

BJP President Sings Ram Dhun To Court Sangh, Says He's A Bhakt

Advani sees charge of inciting as revival of Ayodhya cause

Our Political Bureau
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AFTER a special court in Rae Bareilly on Thursday charged him with inciting Hindus to attack the disputed structure at Ayodhya, BJP president LK Advani on Thursday made a loud "I am a Ram bhakt" affirmation to appease the large army of rivals in the sangh parivar.

Addressing a public meeting after the court proceedings where the judge read out charges against Mr Advani and seven others, the BJP president said the revival of the cases will only strengthen the movement for the construction of a grand Ram temple at Ayodhya.

"The struggle for the Ram Mandir is one to be proud of for those who participated in it. Crores of people are wishing for the Ram Mandir dream to come true and I am sure that it will hap-



pen," Mr Advani said.

Mr Advani and seven other defendants, including two of his former colleagues in the Cabinet — Murli Manohar Joshi and Uma Bharati — have been charged with "giving provocative speeches leading to demolition of the structure, creating enmity between two communities and public mischief". Mr Advani and other defendants were released on personal bonds and asked to appear in the next hearing

on August 30.

Mr Advani has always denied charges over his alleged involvement in the destruction of the structure. A local court had in 2003 acquitted him while ordering seven others, including a former minister, Murli Manohar Joshi, to stand trial. But Allahabad High Court overturned the ruling following a petition filed by two individuals — Hashim Ansari and Mehboob Ali — who argued Mr Advani could not be

exonerated while the trial of the other seven continued.

"Case se Ayodhya andolan jeevant ho chuka hai...Purani yadei taaza hongii (The Ayodhya movement has been revived due to this case...old memories will be refreshed), reports quoting Mr Advani said. To a question, Mr Advani said the Ram temple issue had never been put on backburner by the BJP. "It was a matter associated with the faith and belief of crores of Hindus," he said.

The BJP which came out strongly against Thursday proceedings said the case was politically motivated. "We have said earlier that the case is politically motivated and the charges are false. We believe that all eight leaders will be absolved of the charges," BJP spokesperson Sushma Swaraj said. "The CBI will never be able to provide evidence for the charges they have slapped," Ms Swaraj added.

মাদ্রাসা: দ্বিধা ও বিভ্রান্তি

বামফ্রন্ট সরকারের সিদ্ধান্ত, সরকার রাজ্যে আর মাদ্রাসা গড়াবে না। স্কুলশিক্ষা মন্ত্রী ইহার কারণ হিসাবে জানাইয়াছেন, কর্মসংস্থানের ক্ষেত্রে মাদ্রাসা-শিক্ষিতদের অগ্রাধিকার না-পাওয়ার বিষয়টিকে। অংশত ইহা সত্য। মাদ্রাসা-উত্তীর্ণ শিক্ষার্থীরা যে চাকুরির বাজারে, এমনকী স্নাতক স্তরের পাঠ্যক্রমেও মাধ্যমিক, উচ্চ-মাধ্যমিক উত্তীর্ণদের সমান সুযোগ পান না, ইহা বাস্তব। কিন্তু কেবল সেই কারণেই কি সরকার মাদ্রাসা হইতে হাত গুটাইয়া লইতে ইচ্ছুক? মাদ্রাসার সহিত দেশে-বিদেশে ইসলামি মৌলবাদ প্রশিক্ষণের নিবিড় সংযোগের অভিযোগটি আর উপেক্ষা করা যায় না। এবং ইহাই সম্ভবত বামফ্রন্টের দ্বিধার কারণ। আফগানিস্তানের তালিবান গোষ্ঠী পাকিস্তানের মাদ্রাসাগুলিতেই প্রয়োজনীয় প্রশিক্ষণ পাইয়াছিল। আজও যে পাকিস্তানের এই সব মাদ্রাসায় জেহাদি বানানোর প্রশিক্ষণ দেওয়া হয়, সে দেশের সরকারই তাহা কবুল করিয়াছে। প্রেসিডেন্ট পারভেজ মুশারফ জেহাদিদের চটাইবার ঝুঁকি লইয়াও মাদ্রাসাগুলির উপর নজরদারি বাড়ানোর সিদ্ধান্ত লইয়াছেন। সব মাদ্রাসার নথিভুক্তি, মাদ্রাসায় পাঠ্য শিক্ষাক্রমের উপর সরকারি নজরদারি, মাদ্রাসা হইতে জেহাদ বা জঙ্গি ক্রিয়াকলাপের সমর্থন প্রচারের উপর নিষেধাজ্ঞা, ইত্যাদি নানা কড়াকড়ি বলবৎ হইতেছে। বামফ্রন্ট সরকারের সিদ্ধান্ত কি এই প্রেক্ষিতে বিচার্য?

সত্য, মাদ্রাসা মাত্রই জেহাদি বানানোর কারখানা নয়। ভারতে মুসলিমদের নিজস্ব শিক্ষা-প্রতিষ্ঠান বলিতে এই মাদ্রাসাই। সেখানে ইসলামি ধর্মতত্ত্বের পাঠ দেওয়া হয় বটে, কিন্তু অন্যান্য ধর্মনিরপেক্ষ প্রতিষ্ঠানে পাঠ্য বিষয়গুলিও পড়ানো হয়। অধিকাংশ মুসলিম ছাত্রছাত্রীই মাধ্যমিক বা উচ্চ-মাধ্যমিক স্কুলগুলিতে ভর্তি না হইয়া মাদ্রাসাতেই ভর্তি হন। কারণ মুসলিম সম্প্রদায় পরিচালিত এই প্রতিষ্ঠানগুলিতে তাঁহারা স্বস্তি বোধ করেন, এগুলিকে নিজেদের বলিয়া গণ্য করেন। মাদ্রাসা শিক্ষার সহিত এ ভাবেই সংখ্যালঘুর সাংস্কৃতিক আত্মপরিচয়ের প্রশ্নটিও জড়াইয়া গিয়াছে। খ্রিস্টান মিশনারি কিংবা অন্যান্য নানা মিশন পরিচালিত শিক্ষা প্রতিষ্ঠানেও খ্রিস্টীয় বা হিন্দু ধর্মতত্ত্বের শিক্ষা দেওয়া হয়। কিন্তু সে জন্য ওই সব স্কুলের উপর নজরদারি বা নিয়ন্ত্রণ আরোপ বা সরকারি অনুদান প্রত্যাহারের যুক্তি সমর্থনযোগ্য নয়। শিক্ষাক্ষেত্রকে নিয়ন্ত্রণের বামপন্থী অপপ্রয়াস সত্ত্বেও এই সব স্কুল মোটামুটি নিজস্বতা রক্ষা করিতে পারিয়াছে। রাজ্যের ২৬ শতাংশ মুসলিম শিক্ষার্থীর জন্য মাদ্রাসাই একমাত্র ভরসা। বামপন্থীরা ক্ষমতাসীন হওয়ার পর রাজ্যে মাদ্রাসার সংখ্যাও আগের তুলনায় গত আড়াই দশকে দ্বিগুণ বাড়িয়াছে। কোনও কোনও মাদ্রাসায় জেহাদি জঙ্গি তৈয়ারির অনুকূল বাতাবরণ থাকিলেও সে জন্য গোটা মাদ্রাসা শিক্ষা ব্যবস্থাটিকেই দোষ দেওয়া যায় না। অভিযুক্ত মাদ্রাসাগুলিকে চিহ্নিত করিয়া তাহাদের বিপথগামিতা সংশোধন করা উচিত। প্রয়োজনে মাদ্রাসা শিক্ষার পাঠ্যক্রমের সংশোধনও কর্তব্য।

রাজ্য সরকার সে পথে না গিয়া যদি মাদ্রাসা গড়া বা মাদ্রাসাকে স্বীকৃতি দেওয়া বন্ধ করিয়া দেয়, তবে সংখ্যালঘুর শিক্ষালাভের সুযোগ সঙ্কুচিত হওয়ার শঙ্কাও থাকে। আগেই বলা হইয়াছে, মুসলিম সংখ্যালঘুরা মাদ্রাসায় শিক্ষার্জন করিতেই স্বচ্ছন্দ বোধ করেন। তা ছাড়া, সাধারণ স্কুলগুলিতে এমনিতেই অনেক শিক্ষার্থীর ঠাই হয় না, সংখ্যালঘু ছাত্রছাত্রীদের জন্য শিক্ষার সুযোগ সেখানে প্রায় নাই বলিলেই হয়। নূতন স্কুল গড়ার সঙ্গতি সরকারের নাই। তাহার স্থলে শিশু ও মাধ্যমিক শিক্ষাকেন্দ্র গড়ার প্রস্তাব আসিয়াছে। তাহা কি কখনও হাই মাদ্রাসা বা সিনিয়র মাদ্রাসার বিকল্প হইতে পারে? শিক্ষাশিক্ষার সুযোগই যদি না থাকে, তবে কিন্তু জেহাদির সংখ্যা আরও বাড়িবার সম্ভাবনা। অশিক্ষা ও কুসংস্কারাচ্ছন্নতার চেয়ে উর্বর সৃতিকাগার মৌলবাদের আর নাই।

26 JUL 2005

ANANDA...

...IKA

CM was right

Will the party allow a madrasa overhaul?

Three years after the Chief Minister ruffled feathers in the party office by disapproving the instruction imparted in the madrasas, the CPI-M's front organisation of teachers has called for a thorough overhaul. Buddhadeb Bhattacharjee's misgivings that some madrasas might be spreading fundamentalism were expressed in the aftermath of the terrorist attack on the American Center. It made a section of the imams fly off the handle; some had even remarked during Friday prayers that Jyoti Basu was more rational. Pragmatic realism, to use party jargon, now seems to have prevailed and the All Bengal Teachers Association has in a note to the government warned against the excessive emphasis on theological studies. In a departure from conventional wisdom, Left academics have steered clear of the vote bank and a possible psephological swing if things change. There is growing realisation that the madrasa curricula puts students at a disadvantage when they apply for college admission; job prospects must be still more daunting. Intrinsically, the ABTA's recommendations to the school education minister are based on the perfectly rational Kidwai committee report. To bring the content at par with other school leaving exams, the ABTA has suggested that the Higher Secondary syllabi be incorporated in the equivalent *Fazil* course. The other crucial proposal is to reduce the weightage given to Arabic/Islamic studies by half.

The awakening has come rather late in the day and save the Chief Minister, not many are likely to welcome the recommendations. Central to the problem that has now been acknowledged by a section of the Left is the fact that the government never had the nerve to attempt a modernisation of the madrasas. There is little doubt that the Left has left these institutions untouched with an eye on dividend at the hustings. Kanti Biswas still hasn't reacted to the ABTA's memorandum. Little wonder then that no action has yet been taken on the Kidwai report which was tabled in the Assembly exactly a year ago. Despite the Chief Minister's best intentions, the party is unlikely to rock the boat just yet — at any rate, not before next year's elections.

25 JUL 2005

THE STATESMAN

“Minority appeasement” policy draws flak

Special Correspondent *MSK* *10-12*

NEW DELHI: The Bharatiya Janata Party on Sunday accused the United Progressive Alliance Government of following a policy of “minority appeasement.” The political trend, if remained unchecked, would have serious consequences on Indian nationhood, it said.

“The past 14 months have witnessed a concerted bid by the Congress and its allies to both placate and encourage divisive tendencies in the nation. They have not only encouraged regressive trends but have lost no opportunity to denigrate Hindus,” a resolution adopted at the party’s central office-bearers meeting said.

The Congress response to the Supreme Court’s rejection of the Illegal Migrants Determination Act epitomised the problem and the BJP had for long held the view that the “deceitful law has served as a legal cover for the unchecked illegal migration of Bangladeshis into Assam,” it said.

“The BJP sees this wanton disregard of national interests as a bid to placate its minority vote bank which includes people who have no right to vote in India in the first place. The BJP will resist with a mass agitation any attempt to legitimise the Bangladeshisation of Eastern India.”

Uniform civil code

The party reiterated its commitment to a uniform civil code for all Indians and pending such a law, it would press for the review of all family laws to bring them in line with gender justice and modern ethical standards.

Expressing concern over the “spurious secular yardstick” being applied to history taught in schools, the resolution alleged that the Human Resource Development Ministry was systematically vitiating the minds of the young and undermining the cultural basis of the people. It called for the immediate withdrawal of all “offending” textbooks.

End fatwa politics, demand women

Muslim women take out an unusual morcha

Special Correspondent

MUMBAI: An unusual morcha wound its way through Mumbai's Muslim dominated localities on Saturday afternoon. A vociferous group mostly of Muslim women, many wearing the *hijab*, publicly protested against the extra-judicial actions of some religious bodies.

Shouting slogans "Shah Bano, Gudiya, Imrana, the Maulanas are unjust" and "Our government is silent because it is afraid of the Maulanas," the women wanted an end to fatwas and edicts which affected their lives.

Shabnam Qureshi never participated in a demonstration before. This mother of two, wearing a *hijab*, said she decided to protest when she heard the case of Imrana from Muzaffar-

- **Call for end to extra-judicial actions of religious bodies**

- **Belief in judicial and social systems shaken**

- **"Laws applicable to women of other communities must apply to Muslims also"**

nagar in Uttar Pradesh.

"My blood boiled when I heard on television about the way the maulvis insisted that she leave her husband and go to her father-in-law who had raped her," she said. "I believe in religion," she said, "But our religion gives you the right to choose. No one has the right to force their

will on us."

The demonstration was organised by five organisations working with women – Awaaz-e-Niswaan, Women's Research and Action Group, Forum Against Oppression of Women, the India Centre for Human Rights and Law Network and PUKAR gender and space project.

In their statement, they said their belief in the judicial and social systems was shaken by the recent Imrana episode and similar cases. "One can only imagine the magnitude of the unreported cases where thousands of Imranas are being subjected to the most atrocious customary practices and thousands of women are being subjected to such fatwas which infringe on their liberty to live life without fear."

"Let rule of law prevail"

The organisations demanded that the rule of law prevail. "Laws which are applicable to women from the other communities must also be applicable to Muslim women." They asked for an end to the "politics of fatwa" and to "extra-judicial authorities." The Muslim women from Mumbai were additionally agitated over the growing incidence of clerics insisting that there be no dancing and singing at the mehndi ceremonies preceding weddings and that no photographs be taken at weddings.

Even watching cable television was prohibited by some maulvis, said the women. "Weddings are one time when women can celebrate and enjoy themselves," said one of them. "Why should we be denied that right?"

2 JUL 2005



Ashok K Mishra
PATNA 20 JULY

ALL it a big time event, if you like! You may even hope to see a titanic clash when the event unfolds. For the agenda has been set and the stage ready for "comrade in arms" Lalu Prasad Yadav and Nitish Kumar. Both the RJD chief Lalu and his bete noire the JD(U) big boss Nitish Kumar should predictably have a crack at each other when

Lalu, Nitish to debate quota for minorities

they appear on a common platform here on July 23. Unpredictably, the two arch rivals may instead prefer to sing a common tune on the occasion. As the topic on which they have been invited to speak concern the reservation question for minorities.

The All India Pasmamda Muslim Welfare Society, which Mr Mahaj and the Bihar Pradesh are organising the national conference on "Save reservation for the minorities" said, both Lalu and Nitish Kumar readily gave their acceptance for ensuring their participation in the event.

"We have also extended invitation to LJP leader Ram Vilas Paswan but we have not heard anything so far from his end. Yes, it would be great if Paswanji too turns up for the conference," Ali Anwar, president of All India Pas-

mamda Muslim Mahaj, told ET. Organisers feel the conference would be a cracker of an event if Mr Paswan agreed to participate at the conference.

Mr Anwar said they had invited representatives of all the parties, save the BJP which he branded as a communal outfit. The fact that the topic chosen for the national conference is politically a very sensitive issue, it is doubtful that both Lalu and Nitish will cross words in course of time espousing the cause of reservation for minorities.

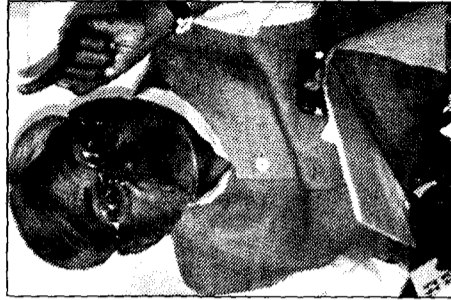
It will not be a big surprise if Nitish came on the firing line of Lalu, who has accused him of playing in the lap of "communal" BJP. As for Nitish, he may as well return the compliments — as he has done in the past that Lalu had

done nothing for the cause of minorities during the last 15 years.

The reservation proposal for minorities is now being fiercely debated as a section within is opposed to any proposal allowing reservation on the basis of backwardness and economic condition.

"We are vehemently opposing the Ranganath Mishra Commission, which has been constituted by the UPA government to consider the case of reservation for minorities on the basis of their economic condition and educational backwardness. This is unconstitutional as the

constitution fathers have allowed reservation on the basis of social and educational backwardness," president of All India Pasmamda Muslim Samaj, Ali Anwar said adding "there is no reference of the economic backwardness Cri-



terion in the Constitution for allowing reservation to any community in government jobs and educational institutions."

Mr Anwar said, the religion based reservation formula would be unconstitutional and will lead to communal polarisation. "If the economic criterion for reservation is taken into account, the higher castes among the Muslims, constituting no more than 20%, will corner all the benefits," Mr Anwar added.

21 JUL 2005 The Economic Times

ABTA wants madrasah makeover for students

Soumitra Nandi
in Kolkata

July 19. — Excessive emphasis on theological studies has placed the madrasah students at a disadvantage in the job market and is preventing them from going in for graduation and higher studies, feels the CPI-M's teachers' wing, the All Bengal Teachers' Association.

The ABTA has recommended that all subjects taught in the higher secondary curriculum be introduced in the *Fazil* course — equivalent to HS — in the madrasahs. This would enable madrasah students go in for graduation without facing difficulties.

"The existing syllabus in the senior madrasahs, with too much focus on theological studies, is thwarting the success of the Muslim youths in the job market. Our recommendations are geared at modernising the education imparted at the senior madrasahs," said Shibaprasad Mukherjee, general secretary of



Behind times?

ABTA. A memorandum has been submitted by ABTA to the state school education minister, Mr Kanti Biswas, recommending a change in the Alim and Fazil courses of the West Bengal Board of Madrasa Education that governs 103 madrasahs in the state.

The vice-president of ABTA, Mr Mozammel Haque, said: "In the Alim examination of the senior madrasah system, 450 marks are allotted to Arabic language and

Islamic Studies. But we, on the basis of the Kidwai Committee report, want to reduce it to 200 marks so that it can equal the syllabus of the West Bengal Board of Secondary Education."

Mr Haque added that a certain section of the Muslim population has been vocal in trying to make the *Fazil* education equivalent to the higher secondary council's syllabus. But an official in the school education department said: "We will look into the matter and consult the teacher's organisations before making a decision."

Mr Abdus Sattar, president of the West Bengal Board of Madrasah Education said: "The ABTA's recommendations are based on the Kidwai committee report which has been already placed in the Bidhan Sabha on July 30th last year. It's the state education department which will decide whether or not to implement the recommendations. Till date we have received no response from the education department."

20 JUL 2005

THE STATESMAN

কংগ্রেসের দিকে তির সত্যেন্দ্র-আত্মকথায়

স্টাফ রিপোর্টার, পটনা, ১৬ জুলাই: বিহারের দুই কংগ্রেস নেতার বিরোধের জেরেই ভাগলপুরের ভয়াবহ সাম্প্রদায়িক দাঙ্গা হয়েছিল বলে সদ্য প্রকাশিত আত্মজীবনীতে স্বীকার করেছেন বিহারের প্রাক্তন মুখ্যমন্ত্রী এবং প্রবীণ কংগ্রেস নেতা সত্যেন্দ্র নারায়ণ সিংহ।

এই স্বীকারোক্তি বিহারের রাজনীতিতে হইচই ফেলে দিয়েছে। ভাগলপুর দাঙ্গার সময়ে সত্যেন্দ্র বিহারের মুখ্যমন্ত্রী পদে ছিলেন। ১৯৮৯ সালের এই দাঙ্গায় দেড় হাজারের বেশি মানুষ মারা যান। নিহতদের বেশির ভাগই ছিলেন সংখ্যালঘু সম্প্রদায়ের।

যে কংগ্রেস নেতাদের বিরোধের জেরে এই দাঙ্গা হয়, আত্মজীবনীতে তাঁদের নাম উল্লেখ করতেও ছাড়েননি সত্যেন্দ্রনারায়ণ। তিনি লিখেছেন, ওই সময় আণ্ডনে যি ঢালার কাজ করেন রাজ্যের আর এক প্রাক্তন মুখ্যমন্ত্রী ভাগবত বা আজাদ এবং বিধানসভার স্পিকার শিবচন্দ্র ঝা। ভাগবত মুখ্যমন্ত্রী পদে থাকার সময় এই দাঙ্গা শুরু হয়েছিল। পরে কংগ্রেস হাইকমান্ড ভাগবতকে মুখ্যমন্ত্রী পদ থেকে সরিয়ে

সত্যেন্দ্র নারায়ণকে ওই পদে বসায়। সত্যেন্দ্রনারায়ণের এই স্বীকারোক্তি নির্বাচনের আগে এনডিএ জোটের হাতে এক বড় অস্ত্র তুলে দিল। ভাগলপুর দাঙ্গা প্রসঙ্গে লেখা তাঁর আত্মজীবনীর এই পরিচ্ছেদটি নিয়ে এর মধ্যেই প্রচার শুরু করেছেন জেডিইউ নেতা নীতীশ কুমার এবং বিজেপি-র রাজ্য সভাপতি সুশীল মোদী। তাঁদের আক্রমণের মুখে পড়ে পিঠ বাঁচাতে উঠেপড়ে লেগেছেন কংগ্রেস নেতারা।

রাজ্য কংগ্রেসের সভাপতি সদানন্দ

সিংহ দাঙ্গা-প্রসঙ্গ এড়িয়ে বলেছেন, “এই বইটি সত্যেন্দ্রের স্মৃতিচারণ। এ ব্যাপারে দলের কিছু করার নেই।” অন্য দিকে, বিজেপি নেতা শাহনওয়াজ হুসেন ফের এই দাঙ্গার তদন্ত দাবি করেছেন। তাঁর বক্তব্য, “সত্যেন্দ্র নারায়ণের এই আত্মজীবনী থেকে স্পষ্ট হয়ে গিয়েছে, ভাগলপুর দাঙ্গা হিন্দু-মুসলিম সম্প্রদায় করেনি। এই দাঙ্গা করিয়েছেন কংগ্রেসের নেতারা।”

