," she said. "Thanks to her inconsistency, she has also lost all credibility."



**'Several Muslims turned hostile in riot-related cases. Why is Zahira being singled out?'**

— M A Ishaq, spokesperson for Jamaat-i-Islami

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# Uproar over letter on Ayodhya

By Our New Delhi Bureau

**NEW DELHI, DEC. 23.** Heated exchanges, interruptions and uproarious scenes were witnessed in Parliament as the Bharatiya Janata Party mounted an attack on the United Progressive Alliance Government alleging that it was indulging in "subversion and misuse" of the Centre's investigative agencies.

Raising the issue in the Lok Sabha during zero hour, the BJP leader, Vijay Kumar Malhotra, charged the Government with targeting political opponents through investigative agencies. It was "interfering" with the functioning of the Central Bureau of Investigation, he alleged and quoted from a letter purported to have been written by an official of the Prime Minister's Office to the Secretary in the Ministry of Personnel on the Ayodhya case against the BJP chief, L.K. Advani.

Terming such communication as "strange", the former Prime Minister, Atal Bihari Vajpayee, suggested that such letters should not be written for they could be misused. He asked if the content did not construe putting pressure on the CBI what was it then.

The Defence Minister, Pranab Mukherjee, who is the Leader of the House, clarified that the letter was to seek legal opinion in the wake of a writ petition filed by two witnesses

in court. The Government also wanted to know whether there was any failure by prosecution in taking timely action and moving higher court.

He asserted that the letter was routine and could not be construed as interference. "There is no impropriety and nothing was done to interfere in the due process," Mr. Mukherjee said.

## An interference: Jaitley

In the Rajya Sabha, the senior BJP leader, Arun Jaitley, said the Government, in an "arrogant and brazen manner", was interfering in the functioning of the investigating agencies.

He said the CBI had taken an independent decision on how to proceed further in the Ayodhya case after a court had discharged Mr. Advani. But this was being "grossly" interfered with by the Prime Minister's Office, he alleged.

Quoting from the December 8 letter, Mr. Jaitley charged that the letter did not seek information but sought to interfere in the functioning of the CBI and give directions to it.

Strongly refuting the charge, the Minister of State for Parliamentary Affairs, Suresh Pachauri, said: "I will like to make it very clear that Prime Minister Manmohan Singh has never interfered with the functioning of the CBI."

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THE HINDU

# BJP blames Sonia for govt influence on CBI actions

Our Political Bureau  
NEW DELHI 23 DECEMBER

**T**HE BJP on Thursday brought Congress president and National Advisory Council chairperson Sonia Gandhi into the firing line. The party accused her of influencing the Centre into interfering in the functioning of the investigative agencies. Without naming her, senior BJP leader Arun Jaitley, while charging the government with dictating autonomous investigative agencies in cases relating to Opposition leaders, alleged during the Zero Hour in the Rajya Sabha that "an extra-Constitutional authority" had written a letter to Union finance minister P. Chidambaram, urging him to help out stock broker Shankar Sharma.

The finance minister, Mr Jaitley further alleged, subsequently held a meeting with officials of the Enforcement Directorate and CBDT, after which their lawyers were instructed to go slow in the Shankar Sharma case.

The letters purportedly written by Ms Gandhi and a PMO of-



ficial to the personnel secretary on the Ayodhya cases were used by the BJP and its allies to target the Manmohan Singh government in the two Houses of Parliament. Members of the RJD, at the receiving end of a sustained NDA attack for the currency mela organised by him in Bihar, retaliated by waving copies of newspapers which carried the Tehelka expose charging a BJP MLA in Gujarat with bribing Zaheera Sheikh, prime accused in the Best Bakery case. In the Lok Sabha it was Atal Bihari Vajpayee

who once again led the Opposition charge. Raising the issue during the Zero Hour, the former Prime Minister maintained that said the "peculiar" letter from the PMO was tantamount to putting pressure on the CBI. Observing that such a letter should not have been despatched by the PMO, Mr Vajpayee sought to know who had been asked to expedite the Ayodhya case. He asserted that the CBI was being "misused" by the government.

Rejecting the Opposition charge that it was pressurising the CBI to reopen the demolition case against BJP president L.K. Advani, the government, on its part, argued in the two Houses that seeking information about the legal position in any case fell within the purview of its "legitimate right." Responding to Mr Vajpayee's contention that the PMO should not have written any such letter to the personnel secretary, leader of the House in the Lok Sabha, Mr Pranab Mukherjee, denied that the government was not in any way interfering with the functioning of the investigating agency.

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The Economic Times



# Zahira was paid money,

**NEW DELHI, DEC. 22.** In yet another twist to the Best Bakery case, a sting operation carried out by the *Tehelka* newspaper captured controversial BJP MLA Madhu Srivastava purportedly saying that the key witness, Zahira Sheikh, was paid Rs. 18 lakhs to turn hostile in the case — in which all the 21 accused were acquitted by a fast-track court in Vadodara, Gujarat, in July last year.

A 10-minute video tape recording this and various other aspects of the spycam operation was played at a press conference here by Tarun Tejpal, its Editor-in-Chief.

In the tape, claimed to have been shot over the last one month, Mr. Srivastava's cousin and Congress councillor, Chandrakant Batthoo Srivastava, was shown as saying that the Gujarat Government had "100 per cent" given Zahira money to turn hostile for the second time — during the ongoing retrial in

Mumbai. Asked by the Vadodara corporator, Nisar Bapu, whose conversations with other politicians were caught on camera by the *Tehelka* reporter, how much money had been paid to Zahira, Madhu replied: "Rs. 18 lakh." Mr. Tejpal said that Mr. Bapu did not know that the discussion was being recorded by a spy-cam.

Chandrakanth clarified they were "totally innocent." The tape, whose audio quality was not good, showed him commenting that Zahira and her family had themselves approached Madhu for money.

Chandrakanth is heard saying: "The whole family would keep going to Madhu again 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 money.' First, it started from Rs. 25 lakhs and got stuck at Rs. 18 lakhs to

Rs. 20 lakhs. Then after collecting cash from everyone, she was given Rs. 18 lakhs in cash."

Asked by Bapu whether the Gujarat Government had paid about Rs. 35 lakhs to Zahira to turn hostile the second time, Chandrakant replies: "The money would have been given 100 per cent. She had gone there for the money as well."

# claims Tehelka

Teesta Setalvad of the Citizens for Justice and Peace, who was instrumental in starting the re-trial in the Best Bakery case, said at the press conference: "We have already approached the Supreme Court for a CBI probe into the whole matter. We are also open to investigations." She said she would prefer to adopt a "wait-and-watch

## I did not take money: Zahira

her lawyer, Atul Mistry. "I have never accepted money from anyone and it is a wrong allegation," said Zahira.

"I also have never demanded money from anyone. It's a conspiracy hatched by Teesta Setalvad and Bhathoo [Chandrakant Srivastav, a Congress corporator from Barodal]," she added, referring to the *Tehelka* expose.

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Mumbai. The men kept coming and they kept killing," the tape showed her as saying. Mr. Tejpal said the fact that Zahira's grandmother recounted the events of that night just as Zahira did the first time to the police also exposed her. He said his organisation had shown "only limited clips [to the media today]. We have lots of footage." Asked whether any inducements had been given in this case as in the Army deal expose, he replied in the negative. — PTI

# Central law to deal with communal riots on anvil

**New Delhi:** The UPA government is preparing the first-ever Central legislation to deal with incidents of widespread violence, particularly of the communal variety, that is generally tackled through various laws and procedures by the states.

Although nobody in government wants to spell it out, there is a definite process of stock-taking and learning. They are examining the way the post-Babri riots were handled by Maharashtra and the post-Godhra riots by Gujarat. These have created the need for a federal law that would seek to intervene in a situation that is generally dealt with by affected states. It will be more in the form of meeting a threat to internal security than a mere law and order situation.

What is underway now is an inter-ministerial effort and care would be taken not to infringe on the states' area of decision-making. There is no confusion on this score, the sources emphasised.

The bill on the anvil aims at being "objective and effective" to deal with riots "without any bias towards any community," Union home ministry sources said on Tuesday.

It is likely to be tabled in parliament during the budget session with provisions like declaring the af-



affected parts of a state as disturbed areas, these sources said. The UPA government has accorded priority to this law and the draft bill would be ready by the end of January for circulation to elicit opinion of a wide cross-section of people on the issue.

The focus would be to effectively and swiftly contain the situation arising from communal violence and provide speedy relief and rehabilitation to the victims, they said. Rioting and communal violence were "extraordinary" law and order situations needing appropriate laws. The government is thinking of creating special courts for summary trial of the accused. For the purpose of relief and rehabilitation, the possibility of setting up a statutory commission was being examined,

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ভিডিও টেপে বিশ্লেষণের দাবি তহলকার • অভিযুক্ত মৌদী-যনিষ্ঠ বিধায়ক • ফের নাটক বেস্ট কাণ্ড

২৩/১২ ১৯৮২ ১৯৮২

# জাহিরার বয়ান বদলের নেপথ্যে ১৮ লক্ষ

স্টাফ রিপোর্টার, নয়াদিল্লি, ২২ ডিসেম্বর: আবার গোমা ফাটল তহলকা!

গুজরাত বেস্ট বেকারি মামলার প্রধান সাক্ষী জাহিরা সাক্ষা দিতে গিয়ে বার টাকা ঘুষ নিয়ে তার সাক্ষ্য পাল্টেছেন বলে অভিযোগ এনেছে তহলকা পত্রিকা। গোপন ক্যামেরায় তোলা তিনটি সাক্ষাৎকারের ভিডিও ক্লিপিং সাংবাদিক বৈঠকে পেশ করে তহলকা পত্রিকার প্রধান সম্পাদক তরুণ তেজপাল দাবি করেন, বাডোদরার বি জে পি বিধায়ক মধু শ্রীবাস্তবের আশ্বীয়রা জাহিরা শেখকে ঘুষ দিয়ে তার সাক্ষ্য ঝল করিয়েছে। তহলকার এই অভিযোগ সফলিত ভিডিও ক্লিপিং বিভিন্ন টিভি চ্যানেলে ছড়িয়ে পড়ার সঙ্গে সঙ্গেই বিতর্কিত বেস্ট মামলা নিয়ে নতুন করে বিতর্ক শুরু হয়েছে।

মামলার প্রধান অভিযুক্ত মধু শ্রীবাস্তব গুজরাতের মুখ্যমন্ত্রী নরেন্দ্র মোদীর ঘনিষ্ঠ বিধায়ক। তিনি অবশ্য অভিযোগ অস্বীকার করেছেন। জাহিরা শেখও ঘুষ নেওয়ার অভিযোগ অস্বীকার করে বলেছেন, মধু শ্রীবাস্তবকে তিনি চেনেনই না। তবে



জাহিরা-কাহিনি

২২ ডিসেম্বর ২০০৪: তহলকার দাবি, বিজেপি বিধায়কের আশ্বীয় ঘুষ দিয়েছেন জাহিরাকে।  
 ২১ ডিসেম্বর ২০০৪: ফের জবানবন্দী অস্বীকার জাহিরার।  
 ১৫ ডিসেম্বর ২০০৪: জাহিরার মা বিরূপ। তিস্তা শেতলবাদের বিরুদ্ধে হুমকির অভিযোগ।  
 ২৫ নভেম্বর ২০০৪: জাহিরার বিরুদ্ধে ঘুষ নিয়ে উল্টো সাক্ষ্যের অভিযোগ।  
 ৬ নভেম্বর ২০০৪: সুপ্রিম কোর্টে তিস্তা।  
 ৪ নভেম্বর ২০০৪: সমন উপেক্ষা, বাইরে জবানবন্দী অস্বীকার জাহিরার।  
 ১৯ অগস্ট ২০০৪: মুম্বইয়ে বেস্ট মামলার পুনর্বিচার শুরু।  
 ১৭ অগস্ট ২০০৪: দাস্তার পুনর্ভরদস্তুর নির্দেশ সুপ্রিম কোর্টের।  
 ১৩ সেপ্টেম্বর ২০০৩: বেস্ট মামলায় গুজরাত সরকার তিরস্কৃত।  
 ৮ অগস্ট ২০০৩: দাস্তার বিজ্ঞারিত রিপোর্ট চাইল সুপ্রিম কোর্ট।  
 ২ অগস্ট ২০০৩: সুপ্রিম কোর্টে আবেদন মানবাধিকার কমিশনের।  
 ১৮ জুন ২০০৩: বেস্ট বেকারি মামলার অভিযুক্তবা বেকসুর খালাস।  
 ১৫ মে ২০০৩: আদালতে জবানবন্দী অস্বীকার জাহিরার।  
 মৌদী সরকারকে 'ক্রিম টিট'।

জাহিরা বেকারির ছাদে উঠে আই আর দায়ের করেন। অভিযুক্তদের বস্ত্রব্যা থেকে সরে এসে বলেন, স্ট্রুফ কোনওমতে প্রাণ বাঁচাতে পেরেছিলেন। ২০০৩ সালের মে মাসে আদালতে জাহিরা পুলিশের কাছে এক পত্রের দিন জাহিরা পুলিশের কাছে এক কাউকে চিনতে পারেননি। জাহিরার

এই বয়ানে বেস্ট মামলার অভিযুক্ত ২১ জনের সকলেই রোহাই পেয়ে যান। তহলকার বক্তব্য, ওই সময়ই জাহিরা টাকা নিয়ে গোড়ার বয়ান বদলে কাউকে চিনতে পারেননি বলেছিলেন। সুপ্রিম কোর্টের হস্তক্ষেপে রাজ্যের বাইরে আবারও মামলার বিচার শুরু হয়। তখন জাহিরা বলেছিলেন, তাঁকে মধু শ্রীবাস্তব ভয় দেখিয়ে মিথ্যা সাক্ষ্য দিতে বাধ্য করেছেন। আজ জাহিরা দাবি করছেন, তিনি মধু শ্রীবাস্তবকে আস্তে চেনেন না। জাহিরার বক্তব্য, তিস্তা শেতলবাদ তাঁকে ভয় দেখিয়ে মধু শ্রীবাস্তবের নাম বলতে বাধ্য করেছেন, এই ভিডিও টেপ তিস্তা ও কংগ্রেসের পুরাপিতা চন্দ্রকান্ত শ্রীবাস্তবের চক্রান্ত। আইনজীবী ও মানবাধিকার কর্মী তিস্তার বিরুদ্ধে গত ৪ নভেম্বর জাহিরা বাডোদরায় সাংবাদিক বৈঠক করে অভিযোগ করেন যে তাঁকে জোর করে মিথ্যা সাক্ষ্য দিতে বাধ্য করা হচ্ছে। তিনি দাস্তার কিছুই দেখেননি, দাস্তাকারীদের কাউকে চিনতেও পারেননি। শুধু জাহিরাই নয়, তাঁর দিদি ও মা মুম্বই আদালতে গিয়ে মোটামুটি একই কথা

বলেন। জাহিরার বৌদি অবশ্য দাস্তাকারীদের অনেককেই আদালতে দাঁড়িয়ে সনাক্ত করেছেন। এই অবস্থায় তহলকা জাহিরার দিদিমা জাহিরার সঙ্গে কথা বলে। জাহিরা আগে পুলিশের কাছে দাস্তার প্রত্যক্ষদর্শী হিসাবে যে বিবরণ দিয়েছিলেন, দিদিমা জাহিরাও মোটামুটি একই কথা বলেন। বেস্ট বেকারিতে দাস্তাকারীরা হামলা চালানোর সময় জাহিরা সেখানেই ছিলেন, এবং নিজের হেলে কণ্ডসরকে চোখের সামনে মরতেও দেখেন তিনি। বেস্ট বেকারি মামলায় অকণ্যা জাহিরার দিদিমাকে সাক্ষী হিসাবে ডাকা হয়নি।

তহলকার ভিডিও-টেপে বিজেপি বিধায়ক মধু শ্রীবাস্তব আর বাডোদরার পুরাপিতা নিসার বাপু (নিসারের ছেলে অন্য সাম্প্রদায়িক দাস্তায় দণ্ডপ্রাপ্ত আসামি) কথোপকথন ছিল এই রকম: মধু: ও (জাহিরা) আমরা বাডিতে এসে কেঁদে ফেলে। আমরা কেউ ওকে ডাকতে যাইনি। বিনা দোষে মুসলিম মেয়েটার জন্য আমাদের বদনাম হচ্ছে। নিসার: তুমি বোধহয় ১৮ কি ২০ লাখ টাকা দিয়েছিলে, না? মধু: ১৮ লক্ষ টাকা।...ওই কেবল মধুই নয়, তার ভাইসেপা বাথু শ্রীবাস্তব এবং নিসার বাপুও কণ্ঠবর্তীও রেকর্ড করেছে তহলকা। নিসার: বামেলার সময়ে মধুর (শ্রীবাস্তব) সঙ্গে আমার দেখা হল। জানতে চাইলাম, মেয়েটাকে (জাহিরা) নিয়ে কী করবে? ওই এলাকায় এত হিংসা হয়েছে। ও বলল, তুমি বিশ্বাস করবে না আমি ১৮ লক্ষ টাকা দিয়েছি ওই... (অজ্ঞান) কে।

বাথু: ওর পুরো পরিবার বাঁচবার মধুর কাছে যেত... শুরু হয়েছিল ২৫ লক্ষ টাকা... থেকে... পরে ১৮ লক্ষ টাকা নগদ দেওয়া হল। নিসার: শুনলাম শৈলেশ পাঠকের বাড়িতে টাকা দেওয়া হয়েছিল। ২ লাখ ৭০ হাজার। কিন্তু বাকি টাকা পায়নি বলে ও বামেলো পাকায়।

বাথু: না না, পুরো টাকা দেওয়া হয়েছিল। তহলকার ভিডিওটেপ প্রকাশের পরে তিস্তা শেতলবাদ বলেন, "সুপ্রিম কোর্টে সি বি আই তদন্তের দাবি আশেই করেছি। দেখা যাক, কী হয়।" ঘনিষ্ঠ মধুর সঙ্গে সরাসরি কিছু না বলে নরেন্দ্র মোদী সতর্ক করে শুধু বামেলেন, বিচারব্যবস্থার উপর আস্থা রাখা দরকার।

নেপথ্যে ১৮ লক্ষ টাকার প্রথম পাতার পর ১৯৮২

ANADABAZAR PATEIKA

23 DEC 2004

# The latest act in the tragedy that is Zahira

By Siddharth Varadarajan

NEW DELHI, DEC. 22. Given the close interest it has taken in the Best Bakery case, the Supreme Court is bound to view with grave concern the videotaped "claim" by the BJP MLA Madhu Srivastava about how he used "money and intimidation" to procure Zahira Sheikh's silence in the Vadodara fast-track court last May.

Assuming that Mr. Srivastava's claim is true, the obvious question that requires urgent investigation by an impartial and empowered investigative agency is why Zahira turned hostile once again, refusing to identify the accused at the Mumbai special court on December 21.

If *Tehelka's* allegation — that Mr. Srivastava fixed the case last year with Rs. 18 lakhs and the threat of violence — is correct, it is only reasonable to surmise that a similar "package" was put together this time around. What was in this package? And who

put it together?

## Money, threat

The *Tehelka* tape shows Mr. Srivastava and his cousin, Chandrakant Batthoo Srivastava, admitting that they had paid Zahira Sheikh Rs. 18 lakhs. It is also evident from their choice of words — and the videotaped remarks of their close associates — that the threat of violence was a factor which ensured that the key witness in the Best Bakery case kept her end of this "bargain".

Why Zahira subsequently resiled from this "bargain" and found the courage to charge Mr. Srivastava and his cousin with intimidation is not known. Nor, of course, do we know what it is which led her to turn "hostile" for a second time. Mr. Batthoo Srivastava and Nisar Babu, an associate of the BJP MLA, attack her for being "greedy" and speculate that the Gujarat Government might have paid her as much as Rs. 35 lakhs this time around. Of course, such hearsay

clearly has no legal validity.

## Sloppy prosecution

When the Supreme Court in April 2004 ordered a retrial in the Best Bakery case and also directed that it be held outside Gujarat, it did so because it was more than evident that the State Government had deliberately allowed the prosecution

## NEWS ANALYSIS

case to be sabotaged. Zahira turning hostile was an important — but small — part in the officially sanctioned sloppiness that marked the conduct of the prosecution. Moreover, the fate of the Best Bakery case closely mirrored what was happening in virtually all riot cases across the State.

At the same time, the Bench also knew that Zahira had not undergone a sudden change of heart in the courtroom and that mala fide factors had played a role. Her affidavit spoke of the threats she had received, but

not, of course, about any money that might have changed hands. Perhaps, the money was promised but not delivered; perhaps the intermediaries took a substantial cut, leaving Zahira with much less than the agreed sum.

Again, these are questions for the CBI to probe.

As the nation ponders over the latest twist, it is important to remember that the Best Bakery case is not about Zahira Sheikh but about those who killed 14 innocent persons.

It is also about those "modern day Neros" — to borrow from the Supreme Court's own words — who allowed the killings to take place and have busied themselves ever since in trying to find ways to shield the guilty.

Zahira may or may not have taken money but she and her family will always remain the principal victims in the case. Each time she turns hostile, she enacts another chapter in the tragedy that is Gujarat.

Apart from the obvious issue

of witness protection, the Supreme Court needs to take a hard look at the question of financial compensation for the riot victims.

The pittance that the Modi Government has offered as compensation for the lives lost or homes and businesses destroyed often forces victims who have lost everything to forsake the elusive chimera of justice for the immediate relief of a pay-off.

The worst that can be said about Zahira Sheikh is that having lost everything while the rulers of Gujarat sat back and enjoyed the show, she is trying to get the best she can out of a politico-legal system that rarely delivers justice to the poor.

But if "greed" is the vice which has afflicted her, it pales into insignificance before the greater immorality of those who are so determined to ensure that the perpetrators of the communal carnage in Gujarat are never brought to book.

## Madhu Srivastava 'denies' bribing Zahira

By Manas Dasgupta

AHMEDABAD, DEC. 22. The Gujarat BJP MLA, Madhu Srivastava, accused of bribing Zahira Sheikh, prime witness in the Best Bakery case, to turn hostile, has denied his involvement in the episode.

Mr. Srivastava told mediapersons in Vadodara that he had never met Zahira and that there was no question of offering her and her family any money to turn hostile. He said the *Tehelka* tapes, which allegedly recorded his offer of Rs. 18 lakhs to Zahira, were "bogus." He challenged *Tehelka* or anyone else to prove that he had offered even "18 paise or 18 rupees" to Zahira. It was a "wild allegation." The tapes nowhere showed him offering money to her.

Doubting the authenticity of

the voice on the tape, purported to be his, Mr. Srivastava said that as an MLA he was required to go to many places and attend functions. Someone, somewhere might have recorded his voice and super-imposed it on the tape or it could be fake. He denied that he had given any interview to *Tehelka* on the issue. Stating that he had full faith in the judiciary, which would decide the authenticity of the tape and the outcome of the Best Bakery case, Mr. Srivastava said he would discuss the matter with his party leaders before deciding the next course of action against *Tehelka*.

## 'I was framed'

His cousin, Chandrakant Srivastava, a Congress member of the Vadodara Municipal Corporation, whose name also figures

in the tape, has also denied any involvement in the episode. He alleged that a former Congress member, now a Nationalist Congress Party corporator of Vadodara, might have framed him.

His friend and advocate, Sailesh Patel, who was connected with the Best Bakery case when it was being tried at the Vadodara fast track court, said the NCP corporator had come to him with his "friend from London" to discuss a murder case about a fortnight ago and wanted to know about the Best Bakery case. "But I refused to comment on the Best Bakery case as I was not connected with it since the trial ended in the Vadodara fast track court."

Despite the alleged involvement of a Congress corporator, the pradesh Congress spokes-

man, Hasmukh Patel, supported the *Tehelka* stand. He said Zahira was frequently changing her stand on the case and it was obvious that she was doing it either under pressure or on lure of money.

Demanding a thorough inquiry into the tapes' issue to establish its authenticity, Mr. Patel said it had created doubts in the minds of the people that Zahira might have refused to recognise the accused because of the money allegedly offered to her by the ruling party. Considering the past contributions of *Tehelka* in exposing some BJP leaders and Ministers, the authenticity of the tapes could not be dismissed.

## Doubts over denial

Neither the State Government sources nor the BJP were

prepared to comment on the Madhu Srivastava episode. His denial that he had not even seen Zahira, however, has raised eyebrows in many circles as Mr. Srivastava was spotted more than once in the Vadodara fast track court when the Best Bakery trial was on. He had allegedly even accompanied the prime witness to the court when she turned hostile.

Questions have also been raised about the sources behind her in footing her and her family members' bills when they stayed in a star hotel in Vadodara and later in a fortress-like club resort in Ahmedabad when they were almost on the run after "escaping" from Mumbai where she alleged she was virtually held a prisoner by the social activist, Teesta Setalvad, and "her men."

## Witness evasive: judge

By Our Special Correspondent

MUMBAI, DEC. 22. The Additional Sessions Judge, Abhay Thipsay, today said that Zahira Sheikh who is deposing in the retrial of the Best Bakery case here, was narrating incidents beyond proportion in reply to questions asked by the special public prosecutor, Manjula Rao. She was prevaricating as well. As a result, he asked Ms. Rao to stop putting questions to her and told Zahira to say whatever she wanted as evidence.

Accordingly, Zahira gave her version of the events from March 1, 2002 when riots broke out in Vadodara. Mr. Thipsay noted that there was a definite possibility that the witness avoided pinpointed answers, though perfectly capable of answering, because of the desire

to introduce certain things she wanted to say. Even after her narration, when Ms. Rao resumed her examination, Zahira took a while to answer some questions. Mr. Thipsay commented that she was deliberately wasting time.

He told her that this meant she did not want to answer though she knew the answer. The next time she did this he would have to detain her till she gave a direct answer.

Zahira, who said yesterday that she had not spoken to the police about the Best Bakery case, today admitted after Ms. Rao's questioning that she did, in fact, file a police complaint. She also confirmed her signature on the police complaint filed by her, in which it was stated that she had received a copy of the same.

## 'Bribery charge a conspiracy'

By Our Special Correspondent

MUMBAI, DEC. 22. Zahira Sheikh, the prime eye-witness in the Best Bakery case, said she had earlier made allegations against the BJP MLA, Madhu Srivastava at the behest of the social activist, Teesta Setalvad. At a press conference after the deposition, Zahira claimed that the bribery charge was a conspiracy hatched by Ms. Setalvad and Chandrakant Srivastava, a Congress corporator from Baroda. Chandrakant Srivastav had telephoned the police on the night when Best Bakery was set on fire and is related to Madhu Srivastava.

Meanwhile, the Special Public Prosecutor, Manjula Rao, had already questioned Zahira on the matter of accepting a

bribe. Ms. Rao asked Zahira if she was promised Rs. 35 lakhs for giving false evidence, of which Rs. 18 lakhs had already allegedly been paid. Zahira said whatever she said in the court was the truth as she had taken an oath to speak only the truth. The Additional Sessions Judge, Abhay Thipsay, then asked her to answer if she had taken the money. To which Zahira said nobody gave anything. Promises were even made by Ms. Setalvad who had said she would repair the bakery and help to rehabilitate her.

Zahira repeated that she had sworn in Allah's name to speak the truth and even after death, one had to face Allah. Once again the judge told her she was not answering the question about the money. She was asked

a question whether she had accepted money four times but Zahira evaded a reply. Finally, she asked Ms. Rao who was supposed to have paid her money. Ms. Rao said she would continue her questioning tomorrow.

Reacting to the *Tehelka* expose, Ms. Rao said she had known some amount was paid to Zahira but the exact sum was not clear. She would have to see the expose before commenting on it, she said. "We had our own *Tehelka* here with Zahira today admitting in court that she had actually filed a police complaint, something which she had denied yesterday."

Harshad Ponda, Zahira's counsel, declined to comment saying he would have to see the television clip before making a statement.

# National integration council to get new life

Prime Minister To Chair The Reconstituted Forum

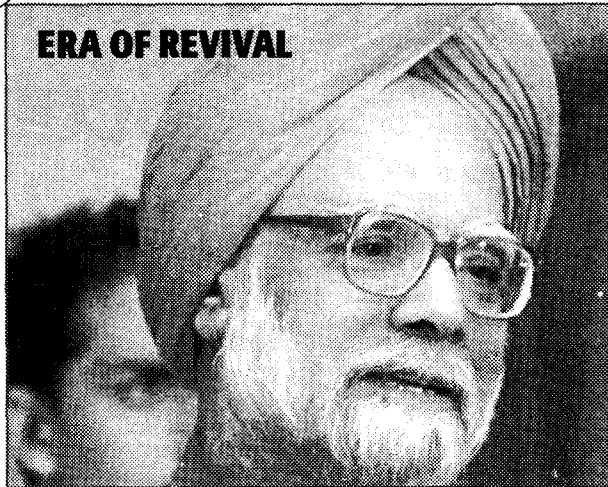
C.L. Manoj

NEW DELHI 19 DECEMBER

THE government has decided to constitute the national integration council (NIC) after a gap of over 10 years. The Prime Minister and home minister are in the process of finalising its list of members.

NIC, which was originally set up by first Prime Minister Jawaharlal Nehru in 1962, was conceived of as a national forum comprising top political leaders, social activists and intellectuals. Its brief was to review matters pertaining to national integration and come out with recommendations that would carry political and moral weight. The NIC will be chaired by the Prime Minister while the home minister will be its main coordinator. Senior ministers of the Union Cabinet, chief ministers, and leaders of recognised national and regional parties will be members of the council.

NIC will include representatives of minorities, scheduled castes, scheduled tribes, the media and industry. The Prime Minister will have the power to nominate eminent personalities from different fields as members of NIC. "The



home minister is now in the process of finalising the composition of NIC and already, many of the probable members have been formally approached," a source said.

NIC, which has been a regular institution, ceased to exist for more than a decade. The last NIC was constituted during the Narasimha Rao regime and was noted for its heated discussions in the run-up to the demolition of the disputed structure at Ayodhya and afterwards.

Subsequent governments had

chosen not to reconstitute NIC. The NDA decision not to reconstitute NIC was made into a political plank by Congress, the Left and other parties. These parties marked their protest by convening a convention of the 'People's Integration Council' in New Delhi last year, which turned out to be the beginning of the process of formation of the UPA-Left alliance. NIC may become a forum of discussion to find amicable solutions to regional conflicts, including disputes over river water sharing.

20 DEC 2004 The Economic Times

# Zahira's mother convicted for contempt of court

By Our Special Correspondent

**MUMBAI, DEC. 16.** The Additional Sessions Judge, Abhay Thipsay, who is hearing the Best Bakery re-trial, today convicted Sehrunissa, mother of Zahira Sheikh, for contempt of court and fined her Rs. 100 or, in default, undergo simple imprisonment for three days.

Sehrunissa, who turned hostile yesterday, was ticked off by the judge for her defiant attitude. This afternoon, during her examination by the Special Public Prosecutor, Manjula Rao, Sehrunissa suddenly told the Judge that Rais Khan, an associate of Teesta Setalvad, who was sitting in the court, was making "signs at her with his eyes."

When the Judge asked her how she saw this when she was not looking at Mr. Khan, she

gave vague replies. She said she happened to look around and saw him "making signs."

Mr. Thipsay tried to explain to her that she could be punished for intentionally obstructing the proceedings. To this, she told him to go ahead. Then, Mr. Thipsay told her she was behaving very badly and was insulting the court.

He ordered that she be taken into custody and detained till 4.30 p.m. in a lock-up, till a showcause notice was served on her, asking her to explain why action should not be taken against her for contempt. Reacting instantly, her lawyer, Harshad Ponda, also withdrew his brief for her.

In his order, Mr. Thipsay said the witness suddenly turned her face to her right

and by pointing out her hand, said "Woh Rais Khan Mujhe Ishara Kar Raha Rai (Rais Khan is gesturing at me)."

He noted that before saying this, Sehrunissa was not looking in Mr. Khan's direction.

It was not possible for her to see Mr. Khan from where she was standing unless she turned by at least 90 degrees.

In view of the earlier questions and the answers and the background in which this statement was made, Mr. Thipsay said the witness was deliberately trying to disrupt the court proceedings.

## Intentional insult

He said that she could be dealt with under Section 345 of the Criminal Procedure Code, which concerns procedure in certain cases of contempt and Section 228 of the Indian

Penal Code, which refers to intentional insult or interruption to public servants sitting in judicial proceedings.

After less than an hour in custody, Sehrunissa replied to the showcause notice, through her other lawyer, Atul Mistry, saying she wished to apologise for her behaviour, and asked to be pardoned.

The judge said that in view of the fact that she had apologised, he was inclined to take a lenient view but since the witness had on an earlier occasion shown a defiant attitude and considerable time was lost due to her actions, some punishment was to be given and so he sentenced her to pay a fine of Rs. 100 or simple imprisonment for three days.

In the morning during her examination by Ms. Rao, Sehrunissa continued to give

contradictory answers to questions put to her.

She was repeatedly asked how she knew the rioters were from outside her locality, when she could not see any of them. She first said she read about this in the papers.

Then she said she was illiterate.

The Judge insisted that she should answer this question.

She then said that Sabira, her daughter who died in the riots, had told her that the mob had people from outside their locality.

She also contradicted herself on the time when she regained consciousness during the night of the riots.

She also frequently smiled when answering questions, a point noted by the court.

Her examination will continue tomorrow.

# Lok Sabha nod for Bill on National Commission for Minority Institutions

By Our Special Correspondent

**NEW DELHI, DEC. 16.** The Lok Sabha today gave approval to a Bill seeking the creation of a National Commission for Minority Institutions.

The House witnessed a division within the NDA ranks, with the Janata Dal (U), the Telugu Desam Party (TDP) and the Biju Janata Dal (BJD) refusing to join the Bharatiya Janata Party when it walked out.

The BJP opposed the Bill with its Speakers accusing the Government of appeasing the minorities and forcing its passage without taking into consideration the Opposition's views.

Sushil Modi, Bachi Singh Rawat and Mahant Adityanath (all BJP members) said that the Government was indulging in vote-bank politics by bringing forward the Bill.

In his reply, the Human Resource Development Minister, Arjun Singh, asserted that the legislation was not against anybody and should not be a matter for Centre-State confrontation. Such legislation was warranted as the previous NDA Government had "discriminated" against minorities.

The National Commission for Minority Educational Institutions Bill, 2004 is aimed at providing scope for relief to minorities to ensure fulfilment of their fundamental rights.

"The Bill is not aimed against anybody. There should be no misconceptions about what we want to do or how we want to do," he said.

## States' conference

Mr. Singh said that education was a subject of the Concurrent List, and the Centre and the States could work together. He promised to call a conference of all States to discuss the Central legislation.

Mr. Singh debunked the Opposition argument that the Bill would end up diluting the powers of institutions such as the University Grants

Commission (UGC). He promised that the Centre would consult State Governments in enforcing the law.

The provision of a National Commission for Minority Educational institutions was first envisioned in the National Education Policy brought in by Rajiv Gandhi in 1986. He regretted the fact that the National Democratic Alliance Government had shown no urgency in the matter, and referred to the fact that the idea was approved at a meeting of academics drawn from all parts of the country on July 3.

Mr. Singh also defended his decision not to invite the BJP on the grounds that their attitude towards issues relating to the minorities was well known. "We wanted a meaningful and constructive discussion. We did not want it to be marred by controversy."

Citing the example of the Coimbatore-based minority-run Karunaya Institute of Technology and Science, he said that his predecessor had delayed recognition to the institution as deemed university for reasons which were "not clear" though the procedures required had been fulfilled.

## Totally committed to Manmohan's leadership: Arjun Singh

By Our Special Correspondent

**NEW DELHI, DEC. 16.** The Union Human Resource Development Minister, Arjun Singh, today debunked speculation on his "attempts" to upstage the Prime Minister, Manmohan Singh. "We are members of a disciplined party, and are totally committed to the leadership of the Prime Minister," Mr. Arjun Singh told the Lok Sabha.

Though his assertion came

in the course of his reply to the debate in the Lok Sabha on the Bill to constitute a National Commission for Minority Educational Institutions, the remarks are being seen as an attempt on Mr. Arjun Singh's part to deny speculation on some kind of rift developing between him and the Prime Minister.

Mr. Arjun Singh's remarks came in response to the charge made by the BJP's Sushil Kumar Modi that the motive be-

hind bringing in the Bill was to upstage the Prime Minister and to signal to the minorities that he was taking the lead on issues concerning them.

He said that it was unfortunate that the BJP had chosen to refer to the Prime Minister in such a manner. "We are a disciplined party. Ms. Sonia Gandhi is our leader. He has been chosen to head the responsibility and all of us are totally committed to his leadership," he said.

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THE HINDU



# Zaheera mom fined for contempt

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**HT Correspondent**  
Mumbai, December 16

**SEHRUNNISA SHEIKH**, mother of the prime witness in the Best Bakery case, Zaheera Sheikh, was today held guilty of contempt of court by the special Mumbai court conducting the retrial into the Best Bakery carnage. Sehrunnisa was also taken into custody.

The court imposed a fine of Rs 100 on Sehrunnisa after reading her reply to a show-cause notice issued to her earlier in the day. She will have to spend three days in jail if she fails to pay the fine.

Sehrunnisa was taken into custody after the trial court initiated contempt proceedings against her for her defi-

ant attitude during her deposition as a witness.

Sehrunnisa defied the repeated warnings of the special court judge, A.P. Thipsay, and looked away at others in the courtroom. The judge warned her repeatedly to address the court, but she refused to listen to the judge.

While Sehrunnisa was depositing in front of the court, she frequently looked at Raes Khan, an NGO activist, who was sitting in the court. The judge told her to address the court and not to look at others. But the witness continued to look at Raes.

Sehrunnisa said that Raes was gesturing at her and that was the reason she was looking at him. When the judge warned that she would be

that he was withdrawing from the case and would not appear on her behalf.

On Tuesday, Sehrunnisa had told the court that she was not sad that her daughter was dead as she need not worry about her marriage expenses now.

At one point, she had turned to the constable in the court and demanded a chair. Judge Thipsay had warned her to behave properly.

On Wednesday, Sehrunnisa had alleged that social activist Teesta Setalvad and Raes Khan had issued death threats to her. Sehrunnisa alleged that her son Nafitullah was dragged and taken away in a vehicle by four men around the same time.

Sehrunnisa also said her

brother Quasar Ali, who other witnesses said was burnt to death in the carnage, was not present at the Bakery when the incident took place on March 1 and March 2 at the Vadodara carnage.

Zaheera's mother, who drew the wrath of judge Abhay Thipse for saying she did not know the answers to most of the questions put to her, called Setalvad a *goondi* and said the activist with her colleague, *goonda* Raes Khan, had visited her family a month ago when they were living in Mira Road, Mumbai, and threatened to kill them.

The judge had on Wednesday pulled up Sehrunnisa for her improper behaviour in the courtroom.



**Zaheera Sheikh**

held for contempt, Sehrunnisa replied that he could take any action against her.

Soon after this, her lawyer Harshad Ponda told the court



# Advani knew Babari demolition plans: CBI

Press Trust of India

LUCKNOW, Dec. 15. — The CBI told the Lucknow Bench of Allahabad High Court today that BJP president Mr LK Advani had prior knowledge that the Babari Masjid at Ayodhya was going to be demolished.

During hearing of the CBI petition challenging the special Rae Bareilly court order discharging Mr Advani and summoning six others, including former Union minister Mr Murli Manohar Joshi in the Babari Masjid demolition case, CBI counsel Mr PK Chaubey said the BJP president knew very well that the disputed structure was going to be demolished.

As the counsel's arguments remained inconclusive, Mr Justice YR

Tripathi posted the matter for further hearing on 21 December.

Mr Chaubey read out in the court the statement of the then additional Superintendent of Police (Faizabad) Mr Anju Gupta, who also had been escorting Mr Advani on 6 December, 1992, when the structure was demolished.

He contended that the SP's statements clearly indicated that Mr Advani knew what was happening inside the disputed complex and had also queried the officer about the happenings.

The first dome was demolished between 1:45 p.m. and 2:15 p.m. while the second and the third domes were brought down around 3:30 p.m. and 5 p.m. respectively, he said.

Mr Advani and other

senior BJP and VHP leaders had been regularly briefed by the SP about the happenings, he said.

The same party (the *kar sevaks*), which demolished the first dome, also demolished the second and the third, the counsel said in his arguments.

There were shouts of joy at the demolition of each of the domes, Mr Chaubey said, adding "sweets were distributed and the BJP leaders, including Advani, hugged Sadhvi Ritambhara after the structure was demolished".

The CBI counsel also pleaded that Mr Advani's enquiries from the SP about the happenings inside the disputed complex were actually meant to find out whether the disputed structure had been demolished.

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THE STATESMAN

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- minorities

## Advani at par with other Babari accused: CBI

Press Trust of India

LUCKNOW, Dec. 14. — BJP president Mr LK Advani's "complicity" in the Ayodhya case was at par with the other seven co-accused including former Union minister Mr MM Joshi, the CBI counsel told the Lucknow Bench of the Allahabad High Court today.

CBI counsel Mr PK Chaubey will continue his arguments on the criminal revision petitions challenging the Rae Bareilly court order discharging Mr Advani and issuing of summons against seven others in the Ayodhya case tomorrow. Mr Justice YR Tripathi posted the matter for further hearing as the arguments remained inconclusive today.

Mr Chaubey argued that the former deputy Prime Minister's "complicity" in the matter was at par with the other seven co-accused.

### Dawood aide nailed

A close aide of Dawood Ibrahim, Omar Mian Bukhari, has been found to be allegedly instrumental in shipping explosives used in the 1993 Mumbai serial blasts. Bukhari has reportedly told sleuths that he had handled a shipment of explosives and silver off the Jamnagar coast.

### Blast accused gets bail

Abdul Matin, one of the accused in the Ghatkopar blast in December 2002, was today granted interim bail on a personal bond of Rs 5 lakh by a special court here, adds PTI in Mumbai.

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Tamil Nadu Muslim Munnetra Kazhagam activists stage a protest on the 12th anniversary of the Babri Masjid demolition, in Chennai on Monday. (Right) Shiv Sena activists shout slogans during a demonstration in New Delhi.

PTI & AFP

## Peaceful Dec 6 in Parliament after 12 years

Vishal Thapar  
New Delhi, December 6

THE LOK Sabha was able to function on the anniversary of the demolition of the Babri Masjid for the first time in 12 years on Monday.

Although members of the Left and Samajwadi Party sparred with those of the BJP and Shiv Sena, the House was able to transact the business listed for the day without much ado.

The clash was more customary than impassioned, with Congress members studiously keeping out of the fracas. In fact, one Congressman who was raising the drought issue had an angry exchange with an SP member who wanted precedence to Babri.

Skillfully shepherding the House out of the Babri minefield, Speaker Somnath allowed a brief discussion on the issue.

Raising the issue during Zero Hour, Ramji Lal Sunam of the SP lambasted the "communal forces" for celebrating December 6 as 'Shau'ya Divas.'

# We want Babri at same spot, Muslims tell Prez

Agencies  
New Delhi, December 6

THE BABRI Masjid Reconstruction Front on Monday asked President APJ Abdul Kalam to ensure that a mosque was built at the same site where the disputed structure stood before it was demolished 12 years ago.

In a memorandum submitted to the President, the BMRP also asked him to hand over all cases relating to the demolition to the Supreme Court for a "time-bound and final verdict."

Meanwhile, the Tamil Nadu Muslim Munnetra Kazhagam asked the Centre to take suitable steps to correct the "flaw" in the FIR and expedite the legal process against top leaders including L.K. Advani who were chartered by CBI. "The Centre should take suitable steps to correct the

flaw in FIR filed against Advani and other Sangh leaders in the case and speed up the legal process to bring those responsible to justice," TMMK president M.H. Jawaharullah said addressing a demonstration here.

Alleging that the VHP was "illegally" constructing material for the proposed Ram Temple at the site, he asked the Centre to confiscate the material and ban all VHP activities in this regard. The TMMK also asked the UPA government to "honour" the promise given by then Prime Minister P.V. Narasimha Rao to rebuild the masjid at the site where it stood.

### Await verdict: Malayam

In Varanasi, Uttar Pradesh Chief Minister Mulayam Singh Yadav said that the

only solution to the Ayodhya dispute is adhering to a court verdict. "The Ayodhya issue could only be resolved through a judicial verdict," he told reporters here.

Meanwhile, the 12th anniversary of the Babri demolition passed off peacefully amid tight security in the twin towns of Ayodhya and Faizabad with Hindu organisations led by VHP marking the day as "Shau'ya Divas" and Muslim outfits observing a "Black Day".