গত মঙ্গলবার পটনায় প্রতিরক্ষা

মন্ত্রী প্রণব মুখোপাধ্যায় প্রবীণ এই কংগ্রেস নেতার আত্মজীবনী ‘মেরি ইয়াদে, মেরি ভুল’ প্রকাশ করেছিলেন। বইটি প্রকাশ হওয়ার পরেই ভাগলপুর দাঙ্গা প্রসঙ্গে লেখা প্রাক্তন মুখ্যমন্ত্রীর স্মৃতিচারণ চাঞ্চল্যের সৃষ্টি করে। প্রবীণ এই কংগ্রেস নেতা এই আত্মজীবনীতে জানিয়েছেন, ভাগলপুর দাঙ্গা দুই কংগ্রেস নেতার বিরোধের ফল। তাঁদের চক্রান্তেই এই দাঙ্গা বাড়তে পেরেছে বলে তিনি এই আত্মজীবনীতে মন্তব্য করেছেন।

এই আত্মজীবনী রাজনৈতিক মহলে বিতর্ক সৃষ্টি করবে বুঝেই তিনি বই প্রকাশের সময়ে বলেছিলেন, “আমার এই স্মৃতিচারণ অনেক লোকের বিরুদ্ধে যাবে। তাঁরা যেন আমাকে মার্জনা করেন।”

প্রাক্তন মুখ্যমন্ত্রীর এই আত্মজীবনী নির্বাচনের আগে কংগ্রেস এবং তাঁর জোটসঙ্গী লালুপ্রসাদকে বিপাকে ফেলতে পারে বুঝেই প্রচারে নেমে পড়েছে এনডিএ। জেডিইউ নেতা নীতীশ কুমার বলেন, “ভাগলপুরের

দাঙ্গার পিছনে কংগ্রেস নেতাদের চক্রান্ত ছিল, তা খোলাখুলি বলেছেন সত্যেন্দ্র। সংখ্যালঘু সম্প্রদায়ের উপরে কংগ্রেসের প্রেম যে কত বড় ধোঁকা, তা এই আত্মজীবনী প্রমাণ হয়ে দিয়েছে। কংগ্রেসের জোটসঙ্গী লালুপ্রসাদের উচিত, এই ব্যাপারে নিজের অবস্থান স্পষ্ট করা।” অন্য দিকে, রাজ্যের আর এক জন প্রাক্তন মুখ্যমন্ত্রী জগন্নাথ মিশ্রও এই ব্যাপারে সত্যেন্দ্র নারায়ণের সমর্থনে নেমে বলেন, “দাঙ্গা নিয়ন্ত্রণে তেমন কোনও ব্যবস্থা নেওয়া হয়নি এ কথা সত্য। পরে যখন ব্যবস্থা নেওয়া হয়, তখন তা নিয়ন্ত্রণের বাইরে।”

প্রাক্তন এই নেতা লালুপ্রসাদেরও সমালোচনা করে বলেন, “১৯৮৯ সালে লালুপ্রসাদ লোকসভায় বলেছিলেন, কংগ্রেসই অধিকাংশ দাঙ্গার পিছনে রয়েছে। রাজীব গান্ধী মুসলিম এবং দলিতদের নিরাপত্তা দেননি। এর পরেও কংগ্রেস ১৯৯৭ সালে লালুকে সমর্থন করেছিল।” বর্তমানে জেডিইউ নেতা জগন্নাথ মিশ্র-র অভিযোগ, লালুপ্রসাদ মুখ্যমন্ত্রী হওয়ার পরেও ভাগলপুর দাঙ্গায় ক্ষতিগ্রস্ত মুসলিমরা সুবিচার পাননি।

ভাগলপুর-দাঙ্গা

17 JUL 2001

ANADAB...

◁ TWO LASHKAR MEN HELD; 2 SLAIN MILITANTS IDENTIFIED

Pak outfit hand in Ayodhya attack

Statesman News Service

JAMMU/AYODHYA, July 15. — In a major breakthrough in the terror strike at the make-shift temple in the Ramjanambhoomi-Babari Masjid complex in Ayodhya, police today busted a Pakistan-based Lashkar-e-Taiyaba module behind the attack and arrested two of its cadres from Mendhar in Poonch.

DGP Uttar Pradesh Mr Yashpal Singh said all the five militants killed were "foreign nationals". They stayed in New Delhi before leaving for Ayodhya on 24 June. The police identified two of the slain militants as Yunus and Arshad.

Addressing a press conference in Srinagar today, DGP Mr Gopal Sharma said the arrested men were providing logistical support to the militants who carried out the attack.

"Calls were traced from a mobile phone found at the encounter site which led to the arrests of Mohammed Naseem and Asif Iqbal," he said.

During interrogation Naseem said he was contacted by Qari, a Lashkar commander. It was at his insistence that he purchased a mobile set. It was passed on to Asif who was contacted by two militants Dawood and Umar at Sakhi Maidan in Mendhar. They gave him Rs 1 lakh. Asif visited Srinagar in the third week of May, where he met Adnan, a LeT member at whose instance he got his Tata Sumo.

The militants have disclosed during their questioning that they had concealed the weapons very tactfully in the Tata Sumos. Although their vehicles were stopped at many places, the security agencies could not detect the arms, they told the interrogators.

The militants who attempted to carry out the suicide attack near the makeshift temple were speaking Sindhi or Baloch dialects, police said in Ayodhya.

"Initially we thought the arms came from Bangladesh or Nepal. Now it is confirmed that they came from the Lashkar route," the UP DGP said.

Two of the five terrorists involved were said to have won many hearts in the Delhi

neighbourhoods where they lived for months.

"Our investigating teams have found that Yunus and Arshad made great friends with those in their neighbourhood," Mr Singh told reporters here today. They, however, lived in different areas near Vasant Kunj in south Delhi.

"Yunus did his best to portray himself as a good Samaritan by instantly offering Rs 3,000 to an ailing neighbour who needed immediate hospitalisation." Arshad, who posed as a vegetable seller, was known to be very friendly with neighbours. Yunus' roommate Mehmood posed as a keen learner of English. "Students at the private institution where he joined a three-month rapid English language learning course told our investigating team that Mehmood was always very friendly to his classmates," Mr Singh said.

"He would easily win friends with his sweet talk and by offering to take them out for food," he said.

Arshad purchased a Hutch mobile phone SIM card from Sultanpur on 2 May, after which he spent 10-15 days in Akbarpur. Yunus and Arshad were said to have made a few trips to Faizabad and Ayodhya in June.

Police are trying to ascertain whether the terrorists had any connections in these three towns or they just walked in as visitors, as they had done in New Delhi.

Grenade found

A live hand grenade was recovered today from behind Sita Rasoi, police said. Security personnel spotted a shining object lying on the grass behind Sita Rasoi. On close observation, it was found to be a grenade.

It was handed over to the anti-bomb squad for defusal.

Probe into LeT link to blasts

LONDON, July 15. — Investigators are examining whether there's a link between the men who carried out the London bombings and the Pakistan-based cells of Al-Qaida terror network, including the Lashkar-e-Taiyaba, the city's police chief said today even as the Egyptian authorities arrested a chemist in connection with the attacks.

Metropolitan Police Commissioner Sir Ian Blair confirmed that police were focusing on a Pakistan connection. Sir Ian told BBC radio that police believed they would discover an Al-Qaida link to the blasts.

Pakistani intelligence officials said today that local authorities were probing a link between one of the three British-born Pakistani bombers and two Al-Qaida-linked militant groups in that country, including a man arrested for a 2002 attack on a church near the US Embassy, two senior intelligence officials at two separate intelligence agencies said.

The investigation is focusing on at least one trip to Pakistan in the past year by Shahzad Tanweer(22). One of the officials said that while in Pakistan Tanweer is believed to have visited a radical religious school run by LeT in Muridke, 35 km north of Lahore. Journalists who have travelled to the school in the past have been threatened and prevented from entering.

— AP

16 JUL 2001

Minorities will be protected, says Gogoi

Special Correspondent

GUWAHATI: The Assam Government on Wednesday asked all deputy commissioners and district superintendents of police to ensure that no genuine Indian citizens were harassed in their districts in the name of detection and deportation of illegal migrants.

This was revealed by Chief Minister Tarun Gogoi at a press conference after a meeting of the Council of Ministers earlier to review the situation following the Supreme Court striking

down the Illegal Migrants (Determination by Tribunals) Act 1983. Mr. Gogoi declined to make any comment on the judgment saying that the State Government was yet to see a copy of the judgment.

He, however, said that the Government would explore the possibility of ensuring some sort of legal protection to minorities under the Foreigners Act 1946 in consultation with the Congress high command and the UPA Government at the Centre.

Security has been beefed up throughout the State in view of

the call for Assam bandh given by the two factions of the All Assam Minorities Students' Union (AAMSU) for Thursday and Friday.

The United Minorities Front has also come out in the support of the bandh which has been called to protest the failure of the Congress Government to sincerely fight the legal battle in the apex court.

UMF president Hafiz Rashid Choudhury said that his party has convened a meeting of all minorities organisations on July 16 to discuss the situation aris-

ing out of the striking down of the Act and to decide the next course of action.

Choudhury said that minorities bodies would explore the possibility of filing an appeal in the apex court or to raise the demand for enactment of new legislation that would be applicable throughout the country.

The All Assam Students' Union (AASU) on the other hand, while welcoming the Supreme Court verdict, had appealed to the minorities not to panic and promised full protection to all pre-1971 migrants.

14 JUL 2 1983

IMDT repeal: Gogoi vows to protect minorities

SAMUDRA GUPTA KASHYAP
GUWAHATI, JULY 13

A DAY after the Supreme Court struck down the Illegal Migrants (Determination by Tribunal) Act, Assam Chief Minister Tarun Gogoi is worried that minorities might be harassed and discriminated against.

The Congress leader says his Government is committed to protect them. "The Government has asked the deputy commissioners and SPs to remain vigilant against any harassment of minorities," Gogoi said today.

He parried a question on the political implications of the apex court judgment. "At the moment we accept the judgment of the Supreme Court, but we can give our exact views only after we get the full copy of the judgment and consult experts," he added.

Gogoi criticised the All As-



Assam CM Gogoi

sam Students' Union (AASU), Asom Gana Parishad (AGP) and the BJP for dubbing the minorities Bangladeshi infiltrators. "These groups have been always trying to harass the minorities. That is why we had always supported retention of the IMDT Act," he said.

The Chief Minister admitted that detecting minorities under the Act was slow but added that "it is a fact that minorities always felt secure with the IMDT Act in force".

The Chief Minister brushed aside allegations that the Congress uses minorities and "Bangladeshis" as vote-banks, saying minorities have not always voted for his party. "The minorities did not vote for the Congress in 1985. In 1991 too only a section of them supported (us). In 1996, they again went against us. It was only in 2001 that they supported us more than the previous three elections," he said.

The All Assam Minorities' Students Union (AAMSU) has called a 10-hour bandh tomorrow to protest the alleged inaction by Congress Governments at the state and Centre in preventing the IMDT Act from being struck down.

The BJP, which claims it helped strike down the Act, has asked public to foil the bandh. "The AAMSU is an agent of Bangladeshi infiltrators," an appeal by a state BJP leader said.

14 JUL 2005

INDIAN EXPRESS

IMDT Act verdict hits Cong hard

Party might lose its minority vote bank

RAHUL Karmakar
Guwahati, July 12

THE CALCULATORS are out in Assam following the Supreme Court verdict on the contentious IMDT Act. With the next Assembly election less than a year away, the obvious question doing the rounds here is: which party will extract the maximum mileage out of it?

The verdict appears to have hit the Congress – which has always been in favour of a status quo on the IMDT Act – hard. The Congress has been enjoying the lion's share of the Muslim votes in Assam. Accounting for 30.9 per cent of the state's population, the Muslims hold the numerical upper hand in six districts and control the fate of candidates in 35 Assembly constituencies, besides being a partial deciding factor in a dozen more seats.

What the Act is about

ACCORDING TO the foreigners' Act, 1946, and almost all acts across the world, the onus of proving whether one is an illegal migrant or not is on the accused. It was the opposite in the case of the Illegal Migrants (Determination by Tribunals) Act of 1983. "Necessitated" by the Nellie massacre in February 1983, the Act was framed as a safeguard against harassment of minority Indian citizens, but those opposed to it found it unwieldy and impractical.

ing to the increasing immigrant presence – have also been loyal to the AGP. Tuesday's "victory" by a single AGP MLA, named Sarbananda Sonowal, has understandably made the party upbeat, but it is wary of over-reacting for obvious reasons.

No party can ignore the Muslim factor during the elections, particularly because of fragmentation of the state into several tribal autonomous councils, where affinity to tribes matters more than parties. Besides, the AGP has been preoccupied with internal problems. It is staring at a split following the expulsion of former chief minister Prafulla Kumar Mahanta, who was viewed as more minority-friendly than party president Brindaban Goswami.

Though seemingly ill-timed, political observers say the Supreme Court verdict could have thrown the ruling Congress a lifeline to beat the anti-incumbency factor that has seen no party retain power for the past 25 years.

The second-largest chunk of en masse voters are the tea tribes, who hold sway in 28-30 Assembly constituencies. The bulk of the tea tribe voters have been pro-Congress until the AGP started making inroads in the mid-1990s, followed by the BJP.

The makeover of the AGP from a pro-Assamese party to one reaching out to the "greater Assamese society" comprising all religious and linguistic groups saw Muslims being attracted towards it in the 1990s. The Assamese Muslims – they have often resented the identity crisis ow-



Aasu supporters in Guwahati celebrate over the Supreme Court's verdict on the IMDT Act on Tuesday.

HOW DIFFERENT PARTIES REACTED

"I just heard the SC verdict. I will comment only after I see the judgment. The Act was formulated for legal protection of the genuine minority people. We are for permanent solution of foreigners' problem of the state."

BHUBANESWAR KALITA
President, Assam Congress

"It is a landmark judgment for people of Assam. This is the victory

of indigenous people of the state."
SAMUJJAL BHATACHARYA
Adviser, Aasu

"We welcome the verdict. It was because of Congress thousands of illegal Bangladeshis crossed over to the state. The verdict proved Congress had tried to make Assamese people a minority in their own homeland."

BRINDABAN GOSWAMI,

President, AGP

"We are happy that Supreme Court has scrapped the Act which was Congress' brainchild. The party tried to capitalise it keeping an eye on vote bank politics. Besides, it was applied only in Assam."

INDRAMONI BORA,
President, Assam BJP

"We are happy that SC has re-

pealed the Act. Now, the state and Central government must implement the Assam Accord."

PRAMODE GOGOI
President, Assam CPM

"Though SC struck down the Act, the Centre must make arrangements for protection of minority people of the state."

UDDHAB BARMAN,
Secretary, Assam CPM

CHRONOLOGY OF EVENTS



DECEMBER 1, 1979:

All Assam Students Union (Aasu) headed by Prafulla Kumar Mahanta launches anti-foreigners Assam agitation

FEBRUARY 18, 1983:

About 2,000 Muslims were massacred at Nellie near Guwahati. The then Prime Minister Indira Gandhi asks chief minister Hiteswar Saikia to ensure a mechanism for safety of minorities in Assam

DECEMBER 12, 1983:

IMDT Act introduced and passed by Parliament after Assam lawyer (later minister) Abdul Muhib Mazumdar drafted it

AUGUST 15, 1985:

Assam Accord, which talks about amendment of IMDT, was signed between Centre and Aasu. Mahanta was among the signatories



Andhra gives reservation to Muslims

No benefits should be given on the basis of religion: BJP

PRESS Trust of India
Hyderabad, July 9

ANDHRA PRADESH has become the first state to categorise Muslims among backward classes and provide five per cent reservation to them in government jobs and educational institutions.

Expectedly, the move has triggered a political storm and hit a legal hurdle with the opposition BJP and other Sangh organisations raising objection to "religion-based reservations" and warning that it could lead to "communal tensions".

"Reservations based on religion are not justified in a secular country like India. We are not opposed to helping the poor among minorities but treating the entire community as backward and providing reservations is anti-constitutional," state BJP president N. Indrase-na Reddy said.

While the BJP termed the decision as "yet another reflection of vote bank politics and appeasement of minorities," the ruling Congress said it has fulfilled one of its key poll promises and the move would go a long way in addressing the socio-economic problems faced by the minorities.

Expectedly, the reservation policy drew flak from the saffron party. "It is clear that Muslims are lag-

ging behind socially, economically and educationally. Providing reservations is the surest way to ensure justice," chief minister Y.S. Rajasekhar Reddy said.

The Congress government come out with quota system after overcoming an initial legal setback. Muslims constitute 9.2 per cent of the state's total population of 7.5 crore. However, the creamy layer among Muslims, with an annual income above Rs 2.5 lakh, will be excluded from the purview of reservations.

The state Cabinet had last month approved a report of the Backward Classes Commission, which had recommended inclusion of Muslims in the list of backward classes by creating a separate category and providing five per cent reservation in jobs and education.

Muslims in Andhra Pradesh will now be treated as BCE category for the purpose of reservations in employment and admissions into educational institutions. With this, the total percentage of reservations in the state has gone up to 51, exceeding the 50 per cent ceiling suggested by Supreme Court.

The Congress government, however, justified the quota exceeding 50 per cent on the ground that scheduled castes, scheduled tribes, backward classes and Muslims together accounted for 77 per cent of the state's population and deserved affirmative action by way of 51 per cent reservation.

"The apex court had allowed reservations beyond 50 per cent ceiling in case of extraordinary circumstances which exist in the state," the chief minister said.

Interestingly, the main Opposition TDP, which had also promised three per cent reservations for minorities in its poll manifesto last year, is silent on the government's decision.

The quota move has set off fears of possible dilution of existing reservations for backward classes. The chief minister, however, said the existing 25 per cent reservation for backward classes, who constitute 45 per cent of the state's population, would not be reduced.

According to the 1991 census, there were 64 lakh Muslims in the state. According to a survey conducted by the state Minorities Commission, about 65 per cent of Muslims were living below poverty line with a literacy rate of only 18 per cent as against 44 per cent among other communities.

10 JUL 2005

THE HINDU

"Do not politicise Ayodhya attack"

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10.12

The country needs to stand united: Sonia Gandhi

Special Correspondent

MANKAPUR (UTTAR PRADESH): Chairman of the National Advisory Council Sonia Gandhi on Thursday asked the Opposition parties not to politicise the attack at Ayodhya and urged the people to maintain communal harmony.

Speaking at a function held here to inaugurate a mobile equipment manufacturing unit of ITI at Mankapur in Gonda district, Ms. Gandhi said the country needed to stand united against the divisive forces. "What has happened in Ayodhya is not a political issue but an issue that concerns the entire country and harmony. Acts like this hurts the very soul of India. The perpetrators of this act are enemies of this country and the

"The perpetrators of this act are enemies of this country and the society"

society," she said.

Ms. Gandhi said that everyone should unite and stand like a rock against these forces so that their evil designs were throttled and they could not rear their ugly head again.

Pat to security personnel

Ms. Gandhi also complimented the security personnel who fought valiantly. "I wish a speedy recovery so that they can once again serve the nation with their held high," she said.

Deviating from the prepared text, Ms. Gandhi began by reac-

ting to the Ayodhya attack.

In a message to the Left allies of the ruling United Progressive Alliance, Ms. Gandhi said the UPA Government was committed to reviving the sick public sector units.

A revival of the ITI would help the country march ahead in the technology.

"The thrust to technology enhancement is every essential for the growth of the country. The revival package for ITI is aimed to help the country to move ahead in the science and technology sector."

Later, she handed over the first base station (BTS) manufactured by ITI in association with French major Alcatel at Mankapur to the Bharat Sanchar Nigam Limited and the Mahanagar Telephone Nigam Limited.

Ayodhya and Indore

Shame, and more shame

Regardless of what political gain might accrue from its orchestrated protest over the terrorist strike at Ayodhya — significantly, there was little response from outside the saffron fraternity — the BJP will find its claim to being a disciplined organisation further eroded by what it engineered at Indore airport on 6 July. First things first, though. That a terrorist strike took place at Ayodhya shows that some groups remain committed to creating unrest within the country. Next, accusations to the contrary notwithstanding, there is nothing to suggest that the policemen at the site reacted less than adequately. The terror attack was foiled, and the terrorists killed. Whether the UP Government failed to react to intelligence warnings or not must be seen in the context of the working of intelligence agencies; they have and continue to file routine and generalised reports. The fact though is that if every such report were taken at face value, police forces would be running around in circles.

Political reaction to the Ayodhya attack was on predictable lines, but the BJP's antics at Indore were not. While public buses and trains have long been targets of political protesters, airports were generally left untouched. Operations might have been affected because the airport or airline staff responded to a bandh call, but there would be few precedents of forcible entry to the apron and gheraoing a plane due for departure. Whether the local authorities contributed to the mischief is worth probing, Madhya Pradesh is BJP-controlled, but even if that is not the case the affair cannot be written off as a security lapse and some police officials penalised. Those who selected the operational area of the airport as a venue of protest and who led the mob there have to be taken to severe task. It is most unlikely that the top leadership of the party will have the moral courage to condemn what took place and crack the whip on those responsible. The excuse trotted out will be that some small-time "netas" led the show and things went out of their control. That simply will not wash. The protest call was issued at the highest level and those who profess to national leadership cannot duck the issue. Messing around with the functioning of airports can put lives to risk. Not that the BJP has a monopoly on this kind of irresponsible misconduct, other parties are equally guilty. Yet having broken new ground, the BJP must accept that it has blackened its face. If "face" means anything to politicians.

08 JUL 2005

THE STATESMAN

After Ram, blow to Lal Krishna

BJP chief to face trial

RADHIKA RAMASESHAN

New Delhi, July 6: A day after the Ayodhya terror attack, a bolt from the court struck Lal Krishna Advani, pushing modern India's most divisive dispute from the wings to centre stage.

The Lucknow bench of Allahabad High Court today set aside a lower court order discharging Advani in the Babri mosque demolition case.

Advani will now have to stand trial with seven other Sangh parivar leaders — Murli Manohar Joshi, Uma Bharti, Giriraj Kishore, Ashok Sing-

Case history, Page 6

hal, Vinay Katiyar, Vishnu Hari Dalmiya and Sadhvi Ritambhara.

Justice Y.R. Tripathi struck down a 2003 order of a Rae Bareilly court and asked Advani to appear before the trial court on July 28.

Like yesterday when news of the militant attack came in, the BJP's first reaction was to go on the offensive. But Advani, who described yesterday's attack as a strike on "a symbol of our national security", dismissed calls for holding protests and demonstrations, sources close to him said.

He said it was a "personal matter" which would be fought by his legal aides. At 3 pm, spokesperson Prakash Javadekar said: "Our legal experts are studying the order and

once that is done, the necessary steps will be taken."

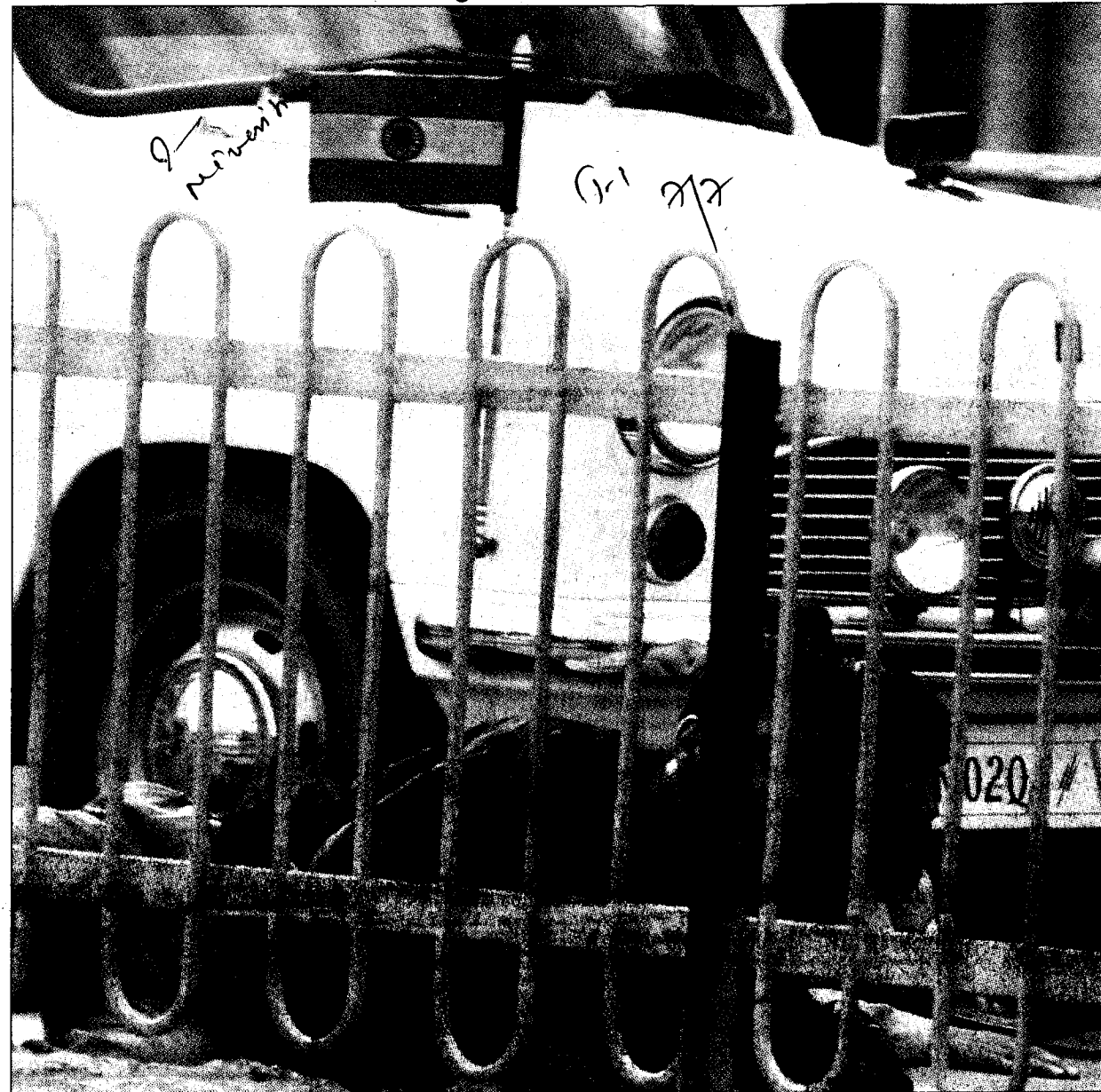
The court order said Advani and the others would be charged and tried under "section 149 and sub-section (1) of 505 of IPC read with section 149". The sections deal with provoking and indulging in rioting and making communally divisive speeches.

To breathe life back into the BJP's listless cadre, Javadekar added: "We will fight the Ayodhya battle on two fronts: among the people and in the court."

Sources said Advani did not wish to conflate a personal matter into a political one for fear that the Sangh parivar unity after the terror attack could get weakened, given his bitter relations with the RSS.

There was a feeling in the BJP that the court order could make a "martyr" of the party chief. Advani has never answered the court's summons in the past, but the sources claimed that this time he might go to make a "political" and "moral" point. They hoped that this would restore his bona fide as the "author" of the Ram temple "movement".

Advani used the protests the BJP held today as a forum to assert that his heart was with Ram. "The Ramjanmabhoomi issue, which had got buried, has come alive again," he said. But he was not about to launch another rath yatra. "Our party believes in resolving the issue either in court or through talks."



Security officers of Syed Bashir Ahmad, Kashmir's public health engineering and irrigation minister, take cover during a militant attack on him in Srinagar on Wednesday.

Bashir was unhurt but three of his escorts were injured. The minister sat trapped in his bullet-proof car for 30

minutes as the rebels fired indiscriminately from their automatic weapons.

The strike happened in one of the state's highest security zones, just a day after the terror attack in Ayodhya following which a nationwide alert was sounded. (Reuters) ■ See Page 6

Toiba? Maybe, maybe not

TAPAS CHAKRABORTY

Ayodhya, July 6: Clothes bearing Nepalese and Korean logos, weapons with Chinese markings, bank notes, a diary — these are the clues police have to go upon as they struggle to establish the five Ayodhya attackers' identity.

The militants who got to within 70 metres of the makeshift Ram temple at the disputed site were Kashmiri youths from the Lashkar-e-Toiba, the police believe.

But central intelligence agencies, which despatched investigators to Ayodhya today, are not so sure. New Delhi neither denied nor confirmed the suspicion, triggering speculation that it was not Lashkar but some other organisation.

"Normally, our task is made easier by the claims made by militants within 24 hours of an operation, but this time that has not happened," said Yashpal Singh, director-general of police, Uttar Pradesh.

Some of the militants' T-shirts were Korean brands and the sleuths are trying to find out where they had bought them. A few of the shirts, shorts and trousers they wore appear to have been bought in Nepal.

The militants, the police believe, spent some time in Kathmandu before travelling to Uttar Pradesh via Bahraich and Nepalgunj.

They might have stayed in Akbarpur for a few days and befriended members of a political party, whose name the investigators wouldn't reveal.

The police suspect the gang came down to Ayodhya three days before the attack, probably on a reconnaissance, but spent most of their time in Lucknow and Akbarpur. On the day of the attack, they apparently came to Ayodhya from Akbarpur, changing cars at Faizabad.

The militants carried over Rs 50,000 in fresh notes and the police are trying to find out which bank they had drawn it

Ayodhya: Pages 6 & 8

from. A diary with telephone numbers of several contacts, a few documents and a cache of arms, too, were recovered from their bags.

"Once these contacts' identities are established, we can tie up several loose ends," a senior police officer said.

"We have contacted the Jammu and Kashmir police for verification of some points on the possible identity of the attackers," the state police chief said.

The police have turned to two young men they had arrested in Lucknow in April on suspicion they were Lashkar agents.

The 19-year-olds, who carried a map of Ayodhya, are being questioned about yesterday's attackers.

Politics overtakes terror attack

Shahid Pervez
in New Delhi

July 6. — Politics has overtaken the Ayodhya terror attack, with contradictory voices and stands emerging from political parties and alliances depending on their convenience and compulsion. Political foes find themselves on a common ground while allies appear on a divided wicket on the issue.

The political rivals, the Congress and the Samajwadi Party, are suddenly on the same side since the Ayodhya attack raised questions about “security lapses” and “intelligence failures” relating to their respective governments at the Centre and in UP.

Although some UP Congress leaders, including the UP PCC president Mr Salman Khurshid and the Union minister of state for home Mr Sriprakash Jaiswal, yesterday sought to blame the Mulayam Singh Yadav government for “security lapses” leading to the Ayodhya attack, the Congress central leadership seems to have snubbed them by steering clear of any such allegations.

The AICC has actually gone into overdrive praising the efforts of the CRPF and other security forces for foiling the terrorists’ nefarious designs. The Congress supremo Mrs Sonia Gandhi has expressed her gratitude to the security forces.

The AICC spokesperson Mrs Jayanti Natarajan today said: “The Congress does not make a distinction between the security forces of Central and state governments since all of them collectively countered and checked the terrorists’ Ayodhya strike.”

While the UP Congress leaders might perceive the SP as their major enemy, the Congress high command has other concerns at the moment. Wary of the BJP’s bid to rake up the Ayodhya temple issue again and extract political dividends, the Congress does not want to get bogged down in local UP politics. The party is rather trying to project the “big picture”, highlighting the need for a national consensus to fight terrorism, and accusing the BJP for its alleged bid to “politicise the attack.”

BJP chief back on temple track

Statesman News Service

NEW DELHI, July 6. — Despite suffering a major setback in the Babri Masjid demolition case today, Mr LK Advani, sought to revive and rejuvenate his party's Ram Janambhoomi campaign, saying the Ayodhya issue is back to the forefront. Signalling a return of BJP to the hardline Hindutva agenda, Mr Advani, said the Ram temple would be constructed in Ayodhya. "Shri Ram Mandir Wahin Banega," he said.

The BJP spokesman, Mr Prakash Javadekar, said the party is confident of "a favourable verdict" both in the court of law and the people's court, which, he added, would pave the way for construction of the Ram temple in Ayodhya.

He said the party's legal experts were examining today's court order and will soon come out with an appropriate response. The BJP maintained that "the best option would be to settle the matter (construction of Ram temple at the disputed site) through a dialogue between the two communities."

Both the Congress and the Left parties welcomed today's verdict. The AICC spokesperson, Mrs Jayanti Natarajan, said: "We are happy. Mr Advani and other Sangh Parivar leaders have to stand trial for their role in the Babri Masjid demolition. We are confident that justice will be done in the case."

Mr Sitaram Yechuri of the CPI-M sought expeditious trial of all the accused in the case.

07 JUL 1990

STATE ARCHIVE

Attack threat to Indo-Pak ties: PM

SNS & PTI

Guide among six killed

ON BOARD SPECIAL AIRCRAFT, July 6. — The Prime Minister today stopped short of blaming Pak-based terror outfits for the Ayodhya attack, but asserted that the Pakistani terror infrastructure was "by and large intact". Dr Manmohan Singh also said that such incidents could derail the Indo-Pak peace process.

"All those who are concerned have an obligation," he told reporters accompanying him to London for the G-8 summit in Scotland. "The attack was a major incident and there was no doubt that the infrastructure for terrorism (in Pakistan) is by and large intact."

AYODHYA, July 6. — A local guide, whose house was adjacent to the scene of yesterday's terror attack, was among the six killed and his family today said it would stake its claim to the body. Identifying the guide as Ramesh Pandey, his nephew, Mr Venkatesh Pandey, said he had been able to recognise his uncle from the watch, slippers and clothes on his mutilated body. His family operated as guides and approached any visitor who came to the temple town for paying obeisance at the makeshift temple, Mr Venkatesh said. He said his uncle had been at work yesterday when he saw the jeep, used by the attacker, and "must have been killed when militants blew it up" to remove the barricade to gain access to the temple premises. The family recognised Ramesh yesterday but chose to keep quiet fearing that he might be branded a terrorist. — PTI

Dr Singh added: "Both President Musharraf and I have committed ourselves in the joint statement to making the peace process irreversible. I sincerely hope the commitment is honoured. The major elements in this is that terrorism should be under control."

A day after the terror strike, the authorities appeared to be clueless about the identity of the attackers. In Ayodhya, UP police chief Mr Yashpal Singh said: "Documents and other things seized from the militants are not enough to provide a clue

to their organisation." He added that the driver of the jeep used in the attack, Rehan, and another driver, Rajkumar had also not provided any clue. According to home minister, Mr Shivraj Patil, the attackers might have "disliked" the progress in the Indo-Pak peace process.

Claim & counterclaim

A row over a tip-off before the attack continued to divide the authorities. While the Uttar Pradesh Governor, Mr TV Rajeshwar, said that the Centre had sent prior intelligence, the state police chief as well as chief minister Mr Mulayam Singh pleaded ignorance.

More reports on page 5

07 JUL 2005

07 JUL 2005

আডবাণীৰ ভূমিকি উস্কানিমূলক, বলল কংগ্ৰেচ

স্টাফ रिपोर्टर, नयादिह्लि, ७ जुलाई: अयोध्याय जसि हानार प्रेक्षिते विजेपि यखन निरापन्ताय गाफिलतिर अभियोग तुले इउ पि ए सरकारके आक्रमण करछे, कंग्ग्रेसओ तखन पाण्टा आक्रमणेर लक्ष्य हिसाबे बेछे निल लालकुष आडवाणीके।

दिह्लि थेके शुरु करे उन्तरप्रदेश, इन्दौरे विजेपि, विश्व हिन्दु परिषद ओ वजरंग दलेर सदस्येरा कालकेर जसि हामलार प्रतिवादे विस्फोड जानाय। इन्दौरे विमानबन्दरेर टारम्याके टुके पड़े ताओव चालाय परिषद ओ वजरंग दलेर समर्थकेरा। एकटि विमानके किछुक्षण आटके राखा हय। परे अवश्य पुलिस ओ र्याफेर घटनास्थले गिये परिस्थिति आयन्ते आने। अयोध्या ओ फैजाबादेर किछु जायगाय बन्ध समर्थकेरा जेकर करे दोकानपाट बन्द करे देय।

राजधानीतेओ तारा ताओव चालाय। परिस्थिति आयन्ते आनते पुलिसके जलकामान ओ काँदाने ग्यास व्यवहार करते हय। कर्मीदेर सङ्गे प्रतिवादे सामिल हये श्रेफतार हन विजयकुमार मलहोत्र ओ सुषमा श्वराज प्रमुख प्रथम सारिर विजेपि नेता।

अवश्य कंग्ग्रेसओ आज चूप करे बसे छिल ना।

आक्रमणेर प्रधान लक्ष्य हिसाबे तारा आज बेछे नेय आडवाणीकेहै। अयोध्याय जसि हानार घटनाके विजेपि 'क्षुद्र राजनैतिक स्वार्थे' व्यवहार करछे बले दलेर अभियोग। राजधानीते विस्फोड समावेशे योग दिये आडवाणी आज 'जुतसई जवाब' देओयार आह्वान जानान।

'जुतसई जवाब' बलते तिन ठिक की बोवाते चेयेछेन, ता जानते चेयेछे कंग्ग्रेस। এই बङ्गब्येर माध्यमे आडवाणी आसले साम्प्रदायिक उस्कानिहै छुडिये दिते चेयेछेन बले कंग्ग्रेस मने करछे। दलेर मुखपात्र जयश्री नटराजन बलेन, "एनडिओ आमले विरोधी दल हिसाबे कंग्ग्रेस कथनओ राजनैतिक फायदा तोलार चेष्टा करेनि। किन्तु अयोध्याय हामलार घटनाके विजेपि नेहातई क्षुद्र स्वार्थे व्यवहार करछे। विजेपि सभापति लालकुष आडवाणीर मन्त्रयो कंग्ग्रेस विस्मित।" आडवाणी अवश्य এই अभियोग अस्वीकार करे बलेन, "आज गोटा देश जुड़े एत मानुष, एत कर्मी रास्ताय नेमे प्रतिवाद जानियेछे, एताई जुतसई जवाबेर नमुना।"

बाबरी क्ष्वसेर मामलाय आडवाणीके अव्याहति

देओयार विरुद्धे इलाहाबाद हाइकोर्टेर रायकेओ स्वागत जानियेछे कंग्ग्रेस। कंग्ग्रेसेर मुखपात्र आनन्द शर्मा बलेन, "एटा स्पष्ट ये विजेपि नेतृत्वाधीन एन डिए सरकार आडवाणीके रक्षा करार चेष्टा करेछिल। से प्रचेष्टा सफल हल ना।"

ए दिके, कलकाताय स্টाफ रिपोर्टर जानाछेन, अयोध्याय हामलार प्रेक्षिते पश्चिमबङ्गे दलीय कर्मीदेर सतर्क थाकार निर्देश दियेछे राज्य वामफ्रन्ट। साम्प्रदायिक सन्धीति रक्षाय ओ अयोध्याय घटनाय प्रतिवादे आगामी ८ जुलाई रानि रासमणि रोडे फ्रन्टेर समावेशओ डाका हयेछे।

गुवाहाटि थेके स্টाफ रिपोर्टरेर खबर, बृहस्पतिवार सकाल ७टा थेके १२ घन्टा असम वनधेर डाक दियेछे विश्व हिन्दु परिषद। राजा विजेपिओ वनधके समर्थन जानियेछे। आज मुख्यामन्त्री तरुण गंगे बलेन, काल गुवाहाटि सफरे आडवाणीर वक्तव्य छिल साम्प्रदायिक। उल्लेख्य, आडवाणी काल बलेछिलेन, असमे अनुप्रवेशकारीदेर डेटिव्याक्क हिसाबे व्यवहार करे कंग्ग्रेस। ताई राज्या अनुप्रवेश आछे बले तारा स्वीकारई करत चाय ना।

07 JUL 2005

ANADABAZAR PATRIKA

Attack unites Sangh Parivar, reprieve for LK

TIMES NEWS NETWORK

New Delhi: The terror attack on the proposed Ram temple complex at Ayodhya seems to have forged a unity of sorts in the fractious ranks of the Sangh Parivar, with the BJP vying with others to reaffirm its solidarity with the temple cause. The Parivar, which had resembled the Tower of Babel until Monday, appeared somewhat cohesive on Tuesday afternoon after the BJP responded to the audacious strike at Ayodhya by putting the temple issue back on the front-burner, hardening its position on the peace talks with Pakistan, and attacking the government for its "lax" approach to national security.

The BJP, on the one hand, and the VHP and RSS on the other, have not yet agreed on a joint programme of action, but a new unity of purpose seemed to be emerging as the saffron clan spoke in one voice to emphasise the "centrality" of the mandir issue for the majority community. The party has called for a nationwide protest beginning with a UP bandh on Wednesday, while the VHP has charted out a parallel programme of action.

L K Advani, struggling to fend off attacks for "deviation" from the ideological basics, was suddenly forced to revert to advocacy for the temple in what many saw as a move to re-establish his credentials with the Sangh Parivar. The BJP chief, with a conspicuous 'tilak', described the makeshift temple at the site where the Babri masjid had stood before it was demolished on December 6, 1992, as a sacred place for Hindus. "The attack is alarming, and so the protests should be strong," he said. He is, however, unlikely to visit Ayodhya on Wednesday.

Such was the renewed outbreak of pro-temple feelings that even Jaswant Singh, usually the sort who would keep a safe distance from Hindutva issues, appeared to be taken in by the mood. Singh called it an attack on the "Hindu faith" itself.

Whether the bonhomie will last remains to be seen, but one fallout seems obvious—the developments have given Advani a reprieve, although he will have to curb his newfound enthusiasm for taking a "moderate" tack. Indeed, the crisis may have given him the opportunity to refurbish his credentials vis-a-vis his party's core constituency.

The spinoff was instant—the RSS on the concluding day of its meeting, contrary to the apprehensions of many in the party, refrained from any oblique criticism of Advani's attempted ideological improvisations.

The marked revival of sentiments in favour of the temple project, which for all practical purposes had been consigned to the background, was accompanied by a distinct toughening of the BJP's stand on the peace talks with Pakistan. The VHP went ballistic, with exhortations to the army to retali-

ate with strikes against Rawalpindi. Advani's statements, although nuanced, came close to accusing Pakistan of not keeping the anti-terror pledge it had signed on January 6, 2004. The anti-terror pledge was the pre-condition for India agreeing to engage Pakistan after Agra. By invoking it, Advani seemed to suggest that the government ought to tread cautiously. Jaswant Singh was more harsh on the government, attacking it for being soft on terrorism despite repeated warnings by the opposition about the machinations of Pakistan. He attacked the government for being complacent towards "security" in general, citing the growing Naxal challenge to support his contention.

The leader of the opposition in the Rajya Sabha was critical of Prime Minister Manmohan Singh for not appearing in person after the attack.

Graphic: Neelabh

ASSAULT ON AYODHYA

08.40: A white jeep with a Samajwadi Party flag screeches to a halt near Sita Ki Rasoi behind the sanctum sanctorum. Five people jump out of the jeep. One, carrying a black kit bag on his shoulder, runs towards the generator room. Two others follow. Halfway through the run, they open the bag and take out AK-47s and grenades.

08.43: Deafening blast occurs as the jeep is blown to bits.

08.46: As the explosion blows a hole in the steel fence, other militants run in through the breach towards the makeshift temple area. CRPF and police open fire at the militants who are already lobbing grenades. One militant fires an RPG which barely misses the main structure.

10.00: CRPF jawans climb on roofs and open fire. Militants are killed as they try to scale the inner fence and reach the inner core.

10.45: Firing finally ends.

Charred remains of the jeep used by the militants

A jawan takes aim during the gun battle

PARALLEL DRAWN BETWEEN SHAH BANO & IMRANA

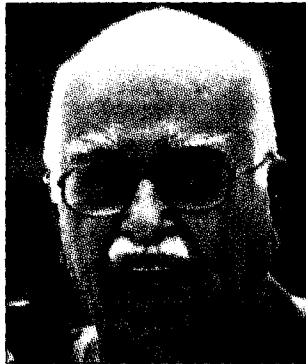
Muslim laws must change: Advani

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Statesman News Service

BHOPAL, July 1. — In a statement echoing the party's stand on the Shah Bano case, the BJP president, Mr LK Advani, today called for an immediate change in Muslim personal laws. Mr Advani, who addressed party workers here, compared the Imrana case with the Shah Bano one. "Just like Shah Bano, Imrana had given a strong reason for the BJP to fight pseudo-secularism. No civil society can accept the treatment being meted out to Imrana, the victim of a heinous crime, by clerics. The ulemas must reconsider their decision to ensure that dignity is restored to Imrana," he said.

Mr Advani said when many Islamic countries, including Pakistan, were changing their archaic laws, there was no reason India could not do the same with its Muslim laws to ensure justice for victims such as Imrana. "How can a rapist go scot-free," asked the BJP president.

Taking a dig at the Congress, Mr Advani said the BJP would continue to take on the Congress model of pseudo-secu-



Mr Advani iterated the BJP's commitment to Hindutva — "Just as a Muslim is proud of Islam, I am proud of being a Hindu" — while refraining from speaking on the Jinnah controversy

larism. In the same vein, the BJP president iterated the party's commitment to the cause of Hindutva. "Just as a Muslim is proud of Islam, I am proud of being a Hindu," said the BJP president amidst thunderous applause by BJP workers.