VHP activists who converged at Karsevakpuram demanded construction of a Ram temple at Ayodhya and took a vow to "liberate Kashi and Mathura" as Shiv Sena workers held a meeting on the banks of the Sarayu river pledging to build a temple and flying the BJP for "doing nothing"

when the Masjid reconstruction was in power.

The Muslim community kept their business establishments closed and wore black badges as a mark of protest while the Faizabad unit of All India Muslim League staged dharna. "No untoward incident has been reported from any where so far," a home department spokesman said.

### Chennai arrests

In Chennai hundreds of volunteers of some Muslim organisations, particularly the Tamil Nadu Muslim Munnetra Kazhagam (TNMKA), were taken into custody when they attempted to hold demonstrations in various parts of the state defying a ban, to condemn the demolition of Babri Masjid.

The volunteers also demanded that the Masjid be rebuilt at the same site at Ayodhya.

In Chennai city, more than 600 volunteers, including large number of women, were taken into custody when they tried to hold a demonstration near the head post office here.

### Hyderabad unaffected

In Hyderabad, normal life remained unaffected except in the old city area, during a bandh to protest the Babri masjid's demolition.

In Mumbai Maharashtra Minority Front were planning to stage a 'dharana' in front of the Nagpada police station in central Mumbai later in the day while the Raza Academy planned to hold prayers at Minara Masjid in south Mumbai.

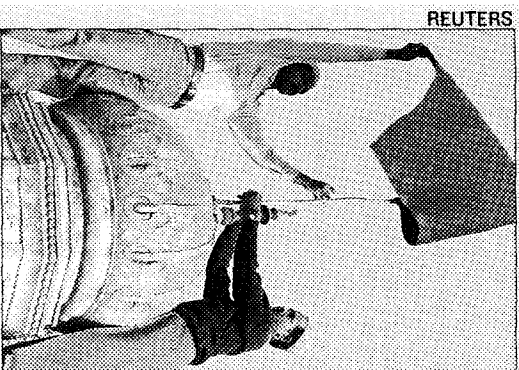
## BJP somersault won't mitigate crime: Cong

Press Trust of India  
New Delhi, December 6

STATING THAT the Babri Masjid demolition on December 6, 1992 at Ayodhya remains a "stigma" on India's "liberal" democracy, Congress today said that the Bharatiya Janata Party's (BJP) "somersault" in the case does not diminish seriousness of the crime.

"The nation has to be reminded about the somersault of BJP leaders, their language and what had happened at Ayodhya 12 years ago and a charge (about alleged involvement of BJP leaders) which they underscored while in power", party spokesman Anand Sharma told reporters.

He said the incident now remains a "stigma on our liberal democracy and its seriousness does not diminish simply because they (those involved in the demolition) are now sitting in opposition". Reiterating party's commitment, he said Congress wanted a culture in India, which was the guiding principle of the Constitution.



Muslims hoist a black flag atop a mosque in Ayodhya on Monday.

CHANGES STATEMENT BEFORE LIBERHAN PANEL

# Kalyan's U-turn

Our Legal Correspondent

NEW DELHI, Dec. 3. — Mr Kalyan Singh, who was the chief minister of Uttar Pradesh when the Babari Masjid was demolished on December 6, 1992, today went back on his claim that the top BJP trio of AB Vajpayee, LK Advani and Murli Manohar Joshi had "conspired" to demolish the structure at Ayodhya.

In his first-ever submission made to the Liberhan Commission of Inquiry, Kalyan Singh attributed his earlier claim to his anger over the remarks by the former Union counsel, Mr Lala Ram Gupta, that the state government had failed to make any arrangement for the protection of the monument.

"The statement of the counsel for the Central government was wrong



and badly hurt the deponent. The deponent was very much annoyed. In that reaction and anger, the deponent might have stated before the media that there was conspiracy between AB Vajpayee, LK Advani and Murli Manohar Joshi to demolish the disputed structure," Mr Kalyan Singh said in his written affidavit.

"I did not have any evidence then about any such

conspiracy. Nor do I have any evidence about it now," Mr Singh said.

He said that the Babari demolition was "an act of God" and the deponent had "no regrets, no repentance, no sorrow and no grief for that".

## Exposes BJP theatrics: Congress

The Congress meanwhile, slammed Mr Singh's description of the Babari Masjid demolition as "an act of god," saying the statement was "absurd and ridiculous".

Taking a swipe at the BJP, the Congress spokesman Anand Sharma said: "Kalyan's U-turn only exposes the BJP's character — a party where not a single day goes by when it does not present some fresh theatrics."

04 DEC 2004

THE STATESMAN

FD-11  
30/11

# Eyewitness identifies 15 accused in Best Bakery case

9 -  
minorities

By Our Special Correspondent

**MUMBAI, NOV. 29.** Eighteen-year-old Shailun, an eye-witness in the Best Bakery case, today identified in court 15 of the 17 accused — the most any witness has identified — and even named four.

Mr. Shailun, who had his ear slashed and also suffered head injuries during the attack on Best Bakery on March 1, 2002, pointed at the accused lined up in court. He named Dinesh Rajbhar, Sanjay Thakker and Lala and a fourth, Jitu, whom he could not identify.

Earlier, there was much excitement as Zaheera Sheikh was brought to the court premises. Her lawyer, Harshad Ponda, told the court that Ms. Zaheera was available if the prosecution wanted to examine her and he could produce her in court.

However, the Special Public Prosecutor, Manjula Rao, said she would like to examine Ms. Zaheera last. Ms. Zaheera's mother, Sehrunissa, who was expected to testify today, is unwell.

Mr. Shailun, who hails from Uttar Pradesh, has been living in his native village since the incident. He was severely affected by the riots and was under treatment for trauma for more than a year. In his case, the Su-

preme Court, in its order dated April 12, had noted: "This witness was also surprisingly treated to be of deficient mind without any material and even without any taking any efforts to ascertain the truth or otherwise of such serious claims."

Mr. Shailun seemed to be still suffering from the effects of trauma. He was also shivering when identifying the accused, according to the police officer who escorted him.

Mr. Shailun said a mob, comprising between 1,000 and 1,200 people, had come to the Bakery. "We were all up on the terrace of the adjacent building. The

rioters harassed us till morning, when they asked us to come down with the help of two ladders. When we got down, our hands were tied and they assaulted us with swords. I was injured on my head, my left ear was cut and my leg was also wounded hurt. The mob had come with sticks and rods," he said.

Mr. Shailun said he knew three or four of the accused since they often visited the Bakery. Jitu had more weapons and he had a sword too. He was unconscious after being hit with the sword. There were many men and they were armed with

swords. Dinesh and Sanju (Sanjay Thakker) hit him with a sword and Sanju also took his brother's money. His brother, Shehzad, had deposed earlier in the court.

After his injury, Mr. Shailun said he could not recognise anyone, not even his father when he returned to his village. He became normal after a year, but even now he did not remember half the people in his village.

During his cross-examination by senior defence counsel Adil Shirodkar, Mr. Shailun said he had not been tutored by any one. He started remembering things after a year.

## Godhra hearing: police officer fails to turn up

By Our Special Correspondent

**AHMEDABAD, NOV. 29.** The G.T. Nanavati and K.G. Shah judicial inquiry commission probing the Godhra train carnage and the subsequent communal riots in Gujarat took serious note of the continued absence of the senior police officer, Noel Parmar, for cross-examination.

Mr. Parmar was then the DSP (Railways) in charge of the initial investigations into the train carnage.

Though the reason for his absence today for the third time was considered genuine as it was because of the death of his mother a few days ago, the commission noted that the earlier absence on health grounds raised suspicions. Be-

cause of his absence, the hearing was suspended for the day.

Mr. Parmar in a letter to the commission had sought excuse from appearing for cross-examination. The hearing would now be held on December 14.

Sources in the commission said the two judges are likely to visit the carnage site on December 13.

30 NOV 2002

THE HINDU

# Riots draft bill to go on Net

OUR SPECIAL CORRESPONDENT

New Delhi, Nov. 28: The Centre plans to initiate a public debate on communal violence by putting on the Internet the draft of a bill meant to deal with communal disturbances and killings.

Union home minister Shivraj Patil today said the government wants people's views on the bill. People can get the details of the bill from the Internet and send their views to the government, he said.

"We want to bring a law which is really effective and will remain in the statute books for many, many years to come. The bill will be in accordance with the wishes of the people, their demands and opinions," said Patil.

The home ministry has

prepared a note that has been forwarded to the law ministry, which is drafting the bill.

"The draft will be put on the Internet. We will hold seminars and encourage a countrywide debate before finalising the bill," said the home minister.

The Gujarat riots of 2002 and the dubious prosecution of some of the accused are the main reasons that have prompted the United Progressive Alliance government to draft the bill. The Supreme Court has repeatedly rapped the Narendra Modi government for not bringing the guilty to book and not providing relief to the victims.

However, the bill, as outlined by the home minister, goes beyond the Gujarat killings and seeks to encompass the larger issue of communal vio-

lence — its definition and the accountability of the IAS and IPS officers who are in charge of areas where violence breaks out. The bill will provide for the stringent punishment of offenders and compensation for the victims of violence.

The Centre believes that communal disturbances should be defined clearly to separate them from general law and order problems. The bill proposes the setting up of special courts to deal with such incidents.

The common minimum programme of the Congress-led government at the Centre talks about the strict enforcement of law to deal with communal violence.

The document says the government will "preserve, protect and promote social

harmony and enforce the law without fear or favour to deal with obscurantist and fundamentalist elements who seek to disturb social amity and peace".

The law proposed by the Centre will outline the parameters of investigation into communal incidents and decide the authority — Centre or state — that will conduct the investigations. It will also decide the timeframe for this and lay down the rehabilitation measures for the victims.

The Centre, Patil said, will also set up a multi-member committee, including people who frame laws and implement them, to seek their views on the bill. "The committee can suggest methods, devices, rules and regulations that the government can adopt to meet the situation," he said.

2. Alim Khan

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THE HINDUSTAN TIMES

# Net poll on communal draft Bill

Press Trust of India  
New Delhi, November 28

THE CENTRE is drafting a Bill to "effectively" deal with communal violence and will put its contents on the internet to seek the people's views before finalising the proposed law. Home Minister Shivraj Patil said today. The Bill will define communal disturbance, provide for stringent punishment to offenders and extend compensation to the victims.

The Bill will be in accordance with the wishes of the people and their demands and opinions. It is being drafted by the Law Ministry on the basis of a detailed paper prepared by the Home Ministry. The draft and the paper will be put on the internet. The proposed law is expected to lay down the parameters of investigation into communal incidents and say whether the Centre or the states will probe the same. It will also include a deadline. Patil said elements relating to punishment to the offenders and compensation to the victims have been suggested in the Home Ministry's paper.

The Centre, Patil said, has also decided to set up a new committee to suggest measures to

## AT A GLANCE

- The Bill will define communal disturbance, provide for stringent punishment to offenders and compensation to victims
- It is being drafted by the Law Ministry on the basis of a detailed paper prepared by the Union Home Ministry. The draft and the paper will be put up on the internet, seeking the opinion of the masses
- The proposed law is expected to lay down the parameters of investigation and say whether the Centre or states will probe the incident. It will include a deadline

cedure for investigation and trial of crimes related to communal violence, relief and rehabilitation measures, and mechanism for speedy control of law and order in affected areas.

Besides the Bill, Patil said three other major issues — repealing Pota, declaring Tamil as a classical language and a decision on setting up a new committee to examine Centre-state relations — as promised in the CMP have been fulfilled by the Home Ministry in the first six months since the UPA came to power.

Although the Bill is not expected to be tabled in the coming winter session of Parliament, sources said, the Home Minister has laid down a time schedule for completion of this task so that it is introduced in Parliament in the "shortest possible time".

The Bill will also define communal disturbance as an event distinct from an ordinary law and order situation, and provide for setting up of special courts to deal with such cases. While formulating its provisions, the decisions and observations of the courts, recommendations of the National Integration Council, National Human Rights Commission and other similar bodies will be kept in view.

ensure smooth relationship with the states. The multi-member committee, he said, would comprise people who understand the totality of governance, law-makers and those implementing and interpreting the laws.

The proposed law against communal violence, which forms part of the UPA government's CMP, is expected to focus on the proce-



# Centre works on Bill to fight communal riots

Rajnish Sharma  
New Delhi, November 19

NEXT TIME there's communal violence in any part of the country, the Centre and the state governments will be armed with a special law to deal with rioters. The Union home ministry has sent a note to the law ministry asking it to work out a Bill called the Law on Communal Harmony that would help it to curb disturbances arising from religious conflicts. Formulating such a law is one of the key components of the UPA government's Common Minimum Programme.

Highly-placed sources in the home ministry said the draft note contains suggestions which will help the law ministry to formulate the final Bill. However, the Bill is not expected to be tabled during Parliament's winter session beginning December 1.

The Law on Communal Harmony will define what is communal violence since under the existing legal framework, there is no difference between communal and any other form of violence.

The new law will be similar to the Code of Criminal Procedure (CrPC) or the Indian Penal Code (IPC) to the extent that it will have different sections dealing with various aspects of communal violence. For speedy trial of cases related to offences committed under the new law, the home ministry has recommended the constitution of designated or special courts in each state.

The ministry has also mooted the idea of a special police force both at the Centre and in the states to deal with a communal situation. "This is to ensure that no allegations are made along communal lines against the law enforcement agencies," a source said. And to deter the involvement of a large number of people of a particular community in communal riots, the Centre has proposed "some sort of a community fine".

## AT A GLANCE



■ The Bill, which will be called Law on Communal Harmony, will define what communal violence is

■ Formulated along the lines of the IPC and the CrPC, it will lay down strict punishment to rioters by special fast track courts

■ A special force will be raised solely to deal with communal riots

■ Community fines have been suggested for mass involvement of any particular community in riots



# Now Zaheera's elder brother turns hostile

## **BEST BAKERY RETRIAL**

HT Correspondent  
Mumbai, November 19

AFTER ZAHEERA Shaikh's brother Nasibullah Shaikh turned hostile on Thursday, it was the turn of Nafitullah Shaikh, Zahir's elder brother, to do the same on Friday. Nafitullah Shaikh, the sixth eyewitness in the Best Bakery case, turned hostile when he appeared before the special retrial court. Nafitullah told the special judge that he was not aware of the deaths that took place during the blaze.

"The police had not recorded my statement in the correct manner. I did not see anything when the bakery was set on fire," Nafitullah said. When he was cross-examined by public prosecutor Manjula Rao, he said that he could not recognise any of the accused.

Nafitullah said that a smoke was billowing from the bakery and hence he could not see the faces of persons who had gathered there. "There was a huge gathering and they pelted stones at the bakery. We had to cover ourselves with blankets and mattresses," he said.

Nafitullah testified that he had narrated the incident to the Gujarat police, but did not name anyone in his statement. He alleged that Teesta Setalvad and her associate Raees Khan threatened him and his family members.

Nafitullah said that Teesta arranged for food and accommodation in Mumbai, but two of her friends always kept an eye on him. "I was not allowed to even meet my family and Zaheera.

"The NGO paid me Rs 200-Rs 500 in a week and made me sign on a paper as proof of acceptance," he said.

He even told the court that there was a threat from Teesta and Raees. "And that was one of the reasons why I was part of the press conference held in Gujarat. All the expenses incurred on this, were borne by an organisation called Janadhar Santha," he said.

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## বেঁকে বসলেন জাহিরার দাদাও

মুম্বই, ১৮ নভেম্বর: বেস্ট বেকারি মামলায় জাহিরা শেখের বৌদি ইয়াসমিন কাল তাঁর সাক্ষ্য অনড় থাকলেও বেঁকে বসলেন জাহিরার দাদা নাসিবুল্লা শেখ। আজ বিশেষ আদালতে নাসিবুল্লা বলেন, দু'বছর আগে বেকারিতে যারা আশ্রয় লাগিয়েছিল তাদের তিনি শনাক্ত করতে পারবেন না। এর আগে জবানবন্দিতে নাসিবুল্লা কয়েকজন অভিযুক্তের নাম করেছিলেন। ঘটনার দিন তারা কে কী করেছিল তা-ও জানিয়েছিলেন। নাসিবুল্লাকে নিয়ে বেস্ট মামলায় এ পর্যন্ত পাঁচ জন সাক্ষী বিরূপ হলেন। তাঁদের মধ্যে মূল প্রত্যক্ষদর্শী জাহিরাও আছেন।

ইয়াসমিন মঙ্গলবার তাঁর সাক্ষ্য ১১ জন অভিযুক্তকে শনাক্ত করেছিলেন। আজ নাসিবুল্লা বলেন, ২০০২-এর ১ মার্চ, ঘটনার সময় গোটা এলাকাটা ঘন ধোঁয়ায় ছেয়ে ছিল। ফলে তিনি কারও মুখ ভাল ভাবে দেখতে পাননি। তা ছাড়া পিছন দিক থেকে মাথায় আঘাত করায় তিনি অজ্ঞান হয়ে পড়েন। জ্ঞান ফেরে হাসপাতালে। সুতরাং তাঁর পক্ষে কাউকে শনাক্ত করা সম্ভব নয়।

প্রাথমিক জবানবন্দিতে নাসিবুল্লা জয়ন্ত চাইওলা পেন্টার, মহেশ, মুন্না, লালু ও প্রতাপের নামে সুনির্দিষ্ট অভিযোগ করেছিলেন বলে আদালতে পুলিশ জানিয়েছে। জাহিরার দাদা অবশ্য এ দিন বিশেষ বিচারপতি অভয় খিপসেকে বলেন, এদের কাউকে তিনি চেনেন না। এদের বিরুদ্ধে অভিযোগও তিনি করেননি। — পি টি আই

# Godhra accused held again

HT-3 ✓  
Zarda - Alimnifia  
Zarda allegedly supplied inflammables to torch train

HT Correspondent  
Ahmedabad, November 18

AN ACCUSED in the Godhra train carnage case, Salim Zarda, has been arrested again from Bharuch district today morning.

Zarda, who allegedly arranged inflammables used to torch the Sabarmati Express on February 27, 2002, had escaped from Godhra police custody on October 13.

A Special Investigating Team (SIT) officer later confirmed Zarda's arrest, but refused to divulge details of how he was captured.

Zarda will now be produced before a Godhra court for escaping from custody, the officer added.

Zarda was first arrested by the Rajasthan police from Jaipur and then handed over to their Gujarat counterpart for further interrogation. The accused is a notorious highway robber who had shifted base to Jaipur after the train carnage in which 59 kar sevaks were killed inside S-6 coach of the Sabarmati Express.

## Zaheera kin now does a flip-flop

Agencies  
Mumbai, November 18

NASIBULLAH, BROTHER of prime witness in Best Bakery case Zaheera Sheikh, today retracted his police statement in the trial court here, saying he did not remember the faces of those who had set fire to the bakery two years ago.

Nasibullah is the fifth eyewitness to depose before the court. Other witnesses have identified some accused.

In his police statement, Zaheera's brother had named some accused and specified their role in attacking the bakery. However, during examination-in-chief, the witness said



A file picture of the 2002 Ahmedabad riots.

there was smoke all around the bakery on March 1, 2002, and hence, he could not see the faces of the people who had gathered there.

Nasibullah told designated judge Abhay Thipsay that someone hit him from behind on the head, he fell unconscious and was taken to hospital. He said a huge mob came to the bakery and started throwing stones at the inmates. He and others covered their faces with blan-

kets and mattresses, and so could see no one in particular.

Responding to the query of prosecutor Manjula Rao, Nasibullah said he did not know accused Jayanti Chaiwala Painter, Mahesh, Munna, Lallu and Pratap, and denied his earlier statement in which it was mentioned that these people had played a major role. The witness told the court he had not mentioned any name before the police.

# সাক্ষ্য অনুভূতি ইয়াসমিন, চেনায়েন ১১ জনকে

স্টাফ রিপোর্টার, মুম্বই, ১৬ ১১ জন অভিযুক্তকে। ইয়াসমিনের পরে জাহিরা এবং তার দুই দাদাও বিশেষ আদালতে আগামী কাল সাক্ষ্য দিতে আসতে পারেন। তাদের হাজিরা দিতে বলে সমন জারি করা হয়েছিল। এই নিয়ে দ্বিতীয় বার আদালতে জরুরি তলব পড়ল জাহিরার।

গাত রঙের সালোয়ার এবং বোরখায় শরীর ঢেকে আজ আদালতে অভিযুক্তদের কাছে গিয়ে তাদের শাস্তি করেন জাহিরার বৌদি। নাম করতে পেরেছেন ১০ জন অভিযুক্তের, শুধু এক জনের নাম তাঁর মনে পড়েনি।

ইয়াসমিনের শাস্তি করা অভিযুক্তেরা হল সঞ্জয় রতিলাল ঠাকুর, পঙ্কজ গোসাই, জগদীপ চুলীলাল রাজভব, সামাভাই বারিয়া, শৈলেন্দ্র তদতি, রবি রাজারাম চাবন, রাজুভাই বারিয়া, বিশেষ রাজভব, ইয়াসমিন ও হরেশ দেশাই। এ ছাড়া, আরও চার জন অভিযুক্ত ইয়াসমিনদের পরিবারকে

নভেম্বর হাজিরার তারিখ থাকা সত্বেও আদালতে আসেননি। সরকারি আইনজীবী মঞ্জুলা রাওয়ের আশঙ্কা ছিল, বেশি দেরি হলে জাহিরার মতো ইয়াসমিনও বেঁকে বসতে পারেন। সেই আশঙ্কাকে মিথ্যা প্রমাণ করেই আজ বিশেষ আদালতে এসেছেন ইয়াসমিন, চিনিয়ে দিয়ে গিয়েছেন বেস্ট বেকারিতে আশ্রয় লাগানোর ঘটনায়

তারদের বইয়ের বেরিয়ে আসতে বলে। বেরনো মাত্রই ইয়াসমিনের স্বামী নাকিতুল্লা ও তাঁর তিন সঙ্গী রাজু, পোফেল ও রিয়াজকে মারধর করা হয়। ইয়াসমিনকে আটকে রাখা হয়েছিল একটি ঘরে। বেরনোর চেষ্টা করলে ইজ্জত নিয়ে টানাটানি হবে— ভয় দেখিয়ে রেখেছিল দুকুতীরা।

প্রথম বার হাজিরার দিন থাকা সত্বেও ইয়াসমিন যখন আদালতে আসেননি, তাঁকে নিয়ে চিহ্নিত হয়ে পড়েছিলেন আইনজীবীরা। ৫ নভেম্বর ইয়াসমিনের সাক্ষ্য দেওয়ার কথা ছিল। আর তার ঠিক দু'দিন আগে দ্বিতীয় বারের জন্য নিজের বক্তব্য বদলে ফেলেন মূল সাক্ষী তথা প্রত্যক্ষদর্শী জাহিরা। সিটিজেন ফর জাস্টিস অ্যান্ড পিস' নামে যে স্বেচ্ছাসেবী সংস্থা জাহিরার পাশে দাঁড়িয়েছিল, সেই সংস্থার প্রধান তিন্তা শেতলবাদের বিকল্পেই তিনি অভিযোগ আনেন। জাহিরা বলেন, তাঁর যে সাক্ষ্যের

ভিত্তিতে বাভেদরায় ফাস্ট ট্রাক কোর্ট ২১ জন অভিযুক্তকে বেকসুর খালাস দিয়েছিল, সেই সাক্ষ্য ঠিকই ছিল। তিন্তাই তাঁকে দিয়ে নিরপরাধ লোকজনের নাম বলিয়ে নিয়েছেন। জাহিরার এই ভোল বদলের পরেই ইয়াসমিন সাক্ষ্য দিতে গরহাজির থাকায় সরকারি আইনজীবীরা আশঙ্কা করছিলেন, ইয়াসমিনও শেষমেশ বক্তব্য বদলে ফেললে মামলার ভবিষ্যৎ অন্ধকার হয়ে যাবে। ইয়াসমিনের আজকের সাক্ষ্যের পরে মামলা এ বার এগোবে বলেই আশা করা হচ্ছে।

এ দিকে, জাহিরার বারবার বক্তব্য বদলের কারণ কী, তা জানতে সি বি আই তদন্তের দাবি জানিয়েছেন কেন্দ্রীয় বঙ্গমন্ত্রী শঙ্করসিন বাগেলা। "জাহিরার বিবৃতিতে সরকারের উদ্দিগ্ন বা আনিশিত হওয়ার কিছু নেই। কিন্তু গুজরাত সরকারের যা প্রতিক্রিয়া দেখা যাচ্ছে, তাতে বেশ সন্দেহই হচ্ছে," বলেছেন তিনি।

# Zahira's kin identifies 11 accused

## Sister-in-Law Tells Court They Were Part of Mob That Attacked Bakery

**Mumbai:** Yasmin Sheikh, the fourth eyewitness in the Best Bakery case and sister-in-law of prime witness Zahira Sheikh, on Tuesday identified in the court 11 accused, saying they were part of the mob that attacked the Best Bakery in Vadodara on March 1, 2002.

Attired in a dark-coloured salwar kameez with a scarf on her head, Yasmin went around the accused during the identification parade and recognised 11 of them. She named 10 accused but could not remember the name of the last one.

Yasmin told the court that there were four other accused who had assaulted their family but they were not present before the court. She said that on the ill-fated day, the mob came with swords and bamboo sticks and attacked the bakery. The witness said she and her family were in the adjacent house and the crowd bolted the doors from outside. They later

asked the inmates to come out.

After they came out, her husband Nafitullah and three others Raju, Poufel and Riyaz were beaten up. She was confined to a room and the crowd threatened to molest her.

Zahira and her two brothers are likely to appear before a special court on Wednesday in response to the summons issued to them, sources said. The summons have been served on them in Gujarat. This is the second time that Zahira and her brothers have been summoned by the court.



**Yasmin Sheikh outside the court**  
This is the second fast track court in Gujarat. Zahira alleged in the affidavit that she was forcibly taken to Mumbai.

Earlier, the witnesses failed to turn up before the court on November 4.

On November 3, Zahira had affirmed before the Vadodara collector, saying she was being pressurised by social activist Teesta Setalvad to identify innocent persons as accused in the Mumbai court conducting retrial of the Best Bakery case. She also said that her original testimony before the court in Gujarat was true.

Zaheera alleged in the affidavit that she was forcibly taken to Mumbai

bai by some locals at the behest of Teesta and also made to sign documents in English.

Zahira also alleged that Teesta had "threatened her with dire consequences" if she did not cooperate with developments of the case in the court.

The supreme court had ordered retrial of the case in Mumbai, as Zahira had claimed that she had deposed before the trial court out of fear. Teesta had then stood behind Zahira in her fight for justice.

In Vadodara, Union textile minister Shankarsinh Vaghela on Tuesday demanded a CBI inquiry into the change of statements by Zahira Sheikh.

"There is no reason for the government to be worried or elated about Zahira's statements. But the manner in which the Gujarat government was reacting raises serious doubts about its motives," he told reporters.

Sanjay Hadkar

9. niranika

# COMMUNAL VIRUS

5/8 15/11

## Some Suggestions On A Model Law

By FAIZAN MUSTAFA

The welcome decision of the Union Government to enact a model law against communal violence has brought the issue of communalism to the centre stage. The 2004 election manifesto of the Congress explicitly said that the cause of maintaining communal peace and harmony is indeed the "real battleground for Indian secularism" for our generation. The Common Minimum Programme of the UPA government also promised to enact a model law to deal with communalism.

What is communalism? What are the main issues involved in this permanent disease? What should this law contain? Is enactment of model law enough to combat communalism? These are some of the questions which need an objective and urgent answer.

### A disease

Communalism is a disease which warps the mind so that he cannot see any good in a man unless he belongs to his own community. Today communalism has infected all walks of life. It has charged the atmosphere with distrust and suspicion between Hindus and Muslims and even men of education and culture. Communal politics masks all social identities with the cloak of religion. Seen at one level, it is a paradox: the articulation of communal politics is grounded in ancient edicts and medieval philosophy; but it is also a modern phenomenon in most post-colonial societies where the transition to an industrial society has taken place in opposition to colonial powers that ruled in alliance with feudal elements.

Hindu-Muslim communal riots have been an integral part of the political process since the 1920s. There have been times when these have occurred in waves or chains that have covered large parts of the country, notably during Partition and before and after the militant Hindu mobilisation in the late 1980s that persisted until the destruction of the Babari Mosque in 1992. Then the Gujarat genocide of 2002 came as a shock and permanently damaged our reputation as a secular and tolerant nation.

Communalism has many facets and has been understood in different ways. A popular view is

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that it is the politics of the elite and for the elite, but executed by mobilising the broad layers of society in the belief that they are joining hands in a collective endeavour to protect an order that is sanctified by religion and a time-honoured tradition. The aim is to further the political and social aspirations of the elite. Its success depends on the intensity of the appeal and begins with the premise that this brand of poli-



tics is based on the understanding that there is a commonality of interest among all those with a similar religious persuasion.

Riots persist in India and have become endemic at a multiplicity of sites in the subcontinent. They constitute, in effect, a normal, routine aspect of politics whose very normality and routine character are masked by both the sincere and hypocritical comments that follow the most savage occurrences.

### Mass crimes

So long as they are considered abnormal, exceptional, expressions of a disease that occasionally afflicts the polity, the political elite, the educated and upper-caste intellectuals are able to reassure themselves that they live still in the world's largest democracy where such aberrations are bound to occur in the process of India's advance from backwardness to modernity. Paul Brass rightly says that riots, therefore, first and foremost persist because they are unacknowledged and illegitimate but well known and accepted transgressions of routine political behaviour in India.

In last few months at least three draft Bills on the issue of communal violence, genocide and mass crimes were prepared.

The first draft Bill on communalism was prepared by this writer at the instance of Ajit Singh, RLD president. The Bill defines "communal violence" as outbreak of lawlessness on the part of an unruly crowd caused by religious, communal, ethnic, racial or caste hatred or fervour resulting in death and injuries to the people and destruction of their properties. It imposes a duty on the government to prevent and

control the occurrence of communal violence. It lays down that any person who conspires, abets, prepares, encourages, aids, organises or participates in a communal violence shall be punished with imprisonment of seven years and fine of Rs 5 lakhs. If the person is found guilty of committing genocide, he shall be punished with death or life imprisonment. In appropriate cases where there is a real threat to the life of complainant or witnesses, the trial may be held in camera.

Since it has been documented in several reports that no communal violence cannot continue without the active connivance of district officials, the Bill proposes the automatic suspension of District Magistrate or Senior Superintendent of Police who are unable to bring peace within 24 hours as failure to prevent or control communal violence is to be deemed a dereliction of duty. The Bihar experience in this regard may be taken as a model.

The Bill also provides for the establishment of a fast track court in every case of communal violence where more than 10 lives have been taken or 20 people have received grievous injuries. The investigations by the special team will be completed within two weeks. The court will hold its hearings on the day to

day basis and will deliver its verdict within six months.

The Bill also provides for the payment of lump sum compensation of Rs 2 lakhs to the dependent of a person killed. An interesting provision imposes a duty on the government to provide suitable employment of at least one eligible member of the family of the victim if the person killed was the sole earning member of his family. As to the loss of property, the Bill provides for adequate damages which will be calculated on the basis of substitution or replacement cost of market value of the property.

### Equal rights

The Bill also bars the persons convicted from contesting any public office for a period of six years. It imposes a duty on the government to ensure that police forces reflect the diverse social groups. In an interesting but useful provision, the Bill bars the police from using lethal weapons to control a riotous mob. The Bill proposes the establishment of Statutory Tribunal on Peace and Justice on the pattern of National Human Rights Commission with adequate powers of investigation, prosecution and awarding of compensation.

A democratic society is rooted in the principle of equal rights for all citizens and gives everyone the right to strive for his betterment. In contrast, communalism and religion-based nationalism divides communities into different religious groups with diverse social interests and varying rights. In the process, the dominant religious group arrogates to itself the right to determine the policies of the nation and set its goals and agenda. In turn, the assertive, dominant section of the community takes over the management of social affairs and its legitimacy goes unquestioned.

During the freedom struggle, these two concepts ran side by side with vast sections of the society espousing democratic aspirations in preference to the communal model or the model of religion-based nationalism. A massive effort is necessary to achieve this. Inter Community dialogue, tolerance, enactment of a law against communalism and establishment of a Permanent Inter-community Tribunal for Peace and Justice may prove to be an effective tool to meet the challenge.

15 NOV 2004 THE STATESMAN

# All the angles in the Best U-turn

Rathin Das  
Ahmedabad, November 13

TEN DAYS after the Best Bakery case prime witness, Zaheera Sheikh's volte-face, there is hardly any speculation about the 'whodunit?' aspect of the episode. While who could have done it is anybody's guess, there are several possibilities regarding why Zaheera did the 'Best' known turnaround to accuse her protector to be a tormentor.

Here are some reasons why she may have done it.

- The volte-face serves political purpose, not legal. Whoever may be the inspiration behind Zaheera's move, members of the legal fraternity from both sides of the communal divide in Gujarat agree that her utterances at a Press conference in Vadodara would have no bearing on the judicial process, now on in Mumbai. If complicating the prosecution case further was her intention, an additional affidavit in Mumbai would have sufficed.

- Choosing to address a televised media meet instead of saying anything in the court is clearly a signal that Zaheera's instigators are out to derive a political mileage for their leadership that had to cut a sorry figure due to a series of adverse Supreme Court remarks and rulings on the pogrom-related cases. The Gujarat leadership was banking on Zaheera's turnaround to come to the limelight that was till recently shared by the 'Tiranga Yatra', the Savarkar issue and defeat of the Hindutva forces in Maharashtra.

- The main purpose of Zaheera's move was definitely to discredit Teesta Setalvad and Citizens for Justice and Peace

and dent the creditability of secular NGOs. This angle bears corroboration in Narendra Modi's immediate demand for a re-think and probe into the functioning of NGOs.

But political observers here believe that the aim of discrediting the NGOs would serve limited purpose, that too only in Gujarat, where the people had been tuned to hearing the CM's oft-repeated diatribe against "five star NGOs" out to "defame five crore Gujaratis".

- Yet another purpose of the turnaround could be sending a very strong message to the minority community witnesses that even their 'star' eye-witness can be won over by the forces interested in acquittals of those guilty of executing the post-Godhra pogrom. The move was deemed necessary in view of the Supreme Court ordering re-opening of the 2,000-odd riot cases, for which minorities were readying to depose before the courts.

- The same apex court order also sent jitters through the Sangh Parivar and policemen instrumental in closure of nearly 2,000 cases. These sections needed to be assured "Don't worry, witnesses can be manoeuvred".

- Though it is naive to think that the judiciary at any level would be swayed by Zaheera's turnaround, this might have been a vague attempt to disrupt the process of transfer of the dozen other riot cases out of Gujarat.

- Not the least important is a combination of allurements and intimidation that made Zaheera jump the fence. But, observers believe these might only have played the role of catalysts.



Teesta Setalvad (above) and Zaheera Sheikh



THE WHY STORY

14 NOV 2004

THE HINDUSTAN TIMES

9. November  
(अहमदाबाद)

# Spell out stand on Teesta, court tells Gujarat govt

HC-3 11/10

**Agencies**  
Mumbai, November 10

DIRECTING THE Gujarat government to declare its stand, the Bombay High Court today deferred to November 23 a petition filed by social activists Teesta Setalvad and Rais Khan, urging for anticipatory bail in the event of their arrest following allegations levelled against them by the prime witness in Best Bakery case, Zaheera Sheikh.

Both feared arrest after Zaheera filed an affidavit on November 3 before the Vadodara Collector, alleging that she was forced to come to Mumbai at the behest of Setalvad, kept in wrongful confinement for nearly a month, made to sign documents and pressurised to falsely depose before the Mumbai court in the Best Bakery case in the name of *qaum* (community).

Justice R.S. Mohite asked the Gujarat government to file an affidavit on November 23 and declare its stand.

The petitioners said they feared arrest as Zaheera had alleged she was abducted with her family by Khan, a volunteer of the NGO, and kept against their wishes in a hotel in Mumbai for a few days and later at Setalvad's house for a month, besides being forced to sign documents and give false evidence in court.

Their counsel Satish Maneshinde and Sayaji Nangre argued that the contents of Zaheera's affidavit allege commission of non-bailable offences. They said the activists were informed that the Gujarat police are looking into these allegations since Zaheera's affidavit has also been filed with the Vadodara police commissioner.

They informed the court



## Zaheera meets rights chief

THE DAY-LONG suspense over Zaheera Sheikh's meeting with National Commission for Women Chairperson came to an end when the duo finally met at a house in Gandhinagar this evening.

Earlier in the day, National Commission for Women Chairperson Poo-rnima Advani had said that though the Best Bakery case is sub-judice she had no objection to meet Zaheera. But the meeting has raised many questions regarding what tra-

nspired between the NCW chief and Sheikh.

Neither Zaheera nor the Advani disclosed anything about the meeting, though it can be assumed the former must have repeated her allegations against Teesta Setalvad.

Confirming that the NCW has received a letter from Zaheera two days back, Advani said that the Best Bakery witness had wanted to meet her personally and also sought protection.

*HTC, Ahmedabad*

that policemen have been visiting Khan's house in Gujarat to inquire about his whereabouts and made telephone calls to Setalvad's office in Mumbai asking about her. "So, both have a reasonable belief that they are likely to be held," Nangre said.

The petitioners said they were not involved in abducting Zaheera and her family or keeping them in wrongful confinement and issuing

threats. "They have supported Zaheera because of which the apex court ordered retrial of the Best Bakery case in Maharashtra," Nangre said. **Zaheera restrained:** The judge restrained Zaheera and her family from repeating such allegations against Setalvad and Khan and advised them to file an affidavit on November 23 if they wanted to make any further statements against the duo.

## Another riot case reopened

**Agencies**  
Ahmedabad, November 10

THE POLICE have reopened another post-Godhra riot case in Dahod district and booked fresh offences against 15 people, including six who have already been arrested by the CBI in the Bilkis Bano gangrape and murder case, official sources said here today.

The case, which was reopened yesterday, is regarding the torching of seven houses in the Singhvad area in Dahod by a 2,000-strong mob. The houses belonged to people from the minority community. However, no one was killed in the incident.

The police had registered an offence of rioting and arson, and have now added Section 395 IPC (dacoity) since the complainant — a survivor who lost his house in the attack — claimed that the total value of the damages amounted to Rs 13.75 lakh.

The case was reopened after a special group of officers, headed by the DGP, who have been asked by the Supreme Court to look into various post-Godhra riots cases saw it fit for re-investigation. Among the six people accused in both the cases is a suspended sub-inspector, R.M. Bhabhor. The three main accused in the Dahod case are Jaswant Nai, Govind Nai and Naresh Modiya.



# Lie of the State

## Zahira Symbolises Flaws in Prosecution Process

By Anil Dharker

Who, or what, is Zahira Sheikh? Is she the victim, heroine or mercenary? It's a tangled story, so she could be all of these at different times, or some of these at the same time... But if her case is confusing, it's only because everything that happened in Gujarat in February-March 2002 is topsy-turvy.

To start with, what we call "the Gujarat riots" weren't riots at all. What took place was a state-sponsored pogrom against Muslims, planned by state-level politicians, executed by mobs led by local politicians while the police either stood by or participated in the mayhem. The indifference of law-enforcing agencies to record FIRs, collect evidence or protect witnesses was so obvious that the Supreme Court had to take the unprecedented step of transferring cases out of Gujarat.

If that seemed like a victory for justice, it was short-lived because to prosecute a case, you need a prosecution. The prosecution, in this case, is the state of Gujarat and its various agencies, and in many instances, they should really be the defendants. Which is why when Zahira changed her testimony yet again recently to say that she couldn't identify the accused in the Best Bakery trial, she did so in the beaming presence of the Vadodara collector as well as the Vadodara commissioner of police, two gentlemen who forgot they were part of the prosecution! How do you prosecute when the prosecution seems keen to sabotage the case? There's only one way: You try and bypass official agencies as much as possible.

It was this awareness that guided the actions of Citizens for Justice and Peace (CJP), an NGO of which I am a part. Immediately after the Gujarat violence CJP had FIRs registered and evidence recorded. A Citizens' Tribunal was appointed to record evidence from affected people. Headed by retired Supreme Court Justice Krishna Iyer and including other retired high court justices, the tribunal collected evidence from over 1,500 witnesses and victims. The tribunal's report is blood-curdling and damning, especially about the participation or connivance of officials and politicians in what happened.

Unfortunately, this report is not official. Which is why the CJP petitioned the Supreme Court as early as April 2002 to get a high-level investigation into the Gujarat massacres starting with Godhra, before the evidence was destroyed. Sadly, that plea has become part of the court's backlog of cases. Will justice ever prevail in any of the cases in Gujarat? While the Best Bakery case has got all the attention, CJP has been responsible in launching 18 other cases dealing with incidents in places like Naroda and Sardarpura, once ordinary names which have now become associated with

horror. Teesta Setalvad, CJP's secretary, now needs protection because of the many threats on her life, while the CJP's hands-on man in Ahmedabad has been under protection for over a year.

CJP's funds are low (contrary to what Zahira believes) and it continues to function only because of emergency infusion of small sums from friends and well-wishers.

Most of all, the range of forces out to subvert justice is formidable. Zahira stayed in Mumbai happily for a year, moving freely, even making three unescorted trips to Vadodara. But just before she was to testify in court, came her volte face, turning her erstwhile friends into sudden foes and her erstwhile foes into protective friends. Her new "friends" now give her "protection" of the kind chief ministers give their captive MLAs before the head-count to prove their majority.

What compelling reason made her do a complete flip-flop, so much so that she has earned the wrath of her community and her neighbours in Vadodara have burnt her effigy? We don't have to be rocket scientists to figure out who are the potential benefi-

ciaries of her changed testimony. But her advisors have probably miscalculated: How much credibility does Zahira have now? And they have overlooked the brave workers at the Bakery who have already testified, given eyewitness accounts of the horrific happenings and identified a considerable number of the accused.

Whatever happens, these cases bring up much wider questions going beyond what happened in Gujarat. We already have the example of the anti-Sikh riots of 1984 which killed in excess of 2,000 people and resulted in not a single conviction in 20 years! Gujarat was worse because official connivance was open and unchecked. If the state is the criminal, who will book the state?

You cannot expect NGOs to do the job every time. In any case, isn't the delivery of justice an essential duty of any government? Even with a Congress-led government in Delhi, there has been no change in the attitude of either the home or the law ministry, no sense of urgency in pursuing the cases.

In this vacuum, do we then need an autonomous organisation, which is well-funded and dynamically led, which can *suo moto* take up cases anywhere in India? It will need to be flexible in its approach, taking the initiative when it can, cooperating with NGOs when it can't. It will need access to an independent investigative agency (like a new, improved CBI). And it will need the clout to stop state agencies from interfering in its cases. Sounds like a lot? It probably is. But who will deny that we need something like this?



# তিস্তার বিরুদ্ধে ফের অভিযোগ জাহিরার

নয়াদিল্লি, ৮ নভেম্বর: বেস্ট বেকারি মামলা আরও একটি নাটকীয় মোড় নিল। এই মামলার প্রধান সাক্ষী জাহিরা শেখ আজ জাতীয় সংখ্যালঘু কমিশনে চিঠি দিয়ে জানিয়েছেন স্বেচ্ছাসেবী তিস্তা শিতলাবাদ এই মামলায় নির্দোষ লোকদের বিরুদ্ধে মিথ্যা সাক্ষ্য দেওয়ার জন্য তাঁর উপর চাপ দিচ্ছেন। চিঠিতে জাহিরা বলেছেন, সংখ্যালঘু সম্প্রদায়ের মানুষ হিসেবে তিনি অসহায় বোধ করছেন। কমিশনের চেয়ারম্যান তারলোচন সিংহ জানিয়েছেন তাঁরা আজই জাহিরার অভিযোগ পেয়েছেন। গত সপ্তাহেই বডোদরায় এক সাংবাদিক সম্মেলন করে জাহিরা তিস্তা ও তাঁর স্বেচ্ছাসেবী সংগঠনের বিরুদ্ধে এই চাপল্যাকর অভিযোগ এনেছিলেন।

গোধরায় সর্বমতী এক্সপ্রেসে অগ্নিকাণ্ডে ৫৮ জন করসেবক মারা যাওয়ার পরে গুজরাত জুড়ে যে সাম্প্রদায়িক হিংসা ছড়িয়ে পড়ে তারই বলি জাহিরা ও তাঁর পরিবার। গোধরা কাণ্ডের এক দিন পরে ২০০১ সালের ১ মার্চ বডোদরায় বেস্ট বেকারিতে এক দল উন্মত্ত জনতা চাড়াও হয়ে বেকারির কর্মী ও জাহিরার পরিবারে মোট ১৪ জনকে পুড়িয়ে মারে। ২০০৩-এর মে মাসে জাহিরার সাক্ষ্যের উপর ভিত্তি করেই এই মামলায় অভিযুক্ত ২১ জনকে মুক্তি দেয় আদালত। এর পরেই তিস্তা শিতলাবাদ ও তাঁর সংগঠন

জাহিরা ও এই মামলার অন্যান্য সাক্ষীদের সাহায্যে এগিয়ে এলে জাহিরা বলেন প্রাণের ভয়েই তিনি মিথ্যা সাক্ষ্য দিয়েছেন। এর পরেই বেস্ট মামলা গুজরাত থেকে সরিয়ে নেওয়ার জন্য লড়াই করেন তিস্তা। সুপ্রিম কোর্ট জাহিরার আবেদনে সায় দিয়ে বেস্ট মামলা আমদাবাদ থেকে মুম্বইতে সরানোর নির্দেশ দেন। তারপরে গত সপ্তাহে তিস্তার বিরুদ্ধেই মিথ্যা সাক্ষ্য প্ররোচনা ও অত্যাচারের অভিযোগ আনেন জাহিরা।

গত ৩রা নভেম্বর বডোদরায় জাহিরা জানান, মুম্বইতে তিস্তা শিতলাবাদ তাঁকে ঘরে আটকে রেখে নির্দোষ কিছু লোকের নাম এই মামলায় জড়িয়ে দিতে চাপ দিচ্ছেন। তিস্তা অবশ্য এই সমস্ত অভিযোগই অস্বীকার করেছেন। সুপ্রিম কোর্টে তিনি এই ঘটনার পূর্ণাঙ্গ তদন্ত করারও আবেদন জানিয়েছেন। জাহিরার এই নাটকীয় বিবৃতির পরই আসরে নেমে পড়েছেন গুজরাতের মুখ্যমন্ত্রী নরেন্দ্র মোদী। তিনি এই ধরনের স্বেচ্ছাসেবী সংগঠনের কার্যপদ্ধতি খতিয়ে দেখা উচিত বলেও মন্তব্য করেন। বস্তুত এক সময় যে মোদী সরকারের কাছ থেকে উপযুক্ত নিরাপত্তা না পেয়ে প্রাণের ভয়ে মুম্বই চলে এসেছিলেন জাহিরা আজ সেই গুজরাতেই এক অজ্ঞাত স্থানে আত্মগোপন করে আছেন তিনি।

— পি টি আই

# Teesta seeks anticipatory bail from HC

## Zahira Approaches NCW For Protection

*5-11-04*  
**Mumbai\New Delhi:** Social worker and head of an NGO Teesta Setalvad on Tuesday moved the Bombay high court seeking anticipatory bail in the wake of an affidavit filed by prime witness in the Best Bakery case Zahira Sheikh levelling criminal charges against her.

Setalvad filed a petition praying that in the event of an arrest she may be granted anticipatory bail. The petition will come up for hearing before Justice R S Mohite on Wednesday.

Zahira had filed her affidavit before the Vadodara district collector recently alleging that Setalvad had pressurised her to tell lies before the trial court in Mumbai and that because of her pressurisation earlier she had cast aspersions on the verdict of a Gujarat court.

The prime witness also alleged that Setalvad had kidnapped her and kept her in wrongful confinement. These charges constitute

non-bailable offences and Setalvad, apprehending that FIR may have been lodged against her, has moved the high court seeking relief.

Setalvad was accompanied by her lawyers Satish Maneshinde and Sayaji Nangre when she came to the court to file the petition.

Meanwhile, Zahira has approached the National Commission for Women (NCW) with a plea that she be duly protected.

In a letter sent to the commission on Monday Zahira had reposed faith in the NCW, saying she was confident that it would understand her suffering. The letter was written in Gujarati and was sent through her lawyer.

"It is a brief letter of appeal and she has written that since the commission has been redressing the problems of women. We can understand her suffering," NCW chairperson Poornima Advani said. Zahira had also moved the National Commission for Minorities (NCM) on Monday. PTI



## Teesta moves SC, seeks CBI probe

NEW DELHI, Nov. 6. Ms Teesta Setalvad, accused by Best Bakery prime witness Zaheera Sheikh of prompting her to make false statements in the riot case, today moved the Supreme Court, seeking a thorough probe by CBI into the about turn made by the witness in the case.

In an application filed in the Court Registry, she said the trial of the case was transferred from Gujarat to Mumbai on the basis of the averments made by Zaheera in her affidavit, narrating the woeful lack of investigation and cooperation from the investigating and prosecuting agencies.

Many questioned were asked by the social activists running the NGO Citizens for Justice and Peace, which spearheaded the PIL before the Supreme Court, alleging collusion between police and rioters during the post-Godhra riots.

"Who arranged for the press conference? What was the Baroda Police Commissioner doing when the prime witness in the Bakery case was turning hostile?" the applicant said and sought a comprehensive probe into the entire episode.

Terming Zaheera's allegations against her as baseless, Ms Setalvad stated that all the affidavits written in English were translated into Hindi for her before she signed them.

On 3 November, Zaheera had accused CJP of "pressurising" her into making statements and naming "innocent persons" during the retrial of the case at a special court in Mumbai. She had also sought protection from Gujarat police.

### Summons to Zaheera

A special court conducting retrial of Best Bakery carnage today extended to 17 November, its summons issued to prime witness Zaheera Shaikh and her two brothers, Nafitullah Shaikh and Nasibulla Shaikh and asked the trio to remain present before it by then, PTI adds from Mumbai.

The prosecutor, Ms Manjula Rao told the court that she may ask for aailable warrant against the three prime witnesses in case they failed to appear on 17 November. Zaheera, on 4 November, failed to turn up before the court which had summoned her.

— SNS & PTI

# Trust on Trial

## Try Zahira Sheikh for perjury

Zahira Sheikh, the main complainant in the Best Bakery retrial, has retracted her statement made before a court for the second time. She now wants the world to believe what she had told a fast track court in Vadodara a year ago — that she was unable to recognise the people accused of massacre at the bakery. Zahira stands accused of perjury. She should be tried and punished. Let the charges levelled by her against social activists also be investigated, as well as the role of the police and all others involved in this bizarre episode. The Best Bakery retrial has emerged as a benchmark for the disbursal of justice to victims of the Gujarat pogrom. The actions of Zahira and her mother Shehrunnisa underline much that is wrong with the state and its instruments. When both of them claimed that they were forced to lie under oath after being threatened by local politicians and goons, the Supreme Court took the unusual and laudable step of ordering a retrial of the case outside Gujarat. The apex court did much to restore public confidence in the judicial process. Depositions before the Nanavati-Shah Commission investigating the pogrom severely indict the police brass as well as politicians. The vigil maintained by the Supreme Court and the media as well as the change in the political climate hold out hope that perpetrators of the Gujarat carnage would be brought to book. But unreliable witnesses like Zahira could derail the process of justice and healing.

Gujarat 2002 was a failure of the state. The riots and the manner in which law enforcement agencies behaved — corroborated by testimonies of senior police officers — ripped apart the social fabric and destroyed the faith of people in the state. The most disturbing issue concerns the options before law-abiding citizens when the state abets violence. The apex court may have done its best to restore confidence in the judiciary. However, not much has changed with the police and/or the manner in which investigations are conducted. The state fails to inspire confidence when it can't protect victims and deliver expedient justice. This lack of faith in the arms of the state, to a large extent, explains why prosecution witnesses turn hostile during court trials. Two decades after goons of the then ruling party massacred Sikhs in New Delhi, only a few hatchetmen have been booked. We need separate redressal forums like riot tribunals independent of state police and local courts to ensure that justice is delivered in a proper and prompt manner. Justice delayed is justice denied.

5 NOV 2004

THE TIMES OF INDIA

# Shocked and hurt but not defeated, says Teesta

TIMES NEWS NETWORK

**Mumbai:** Rights activist Teesta Setalvad on Wednesday denied the allegations levelled against her by Zaheera Sheikh, star witness in the Best Bakery carnage case, that she had pressured Sheikh into naming "innocent persons" during the ongoing retrial in a special court in Mumbai.

Stating that the allegations were false and baseless, Setalvad said, "I am shocked and pained but not defeated. The retrial is going extremely well in Mumbai."

On Wednesday, Sheikh gave a statement in Vadodara that Setalvad, who is one of the leading lights of Citizens for Justice and Peace, a local non-governmental organisation, was "pressuring" her into naming "innocent persons" during the ongoing bakery retrial in Mumbai.

However, a visibly calm and composed Setalvad told mediapersons outside the Mazgaon sessions court premises that one needed to bear in mind the "timing" of the retrial and the "circumstances" under which Za-



Teesta Setalvad outside the Mazgaon court on Wednesday

heera had made such allegations in Vadodara. "I have not heard the specific allegations made by Zaheera in her affidavit. It is strange that Zaheera gives such a statement, that too in Vadodara, when she and her brother Nafitullah Sheikh were supposed to appear before the court on Thursday," she said.

Zaheera's fresh allegations would not damage the ongoing retrial in Mumbai, Setal-

vad added. "It will not damage the case but put Zaheera's credibility at stake. There is no doubt that she is the star eyewitness in the retrial but there are other key eyewitnesses, who deposed before the court and identified 12 accused," Setalvad said.

When asked if she had seen the new affidavit filed by Zaheera in Vadodara, Setalvad said she had not re-

ceived a copy of it so far. "I will not be able to make any statements on the contents written in the affidavit because I have not read it myself," she said.

When asked about the whereabouts of Zaheera, she said, the Maharashtra police had been providing excellent protection to Zaheera and her family members. "Our organisation had even put her up in a rented flat at Mira Road, Bhayander. I really do not know how she gave such a statement and Nafitullah went missing from Mira Road, especially at a time when they were supposed to appear before the court the next day. Nevertheless, we have other eyewitnesses and strong evidence material. We are certain of a fair retrial," she said.

When asked if she had threatened Zaheera with dire consequences, Setalvad said, "I maintain what I have stated earlier. The allegations are all false and baseless. But yes, I am shocked and hurt."

Setalvad and the NGO had helped Zaheera file a fresh petition in the supreme court regarding a retrial in Mumbai.

5 NOV 2004

THE TIMES OF INDIA

# Zahira Sheikh shifted to Gandhinagar for security

Move takes CISF Personnel Protecting Her By Surprise

TIMES NEWS NETWORK

**Vadodara/Ahmedabad:** Key witness in the Best Bakery case Zahira Sheikh was on Thursday evening shifted to Gandhinagar from Vadodara for providing her with better security.

While some reports said she was moving to Ahmedabad, sources said she could be in Gandhinagar in any one of the 'safe' buildings reserved for VIPs. Before leaving for Gandhinagar, Zahira preferred to remain cooped up in the Hotel Surya Palace till Wednesday evening where controversial BJP MLA Madhu Shrivastava was present with some supporters.

By Thursday morning, however, Zahira had been shifted to the Hotel Airport, opposite the Vadodara airport, amid rumours that she was planning to travel to Mumbai to appear before the court in the Best Bakery retrial. Detection of Crime Branch sleuths and other police officials packed the lobby of the hotel. One of the advocates accompanying Zahira is believed to have paid the bill for her stay at the two plush hotels.

Around 5.15 pm, Zahira left Vadodara, accompanied by lawyer Atul Mistry. Vadodara commissioner of police Sudhir Sinha told TOI, "Since she has gone out of Vadodara, her se-



Teesta threatened me Best accused

**Mumbai:** A day after Best Bakery case witness Zahira Sheikh sought police protection from social activist Teesta Setalvad, an accused in the case, Dinesh Rajbhar (seen in photograph above with a constable), told special judge A M Thipsay that on Wednesday evening Setalvad had threatened him, saying that "Hum tum sab ko dekh lenge (We will see you)." The court has taken the complaint on record. PTI

curity is now under the charge of the state intelligence bureau."

For how long she will be in Ahmedabad or Gandhinagar, is a million-dollar question. Reliable sources say, "when in Mumbai, the CISF personnel protecting her was taken completely off-guard when she left the city." The Gandhinagar district police was asked to provide for her security but where she is putting up is anybody's guess.

► **MODI TARGETS NGO:** Reacting to Zahira Sheikh levelling allegations against an NGO, Gujarat chief minister Narendra Modi on Thursday targeted such organisations and said "their role must be studied in depth".

According to Sinha, Ahmedabad-based High Court advocate Jal Unwala, who was present when Zahira addressed a press conference on Wednesday, called him up to say Zahira wanted to leave Vadodara. However, Unwala told TNN "I will not divulge any details about my client". This sudden appearance and disappearance has baffled many especially as Zahira was expected to shortly appear before the special court in Mumbai.

► More reports on Page 3

Santosh Bane

# Zaheera turns on 'protector'

GANDHINAGAR, Nov 3. —

Zaheera Sheikh, the "star" witness in the Best Bakery case today sought police protection after suddenly appearing in Vadodara, and in a complete reversal charged Ms Teesta Setalvad of Communalism Combat, of threatening her to give false testimony. She also accused Teesta of "keeping her a prisoner".

Zaheera Sheikh's appeared in Vadodara just a day prior to her scheduled appearance in Mumbai where the Supreme Court ordered retrial of the Best Bakery case is being held.

In a press conference in Vadodara, Zaheera, who has changed her testimony a number of times, said she was now coming out with the truth "as she would not lie in Ramzan". The Vadodara district collector, Mr Bhagesh Jha, said that Zaheera approached him around 1.30 p.m. and sought police protection. "She also submitted an affidavit alleging that she was under threat and that she had been held captive by Teesta Setalvad." Police protection was given after Mr Jha informed the police commissioner about the request. Accompanied by her local lawyer at the press meet, she emphasised that the judgement of the Vadodara fast-track court was true, and that she had been forced by Ms Setalvad, and others to change her testimony, seeking a trial outside Gujarat. She also accused Ms Setalvad and her co-workers — Rais Khan and Mohammad Vora — of taking her away from Vadodara "at knife-point" to make allegations "for the sake of the community". She said she had been coerced by Ms Setalvad into signing papers that were in English and that she did not tell Zaheera what was in the application. Zaheera also said her statements against BJP MLA Mr Madhu Srivastava were made at Ms Setalvad's instance.

Ms Setalvad, in a televised press conference in Mumbai, denied Zaheera's allegations. She said "I am shocked, pained, but not defeated". She said that Zaheera had damaged "her own credibility" as she has given statements to the NHRC apart from submitting different applications in the court. — SNS



4 NOV 2004

THE STATESMAN



# Bakery witness disappears

Prasa Trust of India

MUMBAI, Nov. 3. — The prosecution in the Best Bakery case has informed the trial court that Mr Nafitullah, one of the witnesses in police escort, had disappeared and therefore would not be available to tender evidence.

Prosecutor Ms Manjula Rao, who filed a report before the court, later told reporters that Mr Nafitullah, Zaheera Sheikh's brother had gone missing from Visava, the guest house where he was being kept. She said she came to know about his latest whereabouts from the reporters who were present in the court. The prosecution has already examined 27 witnesses and among them were two eyewitnesses.

The sudden disappearance of a witness in police escort has come as a surprise in legal circles as great care had been taken to ensure that they were given adequate protection in view of the Supreme Court directive. The apex court had ordered retrial of this case in Mumbai as eyewitness Ms Zaheera Sheikh informed that she and her family had not spoken the truth before trial court in Gujarat as they had been threatened.



A file photograph of the Gujarat riot

The special court, conducting a trial into the case, has kept for tomorrow the hearing on defence's application for procuring a copy of the report that was filed before the court this morning by prosecution informing it about the "disappearance" of key witness, Mr Nafitullah from their custody. It asked the prosecution to

consider giving the report to the defence lawyers who have been insisting that a copy be provided to them. Defence lawyer Mr Adik Shirodkar told reporters that the prosecution had moved an application a copy of which they are seeking. The prosecution, however, maintained that the contents of application were not relevant to the case and were confidential.

## Eyewitness identifies 12 accused

Deposing before the court, Mr Shezad Khan, the third eyewitness, identified Jeetu Chauhan, Sanjay Thakker, Sanabhai Baria and Dinesh Rajbhar by their names and alleged they were moving around the Best bakery with swords and burning torches in their hands at the time of the incident on 1 March, 2002.

He also identified Suresh Vasava, Mahendra Yadav, Sailesh Tadvi, Pankaj Gosavi, Jagdish Rajput, Raju Baria, Ravi Chavan and Kamlesh Tadvi by their faces, as members of the group that attacked the bakery. The witness further said the accused had stormed the bakery on that day and one of the accused Sanjay Thakker had snatched his purse which had Rs 5000.

4 NOV 2004

THE STATESMAN

# ফের বিবৃতি বদল জাহিরার, বেস্ট মামলা বিশ বাঁও জলে

বড়োদরা, ৩ নভেম্বর: ফের বেস্ট বেকারি মামলার মোড় ঘুরিয়ে দিলেন জাহিরা শেখ। এ বার তাঁর অভিযোগ সাহায্যকারী স্বেচ্ছাসেবী সংস্থার বিরুদ্ধেই। বড়োদরার সিটিজেন ফর জাস্টিস অ্যান্ড পিস নামে যে সংস্থা এত দিন এই মামলায় জাহিরাকে সাহায্য করছিল, আজ তারই বিরুদ্ধে অভিযোগ তুলেছেন জাহিরা। এই সংস্থার প্রধান তিস্তা শিতলাবাদ নির্দোষ ব্যক্তিদের নাম এই ঘটনায় জড়াতে তাঁর উপরে চাপ সৃষ্টি করছেন বলে জাহিরার অভিযোগ। তাঁদের মধ্যে বিজেপি বিধায়ক মধু শ্রীবাস্তবও রয়েছেন। তিস্তা জাহিরার এই অভিযোগ অস্বীকার করেছেন।

এ দিকে, আজ মাজগাঁওয়ের বিশেষ আদালতে এক প্রত্যক্ষদর্শী সাজিদ খান দাঙ্গাবাজদের পাঁচ জনকে শনাক্ত করে চার জনের নাম জানিয়ে দিয়েছেন। সেই অভিশপ্ত দিনের ঘটনায় ওই পাঁচ জনের কী কী ভূমিকা ছিল তা-ও বিচারককে জানিয়েছেন সাজিদ। এই মামলায় আর এক গুরুত্বপূর্ণ প্রত্যক্ষদর্শী জাহিরা শেখের জাই নফিভুল্লা শেখ সম্প্রতি সরকারি অতিথিশালা থেকে পুলিশের নজর এড়িয়ে পালিয়ে গিয়েছেন বলে আজ সরকারি আইনজীবী আদালতে জানান। সব মিলিয়ে এই মামলার ভবিষ্যৎ ফের অস্পষ্ট হয়ে গিয়েছে।

আজ বড়োদরায় সাংবাদিক সম্মেলনে জাহিরা জানান, তিনি ইতিমধ্যেই বড়োদরার কালেক্টরের কাছে নিরাপত্তা চেয়ে একটি হলফনামা পেশ করেছেন। কারণ, তাঁর কথাগুলো না চললে ফল ভাল হবে না বলে হুমকি দিয়েছিলেন তিস্তা। এর আগে তিনি মধু শ্রীবাস্তবের নাম উল্লেখ করেছিলেন কেন জিজ্ঞাসা করা হলে জাহিরা জানান, “তিস্তা বলেছিলেন, তাই বলেছি।” জাহিরার অভিযোগ, “তিস্তা আমাকে দিয়ে ইংরাজি নথিপত্রে সই করিয়ে নিয়েছিলেন। বারবার জিজ্ঞাসা করা সত্ত্বেও সেগুলি কী জানাননি।” এই নিয়ে দ্বিতীয়বার তাঁর বিবৃতি বদলালেন জাহিরা। আজ বড়োদরার পুলিশ কমিশনার বলেন, “দুপুরে কালেক্টরের কাছে লিখিত হলফনামায় জাহিরা জানিয়েছেন, বড়োদরার বিশেষ আদালতে প্রথমে তিনি সত্যই বলেছিলেন। তিস্তা শিতলাবাদ নির্দোষ ব্যক্তিদের বিরুদ্ধে অভিযোগ আনতে চাপ সৃষ্টি করেন।” জাহিরার লিখিত বিবৃতিও প্রকাশ করেছে পুলিশ।

মুম্বই থেকে স্টাফ রিপোর্টার জানাচ্ছেন, জাহিরার অভিযোগ সম্পর্কে কোনও মন্তব্য করতে অস্বীকার করেছেন তিস্তা। আজ দুপুরের দিকে তিস্তা মাজগাঁওয়ের বিশেষ আদালতে এসে পৌঁছলে সাংবাদিকেরা জাহিরার অভিযোগ সম্পর্কে জানতে চান। তিস্তা জাহিরার এই অভিযোগ উড়িয়ে দিয়ে বলেছেন, “মামলাটি বিচারাধীন, তাই এ বিষয়ে কিছু বলব না।” তবে তাঁর কথায়, “জাহিরার অভিযোগ মিথ্যা। তবুও তাঁর মুখ থেকেই আমি ব্যাপারটি বিস্তারিত শুনতে চাই।”

4 NOV 2004

ANADABAZAR PATEIKA

# Prosecution could hold despite Zaheera, say legal experts

TIMES NEWS NETWORK

**Vadodara/Ahmedabad:** Does Zaheera Sheikh doing a 180-degree turnaround affect the case of the prosecution in the Best Bakery retrial in Mumbai?

Legal experts and police officials feel that the case does not hinge on her testimony alone. It hinges on the four eyewitnesses who had been dropped by the fast-track court of judge H U Mahida for various reasons ranging from mental instability to not having enough time to reach the court from outside Gujarat. According to them, an eyewitness is considered key to any important criminal offence. In this particular case, the prosecution conducted in Vadodara had not examined four key witnesses: Tufail Habibullah Shaikh, Raiz Amin Mohammed Pathan, Shailesh Hasankhan Pathan and Shahzad

## BEST BAKERY RETRIAL

As Zaheera has been retracting her statements, there is always a possibility of her credibility being questioned. However, apart from the Sheikh family, each witness stands on his own merit," says senior counsel Atul Mehta.

Hasankhan Pathan. In fact, three of them have deposed before the Mumbai court and identified many of the accused. All four of them were injured in the Bakery carnage of March 1, 2002, in which 14 people were burnt to death.

In his testimony before the Mumbai court, Tufail has identified seven of the accused, while Raiz identified five. Interestingly, Shahzad, who was dropped from the proceedings of the fast-track court after it was stated that he was mentally unstable and that he had not recovered from the shock of the incident, identified 12 accused before the court of judge Abhay Thipsay on Wednesday.

## Chronology Of Events

March 1, 2002: Best Bakery in Vadodara is burnt down by a mob, killing 14 persons.

March 21, 2002: Main complainant Zaheera Sheikh meets the NHRC and demands justice.

May 17, 2003: Zaheera turns hostile in the fast-track court. Says she can't identify the accused.

June 27, 2003: Judge Mahida acquits the 21 accused saying it would be dangerous to convict the accused as there was not enough evidence.

July 7, 2003: Zaheera names BJP MLA Madhu Shrivastava for intimidating her into turning hostile. Asks for a retrial outside Gujarat.

August 7, 2003: The Gujarat government challenges the fast-track court's acquittal in the Gujarat high court.

September 29, 2003: The Gujarat government challenges the fast-track court's order in the HC with an amended appeal.

December 26, 2003: The HC upholds the fast-track court's order.

March 12, 2004: The SC admits the Gujarat government's appeal against acquittal.

April 12, 2004: The SC orders retrial of case outside Gujarat, in Maharashtra.

September 22, 2004: Charges framed in a Mumbai court.

October 4, 2004: Trial begins in the special court at Mumbai.

November 3, 2004: Zaheera does yet another turnaround. Says that the statement she gave in the fast-track court of Vadodara was correct.

## 'Main akeli ladki kahan kis kis se ladti'

**Ahmedabad:** "Main to badnami ka daag dhore ke liye bahar aayi hun kyonki maine kisise paisa nahin liya hai aur ab mera dar bhi door ho gaya hai" (I have come out to clear my name because I have not taken any money from anyone and I am now also not afraid of anyone), Zaheera Sheikh had said at a press conference in Mumbai on July 7, 2003, an event which made her a celebrity overnight and brought a turning point in the process of ensuring justice for the Gujarat riot victims.

"Whatever I said in the court was false. I was compelled to lie under pressure," she had told a battery of mediapersons, drawing encouragement from Teesta Setalvad of Citizens for Justice and Peace who stood by her side.

Now, 15 months later, the relationship seems to have soured and Zaheera is now accusing Setalvad of being her tormentor.

A confident-looking Zaheera had stated then that she wished to "clear my name of allegations that I had taken money to turn hostile in court". She went on to level allegations against BJP MLA Madhu Shrivastava, Vadodara councillor Chandrakant Shrivastava alias Bhattu and another witness Lal Mohammed who, she alleged, had threatened to kill her family. Zaheera had not spared even her community and its leaders.

She had said, "I would not have given up the fight if even one person from my community had stood by me in that crisis, but the members of the relief committee also ditched me when I needed them the most... Main akeli ladki kahan kis kis se ladti."



9-Minute

# Rescue' man in trouble

OUR SPECIAL CORRESPONDENT

## THE AYODHYA JIGSAW

### How the case was reopened on Tuesday

New Delhi, Nov. 2: A writer in the latest edition of the *Organiser*, the Rashtriya Swamsevak Sangh's English mouthpiece, compared L.K. Advani's anointment as BJP chief with Winston Churchill's "rescue act" in 1939 when Hitler's army was on the verge of attacking Britain.

Today, the veteran leader is himself beset with problems — both within and outside his party.

The Lucknow bench of Allahabad High Court today served a notice on him on a revision petition the CBI had filed challenging the quashing of trial against Advani and seven others in the Ayodhya demolition case by the court in 2001. The petition, filed soon after the charges were dropped, was admitted for hearing today. If the plea is upheld, Advani would have to face fresh trial.

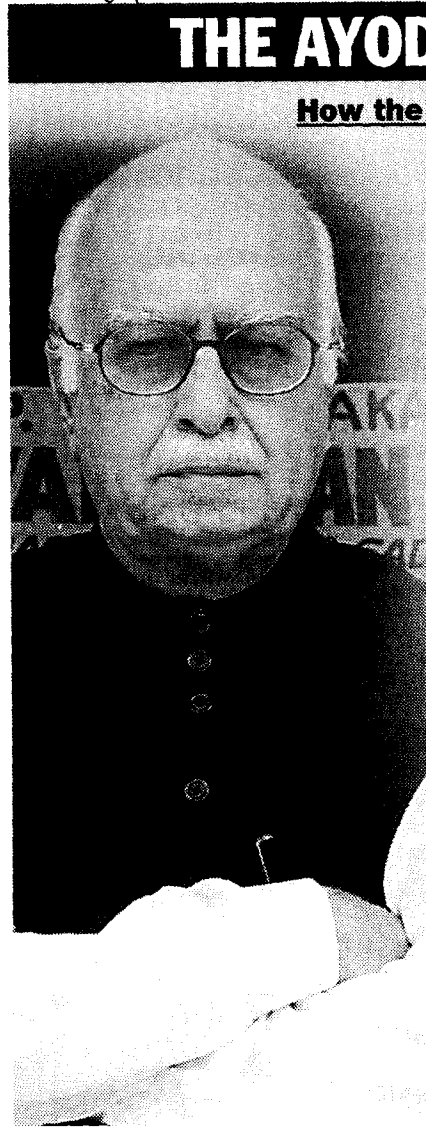
Sources close to Advani played safe. "We will have to study the notice and see which case(s) it pertains to before formulating a response, legal or political," said a source.

BJP spokesperson Arun Jaitley said: "I would not like to react through the media."

The sources said by tomorrow, a "political" response may be in place accusing the Congress-led government of indulging in "political vendetta" through the CBI by implicating Advani but allegedly bailing out party leader Satish Sharma.

In Lucknow, former Uttar Pradesh chief minister Kalyan Singh — who was also an accused in the demolition case — compared the move to revive the case with the Karnataka government's decision to press a 10-year-old charge of rioting against former Madhya Pradesh chief minister Uma Bharti.

The BJP today issued a statement objecting to the Centre's move to close 15 corruption cases related to allotment of pumps when Sharma was petroleum minister



•After the demolition of Babri Masjid in December 1992, a general FIR is filed. It does not name anybody

•Subsequently, a second FIR is filed, naming L.K. Advani, Murli Manohar Joshi, Uma Bharti, Vishnu Hari Dalmia, Ashok Singhal, Sadhvi Rithambara, Acharya Giriraj Kishore and Vinay Katiyar as "accused"

•Two notifications are issued by the state government in December 1992 and July 1993 to constitute a special court to try the case

•In 2001, Allahabad High Court quashes the trial against Advani and others on the technical ground that the notifications were on the first FIR containing no names and hence, those named in the second FIR could not be sent up for trial. However, the high court says the state government could issue a fresh notification so that a special court is established. But subsequent governments in the state do not issue a notification

•CBI files a revision petition against this order immediately. This revision petition is admitted on Tuesday

•In September 2002, the then Mayavati government in Uttar Pradesh constitutes a special court in Rae Bareilly to hear "offences committed in Ayodhya" as recorded in the second FIR, which names Advani among the accused

•CBI files chargesheet in the Rae Bareilly special court in 2002-end without mentioning the charge of criminal conspiracy under Section 120B of the IPC against Advani, Joshi and six others

•In September 2003, the Rae Bareilly special court acquits Advani and Bharti but upholds the charges against the others

•Allahabad High Court notices, in response to the 2001 CBI revision petition, reopen the case on Tuesday

and said it "exposed the double standards" of the ruling coalition.

With the RSS breathing down the BJP's neck to bring Hindutva back on the political centrestage, Sangh sources claimed if the case against Advani and the others is pressed, the "political gains" might be "huge". The Sangh's blueprint includes another yatra for the BJP chief if this happens, though BJP sources refused to float such balloons.

The flip side is that if Advani is chargesheeted, the demand for following the convention of "one person one post" may be voiced from within the party. In that case,

Advani might have to forego either the party president's post or that of the leader of Opposition.

Advani's second problem is dealing with Uma. The sadhvi met him for two hours today, mainly to convey that far from shutting herself up in the Himalayas, she is ready to offer her services to the party.

It is believed that Uma stressed that she should be made president of the BJP's Madhya Pradesh unit. The sources said Advani told Uma gently but firmly that it would not do to throw tantrums when the party is going through a crisis.

Uma is also believed to

have asked for a position that would give her a say in the state's politics. But the BJP leadership seems keener on propping up the young general secretary from the state, Shivraj Singh Chauhan, as the heartland's new backward caste face.

Advani's nemesis from the past, Sunder Singh Bhandari, sprang literally out of nowhere, accusing the BJP brass of not allowing the GeNext to grow.

In an interview to a TV channel, Bhandari said the fact that a senior leader like Advani was brought back to head the party indicated the "malaise affecting the organisation".

# Sangh prefers temple to BJP

*9-11-04*  
*T-6*  
*1/11*  
**BASANTRAWAT**

**Vadtal (Gujarat), Oct. 31:** The Vishwa Hindu Parishad today threatened to snap ties with the BJP if forced to make a choice between the party and Ram temple.

"We can dump the BJP but we cannot give up the temple issue," VHP president Ashok Singhal told about 700 full-time workers gathered here in central Gujarat for a nine-day national convention.

He criticised the BJP for its "political opportunism" and inconsistency on the Hindutva plank.

Singhal dubbed the party's attempt to resolve the Ayodhya dispute through court or dialogue an exercise in futility. "Muslims do not believe in dialogue or negotiation. They only understand the language of force," he said.

"*Samjhauta se mandir nahin ban sakta hai. Muslim samaj ne kabhi samjhauta nahi kiya hai. Ham bhi nahi karenge, mandir ke mamle me* (The temple cannot be built by negotiations. The Muslim community does not believe in negotiations; neither will we in the matter of the Ram temple)," the VHP chief said.

He iterated that the Ram Janmabhoomi, Kashi and Mathura temple issues were "equally important to us" and non-negotiable.

Top BJP leaders, he said, were out to appease the minority community to get votes

and had "wanted us not to rake up the Mathura and Kashi issue, if they supported us on the Ram temple".

"But we have told them that we can leave you, but not Mathura and Kashi."

Singhal urged all political parties to help enact a law to hand disputed sites in Ayodhya, Mathura and Kashi to Hindus or face political consequences.

He took the opportunity to praise Sardar Vallabhbhai Patel — today being his 130th birth anniversary — but pilloried Mahatma Gandhi and Jawaharlal Nehru for all the country's ills because of their "pro-Muslim" stand.

Singhal also hit out at Pakistan, saying the "very existence of that country was a threat to India's peace".

"There cannot be permanent peace in India unless Pakistan is dismantled and completely pulverised," he said.

Praveen Togadia, the VHP international general secretary, exhorted the outfit's youth wing to prepare for a prolonged "dharma yudh (religious war)" against jihadi elements to establish a "Hindu rashtra".

"We need our youths to demonstrate their power as they did on February 28, 2002," he said, calling for "fighters" to prevent Godhra-like incidents. The Godhra train carnage that month had exploded into communal riots.

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THE TELEGRAPH

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Sudesh K Verma in New Delhi

# Revealed: BJP's 'historic blunder'

A compromise formula for the construction of a Ram temple was ready in February 2004 and the AIMPLB had also consented to the construction, albeit conditionally...

Oct. 31. — Historic blunder, BJP-style? The BJP-led NDA had a "widely acceptable" solution to Ayodhya but postponed its implementation on the sure bet that an early Lok Sabha poll would bring the coalition back to power thanks to the government-led campaign.



Swami Chinmayanand

ign. The NDA lost.

And the BJP arguably lost the chance to go to voters with an Ayodhya package.

Swami Chinmayanand, Union minister of state for home in the NDA government, told The Statesman that a compromise formula for the construction of a Ram temple was ready in February, 2004. He said he was involved in the negotiations for the temple-

controversy resolution. According to the former minister, "a majority of the members of the All India Muslim Personal Law Board (AIMPLB) had consented to the construction of the proposed Ram temple provided certain conditions were met". These included a new legislation for status quo on all temples and shrines, and handing over the disputed site (housing the makeshift temple) not to the VHP-controlled Ramjanambhoomi Nyas but to a different religious body. Ergo, the VHP was to be kept out.

Whether a mosque could be erected outside the Ram temple complex was to be decided by the AIMPLB, Mr Chinmayanand said. Muslim leaders were supposed to have, "in return", agreed to withdraw the petition on the title suit.

The deal was apparently approved by prominent members of the AIMPLB and eminent Muslim leaders from Rae Bareilly, Nagpur, Kolkata, Patna and Chennai. Mr S

Gurumurthy of the RSS-affiliated Swadeshi Jagran Manch was negotiating with Muslim leaders from Chennai, Mr Chinmayanand told The Statesman, but refused to disclose names of Muslim leaders involved saying that it would be a breach of trust.

The Samajwadi Party was also taken into

## EXCLUSIVE

confidence and its chief, Mr Mulayam Singh Yadav, had agreed not to raise Cain provided the BJP agreed to keep the issue above electoral politics. Some prominent Muslim leaders from the Arab world were also involved since they did not want Hindu-Muslim relations to be held hostage to the Ramjanambhoomi temple issue, he added. Some of these international Muslim leaders had spoken to a few leaders of the Congress

to ascertain whether the State would be able to implement the verdict of the Supreme Court were it to go in favour of those asking for the Babari Masjid to be rebuilt. They all pointed to the difficulties if this were to come to pass, Mr Chinmayanand claimed.

The plan was vehemently opposed by the VHP, a "single-issue organisation", that wanted to have a final say in negotiations and construction. The government, however, was confident that it would be able to implement its solution with the help of the VHP even if the VHP did not relent. The RSS's anger with the BJP during the Lok Sabha poll was due to its understanding that the government had gone ahead with the election rather than waiting for the temple issue to be resolved first, sources said. Mr Chinmayanand justified postponing the resolution saying that the government had chosen to keep the issue completely out of electoral politics. Some parties had expressed

apprehensions that the BJP may try to take credit for the dispute-resolution even if elections had been held in September 2004, as per schedule. After all, "everyone in the country was certain about the NDA's comeback", he explained. This was also the reason behind Mr LK Advani's "temple talk" during his pre-poll *Bharat Uday Yatra*.

The involvement of the Kanchi seer, Jayendra Saraswati, and former President, Mr R Venkataraman, was to ensure that the Congress did not sound a discordant note. A function at Vigyan Bhavan attended by Mrs Sonia Gandhi and Mr Atal Behari Vajpayee towards the end of 2003 to felicitate the Kanchi Shankaracharya was part of this exercise, Mr Chinmayanand said. Talks had been so fruitful that the construction could have begun on *Ramnavmi*, he added. Mr Chinmayanand was apparently more acceptable than others to the Muslim leadership as an interlocutor because AIMPLB members had insisted that the negotiator from the "government side" should not be someone charged in the Babari demolition case.

VHP threat: page 5

# Bakery victims' hands and feet tied before torching

## Witness identifies 7 accused in Mumbai court

HTC & Agencies  
Mumbai, October 27

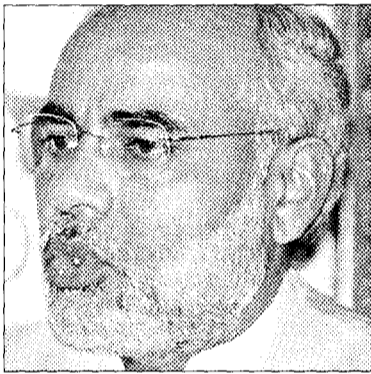
CLUTCHING THE hand of a police officer, a man left for dead during the Gujarat riots of 2002 stood in a courtroom on Wednesday and identified seven men who he said had attacked him with swords and tried to burn him to death.

Urged on by the judge, who repeatedly told him not to be afraid, Tofel Siddiqui nervously pointed to seven of the 17 men charged with murdering and burning to death 14 Muslim co-workers in a family-run bakery in Vadodara two years ago.

Siddiqui, the first key witness to come before the court, said he saw the accused men set fire to the bakery. Siddiqui identified the men who he said tied his hands and feet and attacked him and more than seven others with swords.

"They then put wooden sticks over our bodies and poured kerosene and set us on fire," he told presiding Judge Abhay Thipsay. He said the police later came and took him and four others to a hospital. Siddiqui showed the judge scars from sword wounds on his body and skull, and burn marks on his feet.

The 17 defendants have pleaded innocent. They could face the death



**Narendra Modi** Blast from the past

penalty if convicted of murder. They are also charged with unlawful assembly, property damage and rioting with deadly weapons.

A lower court in Gujarat had last year acquitted 21 men, including the 17 now standing trial in Mumbai. The police are looking for the four others.

The Supreme Court had ordered the group to be retried outside Gujarat after human rights groups showed evidence that 34 witnesses had retracted their statements during the initial trial due to fear and alleged threats from certain politicians.

The Mumbai trial, which began on September 22, is being viewed as

a vital test of the government's ability to bring to justice those responsible for the 2002 riots in Gujarat.

**Nanavati hearing:** The hearings of the Nanavati-Shah Commission probing the Godhra train inferno and the riots afterwards will resume here tomorrow even as the number of affidavits and applications received by the panel has crossed the 40,000-mark.

At tomorrow's hearing, then additional chief secretary (home), Ashok Narayan, will be cross-examined by lawyers representing the riot victims and NGOs espousing their cause. Earlier in August, Narayan had told the Commission that the decision to bring the bodies of the Godhra carnage victims to Ahmedabad was taken by Chief Minister Narendra Modi himself.

Narayan, reportedly, belongs to the core group of state ministers and bureaucrats who took the controversial decision to be lenient on VHP activists during the call for the statewide bandh, which saw the worst riots in the state following Godhra.

The other top IPS officer privy to the decision, then city Police Commissioner P.C. Pande, has just been transferred to the Indo-Tibet Border Police (ITBP).

THE HINDUSTAN TIMES

28 OCT 2004

TUESDAY, OCTOBER 12, 2004

49-10  
12/10

## MINORITIES AND BACKWARDNESS

Minorities

THE ELECTION COMMISSION has shown over-the-top zeal in objecting to the timing of the Union Cabinet's September 29 decision to set up a special commission for the "socially and economically" backward among religious and linguistic minorities. It is beyond doubt that the model code of conduct, which the E.C. evolved in 1984 to ensure a level playing field for contestants, has advanced the cause of free and fair elections. Yet to apply the code to a decision to appoint a commission for the welfare of minorities on the ground that the Assembly elections were on in Maharashtra and Arunachal Pradesh was patently unreasonable. Affirmative action for all religious and linguistic minorities was a promise the Congress party made in its 2004 election manifesto. This was reiterated as a commitment in the National Common Minimum Programme and included by the United Progressive Alliance Government in the presidential address to Parliament.

Promoting the welfare of millions of non-privileged Indians is a duty cast upon the state by the Constitution. The founding fathers treated it as part of the philosophy of the Constitution. The obligation was first mentioned in the 'Historic Objectives Resolution' adopted by the Constituent Assembly on January 22, 1947, and later incorporated in the preamble of the Constitution. Since then equality and justice have been held to be the twin concerns of the state. If Article 15(1) forbids discrimination on grounds of race, religion, caste, sex, or place of birth, Articles 15(4) and 16(4) empower the state to make special provisions, including reservation, for the advancement of "socially and educationally" backward classes (in addition to the Scheduled Castes and the Scheduled Tribes). Can religious and linguistic minorities come in the category of "backward classes" as envisaged by the Constitution? Obviously not by wholesale inclusion and not without an objective process of filtration to exclude the 'creamy lay-

er'. To satisfy Article 15(4), the class must be both socially and educationally backward; and such backwardness must be established by certain defined criteria. Under Article 16(4), "any backward class of citizens" becomes eligible for reservation in government jobs provided there is a balance with the equality principle.

That the proposed commission is intended for the "socially and economically" backward among religious and linguistic minorities suggests the Government is aware of these constitutional requirements — and their interpretation by the apex court. The new commission will have access to a wealth of new and interesting data. These come from the National Sample Survey Organisation (NSSO), the National Family Health Survey-2 (NFHS-2), and also from the Census of 2001. For example, there can be no doubt that the incidence of socio-economic backwardness among India's 137 million Muslims is significantly greater than among any other minority or Hindus as a population category. The 1999-2000 NSSO survey reveals that Muslims face greater deprivation in jobs, education, and consumption than any other population group demarcated by religion. NFHS-2 finds that there is a higher unmet demand for family planning among Muslims than among Hindus. But the most comprehensive evidence comes from the latest Census, which is the first since Independence to collect literacy and work participation data by religion. They show that the level of literacy in 2001 was 59 per cent for Muslims compared with 65 per cent for Hindus; and that the work participation rate for Muslims was 31.3 per cent compared with 40.4 per cent for Hindus. This data-richness will help in the systematic exploration of social and educational backwardness among minorities; if the commission decides to recommend reservation for any minority segment, such quota must come under the 50 per cent ceiling for aggregate reservation laid down by the Supreme Court.

THE HINDU

12 OCT 2004



## Muslim board plans model nikahnama

*9. Nikahnama*

**Lucknow:** Faced with alleged misuse of the triple talaq practice, the All India Muslim Personal Law Board (AIMPLB), the apex body of Muslims in the country, is considering a model nikahnama containing guidelines for both men and women. The model nikahnama will come up for discussion at the annual session of the AIMPLB slated to be held at Kozhikode in Kerala from December 26, board assistant general secretary and spokesman A R Qureshi said after a meeting of the AIMPLB office bearers here.

Besides the nikahnama, the right to inheritance for Muslim woman in agricultural land of her father and a detailed programme to create awareness about the shariat would also be discussed at the annual session, Qureshi said. Observing that there

was no standard nikahnama, he said the model nikahnama would contain a declaration to be signed by the bride and the groom and two witnesses in the presence of qazi, the person who solemnises the marriage. "It will be a kind of guidelines to be followed by both the husband and the wife," he said. The nikahnama, if approved by the board, would act as a standard nikahnama in the country, he said, and expressed the hope that it might be accepted by different Muslim sects.

Asked whether Muslim women would also be given the right to divorce in the model nikahnama, he said there was no wisdom in conferring this right on them as it was the husband who had to bear the financial burden in the event of a divorce. PTI

**REFORM  
CALL**

THE TIMES OF INDIA

10 OCT 2004

# EC finds lapse in national panel on minorities

Our Political Bureau  
NEW DELHI 7 OCTOBER

THE Election Commission on Thursday termed the UPA government's poll-eve decision to set up a National Commission on Reservation for Minorities as a "lapse."