While refraining from speaking on the Jinnah controversy,

he selectively remembered his recent Pakistan trip and thanked the Pakistan government for having invited him to inaugurate the temple construction at Katasraj where the Pandavas were said to have spent their days in exile. He added: "Let a new genre of politics evolve in the country that can talk of temple construction and Imrana in the same breath."

Mr Advani sought to hold out an olive branch to the RSS by praising its role in fighting Emergency. (The RSS chief, Mr KS Sudershan, recently came in for criticism from the BJP's allies for praising Indira Gandhi and for ignoring her authoritarianism.) "Though no government dare declare another Emergency formally, it is very much a mental state with the Congress as reflected in its handling of the government-formation imbroglios in Goa, Jharkhand and Bihar."

The All-India Muslim Personal Law Board today proposed to call a meeting on the Imrana issue, adds PTI.

On page 5

- Kulkarni offers to quit
- Congress breaks silence

Q2 JUL 2005

Godhra probe row

MANAN KUMAR

New Delhi, June 22: The Centre today said it is ready to entrust investigations in the Godhra cases to the CBI if Gujarat made a request or the court gave an order.

The UPA government has come under a lot of flak from Left parties for not giving proper attention to the cases. They have been demanding dropping of terror charges against the Godhra carnage accused on the recommendations of a review committee and handing over of all cases to the CBI.

The Union home ministry

was, however, cautious not to get embroiled in any controversy. In a press statement, it put the onus for the decision on the court, especially the Supreme Court, citing the transfer of cases out of Gujarat into Maharashtra.

"... The government will also support any plea for transfer of cases under trial to courts outside Gujarat. Suitable instructions have been given to the government counsels to inform the Supreme Court about the stand of the government along these lines as and when the cases come up for hearing before the Supreme Court," the state-

ment said.

The CBI said it could not do anything unless the state government asked it to step in. Home ministry sources said they had expected such a reply as riots and law and order were state subjects and even the Centre could not make a suo motu recommendation for a CBI probe.

"Now the onus is on the Supreme Court to take a stand. It would also be in a position to do so if somebody files a PIL seeking handover of the riot cases to the CBI on the ground that a fair inquiry will not be otherwise possible," an official said.

23 JUN 2005

THE TELEGRAPH

AP Muslim quota sparks row

Statesman News Service

HYDERABAD / NEW DELHI, June 18. — The BJP today strongly criticised the Andhra Pradesh government's decision to provide five per cent reservation in employment and education sector for the socially and economically backward Muslims.

The party said it is against reservation on the basis of religion.

Chief minister Mr YS Rajasekhar Reddy today said that the government had sent the ordinance to Governor for his approval.

The reservation would come into effect from the present academic year.

Those covered by it would be able to access the government's various welfare programmes.

The Muslims have been placed in the backward classes E-category. They form 9.2 per cent of the state's 7.5 crore population. Now the total quantum of reservation in Andhra Pradesh stands at 51 per cent which is higher than the 50 per cent ceiling set by the Supreme Court. "The Supreme Court said the ceiling could be raised under extraordinary circumstances. The Muslims in the state are lagging in social, economic and educational spheres," Mr Reddy said at a press

conference. reservation
The BJP today opposed the Andhra Pradesh government's decision. "It is politics of appeasement practised by Congress," said BJP spokesman Mr Prakash Javadekar in New Delhi. "We can't forget that the country was divided on the basis of religion. Reservation for the Muslims will affect national unity."

Mr Javadekar alleged that the Andhra Pradesh government was trying to circumvent the High Court decision of not allowing reservations based on religion. "This trend is dangerous," he said. // /

Ayodhya case: UP trust seeks status report on CBI probe

PRESS TRUST OF INDIA

NEW DELHI, MAY 24

AN UTTAR Pradesh-based religious trust today approached the Delhi High Court seeking the status report on the CBI investigation into the demolition of the disputed structure at Ayodhya and questioned the discharge of former deputy prime minister L.K. Advani in the case.

The matter, which came up for hearing before Justice R.C. Jain, was referred to Chief Justice B.C. Patel to treat it as a public interest litigation (PIL).

The court decided to list the matter before the bench headed by the Chief Justice on May 31 for treating it as a public interest litigation, after the petitioner submitted that the writ was maintainable as it involved a matter of public importance.

The petition — filed by Sri Thakur Raj Rajeshwari Sita Ramji Trust of Sultanpur, claiming to be the religious trust constituted by the Raja of Deera — has sought a complete probe into the matter and to ensure the fairness of proceedings.

The trust has sought the court's direction for the status report in the matter, for detecting loose ends of the investigation.

In the writ, the trust questioned the manner in which the CBI proceeded with the case against the eight people, including Advani, who was discharged by a trial court in Rae Bareilly on September 19, 2003.

The trust also pointed a finger at the agency for not filing the revision petition against Advani, though that would have been in keeping with legal advice.

1984 riot victims to get Rs 1.23 lakh each

Minority
509
2875

Press Trust of India

NEW DELHI, May 22. — Holding the state liable for its failure to protect the life and liberty of citizens, Delhi High Court has directed the Centre to pay a compensation of Rs 1.23 lakh each to all those who suffered injuries during the anti-Sikh riots following the assassination of the then Prime Minister Indira Gandhi in 1984.

"It is the bounden duty and responsibility of the state to secure and safeguard the life and liberty of an individual from mob violence," Ms Justice Gita Mittal said in her landmark judgment, which

would benefit about 2,800 Sikhs injured during the riots in the Capital.

The court asked the government to pay the compensation within a month to one Mr Manjit Singh Sawhney, who was injured and lost his sister in a mob attack which killed seven at Tuglaqabad railway station in November 1984. It also asked the Centre to pay him an additional amount of Rs 11,000 as cost of protracted litigation that went on for four years. To secure parity among all those who suffered injuries during the riots and were given an ex-gratia amount of Rs 2,000 only, Ms Justice Mittal

ordered that they all be paid the enhanced amount.

It took note of the fact that in the case of Mrs Bhajan Kaur, who lost her husband in the same place during the riots, a general order was passed in July 1996 directing the Centre to pay the enhanced compensation in all similar cases.

The court calculated the compensation payable to the petitioner at Rs 75,000 with interest from the date of incident which was quantified at Rs 50,000. It deducted Rs 2,000 that had already been paid to him as ex-gratia.

Centre had contended that Mr Shawhney could not be

given a further amount as there was no FIR or other documentary proof of the incident and that he was discharged from the hospital very soon. Terming the Centre's attempt to take advantage of his early discharge as "unfair" and "insensitive", the court took exception to the fact that the government did not have any records relating to the petition.

Noting that the cases relating to prosecution of those allegedly involved in the riots were still pending in courts, Ms Justice Mittal lamented that "there has been little success at bringing the guilty to book".

CPM wants 'improper' AMU quota revoked

EXPRESS NEWS SERVICE
NEW DELHI | MAY 21

THE move to reserve 50 per cent seats for Muslims at the Aligarh Muslim University has come in for flak from the CPI(M) who wants the decision revoked. The party's Politburo has issued a statement saying this is "an inadvisable" step.

And for the Congress it is difficult to backtrack because a section of the party believes that trying to woo Muslims with easy gimmicks and no long-term solutions is a politically justifiable ploy.

The Politburo said: "The Aligarh Muslim University is governed by an act of Parliament and has the status of a Central University like other Central Universities. It is not proper to have reservation on religious lines for students in such an university."

The CPI(M) said the party is aware that Article 30 of the Constitution does provide protection for minority educational institutions. The Politburo says under Article 30, as confirmed by the Supreme Court, there can be quotas for minority students. But, the party has specifically said: "The AMU

does not fall in this category, as it is not a minority institution. When the AMU Act was amended in 1981, the status of the university

Warns Cong of playing into the hands of BJP, advises against being gimmicky

was clarified."

According to the CPI(M), Section 8 of the Act in a way overrules Section 5, which the ministry has fallen back upon. Section 8, according to the CPI(M) still says: "Admission should be open to all, irrespective of faith, keeping in mind the tradition of the university". Section 5 only talks about empowering the university to promote the educational and cultural advancement of the Muslims. This the party believes can be done without resorting to reservation.

And subtly, the CPI(M) has advised the government to be less gimmicky about the problems faced by Muslims. The statement says:

"The Politburo wishes to emphasise that the problems of providing modern education to the Muslim minorities must be taken up seriously and the Central government has a commitment to do so."

The party has also warned the Congress that this can amount to playing in the hands of the BJP. The statement adds: "The Politburo does not want this genuine issue to be given a communal turn by vested interests."

BJP vice-president, Mukhtar Abbas Naqvi today shot off a letter to President A.P.J. Abdul Kalam saying that this was an ill-advised move. Naqvi is a member of the AMU court, an important decision-making body, and insisted that this was pure votebank politics.

50% reservation for Muslims at AMU

TIMES NEWS NETWORK

New Delhi: The Centre has approved 50% reservation for Muslims in Aligarh Muslim University (AMU).

Half of the seats in 36 courses — including important professional degree programmes like MBBS, MCA, Engineering, LLB and BEd — will be reserved for Muslim students. The reservation policy will be implemented from the coming session, AMU vice-chancellor Nafeez Ahmad said.

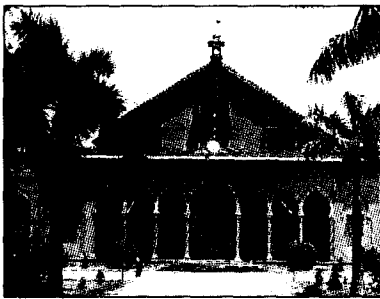
AMU's long-standing demanding for a quota for Muslims was approved by the UPA government on May 16. Gov-

ernment has cited section 2(1) of AMU (Amendment) Act, 1981 and the provision of section 5(C) of the Act that empowers the University "to promote especially the educational and cultural

advancement of the Muslims of India", official sources said.

Ahmad said admissions to a majority of these 36 courses, where the new reservation policy will be applicable, will be through competitive exams.

Till now, AMU had the vice-chancellor's quota for reservations. This quota included categories for SC/ST, neo-Buddhist and backward classes among Muslims.



ORISSA HC ACQUITS 11 IN STAINES KILLINGS

Dara spared the noose

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Mishra
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Statesman News Service

CUTTACK, May 19. — Orissa High Court today quashed the death sentence given by a lower court to Ravindra Pal alias Dara Singh, the prime accused in the Staines murder case.

The court, however, upheld the conviction for life for Dara and endorsed his conviction under Sections 148, 435/149 and 302/149 IPC. Mahendra Hembram, a co-accused, was also sentenced to life while the remaining 11 were acquitted.

Hembram, during the trial in the lower court, confessed that he had set fire to the station wagon in which Australian missionary Graham Stewart Staines and his two children, Philip and Timothy, were sleeping at Manoharpur on the night of 22 January, 1999, before being burnt alive.



File photographs of Gladys Staines and Dara Singh.

Pronouncing the judgment in a packed court room, the Division Bench of Chief Justice Mr SB Roy and Mr Justice LK Mohapatra said: "We are sorry to say that the nature of evidence is absolutely weak... on the basis of such speculative evidence it is not possible to hold any appellant guilty under Sec. 120-B IPC. Therefore, the conviction and sentence under Sec. 120-B IPC cannot be sustained and must be quashed."

The Bench indicted the CBI for being "over-zealous", "unfair and un-

ethical" in adopting "unheard-of methods to procure evidence".

The trial court judge, on 22 September 2003, stated: "Convict Dara Singh, as the ambassador of death, deserves death while the remaining convicts, being gullible *adivasis*, deserve justice tempered with mercy."

Ms Gladys Staines, wife of Graham Staines, said over the phone from Townsville, Australia: "No comments for today. I said what I wanted to say earlier."

Dara may move Supreme Court: page 4

20 MAY 2005

THE STATESMAN

Gift of life for Staines killer

DEBABRATA MOHANTY

Cuttack, May 19: Death-row convict Dara Singh got a new lease of life after Orissa High Court today set aside a CBI court's verdict saying he could not be held individually responsible for the 1999 murder of Australian missionary Graham Staines and his two sons.

The division bench of Chief Justice Sujit Barman Roy and Justice Laxmikant Mohapatra also acquitted 11 others who had been sentenced to life in prison by the trial court. They said there was no reliable evidence as far as their identification was concerned.

But it upheld the life sentence on Mahendra Hembram, another convict involved in the burning alive of Staines and his sons, Philip, 10, and Timothy, 6, on the night of January 22 in 1999 as they slept in their station wagon in Manoharpur, a remote village in Keonjhar district.

"There is absolutely no evidence on record that due to individual act of Dara Singh alone the three deceased persons or any one of them died. The eyewitnesses never attributed any particular fatal injury to Dara Singh for which he can be individually responsible," the high court said in its 106-page order.

"Evidence against all the participants, including Dara Singh, being of identical nature, they were all equally responsible for the three mur-



Dara Singh

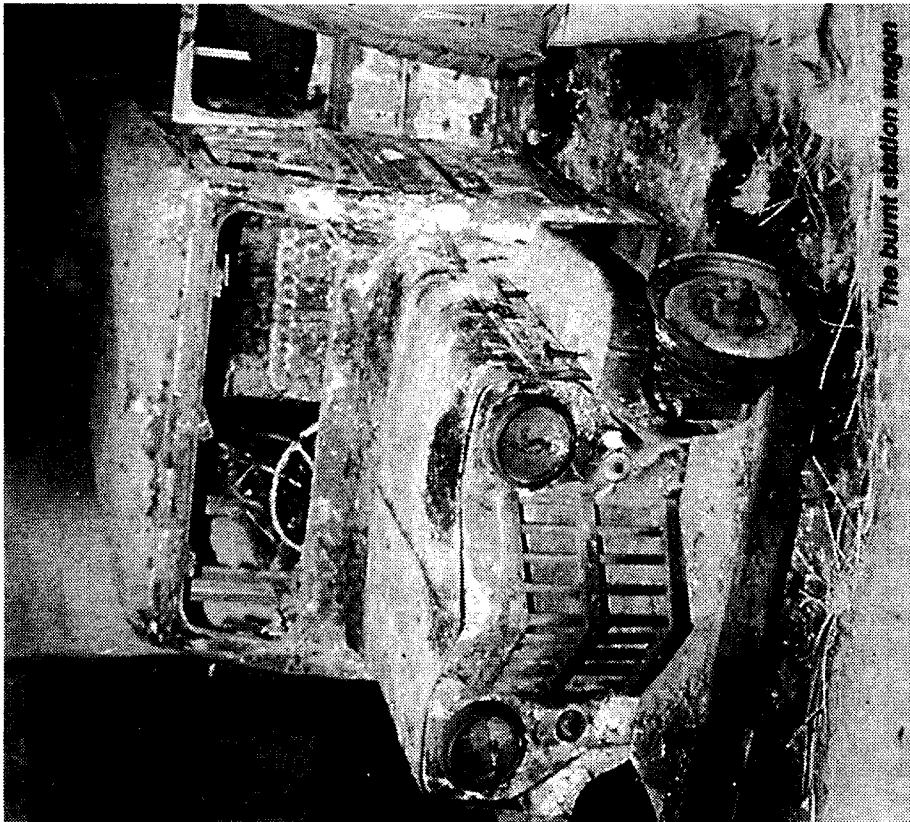
REASONS FOR THE REPRIEVE

Dara Singh could not be held individually responsible for the murders

Evidence against all the 13 accused of identical nature

Eyewitnesses never attributed any particular fatal injury to Dara

11 acquitted because no reliable evidence on record as far as their identification was concerned



The burnt station wagon

ders. As a matter of fact the evidence against Dara, Mahendra Hembram and all other participants is of the same nature. Therefore, no justification is available from the evidence on record to single out Dara for convicting him alone

under Section 302 of (the) IPC," the judges added.

Dara, who is now in Baripada circle jail in connection with the trial of two murder cases in Mayurbhanj district, smiled when a prison official told him of the high court

order. "He was happy though not exactly delirious," the official told *The Telegraph*.

Thousands of miles away in Australia, Gladys Staines, the slain missionary's widow who last July left India with her daughter Esther, refused

comment. But sources in the state's Christian community quoted Gladys, who in March this year was awarded the Padma Shri for her work among leprosy patients in Mayurbhanj, as saying that she had "nothing more to say".

B.K. Muduli, of the All Orissa United Christian Forum, said the judgment has given Dara a "new lease of life". "We hope Dara would now be transformed," Muduli said.

In September 2003, designated CBI judge Mahendranath Patnaik had sentenced Dara to death for individually killing Staines and his sons and simultaneously convicted him for leading the mob that torched the vehicle. The high court today struck off the sentence on the first count and held Dara and Mahendra guilty under the second count.

While acquitting the 11, the bench said the above charges could not be sustained against them because the prosecution failed to prove beyond reasonable doubt that they were involved. Those who have been acquitted are Rajat Kumar Das, Renta Hembram, Ojen Hansdah, Umakanta Bhoi, Rabi Soren, Dayanidhi Patra, Mahadeb Mahanta, Harish Mahanta, Thurram Ho, Surath Nayak and Kartik Lohar.

The CBI refused to see the judgment as a setback. "What really matters is that Dara's conviction has been upheld. Life or death sentence is a discretionary power of the court," said the agency's lawyer, S.K. Padhi.

Dara's lawyer Bana Mohanty said "justice has been done" and added that he would decide soon whether to approach the Supreme Court for Dara and Mahendra's acquittal.

ফাঁসির বদলে যাবজ্জীবন দারার, খালাস ১১ জন

স্টাফ রিপোর্টার, ভুবনেশ্বর, ১৯ মে: মৃত্যুদণ্ড মাফ হয়ে গেল দারা সিংহের। সাজা কমিয়ে দারাকে যাবজ্জীবন কারাদণ্ড দিল ওড়িশা হাইকোর্ট। সেই সঙ্গেই স্টেইনস-ইত্যাদি মামলায় দারার সঙ্গী ১১ জনকে আদালত খালাস করে দিয়েছে।

অস্ট্রেলীয় মিশনারি গ্রাহাম স্টুয়ার্ট স্টেইনস (৫৮) ও তাঁর দুই শিষ্যসন্তান ফিলিপ (১১) ও টিমোথি (৮)-কে জীবন্ত পুড়িয়ে মারার দায়ে রবীন্দ্র কুমার পাল ওরফে দারা সিংহকে মৃত্যুদণ্ড দিয়েছিল সি বি আইয়ের বিশেষ আদালত ওথা খুর্দা জেলা ও দায়রা আদালত। ওই আদালত দারার সঙ্গী ১২ জনকে যাবজ্জীবন কারাদণ্ডও দেয়। তাদের মধ্যে এক জন, মাহেন্দ্র হেমব্রমের যাবজ্জীবন সাজা বহাল রেখেছে হাইকোর্ট। বাকি ১১ জনকে মুক্তি দিয়েছে। নিম্ন আদালত ২০০৩ সালের ২২ সেপ্টেম্বর দারার সাজা যোষণা করেই অবশ্য জানিয়েছিল, মৃত্যুদণ্ডের আদেশ ওড়িশা হাইকোর্টের অনুমোদনসাপেক্ষ।

ভিডেও সাক্ষাৎ আদালত বক্ষে আজ হাইকোর্টের প্রধান বিচারপতি সজিত বর্মান রায় ও বিচারপতি লক্ষ্মীকান্ত মহাপাত্রের ডিভিশন বেঞ্চ ১০৬ পাতার রায় পড়ে শোনায়। রায়ে বলা হয়েছে, একা দারা সিংহের জন্য স্টেইনসেরা তিন জন বা তাঁদের কেউ মারা গিয়েছেন বলে কোনও প্রমাণ নেই। নিহতদের শরীরের কোনও বিশেষ আঘাতের

দায়ও দারার উপরে নেই। সূত্রাং, এই হত্যাকাণ্ডে একা দারা দোষী নয়। বরং ভারতীয় দণ্ডবিধির ১৪৯ ধারায় (একটি নির্দিষ্ট উদ্দেশ্যে অবৈধ ভাবে জেভা হওয়া) অন্যদের সঙ্গে তাকে দোষী সাব্যস্ত করা যেতে পারে।

মামলায় সাক্ষ্যগ্রহণের বিশ্বাসযোগ্যতা নিয়েই প্রশ্ন তুলেছে হাইকোর্ট। আদালতের বক্তব্য, ঘটনার পাঁচ মাস পরে এক জন সাক্ষী শুধুমাত্র সি বি আইয়ের এক অফিসারের কাছে বক্তব্য জানিয়েছিলেন। সেই বক্তব্যেরও ভিত্তি ছিল মূলত সাক্ষীর ধারণা। তার উপরে ভরসা করে এত সাক্ষীর দাবী সাব্যস্ত করা 'বিপজ্জনক' ও 'ঝুঁকির কাজ হয়ে যেতে পারে' বলে মনে করেছে আদালত।

দারা বা তার সঙ্গী অন্য কোনও অভিযুক্তই অবশ্য আজ আদালতে হাজির ছিল না। দারা আপাতত বারিপদা সার্কেল জেলে, তার নামে আরও তিনটি খুলের মামলা চলছে। হাইকোর্টে দারা সিংহের সাজা কম হওয়ার ঘটনাকে সি বি আই অবশ্য বড় ধাক্কা বলে মনে

করছে না। সি বি আইয়ের কোম্পলি সূর্যকান্ত পাতি বলেছেন, "দারা যে দোষী, সেটা তো গ্রাহাই থাকবে।" অন্য দিকে, হাইকোর্টের রায় জেনে দারা বলেছে, "আজ আমার খুশির দিন। তবে মুক্তি চেয়ে সুপ্রিম কোর্টে যাব।"

দারার এই বক্তব্য জানিয়েছেন তার আইনজীবী অসিত ওটা। সি বি আই আদালত দারাকে দোষী সাব্যস্ত করার সময়েই স্টেইনসের বিধবা পত্নী গ্লাডিস দারাকে ক্ষমা করে দিয়েছিলেন। অস্ট্রেলিয়ার টাউন্সভিল থেকে গ্লাডিস

আজ বলেছেন, "আর কোনও কথা নয়। যা বলার ছিল, আগেই বলে দিয়েছি।" গ্রাহাম স্টেইনসের ভাই জন বলেছেন, তিনি দারার মৃত্যুদণ্ড চাননি। আর শেষ বিচার ঈশ্বরের হাতে। ময়ূরভঞ্জ কুষ্ঠাপ্রমের চেয়ারম্যান ও নিহত স্টেইনসের ঘনিষ্ঠ সহযোগী শুভঙ্কর ঘোষও বলেছেন, "সবই ঈশ্বরের আশীর্বাদ। দারা আরও এক বার সুযোগ পেলে ভাল মানুষ হওয়ার।"

ওড়িশার আদিবাসী এলাকায় জনসেবা, বিশেষত কুষ্ঠরোগীদের কল্যাণে যুক্ত ছিলেন

স্টেইনস। ১৯৯৯ সালের ২২ জানুয়ারি নীতের রাতে কেওনঝারের মনোহরপুর গ্রামে গির্জার সামনে একটি স্টেশন ওয়্যানে দুই শিশুপুত্রকে নিয়ে যুস্মোঙ্কিলেন তিনি। শেষ রাতে দারার নেতৃত্বে এক দল দুকৃতী যারা বজরং দল ও বিশ্ব হিন্দু পরিষদের সমর্থক বলে অভিযোগ) সেই গাড়িতে অজ্ঞান ধরিয়ে দেয়। জীবন্ত দগ্ন হয়ে যান সপুত্র স্টেইনস।

সি বি আই ১৮ জনের বিরুদ্ধে চার্জশিট দিয়েছিল। তাদের মধ্যে নাবালক এক জনের বিচার হয়েছে জুভেনাইল আদালতে। তিন জন এখনও ফেরার। বাকি ১৪ জনের মধ্যে এক জনকে আগেই খালাস করে দেয় আদালত। দারা-সহ ১৩ জনকে শাস্তি দিয়েছিল খুর্দা জেলা ও দায়রা আদালত। সেই ১৩ জনের মধ্যে দারা সিংহ ও মাহেন্দ্র হেমব্রমের যাবজ্জীবন কারাদণ্ড হল হাইকোর্টে। বাকি ১১ জন— রজত কুমার দাস ওরফে দিপু দাস, বেনতা হেমব্রম, ওজেন হাঁসদা, উমাকান্ত ভোই, কর্তিক লোহার, রবি সোবেন, পুরাম হো, দয়ানিধি পাত্র, মহাদেব মোহান্ত, হরিশ মোহান্ত ও সুরেশ নাথককে আজ খালাস করে দেওয়া হয়েছে। দারার শাস্তি কমে যাওয়ার পরে ওড়িশার খ্রিস্টান সংগঠন এ ও ইউ সি এফ ইঙ্গিত দিয়েছে, তারা এই রায়ের বিরুদ্ধে অর্জি না-ও জানাতে পারে। সাজা কমে যাওয়ার মানুষ হিসাবে দারার রূপান্তর ঘটেবে বলেই তারা আশা করছে।



দারা সিংহ

'Draft Communal Violence Bill unsatisfactory'

**'Adds draconian powers to state and armed forces
in communal situations'**

Special Correspondent

NEW DELHI: Activists, lawyers, social scientists and academicians who met here on Wednesday to discuss the government draft of the Communal Violence (Suppression) Bill, 2005, unanimously rejected the draft, saying it was "entirely unsatisfactory and even dangerous."