The commission ruled that the decision should have been deferred till October 13, the date of poll, as "at this juncture, it gives an impression of influencing some sections of the electorate."

In a letter to the Cabinet secretary, the EC rejected the government's contention that the decision was not new and did not violate the model code of conduct since the National Commission on Reservation for Minorities was mentioned both in the UPA and the President's address to the joint session of Parliament in June. The EC argued that while the above

two documents contained only the "intent" of the government, the Cabinet decision was final and meant "implementation."

Quoting from the model code of conduct which clearly bars the ruling dispensation from making any announcement or decision that



KRISHNAMURTHY

may disturb the level playing field in an election, the EC held that the decision to set up the National Commission for Welfare of Socially and Economically Backward Sections among Religious and Linguistic Minorities "at this juncture when elections are being held in two states of the country

gives the impression of being aimed at influencing some sections of the electorate." Stating that the Cabinet should have waited for polling to be over before deciding to set up the national commission, the EC hoped that the government would "avoid such lapses in future."

# Charges framed against accused in Bakery case

Press Trust of India  
Mumbai, October 1

A SPECIAL court on Friday framed charges against Sanjay Ratilal Thakker, one of the five absconding accused charged with having torched the Best Bakery in Vadodara on March 1, 2002 leading to the death of 14 persons during the post-Godhra riots in neighbouring Gujarat.

There are 21 accused in the case and 16 of them were arrested earlier. Thakker, along with four others, was absconding. He was arrested by Vadodara police on September 27 and produced on Thursday before Special Judge A.M. Thipsay who framed the charges against him today.

He has been charged, along with the other 16 accused, under Section 302 (murder) read with Sec 149 (members of unlawful assembly), Sec 391 (dacoity), Sec 397 (robbery or dacoity with attempt to cause death or grievous hurt) Sec 425 (mischief) and Sec 436 (mischief by fire or explosive substance with intent to destroy house) and Sec 442 (house trespass).

The other charges include Sec 449 (house trespass in order to commit an offence punishable with death), Sec 141 (joining unlawful assembly armed with deadly weapon), Sec 145 (joining or continuing the assembly knowing that it has been asked to disperse), 146 (rioting), 148 (rioting, armed with weapons).

Thakker's trial will be clubbed with that of other 16 accused who are in custody as he was arrested before the commencement of trial, which is scheduled to begin on October 4.

THE HINDU TIMES 1 2 OCT 2004

# Cabinet nod for Commission for backward sections among minorities

H27  
2009  
A. Minnich

● Reservation regime to be expanded

By Our Special Correspondent

**NEW DELHI, SEPT. 29.** The Union Cabinet today approved the constitution of a commission for the welfare of socially and economically backward sections among religious and linguistic minorities, according to Jaipal Reddy, Information and Broadcasting Minister. The Prime Minister, Manmohan Singh, presided over the Cabinet meeting.

The decision is seen as part two of the policy blitzkrieg; the first part was announced on September 17, as part of Dr. Singh's strategy to impart a new policy impetus to his Government. The next round is expected to be decided upon at a Cabinet meeting on October 5.

With today's decision, the United Progressive Alliance Government is seen as having begun the process of implementing a promise made in its

National Common Minimum Programme. The section on "Social Harmony, Welfare of Minorities" in the Programme held out a promise to "establish a national commission to see how best the welfare of socially and economically backward sections among religious and linguistic minorities, including reservation in education and employ-

ment, is enhanced."

Briefing the media after the meeting, Mr. Reddy said the commission would have a three-fold mandate. First, it would suggest the criteria for identifying the socially, economically backward sections among the religious and linguistic minorities. Second, it will recommend measures for the welfare of such

identified backward sections, including reservation in education and government employment. Third, it will suggest the necessary constitutional, legal, and administrative modalities required to implement the recommendations.

Mr. Reddy said the commission was expected to give a report by March 31, 2005.

The commission is intended to expand qualitatively the reservation regime. Any expansion of the regime has to factor in two constitutional stipulations. First, a fundamental right, granted under Article 15 (1), gives the right to equality to all citizens and protects them against any discrimination on grounds of religion, race, caste, sex or place of birth; second, Article 15(4) and Article 16(4), which talk of the principle of "special provisions for the advancement of any socially and educationally backward classes of citizens."

## GoM on print media

By Our Special Correspondent

**NEW DELHI, SEPT. 29.** The Union Cabinet today decided to set up a Group of Ministers (GoM) to take a "comprehensive look" at the print media policy and "the violations that may have occurred" over time. It has stopped short of going in for the amendments suggested by the Information and Broadcasting

(I&B) Ministry to certain sections of the Press and Registration of Books (PRB) Act, 1867.

These amendments were suggested in the wake of the publication and printing of the *International Herald Tribune* (IHT) from India "in violation of [the] existing guidelines."

Policy paradigm too to be looked into: Page 11

WEDNESDAY, SEPTEMBER 29, 2004

## COMMUNAL THUGGERY IN KERALA

10-10  
29/9

THE ATTACK ON nuns attached to the Missionaries of Charity near Kozhikode is unusual, even if not unprecedented, for a State that has been relatively immune to communal violence. Without any apparent provocation but with meticulous planning, an unidentified mob criminally assaulted nuns from the Missionaries twice in one day. What made it worse was the choice of target. The Missionaries of Charity — founded and led by Mother Teresa and known for their exemplary work in the cause of the sick and the poor — have not been attacked even in States prone to communal violence. Most of the earlier incidents of communal violence in Kerala had their roots in disputes over ownership of land or access to resources. In contrast, the violence in Pantherankavu stands out as unadulterated hate politics, in motive as well as execution. The nuns were proceeding on invitation to a Dalit colony to do charity work when they were attacked by a mob shouting slogans in support of the Rashtriya Swayamsevak Sangh and the Bharatiya Janata Party. The attackers were protesting what they claimed were attempts to convert the Dalits to Christianity. Although the slogan shouting by itself does not implicate the organisations in this hate crime, there is no disputing that attempts at communalising politics in Kerala have gained in strength in recent years. For this, not only the organisations of the Hindu Right but also Islamic extremist groups such as the People's Democratic Party led by Abdul Nasir Maudany and factions of the Kerala Congress that openly ally with the Church are to blame. But there is no denying that majoritarian communal politics in recent years created a sense of insecurity among the minorities in the State and contributed, directly or indirectly, to targeting vulnerable sections among them.

Although such hate crimes are difficult to an-

*J. Sivadas*

ticipate, the police quite inexplicably failed to prevent a second attack after two nuns were criminally assaulted earlier in the day. The police are now looking into the issue of overstay by a Kenyan, Brother Bernard, who was also attacked by the mob. But the overstay by the Kenyan, who came on a tourist visa, is a separate issue; it must not be allowed to divert attention from the police investigation of the hate crime. Too often, communal outfits cite 'overstay' by foreign missionaries as a justification for thuggery. In January 2003, a mob attacked a foreign missionary, Joseph William Cooper, at Puliyaam in Thiruvananthapuram district but the vile act was overshadowed by the fact that Cooper did not have a valid visa. The Government ordered him to leave the country immediately.

The attack on the Missionaries of Charity — whose mission and focus are, indisputably, not conversion — has drawn widespread condemnation. The Mother Superior of the Kozhikode Centre of the Missionaries, Kusumam, has pointed out their centre has among its inmates not only Christians but also Hindus and Muslims. Quite naturally, there is now an apprehension that Kerala, which has a sizable population of Christians and Muslims, might go the way of States such as Orissa, Madhya Pradesh, Maharashtra, and Gujarat where minorities have come under threat from activists of the *Sangh Parivar*. The United Democratic Front Government must show greater alertness and sincerity in reining in communal outfits of all hues. It must not allow temporising, opportunist and communal voices within the UDF to obstruct or dilute such action. Else the country's most politically conscious State, which has so far remained insulated from major communal violence, might end up as another fertile ground for those who thrive on hate, intimidation, and anti-people violence.

# 40 held for attack on Kerala missionaries

## COPS REFUSE TO CONFIRM RSS LINK

HT Correspondent  
Thiruvananthapuram,  
September 26

THE POLICE rounded up at least 40 people on Sunday in connection with the attack on Missionaries of Charity nuns and priests in Olavanna near Kozhikode.

Four nuns, a Kenyan national and a priest were attacked by a violent mob when they visited a tribal colony to distribute food material on Saturday.

Though most of the detained were either RSS or BJP workers, the police refused to confirm their political or organizational affiliation.

Talking to *Hindustan Times*, Northern Kerala I-G Aravind Ranjan said it would be wrong to politicise such criminal acts. "We've got some definite clues. Police raids are continuing in the Mambuzhakad colony area located in Olavanna panchayat, under the Nallalam police station limits, to arrest those responsible for the attack in which nine members of the charity, 'Sneha Bhavan' were injured.

Though no arrests had been made so far in the case, based on the statements of the injured, police had filed charges for attempt to murder, outraging modesty of women and disrupting communal harmony, the sources said. Formal arrests will be made by tonight", Ranjan said.

The condition of Mother Superior Sister Kusum, who sustained serious head injuries in the attack, was reported to be stable. The injured said they would not lodge any complaint against the criminals. "Let God pardon them. Our religion never preaches any revenge anywhere", injured Mother Superior Sister Kusum said from her hospital bed.

In a statement here, the Sangh Parivar claimed that neither it nor any Hindu organisation had any role in the incident and urged the police to probe the suspected conversion activities in which the missionaries were reportedly engaged. It deplored "the efforts of pseudo-secularists to blame the Sangh for any attack". However, it said the missionary team that came under attack had a foreigner as its member and wanted the police to



Mother Superior Kusumam of the Missionaries of Charity at a hospital in Calicut on Sunday after she was attacked by a group of inebriated men in Kerala on Saturday.

probe this. The CPI(M) and the Congress had blamed the Sangh Parivar for the first attack of its kind against the Missionaries of Charity.

But speaking to reporters at the hospital, Mother Superior Kusumam claimed the charity was only engaged in activities like distributing rice and household essentials to the poor in the

area for about two years now. "We're not involved in any conversion acts as alleged by a section and we have people from other communities, too, in our unit", she said, adding one of the charity drivers was a Hindu.

Christians held special prayers throughout the state to protest against the attack.

## Christian body asks Centre for security

Press trust of India  
New Delhi, September 26

CONDEMNING THE attack on the Missionaries of Charity sisters allegedly "by VHP and other Sangh Parivar members" in Kerala, a body of Christians today asked the government to provide security and uphold the fundamental rights of the minorities.

The Global Council of Indian Christians (GCIC) urged the Centre to strengthen the intelligence agencies in the states to protect the Christian community, a Press release said here. "We urge you to use your good offices to persuade the national leaders of the members of the party involved in the attack to extend unconditional apology to the international community... For their crime against humanity", the release added.

Meanwhile, Kerala Chief Minister Oommen Chandy today said stern action would be taken against the culprits involved in the attack and asked Opposition parties not to politicise the issue. "No one will be allowed to spoil Kerala's communal harmony", Chandy, who was in Chennai to participate in a function, organised by the Confederation of Tamil Nadu Malayalee Association, said.

The Left parties in Kerala also condemned the attack and charged the UDF government with failing to protect the minorities. Dubbing the attack as "a heinous act", CPI(M) politburo member and Opposition leader V.S. Achuthanandan said the Oommen Chandy government in the state had "failed" to ensure the safety of minorities in the state.

Pro-CPI All-India Youth Federation activists took out a protest march in Thiruvananthapuram and burnt the effigy of the Chief Minister.

The Hindu Aikya Vedi demanded the arrest of the Kenyan, part of the missionary team that visited the Dalit colony.

## ANDHRA STICKS TO RESERVATION STAND

# Fresh quota panel after court blow

SNS & PTI

HYDERABAD, Sept. 22. — A day after the Andhra Pradesh High Court struck down an order providing five per cent reservation for Muslims in jobs and education, the Congress government, blaming the Chandrababu Naidu regime for the setback, today announced reconstitution of the Backward Classes Commission to identify the creamy layer among minorities as directed by the court and vowed to implement the reservation policy.

"We will honour the court direction in true letter and spirit and immediately reconstitute the BC Commission. It will be asked to submit the report within six months," chief minister Mr YS Rajasekhara Reddy told newsmen here. He, however, squarely blamed the former Chandrababu Naidu government for the court blow. "The Puttuswamy Commission was constituted by the Congress government in January 1994. The Commission, which had among its terms of reference, minority reservations, was wound up in September 2002 after eight years. The then chief minister did not even seek an interim report," he said at a press conference.

The state spent Rs 35 lakh annually on

the Commission and incurred an expenditure of Rs 2.71 crore over the period it was functional. Though it was also alleged that the TDP government muzzled the Commission, Mr Reddy ruled out a probe.

While quashing the Government Order issued in July last, a full bench of the High Court had yesterday ruled that the government's decision to include Muslims in the BC list was not guided by any scientific study and directed it to reconstitute the BC Commission to ascertain the backwardness among the Muslim community.

The court held that the report of the Commissionerate of Minorities Welfare, which formed the basis for the GO, was not in order and the government failed to consult the BC Commission, which was mandatory, before issuing the order.

The chief minister interpreted the court order as a "vindication of his government's policy of reservation", saying it only pointed out "technical mistakes" which need to be corrected.

"In fact, it is a landmark judgment as the court has said that Muslims as a group are entitled to affirmative action provided they are recognised as Backward Classes and that providing reservations for Muslim community per se is not illegal," Mr Reddy said.

THE STATESMAN 23 SEP 2004

# Fresh charges against 16 in Best Bakery case

By Our Special Correspondent

**MUMBAI, SEPT. 22.** Fresh charges were framed against 16 accused in the Best Bakery case in which 14 people, including two children, were killed on March 1, 2002, subsequent to the Godhra train coach burning incident.

The 16 were charged with murder, rioting with deadly weapons, unlawful assembly, dacoity, criminal trespass, arson and use of explosive substances aimed at causing damage to property, and being part of a group (unlawful assembly) which intended carrying out these crimes. The accused pleaded not guilty and the charges had to be explained to them in

Gujarati as most of them did not understand Hindi. The Additional Sessions Judge, Mr. Abhay Thipsay, separated the trial in the case as five more accused are absconding.

## Vakil hospitalised

**MUMBAI, SEPT. 22.** The Special Public Prosecutor in the Best Bakery trial, P.R. Vakil, was hospitalised today. Soon after the hearing in the retrial, Mr. Vakil, who was not keeping well, came down in the lift from the third floor of the Special Court at Sewree. As he stepped out of the lift, Mr. Vakil complained of giddiness and collapsed. He was rushed to a hospital. — UNI

The Judge added a few more charges to the ones proposed by Mr. P.R. Vakil, Special Public Prosecutor, at the last hearing. These included rioting with deadly weapons and joining an unlawful assembly armed with deadly weapons, apart from house trespass with the intention of committing offences, punishable with death or life imprisonment.

With the framing of the charges, the re-trial will begin on a day-to-day basis from October 4, so that the deadline of December 31 set by the Supreme Court could be complied with. Mr. Thipsay was asked the Special Public Prosecutor to present a list of witnesses.

The recording of evidence will begin from the next date. Meanwhile, the defence moved an application to the court saying that the prosecutors should visit the site of Best Bakery as it would be easier to record evidence.

Mr. Vakil replied that it was not necessary to see the place as they already have a plan of the site. The court, in any case, was not playing the role of a witness, he added.

However, the defence lawyer insisted that the plan would not give a complete picture of the events. Mr. Thipsay then said he would decide the issue on September 28.



9 minutes

# HC strikes down Andhra order on job quota for Muslims

22/9

9/2

**EXPRESS NEWS SERVICE**  
HYDERABAD, SEPTEMBER 21

THE Andhra Pradesh government's move to provide five per cent reservation in jobs to Muslims suffered a setback today with the High Court here striking down its order.

The full Bench, headed by Justice B Sudarshan Reddy, quashed the government order on the grounds that the report submitted by the state minorities commission in this connection was "not in order". The state did not consult the backward classes commission before issuing the order, it noted.

The Bench directed the government to constitute a

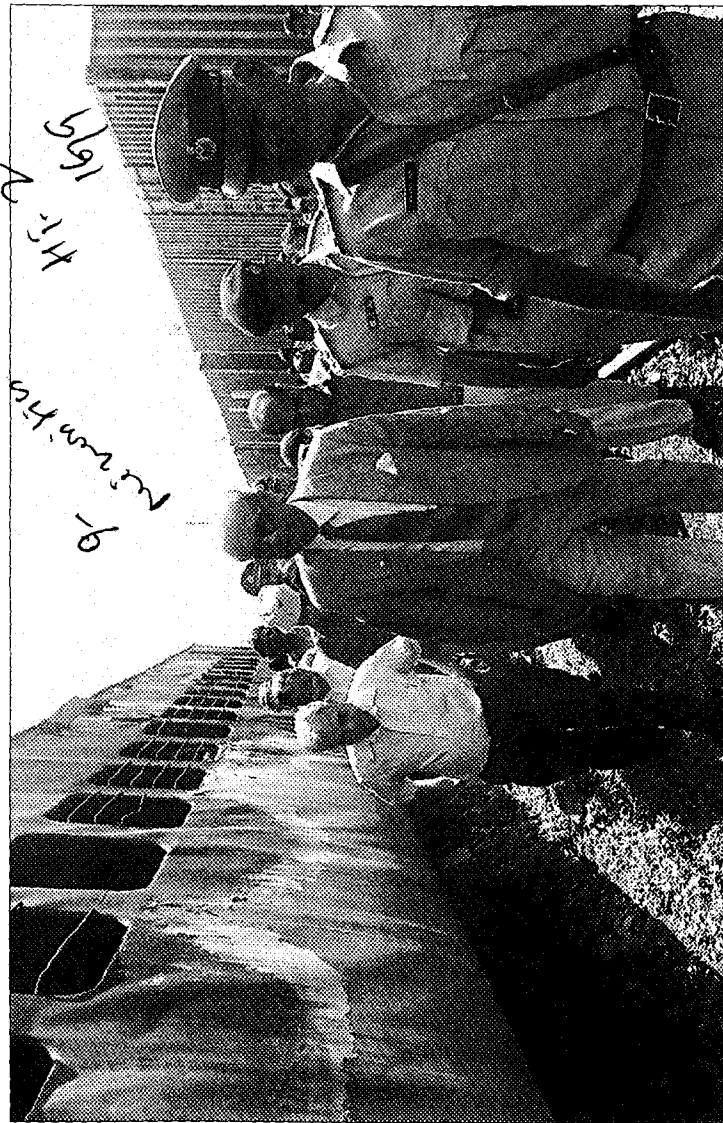
backward classes commission within three months to identify the eligible candidates among minorities for reservation.

This commission, the Bench directed, should also identify and evolve a mechanism to eliminate the creamy layer.

The Government Order was challenged by the state VHP president T Murlidhar Rao and a few students while a group of minority organisations joined the case as impleaded petitioners.

A Division Bench had earlier quashed the government order and referred the matter to the full Bench, which heard arguments for 11 days before pronouncing the judgement.

# Central panel begins Godhra post-mortem



PTI  
GROUND REALITY A Central team inspects the burnt S-6 coach of the Sabarmati Express on Wednesday.

Rathin Das  
Ahmedabad, September 15

EVEN AS the Narendra Modi government described it an exercise in futility, the newly appointed committee headed by retired Supreme Court judge U.C. Banerjee today visited the ill-fated coach of the Sabarmati Express the burning of which had sparked the country's worst communal riots in February 2002.

The panel was appointed by the Centre earlier this month following insistence by Railway Minister Laloo Prasad Yadav that an independent probe was essential into the 26 February 2002 train inferno in which 59 'kar sevaks' returning from Ayodhya were killed.

But, unlike the earlier visits by the NHRC and National Commission on Minorities (NCM) teams, which had to face hostile demonstrations by Sangh activists, who had asked them to 'go to Kashmir', there were no protests against today's visit by the committee headed by Justice Banerjee.

Banerjee, assisted by Balakessaria, S.K. Dheri, S.K. Khanna, who

sible for its halt just before the ill-fated coach caught fire. The team also halted a train coming from Vadodara, got onboard and after taking it near to the incident spot cross-checked various details about the stone-pelting that had occurred on the S-6 coach on February 27, 2002. Justice Banerjee said the committee would specifically look into the safety aspects and also probe whether there was any lapse on the part of railways.

The judge did not comment on whether the panel would take into account the evidences already available with the state government's SIT, which undertook the criminal part of the investigation. But he said that whatever evidence is made available would be considered. Banerjee said the panel was in Godhra to get a feel of ground realities. The members also met the district and railway officials at Godhra and Vadodara.

Meanwhile, the state BJP went off the deep end and condemned another probe into the Godhra incident saying that formation of new committee would be an exercise in futility.

## Best Bakery case

The prosecution on Wednesday informed a special court that it proposed to charge all 21 accused under IPC sections, including murder, attempt to murder, unlawful assembly, rioting, conspiracy and common intention, setting the stage for commencement of retrial in the Best Bakery case. The accused are facing the charges of killing 14 during post-Godhra riots in Vadodara on March 1, 2002.

PTI, Mumbai

are fire, mechanical/technical experts, conducted inspections, took samples from the interiors of the charred coach and questioned railway officials on various aspects of the incident. They visited the spot where the train was stopped after somebody pulled the chains.

Technical experts sought details about the functioning of the vacuum brake pipe and all chain pulling features that were respon-

# Muslim law board split

## FAMILY PLANNING NOT PLACED ON AGENDA, SAY MEMBERS

HT Correspondents

New Delhi/Lucknow, September 14

THE ALL India Muslim Personal Law Board is divided on the issue of family planning. A day after board vice-president Maulana Syed Kalbe Sadiq said population growth and literacy would be discussed at a meeting in Kozhikode in December, other leaders said these issues were not on the agenda.

The board's assistant general secretary, Mohd Abdul Rahim Quraishi, told HT over the phone from Hyderabad that these proposals had not been placed before the board. He said if the board received any such proposal, "it would be considered according to the rules of Shariat".

He also asserted that the population growth controversy had been overtaken by the clarification issued by the census commissioner. Quraishi added that the gov-

ernment should pay attention to the economic emancipation of Muslims.

The board's spokesman, Qasim Rasool Ilyasi, also rebutted Sadiq's statement, saying the maulana had merely expressed his "personal view". He added that Islam did not oppose temporary methods in family planning, but didn't allow any permanent disability.

Another board member, Zafaryab Jilani, also opposed Sadiq's suggestion, saying the board functioned within the ambit of the Shariat Application Act; so other issues could not come within its jurisdiction. Jilani said there was no need to raise issues like family planning, which were matters of individual concern.

Jilani added that the large-family problem was basically due to illiteracy and economic backwardness. These issues need to be addressed properly to tackle the population explosion. He clarified,

however, that another board member, Naim Hamid, had supported Sadiq. "Any member can raise any issue with the permission of the chairman," Jilani said.

Kamal Farouqi, another board member, also said that the subject of population control had not been placed before the board. "The Muslim growth rate has actually come down. But Venkaiah Naidu, Bal Thackeray, the RSS and the VHP are trying to misguide the people with an eye on the elections. They ought to apologise," Farouqi said.

Shahi Imam Syed Ahmed Bukhari of Jama Masjid dismissed the debate, saying, "How can Muslims be held responsible for the decrease in the population of the Hindus? We, too, are citizens of this country; so, if our numbers are increasing, why should that worry anyone?"

See also Page 4

J. Alimudin

# Satara tense, but tomb safe

## 500 VHP Workers Detained, Tight Security At Pratapgarh

**Mumbai:** Around 500 VHP activists were on Sunday detained and 13 vehicles seized in view of the outfit's threat to raze the tomb of a 17th century Mughal general, Afzal Khan, near Pratapgarh fort in Satara district.

The VHP workers proceeding to Pratapgarh from various parts of the state have been detained and nearly 13 vehicles seized so far, police sources said, adding that the situation was "under control".

Heavy security was being maintained in and around Pratapgarh and unlawful assembly has been banned under section 144 of the IPC in the area in view of the VHP's rally at Pachwad near the fort.

VHP's Maharashtra unit secretary Vyankatesh Abdeo, who is at Pachwad, said over telephone that despite police "suppressing" their agitation, about 10,000 VHP workers had managed to reach the site and has resorted to a "peaceful road blockade".

Abdeo also claimed that around 10,000 VHP activists had been detained by the police. However, it could not be confirmed from the authorities. The VHP and like-minded organisations have threatened to demolish the structure accusing that beautification of the tomb was nothing but "glorification" of Afzal Khan.

Afzal Khan had attempted to assassinate Chhatrapati Shivaji on the

### History comes alive



Pratapgarh fort reflects the mystique of the fabled Shivaji era. It is here that the Maratha warrior-king killed, some 350 years ago, Afzal Khan, who had been assigned the task of taking on Shivaji. A tomb was built where the Mughal general was buried

A trust which was set up in 1919 to conduct services at the Afzal tomb was dissolved in

August 1959. Even when this trust was in existence, the Hazrat Mohammad Afzal Khan memorial trust was floated for the management of the Afzal shrine

Karim Lala, the Mumbai-based smuggler, and Imtiaz Memon were among the members of the second trust

Following violation of several rules, the charities commissioner recently cancelled the registration of the Hazrat Mohammad Afzal Khan memorial trust

The VHP-Bajrang Dal, however, want the state government to demolish the tomb as it is a "national shame"

foothills of Pratapgarh fort, where he had come to hold peace talks with him. However, Shivaji had then killed the general.

While some people were detained at the site, others were held from Bhiwandi in Thane district, Mahad and Pali in Raigad district neighbouring Goa.

The VHP had threatened to demolish the tomb of Afzal Khan on Sunday if the Maharashtra government failed to do so by August 31 after the

charity commissioner recently cancelled the lease to Hazrat Mohammed Afzal Khan memorial society.

The Bombay high court had on September 7 directed to maintain the status quo and issued notices to the Union government, the Maharashtra government and the Satara district collector over their alleged apathy towards a historical monument and its adjoining land where illegal constructions have cropped up. Agencies

# Let's talk Godhra, Lalu tells witness

Manoj Chaurasia in Patna

Sept. 7. — In the midst of the investigation into the Godhra case, Mr Lalu Prasad is reported to have called up a key witness to discuss the details of an official inquiry report. The call was made on 6 June this year to Dr MS Dahiya, assistant director, Directorate of Forensic Science, Gandhinagar.

The BJP has questioned the legality of the move, with the party's national vice-president, Mr Sushil Kumar Modi, describing it as a "sinister attempt" by the railway minister to influence the probe. The party has demanded that the Nanavati Commission must summon Mr Prasad.

A document distributed by Mr Modi states that the railway minister called up the assistant director from Nos. 0612-2211324 and 2222741 to discuss the report he (Dr Dahiya) had submitted to the court. It bears recall that on 27 February, 2002, Dr Dahiya had surveyed the disaster site and the burnt coach of the Sabarmati Express.

In a confidential letter dated 8 June, 2004, and addressed to Gujarat's home commissioner, Dr Dahiya states: "On June 6, 2004, I had received a phone call at around 10.30 a.m. from the DG, RPF, who asked me to talk to the Union railway minister in Patna on telephone Nos. 0612-2211324 and 2222741. I, however, requested him to route all such instructions through my department. At around 11 a.m., I received another phone call, wherein the caller identified himself as the Union railway minister, Shri Lalu Prasad Yadav, and he informed me that copies of two reports of mine in relation to the



incident of burning a coach of the Sabarmati Express at Godhra were lying before him and that he wanted to discuss the same in detail. He inquired whether I could come over to Delhi for a discussion. I requested him to send a formal requisition to the government of Gujarat".

The report of the FSL team, headed by Dr Dahiya, has ruled out any "possibility of throwing inflammable material through the windows or through doors from outside", adding that "approximately 60 litres of inflammable liquid was poured from the rear (near berth No. 72) between the two doors". A copy of the report is in possession of The Statesman. The FSL report adds: "The window frames suggest that they were closed at the time of the fire. This has been corroborated by field investigation. It is mischievous to say that these reports are contradictory. Fire had definitely been caused inside as the inflammable material which was poured by the accused after gaining forceful entry had been ignited by

the burning rags pushed through the broken window panes with the help of sticks by other accused who were attacking the train from outside."

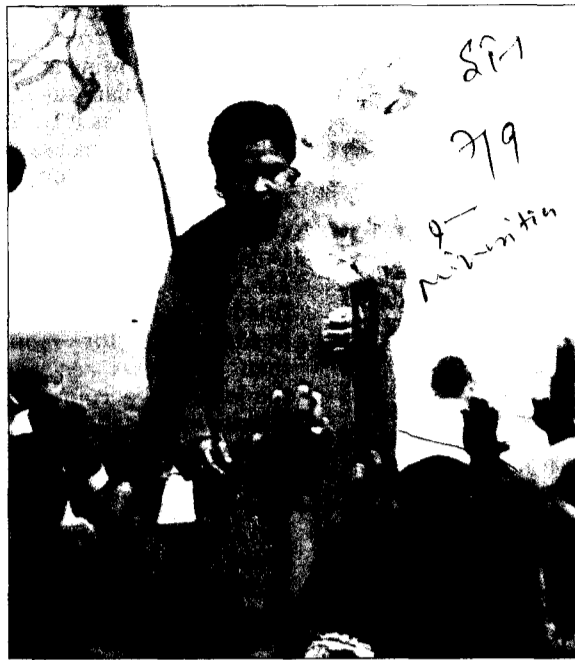
The report also makes the point that a fire in a train coach seldom spreads so fast, resulting in such a large number of deaths. "An accidental fire takes time to spread from one end to the other end of the coach, even in a running train." These findings obviously prompted the railway minister to demand a separate probe. And the proposal was ratified by the Union Cabinet last week.

**Dahiya's reaction:** According to a PTI report from Ahmedabad, Dr Dahiya has admitted that he had received a call from the railway minister, seeking a discussion on the report. However, he denied that he was under pressure. "Apart from the call, there has been no communication. I did not feel pressured at all." There has been no further development either on the minister's suggestion that he should come over to Delhi.

## 'Mountain out of a molehill'

PATNA, Sept. 7. — "Some people are making a mountain out of a molehill," was Mr Lalu Prasad's reaction to the BJP disclosure that he had asked the assistant director of the Forensic Science Laboratory to come over to Delhi for a discussion on the Godhra probe report. "I had called up Dr Dahiya just to know how he had conducted the inquiry and what his initial findings were," the railway minister said over the phone. The question of influencing the inquiry does not arise, he added. — SNS

# Uma set free



**HAIL FREEDOM:** Jubilant BJP supporters greet Miss Uma Bharati after her release in Dharwad on Monday. — AFP

**BANGALORE, Sept. 6.** — The BJP leader and former Madhya Pradesh chief minister, Miss Uma Bharati, got a major reprieve today after the Judicial Magistrate First Class, Hubli, Mohammed Ismail, discharged her in a 10-year-old case.

Following the order, Miss Bharati, who was remanded in judicial custody 13 days ago, was set free. The Karnataka government iterated its decision to withdraw the case of rioting and attempt to murder against her. Her remand was to expire tomorrow.

At a press conference in Hubli shortly after her release, Miss Bharati ruled out her return as chief minister, and said Mr Babulal Gaur would be the chief minister till the next Assembly elections due in 2009. She denied that she was one of the contenders for the party's president's post. "Mr Venkaiah Naidu is already there. There is no vacancy. I am too young to become the party president."

In his 60-page order, the magistrate also dismissed a batch of five applications filed by social activists, challenging the government's decision to drop the cases against her. Reacting to the development, chief minister, Mr Dharam Singh, said that it was unfair to seek his comments. "It is left to the court. It is a court order. You cannot expect me to respond to court orders," he said in a meet-the-press programme. He made it clear there was no change in the government's stand, and that there was no U-turn. "We stood by the SM Krishna government's decision to withdraw the case against Miss Bharati." "The APP is a court employee," was Mr Singh's reply when told that even after his admission last week that there was no change in the government's stand, the Additional Public Prosecutor had, on Saturday, pleaded against the release of Miss Bharati.

Firing of crackers and beating of drums by BJP workers greeted Miss Bharati's release. The party announced that it would end its week-long agitation in Bangalore and organise a huge rally in Bangalore on 8 September, *Vijayotsava Divas*, to celebrate her release.

Welcoming the release, Mr LK Advani today held the Congress president, Mrs Sonia Gandhi, responsible for Miss Bharati's detention. "When I accuse the Central government, whether I say it or not, by implication, it is Mrs Sonia Gandhi," he said. — SNS

More reports on page 5

7 SEP 2004

Q. Kishore

## THE TRUTH, AND NOTHING ELSE

59 H9-8

THE APPOINTMENT OF a high-level committee headed by a retired judge of the Supreme Court to probe the Godhra carnage will be welcomed by all those who want to know the truth, the whole truth and nothing but the truth about how coach S-6 of the Sabarmati Express caught fire on February 27, 2002. All told, 58 passengers, most of whom were members or supporters of the Vishwa Hindu Parishad, died a horrible death. Gujarat Chief Minister Narendra Modi said the incident was the result of a pre-planned *jihadi* conspiracy; the next day, well-coordinated 'retaliatory' attacks were launched against innocent Muslims across the State leading, eventually, to the loss of some 2,000 lives. When the State Government appointed the Nanavati Commission to probe the Gujarat violence, including Godhra, it deliberately restricted the terms of reference to the idea that the train had been "set on fire," thereby ruling out any cause other than pre-meditated arson. The remit of the new probe, which will be headed by Justice U.C. Banerjee, is more open-ended and includes important questions related to the fire-safety of rail coaches and the link, if any, between the clashes at Godhra railway station and earlier incidents of violence involving some of the VHP passengers as the train travelled from Faizabad to Godhra. Given the right forensic and technical back-up, the new committee should be able to establish exactly what happened and make recommendation to ensure that such a tragedy is never repeated.

The Bharatiya Janata Party has been quick to denounce the establishment of the new inquiry committee as "illegal." In their public pronouncements, senior BJP leaders, including former Prime Minister Atal Bihari Vajpayee, sought to rationalise the anti-Muslim violence by linking it with the attack on the Sabarmati Express. If it turns out that what happened at Godhra was dif-

ferent from what was alleged, the 'action-reaction' theory — morally unacceptable, in any case — would simply be blown away. The Modi Government blocked the possibility of the Centre ordering a fresh probe into some of the worst incidents of anti-Muslim violence by itself broadening the terms of reference of the Nanavati Commission. But since it inexplicably left the Godhra brief untouched, the Centre is well within its rights to launch a wider probe into the incident: the Supreme Court's 1978 ruling in *Karnataka vs Union of India* (the so-called Devraj Urs case) is quite explicit about this. Indeed, the Manmohan Singh Government should now go a step further and ask the Supreme Court to direct that the criminal investigation into Godhra be handed over to the Central Bureau of Investigation since the Gujarat police's politicised investigation has clearly led to a dead-end.

Isaiah Berlin recalls an American philosopher telling him: "There is no guarantee that when the truth is discovered, it will prove to be interesting." As the work of the Justice Banerjee Committee begins, it will be sensible for everyone who has followed the Godhra case to be alive to the possibility of the truth about the fire turning out to be a lot more complex — and mundane — than anyone has so far been led to believe. Depending on one's politics, it may be comforting for conspiracy theorists to point a finger at '*jihadis*' or saffron '*agents provocateurs*' but if the past two years have taught us anything, it is that there should be no preconceived notions. What happened at Godhra is a genuine mystery. It is shocking that two years on, we still don't have answers to most of the material questions. A dedicated probe has long been overdue. In the interest of truth and justice, the Gujarat Government must cooperate with the Banerjee Committee.

# Jaitley questions new probe into Godhra

By Our Special Correspondent

**NEW DELHI, SEPT. 3.** The Bharatiya Janata Party general secretary, Arun Jaitley, today described the appointment of a high-level inquiry committee by the Government into the Godhra tragedy of February 2002 that left 58 passengers dead as an "unashamed act" intended "to help the accused."

Holding the Prime Minister, Manmohan Singh, directly responsible for the Cabinet approval for the setting up of the committee under a retired Supreme Court judge, U.C. Banerjee, Mr. Jaitley wondered whether the Chief Justice of India had been consulted. He said that the committee's terms of reference showed that the en-

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tire effort was to protect the "culprits." Mr. Jaitley said that the setting up of a fresh committee, when the trial was going on and when the Commission of Enquiry headed by Justice G.T. Nanavati and Justice K.G. Shah had already held intensive hearings, was a "threat to the rule of law." He said: "It was a clear signal to the culprits that the United Progressive Alliance Government will stand by them."

Mr. Jaitley alleged that after the "culprits" were unable to throw petrol into the S-6 coach, they got into the S-7 coach, slit open with a sword the protective barrier that divided the two coaches, and then threw in the petrol which they had purchased from two petrol pumps

in Godhra the day before.

Mr. Jaitley specifically objected to the terms of reference of the Banerjee Committee, which has been asked "to ascertain as to why the said train, including the S-6 coach was over-crowded with passengers, many of whom were without reservation and if their behaviour in any manner contributed to the fire." This, he said, was "loaded" and "based on the premise that the behaviour of the 'kar sevaks' led to the burning of the coach." If the 'kar sevaks' had travelled without reservation "did that mean people had a right to set them on fire," he asked.

Mr. Jaitley did not respond to questions on why the Vajpayee Government had not published the full list of the dead passen-

gers and whether all the bodies had been identified, and why a fresh inquiry into the incident by a retired Supreme Court judge was bad in law.

Asked whether the BJP would legally challenge the setting up of the new enquiry committee, he said: "Allow me today to challenge it politically."

A meeting of the party office-bearers preceded the press conference where a number of issues, including the new Godhra committee, were discussed.

Later, the former Petroleum Minister, Ram Naik, demanded that the Prime Minister, Manmohan Singh, and Congress president, Sonia Gandhi, "break their silence to clarify their views" on the Savarkar controversy.



# Panel to probe Godhra train fire

HD-1

26/9

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minutes

By Our Special Correspondent

**NEW DELHI, SEPT. 2.** The Union Cabinet today approved the setting up of a high-level committee, headed by the former Supreme Court Judge, U.C. Banerjee, to probe the fire on the Sabarmati Express at Godhra, Gujarat, in which 58 persons were killed in February 2002.

The committee will submit its findings and recommendations to the Government on aspects relating to railway safety and systems, including rescue and relief operations, upgrading of technology and preventive measures to avoid the recurrence of the Godhra-type incident.

The Government's decision to order a separate, comprehensive inquiry into the incident comes after the Railway Minister, Mr. Lalu Prasad's order in July that there will be a high-power departmental probe into the incident which sparked the worst communal riots and violence in Gujarat in March 2002.

## Terms of reference

After the Cabinet meeting, the Finance Minister, P. Chidambaram, told reporters that the committee would be empowered under the Commissions of Inquiry Act, 1952. Its terms of reference include ascertaining the precise cause of the fire in coach S-6 of the train, as also the events, developments and circumstances that took place after the train left Muzaffarpur in Bihar on February 25, 2002, and before it reached Godhra and beyond. It would also find out if these cases individually or conjointly contributed to the fire.

The probe will ascertain why the train, including the S-6 coach, was overcrowded, why many of the passengers were without reservation and if their behaviour, in any manner, had

contributed to the fire. It will also find out if there was any wrongful act, neglect or default on the part of officials and workmen of the railway administration and its security staff but for which such largescale loss of life and property could have been averted.

## Three experts

Mr. Justice Banerjee will be assisted by three experts, one each from the electrical and mechanical divisions and one from the fire services. And there will be a secretary to the committee. The probe will look into the probable "internal and external factors" or aggravating circumstances that may have led to the tragedy and ascertain the acts of commission or omission responsible for the cause of the fire and to fix the responsibility individually or collectively.

The adequacy of the fire retardant features in the coaches and the fire-fighting measures to induct superior technology and to suggest safeguards to prevent fire on trains and in railway stations will also be examined. The preparedness and actual response in rescue and relief operations in the S-6 coach will be probed and measures recommended to improve the response in such situations.

## Lalu justifies panel

Talking to newsmen in his office, Mr. Prasad justified the setting up of the Justice Banerjee committee, saying that the previous NDA Government and the Commissioner, Railway Safety, had "failed in their duty" to conduct a mandatory probe.

"For eight months, they were sitting silent, taking the plea that the Nanawati Commission was already inquiring into the issue. What were the reasons for not ordering an inquiry? These questions must be answered," he said.

# Retired SC judge to hold inquiry

20/8 TIMES NEWS NETWORK 20/8

**Patna:** The Godhra incident, which triggered off communal violence in Gujarat over two years ago, will be probed by a commission headed by a retired supreme court judge. This was stated by railway minister Lalu Prasad Yadav while speaking to a section of the media here on Sunday.

"The proposal to constitute an inquiry commission and its terms of reference are ready and will be discussed at the next cabinet meeting," he told mediapersons. The railways, he alleged, had never conducted a proper inquiry into the Godhra incident in which over 50 passengers were charred to death when a mob allegedly set ablaze a coach.

Lalu claimed that the Union government, the railways and the Gu-

jarat government had then suppressed the facts. "It is mandatory for the commissioner of railway safety to conduct a probe into such incidents. But in this case, the probe was never conducted," he remarked.



He further claimed that Bihar will make progress under UPA rule. The Union government has agreed to supply foodgrains for flood victims at concessional prices applicable to below poverty line (BPL) families. "Bihar will save Rs 70 crore due to this deci-

sion," Lalu stressed. He also hinted that the national highways in Bihar will get a major uplift in the next two months. "If Bihar cannot progress now, it never will," he remarked.

He charged Union ministers of the previous NDA regime who hailed from Bihar, with failing to do anything for the state. "They were working in a circus," he remarked.

Speaking on the challenge posed by Union minister and Lok Janshakti Party chief Ram Vilas Paswan, he remarked, "I have read his claim that he would form the next government in Bihar. I cannot stop anyone from contesting all the seats. A lot of people in Bihar have illusions about themselves".

Lalu predicted that the Manmohan government will last its full term.

30 AUG 2004

THURSDAY, AUGUST 26, 2004

## HUBLI HISTRIONICS

9/10 Rewriter

THE MEGA SOUND effects surrounding the surrender of Uma Bharti before a Hubli court were not unexpected given the Bharatiya Janata Party's talent for making a production of the smallest event. The former Madhya Pradesh Chief Minister is well schooled in this art and as much could be seen from the surging crowds that thronged her route, waving the national flag in a symbolic gesture of support. However, all of this came to nought as the 1994 Idgah case against Ms. Bharti took an anticlimactic turn and she was taken into judicial custody. Rather than precipitate a crisis by arresting her, the Karnataka Government did well to leave the matter to the court, more so considering it was the former's action that handed the issue to the BJP in the first place. It can be argued that the "flag hoisting" case in which Ms. Bharti is implicated would have made no impact had the Karnataka Government not breathed fresh life into it by seeking to revive the charges against her. The irony is all the more considering that on Monday the District and Sessions Court in Hubli dismissed the State Government's petition in this regard. Indeed, if the charges of rioting and attempt to murder survive against Ms. Bharti, it is less by virtue of the Karnataka Government's intervention in the matter than because the court has decreed so. This is further established by the District Court's rejection of Ms. Bharti's own plea seeking withdrawal of the case.

The arrest warrant that caused Ms. Bharti to lose her job as Chief Minister has a history preceding August 18, 2004, when the prosecution sought to press charges against her — in a reversal of its own earlier position that the case against her should be dropped. Issued on August 3 by the magistrate's court in Hubli, it was the latest in a series of unexecuted warrants

made out against her. It goes without saying that this warrant would have met the same fate as the countless ones before it had the Dharam Singh Government not shown a sudden interest in prosecuting Ms. Bharti. The Karnataka unit of the Bharatiya Janata Party is bound to try and make the most of this act, especially given the precarious state of the ruling coalition, and its own thwarted bid for capturing office after the recent Assembly elections. Nationally, too, the BJP will try its utmost to exploit the "tricolour" business, wielding it as a weapon both in its campaign against the "tainted Ministers" and in plotting an honourable return to Hindutva. The party's standard lines on nationalism and patriotism have long lost their sheen and Ayodhya too has been milked for all its worth.

The BJP's theatrical response to the Hubli developments points in fact to its futile search for an issue that can match the appeal of the Ram temple. It is significant that this aspiration should find expression in the mercurial persona of Ms. Bharti; the BJP leader's sense of timing and feel for drama, not to mention the stridency of her language, have pitchforked her into the thick of many a divisive battle. From being at the forefront of the Ayodhya movement to sitting in dharnas over Bhojshala to opposing the "Italian Bahu's prime ministerial ambitions," Ms. Bharti has rarely failed to put her rabble-rousing skills to good use. That Ms. Bharti means to play the dangerous game of pitting the national flag against Sonia Gandhi is clear enough. However, there is every chance that this will recoil on her as this time the controversy revolves around the national flag. Ms. Bharti and her party should be prepared for the grave consequences of dragging the ultimate symbol of national honour through the dirt of partisan political ambitions.

# Court rejects Uma's plea to quash charges

**Bhopal/Hubli/Delhi:** MP CM Uma Bharti's attempts to earn a reprieve from the court failed on Monday when her petition seeking quashing of charges against her in the idgah maidan case was rejected along with Karnataka government's petition to reopen the case.

With this order, the Karnataka police is free to execute the non-bailable arrest warrant issued against Bharti on August 3 in the case relating to violence that followed her attempt to hoist the national flag in the maidan in defiance of prohibitory orders on Independence Day in 1994. Five people were killed in police firing during the violence.

Rejecting petitions of both the sides, additional district and sessions judge J M D'cunha said Bharti's plea has been "time barred" by laws of limitation by 697 days. On the Karnataka government's revision petition seeking to reopen the case against its own earlier plea for withdrawal, the judge said it could not be pursued because it was defective and dismissed it. However, the judge said the government

can approach the first class judicial magistrate-II hearing the case for reopening it.

BJP general secretary Arun Jaitley said Bharti

## Babulal Gaur is MP CM

**Bhopal:** Babulal Gaur was on Monday sworn in as CM of Madhya Pradesh. Earlier, Gaur, who was the home minister in the Uma Bharti cabinet, was elected the leader of the BJP legislature party replacing Bharti, who quit her post. Bharti proposed Gaur's name which was unanimously accepted by the party MLAs at a meeting here after being seconded by Himmat Kothari.



## Bharti targets Sonia

**Bhopal:** Making a scathing attack on AICC chief Sonia Gandhi, Uma Bharti said her "tiranga yatra" would be the "final nail in the coffin" for the Congress. "I stopped you (Gandhi) from becoming the prime minister. Now you are trying to stop me from hoisting the national flag," Bharti said at a function here. Agencies



would surrender before a Hubli court on Tuesday, if the police team from Karnataka does not arrive in Bhopal to arrest her. The Bharti issue rocked the LS on Monday with the BJP demanding the removal of "tainted" ministers from the UPA cabinet. Agencies

# Review riot acquittals: SC to Gujarat A-G

Press Trust of India  
New Delhi, August 23

IN AN unprecedented order, the Supreme Court today entrusted the Advocate-General of Gujarat the task of reviewing the decision of the State Law Department not to file appeals in over 200 riot cases where the accused have been acquitted by the trial court.

Resorting to this unprecedented measure, a Bench comprising Justice Ruma Pal, Justice S.B. Sinha and Justice S.H. Kapadia said the A-G would scrutinise all the orders of acquittal given by the trial courts and suggest whether or not appeal should be filed in these cases.

Going a step further, the Bench said that, in future, for all cases pertaining to acquittals in riot cases, the A-G's view would be taken by the Law Department before deciding whether the appeal should be preferred by the state. The court gave him four months' time to go

## Video-conferencing plan to clear pending cases in court



There is an increase in the number of pending cases before the Supreme Court, with 29,662 cases pending as on August 2, 2004. In reply to a question in the Rajya Sabha, Law Minister H.R. Bhardwaj said some states were considering video-conferencing to facilitate trial. Andhra, Tamil Nadu and Gujarat have enacted amendment to have video-conferencing in lieu of production of the accused before the magistrate.

PTI, New Delhi

Appearing for the petitioner, senior advocate Indira Jaising alleged that the Gujarat Police had shown complete apathy in the case and did not even recover the body of the victims. She said it was left to the British High Commission in India to recover a body, conduct a DNA test and inform the relatives of the incident.

The court said it will consider on September 6 the NHRC plea for transfer of 13 prominent riot cases, including the burning of the Sabarmati Express on February 27, 2002, outside the state since the atmosphere there was vitiated. The NHRC had also alleged that, in many cases, the FIRs were registered without giving the names of the accused as they belonged to influential political and religious groups. It had sought investigation by the CBI into these matters.

The court directed listing of 13 other Gujarat riot-related matters for hearing on September 6.

Last week, the court had formed a 10-member committee of top police officials in the state to consider if it was required to reopen the cases earlier closed by the investigating officer. Meanwhile, the court stayed the trial proceedings

case and suggest whether or not to file appeals in a higher court. Giving figures, he said that, of 217 cases, it had been decided to appeal in 45 cases and 16 cases were being processed, while the remaining 156 cases were pending consideration.

through the files and then file a report before it stating the progress in the matter. The order came after Gujarat's A-G submitted that, in criminal cases, the public prosecutor normally gives a report to the Law Department on the acquittal in a

in a case pertaining to killing of two British nationals by a mob during the post-Godhra riots on a petition filed by their relative, Imran Mohammad Salim Dawood. The petitioner has sought a CBI probe into the case and its transfer outside Gujarat.

24 AUG 2004

# Uma to quit and court arrest

HT Correspondent  
Indore, August 22

MADHYA PRADESH Chief Minister Uma Bharti has said that she will submit her resignation letter to the Governor tomorrow.

The Karnataka Police, is expected to reach Bhopal to effect the non-bailable arrest warrant issued against her by a Hubli court in connection to a national flag hoisting case at the Idgah ground in Hubli on Independence Day in 1994.

In an emotional speech to party workers at the BJP head office here in the evening today a visibly unfazed Uma Bharti said, "I will court arrest after submitting my resignation letter to the Governor tomorrow as I wanted to uphold some val-

ues in politics", she said.

The Chief Minister said she will abide by the law and court arrest on her own. "I don't want the police to paste 'wanted notice' on the walls of my residence", she said adding "I took oath as CM under the Constitution and I am committed to uphold it".

Bharti said she has asked the party central leadership to elect a new Chief Minister by tomorrow in her place as she does not even want to remain a caretaker Chief Minister while courtting arrest. "I am ready to go to the Karnataka jail and I have asked Advaniji to find a successor to me", she said.

Bharti said she did not give any name to the central leadership for the post of new Chief Minister. The only condition that I have put

## Karnataka cops head for Bhopal



ARMED WITH a fresh non-bailable warrant against Uma Bharti, the Karnataka Police on Sunday decided to send a team to Bhopal to arrest her.

This comes a day before a Hubli court is to give its order on the decision of the Karnataka government to reopen a 10-year-old case against Bharti.

The four-member police team headed by superintendent of police D. Rupa would leave for Bhopal "at the earliest" to execute the

NBW that a Hubli court issued on August 3, DGPS.N. Borkar said. Bharti has time till September 19 to appear before the court, which had earlier issued NBWs repeatedly but they were never executed.

HTC, Bangalore

said. "Whoever is elected as the new CM, I will stand behind him or her", she added.

Meanwhile, 24 ministers in the Bharti Cabinet sent in their resignations to state BJP chief Kailash Joshi in a show of solidarity with the CM. "It becomes our duty to step down following the resignation of the CM", agriculture and cooperative minister Gopal Bhargava said.

The BJP Parliamentary Board meeting in New Delhi is likely to discuss the leadership issue in Madhya Pradesh. The meeting, earlier scheduled for Monday evening, has been advanced to morning, party president M. Venkaiah Naidu said over phone from Bangalore.

"The board will decide if she should be renominated for the post of CM in case she is granted bail or somebody else should take over till she is cleared," BJP sources said.

23 A 16 2004

— Mahatma Gandhi

# Murder Will Out

SC orders reopening of 2,100<sup>2008</sup>  
Gujarat riot cases (11-19)

The Supreme Court wants the Gujarat police to resume investigating more than 2,000 riot cases. The police had earlier closed these cases arguing that the people accused could not be traced. There are over 4,500-odd cases ensuing from the four-month-long carnage unleashed on Muslims in Gujarat through the summer of 2002. The Supreme Court has repeatedly highlighted Ahmedabad's unwillingness or sloppiness in trying to control the riots, or later, in bringing the culprits to book. It is widely believed that the Narendra Modi government connived with the rioters, and every passing day throws up evidence to substantiate these claims. Given that, the court has done the right thing by ordering a reinvestigation of cases closed. This is bad news for the Modi regime, reeling from dissension within the Gujarat BJP, shock reverses in this summer's Lok Sabha elections and increased judicial scrutiny. Yet, parties like the Congress shouldn't gloat. Almost all political outfits in India, with the sole exception of the Left, have a history of inciting ethnic or communal trouble and trying to make political capital out of it. Of course, no party other than the BJP has an explicitly communal agenda: Which other organisation has texts like Golwalkar's *We, Or the Nationhood Defined*, or Savarkar's *Hindutva* as philosophical cornerstones?

India's history, unfortunately, shows how tempting it is to mix religious sentiments with politics — and how dangerous it can be. The roots of today's sangh parivar can be traced back to the riots of the 1920s. The Congress has flirted with soft communalism through the 1970s and 1980s. The 1984 anti-Sikh riots were to take revenge for Indira Gandhi's assassination. But history also shows that the political fallout of each of these moves is disastrous in the long term. The BJP's strident Hindutva cuts no ice any more, the Congress lost Sikh votes for more than a decade after the riots. Muslims in UP, probably most sensitive to communal politics, became wary of the Congress for years. Modi won one assembly election after the riots, but lost heavily in the Lok Sabha polls. No citizen likes riots and reprisals — violence and the politics of divisiveness simply does not pay. It is time all parties understood this simple truth and got down to constructive politics.

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19/8

## JUST AFTER

**T**he history of the Gujarat riot cases is a fable of determination and faith. The Supreme Court's recent order for a review of all 4,200-odd cases, including the 2,000 declared "closed", is of remarkable significance particularly for this reason. The court came to its decision in response to more than 15 petitions, which had among them one from the National Human Rights Commission and others from organizations such as the Citizens for Justice and Peace, which had helped get the Best Bakery case transferred to Mumbai. In spite of the resistance from state bodies, these organizations have kept at the job, painstakingly collecting evidence and witnesses and drawing right-thinking people to their side. The lid blew off the state government's righteousness with the exposure of coercion of witnesses in the Best Bakery and Bilkis Bano cases. The Bharatiya Janata Party and friends of the chief minister, Mr Narendra Modi, had put on a brave face when these cases were transferred to a special court in Mumbai. Their smiles and arguments are in tatters now, because the court's direction that a 10-member committee of senior policemen, headed by the director-general of the Gujarat police, should review all cases, hardly suggests confidence in the state government.

But the real story is about what determination and faith can achieve. The court's decision is so reassuring for all those who had given up the hope for justice that promises of evidence are now pouring in. Many people are now willing to come to court as witnesses; by making protection for witnesses a key condition, the rights bodies struggling for justice have provided an assurance of security that has been the greatest need of Gujarat's minority community since February 2002. The fact that the court's detailed instructions indicate the nature of its response to the petitions is also reassuring in a different way. It not only says how the committee should go about the review, but also that if a "closed" case is reopened, the officer in charge shall not be part of the team that originally recommended closure. Besides, non-governmental organizations, so long at the forefront of this battle, would be allowed to point out which cases need further investigation. It would seem that the people's voice is being heard in the highest institution of justice at a time when their elected government refused to hear it.

19 AUG 2004

THE TELEGRAPH



THURSDAY, AUGUST 19, 2004

## PROFOUND INDICTMENT

10-10  
19/8

IF A FINAL and comprehensive indictment of the Narendra Modi Government in Gujarat regarding its complicity in the post-Godhra riots was ever needed, it has come in the form of the Supreme Court's order on Tuesday. A bench comprising Justices Ruma Pal, S.B. Sinha and S.H. Kapadia has directed the Gujarat Government to constitute a high-level police team headed by the Director General of Police to re-examine more than 2000 cases of summary closure of riot cases in the aftermath of Godhra. The story regarding an unprecedented number of such summary closures, based on an affidavit filed in December 2003 by Harsh Mandar in the National Human Rights Commission *vs.* the State of Gujarat case, first appeared in *The Hindu* on April 14, 2004. In what appears to be a telling comment on the Modi Government's response to the riot cases, the apex court has identified a complete breakdown of the law enforcement machinery by calling the situation in the State 'unprecedented' and 'abnormal'. That the rule of law has been compromised repeatedly is borne out by the fact that the Supreme Court has taken the initiative to set guidelines for transparency in the review of all such cases: the State Government and the police team reinvestigating these cases will have to post on the Internet reasons for closing a case after revisiting it, and the Court will have to be apprised of the progress of this re-examination every three months.

Earlier judgments of the Court regarding the post-Godhra riots were severe and trend setting but they dealt with individual cases — the Best Bakery and Bilkis Bano cases are such instances. In ordering the reopening of half the 4252 cases, the bench has concluded that there was a collective failure of the entire governmental machinery as well as a failure of the trial courts to

dispense justice. What has, however, received little attention is the spectacle of contradictory statements emerging out of the depositions before the judicial commission investigating the 2002 riots. The failure of the former Ahmedabad Police Commissioner, P.C. Pande, to explain why his officers were unable to prevent the massacres of Gulberg Society and Naroda Patiya on February 28, 2002, and the sensational 172-page affidavit filed by Additional Director General of Police, R.B. Sreekumar, documenting in detail the direct role of police officials and politicians in the post-Godhra violence, testify to the absence of a Constitution-abiding and responsible government in Gujarat.

A series of indictments by the highest court in the land has, however, not deterred Chief Minister Modi or dented his party's steadfast faith in his abilities. The Bharatiya Janata Party has refused to express contrition over what happened in 2002, while rhetorically and perversely rationalising the pogrom as an illustration of action-reaction theory. It is no coincidence that most of the cases closed summarily were those in which members of the *Sangh Parivar* had been named as perpetrators of the inhuman crime. A few examples will suffice. The First Information Report filed on the basis of a complaint by Babubhai Sheikh in the Naroda Patiya case mentioned Vishwa Hindu Parishad State general secretary, Jaydeep Patel, as allegedly instigating and carrying out arson and looting. In another FIR filed in Naroda Gam, the complainant had named BJP legislator Maya Kodnani and Jaydeep Patel. The day is not far when Mr. Modi and his party will have to explain to the country whether or not shielding politicians and activists of the *Sangh Parivar* from the rule of law amounts to a breakdown of the constitutional machinery in Gujarat.

THE HINDU

19 AUG 2004

## চাপে মোদী

প্রথম পাতার পর

ব্যাস বলেছেন, “নরেন্দ্র মোদীর নৈতিকতাবোধ থাকলে অনেক আগেই পদ ছাড়তেন। রাজধর্মের কথা যাঁরা বলতেন, তাঁরাই এখন নীরব। কিন্তু ন্যায় বিচারের প্রশ্নে আমরা বরাবরই আদালতের উপর আস্থা রেখেছি।”

বি জে পি'র কেন্দ্রীয় নেতৃত্ব অবশ্য এখনও প্রকাশ্যে মোদীর পাশে। তাঁদের দাবি, মামলা বন্ধ করা নিয়ে এত হইচইয়ের কিছু নেই। দলের মুখপাত্র মুখতার আকবাস নাকভি বলেন, “আদালতের নির্দেশ নিয়ে রাজনীতি করা উচিত নয়। তাতে রাজনৈতিক দলের স্বার্থসিদ্ধি হতে পারে, কিন্তু ক্ষতিগ্রস্তেরা ন্যায়বিচার পাবেন না।” তাঁর দাবি, গুজরাতে এর আগে পাঁচশোর বেশি দাঙ্গা হয়েছে। তা নিয়ে ৩০০ মামলা করা হয়। এর মধ্যে ১৫০ মামলা কংগ্রেস সরকারই তুলে নিয়েছিল। বাকিগুলিতেও তথ্যপ্রমাণের অভাবে অভিযুক্তেরা ছাড়া পেয়েছে। আর এস এস মুখপাত্র রাম মাধবও বলেছেন, “এই রায়ের ফলে গুজরাত সরকার পড়বে না।”

রুমা পাল, এস বি সিনহা এবং এস এইচ কাপাডিয়াস ডিভিশন বেঞ্চের নির্দেশ অনুযায়ী এ কে ভার্গবের নেতৃত্বাধীন দশ সদস্যের কমিটিতে গুজরাত পুলিশের দু'জন এ ডি জি, সাত জন আই জি থাকবেন। কমিটির দায়িত্ব নির্দিষ্ট করে দিয়ে ডিভিশন বেঞ্চ বলেছে, বন্ধ মামলাগুলির এফ আই আরে খামতি আছে কি না বা সেগুলি ক্রটিপূর্ণ কি না, তা পুঙ্খানুপুঙ্খ ভাবে খতিয়ে দেখতে হবে। প্রয়োজনে নতুন করে শুরু করতে হবে মামলা। ফের তদন্ত করার দরকার না থাকলে যুক্তি দিয়ে জানাতে হবে কেন নেই। ইন্টারনেটে তা প্রচার করতে হবে।

যে সব মামলায় অভিযুক্তেরা খালাস পেয়েছেন সেই সব মামলা সম্পর্কেও সবিস্তার জানতে চেয়েছে সুপ্রিম কোর্ট। আগামী সোমবারের মধ্যে রাজ্যের অ্যাডভোকেট জেনারেলকে আদালতে হাজির হয়ে এ ব্যাপারে হালফনামা দাখিল করতে বলা হয়েছে। খালাস পাওয়া অভিযুক্তদের বিরুদ্ধে উচ্চ আদালতে আবেদন করা হয়েছে কি না, তাও জানতে চেয়েছেন বিচারপতিরা।

অন্য দিকে, নানাবতী কমিশনের সামনে গুজরাত পুলিশের প্রাক্তন ডিরেক্টর জেনারেল কে চক্রবর্তী আজ মস্তব্য করেছেন যে রাজ্যের স্পর্শকাতর এলাকাগুলিতে মুসলিম পুলিশ অফিসার মোতায়ন করলে দাঙ্গার প্রকোপ অনেক কমানো যেত। তিনি বলেন, দাঙ্গা চলাকালীন স্বরাষ্ট্র দফতরের অফিসারদের সঙ্গে বৈঠকে তিনি এই প্রস্তাব দিয়েছিলেন। সেই প্রস্তাব বিবেচনা করা হয়েছিল কি না, তা তাঁর জানা নেই। — পি টি আই

## মোদী চাপে, দাঙ্গার 'বন্ধ' মামলা ফিরে

### দেখতে বলল কোর্ট

নয়াদিিল্লি, ১৭ অগস্ট: গুজরাত দাঙ্গা নিয়ে নরেন্দ্র মোদী সরকারকে আবার জোরদার ধাক্কা দিল স্ক্রেশ্বের সর্বোচ্চ আদালত। ‘তদন্ত বন্ধ’ বলে ঘোষিত দু'হাজারেরও বেশি দাঙ্গা-মামলা ফের খতিয়ে দেখতে আজ গুজরাত সরকারকে উচ্চপর্যায়ের কমিটি গড়ার নির্দেশ দিয়েছে সুপ্রিম কোর্ট। অভিযুক্তরা ফেরার—এই যুক্তি দেখিয়ে মামলাগুলি ‘বন্ধ’ করে দিয়েছিল গুজরাত পুলিশ। শীর্ষ আদালত বলেছে, রাজ্য পুলিশের ডিরেক্টর জেনারেলের নেতৃত্বে কমিটি গঠন করে এই সব মামলা নতুন করে তদন্ত করার প্রয়োজন আছে কি না, খতিয়ে দেখতে হবে। যে সব মামলায় অভিযুক্তেরা ইতিমধ্যেই খালাস পেয়েছে, সেই সব মামলা সম্পর্কেও সবিস্তার তথ্য চেয়েছে আদালত।

সোমবার বেস্ট বেকারি মামলায় গুজরাত সরকার মনোনীত কোঁসুলির নিয়োগ বাতিল করে ক্ষতিগ্রস্তদের পছন্দের আইনজীবীকেই সরকারি কোঁসুলি হিসাবে নিয়োগ করেছে সুপ্রিম কোর্ট। তার পর আজকের রায়ে দাঙ্গা-মামলা নিয়ে মোদী সরকার ফের বিরত হল। তবে সেই অস্বস্তি চাপা দিতে রাজ্যের স্বরাষ্ট্র প্রতিমন্ত্রী অমিত শাহের যুক্তি, এটা রাজ্য সরকারের প্রতি অনাস্থা নয়। সুপ্রিম কোর্টের কাছে আবেদন ছিল, জাতীয় মানবাধিকার কমিশন মনোনীত প্রাক্তন পুলিশ অফিসারকে পর্যালোচনা- কমিটির মথায় রাখা হোক। কিন্তু, শেষ পর্যন্ত এই দায়িত্ব পেলেন রাজ্যের পুলিশ-প্রধানই। সুপ্রিম কোর্টের রায় হাতে পেলেই কমিটি গড়া হবে বলেও শাহ জানান। তাঁর দাবি, বন্ধ মামলাগুলি খতিয়ে দেখতে সরকারের অসুবিধা নেই। গাঁধীনগরে গুজরাত পুলিশের ডিরেক্টর জেনারেল এ কে ভার্গবও বলেন, আদালতের নির্দেশ হাতে পেলেই বন্ধ মামলাগুলি ফিরে দেখার কাজ শুরু করবেন। ভার্গবের আশ্বাস, “কোনও অভিযুক্তের বিরুদ্ধে যথার্থ প্রমাণ মিললে আইন মোতাবেক ব্যবস্থা হবে।” গোধরা-পরবর্তী দাঙ্গা নিয়ে গুজরাতে ৪২৫২টি মামলা দায়ের করা হয়। এর মধ্যে হাজার দুয়েক মামলার তদন্ত বন্ধ করে যুক্তি দেখানো হয়, অভিযুক্তদের খোঁজ নেই। পুলিশের এই সিদ্ধান্তে ক্ষতিগ্রস্তেরা সন্তুষ্ট নন, এই অভিযোগে পর্যালোচনা কমিটি গড়ার আর্জি জানান আদালত নিযুক্ত বিশেষ আইনজীবী হরিশ সালভে।

গুজরাত সরকার যা-ই বলুক, সুপ্রিম কোর্টের আজকের রায় যে মোদীর বিরুদ্ধে কংগ্রেসের প্রচারের বড় হাতিয়ার হতে চলেছে, তার ইঙ্গিত মিলেছে। কংগ্রেস মুখপাত্র গিরিজা এর পর ছয়ের পাতায়

● নারোড়া-পাটিয়া নিয়ে... পৃঃ ৫

18 AUG 2008

## SUPREME COURT DIRECTIVE TO GUJARAT

# Set up panel to review closed riot cases

By J. Venkatesan

740-1  
1878

**NEW DELHI, AUG. 17.** The Supreme Court today directed the Narendra Modi Government in Gujarat to set up a high-level police team headed by the Director-General of Police to examine which of the 2,000 or so post-Godhra riot cases, closed earlier on the ground that the accused could not be traced, required fresh investigation.

A three-Judge Bench, comprising Justice Ruma Pal, Justice S. B. Sinha and Justice S. H. Kapadia, gave the direction after the amicus curiae, Harish Salve, submitted that of the 4,252 riot cases registered, over 2000 were closed by the police summarily, expressing their inability to trace the accused.

The Bench directed that the committee, which would include two Additional DGPs and seven Inspectors-General of Police of different ranges, would go into each of the cases to find out whether they were "defective, deficient or faulty" and order fresh investigation wherever necessary.

### Abnormal situation

When counsel for the accused, K.T.S. Tulsi, opposed such an order, the Bench told him that "what had happened in the State was an unprecedented and abnormal situation because of the State's response to the riot cases."

Counsel for Gujarat, Mukul Rohatgi, said: "This is a matter of perception. Our State does not agree with this perception." He, however, said the Range IGs were already examining the closed cases and the State would have no objection setting up a committee for the purpose.

The Judges said the investigating officers in each case would file their report to their respective Inspectors-General of Police (Range) who, after vetting the same, would forward it to the ADGPs. The ADGPs would scrutinise the report and forward it to the DGP who, in turn, would examine it and take a final decision on whether an FIR was to be lodged or the case was to be closed.

### 'Report every 3 months'

If, after reinvestigation, it was decided to close the case, the reasons should be given and the same be put on the Internet for the information of those interested in them, especially the non-government organisations associated with the Gujarat riots cases. The Judges directed the DGP to inform the court every three months about the progress.

The Bench permitted the NGOs to approach the ADGP, if they had relevant material about a case or cases and he/she would look into them before forming a final opinion about any case.

In respect of cases which ended in acquittals, the Bench asked the Gujarat Advocate-General to be present in the court on Monday to explain the procedure being followed in filing appeals arising out of a large number of acquittals in the post-Godhra riots cases.

The State was directed to give details of the total number of cases which ended in acquittals up to August 19 and the dates of the decisions to file or not to file appeals in these cases, the nature of the cases and the actual date of filing appeals, if the appeals had already been filed.

The State was also asked to indicate in detail the system or procedure for taking such decisions.

On the question of compensation to the victims, the Bench asked the High Court to consider a model followed by the Supreme Court in the Cauvery riot cases by setting up Commissions to receive complaints from victims and to decide the question of individual compensation.

It was brought to the notice of the Bench that the scheme provided for payment of compensation only in case of death, Rs. 1.5 lakhs; loss of house, Rs. 50,000 and loss of household articles, Rs. 10,000 and no provision was made for payment of compensation for other types of injuries or sexual offences.

18 AUG 2004

# Gujarat prosecutor replaced

OUR LEGAL  
CORRESPONDENT

New Delhi, Aug. 16: The Supreme Court today named P.R. Vakil the public prosecutor for the Best Bakery trial, replacing Gujarat appointee Atul Mehta.

Manjula Rao has been named Vakil's associate for the trial that will be held before a special court in Mumbai.

A division bench of Justices Arjit Passayat and H.K. Sema made the appointments on an application by Zaheera Sheikh, a key witness to the

Best Bakery massacre, who preferred Vakil and Rao.

With this order, the Gujarat government's role in the trial comes to an end.

The court directed the Gujarat government to notify these appointments before the next hearing in Mumbai court.

The court also directed the Gujarat government to publish in two local dailies its order regarding the issuance of notice against the accused.

The state was directed to file an affidavit in four weeks detailing what steps it has taken against those who allegedly intimidated witnesses.

At the hearing today, the judges gave the Gujarat government a chance to sort out the "problem" of appointing a public prosecutor.

But when state counsel Hemantika Wahi could not give a "satisfactory" answer, the court said it would appoint a public prosecutor from the list of four advocates agreed on by the victims and witnesses.

Former Union law minister and senior counsel Ram Jethmalani, who is appearing for Zaheera, told the court that there was "an ego clash" between Gujarat and Maharashtra

over the appointment of the public prosecutor. He said this could be sorted out by asking the Centre to appoint a person.

The court on April 12 transferred the trial to Maharashtra on a petition by Zaheera. It said that a special trial court in Mumbai would proceed with the case. The case was transferred after several witnesses said they were being threatened and coerced to turn hostile.



Zaheera

sort out the "problem" of appointing a public prosecutor.

# বেস্ট মামলায় গুজরাতের কৌসুলি বদল সুপ্রিম কোর্টে

নয়াদিল্লি, ১৬ অগস্ট: বেস্ট বেকারি মামলায় ফের বড়সড় ধাক্কা খেল নরেন্দ্র মোদী সরকার। গুজরাত সরকারের উপর কার্যত অনাস্থা দেখিয়ে এই মামলায় তাদের প্রস্তাবিত সরকারি কৌসুলির নিয়োগ খারিজ করে দিল সুপ্রিম কোর্ট। তার বদলে ওই ঘটনায় ক্ষতিগ্রস্তদের পছন্দের দুই আইনজীবীকে সরকারি কৌসুলি হিসাবে নিয়োগের নির্দেশ দিয়েছে সর্বোচ্চ আদালত।

গুজরাত সরকার মনোনীত কৌসুলি অতুল মেহতার নিয়োগে আপত্তি জানিয়ে সুপ্রিম কোর্টের কাছে আবেদন জানিয়েছিলেন বেস্ট বেকারি মামলার অন্যতম অভিযোগকারী জাহিরা শেখ। সেই আবেদন গ্রাহ্য করে অরিজিৎ পাসায়ত এবং এইচ কে সীমার ডিভিশন বেঞ্চ পি আর উকিলকে বিশেষ সরকারি কৌসুলি হিসাবে নিয়োগ করেছে। উকিলকে সহায়তা করবেন মঞ্জুলা রাও।

এ দিন শুনানির শুরুতেই

বিচারপতিরা সরকার পক্ষের আইনজীবীর কাছে জানতে চান, সরকারি কৌসুলি নিয়ে মতান্তর মিটেছে কি না। আইনজীবী হেমন্তিকা ওহায়ি কোনও সদুত্তর দিতে না পারায় বেঞ্চ ক্ষতিগ্রস্ত ও সাক্ষীদের পছন্দের চার আইনজীবীর মধ্য থেকে দু'জনকে সরকারি কৌসুলি নিয়োগ করে। মামলার পরবর্তী শুনানির আগে এঁদের নিয়োগের বিজ্ঞপ্তির জন্য রাজ্যকে নির্দেশ দিয়েছে সুপ্রিম কোর্ট।

বেস্ট বেকারি মামলায় অভিযুক্ত ২১ জনের মধ্যে সাত জন এখনও আদালতে আত্মসমর্পণ না-করায় এ দিন রাজ্যের সমালোচনাও করেছে শীর্ষ আদালত। ১২ এপ্রিল মামলা গুজরাত থেকে সরিয়ে মহারাষ্ট্রে নতুন করে শুরু নির্দেশ দেওয়ার সময় সুপ্রিম কোর্ট অভিযুক্ত ২১ জনকে আদালতে আত্মসমর্পণ করতে বলেছিল। এঁদের বেকসুর খোষণা করে যে রায় গুজরাত হাইকোর্ট দিয়েছিল, সুপ্রিম কোর্ট তা-ও বাতিল করে দেয়। আত্মসমর্পণ না-করা

সাত জনের বিরুদ্ধে কেন আদালত অবমাননার মামলা রুজু করা হবে না, তার কারণ দর্শানোর নোটিশ জারি করার নির্দেশ দিয়েছেন বিচারপতিরা।

এ দিকে, সবারমতী এক্সপ্রেসে চড়ে করসেবকদের অযোধ্যা থেকে ফেরার ব্যাপারে পুলিশ বা গোয়েন্দাদের কাছে খবর ছিল না বলে নানাবতী কমিশনকে জানালেন রাজ্যের প্রাক্তন ডি জি কে চক্রবর্তী। তিনি বলেন, অভিযুক্তদের বিরুদ্ধে পেটা আরোপ, পুলিশ সুপারদের বদলি ইত্যাদি অনেক ক্ষেত্রে তাঁর সঙ্গে পরামর্শ না করেই সিদ্ধান্ত নেয় রাজ্য সরকার। সবারমতী এক্সপ্রেসে আগুন ধরানোর পর বিভিন্ন পত্রিকায় ওই ছবি ও প্ররোচনামূলক খবর প্রকাশিত হয়। এতে উত্তেজনা ছড়ানো সত্ত্বেও তা বন্ধের ব্যবস্থা নেয়নি রাজ্য। তবে, গোয়েন্দা-ব্যর্থতার কারণেই গোধরা কাণ্ড বা অক্ষরধাম মন্দির আক্রমণের ঘটনা ঠেকানো যায়নি বলে যে অভিযোগ উঠেছে তা মানতে চাননি তিনি। — পি টি আই

ANADABAZAR PAKISTANA

17 AUG 2004

# বেস্ট মামলায় মোদী

## সরকারের ভূমিকায়

### ক্ষুব্ধ সুপ্রিম কোর্ট

নয়াদিল্লি, ৯ অগস্ট: বেস্ট বেকারি মামলায় ফের গুজরাত সরকারের তীব্র সমালোচনা করল সুপ্রিম কোর্ট। ওই মামলায় সরকারি কৌসুলি কোন রাজ্য থেকে হবেন সেই বিষয়ে আজ সুপ্রিম কোর্টের নির্দেশ দেওয়ার কথা ছিল। মুম্বইয়ের দায়রা আদালতে বেস্ট বেকারির শুনানির সময়ে গুজরাত সরকারের কৌসুলি অভিযুক্তদের বিরুদ্ধে জামিন-অযোগ্য গ্রেফতারি পরোয়ানা জারির বিরোধিতা করেন। তার সমালোচনা করে আজ শীর্ষ আদালত বলেছে, গুজরাত সরকারের উচিত এ রকম এক জন ব্যক্তিকে সরিয়ে নেওয়া। অবশ্য সরকারি কৌসুলি সংক্রান্ত নির্দেশ দেওয়ার জন্য বিচারপতি অরিজিৎ পাস্যেতের নেতৃত্বে গঠিত ডিভিশন বেঞ্চ ১৬ অগস্ট পরবর্তী শুনানির ধার্য করেছে।

প্রথম থেকেই গুজরাতের সরকারি কৌসুলির অবস্থানের সমালোচনা করে ডিভিশন বেঞ্চ। গুজরাত সরকার অভিযুক্তদের ধরার জন্য প্রয়োজনীয় ব্যবস্থা নিচ্ছে বলে আদালতকে তিনি জামিন-অযোগ্য গ্রেফতারি পরোয়ানা জারি না-করার পক্ষে সওয়াল করেন। এ কথা জানিয়ে ডিভিশন বেঞ্চ বলে, প্রথম দিন থেকেই গুজরাত সরকার এমন এক জনকে পাঠিয়ে নিজেদের আসল পরিচয় দিয়ে দিয়েছেন। গুজরাতে বেস্ট বেকারি মামলার কাজ শুরু হলেও নিম্ন আদালত অভিযুক্ত ২১ জনকেই মুক্তি দেওয়ার নির্দেশ

দেয়। সেই রায়কে চ্যালেঞ্জ জানিয়ে অন্য রাজ্যে মামলা সরিয়ে নিয়ে যাওয়ার আবেদন জানান মামলার মূল আবেদনকারী জাহিরা শেখ।

সুপ্রিম কোর্টের নির্দেশেই বেস্ট বেকারি মামলার কাজ গুজরাত থেকে মহারাষ্ট্রে স্থানান্তরিত করা হয়। তখনও গুজরাত সরকারের ভূমিকার সমালোচনা করেছিল শীর্ষ আদালত। কিন্তু মহারাষ্ট্রের দায়রা আদালতে মামলা সরিয়ে নিয়ে যাওয়া হলেও সরকারি কৌসুলি নিযুক্ত করা নিয়ে সমস্যা দেখা দেয়। শেষ পর্যন্ত কৌসুলি কোন রাজ্য থেকে হবেন তাঁর সঠিক নির্দেশ চেয়ে সুপ্রিম কোর্টে যান জাহিরা শেখ। প্রথম দিনের শুনানির পরে শীর্ষ আদালত গুজরাত পুলিশের ডি জি-কে মামলায় অভিযুক্তদের ধরে আদালতের সামনে উপস্থিত করতে পুলিশ কী কী ব্যবস্থা নিয়েছে তা এক সপ্তাহের মধ্যে দায়রা আদালতকে জানানোর নির্দেশ দিয়েছে। এই খবর পি টি আইয়ের।

মুম্বই থেকে নিজস্ব সংবাদদাতা জানাচ্ছেন, সরকারি কৌসুলি কে হবেন তা ফয়সালা না-হওয়ায় আজও বেস্ট বেকারি মামলার কাজ শুরু করতে পারল না মুম্বইয়ের দায়রা আদালত। ১৯ অগস্ট এই মামলার পরবর্তী শুনানির দিন ধার্য করেছে আদালত। এখনও পর্যন্ত এই মামলায় অভিযুক্ত ২২ জনের মধ্যে ১৫ জনকে পুলিশ গ্রেফতার করতে পেরেছে। সাত জন এখনও পলাতক।

# SC order on PP in Best Bakery case

Our Legal Correspondent

NEW DELHI, Aug. 9. — The Supreme Court (coram, Pasayat, Thakkar, JJ) today criticised the Gujarat government for appointing public prosecutors who oppose non-bailable warrants against the accused to handle the post-Godhra cases and asked it to ensure that it appoints a PP in the Best Bakery case with the consent of the victims.

The court also expressed its displeasure over the fact that the state government had failed to take into account the views of the victims. "Despite our order you failed to take into account the views of the victims. And when the court wants to issue non-bailable warrants, your Public Prosecutor opposes it saying: 'Don't issue NBWs. We will ensure that the accused are present in court.' What sort of PP does this," the court asked.

It then directed the Gujarat DGP to provide a status report on the steps taken by the state government to see that the accused have been arrested and have presented themselves before the court.

The court also asked the Gujarat government to finalise one of the four names suggested by the Maharashtra government after consultation with the Citizens for Justice and Peace, the NGO repre-



**Despite our order you failed to take into account the views of the victims... what sort of PP does this?**  
— **Supreme Court**

sented the victims in the case, as the Public Prosecutor in the Best Bakery case and "be done with it". "We just want the prosecution to go and ensure that trial is fair," Mr Justice Pasayat said. The court specially referred to the name of Ms Manjula Rao in this context. However, the Bench made it very clear that it did not want the same kind of PPs. "But please don't appoint the person who opposed the NBWs. We don't want such PPs," the court said. It adjourned the matter till 16 August.

The court was referring to the conduct of the Gujarat PP, Mr Atul Mehta, who had during the second hearing of the Best Bakery case opposed the NBWs even as Maharashtra and Gujarat fought over who should appoint the PP in the case.

# Bilkis breaks through fear veil

## Rape victim finds hope in case transfer

### OUR CORRESPONDENT

Ahmedabad, Aug. 8: Bilkis Yakub Rasool today did a Zahir Sheikh.

While the key witness in the Best Bakery case had surfaced in Mumbai to cry foul, Bilkis came out of hiding in Gujarat to narrate her ordeal since she was gangraped and 14 relatives were massacred in the post-Godhra riots.

Two years ago, she had lost hope "when my neighbours turned their backs on me and the state refused to recognise me as an equal citizen", she said, appearing before the media for the first time.

After the Supreme Court shifted "my case outside Gujarat", her faith in the judicial system has been restored. Now "I hope to get justice in Maharashtra court", she said, promising to speak fearlessly about the wrongs done to her and name the perpetrators.

Like the Best Bakery case, the Supreme Court ordered the transfer of Bilkis' case on the grounds that she cannot get a free and fair trial in Gujarat.

"Today, along with a sense of hope, I am also filled with sadness because I know how sexual violence was systematically used against so many women of my community... I am not the only one," she said.

"There are many women there whose names and faces I do not know but whose pain I can feel," Bilkis added, hoping "justice for me will pave the way for justice for others".

Bilkis had named her attackers in Limkheda police station on March 4, 2002, a day after the atrocity in Dahod district. But the names were excluded from the FIR. "As I am

illiterate, I did not know that they had not written the names of the accused," she said.

Her statement was recorded again two days later in a relief camp. After a year, police closed the case, citing "inconsistencies" in her statements. No evidence was found against "the respectable members of the society" Bilkis had named, the police said.

Bilkis, the sole survivor of the massacre, approached the National Human Rights Commission. The matter reached the apex court, which asked the CBI to take up the case.

The CBI investigation, which has led to the arrest of 20 people, including six policemen, has made her believe she will get justice that was denied to her in Gujarat, Bilkis said.

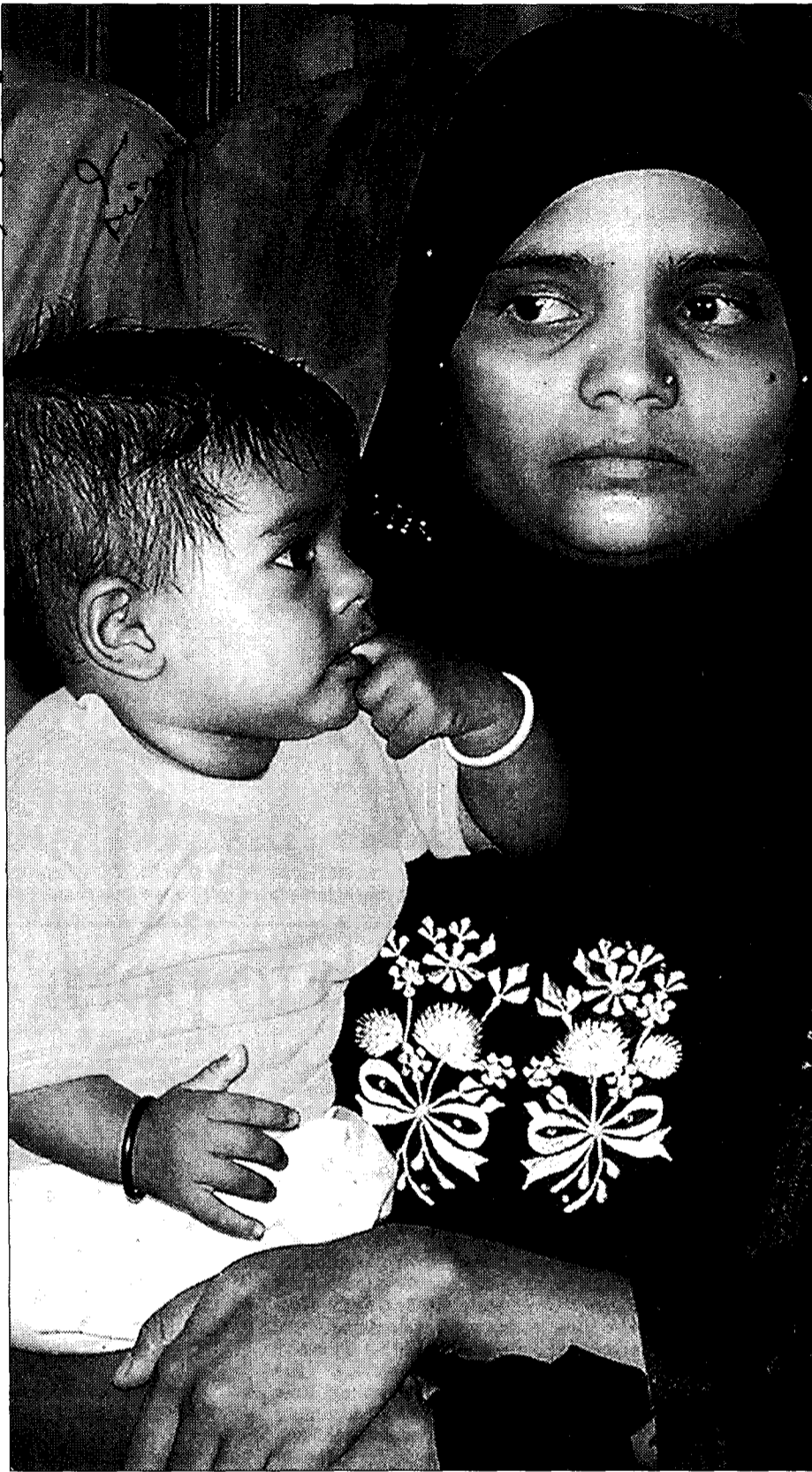
Farha Naqvi, a Delhi-based activist, said: "The case stands on solid ground as the CBI has evidence that will ensure speedy trial and conviction."

But it is not clear who would bear the expenses for transporting the witnesses to Mumbai when trial begins. Naqvi indicated they might have to approach the court to give direction as to who should bear the expenses.

But unlike the Best Bakery case, there was no confusion over the public prosecutor. The CBI appointed R.K. Shah on the apex court's direction.

Bilkis said she sought transfer of her case as she was threatened and felt unsafe in Gujarat. Naqvi pointed out that she has had to change her house as many as 20 times in the last two years.

Asked how she would live in Gujarat where she does not feel safe, Bilkis said she would once her tormentors are punished.



Bilkis with her six-month-old daughter Fatima in Ahmedabad on Sunday. (Reuters)



# Bilkis case transferred from Ahmedabad to Mumbai

By J. Venkatesan

NEW DELHI, AUG. 6. The Supreme Court today ordered the transfer of the trial in the case relating to Bilkis Yakoob, a victim of gang rape during the post-Godhra riots in Gujarat, pending before a city sessions court in Ahmedabad, to a court in Mumbai. The court had already stayed the trial in this case.

A three-Judge Bench of Justice Ruma Pal, Justice S.B. Sinha and Justice S.H. Kapadia shifted the case outside Gujarat on the basis of submissions made by the Central Bureau of Investiga-

tion that the atmosphere was not conducive for conducting the trial in the State since the witnesses were being threatened.

## Second case

This is the second case to be transferred to Mumbai as the Supreme Court had, on April 12, ordered the shifting of the Best Bakery case for trial in Mumbai.