The meeting, held under the aegis of the Centre for Study of Society and Secularism in collaboration with the National Foundation for Communal Harmony, resolved that the government's draft legislation only "adds draconian powers to the State and the armed forces in communal situations, which experience shows tends to be used most against minorities and marginalised groups."

The participants endorsed the view of the former Chairperson of the National Human Rights Commission, Justice J.S. Verma, that the Bill should be restricted

to ensuring accountability of the State and Central governments and reparation and rehabilitation according to accepted international covenants.

'Cosmetic exercise'

Justice Verma said the Bill was a "cosmetic exercise" and symptomatic treatment rather than dealing with violence. The Bill did not deal with anti-secular activities, which led to the communal violence, but only sought to punish after communal disturbances had occurred and after the appropriate government had declared the area as "communal disturbed." All the participants felt that the Bill should be rejected outright.

The participants included Dr. Asghar Ali Engineer, Chairman, Centre for Study of Society and Secularism, Mukul Sinha, an advocate from Gujarat, Shabnam Hashmi of ANHAD, Justice Rajinder Sachar and Prof. Imtiaz Ahmed of the Jawaharlal Nehru

University.

They felt that the proposed law was "irrelevant" to the challenges of communal governance because many of the special powers such as of search and arrest could be used against the minorities in the same way as the Narendra Modi government did under POTA. "The Governments of today do not require greater powers but greater moral and legal accountability for acts of commission and omission that are nothing short of state crimes. The proposed law does nothing to ensure that governments are forced to perform their most fundamental duties to their citizens, or face legal action," Harsh Mander, a former IAS officer who now works in the voluntary sector, said.

Many participants felt that the UPA Government has given a "policeman's Bill," oriented to arm the police with more powers with absolutely no care towards the victim.

19 MAY 2005

THE HINDU

How a bureaucrat saw it

Bhavatosh Singh in New Delhi

May 13. — The IAS Academy library in Mussoorie has a copy of the October-December, 2000 issue of *The Administrator* (the quarterly journal for civil service officials) which, focused on communalism, has a senior bureaucrat providing explicit details of the Bhagalpur riots.

He blames the civic and police administration and politicians for the riots in 1989-90. Government records note that 982 people were killed (584 bodies were not found) and 259 sustained serious injuries.

A day after a court sentenced 10 persons to life for the riots, *The Statesman* provides an account of the mayhem as seen by Mr AK Singh, director of industries in Bihar in 1990. Mr Singh dates the genesis of communal hatred seven years earlier, saying it peaked when the VHP and the RSS gained strength.

But the riots were preceded by inept handling of a religious procession. Organisers of a Vishahari Puja



in Parbatti wanted to take out a procession on 18 August, 1989, through Tatarpur, a communally sensitive locality. He says a small procession without any slogan-raising was allowed but "when the procession came, it consisted of nearly 4,000 persons," said Mr Singh's article, *Bhagalpur Riots — In Retrospect*.

"When the procession reached Sah Market, it attacked a few shops of Muslims and threw bricks at a mosque. Even a Hindu-owned shop with an Urdu signboard was attacked," says the article. The retal-

iation was prompt. Hindus were then attacked by Muslims.

He found the administration lethargic. "All these incidents took place while the town was covered with 46 static deputations made by the DM and the SP. There were 12 patrolling parties ... their inaction was shocking," said the article.

There was a lack of coordination and, also, wilful disobedience. On 19 October, the SDM, Sadar, issued an order sending down police to 27 vulnerable points. He constituted four patrolling parties.

"On 23 October, he found that police were available at only seven points. Only one of the patrolling parties had got a police force".

Mr Singh notes: "It was commonly believed that district police were afflicted with the communal virus. They allegedly participated in the riots or remained mute spectators."

Mr Singh made a prophecy: "And the history of Bhagalpur riots may repeat itself at some other place on some other date." His ominous warning came true when the genocide took place in Gujarat in 2002.

14 MAY 2005 THE STATESMAN

Life term for 10 in Bhagalpur riot case

Press Trust of India

BHAGALPUR, May 12.
— A local court today sentenced ten people to life imprisonment after a gap of 16 years in a case related to the Bhagalpur riots in 1989 in which over 1000 people had been killed.

The Additional District and Sessions Judge, Mr Navneet Kumar Pandey, who had convicted these people on 9 May, announced the punishment today. The case related to the killing of five persons by a mob on 14 October 1989.

Those killed in the mob attack in Kamarganj village in the Sultanganj police station area of the district included Md Jafar, Md Kalam, Md Sauf, Md Mehboob Alam and Md Bashir. Thirteen other accused persons in the case were acquitted by the court.

Those given life terms are Dhruv Bhagat, Jaijai Yadav, Tarkeshwar Yadav, Ramvilas Yadav, Harikishore Yadav, Nero Yadav, Siyaram Yadav, Rajkishore Yadav, Arun Mandal and Saryu Mandal.

13 MAY 2005

THE STATESMAN

Another BJP leader raps Modi over riots

HT Correspondent
New Delhi, May 12

IN A severe indictment of the BJP leadership's handling of the Gujarat riots, a veteran party leader who was the Governor of the state during that period has criticised Chief Minister Narendra Modi for "taking the violence (that broke out after Godhra) lightly".

S.S. Bhandari, a RSS leader and a known critic of Atal Bihari Vajpayee and L.K. Advani, said the riots were comparable to the assassination of Mahatma Gandhi. He told a Hindi magazine, *Outlook Saptahik*, that the situation could have been controlled had the central BJP leadership reacted immediately.

Bhandari's outburst comes barely a week after BJP general secretary Pramod Mahajan said in an article in the party's official organ that the Gujarat riots were the party's "second regret" after the Ayodhya issue and a "black spot" for any civilised society.

The BJP had declared that Mahajan's statement was the party's official position, but it continues to back Modi. On Thursday, party leader V.K. Malhotra said the fact that many Hindus were killed in police firing in Gujarat showed that the Modi government acted against the violence.

But Bhandari felt the riots continued due to government inaction. "If action had been taken on the first day, it would have been better...Modi's removal was one of the ways which could have prevented the situation from deteriorating... I had only one complaint and that was the government failed to take action on time," he said.

Bhandari said Modi had told him on the second day of the riots that action had begun. He felt this should have happened the previous night. "The riots were taken lightly. People will continue to remember Godhra in the same ways they recall the assassination of Mahatma Gandhi 50 years ago," he said.

13 MAY 2005 THE HINDUSTAN TIMES

Talaq woes worry Prince, NCW

CHENNAI, May 6. — Prince of Arcot Nawab Mohammed Ali, well-known for his reformist ideas, today came down heavily on the All India Muslim Law Board for failing to make the "triple talaq" illegal in the model *nikahnama*.

The Chennai-based prince, whose family runs *wakfs* in Mecca and Medina, is the only royalty allowed to use his official title by the Indian government. Expressing his unhappiness at the *nikahanama* merely discouraging "triple talaq" in one sitting instead of completely doing away with it, the prince, who is considered the "first nobleman" of Muslims in south India, said in a statement: "I am not very happy that

the *nikahanama* only discourages triple talaq in one sitting, instead of pronouncing it illegal under the Islamic law. It is surprising that the Board is dragging its feet on an issue, which has no sanction in the noble *Koran* or the verified sayings of the Prophet." When dowry has been condemned as a crime, "why cannot the triple talaq be denounced as an evil practice and its abolition recommended," he asked.

The National Commission for Women today described the model *nikahnama* as "inadequate" for protecting women's rights. The NCW said it would frame fresh guidelines for the AIMPLB's consideration. — SNS & PTI

07 MAY 2005

THE STATESMAN

Model marriages

Nikahnama reform needs legislative action

It has been much-talked about and anxiously awaited by both the community and those outside it, and finally it is here — a model *nikahnama* for Muslims, setting a code of conduct for marriages by the All India Muslim Personal Law Board, an authoritative body on Muslim personal law or Shariat. The 12 page document deals with rights and responsibilities of the bride and the groom taking into account Shariat (Islamic law). While it is called a major reform in Shariat, it really goes back to rules set by the Prophet Mohammed some 1400 years ago, which were distorted or forgotten somewhere along the way. A welcome part of the *nikahnama* is rejection of 'triple talaq in one sitting'. It finds its place in Shariat as an exception to be used only in extreme circumstances when an instant divorce becomes necessary. Generally, divorce proceedings take three months during which reconciliation is advised. Unfortunately in India among the uneducated sections of the community, the alternative has gained currency, particularly among the Hanifi sect of Sunnism largely because of lack of awareness. In many Islamic countries including Turkey, Algeria, Iraq, Iran, Indonesia and Pakistan, the triple talaq is banned, and it should be repeated here too. The AIMPLB's rejection of triple talaq should hopefully improve the situation.

The *nikahnama* also deals with mehr, dowry, equal property rights for women and conduct towards wives, all stipulated by the Quran and Hadith, more pro-women than contemporary society. The *nikahnama* is an attempt to eradicate practices which are blatantly un-Islamic. But if the recommendations of the AIMPLB are to have any teeth, the move needs to be backed by legislative action. Guidelines of the *nikahnama* are voluntary. The impact of anti-dowry legislation shows that laws alone are not enough to overcome social evils, and there is need for a change of mind-set. They two must go hand-in-hand. Now, that the community has shown its desire for reforms, it should be followed up and not be lulled into apathy. We await appropriate legislative action.

06 MAY 2005

THE STATESMAN

THURSDAY, MAY 5, 2005

Three words still mean divorce

Yet again, the All India Muslim Personal Law Board (AIMPLB) has failed to muster the courage to call for the abolition of triple talaq – the reactionary custom that gives Muslim men the licence to divorce their wives instantaneously and without their consent, by uttering the word ‘talaq’ three times. Those who wanted the AIMPLB, a body that has no legal status but wields considerable influence on questions of Muslim personal law, to come out unequivocally against the practice have reasons to be thoroughly disappointed by the model *nikahnama* (marriage contract) the Board unveiled last Sunday. The document is a set of voluntary guidelines for Muslim couples wishing to enter into a marriage contract; the ‘reform’ element in it is the suggestion that men must not resort to triple talaq (*talaq-e-bidah*) in one sitting unless it became inevitable. In other words, the AIMPLB is not willing to resile from the appallingly unjust position that triple talaq is a male entitlement. Over the last few years, reform-minded members of the AIMPLB and progressive women’s organisations (Muslim and non-Muslim) have lobbied for the modernisation of some aspects of Muslim personal law. On the face of it, triple talaq is an easy candidate for such reform. It is not recognised by the Koran, is not practised by Shias, and is banned either expressly or by implication in a large number of Islamic countries, notably Pakistan, Bangladesh, Indonesia, Iran, Iraq, and Tunisia. It is deplorable that the AIMPLB, which has declared itself in favour of less discriminatory forms of divorce prescribed under Muslim personal law, will not recommend the rooting out of triple talaq.

The model *nikahnama*, a kind of uniform marriage code prescribed for the Muslim community, is deafeningly silent on issues such as polygamy and the minimum marriage age for Muslim women. It does have some progressive features. It calls for the preparation of written records of all marriages and for copies of the contract to be handed over to both bride and groom (a measure that will inhibit disputes over matters of fact). It makes it mandatory for parents or guardians of couples to be present during the marriage (a check on the phenomenon of forced marriages). It gives Muslim couples the option of signing a document that agrees to submit divorce proceedings to arbitration in the event of a decision to separate (although arbitration by a cleric tends to put women at a built-in disadvantage). In the overall context, the changes recommended are distressingly inadequate. Discriminatory and backward-looking marriage laws adversely affect the socio-economic well being of the women concerned but the harmful effects are not confined to women. Forward-looking organisations of Muslim women such as Awaz-e-Niswan are absolutely right in denouncing the AIMPLB document as “ridiculous...[as well as] dangerous” and as pushing “our personal issues into the ghetto.” The Board, a self-appointed authority, stands irretrievably discredited.

05 MAY 6

THE HINDU

Model nikahnama 'fine', but will it work?

HT Correspondents

Bhopal/Lucknow/Srinagar, May 3

THE MUSLIM community has, by and large, approved of the model *nikahnama* adopted by the All India Muslim Personal Law Board.

"I am in support of the *nikahnama* now", said Bhopal-based Urdu writer Prof Shafeeqa Farhat who is vocal on issues concerning women. "We were apprehensive about the clergy being narrow-minded, so we had opposed it."

"But our suggestions have been incorporated," she added. "Both the bride and the groom will be aware of their rights and this will also set right the mentality of men," Farhat said.

Educationist Mumtaz Ummeed felt the step should have been taken long ago. "When there is a document that involves writing and you go for counselling/arbitration, both parties get time to think before divorce. The anger often cools down so reconciliation is possible," she added.

In Lucknow, Naib Imam Idgah Maulana Khalid Rashid of Firan-gi Mahal hoped it would help protect the rights of women. He said people had avoided paying *meher* (amount fixed at the time of marriage to be paid to wife) within the stipulated period. But now the model *nikahnama* has made provision for its payment to the wife within a timeframe. Maulana

Salahuddin Abu Bakra said tightening of grip over husband would be beneficial for the wife.

Not all are enthusiastic though. Even while welcoming the step per se, many community leaders appeared sceptical whether the *nikahnama* would be implemented.

Lucknow's prominent Shia cleric Maulana Kalbe Jawad said the agreement paper between man and woman should be adopted by all sects. But since the *nikahnama* is not compulsory, the possibility of all sections adopting it appeared remote.

Mufti Bashiruddin, the grand Islamic jurist of Kashmir, described the new *nikahnama* as a mere 'gimmick' by the board mem-

bers to catch the public eye. Islam is a religion of God and no human being was authorised to make changes in it, he said.

"As I have heard, they (AIM-PLB) have suggested that triple talaq should be avoided. It can be a mere suggestion, which if followed is good. But if someone defies this and goes for triple talaq, we cannot stop him", he said.

Moulvi Mohammad Amin, an imam and preacher, however, said Islam was open to *ijtihad* (changing interpretation without affecting basic rules and thought). "If the *nikahnama* does not violate the principles of *ijtihad*, and is in tune with *shariat* (religion), it should be welcomed", he said.



PH
These two grooms were the first to be married as per the model *nikahnama* in Bhopal on Sunday.

আদর্শ নিকাহনামায় খর্ব তালাকের 'হক'

ভূপাল, ২ মে (সংবাদ সংস্থা)— মুসলিম বিবাহ ও বিচ্ছেদ আইন আরও স্বচ্ছ ও আধুনিক করার উদ্দেশ্যে সর্বভারতীয় মুসলিম ব্যক্তিগত আইন পর্যদের সম্মেলনে গৃহীত হল আদর্শ নিকাহনামা। ভূপালের তাজ-উল-মসজিদে পর্যদের তিনদিনের সম্মেলনে শেষ হল গত রবিবার। এদিনই চূড়ান্ত হল আদর্শ নিকাহনামা— ভূপাল ঘোষণা। নতুন প্রস্তাবে মুসলিম বিবাহ আইনে স্বামী ও স্ত্রীর কর্তব্য, দায়িত্ব ও অধিকার আরও আধুনিক দৃষ্টিভঙ্গিতে ব্যাখ্যা করা হয়েছে। সেই সঙ্গে বিচ্ছেদের ঘটনা কমিয়ে বিবাহ বিচ্ছিন্নদের আবার মিলিত করার উদ্দেশ্যও রয়েছে। গৃহীত প্রস্তাবে রয়েছে একগুচ্ছ নির্দেশিকা। এর মধ্যে উল্লেখযোগ্য তালাকরীতির সংস্কার। তিন তালাকের বদলে একবার মাত্র তালাক উচ্চারণেই বিচ্ছেদ কার্যকর করার সুপারিশ করেছে বোর্ড। এই এক তালাকের বিচ্ছেদ প্রয়োজনে প্রত্যাহারও করা যাবে। স্বামী-স্ত্রীর ফিরে আসার পথ

খোলা রাখার আর্জি রয়েছে এ ক্ষেত্রে। পুরুষের ইচ্ছেমতো যখন-তখন তালাক দেওয়ার অধিকারেও রাশটানার প্রস্তাব আনা হয়েছে। স্বামী ইচ্ছে করলেই তালাক দিতে পারবেন না। সে ক্ষেত্রে স্ত্রীকে খোরপোশ দিতে হবে। বিষয়টি ব্যাখ্যা করে পর্যদের সচিব আবদুল উর রহিম কুরেশি জানিয়েছেন, ইসলাম বিনষ্ট দাম্পত্য টিকিয়ে রাখার পক্ষপাতী নয়। কিন্তু তালাকও আল্লাহর কাছে অপছন্দের। সে কথা মনে রেখেই পুরুষের পক্ষে অনন্যোপায় না হলে তালাকের আশ্রয় নেওয়া উচিত নয়। বিচ্ছেদ একান্ত অনিবার্য উপলব্ধি করলেই স্বামী একবার মাত্র তালাক উচ্চারণ করবেন— তিনবারের দরকার নেই। স্ত্রীকে তালাক দেওয়ার পর স্বামীর তিনমাসের 'ইদাত' চলে। হিতাকাঙ্ক্ষী গুরুজন, অভিভাবকেরা এ সময় স্বামী-স্ত্রীর মনোমালিন্য মিটিয়ে বিচ্ছেদ প্রত্যাহারের পথ দেখাতে পারেন। শরিয়তি আইন বিচ্ছেদের ওপরেই জোর

দিয়েছে বোর্ড। আদর্শ নিকাহনামা প্রস্তাব গঠনে বড় ভূমিকা নিয়েছেন মহিলারা। বয়োজ্যেষ্ঠ ও অভিভাবকের সম্মতি থাকলে মুসলিম আইনে নাবালক-নাবালিকার বিবাহ আইনসিদ্ধ। এই নিয়মে প্রবল আপত্তি জানিয়েছেন মহিলারা। এ ধরনের বিবাহ আইন বিরুদ্ধ ঘোষণা করার প্রস্তাব দিয়েছেন তাঁরা। নারীর মর্যাদা বৃদ্ধি, সম্পত্তিতে তাঁদের অধিকার সংক্রান্ত কিছু সুপারিশও করেছে বোর্ড। কুরেশি জানিয়েছেন, কার্যকরী কিছু পদক্ষেপ চালিয়ে মহিলাদের সম্মান ও মর্যাদার উন্নয়ন ঘটাতে হবে। নিকাহ বা বিবাহের 'দেনমোহর' বা যৌতুক দেওয়া-নেওয়ার রীতিতেও সংস্কার ঘটাতে চেয়েছে পর্যদ। বিয়ের সময় কন্যাপক্ষের কাছে যৌতুক দাবি নিষিদ্ধ করার প্রস্তাব রয়েছে। এমনকি বরযাত্রীদের ভোজ খাওয়ানোও বাধ্যতামূলক করা যাবে না। দেনমোহর বিয়ের সময় পুরোপুরি দেওয়া সম্ভব না হলে বিয়ের পর অলঙ্কার হিসেবে তা দেওয়া যেতে পারে।

03 MAY 2005

AAJKAL

Better deal for Muslim women

SHAMS Ur Rehman Alavi
Bhopal, May 2

THE ALL-India Muslim Personal Law Board (AIMPLB) on Sunday released the long-awaited model *nikahnama*, granting Muslim women in the country a whole new array of rights. Its guidelines would go a long way in minimising marital disputes, the board said.

Bereft still now of any binding force, the *nikahnama* is aimed at ensuring a procedural uniformity across Muslim marriages.

Nikahnama provisions



■ **Records:** Written records for all marriages. Bride, groom to get copies of agreement

■ **Role of partners:** Women are 'owners of household', men to earn for family

■ **Meher:** The security given by groom to bride's family will preferably be in form of gold, silver or property

■ **Divorce:** Is last resort. Disputes must first be settled through arbitration

procedural uniformity across Muslim marriages.