The Bench, in its order, said that in view of the facts and circumstances of the case and the allegations made, the case now pending before the VI Additional City Civil Sessions court in

Ahmedabad was being transferred to a court in Mumbai. The Chief Justice of the Bombay High Court was asked to post this case to a court of competent jurisdiction.

The Bench made it clear that this order should not be construed as a reflection on the competence or the impartiality of the judiciary in Gujarat as the transfer was being made on the peculiar facts of the case. It said the Gujarat Government should bear the initial expenses and the defence of the accused in accordance with the provisions of Section 304 (2) Cr.P.C.

THE HINDU

7 AUG 2002

## অন্ধ্রে সংরক্ষণ বেআইনি, বললেন অটল

স্টাফ রিপোর্টার, নয়াদিল্লি, ২০ জুলাই: অন্ধ্রপ্রদেশে মুসলিমদের জন্য পাঁচ শতাংশ সংরক্ষণকে সরাসরি বেআইনি ও অসাংবিধানিক বলে দলকে অবিলম্বে আন্দোলনে নামতে বললেন প্রাক্তন প্রধানমন্ত্রী অটলবিহারী বাজপেয়ী। এই ব্যাপারে দল ও সঙ্ঘ পরিবারের সঙ্গে তাঁর যে কোনও মতবিরোধ নেই তা পরিষ্কার করে দিয়ে বাজপেয়ী আজ দলীয় সাংসদদের বলেছেন, ধর্মের ভিত্তিতে সংরক্ষণ দেওয়া যায় না।

অন্ধ্রের পর মহারাষ্ট্রে কংগ্রেস এবং এন সি পি সরকারও মুসলিমদের জন্য পাঁচ শতাংশ সংরক্ষণের কথা ভাবছে। এই অবস্থায় বাজপেয়ী দলকে বলেছেন, অন্য বিষয়ে মতবিরোধ থাকতে পারে, মুসলিমদের জন্য সংরক্ষণ নিয়ে দলে কোনও দ্বিমত নেই। তাই এ নিয়ে অবিলম্বে আন্দোলনে নেমে পড়া উচিত।

বিজেপি আগেই জানিয়েছিল অন্ধ্র সরকারের সিদ্ধান্ত 'মুসলিম তোষণ' ছাড়া কিছু নয়। এ নিয়ে বাজপেয়ী মুখ খোলেননি। অতীতে এই ধরনের বিষয়ে বাজপেয়ী অনেক সময়ই হয় চুপ থেকেছেন, অথবা দলের থেকে ভিন্ন সুরে কথা বলেছেন।

আজ বাজপেয়ী দ্ব্যর্থহীন ভাবে জানিয়ে দিয়েছেন, এ ব্যাপারে তাঁর মত দল সঙ্ঘ পরিবার থেকে আলাদা নয়। তিনিও চান বিজেপি বিষয়টি নিয়ে সারা দেশে

আন্দোলনে নামুক। সংসদেও জোরালো ভাবে বিষয়টি তোলা হোক।

আজ বিজেপি সংসদীয় দলের বৈঠকে বেশ কিছু সাংসদ অন্ধ্রে মুসলিমদের জন্য পাঁচ শতাংশ সংরক্ষণ নিয়ে প্রশ্ন তোলেন। এ ব্যাপারে সংসদে কী করা হবে তাও তাঁরা জানতে চান। এর পর বাজপেয়ী জানিয়ে দেন, সকলে মিলে এই সিদ্ধান্তের বিরোধিতা করতে হবে। কারণ, এটা অত্যন্ত বিপজ্জনক সিদ্ধান্ত।

তাঁর পরিষ্কার মত, সংবিধানে সামাজিক দিক থেকে পিছিয়ে পড়ার জন্য তফসিলি জাতি ও উপজাতিদের জন্য সংরক্ষণ চালু করা হয়েছিল। তার মূল উদ্দেশ্যই ছিল সামাজিক অসাম্য দূর করা। ধর্মীয় ভিত্তিতে সংরক্ষণ দেওয়ার কথা

সংবিধানে নেই। তাই এটা অসাংবিধানিক ও বেআইনি।

এই একটা ব্যাপারে বিজেপি এবং বিশ্ব হিন্দু পরিষদ একই ভাবে আন্দোলনে নামার হুমকি দিয়েছে। পরিষদের নেতা গিরিরাজ কিশোরের বক্তব্য, অন্ধ্রপ্রদেশ সরকারের এই সিদ্ধান্তে আবার দেশভাগের মতো অবস্থা হবে।

অন্ধ্রের পর মহারাষ্ট্রেও একই রাস্তায় যাচ্ছে। সনিয়া গান্ধীও তাতে সায় দিয়েছেন। এরপর যে সব কংগ্রেসি রাজ্য সরকার নির্বাচনের দোড়গোড়ায় পৌঁছবে সেখানেও মুসলিমদের সংরক্ষণ দেওয়া হবে। এর পর বৌদ্ধ, জৈনরাও একই দাবি তুলবেন। ফলে বিভাজন বাড়বে বলে। এটা রুখতে তাঁরা অবিলম্বে আন্দোলনে নামবেন।

# When we forgive, we allow wounds to heal: Gladys Staines

6-16-2004

By Prafulla Das and Malabika Bhattacharya

**BHUBANESWAR/KOLKATA, JULY 15.** Gladys Staines, widow of the slain Australian missionary, Graham Stuart Staines, is leaving the country — but not for good. But one thing is clear: she will now spend more time in Australia for family reasons.

"I am leaving India for some time. But I plan to come back," Mrs. Staines told *The Hindu* over phone from Kolkata this afternoon. Mrs. Staines, who left for Kolkata from Baripada on

Wednesday, was due to catch a flight to Australia along with her 18-year-old daughter, Esther, late this evening.

Mrs. Staines had visited Australia a few times after Graham Staines and their two sons, Timothy, 8, and Philip, 10, were burnt to death by a mob at Maharpur village in Orissa's Keonjhar district on the night of January 23, 1999. But this time her stay in Australia will be longer for two major reasons: her daughter, who has finished her schooling in Udhagamandalam, will be pursuing studies in med-

icine there and Mrs. Staines will attend to her ailing 91-year-old father at home.

She said she was leaving India for family reasons. "My reasons for leaving India are personal. I am tired and am looking for refreshment. I also need some time to reflect," Mrs. Staines added. "My 91-year-old father needs care and my daughter will be going to university to study medicine. But I will come back. When, I don't know. Who knows what will happen tomorrow?" she said.

The 53-year-old Mrs. Staines, a trained nurse, will be away on furlough, which allows a missionary to go home for six to eight months.

"I have nothing against India where I have received a great deal of love and affection," she said. The missionary's widow said she had nothing against anyone despite the gruesome killing of her husband and two sons five years back. However,

she said she expected her husband's killers to face the consequences for what they had done. "When you do wrong, you face the consequences. Even when a child tells its mother, 'Sorry, mummy,' the mother takes disciplinary action. It's the same with those people [the killers]," Mrs. Staines was referring to Dara Singh, the prime accused in Mr. Staines' murder. Singh was sentenced to death and 12 others to life imprisonment in September 2003.

Mrs. Staines, however, said she had forgiven the killers. "When we forgive, we allow the wounds to heal. Besides, by forgiving, we encourage other people to do the same."

Mrs. Staines has been running the Baripada Leprosy Home after her husband's killing, while trying to set up a referral hospital for leprosy patients near the leprosy home which Mr. Staines managed for several years. She said she was

considering writing a book which would record her experiences in India, particularly in the last five years. "I want to keep the record straight for my family."

An Australian national, Mrs. Staines has been living in Baripada on a special visa. With her visa expiring in January next year, Mrs. Staines has already applied for its renewal, police sources in Baripada said.

"Gladys Staines has not left the country. She will surely return to Baripada to oversee the running of the Leprosy Home and set up the referral hospital for leprosy patients in memory of Graham Staines," said Kalicharan Singh, an employee of the Leprosy Home.

"Whenever she went to Australia, she used to call up to find out about the running of the Leprosy Home. This time she will stay there for a slightly longer period," he added.

**Hearing adjourned: Page 11**

# Godhra probe rocks House

Statesman News Service

NEW DELHI, July 15. — The Opposition today stalled Parliament to protest against a fresh inquiry into the Godhra carnage. Repeated adjournments failed to bring order in both Houses, which were finally adjourned for the day. The BJP accused the Congress of trying to polarise the country on communal lines by making Mr Lalu Prasad order a fresh inquiry.

To bring a semblance of order, Lok Sabha Speaker Mr Somnath Chatterjee allowed former railway minister Mr Nitish Kumar to make a statement. As soon as he asked the reason for ordering a fresh inquiry, members from the Treasury benches rose to their feet, inviting similar response from the Opposition.

The scene is likely to be repeated tomorrow as well as Mr Nitish Kumar was not allowed to speak.

The BJP's problem is how to make its point in the both Houses without participating in a debate with Mr Lalu Prasad or asking him any questions (the NDA has been boycotting him on the tainted ministers' issue).

The BJP today fielded Mr Murl Manohar Joshi, often described as the most articulate leader on Hindutva issues, to send a mes-

sage to its core constituency. Mr Joshi, while questioning the legal validity of the fresh probe, said by ordering it at a time when a judicial inquiry was on the government had sent a wrong message.

He warned that such steps would vitiate peace in Gujarat and may create communal frenzy. It appeared to be a deep-rooted conspiracy the way the inquiry was announced and the way Congress leaders from Gujarat came to Delhi today to press for a separate inquiry into the incident, deputy Opposition leader in the Lok Sabha Mr Vijay Kumar Malhotra said.

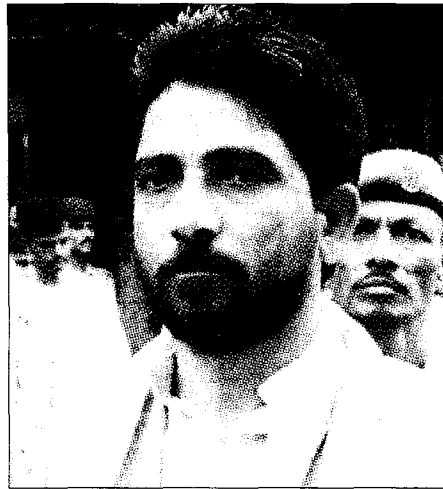
Mr Lalu Prasad was not worried about Bihar, half of which was flooded, he alleged.

Mr Joshi charged the Congress with adopting the path of confrontation and conflict. He said that none of the facts which Mr Lalu Prasad listed — such as the FSL report — were secret. These were parts of the report tabled in Parliament.

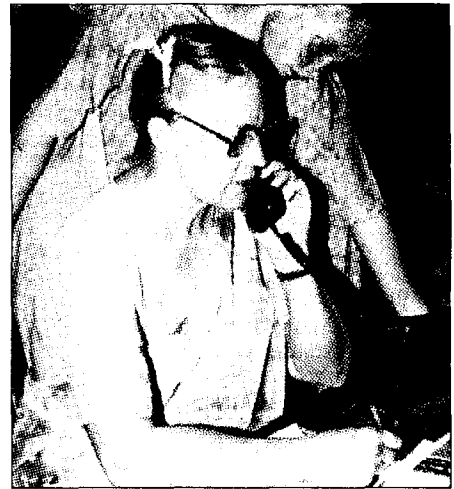
Later in the day, the Congress accused the BJP of "running away" from a statutory probe into the Godhra carnage and a debate in Parliament. "Why the BJP doesn't want the facts to come out, why are they not ready for a probe or discussion over Godhra," Congress spokesman Mr Anand Sharma said here.



**GRAHAM STAINES** and his two sons were burnt alive in their jeep in Keonjhar district of Orissa on January 22, 1999



**DARA SINGH** was given the death penalty for the murder in September 2003. His appeal is pending in the Orissa High Court



**STAINES' WIDOW** forgave Dara. After completing the Graham Staines Memorial Hospital in July, she says she is moving on

# Staines' widow bids adieu to India

Sujata Anandan  
Mumbai, July 14

HT/1 15/7

FIVE AND a half years after her missionary husband was burnt alive by Bajrang Dal activists in Orissa, Graham Staines' widow Gladys Staines is leaving India for good. "I am just tired," she told *HT* from Kolkata. She will take the flight to Australia from Kolkata on Thursday.

She leaves the country just the way she lived here: gracefully.

"There are no negative reasons for my leaving. I have no complaints against the government. They gave me a visa and all the support. The people of India sustained me with their love. But some things have changed," she said.

Her reasons for leaving appear to be personal. She says her 91-year-old father needs her, and that her daughter must now go to university. She doesn't say she's severing ties with India, just that she isn't sure when she will return.

In some ways, Gladys Staines has done what she set out to do in this country — and it was a huge amount of work by any

**I am just tired ... I have no complaints against the government. They gave me a visa and all the support. The people of India sustained me here with their love. But some things have now changed**

— Gladys Staines on India and why she is leaving

measure. She met Graham while serving on a youth mission in Orissa in the early 1980s. They married in 1983 and worked with leprosy patients in Mayurbhanj district, one of the state's most deprived parts.

That work was interrupted in January 1999. Reverend Staines and their two young sons, Philip and Timothy, were burnt to death by a mob at Manoharpur village in neighbouring Keonjhar district. They were alsoep when their jeep was set on fire.

When the prime accused Dara Singh,

was sentenced to death in September 2003. (12 others got life imprisonment) the judge remarked that humanity wasn't yet fully civilised. The nature of the crime and its political subtext prompted President K.R. Narayanan to say that it belonged in the inventory of mankind's blackest deeds.

But Gladys Staines forgave her husband's killers. She also had no plans to leave despite the formation of rabid groups like the 'Dara Sena'. "Why should I be afraid? Here people support us and I do not want to disappoint them. After all, they need to be taken care of," she had said.

She began work on a hospital named after her husband. Sources say she was troubled by the number of hurdles placed in her way through this process, but was, as usual, very stoic about it. The Graham Staines Memorial Hospital is now complete. It was inaugurated on July 8 and has been handed over to the Christian Fellowship Hospital of Dindigal near Mysore.

And now she is on her way. "India," says Abraham Mathai of the Maharashtra Minorities Commission, "is losing a great symbol of love and forgiveness".

15 JUL 2004

THE HINDUSTAN TIMES

## রাজনৈতিক স্বার্থে এই সিদ্ধান্ত: নীতীশ

# গোধরার ফের তদন্ত হবে লালুর নির্দেশে

নয়াদিল্লি, ১৪ জুলাই: ঘটনা ঘটান আড়াই বছর পরে গোধরা-কাণ্ড নতুন করে ফের তদন্তের মুখে। রেলমন্ত্রী লালুপ্রসাদ যাদব গোধরার ঘটনা নিয়ে আজ নতুন করে উচ্চপর্যায়ের তদন্তের নির্দেশ দিয়েছেন। এটি রেল দফতরের নিজস্ব তদন্ত। রেল বাজেট নিয়ে আলোচনা পর্বের শেষে রেলমন্ত্রী আরও জানিয়ে দিয়েছেন, এই তদন্ত কমিটিকে তিন মাসের মধ্যে রিপোর্ট জমা দিতে হবে।

২০০২ সালের ২৭ ফেব্রুয়ারি তারিখে গোধরা স্টেশন থেকে ছাড়ার অব্যবহিত পরে সবরমতী এক্সপ্রেসের একটি কামরায় অগ্নিদগ্ধ হয়ে ৫৯ জন করসেবকের মৃত্যু হয়েছিল। এই ঘটনার পরেই সমগ্র গুজরাত জুড়ে ছড়িয়ে পড়েছিল ভয়াবহ দাঙ্গা। আজ লালুপ্রসাদ গোধরা নিয়ে ফের তদন্তের কথা ঘোষণা করার পরে ২০০২ সালের মে মাসে গুজরাটের ফরেনসিক সায়েন্স পরীক্ষাগার থেকে প্রকাশিত রিপোর্টটি সংসদে পড়ে শোনান। লালু বলেন, আগের ফরেনসিক রিপোর্টে পরিষ্কারই বলা হয়েছিল কামরার ভিতরে থাকা দাহ্য পদার্থই এই অগ্নিকান্ডের জন্য দায়ী। পুড়ে যাওয়া কামরাটিকে পরীক্ষা করে ফরেনসিক বিশেষজ্ঞরা জানিয়েছিলেন, যে কামরাটির ভিতরে প্রথমে পূর্বদিকে আগুন লাগে এবং তা দ্রুত পশ্চিমে ছড়িয়ে পড়ে। বাইরে থেকে কামরাটিকে লক্ষ করে বড়জোর কিছু পাথর ছোড়া হয় কিন্তু বাইরে থেকে কোনও দাহ্য পদার্থ কামরায় ছোড়া হয়নি। গোধরার ঘটনার তিনমাসের মধ্যে এই ফরেনসিক রিপোর্ট রাজ্য এবং কেন্দ্রীয় সরকারের হাতে থাকা সত্ত্বেও বিচারবিভাগীয় তদন্তের বিচার্য বিষয়ের কোনও পরিবর্তন করা হয়নি। তাঁর মন্তব্য, বিচার বিভাগীয় তদন্তের 'বিচার্য-বিষয়' তৈরির সময় ধরেই নেওয়া হয় যে আগুন বাইরে থেকেই লাগানো হয়েছিল।

এই রকম গুরুত্বপূর্ণ একটি ঘটনা নিয়ে রেল কোনও বিভাগীয় তদন্ত না করায় তীব্র ক্ষোভ প্রকাশ করে রেলমন্ত্রী বলেন, “ছোটখাটো কত সাধারণ ঘটনারও তদন্ত করে রেল। কিন্তু

আশ্চর্যের ব্যাপার, এত বড় ঘটনার পরও রেল দফতর কার্যত নীরব দর্শকের ভূমিকা পালন করল। শুধু তাই নয়, ঘটনার পরে রেলমন্ত্রী, রেল প্রতিমন্ত্রী, বা কোনও কেন্দ্রীয় মন্ত্রী একবারও ঘটনাস্থল পরিদর্শন করতে গেলেন না।” লালু আরও বলেন গোধরা-কাণ্ড গোটা বিশ্বের চোখে ভারতবর্ষের নাম ডুবিয়েছে। এই ঘটনার পিছনে যদি রেল দফতরের কোনও মন্ত্রী বা কর্মীর কর্তব্যে গাফিলতি প্রমাণিত হয়, তবে তাঁকে ক্ষমা করার প্রশ্ন নেই।

‘দাগি’ মন্ত্রীদের সরানোর দাবিতে বিজেপি তথা এন ডি এ-র সংসদ অধিবেশন বয়কট এখনও অব্যাহত। কাজেই লালুর বক্তৃতার সময় বিরোধী বেষ্ট ফাঁকাই ছিল। তবে পরে প্রাক্তন রেলমন্ত্রী নীতীশ কুমার সাংবাদিকদের বলেন, রাজনৈতিক স্বার্থসিদ্ধির জন্যই এই নতুন তদন্ত। এর ফলে কাজের কাজ কিছুই হবে না। কেবল সমাজের একাংশের মধ্যে অকারণ সন্দেহ তৈরি হবে। গোধরা কাণ্ড নিয়ে নতুন তদন্তের এই নির্দেশকে ভুল ও দায়িত্বজ্ঞানহীন বলে মন্তব্য করেন নীতীশ। লালুকে ব্যঙ্গ করে প্রাক্তন রেলমন্ত্রী বলেন, “রেলমন্ত্রী হওয়া সোজা, মন্ত্রকের কাজকর্ম বুঝে সেটাকে ঠিকঠাক চালানো কিন্তু বেশ কঠিন।” গোধরার ঘটনার পরে ঘটনাস্থলে না যাওয়ার জন্য প্রাক্তন রেলমন্ত্রী ও রেলের তৎকালীন প্রতিমন্ত্রী দিগ্বিজয় সিংহের সমালোচনা করে লালুপ্রসাদ বলেছেন, এই অনুপস্থিতি উদ্দেশ্যপ্রণোদিত। আর এস এস-ও নতুন করে তদন্তে নামার এই সিদ্ধান্তকে ‘রাজনৈতিক উদ্দেশ্যপ্রণোদিত’ বলে অভিহিত করেছে। তদন্তের নিরপেক্ষতা নিয়ে সন্দেহ প্রকাশ করেছে বিশ্ব হিন্দু পরিষদও।

রেল বাজেটে নিয়ে আলোচনা পর্বের শেষদিনে লালু যাত্রী-সুরক্ষা নিশ্চিত করতে রেলের নিরাপত্তা ব্যবস্থা জোরদার করার কথা বলেন। ডাকাতি ও দুর্নীতি বন্ধ করতে মাফিয়াদের বিরুদ্ধে ব্যবস্থা নেওয়ার আশ্বাস দেন ও দাবি করেন রেল বাজেটে কোনও বিশেষ অঞ্চলকে বঞ্চিত করা হয়নি।

— পি টি আই

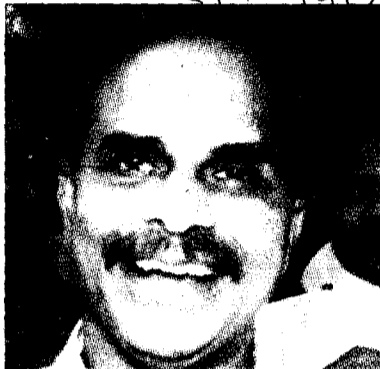
# Quota for Andhra Muslims

Statesman News Service

HYDERABAD, July 13. — The Andhra Pradesh government today tabled in the Assembly an order reportedly issued yesterday providing for five per cent reservation for Muslims in government jobs and educational institutions. The reservation comes into immediate effect and the government will soon introduce a Bill to give statutory backing to the quota.

The decision was taken on the recommendations of the Commissionerate of Minorities Welfare that had studied the socio-economic conditions of Muslims, who comprise around 11 per cent (72 lakh) of the state's population. The report says that over two-thirds of Muslims in the state are below the poverty line and the community's literacy is at 18 per cent (among women it's just four per cent).

The community has been included in the E category under Backward Classes. The BJP was



Reddy ready with sops

the only party that opposed the order when minorities welfare minister Mr Fareeduddin presented it in the House. The party has been against reservation on the basis of religion.

Majlis Ittehadul Muslimeen leader Mr Akbaruddin Owaisi praised the government for providing straightaway five per cent quota for Muslims. Among other states, Kerala has 12 per cent reservation for the community, Tamil Nadu 5.2 per cent and

Karnataka 4.5 per cent.

The Congress said it had implemented one of its election promises by issuing the order. The TDP too had promised reservations for Muslims, but pegged it at three per cent.

TDP deputy leader in the House Mr T Devender Goud dubbed the move as an act of deception. "How will you overcome legal hurdles?" he asked. With today's order, reservations in the state have touched 52 per cent, a clear violation of the Supreme Court order which has capped reservations at 50 per cent, Mr Goud said.

He urged the government to follow the example of Tamil Nadu, where reservations total 69 per cent, and pass a resolution in the Assembly requesting the Centre for a constitutional amendment to place the issue under the IXth Schedule. Responding to the CPI's demand for a statutory backing for new quota, chief minister Dr YS Rajashekar Reddy said a Bill would be introduced in the Assembly.

# July 19 date for Best trial

## Prosecutor impasse continues

HT Correspondent & PTI  
Mumbai, July 5

THE BEST Bakery re-trial has been adjourned till July 19 after the Supreme Court gives an order on the issue of the appointment of the public prosecutor.

The prime witness to the case, Zaheera Sheikh, had approached the apex court last week, for a clarification as to who will prosecute the accused for the killing of the 14 members of the minority community during the riots in Vadodara.

The special court in Sewri has also issued proclamation notices to 13 other accused in the case to be present during the next hearing of the case. Earlier, the impasse over appointment of public prosecutor continued on Monday with both the Gujarat and Maharashtra governments sticking to their guns on the issue even as the court declared the 13 absconders in the case proclaimed offenders.

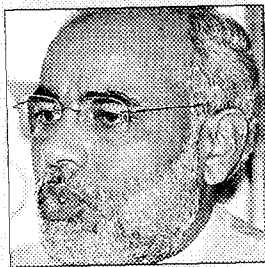
With both parties differing on appointment of the prosecutor, Judge Abhay Thipsay adjourned hearing of the case for the third time since June. The judge had earlier asked both states to

### 5 MORE HELD IN GODHRA CASE

FIVE MORE persons were arrested in connection with the Godhra carnage case taking to 90 the number of arrests in the case.

Two persons were arrested for their alleged involvement in the train carnage and three others for 'sheltering' another accused, the police said. After a tip-off, a CID team kept watch in Bhamalia and arrested Ashraf Ahmed Patel alias Bhuplo from near a garage early on Monday.

Another accused, Ibrahim Sattar Gaddi, was arrested on Sunday after the police were tipped off that he would visit his Vasla Odha house. Gaddi was a small-time vendor at



**Narendra Modi**

*The shadow on Godhra*

Godhra railway station and his mother Aminabibi was allegedly leader of a group of pickpockets.

Gaddi and Sattar were allegedly part of the core group that torched the S-6 coach of Sabarmati Exp.

**PTI, Ahmedabad**

arrive at a consensus, over appointment of prosecutor, by today failing which he would refer the matter to the Supreme Court for a clarification on the issue.

When the matter came up for hearing, counsel for the Maharashtra government, P.R. Vakil, said both states had held a meeting to resolve the issue but could not arrive at a consensus.

Mihir Desai, counsel for the prime witness, Zaheer Sheikh, pleaded that his client was petitioner before the Supreme Court and has the right to approach the apex court to seek clarification on the issue. Moreover,

the appointment of new prosecutor was to be made in consultation with the victims in keeping with the apex court guidelines, he contended.

The Maharashtra government had issued a notification on June 18 appointing P.R. Vakil, Manjula Rao, Zaheeruddin Shaikh and S.M. Vora as prosecutors. The Gujarat government had appointed Atul Mehta and T.S. Nanavaty as prosecutors and said it might consider appointing Manjula Rao as special public prosecutor.

Seven accused, arrested in this case, were produced before the court. They were

Bahadur Singh alias Jitu Chavan, Dinesh Rajbhor, Tulsi Tadavi, Yogesh Verma, Suresh Vasava, Yasin Khokhar and Pratap Singh Solanki. A lawyer represented another accused, Ravi Rajaram Salvi, who is on bail. Thirteen accused are absconding.

On a plea by the Gujarat police, the judge declared the 13 absconding accused as proclaimed offenders.

They are Raju Baria, Mahendra Jadhav, Harish Gosai, Pankaj Gosai, Jayantibhai Gohil, Ramesh Gohil, Mahesh Gohil, Harshad Solanki, Sanjay Thakker, Jagdish Rajput, Shane Baria, Shailesh Tadvi and Kamlesh Tadvi.

The Supreme Court had on April 12 ordered the Bombay High Court to set up a special court for re-trial of 21 accused in the case, who were acquitted by a fast track court in Gujarat after the witnesses in the case turned hostile.

Fourteen people were killed in Best Bakery in Vadodara on March 1, 2002. A fast track court in Vadodara tried about 21 accused but they were acquitted since the witnesses turned hostile. The Gujarat High Court too upheld the lower court order acquitting them.

Later, prime witness, Zaheera Sheikh moved the Supreme Court with the help of an NGO, seeking re-trial of the accused outside the state on the ground that she had been intimidated.

6 JUL 2004



# Two Commissions for minorities: Manmohan

By Aarti Dhar

HD-1  
↑  
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**NEW DELHI, JULY 3.** The Prime Minister, Manmohan Singh, today proposed the setting up of a Commission to provide professional institutions run by the minorities with direct affiliation to Central universities.

He also proposed another Commission to enhance the welfare of the socially and economically backward sections among the religious and linguistic minorities, by including reservation in education and employment. Additional funds would be allocated to the National Minorities Development

and Finance Corporation for its effective functioning.

The two Commissions had been promised in the Common Minimum Programme (CMP) of the United Progressive Alliance (UPA) Government to "systematically remove barriers that prevent the empowerment of the minority communities, as well as the Scheduled Castes and the Scheduled Tribes." Steps will also be taken to promote the Urdu language.

Inaugurating a conference on "A Dialogue on Minority Welfare and Education," organised by the Ministry of Human Resource Development, Dr. Singh

said the Commission for Minority Educational Institutions would also promote modern and technical education among all the minority communities.

Calling upon the participants to come up with ideas that could enable the Government to increase the educational attainment of the minorities across the country so that they were empowered socially and economically, he said the need was to go beyond providing education to examine issues pertaining to employment. "I am distressed by the low representation of the minorities in many walks of life, both in the

public and the private sectors," he said drawing attention to the gravity of the problem in creating an inclusive and tolerant society, where the benefits of economic development were shared by all. Dr. Singh said that community-based educational institutions could be effectively used to promote other social objectives such as primary health care and family welfare.

Access to education was the most important equalising social force and it was important to understand that investment in education was not merely a welfare measure but a means of empowerment.

Central scheme targets backward sections

# Quotas for minorities

STATESMAN NEWS SERVICE

(W)  
Minorities

S.F.

7/7

NEW DELHI, July 3. — Inaugurating a one-day conference on minority education, Prime Minister Dr Manmohan Singh spelt out the agenda of the UPA government for the welfare of "backward sections of religious and linguistic minorities through reservations in education and employment".

Dr Singh also told the delegates that the government was contemplating setting up a commission to facilitate affiliation of professional institutes run by minority bodies with the Central Universities.

On one aspect — to promote health-consciousness and family welfare among women and girls of the minorities — Dr Singh said that minority-run educational institutions should play the important role of spreading awareness among the women and girls of the communities towards basic health and family welfare, since these sections are otherwise not easily accessible. Only the minority centres could play an active role in educating the women and girls, he said.

A Dialogue on Minority Welfare & Education, a one-day seminar organised by the HRD ministry, got a poor response from the delegates, many of whom were not impressed by the show put up by Mr Arjun Singh, the HRD minister, who talked about modernis-

## UPA allies skip meet

NEW DELHI, July 3. — Union HRD minister Mr Arjun Singh failed to ensure the presence of UPA allies at the seminar on minorities which was inaugurated by Prime Minister Dr Manmohan Singh today. Barring the CPI-M and the Jharkhand Mukti Morcha, none of the allies invited to attend or send their representative turned up at Vigyan Bhawan — the venue of the seminar.

The key allies of the Congress, who were invited preferred to stay away. Even Miss Mayawati did not consider it important to attend the meet or send her representative from the BSP. The Samajwadi Party, led by Mr Mulayam Singh Yadav, also ignored the invitation. None of the southern allies of the Congress showed any interest in the seminar. The delegates were mostly from Delhi and Mumbai.  
— SNS

ing the education system and the curricula of minority-run institutions.

"Yeh sab awam ko khush karne ka tariqa hai jo hukumat kar rahi hai" (These are tactics of keeping people in good humour by the government. There is nothing in this), is how a *kazi* of Delhi reacted to the lacklustre show at the Vigyan Bhawan.

# Crackdown nets 27 in Godhra riot cases

An FIR lodged after re-investigation

Press Trust of India  
Ahmedabad, July 2

GUJARAT POLICE have arrested 27 people in connection with two post-Godhra riot cases in Panchmahals district and registered an FIR in connection with one case after carrying out re-investigation following the Supreme Court directions.

"The arrests were made over the last one month while the special investigating officer in-charge of some riot cases, Neerja Rao Gotru, has registered the FIR in one case," Director-General of Police A.K. Bhargav said here today.

Gotru registered the FIR three months ago in the Delol station massacre, in which 17 persons were killed and three others were reported missing, he said.

Five persons were arrested on June 27 for their alleged involvement in the massacre of six people of minority community in Derol village of Kalol Taluka while 15 persons, who were allegedly involved in the massacre of 17 minority community persons in Delol village,

## Spate of arrests



■ Five arrested on June 27 this year for their involvement in the killing of six persons of minority community in Derol village

■ 15 people were arrested on June 24 for their involvement in the massacre of 17 persons of minority community in Delol village

about 30 kms from Godhra, were arrested on June 24, both in Panchmahals district during the post-Godhra communal riots on March 1, 2002.

The police arrested a person involved in the killing of 11 people of minority community near Ambica Society in Kalol town of Panchmahals district on March 1, 2002 in

wake of Godhra violence. Ajay Soni was arrested last evening even as the police are searching for four others, who are absconding and wanted in the case, police said here today.

On March 1, 2002, the 11 deceased were attempting to flee in a vehicle from Delol village in Kalol taluka when they were intercepted by a mob near Ambica society and killed.

After the Supreme Court's intervention in December last year, the state government later appointed its special investigating officer Neerja Gutru Rao to re-investigate the case.

Five persons, already arrested in this case, are out on bail. Six others were arrested over the last two weeks. One person was arrested last evening at Vadodara for his alleged involvement in the killing of 11 people of minority community near Ambica Society near Kalol town.

However, Gotru, who was appointed by state government as its special probe officer to re-investigate the cases after the Supreme Court's intervention in December last year, was not available for details.

## Police bust fake stamp paper racket

Indo-Asian News Service  
Rajkot, July 2

A MAJOR racket in fake stamp papers, possibly connected with infamous master forger Abdul Karim Telgi, has been unearthed in Gujarat.

It all began when a general insurance firm here complained about fake stamp papers to police, which went hot on the trail of a man called Kishor Purushottam Patel.

Police suspected him because Patel was out on bail after being arrested by the CBI in the fake stamp paper scam masterminded by Telgi. "We had doubts about Kishor and searched his residence in Ahmedabad," Rajkot Police Commissioner Sanjay Srivastava told reporters on Friday. Sure enough, police claim, they recovered fake stamps worth Rs 2,900 from him and arrested him in Ahmedabad, 220 km from here, on Thursday night.

Kishor's trail led the authorities to his dealings with two others—Suresh Soni and Jignesh Purushottam Patel. Police searched the residences of Soni and Jignesh Patel in Ahmedabad and recovered machinery used in the production of fake stamps and stamp papers.

The authorities recovered counterfeit stamps and stamp papers worth Rs.48,000 from Jignesh Patel and worth Rs.513,452 from Soni. "Our investigations reveal that Kishor had sold fake stamps worth Rs.40,000 in four instalments to the office of the general insurance firm," investigating officer P.M. Jhala told. "The last transaction took place June 28." The fake stamps were in the denominations of Re 1, Rs.5, Rs.10 and Rs.100. Kishor's wife Falguni Patel too are suspected to be involved, police said.

13 JUL 2002

# গোধরার ঘটনায় ছিল না বাইরের হাত

আমদাবাদ, ৩০ জুন: গোধরায়  
সবরমতী এক্সপ্রেসে আগুন লাগার  
পিছনে 'বাইরের হাত' ছিল না বলে  
জানিয়ে দিলেন গুজরাত রেলওয়ে  
পুলিশের অবসরপ্রাপ্ত অফিসার কে সি  
বাওয়া। যে ঘটনাকে কেন্দ্র করে গুজরাত  
দাঙ্গার সূত্রপাত, সেই এস-৬ কামরার  
অগ্নিকাণ্ডের প্রাথমিক তদন্ত করেছিলেন  
তিনি। আজ অবসরপ্রাপ্ত বিচারপতি জি  
টি নানাবতী ও অবসরপ্রাপ্ত বিচারপতি  
কে জি শাহের তদন্ত কমিশনে সাক্ষ্য  
দিতে গিয়ে বাওয়া জানান, ২০০১-এর  
২৭ ফেব্রুয়ারি ৫৯ জন করসেবকের  
মৃত্যুর পরে তিন মাস ধরে তিনি ঘটনার  
তদন্ত করেছিলেন। সংবাদ মাধ্যমের  
একাংশ ও গুজরাত প্রশাসন ওই  
অগ্নিকাণ্ড বাইরে থেকে ঘটানো হয়েছিল  
বলে দাবি করলেও, তেমন কোনও প্রমাণ  
তিনি পাননি বলে বাওয়া জানিয়ে দেন।  
বাওয়াই প্রবীণতম পুলিশ অফিসার, যিনি  
কমিশনের সামনে সাক্ষ্য দিলেন।

গুজরাতের ফরেনসিক সায়েন্স  
ল্যাবরেটরির রিপোর্টেও যথেষ্ট অসঙ্গতি  
আছে বলে বাওয়া এ দিন জানিয়েছেন।  
প্রথম রিপোর্টে তারা বলেছিল, পোড়া  
কোচ থেকে যে সব নমুনা সংগ্রহ করা  
হয়েছে তাতে পেট্রোলিয়াম  
হাইড্রোকার্বনের অবশেষ মিলেছে। কিন্তু  
দ্বিতীয় রিপোর্টে তারা বলে, ৫৫০ কে জি  
নমুনার মধ্যে কোনও অবশেষ নেই।

বাওয়া বলেন, সে দিন এস-৬ কামরা  
থেকে যে ৭০ জন যাত্রী রক্ষা  
পেয়েছিলেন তাঁদের আঘাত ছিল খুবই  
কম, সকলেরই শরীরে উপরের অংশ  
পুড়েছিল। অন্য দিকে, যাঁরা মারা  
গিয়েছিলেন তাঁদের শরীর এমন বীভৎস  
ভাবে পুড়েছিল যে, কাউকেই প্রায়  
শনাক্ত করা যায়নি। এটা কী ভাবে সম্ভব  
তা নিয়ে তিনি প্রশ্ন তুলেছেন। এ নিয়ে  
পুলিশ তদন্তও করেনি, জানান বাওয়া।

— পি টি আই



## No petrol in Godhra fire

Rathin Das  
Ahmedabad, June 30

IN A startling revelation on the Godhra train inferno, the Nanavati-Shah Commission was told today that the samples of the burnt items from the S-6 coach of Sabarmati Express sent for forensic examination did not yield any residual petrol or hydrocarbons.

This means no petroleum product was used to set the coach on fire. The riot in Gujarat that followed Godhra broke out after it was announced that petrol was poured into the coach before setting it on fire. The riots had claimed nearly 2000

lives and 131 residents of Godhra were booked under Pota for setting the train afire.

During the second day of his cross-examination before the Nanavati-Shah Commission, the then DSP (Railways), K.C. Bawa, said over 550 kg of burnt and semi-burnt articles from the S-6 coach was sent to the Forensic Science Laboratory, but no residual petrol was found from these samples.

Bawa said no witness or survivor saw anyone throwing any inflammable material into the coach. Asked if the charred bodies revealed any residual petroleum products, Bawa said no such forensic ex-

amination was done. He also said he had no idea what inflammable material could have caused the fire. To another question, Bawa said he found no sign of any "foreign hand" in the carnage. Immediately after the Godhra incident, top BJP leaders had claimed it to be the handiwork of the ISI.

Bawa couldn't answer why the 70 survivors had burn injuries only on the upper portion of their bodies when the fire had reportedly broken out on the floor of the coach. While the dead were completely charred, almost all the 70 injured had partial burns, that too only on the upper portions.

# Gaps in Godhra plot claim

## OUR CORRESPONDENT

**Ahmedabad, June 29:** A lawyer cross-examining an investigator of the Godhra train attack today picked holes in Gujarat police's "criminal conspiracy theory" when the policeman was unable to establish that the incident was premeditated.

K.C. Bava, the then deputy superintendent of police (Western Railway, Ahmedabad division), was the first senior official to be cross-examined before the G.T. Nanavati Commission probing the Godhra carnage and the subsequent riots.

He could not answer several queries of advocate Mukul Sinha, fielded by the Jan Sangharsh

Manch, a civil rights group.

Bava, now retired, told the commission that though he knew about the first batch of *kar sevaks* leaving for Ayodhya, he was not aware of any returning on February 27, 2002.

He claimed that the railway police did not get any intelligence report from Uttar Pradesh about *kar sevaks* returning from Ayodhya.

Fifty-nine persons died after coach S-6 of the Sabarmati Express was torched near Godhra station on February 27.

Bava said about 150 passengers were travelling in S-6, of whom only 54 were authorised travellers. Among the dead, only 40 could be identified. Of them, on-

ly 11 were bona fide passengers.

The chain was pulled twice, but Bava said he did not know who had pulled it. He also could not answer why only coaches S-5 and S-6 were taken to the yard after the carnage and not S-7.

The former deputy superintendent confirmed that no witness saw anyone entering S-6.

The advocate had petitioned the commission in April asking for permission to cross-examine 24 senior police officers and political figures.

The purpose, Sinha said, was to verify the validity of the "conspiracy theory". The police had claimed that a criminal conspiracy was hatched to torch the Sabarmati Express.

The advocate claimed that Bava's answers did not substantiate a conspiracy theory. To support his argument, Sinha pointed out that no one had any idea when the *kar sevaks* were returning, no one knew who pulled the chain, and nobody saw anyone entering S-6.

"Where is the question of a Muslim conspiracy? How are they going to prove it?" he asked.

Government counsel Arvind Pandya said he was satisfied with the outcome of the grilling.

Pandya said he was thankful to Sinha for the cross-examination, which has proved that the investigation is moving in the right direction and is being handled efficiently.

THE TELEGRAPH

30 JUN 2002

# Bakery retrial hits prosecutor wall

OUR CORRESPONDENT

Mumbai, June 21: Maharashtra and Gujarat have failed to arrive at a consensus regarding the appointment of a public prosecutor in the Best Bakery case, leading to an adjournment, for the second time, till July 5.

Both states want their own man to take up the case of Zahira Sheikh, the key witness to the massacre of 14 people at the Vadodara bakery during the Gujarat riots on March 1, 2002.

Calling it a "peculiar situation", judge A.M. Thipsay adjourned hearings in the retrial, necessitated after the Supreme Court on April 12 concurred with Zahira's plea and gave the go-ahead for a trial outside Gujarat. Zahira and an NGO supporting her chose Maharashtra.

Earlier, when the retrial began on June 7, judge Thipsay had noted "there cannot be two public prosecutors in this case". Today, he gave the two states time till July 5 to come to an understanding. "If both parties do not arrive at a consensus on that day, an appropriate direction from the Supreme Court may be obtained. In that event, the trial shall stand adjourned till July 19," he said.

Although he is keen that the apex court has the last word on the imbroglio, the judge said "in



Teesta Setalvad of the NGO supporting Zahira arrives at the court in Mumbai on Monday. (PTI)

his personal opinion", Maharashtra had no role to play in appointing the prosecutor. "But this is merely my observation and I would like the Supreme Court to clarify as there is a legal dispute over the issue," he said.

According to the judge, a prosecutor has to be appointed by Gujarat as it is the prosecuting party. Maharashtra's claim that it has the right to appoint

protecting witnesses, he said.

Legal sources said they agreed with what J.S. Nanavati, who appeared for the Gujarat government earlier, had said. The senior advocate had said: "The appointment of a state prosecutor should, by all accounts, be done by Gujarat as the case was still classified as 'State of Gujarat versus the accused'. Only the platform to hear the case has

changed and nothing else."

The issue of appointing the public prosecutor — which the apex court clearly mentioned should be decided after taking the witnesses into confidence — has taken curious twists ever since the case was transferred to Maharashtra.

On June 18, the state government had issued a notification with names of four public prosecutors — P.R. Vakil, Manjula Rao, Zaheeruddin Shaikh and S.M. Vora — but they were not acceptable to Gujarat.

The Congress-NCP regime in Maharashtra, smelling a potential issue to embarrass the BJP-led Gujarat government, on June 4 also announced that the state would provide free accommodation and security to all witnesses in the case. The state police also declared that they would not ask their Gujarat counterparts to reimburse the cost for the security they provide to the witnesses.

# Modi: RSS puts a condition

By Neena Vyas

9/11/00  
10-11/00

**NEW DELHI, JUNE 16.** Moves in the Bharatiya Janata Party for the ouster of the Gujarat Chief Minister, Narendra Modi, gathered momentum today after the Rashtriya Swayamsevak Sangh (RSS) virtually gave a no-objection signal, although, with one condition — that his exit should not be linked to the riots in Gujarat two years ago and the party's debacle in the Lok Sabha elections.

This morning the joint general secretary of the RSS in-charge of the BJP affairs, Madan Das Devi, met the Leader of the Opposition, L.K. Advani, for nearly about an hour.

Mr. Devi is believed to have conveyed to Mr. Advani that the RSS would have no problem with a change in the chief ministership in Gujarat.

Later, the RSS spokesperson, Ram Madhav, told *The Hindu* that Mr. Devi conveyed to Mr. Advani that "on the issue of a leadership change in Gujarat the RSS has no role to play and it was for the BJP to take a decision." However, "our limited observation was that we do not think that the Gujarat riots should be blamed for the party's defeat (in the Lok Sabha elections) ... the two things, leadership change and the defeat in the Lok Sabha, should not be taken together."

This development follows the statement by the former Prime Minister, Atal Bihari Vajpayee, listing the Gujarat riots as one of the main reasons

for the party's electoral rout, and that Mr. Modi's ouster would be discussed at the party's national executive committee meeting in Mumbai.