The 14-page document describes *talaq* as detestable, dowry demands in any form as sinful and advises couples to go for arbitration in case of marital conflict, Board spokesperson A.R. Qureshi said.

Condoning divorce only as the last resort, the *nikahnama* lays down the procedures for it and asks Muslims to refrain from pronouncing triple *talaq*. If *talaq* is pronounced just once, divorce

still remains "revocable" within a period of three months, Qureshi said.

Seeking to avert disputes, the document asks for written records of all marriages to be prepared, with the bride and groom getting a copy each of the agreement.

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Better deal for Muslim women

Continued from Page 1

THE GUIDELINES also make it mandatory for the parents or guardians of the couple to be present during the marriage. These provisions are to discourage forced marriages.

The *nikahnama* prescribes for the *mehar* (money extended by the groom to bride's family as security) to be preferably in the form of gold, silver or immovable property — details of which would be specified in the agreement.

Apart from incorporating *hi-dayat* (advice) for all married couples to follow in case of disputes, the guidelines fix roles of each of the partners, AIMPLB convener Shamshuddin Afridi said. The women have been defined as "owner of the household" responsible for looking after its affairs, while the men have been made responsible to earn and run the family, he said.

While efforts have been made to minimise scope for disputes, "our aim is to ensure settlement of disputes through different means, including intervention of elders," he said.

The *nikahnama* also proposes to generate coordination between spouses as proper communication between the two would eliminate chances of disputes, he said. Regarding memorandums submitted by women's groups, the convener said most of their suggestions had already been incorporated in the model *nikahnama*.

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THE HINDUSTAN TIMES

প্রান্তিকতার দাবি

মুখ্যমন্ত্রী যুদ্ধদেব ভট্টাচার্য স্বীকার করিয়াছেন, রাজ্যের মুসলিম-প্রধান দুইটি জেলা মালদহ ও মুর্শিদাবাদে মুসলিম সম্প্রদায় এখনও যথেষ্ট 'অবহেলিত' এবং এই দুইটি জেলায় ইহাদের উন্নয়নের জন্য বিশেষ দৃষ্টি প্রদান আবশ্যিক। শেষ পর্যন্ত জ্বলন্ত বাস্তবতাটি যে মুখ্যমন্ত্রীর নজরে পড়িয়াছে, তাহাই আশার কথা। যে হেতু বিধানসভা ভোট বিশেষ সুদূর নহে, এবং সংশ্লিষ্ট জেলা দুইটিতে বামফ্রন্ট তথা সি পি আই এম-এর ফলাফলও নিশ্চিত, তাই মুখ্যমন্ত্রীর এমত ঘোষণার অন্তরালে অন্য কোনও অভিপ্রায়ের ছায়াপাত দেখিলে আশ্চর্য হইবার কিছু থাকিবে না। উল্লেখ্য, এই বৎসরের প্রথমেই সি পি আই এম-এর জেলা সম্মেলনে তিনি মালদহ ও মুর্শিদাবাদের উন্নয়নে যত্নবান হইবার সঙ্কল্প ঘোষণা করিয়াছিলেন। সমস্যাটি দীর্ঘ দিনের, কিন্তু মাননীয় মুখ্যমন্ত্রী এত দিন পরে তাহার সমাধানে তৎপর হইবার কথা ঘোষণা করিলেন বলিয়াই ঈষৎ খটকা! তবে ছিদ্রাঘেষণ ছাড়িয়া এই মুহূর্তে আশা করাই চলে যে প্রশাসনের শুভবুদ্ধির উদয় হইয়াছে। বহরমপুরে একটি শিল্পনগরীর শিলান্যাস করিতে গিয়া মুখ্যমন্ত্রী জানাইয়া দিয়াছেন, এই দুইটি জেলার শিল্পোন্নয়নের উদ্দেশ্যে সমীক্ষা চালানো হইয়াছিল এবং অচিরাৎ ব্যবস্থা গৃহীত হইবে।

বর্তমানে সঙ্কীর্ণ ধর্মতান্ত্রিকতা এবং সংখ্যাধিক্যের আধিপত্যময় সংসদীয় গণতন্ত্র যে ভাবে পাকে পাকে জড়াইয়া গিয়াছে, তাহাতে সংখ্যালঘুদিগের জন্য যে কোনও রকম বিশেষ ব্যবস্থা গৃহীত হইলেই সন্দিক্তগণ বাতাসে তথাকথিত তোষণ-নীতির ঘাণ সন্ধানে ব্যস্ত হইয়া পড়েন। স্থান-কাল-পাত্র এই ত্রিবিধ কাণ্ডজ্ঞানের সরলীকরণ ঘটাইয়া ধর্ম লইয়া সঙ্কীর্ণ রাজনীতি কুযুক্তির অবতারণা করে। ওই ত্রিমাত্রিক অবহিতিটি স্পষ্ট থাকিলে কিন্তু সহজেই বুঝা যায়, কোন ব্যবস্থাটি আবশ্যিক এবং কোনটি নিছকই ভোটাকর্ষণের নিমিত্ত গৃহীত। সেই বাস্তববোধের বশে বলা চলে, কেবল সংখ্যালঘু মুসলিম সম্প্রদায় নহে, সাধারণ ভাবে অনগ্রসর ও সামাজিক ভাবে সমস্যাপীড়িত বিভিন্ন বর্গের উন্নতির জন্য এখনও চিন্তাভাবনার অবকাশ বিস্তর। সেই উন্নতির জন্য শুধুমাত্র শিল্পোন্নতি এবং তাহার মারফত কর্মসংস্থান বৃদ্ধি নহে, প্রয়োজনে আরও এক ধাপ আগাইয়া সরাসরি তাহাদের সাহায্যের বন্দোবস্তও করিতে হইবে। যে সকল কাজের ক্ষেত্রে শিক্ষাগত যোগ্যতার দাবি সামান্য, সেখানে অনগ্রসর বর্গের মানুষের জন্য বিশেষ সুযোগের বন্দোবস্ত করাও বাঞ্ছনীয়। উদাহরণস্বরূপ বলা চলে, থানায় 'কনস্টেবল'-ধরনের পদে চাকুরিতে ক্ষেত্রবিশেষে মুসলিম বা অন্যান্য অনগ্রসর গোষ্ঠীর মানুষের জন্য বিশেষ সুযোগ রাখার কথা ভাবা যাইতে পারে। প্রশ্নটিকে বৃহত্তর প্রেক্ষিতে ভাবিলে বলিতে হয়, বস্ত্ত সমাজে অনগ্রসর প্রতিটি শ্রেণীর জন্য এই জাতীয় ব্যবস্থা গ্রহণ করা উচিত।

অস্তিমত বলা চলে, অনগ্রসর সম্প্রদায়ের উন্নতিকল্পে যে সকল ব্যবস্থাই গৃহীত হউক না কেন, তাহার মধ্যে যেন একটি সুসমন্বয় বজায় থাকে। জীবনযাত্রার ন্যূনতম মানোন্নয়নের জন্য আরও যাহা প্রয়োজনীয়, সেই শিক্ষা এবং স্বাস্থ্যের আলোক যাহাতে অনগ্রসর শ্রেণিগুলির ভিতরে ছড়ায়, তাহাও স্মরণে রাখা উচিত। তৎসহ, কলিকাতা হইতে দূরে জেলায় বসবাসকারী অনগ্রসর বর্গের জন্য এই জাতীয় ব্যবস্থা গ্রহণ আরও বেশি প্রয়োজন। উন্নয়নের ধার-পশ্চিমবঙ্গের রাজধানী তথা একমাত্র বৃহৎ শহর কলিকাতায় যে পরিমাণে সচল, নগরসীমা ছাড়াইলে তাহার ধারা ক্রমশ ক্ষীণ হইতে থাকে। তাই বিশেষ ভাবে জেলাগুলির প্রতি দৃষ্টিনিষ্কেপ করিতে হইবে। বস্ত্ত, এ ক্ষেত্রে প্রান্তিকতার সমস্যাটি দ্বিমাত্রিক হইয়া ওঠে— এক দিকে ভৌগোলিক প্রান্তিকতা, অন্য দিকে সামাজিক প্রান্তিকতা। সেই কারণেই দূরবর্তী জেলাগুলির অনগ্রসর মানুষের জন্য বিশেষ বন্দোবস্ত আরও বেশি জরুরি। মুখ্যমন্ত্রী একটি জরুরি কার্যে হাত দিয়াছেন। কাজটি সুসম্পন্ন হউক।

ANADABAZAR PATRIKA

27 APR 2005

Best Bakery officer grilled on riots video footage

Agencies
Mumbai, April 25

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THE INVESTIGATING Officer (IO) in the Best Bakery case was questioned on Monday about the video footage that the police had recorded during the burning of the bakery in the post-Godhra riots.

Police Inspector H.G. Baria told the special court that though no rioters were seen in the video clip, it was taken to help in the investigations and also from the point of view of evidence.

"The video was taken since it would show what the police did during the riot", he said, adding that no restrictions were imposed on the cameraman.

The video is considered an important piece of evidence since it shows Zaheera's sister-in-law, Yasmeen, and grandmother in the bakery, although Zaheera's family had denied in the court the duo's presence at the place on the day of the

incident. The special court here is conducting the retrial in the case following a Supreme Court directive to hold it in Maharashtra.

Meanwhile, prime witness in the Best Bakery case Zaheera Sheikh on Monday did not appear before the special court conducting a re-trial as the summons which were issued to her were not served on her, prosecution said.

The prosecution said the summons which were issued to her on April 20, were not served on Zaheera as she happened to be in New Delhi and it were issued at her address in Gujarat. The special judge Abhay Thipsay had issued summons to Zaheera, her mother Sehrunissa and brother Nasibullah, after a prosecution plea of re-examining the three in light of the fresh evidence, which had come up.

Public prosecutor said she wanted to examine Zaheera based on the material

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seen in the video CD shown to the court on April 4. The contents of the CD are in contradiction to what Zaheera, her mother and brother had said before the court on oath.

Even the IO, who had recorded Zaheera's statement after the Best Bakery incident in 2002, had made several statements in the court that were in contradiction to what Zaheera had said. The prosecution wants to confront Zaheera and the two others with the fresh evidence on CD and the IO's statement.

Meanwhile, social activist Teesta Setalvad was on Monday questioned by a top Delhi Police officials with regard to the allegations levelled against her by Zaheera, key witness in the Best Bakery case.

Later Setalvad told reporters that she was "satisfied" with the questioning and would not like to comment more as the matter is under investigation.

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Buddha admits Muslim

29/4
'neglect'

সি. এ. মিন্টা
OUR CORRESPONDENT

Behrampore, April 23: Chief minister Buddhadeb Bhattacharjee admitted here today that Muslims in both Malda and Murshidabad are still a "neglected lot" and need the special attention of the government.

The government would seek assistance from the National Bank for Agriculture and Rural Development to improve the lot of Muslims in these two districts, said Bhattacharjee who was on a day's visit here to lay the foundation stone of an industrial estate on a 11-acre plot.

"While in Murshidabad 64 per cent of the total population is Muslim, in Malda their population is 53 per cent. In the two districts, the Muslim community is a majority and we have to improve its lot," said the chief minister who also inaugurated an office of the West Bengal Small Scale Industries Corporation and a shopping complex in the town.

The chief minister said he had asked Webcon to conduct a survey on the feasibility of setting up industries in the two districts. "Webcon has submitted its survey report to me. On that basis, the government has asked the WBSIC and the West Bengal Minorities Financial Development Corporation to work to improve the situation in the two districts."

Bhattacharjee's statements come four months after he had promised to take steps for the development of Malda and Murshidabad, during the district conference of the CPM in January.

Observers said the assurances by the chief minister are aimed at wooing minorities for the elections to the municipalities to be held next month. The CPM had fared poorly in Malda and Murshidabad in the 2004 Lok Sabha elections and subsequent polls.

24 APR 2005

THE TELEGRAPH

Lalu links attack to Banerjee report

Sabotage, cries BJP

Rathin Das & Agencies
Ahmedabad/Varanasi,
April 22

LALU PRASAD Yadav renewed his attack on Narendra Modi and the Sangh Parivar on Friday while the BJP responded by demanding the railway minister's resignation.

Lalu described Thursday's alleged attack on him a "well-planned conspiracy" because he had made public an inquiry committee report that did not accept the Parivar's view on the Godhra train fire. "The attack was orchestrated with an intention to eliminate me because I had made public the report indicting Modi. It was the handiwork of RSS and Bajrang Dal workers at the behest of Modi," Lalu said.

He flayed the police for remaining mute spectators when his car was pelted with stones. "The Modi government will have to go sooner than later," he said.

In response, the BJP said it was Lalu who would have to go. A BJP fact-finding committee said the mishap could have been "sabotage" and not an accident.

Regarding the attack, BJP leader Sushil Kumar Modi said, "Many facts are coming to light. If people wanted to attack him with stones as he has claimed, they could have done so when he was at the accident site as there were more stones around (as compared to the SSG hospital in Vadodara)."

He demanded a CBI inquiry. "If he proves his



Railway minister Lulu Prasad Yadav at the train accident site, Samalaya, on Thursday.

charge I will quit politics," he said and described Lalu as a "big liar." He said, "Lalu Yadav must have broken the glass of the rear window of the car."

He also alleged that Lalu had himself cooked up the "murderous attack" story to divert attention of Parliament.

He wanted to know why Lalu did not inform the Gujarat government and chief secretary about his visit to the state. He demanded to know why Lalu travelled in a private car rather than one given by the Gujarat government.

The VHP, too, has deman-

ded Lulu's resignation. "Lalu cannot blame the Parivar and wash his hands of the incident," VHP leader Acharya Giriraj Kishore said.

He described the attack as a "natural response" of relatives of accident victims. But he did not deny the presence of VHP and Bajrang Dal workers at the SSG hospital.

"VHP and Bajrang Dal workers had rushed to the site and engaged in relief operations."

"This did not appeal to Lulu who is a critic of the Sangh Parivar. His comments are just an extension of his dislike," he said.

Basu not for Modi dismissal

HTC & Agencies
Kolkata/N. Delhi, April 22

JYOTI BASU has opposed railway minister Lulu Prasad Yadav's demand for dismissal of the Narendra Modi government in Gujarat even as his party, the CPI(M), supports Lulu's claim that Modi staged the alleged assault on Lulu.

Asked by reporters whether the Centre should dismiss the Modi government, Basu said, "No, it should never be done". He also said he was not aware if the CPI(M) politburo has taken any stand on the issue.

The CPI(M) politburo condemned the attack and said the Centre must ensure that state governments function "in conformity with the Constitution". "It is reprehensible that instead of concentrating its energies in rescue operations and providing relief to the injured, the Modi administration was preoccupied with organising this assault on Lulu", the party said. "The obvious provocation has been Lulu's initiative at making public the Banerjee Committee report on the nature of fire at Godhra in 2002."

Linesman deposes before rail body

THE LINESMAN, whose error caused Thursday's train collision at Samalaya, presented himself before the authorities at the station on Friday.

SP Anoop Singh Gehlot had said his statement would be recorded later. Seventeen people had lost their lives and over 125 have been injured in Thursday's accident.

The injured are being treated in hospitals at

Vadodara. Meanwhile, the railway track has been opened for two-way traffic and rescue operations are over.

Meanwhile, city police commissioner Deepak Swarup said Lulu Prasad Yadav was provided 'Z plus' security during his visit to the hospital when his car was allegedly stoned by suspected Bajrang Dal and BJP workers.

Agencies, Vadodara

Human failures biggest threat to rail travel

Deepak Razdan
New Delhi, April 22

THE SABARMATI Express disaster near Vadodara on Thursday morning confirmed once again that human failures are the biggest threat to safe rail travel in the country.

The express had several of its bogies smashed when it rammed into a stationary goods train from the rear, just because a pointsman deputed to operate some diversion levers made a mistake. Seventeen passengers were killed, and 125 others injured.

In spite of official figures that 200 to 300 cases of "human failure" were behind railway accidents annually,

the Railways have paid little attention to developing skilled manpower among its plans to modernise its operations.

The huge Rs 17,000-crore safety fund to modernise the Railways network through replacement of tracks and signalling over six years from 2001 provided less than Rs 75 crore for "upgradation" of 52 major staff training centres.

The Railways' 10-year Corporate Safety Plan (2003-13) allocates for improving training only Rs 220 crore, including the Safety Fund's Rs 75 crore.

The Rs 20,000-crore Integrated Railways Modernisation Plan (2005-10) is another document that talks

POST-MORTEM

mainly of high-cost equipment proposed to be installed in the system.

Only last December, the Jammu-Tawi-Ahmedabad Express collided head-on with the Jalandhar-Pathankot local near Pathankot when two station masters bungled in giving the right signal.

Nearly 30 passengers died in the daytime accident — which the railway minister described as "brutal murder".

The Railways' White Paper on Safety two years ago disclosed that two-thirds of railway accidents were be-

cause of human failure, and wanted skill, knowledge and technical upgradation for the staff.

The official document said it was impossible to eliminate human failures "till complete mechanisation and automation", and took consolation that the problem was diminishing because the total number of yearly accidents was going down.

Confirming the human resource challenge, the corporate safety plan visualises limited success on curbing human failures, and aims to reduce accidents "attributable to human failures by 40 per cent by 2013".

With human failures continuing, the document

says higher officials should also be identified for the mishaps.

Every year, 200 employees are awarded "major penalties" for their failures. The Corporate Plan says general managers and divisional railway managers will be "responsible and accountable for achieving safety objectives".

The railway minister on Friday issued an order that GMs and DRMs would be held "accountable" for accidents in their areas.

The Corporate Plan reaches even higher up, and goes on to say Railway Board members "will be individually — and jointly — responsible for laying down the safety norms".

...neither is Mulayam

VOICING HIS support for veteran CPI(M) leader Jyoti Basu's opposition to railway minister Lulu Prasad Yadav's demand for dismissal of the Narendra Modi government in Gujarat, Samajwadi Party president Mulayam Singh Yadav on Friday said it would "endanger the country's federal structure if a government is sacked on such petty issue". "I fully support Basu, who has opposed Lulu's demand for the dismissal of the Gujarat government", Yadav said on the sidelines of his party's three-day national convention, which will end here on Saturday.

"Dismissal of a government on such a petty matter will endanger the federal structure of the country. We oppose it", he said.

Lalu had accused Modi of orchestrating an attack on him on Thursday.

Agencies, Patna

Supreme Court panel snubs Zaheera's plea

HT Correspondent
New Delhi, April 20

BEST BAKERY CASE

THE SUPREME Court on Wednesday turned down a plea by Best Bakery key witness Zaheera Sheikh for transfer of an inquiry into allegations — whether she had been coerced or induced to turn hostile — from a high-level apex court committee to a formal court.

Justice Arijit Pasayat, who was part of a Bench that sent the Best Bakery case out of Gujarat to Maharashtra for a retrial on the basis of an affidavit which she has disowned since, rejected an application to this effect mentioned by Zaheera's counsel D.K. Garg before him.

"Let the proceedings before the committee go on. If you eventually do not accept the final report of the committee, we will see what can be done," Justice Pasayat observed rejecting the demand.

Zaheera's counsel point-

ed out to the court that the committee, headed by Registrar General B.M. Gupta, had constantly been "cross-examining" Zahirra and sought the court's intervention to clarify the modalities to be followed.

Garg also drew the court's attention to the fact that Zaheera had been cross-examined on Tuesday for three hours. But the court rejected his demand. "If the truth is to be established, something has to be done," the court noted.

Zaheera had on Tuesday accused the probe committee, which includes Delhi cop, Kanwaljit Deol, of being "biased" and sought an adjournment in its proceedings to move an application against it before the apex court.

She had taken objection to the committee asking mentor-turned-foe Teesta Setalvad to only reply to a

questionnaire while subjecting her to a cross-examination.

The committee had decided to approach the two differently as "Teesta was more mature, educated and literate". This was stated in the RG's order of April 18, 2005.

Meanwhile, a special Mumbai court conducting retrial in the Bakery case on Wednesday issued summons to Zaheera asking her to appear before it on April 25 for re-examination. On a prosecution plea, the summons were issued on Wednesday asking Zaheera to appear before special judge Abhay Thipsay on April 25, prosecution lawyers said.

The prosecution wanted to examine Zaheera based on the material seen in the video CD shown to the court earlier this month on April 4. The contents of the CD are in contradiction to what Zaheera, her mother and brother had said on oath before the court.

21 APR 2005

THE HINDUSTAN TIMES

SC throws out Zahira Sheikh's plea

TIMES NEWS NETWORK

9-11-05
Mumbai

New Delhi: The supreme court on Wednesday rejected a plea by the Best Bakery carnage case's crucial but controversial witness, Zahira Sheikh, for the transfer of the proceedings for determining the veracity of the divergent statements made by her and social activist



Teesta Setalvad to a formal court. A committee comprising SC registrar-general B M Gupta and Delhi police joint commissioner Kanwaljeet Deol has been inquiring as to how and why Zahira Sheikh repeatedly changed her statements after the Bakery case trial was transferred on her plea to a Mumbai court from Gujarat.

The committee appointed by the apex court has decided to orally examine Zahira Sheikh but seek written

replies from Setalvad on the ground that the witness was not as "mature, educated and literate" as the social activist.

The committee had also rejected the plea by Zahira's counsel P N Lekhi and D K Garg that equality of approach towards their client and Setalvad be maintained.

The committee adjourned the proceedings on Tuesday to allow Zahira to move the apex court for whatever clarifications she wanted.

A Bench headed by Justice Arijit Pasayat, who ordered transfer of the Bakery case trial and also set up the committee, said on Wednesday: "Under no circumstances, we will allow the proceedings of the committee to be adjourned. Whatever grievance you have could be heard after the committee submits its report to the court."

24 APR 2005

THE TIMES OF INDIA

WEDNESDAY, MARCH 30, 2005

L'AFFAIRE MODI

IT IS NOW becoming clear that the one act of the Bush administration that secular, democratic, and progressive India can agree with, and indeed applaud with some necessary qualifications, is the revocation of Narendra Modi's existing tourist/business visa — in conjunction with finding him ineligible for a diplomatic visa given the nature of his planned visit to the United States. It is important to realise that this determination was the outcome of a spirited and sustained campaign by democrats and human rights activists. It was significant also because it set in motion a chain of unexpected political developments presaging Mr. Modi's downfall.

He had struck a warm, celebratory note over the re-election of George Bush through discovering "a lot of similarity" between his presidential campaign speeches and his own communally virulent *gaurav yatra* campaign ahead of the 2002 Gujarat Assembly elections. Both triumphs, Mr. Modi had reflected in self-congratulatory vein, could be explained in terms of taking up "the issue of terrorism," Mr. Bush "warn[ing] off America's enemies...[and] I...Gujarat's enemies." He had challenged "political pundits" to analyse the shared experience. But after the visa denial and revocation, Mr. Modi, ever the demagogue, screamed: "an insult to the Constitution of India and its people...a threat to [the] sovereignty and democratic traditions of the country." And, quite out of character, his party leaders found themselves obliged to indulge in some dubious U.S.-bashing. The stage seemed set for yet another essay in *Moditva* — this time a *swabhiman* mass campaign.

Meanwhile, the United Kingdom chose a somewhat different but equally impactful course: it would not revoke Mr. Modi's visa but, in keeping with its post-2002 policy of 'no [high level] contact' with him, it would deny him official status, including special security. Instant political punditry saw the situation as favourable to the Gujarat Chief Minister but that is not how events have played out. After his decision not to travel to London given the prospect of militant demonstrations by human rights activists and possible arrest, the dissidents in the Gujarat unit of the Bharatiya Janata Party have refused emphatically to withdraw their demand for his removal. The publicity surrounding the controversy is seen by dissident leaders as yet another instance of the Gujarat Chief Minister's penchant for individual glory, a "megalomaniac" attempt to place himself above the party. In fact, dissident leaders view his decision not to travel to London, ostensibly under advice from the Central Government, as a clear case of cold feet. It was perfectly clear that influential groups of Indians opposed to him would be at liberty to protest against his presence in the U.K. What was more, the Indian High Commission in London apparently communicated through New Delhi that, in view of the fact that cases had been filed against Mr. Modi on behalf of the families of two British nationals killed in the Gujarat pogrom of 2002, the arrest of the Gujarat Chief Minister on British soil could not be ruled out; and legal opinion confirmed this assessment. Interestingly, attempts by Mr. Modi to paint the recent developments as a slight to the self-esteem of the people of Gujarat have evoked little response from BJP cadres, not to mention the public.

The Gujarat Chief Minister is a highly polarising figure. There is a large segment of political India, including much of the citizen sector, that believes that Mr. Modi brought indelible shame on State and country by the way his administration presided over the massacre of some 2,000 citizens, most of them Muslim, in the days and weeks following the Godhra tragedy of February 27, 2002. If he has not been arraigned in a

court of law for being a party to a conspiracy to 'avenge' Godhra or, at the very least, for gross and wilful dereliction of duty, there is a twin explanation. The criminal investigation machinery of the State has been under his control; and the Central Government of the day, in flagrant disregard of its constitutional duty, chose to shield him. Despite these factors, enough actionable evidence has accumulated to indict Mr. Modi morally, politically — and legally. The case against him does not consist of mere "allegations," as Prime Minister Manmohan Singh ill-advisedly stated on the floor of the Rajya Sabha. The cumulative findings of the National Human Rights Commission, the Central Bureau of Investigation (in the one case it has been allowed to investigate so far), and the Supreme Court in the Best Bakery case are not "subjective" by any stretch of the imagination. It may be a weakness of the Indian system that an individual of such notoriety can manage to pass off as a "constitutional authority" and enjoy effective immunity from the operation of both the rule of law and effective moral judgment. However, other countries are not obliged to withhold meaningful censure and sanctions of a sort against Mr. Modi's appalling record.

Whether we like it or not, we live in an era of growing international accountability. The people of the world have as much right to be outraged by Gujarat as they are by Abu Ghraib. India may not be a party to the International Criminal Court — which has jurisdiction over crimes against humanity, war crimes, and genocide — but this does not mean its citizens cannot be called to account there. Sudan is not a state party to the ICC but France is trying to invoke Article 13b of the ICC Statute (which enables the U.N. Security Council to refer a case to the court under Chapter VII of the U.N. Charter) so that individuals accused of crimes against humanity in Darfur can be prosecuted at the Hague. So long as Mr. Modi remains Chief Minister, he will continue to be a profound embarrassment to India's constitutional system. If Indians do not like the prospect of foreign courts getting involved, they must ensure that he is called to account under the rule of law, which is internationally acknowledged to be one of the country's major strengths.

The BJP in Gujarat, of course, has little ideological sympathy with the way the 'outside world' and 'pseudo-secularists' view the post-Godhra bloodbath. Many local leaders want Mr. Modi replaced because of the way he has squandered the party's political stock; his authoritarian style of functioning; and his neglect of their interests. With elections to local bodies just a few months away, they fear a further erosion of the party's stock, a process that was evident in the mediocre performance of the BJP in the State during the May 2004 general election. Mr. Modi's calculation that the snubs by the U.S. and the U.K. could be turned to his advantage by whipping up pseudo-nationalist hysteria has gone awry. There are enough indications that the countdown to his exit has begun.

If the dissidents succeed, Mr. Modi's ouster should not be interpreted, simplistically, as political and moral accounting for his role in the Gujarat pogrom. The BJP as a party and other constituents of the *sangh parivar* have persistently refused to show any contrition for the events of 2002. Mr. Modi's downfall, if it happens, will reflect the play of mixed factors — the values of constitutionalism, secularism, democracy, human rights, and common decency working in tandem with *realpolitik*. For a restive flock of BJP MLAs and MPs from Gujarat, Mr. Modi has become a political and electoral liability, leading them on a road to nowhere. For those committed to democratic values, Mr. Modi is *persona non grata*, and *Moditva* a blot on India's civilisational heritage.

Zaheera queries NHRC, Teesta roles

Press Trust of India

NEW DELHI, March 29. — Questioning the veracity of a petition by National Human Rights Commission on Gujarat riots, Best Bakery case star witness Zaheera Sheikh has sought before the Supreme Court appointed probe committee an opportunity to cross-examine the NHRC chairperson as well as a probe into the wealth of social activist Teesta Setalvad.

This was stated by Zaheera in an affidavit filed before the committee headed by registrar-general Mr BM Gupta who, along with Mr Kanwaljeet Deol, has been assigned the task of finding the truth behind the alleged conflicting statements made

by Zaheera and Setalvad in the Best Bakery case.

It was on the petitions of NHRC and Setalvad that the Supreme Court had started monitoring the post-Godhra riots cases and it was alleged by Zaheera that her statements made before the NHRC were doctored and placed before the Supreme Court, which had set aside the acquittal of all 21 accused before ordering fresh trial of the case at Mumbai.

Accusing Setalvad of "tutoring her" in the matter prior to her deposition before the NHRC, Zaheera said in a sworn affidavit that "I was taken to the NHRC office and made to say orally what Teesta had told me to say."

Zaheera said her so-called statement produced by the

NHRC before the Supreme Court during the hearing on Gujarat riots cases was not what she said orally before the commission and requested the committee to summon the records of the human rights body on this aspect.

Stating that the chairperson of the two-member commission took part in the recording of her statement, Zaheera said: "I would like my lawyer to examine the chairman of the NHRC in respect of her statement, which formed part of the affidavit filed on behalf of the human rights body."

She also took a dig at the US State Department Reports for 2003-04 presenting Best Bakery as a "notorious case" depicting a communalised Gujarat.

PM alert keeps Modi off London

Minister
BASANT RAWAT

Ahmedabad, March 24: Less than a week after the US slammed its doors on Narendra Modi's face, the Gujarat chief minister has had to cancel his visit to the UK.

Modi, who was to leave for London on a private visit tomorrow morning, called off the trip after Prime Minister Manmohan Singh spoke to him.

Around 10.30 pm, Singh telephoned the chief minister to ask him not to travel to Britain in view of a perception of threat to his life. The Prime Minister told Modi that if he still wanted to go ahead with the visit, the state police chief should set up a control room and coordinate with the British High Commission and the Indian security establishment, sources said.

Union home minister Shivraj Patil also spoke to the chief minister, whose US visa was revoked on Friday because of the Gujarat riots.

Modi then called up BJP president L.K. Advani and, after a discussion with him, decided not to travel. He will address the media tomorrow.

The chief minister was to have gone to London to address Vibrant Gujarat, a cultural programme of the Gujarati community there.

The proposed visit had sparked an outcry in Britain, with several civil rights groups planning to hold protests outside the Royal Albert Hall, the venue of his meeting.

The Council of Indian Muslims also sent an open letter to British foreign secretary Jack Straw, urging him to ensure that Modi is barred entry and some individuals threatened to take legal action against the chief minister.

Tony Blair's government, one of the most vocal critics of the Gujarat riots, had not issued Modi a diplomatic visa, making it clear it would have nothing to do with him officially. But, unlike the US, it did not bar him from entering the country on an ordinary visa.

Bush brother invited

Modi today invited the Florida governor — President George W. Bush's brother Jeb is the incumbent — to Gujarat to show him "what love and hospitality means".

The chief minister extended the invitation twice while he was addressing a meeting at Fort Lauderdale in Florida via satellite from his residence in Gandhinagar.

THE TELEGRAPH

25 MAR 2005

'Untouchable' CM

UK cleverer in dealing with Modi

While the USA created a diplomatic stir by denying the Chief Minister of Gujarat a diplomatic visa and revoking an earlier business and tourist visa, because of Narendra Modi's role in the 2002 anti-Muslim pogrom, when he was very much in charge, the British, in their usual understated style, have dealt a more severe blow to the politician's pride, by holding him 'officially untouchable' for the past two years. The American decision enabled Modi to play to the gallery projecting himself as a 'martyr' — the British were cleverer and harsher, they stopped all high-level contacts with the Gujarat government. Britain has allowed Modi to enter their country — he has a business visa for the UK — but has let him face the humiliation of protests. They have exposed him as a pariah and they were far more intelligent in dealing with Modi. Like the USA, Britain has a large and strong diaspora of Gujarati origin, both Hindu and Muslim, and they were dealt with in an equitable manner. Two British Muslims were killed during the 2002 violence in Gujarat while on holiday; their families have lobbied the British government as well as gone to the International Court of Justice in The Hague against Modi's actions. In the British government's internal report of the 2002 violence, the state government is held responsible for not protecting citizens and for complicity in the riots. Britain's decision to deal with Modi as an outcast bears a lot of weight.

This will not be Modi's first visit to the UK since the Gujarat pogrom. On his earlier trip he was met with headlines in English papers screaming 'What is this man doing in Wembley', and all his attempts to meet the British establishments were stonewalled. He was treated as a complete outcast. Apart from his host, at the *Gujarat Samachar* in London and members of the UK wing of the VHP, no one was willing to meet him or be seen on the same platform. Such treatment is more telling for someone like Modi, than a refusal to allow him into the country. Modi has tried to use US actions to his advantage by projecting himself as a martyr fighting for 'injured national pride'. He even compared himself to Mahatma Gandhi! The comparison is laughable. The point is that Modi is quite unable to see himself to advantage by the UK's decision, this is more effective.

THE STATESMAN

25 MAR 2005

SHUTTING THE DOOR ON MODI

Acting against the Gujarati

In a country where the word 'Muslim' is routinely seen as 'terrorist', the action on Modi has exposed US double standards

R K SINGH

THE Chief Minister of Gujarat state of Republic of India, Narendra Modi, has not been issued the required visa to attend scheduled meetings in the United States of America. I also understand that his record as a guardian of civil society has been bleak as the NHRC report states. Indeed, in my personal view, he should have resigned from the post of chief minister, taking the full moral responsibility, and should have faced the law as an ordinary man.

Yet, the step taken by the State Department of the United States of America in denying a visa to the constitutional head of the state of Gujarat—as a democratically elected minister—causes much greater grief

to disregard the will of all the people who voted for him. Second, no court of law is known to have indicted Mr Modi's complicity in the said riots. Therefore, the act of the US government stems from an ill-founded rule of law. If the action based on the said report is taken to implement the rule of law, then such a justice system cannot pass the basic level of sanity.

It does not require much intellectual wisdom (but it does require an open mind) to see clearly in the media reports, and in the interviews and political discussions, that the terms 'Muslim' and 'Islam' are taken to be equivalent of 'terrorist' and 'terrorism'.

Even though it is denied repeatedly with words. The outrageous acts in Abu Ghraib and a few other

taken to be part of Muslim society and were attacked. One must not forget such events.

Though Indian society has been evolving for thousands of years, it has its own share of problems. From ancient times, it has been a pluralistic society and has made tolerance a policy of the state, so much so, that it is never considered advertising that it is a democratic, non-discriminating, tolerant society. The traces of *Vasudhaiva Kutumbakam* (the whole world is one's family) can still be seen in the social psyche. Such social values do take centuries to evolve. The US Government officials including the President himself were appalled by the particular fact that Saddam killed 'his own people', implying it was a lesser crime if he had

elsewhere, with respect to non-democratic institutions and nations for political gains. First, the citizens of the world notice that the US has increased the use of terms such as "horizon of democracy is expanding", or has expressed the virtues of democracy so repeatedly. Second, the world is also aware that the US needs to create an impression—right or wrong—that the US is not anti-Muslim.

Now, if the act of not issuing a visa to Modi is meant to propagate the viewpoint stated above—

that I am sure you will know best—then it is yet another effort to juggle world views at the cost of others. Not many would notice though, that in the process, the US hits hard at the credentials of democratically elected institutions and individuals. At the same time, it causes a division among the citizens of India, as some would welcome it and others would not, along sectarian lines; with the US establishing itself as the supreme arbitrator of what is virtuous for both parties. I, as a citizen of the world, protest such partisan methods that create further fissures between communities.

Apart from projecting a brighter face of the US, I do not see how such actions will help bridge the divide between communities. The US should demonstrate its good intentions through examples such as by changing the anti-Muslim feelings within its own society or by developing kinder relations based on equality with Muslims of the world.

The writer is a former scientist with TIFR and is an alumnus of IIT. He lives in the US

Acting with highest morality

Modi is a fascist and there is a substantial Indian mainstream that is delighted at Modi's embarrassment

NAFISA ALI

DOES it really insult India and our great democracy, when the US—going by the it revoking Modi's visa—pointed to the fact that Narendra Modi had violated religious freedom in his state?

I was elated and felt that finally, human voices were speaking out and not remaining silent against the perpetrators of crime. We Five Star activists—as Narendra Modi calls us—have finally been heard. Now we pray that the new Government takes the necessary action in accordance with the rights of the Indian people, so that we are not shamed internationally.

How can we forget what happened in Gujarat, yet find many in the administration in support of a Modi who has been denied a visa by the US? What happened in the 1984 Sikh riots—being married to a Sikh—has haunted me since, and what happened in Gujarat sent me on a direct collision course with Modi and his government. Advani, the then Home Minister, and Modi, both protectors and abettors of crime, are now crying out that 'Indian Pride' has been hurt. What about the pain and reign of terror that Modi unleashed on his own state of Gujarat, the heart of economic progress in India, and the state that gave birth to Gandhi.

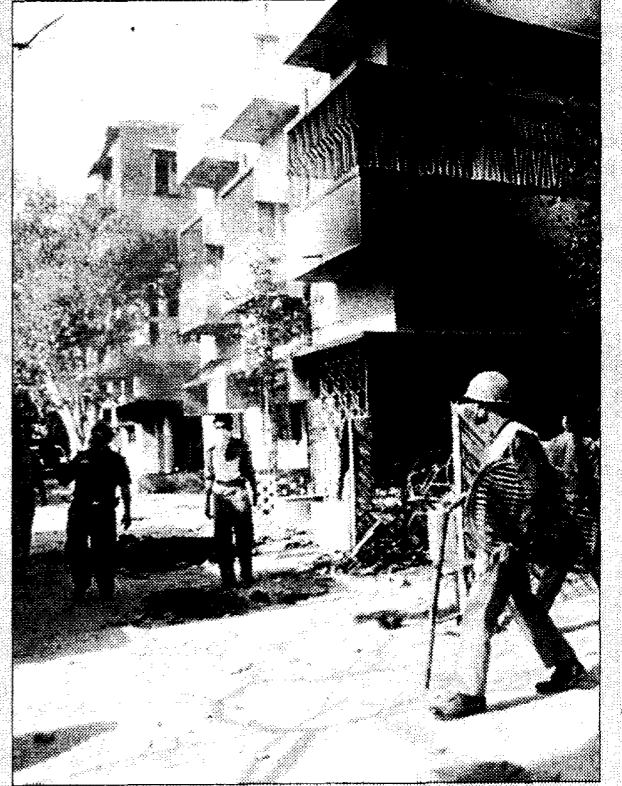
Let us reflect what Modi's action plan was. It was simply to polarise and divide a state along religious lines and ignite the fascist passions of the Hinduva cult that the BJP, RSS and VHP represent. These pseudo-Hindutvas have hurt our magnanimous Indian culture, rich in diversity. They now rally again for an unjust

cause, instead of acting in sincerity according to the Indian Constitution.

I have visited the homes and shelters of thousands of members of the riot-ravaged minority in Gujarat, that was left to fend for itself ever since Modi was sent to replace the then CM Keshubhai Patel. There have been so many national and international reports on the systematic attack on the minority population for political gain. Some even pointing out that it was along the lines of genocide. Why has our legal system not acted? Why are the inquiries and commissions not giving us the true picture? Democracy is a great system of governance but when the state and the centre are working together, it is not necessarily morally governed, as Gujarat has shown us. It is a blot on the face of Indian democracy!

It is not that the new UPA Government, under its constitutional obligations, is complacent about the accountability of the Modi administration; rather due to respect for the position. The defensive attitude of the UPA Government in strongly criticising USA is understandable and appreciated as the MFA was not consulted on this issue. This is purely a matter of protocol but by going against this US decision, I strongly feel that the UPA Government is not at all shielding Modi's patronage of the Gujarat riots. Therefore, the National Human Right Commission Report should not be ignored and appropriate action, if the report is found to be true, should be taken instantaneously.

Modi is aggressively questioning the US Government and proudly stating that no court of law in India has indicted him. Even when taped conversations of what transpired leading up to the riots, three years ago, have won Ahmedabad-based *Indian Express* journalist Stavan Desai an award, the proof that exists

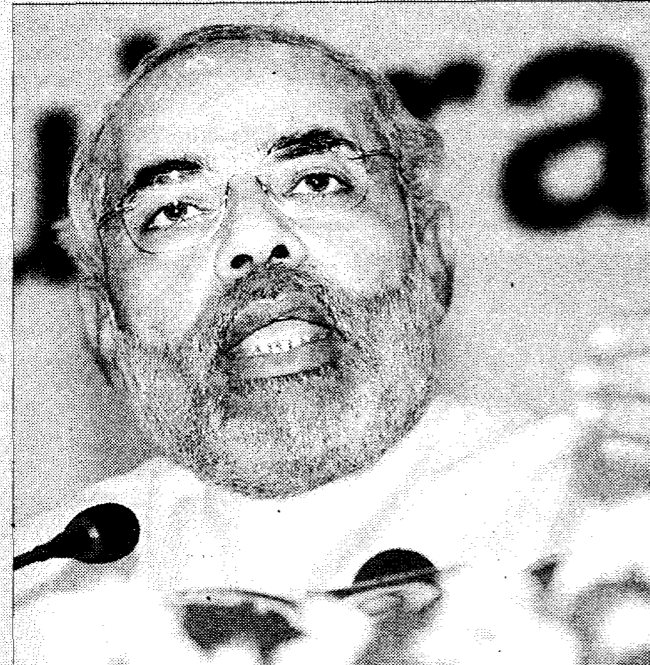


Advani and Modi are crying out that 'Indian Pride' has been hurt. What about the pain and terror that Modi unleashed on his state of Gujarat, the heart of India's economic progress and the state that gave birth to Gandhi

Modi's visa. This is a positive development and perhaps, will lead to an urgent shift of prioritisation in domestic policies, and result in our Chief Ministers genuinely fulfilling the needs of their states rather than creating religious discord and divisions along caste lines. India is poised for a quantum leap forward and it is time our political system marches in step with human rights and the great democracy that we represent. For some of us who have been traumatised by the earlier tragic happenings in Gujarat and the pathetic opportunism shown by the political leaders of the state, the rejection of a visa for Modi is just one appropriate consequence of an unjust action.

Let us also agree that there is a substantial Indian mainstream that is delighted at Modi's embarrassment. I am one of them and hope that more of them. Even as my mind says that the visa should be granted, my intellect and my heart rejoice.

The writer is a member of the Congress party



Certainly a tiny fraction of the population of Gujarat was involved in the 2002 riots, yet the United States of America has chosen to disregard the will of all the people of Gujarat who had then voted for him

This raises several issues that have to be looked into with utmost sincerity.

First, it appears that the government of United States has no regard or respect for the will of the people of Gujarat. Certainly, a tiny fraction of the population of Gujarat was involved in 2002 riots, yet the US has chosen

such incidences are not the works of isolated men, such things happen when there is a systematic hatred towards a particular community.

I recall the media reporting that within days of the 9/11 attacks, more than 60,000 assaults were carried out against Muslims in particular. Even Sikhs were

killed others; this is against the value system as stated in *Vasudhaiva Kutumbakam*.

India too has problems with democratic methods, but none as serious as 'not counting the votes polled', or 'the judges deciding who the winner of a democratic process is', or even downplaying functioning democracies

Walking out on young India

The Left's opposition to the Pension Fund Regulatory Development Authority Bill is a vote against future employees

RAJEEV AHUJA

WHEN Finance Minister P. Chidambaram introduced the Pension Fund Regulatory Development Authority (PFDA) Bill, the Left parties staged a walkout and even threatened to vote against it.

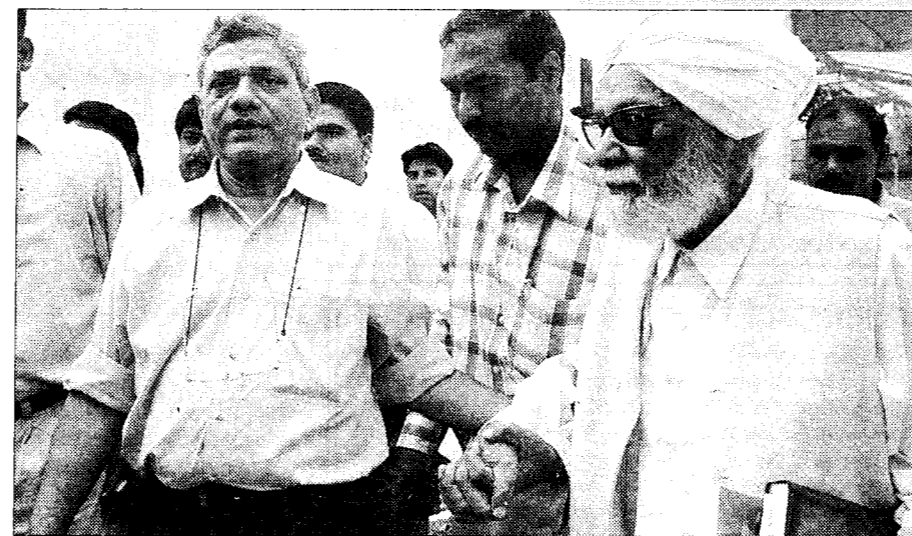
Bang the desks, lambast the government, how to disrupt the proceedings or stage a walkout—all such gestures to mark angry protest to achieve narrow political ends, are not without costs. These are detrimental to having a fruitful, productive debate that is necessary for improving the quality of public decision making. Somebody, somewhere is paying for those angry gestures that only delay reforms, if not jeopardise them altogether. This somebody is the common man, especially in areas crying out for urgent government attention and reforms.