Mr. Vajpayee's remarks led to a spate of consultations in the party and the party president, Venkaiah Naidu, stated that Mr. Modi's exit would not be a subject of discussion at the executive committee meeting, but Gujarat affairs "would be discussed separately".

Today, the party vice-president and spokesperson, Mukhtar Abbas Naqvi, said the Gujarat issue could be discussed among senior party leaders "on the sidelines of the executive committee meeting."

"There is no question of the party refusing to accept the views of Mr. Vajpayee ('Vajpayeeji ki baat na manane ka sawal hi nahin hai'), who continues to be the tallest leader of the party." He said the Gujarat problem would be "discussed separately or at the meeting of party presidents and general secretaries immediately after the executive meeting."

It is known that the RSS was annoyed with Mr. Modi when he raised power tariff for farmers against the wishes of the RSS-affiliated farmers' association in the State. With 12 of 26 Lok Sabha seats lost by the party in Gujarat, the demand of a considerable number of MLAs and senior State leaders who want Mr. Modi out has gained strength.



# Recall and regret

Manmohan and Vajpayee lament Delhi '84 and Gujarat '02. But the guilty roam free

**T**HE words have been so late in coming. But that is not the main reason why Atal Bihari Vajpayee's admission will be met with some disillusion, a lot of sadness. In Kullu, he finally acknowledged that the Gujarat violence may have contributed to the BJP's defeat at the hustings this May. His successor chose the same day to look back at another pogrom, with regret. At Delhi's Gurdwara Bangla Sahib, Prime Minister Manmohan Singh spoke of the "painful incidents" of Delhi 1984 that his party presided over. No, it's not just that those words have lost their power to heal the ravaged, in Gujarat and in Delhi. It is, more, that they do not seem to hold any meaningful, and accountable, promise for the future.

Both leaders speak of the need to take steps to prevent similar incidents from recurring. Even those with bad memories will be able to point to the many reasons for disbelief. The accused of 1984 still roam free. In the recent elections, Manmohan Singh's party unabashedly handed out tickets to Jagdish Tytler and Sajjan Kumar, and so what if both were allegedly in-

involved in instigating attacks on Sikhs. Tytler has also found a place in Manmohan Singh's council of ministers. The guilty of Gujarat 2002 have not been brought to book either. More curiously, no notable cases have come to light so far against the politician despite the fact that independent agencies and the media have extensively chronicled the role of the political leadership in blinking at the blood bath and encouraging it. After Gujarat, as after Delhi, the response of the parties in power was to call for elections. Rajiv Gandhi and Narendra Modi sought to make political capital from the death and destruction, and they did.

The people desperately want to believe in Vajpayee's and Manmohan Singh's expressions of regret. Both men inspire faith. Both have shown an ability to attract respect and confidence from across the political spectrum. But, sadly, their own parties have consistently underlined the need to keep the scepticism alive. There can be no moving on, and little hope in the future, unless the crimes of Gujarat and Delhi are punished.

# Vajpayee dares to put Modi on notice

5-1  
19/6  
J. B. - Gujarat J. - minorities

OUR BUREAU

New Delhi/Ahmedabad, June 13: For the first time since the 2002 Gujarat riots and after a shock election defeat, Atal Bihari Vajpayee today openly declared that Narendra Modi's leadership was under review.

He said the question would be discussed at the BJP national executive on June 23-24 in Mumbai, when the party analyses the reasons for its election loss.

"We are thinking afresh about the situation in Gujarat. The matter will be considered at the Mumbai meeting. All kinds of decisions can be taken," he was quoted by PTI as saying.

"Yes," Vajpayee replied when asked if a change of guard might be in the offing. "We have to see what will be the losses and gains in that. We will have to have new policies."

As if he had a premonition of what was coming, the Gujarat chief minister had said in Ahmedabad earlier in the day at a



public ceremony: "If I have done anything wrong, I should be hanged."

It does not seem as though the BJP, let alone the bigger Sangh parivar, is speaking in one voice on Modi. Party chief M. Venkiah Naidu said "no" when asked if Modi's days were numbered.

"There is no proposal for a change of leadership in Gujarat," he said.

The Vishwa Hindu Parishad, one of the beneficiaries of the Modi regime, bayed for the blood of Vajpayee and L.K. Advani. VHP general secretary Praveen Togadia suggested that they atone for the defeat by "taking political *sanyas*" instead of hold-

We have to think of a new beginning

— A.B. Vajpayee

ing Modi responsible.

"Muslim appeasement led to the BJP's defeat. The Gujarat riots did not affect BJP's chances, otherwise they would not have got two-thirds majority in Madhya Pradesh, Rajasthan and Gujarat after the communal violence," Togadia said.

It was not as if only the radical fringe was sticking up for Modi. Sangh chief K.S. Sudarshan was quoted by a TV channel as saying that a former Prime Minister should be more "restrained" while making public comments.

Vajpayee has a battle on his hands at the Mumbai executive, having once before succumbed to Modi backers immediately

after the Gujarat riots.

In that Goa executive in 2002, Vajpayee had not pressed the point to its logical conclusion, though it had been suggested privately that he wanted Modi to go, possibly because there was strong opposition.

This time, he is being upfront about it. "There were two opinions on the question (in Goa). 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 (in Gujarat) would be more beneficial."

He later agreed it would have been better if Modi had been dropped. "Whatever damage could have happened has happened. Now, we have to think of a new beginning. Leadership change is also an issue."

Unlike at the time of the Goa executive, Modi is weak now, with the Congress taking 12 of the 26 Lok Sabha seats. But so is Vajpayee, having lost the national battle.

# Atal admits riots role in rout

HT Correspondent  
Manali (HP), June 12

FORMER PRIME Minister Atal Bihari Vajpayee today became the first BJP leader to admit that the Gujarat riots were one of the most important reasons for the party's defeat in the Lok Sabha elections.

"There were a lot of reasons why we lost the elections," Vajpayee said at his summer retreat of Manali. "The Opposition took advantage of the situation in Gujarat and all I can say is that we shouldn't let an-

other Gujarat happen again."

Right through the riots and even in the recent past, Vajpayee had carefully avoided taking a categorical position on Gujarat. He had condemned Chief Minister Narendra Modi but, under pressure from the party, stopped short of sacking him. And right after the elections, Vajpayee had disagreed that the riots had led to the defeat.

Today, even as he accepted that "people's sentiments" had turned against his government following the riots, Vajpayee tried to paint the

BJP's political opponents as cynical exploiters of the situation. "The Opposition tried to reap political benefits out of it," he said. "But I don't blame them. This is politics and such things happen here."

He, however, said that "whatever had happened in Gujarat" was unfortunate and had been condemned. "I am confident that the people of the country have decided that such a bloodbath will not be allowed to take place anywhere in future." He said steps must be taken to ensure this.

## PM on '84 'pain'

THE 1984 anti-Sikh violence and the Gujarat riots were "painful" events, Prime Minister Manmohan Singh said at a Delhi gurdwara on Saturday. Singh, the nation's first Sikh PM, said he understood the "pain and anguish" of the Sikh victims of the 1984 riots.

See Page 3

THE HINDUSTAN TIMES  
13 JUN 2004

# Full marks to SC on riot cases

**New Delhi, June 2 (PTI):** Chief Justice R.C. Lahoti today said the Gujarat riot cases were "extraordinary" and the Supreme Court had risen to the occasion in dealing with them firmly.

The new chief justice defended the way the apex court had sought to provide a sense of security to the riot victims, as in the Best Bakery case or the Bilkis Rasool gangrape case. "The court has only discharged its constitutional obligations," said Lahoti, who was sworn in yesterday.

"Gujarat was an extraordinary case which demanded... extraordinary measures and the judiciary has risen to the occasion," he added.

Asked if the way the Supreme Court dealt with these cases and other public interest litigation could be termed judicial activism, the soft-spoken Lahoti said: "The terminology judicial activism is a misnomer. The judiciary is supposed to be active under the Constitution. The day it is not active, it ceases to be (the) judiciary."

The chief justice would not agree that the judiciary is corrupt, but conceded that rampant corruption in society had affected it.

Lahoti termed the Indian judiciary as one of the best in the world, but added: "The judges are not *sadhus* and *sanyasis* and in spite of the high standards of morals and ethics expected of them, and rightly so, the fact cannot be denied that judges, being human beings, are the products of this very society.

"Spread of any epidemic (corruption included) would not and cannot leave the judges... untouched," he said.

Asked about the recent deci-

# Atal frees rout from riot

KAY BENEDICT

New Delhi, June 1: Atal Bihari Vajpayee today said "complacency" and "over-confidence", not the Gujarat riots, may have played a role in the National Democratic Alliance's shock defeat.

"Defeat is an issue for which reasons would have to be found though it has no link to violence," Vajpayee said, asked if the riots were responsible for the debacle.

The former Prime Minister's comment came after a meeting of the BJP parliamentary party that elected him chairman. L.K. Advani was named leader of the parliamentary party so that he can become leader of Opposition in the Lok Sabha.

Vajpayee's conclusion will offer some respite to Narendra

Modi, who is fighting a rebellion by fellow party leaders who have started blaming the riots for the poll setback.

In his first public comments on the rout, Vajpayee said: "Overconfidence could be one of the causes of the defeat."

He said another factor was "failure" to identify the rival. "While in the battlefield, the enemy is always identified. It was not so in this case," he said, apparently referring to one of the party's campaign planks — 'Vajpayee versus question mark'.

Asked how long the Congress-led government would last, he said: "I don't want to be in the Opposition for five years." Party spokesperson V.K. Malhotra told reporters that Vajpayee told the meeting: "We will come back to power. We will have to think how

to return (to power)."

Malhotra also quoted Advani as saying: "We are thinking of sitting in (the) Opposition for five years, but it is doubtful if the ruling party will allow us to do so."

Addressing the newly elected members, Vajpayee said 90 sitting party MPs had lost though others, who have served five to six terms, have been returned. He said the "newcomers" need to "learn lessons from this".

Asked if he did not want to be the leader of Opposition, Vajpayee said: "*Bahut sambhala hai, ab Advaniji ko sambhalney do* (I have done enough, now let Advani take charge)."

On Congress chief Sonia Gandhi's refusal to become Prime Minister, he said: "Everyone knows my opinion on this. She ought not to have taken this post."

## SC dismisses Gujarat plea on Bakery

NEW DELHI, May 7. — Criticising the Gujarat government for approaching it for modification of an order “not” to its “liking”, the Supreme Court (coram, Raju, Pasayat, JJ) today dismissed its plea for transfer of the Best Bakery retrial back to the state.

The Centre, meanwhile, assured the Supreme Court, which contemplated deployment of central forces to protect post-Godhra riots case witnesses in Gujarat, that it would definitely “take action” by 20 May on the basis of a report of a Central team that visited the violence-hit areas of the state.

The SC had in its 12 April order directed a retrial in the case — in which all 21 accused of burning alive 14 people during the post-Godhra riots had been acquitted both by the trial court and the High Court — in a Maharashtra court.

The court today cast doubts on the “bona fides” of the state government and observed that the stand adopted by it seemed to be that of the “defence... As if in the eyes of the state, Zahira is the accused who should be in the dock and not the persons who are made accused in the case.” — Our Legal Correspondent

ফের নিন্দিত গুজরাত

# মোদী সরকার উদ্ধত, বলল সুপ্রিম কোর্ট

নয়াদিল্লি, ৬ মে— বেস্ট বেকারি মামলা নিয়ে গুজরাত সরকারকে ফের তুলোধোনা করল সুপ্রিম কোর্ট। সর্বোচ্চ আদালতের মতে, এই মামলা মহারাষ্ট্রে নতুন করে শুরু করার সিদ্ধান্তকে চ্যালেঞ্জ জানিয়ে মোদী সরকার ঔদ্ধত্যের পরিচয় দিয়েছে। রাজ্য সরকারের তদ্বক্ষণে দায়ের করা আবেদনের ভাষা ও বিষয়বস্তুরও কড়া সমালোচনা করেছে বিচারপতি দোরাইস্বামী রাজু ও বিচারপতি অরিজিৎ পাসায়াতের ডিভিশন বেঞ্চ। বিচারপতিরা বলেছেন, “সর্বোচ্চ আদালত একটা নির্দেশ দিয়েছে, অথচ রাজ্য সরকার তা মানতে রাজি নয়।” মোদী সরকারের আবেদন সম্পর্কে চূড়ান্ত রায় অবশ্য আজ বিচারপতিরা দেননি। তবে তার আগেই যে ভাবে তাঁরা গুজরাত সরকারের সমালোচনা করেছেন, তাতে বেস্ট বেকারি মামলাকে কেন্দ্র করে আরও একবার বিপাকে পড়লেন নরেন্দ্র মোদী।

গুজরাত দাঙ্গা নিয়ে আজ আমদাবাদের একটি আদালতের রায়ও খানিকটা বিব্রত করেছে তাঁকে। গোধরা-পরবর্তী দাঙ্গায় নিহত দুই ব্রিটিশ নাগরিকের পরিবারের তরফে দায়ের করা ক্ষতিপূরণ মামলার ব্যাপারে ২৪ জুনের মধ্যে গুজরাতের মুখ্যমন্ত্রীকে তাঁর বক্তব্য জানাতে বলেছে আদালত। দাঙ্গা সংক্রান্ত এই একটিমাত্র মামলাতেই নরেন্দ্র মোদীর নাম রয়েছে।

উল্লেখ্য, বেস্ট বেকারি মামলায় অভিযুক্ত ২১ জনকে মুক্তির আদেশ দিয়েছিল গুজরাতের নিম্ন আদালত। গুজরাত হাইকোর্ট সেই রায় বহাল রাখে। হাইকোর্টের রায়ের বিরুদ্ধে সুপ্রিম কোর্টে আবেদন করেন মামলার অন্যতম সাক্ষী জাহিরা হাবিবুল্লাহ শেখ। সেই আবেদনের প্রেক্ষিতে গত ১২ এপ্রিল বেস্ট বেকারি মামলা মহারাষ্ট্রের দায়রা আদালতে নতুন করে শুরু করার আদেশ দেয় দোরাইস্বামী ও পাসায়াতের ডিভিশন বেঞ্চ। সেই সঙ্গে সরকার পক্ষের কৌশলিকেরও সরিয়ে দেওয়ার নির্দেশ দেওয়া হয়। সেই আদেশের আইনি যৌক্তিকতা নিয়ে প্রশ্ন তোলে গুজরাত সরকার। রাজ্যের অতিরিক্ত সলিসিটর জেনারেল মুকুল রোহতগি যে আবেদন পেশ করেন তাতে বলা হয়, বিষয়টি বেঞ্চের বিচার্য ছিল না। স্বতঃপ্রসঙ্গিত ভাবে এই আদেশ ডিভিশন বেঞ্চ দিতে পারে না। বিচারপতি রাজু ও বিচারপতি পাসায়াত তাঁদের রায়ে বলেছিলেন, “রাজ্যে যখন বেস্ট বেকারি মতো ঘটনা ঘটছে, অসহায় নারী-পুরুষ পুড়ে মরছে, সরকার তখন আধুনিক যুগের নিরোর মতো উদাস হয়ে অন্য দিকে তাকিয়েছিল।” এই মন্তব্যও প্রত্যাহারের দাবি জানিয়েছিল রাজ্য।

রাজ্যের আবেদনের প্রেক্ষিতে বিচারপতি রাজু ও বিচারপতি পাসায়াত আজ গুজরাত সরকারকে রীতিমতো সতর্ক করে দিয়ে বলেন, “যে ভাষায় আবেদন করা হয়েছে তা মানা যায় না। কোনও রাজ্য এ ভাবে সুপ্রিম কোর্টকে ছমকি দিতে পারে না। সর্বোচ্চ আদালতের সঙ্গেই যদি এই ধরনের আচরণ করা হয়, তাহলে নিম্ন আদালতের ক্ষেত্রে কী অবস্থা হবে সেটা অনুমান করে আমরা চিন্তিত।”

এই সমালোচনার মুখে দৃশ্যতই দিশাহারা হয়ে পড়েন রাজ্যের অতিরিক্ত সলিসিটর জেনারেল মুকুল রোহতগি। অবস্থা সামাল দিতে তিনি বলেন, আবেদনের ভাষা যদি বিচারপতিদের আহত করে থাকে তা হলে তিনি দুঃখিত। বিচারপতিদের পাল্টা জবাব, বিচারব্যবস্থা এবং আইন পেশাকে আঘাত করেছে গুজরাত সরকার।

রাজ্যের প্রশাসনিক কর্তাদের ‘আধুনিক যুগের নিরোর’ বলে যে সমালোচনা সুপ্রিম কোর্ট করেছে তা প্রত্যাহারের দাবি সম্পর্কে বিচারপতিরা রোহতগিকে বলেন, “আমরা ইচ্ছা করেই কারও নাম করিনি। কিন্তু এখন আপনি আমাদের বাধ্য করছেন কারা কারা অভিযুক্তদের সঙ্গে হাত মিলিয়েছিলেন তাঁদের নাম বলতে। আমরা রায় দেওয়ার পরে কেউ কেউ তা বদলানোর জন্য আবেদন করছেন। এটা সরকারি ঔদ্ধত্যের নিদর্শন।”

গুজরাত সরকারের আবেদনে বলা হয়েছে, শুনানির সময় রাজ্যকে যথেষ্ট সুযোগ দেওয়া হয়নি। ‘যথেষ্ট সুযোগ’ বলতে কী বোঝায়, রোহতগির কাছে জানতে চান বিচারপতিরা। তাঁরা বলেন, “আপনারা যা বলছেন তাতে মনে হচ্ছে, আপনারা কী চান তা জেনে নিয়ে তার পরে আমাদের রায় দেওয়া উচিত।”

এ দিকে, গোধরা পরবর্তী দাঙ্গায় নিহত দুই ব্রিটিশ নাগরিকের পরিবারের দায়ের করা ক্ষতিপূরণ মামলায় মুখ্যমন্ত্রী নরেন্দ্র মোদীর জবাব তলব করেছে সবরকর্ষ জেলার দেওয়ানি আদালত। ২০০২-এর ২৮ ফেব্রুয়ারি জয়পুর থেকে সুরাত যাওয়ার পথে সহইদ সিদ্দিক দাউদ ও শাকিল আব্দুল হাইদকে খুন করে উয়্যু জনতা। আহত হন তাঁদের গাড়ির চালক ইমরান মহম্মদ সেলিম দাউদ। নিহতদের স্ত্রী সারিন দাউদ, সামিনা দাউদ ও ইমরান মোট ২২ কোটি টাকা ক্ষতিপূরণ দাবি করেছেন। এ ব্যাপারে মোদী, তৎকালীন স্বরাষ্ট্রমন্ত্রী, স্বরাষ্ট্রসচিব-সহ ১৪ জনকে ২৪ জুনের মধ্যে বক্তব্য জানাতে বলেছেন বিচারপতি এম এম কাইয়ুম।

— পি টি আই

7 MAY 2004

# Face of riots haunts BJP, Cong

CPA  
TIMES NEWS NETWORK MS

**New Delhi:** Two years ago, newspapers in India and wires around the globe flashed the face of a terror-struck, anguished 29-year-old man. With hands folded and eyes filled with horror, he begged a killer mob for mercy. That was Qutbuddin Ansari, a Muslim tailor from Ahmedabad, who became known as the face of the post-Godhra riots.

Relocated to Kolkata, Ansari is safe, but his face has stayed to haunt the BJP. It couldn't do much harm to the saffron party when the Narendra Modi government sought re-election in 2002, but the image is hurting the BJP in these polls and much to its consternation, is doing damage in constituencies as far as 1,800 km from the scene of the crime. In distant Bihar Sharief, a part of the Nalanda Lok Sabha seat which went to the polls on April 20 and where BJP's ally Nityash Kumar is contesting, posters with Ansari's face had surfaced all over, reminding voters of the atrocities committed on Muslims in Gujarat.

For the first time since 1996 when he joined hands with the BJP, the JD(U) leader was hoping to get a



slice of the minority vote. Bihar Sharief, a Muslim-dominated segment of Nalanda, was his catchment area. But thanks to the Ansari poster, his efforts to woo Muslims seem to have fallen by the wayside. It's a similar story in Chhapra, the combat zone of RJD boss Laloo Prasad Yadav and the BJP's Rajiv Pratap Rudy. Despite the dazzling presence of M-Y (Muslim-Yadav) supremo Laloo Prasad, the Muslim voters here had taken note of Rudy's painstaking attempts to reach out to them, and in some segments the response to the BJP was better than usual.

But after seeing the Ansari poster just before polling day on April 26, the images of the Gujarat riots seem to have resurfaced in their minds. The Muslims were not too sure of the BJP any longer. Having seen how effective this poster has been, Samajwadi chief Mulayam Singh Yadav has also decided to give it a shot. But unlike the RJD, which is using it against the BJP in Bihar, he wants to use this vote-turning poster against the Congress. With the face of Ansari, he plans to pose some questions to the Congress. "Why did the Congress, which claims to be the mascot of secular politics, fail to stop such atrocities on Muslims?" will be just one of his posters.



# Bilkis doctors surrender

## OUR CORRESPONDENT

**Ahmedabad, April 28:** Two government doctors absconding since the CBI chargesheeted them in the Bilkis Yakub gangrape case have surrendered before a court here after a verbal instruction from their department head.

Dr Arun Kumar and his wife, Dr Sangeeta Prasad, gave themselves up on Monday evening before the chief judicial magistrate, who remanded the couple to judicial custody till April 30.

The CBI, whose investigating officer has been instructed by the magistrate to remain present when their remand expires, will seek their custody, sources said.

The doctors had gone into hiding after the CBI filed the chargesheet and the court issued a warrant against them. Sources said the doctor couple surrendered only after receiving instruction from their department head to appear before the court.

The bureau had filed the chargesheet on April 19 against 20 people, including the two doctors, in the post-Godhra riot case involving the gangrape of Bilkis and the massacre of 14 of her relatives near Panivela village in Dahod district. It had said the doctor couple had "not performed properly" the post-mortem on the victims and did not mention in their report that the women

were sexually assaulted.

The CBI also alleged that they did not conduct any test on Bilkis, who was five months pregnant at the time of the incident. Bilkis, among three survivors of the mob frenzy, had claimed that she was gangraped.

But advocate Arvind Pandya, who is representing the accused, said the doctors had "performed" the post-mortem at the spot where Bilkis' 14 relatives were massacred on March 5, 2002, three days after the incident. By then, the bodies had started decomposing.

He claimed that the doctors are innocent as they had clearly mentioned in their post-mortem reports that the injuries to the victims were caused by sharp-edged weapons.

The doctors are likely to be suspended from service as they have spent more than 48 hours behind bars.

## Witness security

A three-member central team, led by joint director of Intelligence Bureau Yashovardhan Azad, is visiting Gujarat to "ascertain the level of security" being provided to witnesses of post-Godhra riot cases, including Bilkis, reports PTI. The team visited some of the "worst affected" areas, including Naroda-Patia and the Gulbarg society in Ahmedabad.

# Gujarat questions transfer of Bakery case

Our Legal Correspondent

NEW DELHI, April 21. — The Gujarat government today questioned the 12 April order of the Supreme Court (coram, Pasayat, Raju, JJ) directing retrial of the Best Bakery case in Maharashtra and sought modification of the court's order to have a retrial within the state in a court under the supervision of the Chief Justice of the High Court.

"We have filed an application seeking modification of the 12 April order," the Additional Solicitor General, Mr Mukul Rohtagi, who's appearing for the state of Gujarat, informed the court (coram, Khare, CJ, Sinha, Kapadia, JJ) when hearing resumed today.

"Transfer was not the issue before the court (coram, Pasayat, Raju, JJ). There was no prayer for transfer. The matter was not argued. The court had no jurisdiction to deal with the matter more so when their lordships' three-



"Transfer was not the issue before the court (coram, Pasayat, Raju, JJ). There was no prayer for transfer. The matter was not argued....," the additional solicitor general Mr Mukul Rohtagi said



member Bench is seized of the matter," Mr Rohtagi said. The Solicitor General, Mr Kirit Raval, also stated that transfer of all the major riot cases outside the state would have an adverse effect on the state judiciary. He also sought measures to strengthen the criminal justice delivery system. "Is transfer the solution? Or strengthening the system the answer," he queried.

In its application filed on Monday, nobody's case that the courts in

NEW DELHI, April 21. — The Gujarat affidavit also demanded that the apex court's (coram, Pasayat, Raju, JJ) observations that the "modern-day Nerros were looking elsewhere when Best Bakery and innocent children and helpless women were burning..." be expunged.

"...By such observations...the state functionaries and the highest court of

Gujarat have lost impartiality or would be swayed away by any unwanted or illegal viewpoints". Nor has the court "considered the impact which the judgement will make on the entire judiciary in the state of Gujarat". The application will come up later before the same bench.

The apex court couldn't hear the NHRC and other petitions seeking transfer of other major riot cases outside the state as the accused counsel,

## 'Delete reference to modern-day Nerros'

the state have been condemned unheard which even otherwise would have serious demoralising effect on the functioning of the state machineries in future and therefore it is humbly prayed to expunge the said remarks and delete the same as if they were not part of the judgment, in the larger interest of justice," the application said. — SNS

Mr KTS Tuli, contested this saying that all the accused in the cases had not been served with the court notices. The court directed that all of them be served within six weeks and listed the matter for final hearing on 3 August by another Bench (coram, Pal, Sinha, Kapadia, JJ).

The court also issued notices to the Union, all states and UTs the limited issue of drawing up an all-India scheme for witness protection.

# No more Good Friday

Modi removes it from holiday list

That chief minister Narendra Modi has no love for minorities is amply proven by his and his party's track record in the state of Gujarat, but his latest has shown that he has even less regard for the Constitution of India which demands equal respect for all religions. For Modi the 50 crore Gujaratis whom he keeps saying he represents are only Hindu, he has no time for Gujarati Muslims or Christians and even less for the religions they follow. His latest pot-shot at minorities is to remove Good Friday from the list of government holidays. The day that Jesus Christ was crucified is one of the three most important holy days of the Christian calendar but the government has decided it is of no consequence.

Christians of Gujarat have been targeted for harassment by the Sangh Parivar ever since the BJP came to power in the state. Their churches are ransacked, nuns raped, priests attacked, bibles burnt, clandestine surveys conducted to ascertain their numbers and now their religious sentiments have been hurt. The state government has been playing mischief with the Good Friday holiday for the last two years. In 2002 and 2003, Good Friday was declared a public holiday, but the annual examinations in state government schools were scheduled around then. This was stopped when the Christian community procured a stay order from the High Court. This year the government has cancelled the holiday itself. It is not that Good Friday has crept up on Modi stealthily. The holiday list is generally framed by the Centre and followed by the state with a couple of local changes, for example January 14 is not a holiday in the rest of the country but it is in Gujarat because of the state's celebration of Uttarayan as a kite flying festival. Modi has used this loophole to erase Good Friday. In a country where there are holidays at the drop of a hat, marking the death of Christ cannot be too difficult — if you want to that is.

# Chargesheet filed in Bilkis case

Statesman News Service

NEW DELHI, April 19. — The CBI today filed chargesheets against 20 accused, including six police officers and two doctors, in the Bilkis Banu Yakub Rasul case.

Bilkis Banu was gangraped and her relatives massacred allegedly by rioters, including a BJP activist, on 3 April 2002 during the post-Godhra riots in Gujarat. The rioters allegedly killed eight of her relatives. Six are still missing and two of her sons managed to survive the attack.

The case was handed over to the CBI on the direction of the Supreme Court in December last year. The CBI subsequently registered a criminal case on 1 January this year and arrested 12 persons on 22 January, against whom non-bailable warrants are pending execution.

During investigations, senior CBI officers, experts from Central Forensic Science Laboratory and doctors from All India Institute of Medical Sciences visited the scene of the crime. The mass grave of the victims was also exhumed which yielded important material evidence. The vital breakthrough came when some



## Among the chargesheeted:

- District BJP president
- Two government doctors
- A deputy superintendent of police, two inspectors (one of them has retired) and a head constable

photographs were seized by the CBI. Police officers were interrogated and the CBI unearthed a conspiracy by six senior police officers who shielded the accused and suppressed and destroyed evidence. Involvement of two doctors also came into the picture.

In the chargesheet, the CBI has named the Nai brothers, Maurya, Pradeep Maurya, Lal Vakil, Baku Bhai, Kesar Bhai, Raju Soni, Ramesh Chandana (PS to local BJP MLA), Sailesh Bhat (BJP's Dhaod district president), Nitesh Bhat and Lala, all of whom were in judicial custody.

The chargesheeted policemen

included a deputy superintendent of police, one assistant commissioner of police, two sub-inspectors, an assistant S-I and a head constable.

The chargesheet was filed in the designated court of Chief Judicial Magistrate (Ahmedabad rural) Mr SM Padhya.

According to the chargesheet, Bilkis Yakub and 17 of her relatives, including her three-and-a-half year old daughter, were fleeing their residence when they were attacked by a mob, allegedly led by the Nais, near Panivela in March, 2002.

The chargesheet also mentioned the gory murder of Bilkis's baby daughter allegedly by Mr Sailesh Bhatt, besides highlighting the involvement of police officers in the criminal conspiracy which included attempts to hush up the case. The chargesheet also contains the statement of Bilkis in which she identified the Nais and Mr Moriya as the persons who raped her. Bilkis, who was pregnant when she was raped, told CBI that she had even pleaded with her rapists saying she was their daughter's age. She said she knew them since her childhood as they used to come to their residence to buy milk.

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## CBI moves to file Bilkis case chargesheet

bones of Bilkis's relatives with DNA samples of her surviving relatives. While this scientific evidence is still to come in, the agency will list in its chargesheet other evidences:

- The testimony of Bilkis and medical evidence to prove that she was raped by some of the accused persons
  - The testimony of *panch* witnesses who told the CBI how 60 kg of salt was sprinkled on the bodies dumped in a mass grave on the orders of the Gujarat police
  - Other scientific evidence collected by a Central Forensic Science Laboratory team which accompanied experts from AIIMS to Dahod
  - Two sets of photographs of bodies, taken by local photographers and recovered by the CBI later. In the second set, the photograph of the body of Bilkis's daughter was missing
  - The testimony of a group from Dahod, taken to Mumbai for giving evidence on the communal situation when the carnage took place.
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INDIAN EXPRESS 19 APR 2001

# The Best Bakery case!

4/18/04

It would seem that the Supreme Court has not moved so far as to defend the right, as in this *Best Bakery* case, in Gujarat, for the past fifty years. The judgment written by Mr Justice Arijit Pasayat on April 12 for himself and Mr Justice Doraiswamy Raju, is clear and masterly;

...there was no protection for witnesses and their persecution remains a testimonial to a bad day's work

where the truth has become a casualty in the trial. Well and clearly spoken, My Lords!

The facts in the case are quite clear and shameful. Their Lordships have found Narendra Modi's government guilty of the vilest improprieties, leaving themselves no choice but to order transfer of re-trial under supervision of the Chief Justice of the Maharashtra High Court. Modi's government is directed to appoint another Public Prosecutor and special provision is made for any individual to

come into the process of appointment. The retrial is to be held with all available despatch in the court nominated by the Chief Justice of Maharashtra High Court. All expenses are to be borne in the first instance by the High Court of Maharashtra and Modi's government

is directed to reimburse the amount without delay. Any witnesses who ask for protection shall be given it at the expense of the State of Maharashtra, to be reimbursed by the state of Gujarat later. Gujarat is specially directed to provide the protection in the first instance. If any government should resign over this judgment, it is of course Narendra Modi's!

Their Lordships are clear of responsibility towards the witnesses who have been either ignored or badly treated and they are equally clear what the state government of Gujarat should do to discharge this responsibility. As many as 36 eyewitnesses retracted their statements under threats; there was no protection for witnesses and their persecution remains a testimonial to a bad day's work.

In my first *Caveat* on this theme, *Best Bakery* — *Some Reflections*, I had shown that some responsibility rested with the trial judge also. Judge HU Mahida examined witnesses,

recorded statements, heard arguments — and completed the whole lot on the same day! Of his 32-page judgment, as many as 24 pages containing 43 paragraphs expounded on extraneous and irrelevant arguments not canvassed before the Court. Some examples will suffice: *The Mahabharat preaches unity... the British were interested in dividing the country... a great mistake was to follow Russia blindly...*

This, apart from misquoting Winston Churchill in the debate of the Indian Independence Bill in the House of Commons. The Court's responsibility does not die so easily.

You remember what happened, or rather continued to happen, from exactly a year ago. I remember because I spent time in Gujarat while the pogrom was taking place and filed stories. From the Mahatma's ashram to the state government offices the poison had spread rapidly and there was no respite. I have to concede that Narendra Modi did his job very well from his point of view. Fear is still widespread and their Lordships give enough indications in their judgment of what it was all about. As I write, Pravin Togadia and the question of a Muslim driver for him at official expense is in the air. It is not sufficient for anyone to explain that

a Hindu driver was not available; the point is why should a driver be needed for an essentially private visit by a private person. And thereby hangs a tale! The question of the driver being a Muslim comes much later.

Let it be conceded that Prime Minister Vajpayee's initiative over the cricket visit to Pakistan has worked wonders. Not a word wrong, not an action to be regretted. Now look at General Musharraf. He has said twice that he wants action over Kashmir now or else! He has made a tactical blunder

twice! If he is in a position to restore the handmade violence at once or at least at a time of his choosing, then he cannot claim that his support over Kashmir is purely verbal.

Vajpayee has let him off twice. Good! The time for thinking over the LoC as a permanent border has apparently not arrived. And it will not arrive until it is the only option he can consider. In the meantime General Musharraf should mull over what would happen if he starts anything single-handedly. What he ought to remember is that Pakistan being Muslim takes you nowhere. There are more Muslims in India than in the whole of Pakistan so clearly the communal card is out of fashion.

*Fear is still widespread and their Lordships give enough indications in their judgment of what it was all about*

■ HEARING IN MAHARASHTRA ■ ACQUITTAL QUASHED

# SC orders retrial in Best Bakery case

SFI 18/4 J. Mishra

**Our Legal Correspondent**

NEW DELHI, April 12. — In an unprecedented judgment in which it criticised both the Gujarat government and the state High Court for the way trial in the Best Bakery case was handled, the Supreme Court (coram, Raju, Pasayat, JJ) today ordered a retrial in the case and transferred it for trial to a court in neighbouring Maharashtra.

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

The SC also ordered a reinvestigation by Gujarat police and asked the state DGP to monitor it. The trial will now be handled by a new PP to be named by Gujarat. The state shall, in view of the special circumstances of the case, take into account the complaints of victims and witnesses while naming any person as the prosecutor, the court ordered.

"It is no doubt true that the accused persons have been acquitted by the trial court and the acquittal has been

## Observations of the Bench

\* "In a country with heterogeneous religions and multi-racial and multi-lingual society... taking the lives of persons belonging to one or other religion is bound to have dangerous repercussions and reactive effect on society at large and may tend to encourage fissiparous elements to undermine the unity and security of the nation..."

\* "When the ghastly killings take place in the land of Mahatma Gandhi it raises a very pertinent question as to whether some people have become so bankrupt in their ideology that they have deviated from everything that was dear to him..."

\* "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. Law and justice become files in the hands of these 'wanton' boys."

upheld, but if the acquittal is unmerited and based on tainted evidence, tailored investigation, unprincipled prosecutor and perfunctory trial and evidence of threatened/terrorised witnesses, it is no acquittal in the eye of the law and no sanctity or credibility can be attached or given to the so-called findings. It seems nothing but a travesty of truth, fraud on legal process and the resultant decisions of courts... There is, therefore, every justification to call for interference in these appeals," the court observed.

The court thereby set aside the High Court order of 26 December, 2003, upholding the trial court order acquit-

ting all 21 accused in the case. The court accordingly disposed of two SLPs, one by key witness, Zahira Sheikh, and another by Gujarat challenging the HC order.

Noting that justice must not only be done, but should also be seen to be done, the SC observed that the "approach of the High Court suffers from serious infirmities, its conclusions lopsided and lack proper or judicious application of mind. Arbitrariness is found writ large on the approach as well as the conclusions arrived at in the judgment under challenge, in unreasonably keeping out relevant evidence from being brought

ht on record".

The court also noted that there was "really no seriousness in the state's approach in assailing the trial court's judgment". "This is clearly indicated by the fact that the first memo of appeal filed was an apology for the grounds. A second amendment was done, that too after this court expressed its unhappiness over the perfunctory manner in which the appeal was made and challenge made. That alone was not the end of the matter. There was a subsequent for amendment. All this sadly reflects on the quality of determination exhibited by the state and the nature of seriousness shown to pursue the appeal." It went on to add: "This appears to be a case where truth has become a casualty in the trial. We are satisfied that it is a fit and proper case, in the background of the nature of the additional evidence sought to be adduced and the perfunctory manner of trial conducted on the basis of tainted investigation a re-trial is a must and essentially called for in order to save and preserve the justice delivery system... The case is without parallel and comparison to any of the cases where such grievances were sought to be made. It stands on its own as an exemplary one, special of its kind, necessary to prevent the recurrence."

BJP defends Modi, page 4

# বেস্ট-মামলা সরল, সুপ্রিম কোর্টে নিন্দিত গুজরাত হাইকোর্ট

অনিন্দ্য জানা • আমদাবাদ ১৩/৪

১২ এপ্রিল: গুজরাত দাঙ্গার অন্যতম কুখ্যাত 'বেস্ট বেকারি মামলা'-র বিচার গুজরাত থেকে সরিয়ে মহারাষ্ট্রে শুরু করার নির্দেশ দিল সুপ্রিম কোর্ট। মামলার তদন্ত নতুন করে আরম্ভ করা ও একই সঙ্গে সরকারি কৌশলিকে সরিয়ে নতুন কৌশলি নিয়োগ করার নির্দেশ দেওয়া হয়েছে। এই মামলায় অভিযুক্ত ২১ জনের মুক্তির আদেশ দিয়েছিল নিম্ন আদালত। গুজরাত হাইকোর্ট সেই আদেশ বহাল রাখে। এ দিন সেই আদেশও বাতিল করে দিয়েছে শীর্ষ আদালত। সেই সঙ্গে, মামলার সাক্ষীদের নিরাপত্তা সুনিশ্চিত করার জন্য গুজরাত ও মহারাষ্ট্র সরকারকে নির্দেশ দেওয়া হয়েছে। শীর্ষ আদালত আরও জানিয়েছে, দাঙ্গায় অভিযুক্তদের আড়াল করতে গুজরাত পুলিশ ইচ্ছাকৃত ভাবে ভুল পথে তদন্ত চালিয়েছে। ২০ এপ্রিল রাজ্যে লোকসভা ভোটের মাত্র আট দিন আগে এই রায় নিঃসন্দেহে মোদী সরকারের কাছে একটা বড় ধাক্কা।

হাইকোর্টের রায়কে চ্যালেঞ্জ জানিয়ে সুপ্রিম কোর্টে আবেদন দাখিল করেছিলেন ঘটনার মূল সাক্ষী জাহিরা হাবিবউল্লাহ শেখ। সেই আবেদনের প্রেক্ষিতেই আজ এই গুরুত্বপূর্ণ রায় দিয়েছে বিচারপতি দোরাইস্বামী রাজু এবং বিচারপতি অরিন্জিত পােসাওয়াতের ডিভিশন বেঞ্চ। সরকারকে এক হাত নিয়ে বেঞ্চ বলেছে, "রাজ্যে যখন বেস্ট বেকারির মতো ঘটনা ঘটছে, অসহায় নারী-পুরুষ পুড়ে মরছে, সরকার তখন আধুনিক যুগের নিরোর মতো উদাস হয়ে অন্য দিকে তাকিয়ে ছিল।"

গুজরাত হাইকোর্ট এই মামলায় অভিযুক্ত যে ২১ জনকে বেকসুর খালাস করে দিয়েছিল আজ সুপ্রিম কোর্টের রায়ের পরই তাদের মধ্যে ১০ জনকে ডেকে পাঠায় বডোদরা পুলিশ। পরে এদের ৪ জনকে গ্রেফতার করা হয়েছে।

মুখ্যমন্ত্রী নরেন্দ্র মোদী গোধরায় সভার শেষে সাংবাদিকদের কাছ থেকে ওই রায়ের কথা জানতে পারেন। দৃশ্যতই বিধবস্ত মোদী তখন কোনও মন্তব্য করতে চাননি। বস্তত সাংবাদিকদের সঙ্গে তাঁর এক প্রস্থ ধাক্কাধাক্কি এবং কথা কাটাকাটি হয়। সংবাদ মাধ্যমকে সরাসরি 'গুজরাত বিরোধী' বলে মোদী উপস্থিত সাংবাদিকদের ধাক্কা মেরে গাড়িতে উঠে পড়েন। ঘনিষ্ঠদের কাছে অবশ্য মোদী জানিয়েছেন, নতুন করে মামলা শুরু হলে আইনকে যথাসাধ্য সাহায্য করবে তাঁর সরকার। মোদী ঘনিষ্ঠদের দাবি, আদালতের রায় মুখ্যমন্ত্রী অবিচলিত। রাজ্যের প্রাক্তন মুখ্যমন্ত্রী তথা বিজেপি নেতা সুরেশ মেটা বলেছেন, "আইন যা বলবে রাজ্য সরকার সেই পথেই চলবে।" অন্য দিকে বিজেপির তরফ থেকে বলা হয়েছে, সুপ্রিম কোর্টের এই রায়ের প্রেক্ষিতে মোদী সরকারকে কোনও ভাবে অভিযুক্ত করা যায় না। আইনমন্ত্রী তথা দলের মুখপাত্র অরুণ জেটলি বলেন, আদালত মামলা ফের শুরু করার নির্দেশ দিয়ে থাকলে সেই আদেশ অবশ্যই পালন করা হবে।

বেস্ট বেকারি নিয়ে আজ সুপ্রিম কোর্টের রায়ের পর কংগ্রেস মোদীর ইস্তফা দাবি করেছে। দলীয় মুখপাত্র কপিল সিবাল বলেছেন, "আমরা প্রধানমন্ত্রীর কাছে অনুরোধ করব যাতে তিনি মোদীকে ইস্তফা দেওয়ার নির্দেশ দেন। যদি তিনি তা না করেন তবে প্রধানমন্ত্রীর উচিত তাঁকে বরখাস্ত করা।"

বেস্ট বেকারি মামলার মূল সাক্ষী জাহিরা শেখকে সুপ্রিম কোর্টে আবেদনের ব্যাপারে সাহায্য করেছিলেন সমাজকর্মী তিস্তা শীতলাবাদ। তিস্তার 'বিশ্বাসযোগ্যতা' নিয়ে প্রশ্ন তুলেছিল গুজরাত হাইকোর্ট। এ জন্য আজ গুজরাত হাইকোর্টের তুমুল সমালোচনা করেছে

এর পর পাঁচের পাতায়

## সুপ্রিম কোর্টে নিন্দিত

প্রথম পাতার পর শীর্ষ আদালত। শীর্ষ আদালতের বিচারপতিদের মতে, কোনও এক জনের উদ্দেশ্যে হাইকোর্টের এ ধরনের মন্তব্য 'আপত্তিজনক'। এ ধরনের 'দায়িত্বজ্ঞানহীন' মন্তব্য করে হাইকোর্ট বিচারব্যবস্থার ভারসাম্য ও সম্মান রক্ষায় শোচনীয় ভাবে ব্যর্থ হয়েছে। তিস্তা আজ রায়কে স্বাগত জানিয়ে বলেছেন, "এই রায় ঐতিহাসিক। এর থেকে প্রমাণ হল এখনও সঠিক বিচারের পথ বন্ধ হয়ে যায়নি।"

প্রসঙ্গত, গুজরাত দাঙ্গার সময় ২০০১ সালের ১ মার্চ বডোদরার অনতিদূরে বেস্ট বেকারির চুল্লিতে ১২ জন মুসলিমকে জীবন্ত পুড়িয়ে মারা হয়। নির্খোজ হন দু'জন। বেকারির মালিক হাবিবউল্লাহর কিশোরী কন্যা জাহিরা ৯ মার্চ থানায় এ ব্যাপারে প্রথম এফ আই আর দায়ের করে অভিযুক্তদের নাম জানান।

দাঙ্গা পরবর্তী সময়ে এই মামলা শুরু হয় গুজরাত ফাস্ট-ট্র্যাক কোর্টে। কিন্তু ২০০৩ সালের ১৭ মে জাহিরা আদালতে জানান, তিনি কোনও অভিযুক্তকে চেনেন না। সে দিন জাহিরা সঙ্গে ছিলেন মোদী ঘনিষ্ঠ বডোদরার ভাগোদিয়া কেন্দ্রের বিজেপি বিধায়ক মধু শ্রীবাস্তব। ২৭ জুন ফাস্ট-ট্র্যাক আদালত 'উপযুক্ত তথ্য ও সাক্ষ্য-প্রমাণ'-এর অভাবে অভিযুক্তদের বেকসুর খালাস করে।

বেস্ট বেকারি মামলা এখানেই শেষ হতে পারত। হল না তিস্তা শীতলাবাদের জন্য। ২০০৩ সালের ৭ জুলাই তিস্তার পাশে দাঁড়িয়ে জাহিরা বললেন, "আমাকে ভয় দেখিয়ে আদালতে মিথ্যা বলানো হয়েছিল। আবার নতুন করে মামলার বিচার শুরু হোক। তবে গুজরাতে নয়, গুজরাতের বাইরে।"

13 APR 2024



# VHP men assault Shabnam Hashmi

Press Trust of India

AHMEDABAD, April 11. — Three persons, including NGO activist Shabnam Hashmi, were roughed up by VHP activists in Vadodara today. The group led by Hashmi is on a nation-wide tour to motivate voters to elect a government that would promote communal hatred.

Hashmi, chief of Act Now for Harmony and Democracy, told journalists that the VHP activists barged into the venue of their press conference before manhandling her, assaulting her group members and threatening to rape and kill her "in

the same manner in which Muslims were raped and killed during the post-Godhra riots". She has filed an FIR at Sayajigunj police station. Two VHP activists have been arrested in connection with the incident.

**The assailants threatened Hashmi to rape and kill her 'in the same manner in which Muslims were raped and killed during the post-Godhra riots'**

Hashmi said that during the press conference, even some journalists "objected" to her statement that the "India Shining was a lie". The scribes alleged that she had "embarked on a

anti-Gujarat campaign and left the venue in a huff". They also reportedly shouted slogans against Hashmi and her group and urged other journalists to boycott the press meet.

Immediately after this, the VHP men allegedly barged inside shouting "abusive slogans" against Hashmi. "I was personally heckled by VHP men. T-shirts of two of my group members were torn by them. I was surrounded by over 50 VHP and Bajrang Dal goons who started manhandling and abusing me. They also threatened to rape and kill me. They told me the moment you drop out of this complex, you'll see what it means to be in Gujarat."

# Perfidy most foul!

5/10

9 minutes

## Ayodhya Temple to rise again

Early in the current election campaign, it was said by all the leaders of the BJP that there was a distinction between that party and the NDA, that the NDA had its own agenda and further that the two would not mix. As the date for the poll approaches, it was announced by Deputy Prime Minister LK Advani in Ayodhya on 6th April that after all, the Ram temple would be built there but it would be as a result of *consensus*. It used to be said that the temple could be on the agenda of the VHP and other Sangh Parivar bodies, but the BJP would not go along with it as it had a different view. Now things seem to have changed. It will be recalled that earlier, there were three temples being claimed — in Ayodhya, Varanasi and Mathura — and those who questioned the claims earned the utter displeasure of the entire Sangh Parivar. It took them some time to work out the position that each organisation of the Parivar would take but it was clear enough.

The VHP has consistently and violently claimed a temple at Ayodhya; never mind opposition of the Muslim community anywhere. To the VHP it is a question of faith and it does not matter that there is a Ram Janmasthan temple already in Ayodhya. It may be a small temple but the name implies clearly enough, the existence of a temple to Ram where he was born. The question arises how many instances of Ram's birth must be considered. At that time an additional claim was put forward. Two additional temples in Varanasi and Mathura were demanded as well. Indeed, it will be recalled that the late Swami Vamdev when asked about the demolition claimed that *the Babari Masjid had fallen down by itself*. His reply was straight and not covered by sick humour. He also claimed that there had been a temple to Vishnu at the Jama Masjid site in Delhi. Asked how he knew, the late Swami was prompt and direct. *Break down the Masjid, he said and you will find the remains!* We have not heard anything this time from the BJP about the two other sites. Can we please be told what plans are afoot for those sites?

With Atal Behari Vajpayee at the head of his party, one had hoped that this temple business will go on the back burner to be forgotten slowly. Advani's yatra had raised apprehensions but he allayed misgivings and pointed to the peaceful journey he had undertaken. The BJP have carefully chosen their way and it is passing strange that such a U-turn should be undertaken. We should have been warned. When Advani made the same point some days ago in the course of his yatra and made it more ambiguously, the audience was not as large as we would have expected. The Muslim community was alert and promptly scotched it. Surely this conveyed to the BJP that the time for the same tired claim to be advanced is not on. We must expect that BJP to know this too. The real question is why are they doing this? Are they being pressurised by their Hindu fanatics who want to see this claim enforced if necessary. It is important anyway to be clear as to the claim relating to Varanasi and Mathura. We await your answer!

19 APR 2004

5 APR 2004

# Bones tell all in Bilkis case

Press Trust of India

NEW DELHI, April 4. — Investigations into the Bilkis Yakub gang-rape-and-massacre case have shown that the skeletons recovered from a rivulet in Ahmedabad were of a child and four adults who were fleeing with her during the post-Godhra riots. The revelation came even as the CBI began preparing chargesheets against 15 persons arrested in connection with the case.

The CBI and forensic experts had recovered some bones, without any skull, from a rivulet in Panivela village where the massacre had taken place. The bones, which had been buried along with salt for early decomposition, were taken for tests to the All India Institute of Medical Sciences where

it was found that at least one of the bones belonged to a child killed by rioters on 3 March 2002, officials said. Investigations further showed that the bones belonged to two male and two females and a child, officials added.

As no pelvic bone, which helps in identifying the sex of the deceased, was found, doctors carried out tests based on measurement of the bones and later identified them with the photographs of the deceased who were accompanying Bilkis while fleeing from the rioters during those ill-fated days.

With this, the CBI, which began a fresh probe into the case, has identified 12 of the 15 people killed in the massacre. Bilkis Yakub was among three persons who survived. The other two were Saddam

(7) and Hussain (5). The Bilkis case was the first one registered by the CBI in connection with the Gujarat riots in which one Jaswant Nai, one Govind Nai and one Naresh Moriya were booked under various sections of the Indian Penal Code, including rape and murder. The CBI had also arrested 15 people, including two policemen who were investigating the case.

Bilkis Yakub identified Nais and Moriya as those who allegedly raped her, sources said. Bilkis, who was pregnant when she was raped, told CBI that she even told the rapists that she was of the age of their daughter. She said she had been seeing them since childhood as they used to come to her house for buying milk.

During investigations, the CBI

found several packets of salt buried with the bodies, sources said claiming that a witness had told them that he was directed by the local police to get 60 kg of salt that would be buried along with the bodies to ensure early decomposition.

The FIR alleged that when Bilkis Yakub, along with her relatives, were moving around Panivela after the burning of the train at Godhra, they were chased by a mob which beat them and raped her and her sisters. The CBI said during the probe that it detected several lapses on the part of Gujarat Police, including failure to act on Bilkis' complaint despite Godhra Medical College confirming she was raped, and not taking steps before burial of the bodies of people allegedly killed by the rioters.

# Negotiations the better route to solve temple issue: Advani

By Our Special Correspondent

**HUBLI, MARCH 15.** The Deputy Prime Minister, L.K. Advani, who was on the last leg of his "Bharat Uday Yatra" in the State, today hoped that the Ram temple issue in Ayodhya would be resolved through negotiations.

Mr. Advani told reporters here that he expected Hindus and Muslims to sign an agreement after the elections. This would be more durable than a court verdict or any Parliamentary resolution.

He said there was no question of the Bharatiya Janata Party agenda being implemented by the National Democratic Alliance Government at the Centre.

The NDA Government would follow the coalition dharma and implement the common agenda. Of a uniform civil code, he said it had been provided for in the Constitution.

Mr. Advani was happy over the deliberations of the Rashtriya Swayamsevak Sangh conclave in Jaipur, where the Sangh Parivar units had expressed solidarity with the BJP. Asked if he approved of the BJP general secretary, Pramod Mahajan's attack on the Congress president, Sonia Gandhi, he said the BJP believed in a responsible campaign.

He denied that there was a

delay on the part of the Central Bureau of Investigation investigating the Telgi scam. The case was referred to the CBI a bit late, and the CBI had been going into the investigations already made by the local police.

## Veerappan issue

On the forest brigand, Veerappan, he said that as the law stood, the Centre had no role to play. It would help if a federal law were to be enacted giving jurisdiction to the Centre in such cases. Although the conference of the Chief Secretaries and the Directors-General of Police had endorsed the suggestion, the Chief Ministers did not agree to it.

About the recommendations

of the Committee on Reforms in the Criminal Justice System headed by V.S. Malimath which had called for the creation of the special category of federal crimes, Mr. Advani said the recommendations of the committee and the Law Commission, which were conflicting, were being looked into.

Mr. Advani took a dig at the Congress and said good governance had disappeared from the culture of that party.

The Congress lacked purpose, direction, values and leadership, he charged.

When the Congress was wiped out from the North in the 1977 elections, it held on to the southern States, he said.

## 'No. 2 is fine by me'

By Our Special Correspondent

**HUBLI, MARCH 15.** The Deputy Prime Minister, L.K. Advani, today reiterated that the Prime Minister, Atal Bihari Vajpayee, was his leader. Replying to questions of presspersons here on the last leg of his Karnataka tour as part of the "Bharat Uday Yatra," Mr. Advani dismissed the charges levelled by the Congress that he had embarked on the yatra to get the limelight since he was being increasingly sidelined by Mr. Vajpayee. "Where have I not got the limelight? As a matter of fact, I have too much of limelight," he said. He was happy with his position as No. 2 man to Mr. Vajpayee, which was no mean achievement, he said. Mr. Advani smiled when a pressperson wanted to know when he would occupy the No. 1 slot.

## Minority report

THE RSS was always a 'cultural' or, if you prefer, a proto-political, oddity — though it loves to preach 'cultural nationalism', as its chief K.C. Sudarshan has recently done in Jaipur. A look at its dress-code will make the issue clear enough — outsized *khaki* shorts and the 'danda', a caricature of Boy Scout gear clubbed with the symbol of authoritarianism. However hard the outfit may try to confuse 21st century Indians through the overuse of the term 'nationalism' in talking about itself, it is well to recall that the Hindutva mother unit reviled Gandhiji — one of its crazed adherents even killed him. It also kept out of the freedom movement which represented the 'culture' of the times and was 'nationalist' by any definition.

In the election season, the RSS and its affiliates, which include the BJP, appear to have an elaborate plan to woo the minority vote, of Muslims chiefly, as their recent actions suggest. Without this it would be hard to increase Hindutva's electoral appeal. Thus, as if being solicitous of Muslims, Mr Sudarshan in-

forms us that it is all right to have "different civilisations, people with different lifestyles, eating habits" and so on, if they have one '*bhav*' (sentiment) and 'soul'. Why, thank you, Mr Sudarshan!

Lest this be mistaken for spirituality, the RSS has always believed that our Muslims do not display 'cultural nationalism', meaning they don't strike up the '*Ram dhun*', despite the poet Iqbal describing Ram as 'Imam-e-Hind'. The RSS's short answer is that though our Muslims (or Christians) are nearly all local converts and not of foreign descent, their 'sacred lands' or '*punjab-hoomi*' lie outside India. The 'cultural nationalism' slogan was engendered to highlight the so-called 'otherness' of the Indian Muslim on this very count. Political expediency may make the RSS seemingly tolerant of Muslims, but Mr Sudarshan tells us that they are not a 'minority'. Does this mean not any more enjoying constitutional guarantees that exist for religious minorities, such as their educational institutions or personal law?

## Security shield for riot witnesses

OUR LEGAL CORRESPONDENT

New Delhi, March 15: The Supreme Court today directed the Centre to provide security to Teesta Setalvad, who is fighting for witnesses in the Gujarat riot cases through her NGO Citizens for Justice and Peace.

A three-judge bench of Chief Justice V.N. Khare, Justices S.B. Sinha and S.H. Kapadia also ordered the Centre to "identify key witnesses" in the riot cases and make security arrangements as part of "witness protection".

But solicitor-general Kirit Raval submitted that it was impossible to provide security cover to all 1,499 witnesses in the nine cases. He said it was a sensitive issue as "law and order is a state subject" under the Constitution. He asked for three weeks to identify "key or crucial witnesses" who should be provided security. The court has asked him to report on this by April 2, the date of the next hearing.

Additional solicitor-general Mukul Rohtagi, however, said security has been provided to "most of the witnesses".

THE TELEGRAPH

16 MAR 2004

# Babus face Uma fury over riot report

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**RASHIED KIDWAI**

**Bhopal, March 14:** When it comes to criticism, the Uma Bharti regime has been exhibiting zero tolerance.

A report on the communal clashes in Bhopal and Ujjain in 1992, following the demolition of the Babri Masjid, which reprimanded the then BJP government headed by Sunderlal Patwa, has triggered a controversy in Madhya Pradesh.

Two principal secretaries of the state — Subroto Banerjee and Ajit Raizada — have been slapped a showcause notice for allegedly keeping the chief minister "in the dark" while tabling the report in the Assembly on

the last day of the session on March 5, 2004.

The government is now planning to withdraw the report and make amendments in the action-taken report prepared by the Digvijay Singh government.

The Congress wonders how Uma can withdraw the report when it had already been tabled in the Assembly. State chief secretary B.K. Saha, who slapped the showcause, defended the move, saying the report should have been tabled within six months of getting the cabinet's approval.

The K.K. Dube Panel report has recommended that rioters be charged with sedition and held "communal forces" responsible for the outbreak of violence.

On numerous occasions, the report has highlighted the role of *kar sevaks* and activists of the Vishwa Hindu Parishad and the Bajrang Dal in heightening tension. It has named the Congress as the party that provided the "healing touch" during the riots.

Supporters of Patwa and senior state BJP leaders have lodged a protest with the party's central leadership, saying a "sensitive and politically motivated report" was made public when Lok Sabha polls have been called.

The Dube panel report was tabled after gathering considerable dust as Digvijay avoided making its contents public for three years after it was submitted to him on March 30, 2000.



**Uma Bharti:** Crackdown

Soon after taking over as chief minister, Uma ordered a review of all major decisions taken by Digvijay. Since this included the riot panel report as

well, principal secretaries in the home and general administration department have been asked to explain why they did not consult her.

In separate letters, Saha has asked Banerjee and Raizada to explain "why and how they proceeded (on) tabling of the report without putting up the matter before the chief minister".

The bureaucrats under fire had chosen an easier path. Instead of approaching the chief minister, they sought assent from two of Uma's junior ministers, Jagdish Muwal and Badri Lal Yadav, before tabling the report in the Assembly. One account said the ministers lacked familiarity with English and

signed on dotted lines without getting the import of the report.

At the state secretariat, another theory involving Uma's "chief advisor" Nirmala Buch is doing the rounds. Buch was state chief secretary when the riots broke out and the Dube panel report has indicted her, citing various instances of the civil administration failing to take preventive measures.

On page 84 of the report, Buch has been quoted as opposing imposition of prohibitory orders under Section 144, saying: "*Unki masjid ghat aur ab curfew bhi un par lagao ge* (their mosque and been demolished and now you wish to impose curfew on them)."

# RSS meet reiterates demand for temple construction

By Sunny Sebastian

*H.D. 2*  
*12/3*

**JAMDOLI (JAIPUR), MARCH 13.** The Rashtriya Swayamsevak Sangh today reiterated its demand for the construction of a Ram temple at the disputed site in Ayodhya but expressed the hope that it could be done through a dialogue. There were "positive signals" on the Mandir front and a solution could be possible within a few months time after the Lok Sabha elections, it maintained.

"We want an early solution to the issue but not a hasty decision," Ram Madhav, the RSS spokesperson, who briefed newsmen at the venue of the

"pratinidhi sabha" here said.

The issue came up on the second day of the conclave after queries from mediapersons.

It is not clear whether the Ram temple issue had figured on a day on which the delegates mostly discussed the controversial Jammu and Kashmir Bill and the plight of the Reang refugees of Mizoram but Mr. Madhav said the Sangh was patiently waiting for "anyone to convince the Muslim community" on giving up the claim on the disputed land.

However, asked about the Sangh Parivar's claim on the other disputed sites such as

*newspaper*

Kashi and Mathura, he said: "We would react on them as an when something concrete emerges on the Ram temple front.

He conceded that the RSS, after passing a resolution in the past claiming those sites as well had not changed its stand, yet.

## 'Remove Article 370'

The sabha seized the opportunity to call for the removal of Article 370 of the Constitution in the case of Jammu and Kashmir, citing the instance of "gross misuse" of its provisions in the newly-introduced Bill on the status of women who marry outside the State.

THE HINDU

14 MAR 2004



ADVANI REGRETS GUJARAT 'ABERRATION'

# Riots a blot on NDA record

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minutes  
57-7

9/3

GHAZIABAD, March 8. — The Gujarat riots were an "aberration" and a "blot" on the NDA government's performance, Mr LK Advani said today, but asserted that except for that "unfortunate" incident, the Vajpayee government's record in maintaining communal harmony had been remarkable.

Before he dubbed the Gujarat riots as a "blot", however, the Deputy Prime Minister made it clear that "had Godhra not happened, the subsequent riots would not have taken place". The developments were unfortunate and all necessary steps were taken to correct the situation, he said.

All India Muslim Personal Law Board member Mr Ahmed Ali Qausmi, though, was not impressed. "All these tears are nothing but (a) drama. Had they been serious about taking action against those responsible for the riots, Narendra Modi would have been removed long ago," he told journalists.

Mr Advani said that before the BJP-led government came to power, the country had been witnessing riots frequently.

## Flak from Togadia

NEW DELHI, March 8. — Taking exception to Mr LK Advani's statement that the Gujarat riots were a "blot" on the NDA government's record, the VHP today said "blaming Hindus for everything had become a fashion" in the country. "It's unfortunate that burning Hindus alive at Godhra is not a blot for Advaniji," VHP leader Mr Pravin Togadia said today. The coming Lok Sabha polls, he said, "could be a Waterloo for the BJP... unless it abandons its policy of Muslim appeasement". — PTI

"But during our government's rule, the country has been by and large saved from riots. Gujarat was an aberration," he said while addressing a gathering on the occasion of CISF's 35th Raising Day.

On the Indo-Pak front, Mr Advani said the animosity between the neighbours had continued for 56 years. Besides, India has been a victim of a proxy-war. The NDA government, he said, had made "sincere efforts" towards ending both "open and proxy wars".

**Gujarat riots:  
another  
mother  
stands up to  
ask for justice**

Incidentally, Madinabibi had also filed an application with the sessions court saying that there were several irregularities in the conduct of the case but the sessions court turned it down following which she approached the High Court through her advocate Jitendra Malkan.

Three days after the Godhra train massacre, a mob had attacked two houses belonging to the Shaikh family, forcing them to flee. The neighbours had earlier promised the Shaikhs that they would be safe but later asked them to flee.

The mob caught up with the fleeing members in a field and allegedly raped her daughter and niece and killed them along with five others.

Shaikh's husband, Mustafa, who worked with Gujarat State Road Transport Corporation was away in Kalol when the massacre took place.

Madinabibi and her young son hid in a field and

# Temple absent from NDA agenda

Statesman News Service

PATNA/NEW DELHI, Feb. 9. — Shortly after NDA prime ministerial candidate Mr Atal Bihari Vajpayee harped on the "isolated" issue of Ram temple at a rally in Ayodhya, BJP president Mr Venkaiah Naidu today clarified that it was not practically possible for the government to construct the same since it did not figure in the NDA agenda. "It's construction is possible only through mutual understanding within the two warring parties," Mr Naidu told a crowded press conference organised in the party office here today.

In New Delhi, the BJP spokesperson asserted that the party was committed to building a Ram temple at the disputed site in Ayodhya through the negotiation route. Instead of criticising the Prime Minister for the Ayodhya statement, the Congress should clarify its stand on the issue, Mr Mukhtar Abbas Naqvi said. The party should also clarify what it wanted at the site of the makeshift temple, he added. The Prime Minister had said at a rally in Faizabad last week that if the BJP returned to power, it would complete the unfinished agenda of constructing a Ram tem-

## Cong calls for a clear stance

NEW DELHI, Feb. 9. — The Congress today asked the BJP's allies to make their stand clear on the Prime Minister's statement that the NDA should be voted back to complete his government's "unfinished task" of construction of the Ram temple at Ayodhya.

Party spokesman Mr Anand Sharma also charged the allies of the BJP with having been "mute witnesses" when the BJP was stamping its agenda on every decision of the NDA government. "The NDA allies are behaving like the subordinates and tools of the BJP, because of their expediency to grab power."

He said the fact that Mr Vajpayee's statement was followed up by a similar one by the Deputy Prime Minister, Mr L. K. Advani, makes certain things clear that; the duo were indulging in the "characteristic doublespeak" of the BJP and that its top leaders have realised that their hype about the "feel good" factor has been punctured. — SNS

ple at the disputed site. However, he had clarified that this would be done through either a court verdict or negotiations.

Stressing that the "able leadership, good governance, feel good, better and great" would be main theme of the party campaign, Mr Naidu said the party would seek mandate on the basis of the government performance it has been able to show while in power. He informed that the party would launch an extensive Atal Sampark Abhiyan across the country before the entire

being widely circulated among the people, he said adding eight important rallies of the party would be held in different places across the country.

He also rubbished the Congress' demand for tendering a public apology in the aftermath of Delhi High Court clearing off the former prime minister Mr Rajiv Gandhi in Bofors kickbacks case adding that the party (Congress) should think twice before making such demands. Reiterating the NDA's much touted "feel good factor", Naidu said adding a strong "proincumbency" wave blowing in party's favour that would once again see them through without having any difficulty. Reacting sharply to Laloo Yadav's reported remarks that NDA had been an epitome of "feel bad" instead of "feel good", that would undoubtedly prove suicidal for the "communal forces", Naidu asked if a government (the ruling RJD regime) could feel the 'feel good' factor when it did not do anything worth for the people of the state. He also cautioned the AICC chief, Mrs Sonia Gandhi, saying that all was not well for the party catapulted to power in seven states. "The party (Congress) will have to lick the dust in the general elections", he predicted.

# Ayodhya back on poll track

HT Correspondent & PTI  
Faizabad, February 7

KICKING OFF the BJP's election campaign in Uttar Pradesh on Saturday, Atal Bihari Vajpayee said his party remains committed to the construction of the Ram temple in Ayodhya, for which the parties concerned should reach an understanding so that the issue can be resolved "in a harmonious way".

Describing the temple construction as an "unfinished task" of his government, he said the obstacles in the way of temple construction should be done away with. Addressing a public rally here, near Ayodhya, after a gap of 13 years, Vajpayee said the issue could either be resolved by court or through an understanding between the parties to the conflict.

"The path of judiciary could be a long one and take time. The parties concerned should reach an understanding in a harmonious way to resolve it," the Prime Minister said, appealing to the people to give his government another five years. A fresh mandate to the party, he said, would help in taking up several unfinished tasks, including construction of the Ram temple through "mutual understanding".

But he left the flourishes on the Ram temple issue to his party colleagues and did not make the customary visit to the makeshift temple at the disputed site.

Earlier, addressing the rally, former UP Chief Minister Kalyan Singh, who recently rejoined the BJP, said all efforts will be made to ensure the construction of a Ram temple.

"Hindus and Muslims should sit together, consult and resolve the issue," he said. "The Ram temple is not a political issue. It is a symbol of nationalism. Those who oppose the construction of the temple are calling us communal. But the fact is that they are themselves communal."

He described Congress as a party "without leadership and a sinking ship, with their leaders having no experience". Claiming that the BJP would get a two-thirds majority in the coming Lok Sabha elections, he asked voters in UP to ensure that his party wins 55-60 of the 80 seats in the state. The rally was



AP  
Prime Minister A.B. Vajpayee at Katra station before boarding the train to Ayodhya.

also addressed by agriculture minister Rajnath Singh and BJP MP Vinay Katiyar.

The rally witnessed a newfound bonhomie between Kalyan and Rajnath, with the latter calling the former an *abhootpoorva* (unparalleled) chief minister. They held up each other's arms on reaching the dais while the crowd went berserk with chants of "Jai Shri Ram" rending the air.

See also Page 4

# SC admits petition against Bakery acquittal

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9- Mithun Das

**Our Legal Correspondent**

NEW DELHI, Jan. 30. — The Supreme Court (coram, Raju, Pasayat, JJ) today admitted an SLP challenging the Gujarat High Court order of 26 December 2003, upholding the acquittal of all 21 accused in the Best Bakery case. The petition has been filed by key witness Ms Zahira Sheikh.

The state government, yet to file an appeal against the acquittals, however today informed the court (coram, Khare, CJ, Sinha, Kapadia, JJ) that it would also file an appeal against the decision in two weeks. The state was being represented by additional solicitor general Mr Mukul Rohtagi.

The court also issued notices to the state of Gujarat on another petition filed by social activist Teesta Setalvad demanding expunging of certain remarks made against her in the "reasoned order" given by the High Court on 12 January. The HC, while upholding the 27 June trial court order acquitting all the accused, had made certain adverse remarks against NGOs and activists.

The case had fallen through before the trial court after Zahira had



Ms Zahira Sheikh

turned hostile. She later said that she had been "coerced and threatened" to retract her statements. At least 14 people had been burnt alive by a mob in the incident.

In another development, another Bench (coram, Khare, CJ, Sinha, Kapadia, JJ), monitoring the cases related to transfer of trial of five major post-Godhra riot cases, adjourned the hearing till 27 February after amicus curiae Mr Harish Salve pointed out several "inadequacies" in the state government's affidavits.

The Chief Justice directed the state to submit the information relating to the riots under four major

heads — cases in which FIRs have been filed but no investigations have been made, cases which have been closed, cases which're being probed but bails have been allowed unopposed and cases in which there have been acquittals but no appeal — to the amicus by 3 February.

The SC took the decision after mulling for several minutes on sending a two or three-member team of lawyers to get the records, both police and judicial, of the case from the state. The court will, however, separately hear on 16 January the state's appeal to vacate the stay on the trial of the Godhra case.

THE STATESMAN

31 JAN 2004

# Minority Report

## Communal Consensus as Way Forward

By Iqbal A Ansari

An enduring communal peace can be secured through a combination of impartial law enforcement by the state and an inter-community dialogue on contentious ethno-religious issues.

In this context, L K Advani's view that the temple versus mosque issue (at Ayodhya) should be seen in the broader context of its potential to correct relations between the two communities is welcome. He has extended an invitation to the Muslim community to cooperate with Hindus in fulfilling their aspiration of building a Ram temple at the *janamsthan*. He has also asked Hindus to proactively allay the apprehensions that Muslims may have. He has offered to persuade the sangh parivar-affiliated units like the VHP to set aside their prejudices.

He had extended a similar invitation to the Muslims in August 1990 to amicably settle the Ayodhya dispute with the assurance that he would persuade the VHP to withdraw its claim over Mathura and Kashi. In response to his offer, a letter was sent to him on August 23, 1990 signed by Badr-Uddin Tyabji, Saiyid Hamid and Col B H Zaidi, all former vice-chancellors of Aligarh Muslim University. The signatories welcomed his suggestion as one that holds the promise of a peaceful settlement. Reposing faith in him, they expressed the hope that because of his personal initiative, the chances of a settlement had brightened.

The signatories offered to participate in an exploratory discussion at his convenience. The letter was not even acknowledged, owing to the VHP's strong denunciation of his stand on one temple instead of three. The VHP and RSS had similar reservations about the Shankaracharya of Kanchi Swami Jayendra Saraswati's attempts in June-July 2003 to work out an amicable provisional settlement of the Ayodhya issue.

So much pressure was brought to bear upon him that in his clarificatory letter of July 1, 2003, the Shankaracharya inserted the following paragraph: "A point was made that Kashi, Mathura and Ayodhya — all the three belong to the Hindus and keeping in mind the larger interest of the country and communal harmony, if not today but at some time or other, these places have to be given to the Hindus. The Muslims have to mentally prepare themselves for this." This caused the All-India Muslim Personal Law Board (AIMPLB) to reject the proposal in its meeting of July 6, 2003.

This should convince well-intentioned people like the Dalai Lama and groups eager to promote an amicable resolution of the dispute that the gifting of the land by Muslims for construction of the temple in Ayodhya alone will not automatically pave the way for a Hindu-Muslim accord. It is not only the additional two sites of Mathura and Kashi

which are the source of conflict, rather it is the issues like the perceived wrongs of history and, more important, the idea of dividing people on the basis of indigenous and non-indigenous religions. In addition, the demonisation of Islam and Muslims and the pursuit of an agenda of hate and revenge against them needs to be addressed.

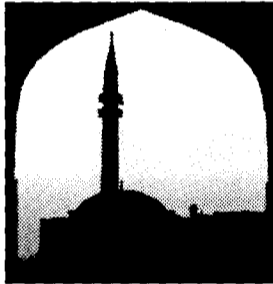
All these issues require an intra-community and an inter-community dialogue as there is no consensus on any of these contentious issues among Hindus or Muslims. No individual or organisation of the two communities enjoys the status of being the sole representative capable of entering into any enforceable agreement. The solution lies in either constituting a statutory Community Relations Commission (CRC) that the Report of the National Commission for Minorities on Prevention and Control of Riots (1999) has recommended, or constituting an ad hoc empowered Truth and Reconciliation Commission by Parliament. This could be entrusted with the responsibility of studying the historical, religious, constitutional-legal and political aspects of issues related to not only Ayodhya, Kashi and Mathura, but also other ethno-religious disputes.

The commission should also look into the grievances of minorities related to partisan law enforcement and discrimination against them. The chairperson and members of the commission should be eminent persons who enjoy the confidence of both communities. The findings of the commission and its verdict on specific issues should be binding on all communities and the government.

As the present move for conciliation is widely perceived as part of the BJP's electoral strategy, it would not be advisable in the larger national interest to take partial measures at this stage. However, reform of the law enforcement and justice delivery system, which are major concerns for Muslims needs to be addressed immediately keeping in mind the recommendations of the NHRC, the NCM and the National Commission to Review the Working of the Constitution (NCRWC) 2002 and the Committee on Criminal Justice System Reforms.

Apart from these actions by the state, Mr Advani must persuade the BJP and fraternal organisations of the sangh parivar to stop their propaganda against Muslims and Christians. If they persist, the law should move against them. He should also persuade the VHP and its affiliates not to persist periodically in taking the mandir-masjid issue to the streets. The coming months ought to be dedicated to the creation of conditions of mutual trust and respect. No political party or cultural organisation must be allowed to use ethno-religious issues for electoral support and mobilisation.

(The author is visiting professor, Academy of Third World Studies, Jamia Millia Islamia, New Delhi.)



# Ayodhya players factor in poll effect

RASHEED KIDWAI

Jan. 19: Muslim leaders associated with efforts to break the Ayodhya deadlock have welcomed the Dalai Lama's call for a peaceful solution and L.K. Advani's ready endorsement but they are sceptical of a breakthrough before the general elections.

Sources in the All India Muslim Personal Law Board enlisted several factors for the word of caution. They feel that the proximity of the polls will politicise the possibility of an out-of-court settlement.

A number of "secular formations", while favouring negotiated settlement, will not like to provide a pre-poll advantage to the NDA regime by endorsing a peace formula now.

The government's bid to involve more players such as the Jamiat-e-Islami and the Jama Masjid Trust is adding to the complexity as Muslim groups ideologically and politically opposed to them are likely to have reservations.

The NDA government has not yet made much headway in extracting concessions from the VHP that could serve as the basis of a spirit of "give and take". Besides, no concrete proposal has been mooted so far that could serve as a basis for deliberations.

The All India Muslim Personal Law Board executive has several "political entities" like Syed Shahabuddin, Salauddin Owasi and G.M. Banatwalla who are convinced that only a judicial pronouncement, even if it takes years, would settle the issue.

A senior member of the personal law board said the "conflicting signals" from the government were posing problems. He said the government had first identified the board as a "credible and possible" forum of Muslims to work out a solution.

Several office-bearers of the board were sounded and talks behind the scenes had made some progress, he added. At the same time, the government is now seen as "encouraging" elements that lack mass base.

The Jamiat, for instance, is perceived as a radical outfit. Suddenly, two rounds of meetings were held between the Jamiat and the RSS, though the engagement did not yield much.

Board sources said the Centre and its emissaries should set some "ground rules" to make a sincere effort for a negotiated settlement. Then the two sides should search for common ground and draw the broad contours of a negotiated settlement.

The sources said a breakthrough could be reached after the polls if the government is willing to put in place some "confidence-building measures".

Another possibility that is being discussed is probable involvement of Mulayam Singh Yadav as a negotiator in the dispute. The Uttar Pradesh chief minister enjoys support among Muslims and might be able to

# HC raises doubts over Zaheera's claims

**Ahmedabad:** Raising "serious" doubts over the claims of Zaheera Sheikh, key witness in the Best Bakery carnage in Vadodara, that threats forced her to turn hostile during the trial, the Gujarat high court has observed "there seems to be a definite conspiracy to malign people by misusing her".

The division bench of Justice B.J. Sethna and Justice J.R. Vora, in their judgment dismissing the Gujarat government's amended appeal challenging the acquittal of 21 accused in the case and seeking retrial, were also critical of the police probe and the role of NGOs that championed the cause of Zaheera, even as it gave a clean chit to the trial judge and prosecution.

The bench while dismissing the state's appeal on December 16 last year, had said it would assign reasons for the same on reopening of the court on January 12.

"We are not prepared to believe that she (Zaheera) turned hostile because she was threatened for deposing before the court on May 17, 2003. The trial court continued thereafter and the learned judge pronounced the judgment only on June 27, 2003," the bench said.

"Immediately, on the next day of pronouncement of the judgment, Zaheerabibi had made a statement that she was threatened and, therefore, she had turned hostile. We have serious doubt about it," the bench noted, wondering why she had not stated this till the judgment (of acquittal) was pronounced.

"There seems to be a definite design and conspiracy to malign people by misusing this wit-

ness Zaheerabibi, who is hardly 19 years' old and can easily fall prey to anyone and play into the dirty hands of anti-social and anti-national elements," the bench said.

On Zaheera's affidavit filed in the supreme court, the bench observed: "It was only after a leading English daily approached her after the acquittal judgment that she came out with the case that she was threatened at the time of deposition and, therefore, could not speak the truth".

"On the third day of pronouncement of judgment, she was out of the state and on the public platform and in the presence of others, she reiterated the threat administered to her," the bench noted.

"From all these, we have a reasonable apprehension in our mind that there is a deep-rooted conspiracy of misusing this witness Zaheera by some people with an ulterior motive. Unfortunately, poor people like Zaheera and others have easily fallen prey," the bench observed.

On other affidavits filed by other witnesses in the apex court, wherein they said that "looking at the accused, who were sitting in the court, they were frightened and did not speak the truth," the bench observed: "It appears that

now the witnesses have even made allegations against the trial judge. This is nothing but a gross contempt".

On the advocate general's allegations about failure on the part of the public prosecutor in dropping Rashishkhan as prosecution witness, the bench observed he was not examined because all the summons issued could not be served as he had left for his native place in Uttar Pradesh. "How long can anyone wait for the witness? When the matter is placed before a fast track court and there is always a demand to expedite the trial, then no fault can be found with it (dropping his name)," they stated.

The bench also rejected the state's plea for retrial and bringing on record the affidavits filed by four witnesses, including Zaheera's, on the record of this appeal.

Dwelling on the prosecution's case, the bench also stated that "if the accused were real culprits, then they would not have waited for the whole night, right from 7 pm on March 1 to the next day upto 10 am for killing and assaulting the inhabitants of Best Bakery. The whole night was at their disposal and they would have done it taking advantage of darkness so that nobody surviving the attack could identify them".

The accused and eyewitnesses were neighbours, according to the prosecution case and three of the 14 burnt alive were Hindus.

"When they knew that at least three Hindus were working and staying in Best Bakery, then they would not have killed at least those three of their own community," the bench said. PTI



Zaheera

**BEST BAKERY CASE** 14/1/04



# Advani raises Ayodhya again, courtesy Dalai Lama

STATESMAN NEWS SERVICE

The Dalai Lama favours a mature, far-sighted and open-minded approach to the Ayodhya issue

LK Advani wants a solution that won't be construed as a victory or a loss by any community



ment of the issue through mutual trust and respect — Mr LK Advani called for resolution of differences in a way so that neither party would treat the settlement as "victory or loss".

"If Muslims come forward to cooperate with Hindus in fulfilling their aspirations of building a Ram Temple at Ram Janmasthan, Hindus also should step forward to remove the concerns of Muslims," Mr Advani told a hurriedly-called press conference. He said the NDA government and the BJP had endorsed the Dalai Lama's statements. "This government would not only encourage but also actively participate in any serious effort to settle the issue," he said in a written statement.

The Dalai Lama, who had

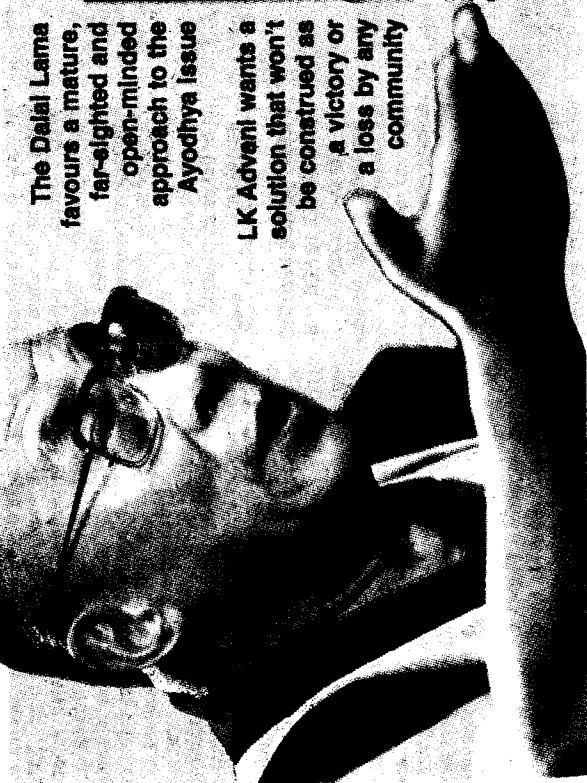
appeared for "a mature, far-sighted and open-minded approach to the issue", also pointed out that Ayodhya's "politicisation only adds to its complexity and makes it more difficult to find an enduring, amicable solution".

Mr Advani, whose *Rath Yatra* in October 1990 had put the Temple at the political centre stage, promised today: "We will use whatever persuasive power we in the government and the BJP have over those who launched the Temple movement to participate in any amicable settlement. I'm sure groups trying to build a temple for Sri Ram will be keen to settle the issue by dialogue."

He said that once a solution was found, "Hindu-Muslim relations will be at a new level."

NEW DELHI, Jan. 9. — Two days before the BJP's national executive meets in Hyderabad to decide on early polls, the government declared today that it was ready to participate in any serious effort to find an amicable settlement of the Ayodhya dispute, which "is not just a *mandir* versus *masjid* issue but concerned the larger relationship between Hindus and Muslims".

An indication of how the government thinks the dispute can be resolved came from the Deputy Prime Minister today. Reacting to an appeal issued by the Dalai Lama in December last year and released by Vipassana *guru* SN Goenka yesterday — for a settle-



Govt Wants To Project Seriousness In The Run-Up To Elections

# Govt, Sangh Parivar back Dalai Lama temple move

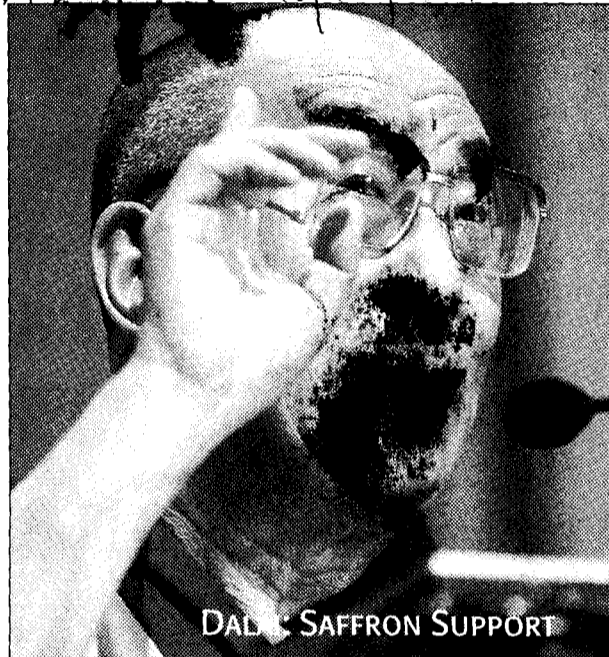
Our Political Bureau  
NEW DELHI 9 JANUARY

THE government and the Sangh parivar have thrown their weight behind Dalai Lama's attempt for a resolution of the Ayodhya dispute, confirming the speculation that the BJP is serious about resolution of the conflict to fortify the feel-good factor.

The Sangh Parivar's support for the endeavour of Tibet's spiritual leader came from the deputy prime minister L. K. Advani, the leader of the temple campaign, with the RSS pitching in with its own support.

Even the prickly VHP, which doesn't take kindly to any intrusion in its temple territory was conspicuously reasonable, ready to give Dalai Lama a go at the nettlesome dispute.

The saffron support for Dalai Lama's initiative at once elevated it to a serious try for the resolving the conflict, confirming the speculation that the BJP, in the run-up to the polls, wishes to be seen as striving for a solution that can strengthen the feel-good factor. With a cease-fire with Pakistan already in place, the BJP appears



to be looking forward for a breakthrough for the attempts to solve the Ayodhya dispute in the hope that it will be a sort of political icing on the feel-good cake made possible by economic factors.

The deputy prime minister, who addressed a press confer-

ence this morning, to welcome Dalai Lama's efforts said the entire government supported the initiative.

He also offered to use his leverage with the saffron outfits for a negotiated settlement to the issue.

"I am sure that we will use whatever persuasive power we in the government and in the BJP have over those who launched the movement for Ram temple at Ayodhya to participate in any amicable settlement," Mr Advani said.

The deputy prime minister's call was quickly reciprocated by the parivar and the VHP said that it will support any effort which respects the "self respect and sentiments of Hindus".

The Dalai Lama project may not result in any immediate or dramatic breakthrough.

However, there were discernible signs about the willingness of known players to look at the issue afresh. For instance, Shahi Imam of Delhi's Jama Masjid came out in support of Dalai Lama's endeavour.

"There is nothing wrong if the government has begun this with election in mind. What is relevant is the level of seriousness and that some progress must be made. But that depends on whether the government is truly interested in a solution," he said. "If the government is interested in solving the issue, then there is a chance," he added.

# Conversion row rerun

OUR SPECIAL  
CORRESPONDENT

**Bhopal, Dec. 31:** The spectre of anti-Christian violence has raised its head again in Madhya Pradesh's Jhabua district, notorious for attacks on churches and missionaries.

About 45 unidentified tribals reportedly came from neighbouring Dahod district of Gujarat and attacked one Pura Chand, who was allegedly converting residents to Christianity. Local police officials said the group tried to burn a place of worship and damaged property and crops.

Additional superintendent of police Dharmendra Chowdhury said that after the tribals stormed into Chand's house, they set a jeep, a motorcycle and a place of worship on fire.

The state government has ordered a probe into the incident, which comes only 23 days after Uma Bharti took over as chief minister.

Uma has asked state director-

general of police S.K. Das to investigate and submit a report to her. Giving a call for peace and harmony, the chief minister also ordered the state police to stay on alert.

Witnesses said jeeploads of tribals arrived in Antarveila village from the "Gujarat side" on hearing that Christian missionaries were planning to convert some residents. There were also reports that the missionaries were going to build a church.

In last five years, the region has witnessed several clashes and attacks. In Jhabua alone, there have been at least a dozen attacks on churches and Christian institutions. Five years ago, clashes following the alleged rape of four nuns rocked the district.

Tension mounted after the RSS built *devalayas* in 3.5 lakh tribal homes in Jhabua and Dhar districts. Several organisations claiming allegiance to the RSS like the Hindu Jagran Manch and the Vanvasi Kalyan Parishad are active in the region.

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The latest round of Assembly polls, too, saw conversion becoming a major agenda in Jhabua. For the first time, the BJP posted an impressive win, netting 37 out of 41 seats reserved for the tribals in the Malwa region.

The mud walls in villages across the district bear testimony to more bloodshed in the offing, with warcries like "Hindu pride", "traitors", "patriotic Hindu youth" and "anti-national forces" staring from several of them.

Local police officials said no particular outfit has been nailed in the rape of the four nuns but investigations into the recent attacks reveal a pattern behind them.

THE TELEGRAPH

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