The new pension system is mandatory for all new central government employees, and is also open for state government employees, is contributory in nature, where both employer and employee contribute to it. This is unlike the defined benefit system practised till now, where the employee did not make any explicit contribution and the government guaranteed benefits. Under the

old system, the employees do not have any choice, the government's own liabilities are uncertain, and inefficiency in its management is hidden. Under the new defined contribution system, the employees will have a say in the type of securities they would want to store their pension savings in. Besides the benefit of higher returns, the new pension system is envisaged to provide the benefit of better administration and portability. The new system is consistent with the market-friendly reforms happening in other economic spheres in the country.

On the whole, the move towards a new pension system is a step in the right direction. However, some of the nuts-and-bolts issues can be discussed. For example, if and how the insurance benefits can be integrated into the new system. This is possible only when a meaningful discussion takes place on the subject.

Let's look at the errors of omission by Left parties. It is fighting for the section of employees whose interests are already well protected. The Left parties supposedly espouse the cause of all workers. If that is so, should they not focus their energy on the unorganised sector workers, particularly the low-income workers whose share in



Under the old system, the employees did not have any choice, the government's liabilities are uncertain, and inefficiency in its management is hidden. Under the new defined contribution system the employees will have a say in the type of securities that they would want to store their pension savings

the total labour force is well above 50 per cent?

Why not initiate discussion in areas that are crying out for reforms. One piece of legislation that has been in place for a long time, guarantees a range of social security benefits to many blue-collar workers, is the Employees' State Insurance Act of 1948. This Act provides for certain benefits in the event of sickness, maternity, employment injury and other contingencies. At present, the legislation covers only those employees having monthly income of Rs 7,500 or less, and is applicable in certain well-defined establishments i.e., to non-seasonal factories using power and employing 10 or

more persons and non-power using factories employing 20 or more persons. Shops, hotels, restaurants, cinemas, etc. employing 20 or more persons, are also covered. The scheme is financed by employers as well as employees who contribute 4.75 per cent and 1.75 per cent of the wages respectively, while the state government contributes a minimum of 12.5 per cent of the total expenditure on medical care in their respective states.

As on March 2004, the scheme touched 2.64 lakh employees/establishments, covering 7.9 million insured persons/families and providing entitlement to around 30.7 million beneficiaries (i.e., workers

and their dependants).

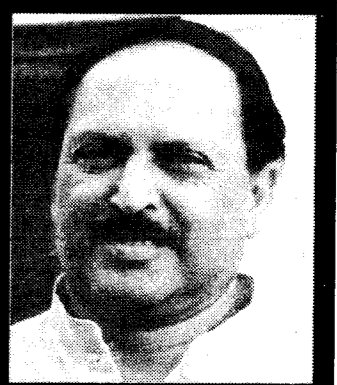
There is considerable scope for extending its coverage by (i) raising the ceiling on the monthly salary of employees covered under the scheme, and (ii) extending it to establishments employing lower than the prescribed minimum number of workers. Besides, there are some serious governance issues involved in the functioning of the scheme. A recent review committee, also known as the Verma Committee Report, has highlighted these issues. This single reform has the potential of benefiting millions of low-income workers, and who can take up this cause better than the Left parties!

The Left parties need to look at their own errors of omission, rather than find fault with the new pension system; if they see any errors of commission in the Bill, it should then invite and also participate in a healthy debate.

The writer is a senior fellow at Indian Council for Research on International Economic Relations (ICRIER), New Delhi. These views are personal

Cleaning up Cal

KOLKATA Mayor Subrata Mukherjee who received laurels from West Bengal Chief Minister Buddhadev Bhattacharjee for his work, was praised by Rajasthan Chief Minister Vasundhara Raje Scindia last week, for his KMC work, while talking to Kolkata Deputy Mayor and BJP leader Meena Devi Purohit. The deputy mayor met Raje when she was in the city for a seminar. Raje, who said she was quite impressed with the work of Kolkata Municipal Corporation (KMC)—particularly in areas of retrieving huge amounts of pending tax, cleaning and repaving of roads—said she herself would visit the headquarters of KMC on April 26, on her next visit to Kolkata, and meet Mukherjee and other officials. Also, ahead of her visit, Raje is sending the mayor of Jaipur along with a team of his officials, to visit the KMC office. It has to be seen whether all these from the saffron will do any good for Mukherjee, a Trinamool Congress leader, in the next KMC elections slated for June 19 this year.



Target judiciary

WHILE a nationwide controversy rages on the limits of judicial intervention and the rights of the legislature, West Bengal Minister for Land and Land Reforms, Abdur Rezzak Mollah, chose the floor of the Assembly to take potshots at judges. He did this while replying to a question on the huge number of cases pending with land tribunals.

"Some judges are hand-in-glove with lawyers and that is mainly the reason for so many cases pending in these land tribunals. They just do not want the cases to be finished in time. I know this is going on for a long time," the CPI(M) Minister said. The Minister, known for his candid talk earlier, ruffled the feathers of employees of his department when he said that many of them were corrupt.

Pakistani fish to fry

HE was the only supporter from Pakistan who kept cheering on the Pakistan team during the recently-concluded India-Pakistan Test match at Eden Gardens. But Mohammad Jalil, the Pakistani barracker seen at most of Pakistan's matches, did his

job earnestly. What was more, he even won the hearts of all the Indian fans by freely mingling with them—waving Indian flags and shouting slogans like "India jeetege". Indian fans gathered around him seeking his autograph. Barely had Jalil Chacha—as he is popularly called—expressed his desire to taste *maach-bhat* (rice and fish curry), invitations poured in from at least 50 people.



Stars above

THE burgeoning trade of astrologers in the state received a jolt recently, when the police arrested a popular astrologer, Acharya Satyananda, on charges of provoking his disciples to kill Prabir Ghosh, a prominent leader of the state, through a private TV channel. Satyananda issued the threat, asking his disciples to lynch Ghosh during one of the regular shows on astrology on the TV channel. A scared Ghosh lodged an FTR with the police, which later arrested Satyananda. Chief Minister Buddhadev Bhattacharjee, reacting to the incident, said he was keen on bringing a legislation to stop this trade. He also condemned the TV channel for having allowed the telecast.

Compiled by SBYASACHI BANDOPADHYAY

Pressure on U.K. to revoke Modi's visa

By Hasan Suroor

LONDON, MARCH 23. Pressure is mounting on the British Government to follow the U.S. "lead" and revoke the Gujarat Chief Minister, Narendra Modi's visa ahead of his planned visit to Britain at the weekend.

Cross-community Asian groups have united behind the demand for a ban on Mr. Modi's visit arguing that allowing him to enter Britain would run contrary to the Government's own strong line on the Gujarat administration's role in the widespread communal violence in the State in 2002.

A spokesperson for the Foreign Office told *The Hindu* that the British Government did

"not plan to have any contact with him while he is here". She said Mr. Modi had not been invited by the Government. "Indeed we have no contact with the Government of Gujarat because of our concerns (over the 2002 events)," she said.

Apparently, Mr. Modi is coming on the visa issued to him during his last visit in 2003. The spokesperson said that it was issued because he "did not meet the criteria for refusal".

Several protests are planned outside the Royal Albert Hall where Mr. Modi is expected to attend a "Vibrant Gujarat" cultural programme on Saturday.

One organisation, "Awaaz", was reported to be considering mounting a legal challenge,

though a similar attempt during Mr. Modi's last visit had failed.

The South Asia Solidarity Group, which is leading a campaign against Mr. Modi's visit, said there was a "contradiction" between the British Government's condemnation of the Gujarat events and its reluctance to bar his entry into Britain, effectively allowing him to use the British soil for "political propaganda".

"While it is true that the British High Commission in India has condemned, and to some extent exposed some aspects of what happened in Gujarat three years ago, prominent figures in New Labour are known for their support to Hindutva

groups," said its spokesperson Amrit Wilson. The Group alleged that Mr. Modi was guilty of "crimes against humanity" and the victims of the 2002 carnage were "still living in terror".

The Council of Indian Muslims (U.K.), in an open letter to the Foreign Secretary, Jack Straw, recalled the comments of a senior British High Commission official in India, following the Gujarat violence that it was "planned...(and) carried out by an extremist Hindu organisation with the support of the State Government".

Pointing out that three British nationals were among those killed in the violence and that many British families of Guj-

arati origin were "directly or indirectly" affected by the incidents, the Council's chairman, Mohamed Munaf Zeena, said that Mr. Modi's visit would be "tantamount to insensitivity towards their relatives".

"We ask you whether it is in the British interest to allow such a person (Mr. Modi) to visit the U.K. as a guest of our country? Is it not time that we make a stand for justice and send a clear signal that the likes of Mr. Modi are unacceptable not just to the people of the U.S. but also to the people of the U.K.," the letter said.

Irfan Mustafa, general secretary of the Indian Muslim Federation said Mr. Modi's visit would "inflare passions".

No visa for Modi, confirms America

HT Correspondent
New Delhi, March 21

AMERICA, AFTER a brief review, today reaffirmed its decision to withhold diplomatic visa from Narendra Modi and to revoke his business/tourist visa.

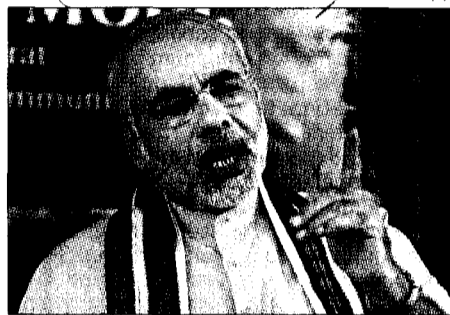
Attempting to soften the blow, and perhaps mollify the feelings of hurt national pride, US ambassador David Mulford specified that the decision "applies to Mr Narendra Modi only" and was not directed "at the BJP institutionally or Gujaratis as a community".

The Indian government regretted the widely expected decision, saying it was "based on selective judgment". The denial of visa disregards "the fact of the constitutional position of the chief minister of Gujarat as a democratically elected leader", the external affairs ministry spokesman said.

But Mulford told a television channel that "in case of US law, it applies to foreign government officials whether elected or appointed; and we have the same standard in the US for our officials and they are not protected just because they hold an elected or political office".

Though Mulford sought to play down the diplomatic rebuff, and the US statement carried copious references to "the role that the BJP, and the Vajpayee government in particular, played in opening the way for the positive transformation of US-India relations," it was clear the incident had soured bilateral relations.

In private, many officials in the Indian government are livid with Modi for tarnishing the country's carefully built-up image by overseeing the Gujarat riots of 2002, and resent the compulsion to defend the Gujarat government against criticism at international forums. Publicly, however, the government has united against the "affront to India".



Modi addresses the New York meeting via satellite from his Gandhinagar residence.

CM targets 'anti-India' groups

Narendra Modi scaled down his attack on the US in a satellite address to a New York gathering of Indian Americans on Sunday evening (Monday morning in India), but projected himself as a victim of malicious propaganda by some 'anti-India groups'

See Page 2

The Congress underlined just this point today, clarifying that no political meaning should be attached to the Prime Minister's assertions on the subject. "The Prime Minister has not defended or given a clean chit to Modi," party spokesman Anand Sharma told reporters. "There is no dilution of the party's stand on Modi. The government had taken a position on a sensitive matter and we, too, are of the view that it should not be linked to our earlier position."

The BJP termed the US decision as "unfortunate", asserting that its "rigidity" on the subject did not augur well for friendly relations between the two countries.

■ Related reports on Page 2

Bush bombs Modi's flight

Belated riot retaliation

OUR BUREAU

March 18: The US today fired the diplomatic equivalent of a Patriot missile at Narendra Modi by striking down his request to travel to America because of the Gujarat riots.

The US embassy said: "His tourist/business visa was revoked under section 212 (a)(2)(g) of the US Immigration and Nationality (Act) which makes any government official who was responsible for or directly carried out at any time, particularly severe violations of religious freedom, ineligible for visa."

The Bush administration also rejected his request for a diplomatic visa because "he was not coming for the purpose that qualified for diplomatic visa", the embassy said.

The Indian government called a US diplomat based in Delhi to protest against the decision and sought reconsideration, but did not receive an assurance.

In Ahmedabad, Modi, who had shown not a flutter in public throughout the turbulence unleashed by the 2002 months-long carnage after the Godhra train burning, felt angered enough to call a news conference.

"The one-sided US decision amounts to an insult to India's Constitution and self-respect," he said.

The Manmohan Singh government described the US decision as "uncalled for", dis-

playing a "lack of courtesy and sensitivity" to an elected Indian leader.

Modi had been invited to be the chief guest at the annual convention of the Gujarati-dominated Asian American Hotel Owners' Association in Florida from March 24 to 26.

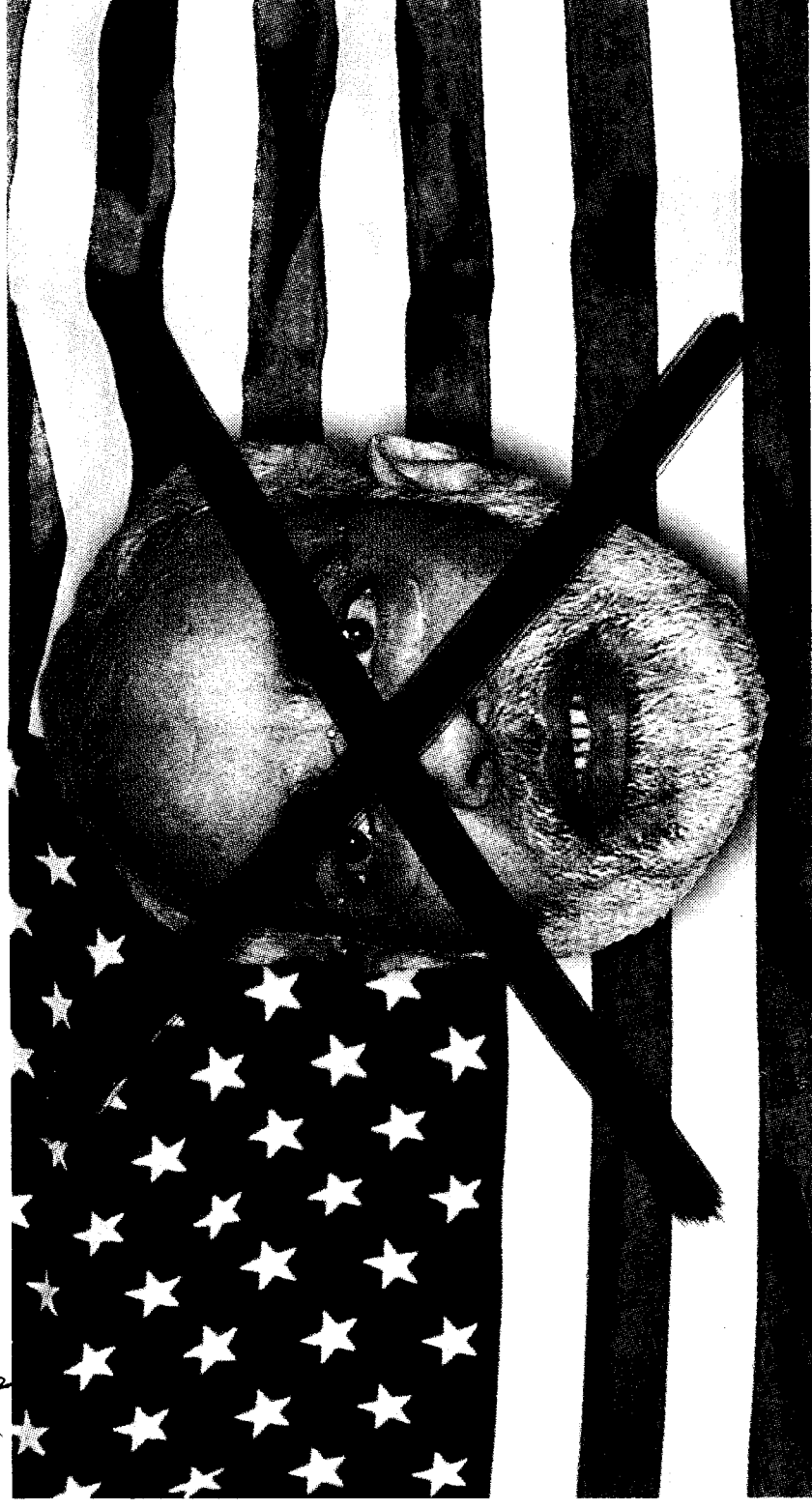
"The government expressed its deep concern and regret that the US embassy has denied a visa to Narendra Modi, honourable chief minister of Gujarat," external affairs ministry spokesman Navtej Sarna said after a meeting between foreign secretary Shyam Saran and US deputy chief of mission Robert Blake.

Sarna made it clear that the visit had Delhi's sanction by saying a formal communication requesting a visa was made on February 28.

Blake said he would convey India's request for a review of the decision to Washington.

Some Muslim and Christian organisations in the US have been campaigning against the visit. On Tuesday, two US Congressmen, John Conyers and Joe Pitts, moved a resolution criticising Modi's role in the riots.

Pitts sent a memorandum with signatures of 21 US Senators and Congress members to secretary of state Condoleezza Rice before she came to Delhi on Wednesday, urging her to stop Modi's trip. It is not known if Rice raised the issue with the Indian leaders.



Pr. 19/3
Nationalist Republican Congress Party

Any government official who was responsible for or directly carried out at any time, particularly severe violations of religious freedom, (is) ineligible for visa
— US law

The chief minister of a democratically elected government has been denied a visa. Why did they not think of denying me a visa earlier?
— Modi

CM fumes at affront to 'Gujarati pride'

OUR CORRESPONDENT

Ahmedabad, March 18: Stung by the refusal of visa, Narendra Modi breathed fire at the US and said he was fighting for "national honour".

The US decision was "illogical", against "democracy and human rights" and was a "violation of judicial norms", he fumed, besides being an affront to "Gujarati pride".

The Gujarat chief minister also tried to turn the issue into a test of Delhi's relations with Washington. Thanking the Manmohan Singh govern-

ment for its support, in an exclusive interview to STAR News, he said the Bush administration's response would determine how it held India.

"There is no judicial process going on against me — neither in any Indian court nor in any international court," Modi said at a news conference earlier in the day, adding that no court had indicted him or his government for the Gujarat riots.

Last year, transferring the Best Bakery trial outside Gujarat, the Supreme Court had said: "The modern-day Ner-

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."

Throwing out a subsequent appeal by the Modi government to expunge the reference to "modern-day Nerros", the court said: "We never tried to identify the persons... It is after the judgment that they are trying to identify themselves with this act (of filing the review application)." Gujarat had been peaceful

since 2002, the chief minister said.

"Subsequently, elections were held. This is an elected government. The US claims to believe in democracy but this attitude proves it otherwise."

"The argument that I was denied visa because of the 2002 riots does not stand because I am having my US visa since 1998 which was valid till 2008. Why did they not cancel my visa earlier?" he asked.

America should not single out any incident to impose its laws on citizens of another country while granti-

ng visa, he said.

Modi may not know but Jyoti Basu, at the other end of the political spectrum, could not go to the US until the fall of the Berlin Wall because he refused to answer the question in the visa form if he was a communist. The clause was later dropped.

The chief minister said the allegations made against him were similar to those hurled at President George W. Bush. Modi added: "If an American citizen wants to come to India, are we going to question what the US did in Iraq and deny

them visa?"

Attacking the US for its "duplicitous and double standards", Modi asked why it had maintained friendly relations with Pakistan although the country has "sponsored terrorism in Kashmir, forcing the Hindu minority to flee the Valley".

Modi asked who the US government had consulted before deciding on the refusal and whether the American ambassador had "surrendered to anti-India NGOs and lobbies".

Narayanan's allegations vague, says Vajpayee

By Our Special Correspondent

NEW DELHI, MARCH 2. The former Prime Minister, Atal Bihari Vajpayee, has refused to react to allegations in an interview given by the former President, K.R. Narayanan, that the communal violence in Gujarat in 2002 was the result of a "conspiracy" between the Vajpayee Government and the Gujarat Government headed by Narendra Modi.

A close aide of Mr. Vajpayee said when contacted by *The Hindu*: "The matter has been discussed with Vajpayeeji. He has said that the allegations were vague and he would not bother to react to them." When contacted other senior party leaders said: "The matter is sensitive and we cannot react unless we talk to Vajpayeeji ... maybe we will react tomorrow as today we have been busy with Jharkhand developments."

In an interview given by Mr. Narayanan carried recently by the Malayalam

magazine, *Manava Sanskriti*, the former President virtually charged that despite several discussions that he had with Mr. Vajpayee and in spite of several letters he wrote to him "he [Vajpayee] did not do anything effective." Criticising him for his handling of the situation after the burning of the coaches of the Sabarmati Express, Mr. Narayanan implied that the State, in collusion with the Centre, had failed to deal with the situation with a firm hand.

'Carnage could have been avoided'

He said that if the Army had been deployed immediately and given the power to shoot at those committing acts of violence and arson, much of the tragedy could have been avoided. "Had military been given powers to shoot, the carnage in Gujarat could have been avoided to a great extent," he said.

"I had asked military to be sent to

suppress the riots. The Centre had the constitutional responsibility and powers to send military if the State Governments asked. The military was sent. But if the military was given powers to shoot at the perpetrators of violence, the tragedy in Gujarat could have been avoided. But the State Government did not do it and the Centre also did the same. It was a conspiracy between the State and the Central Governments," Mr. Narayanan said. His comment was that neither the State nor the Central Government took the steps necessary to control the situation.

He specifically said that "Vajpayee did not do anything positive in Gujarat ... I had asked that the Army be deployed to suppress the violence. It was sent but there was no shooting of those engaged in and those who engineered the violence."

He also said that the Vajpayee Government had many "hidden agendas" and education was one of those areas where it pursued its agenda.

THE HINDU

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Narayanan criticises Vajpayee for Gujarat riots

Q -
Narayanan

THIRUVANANTHAPURAM, MARCH 2. Breaking his silence over two years after stepping down from office, the former President, K.R. Narayanan, has criticised the former Prime Minister, Atal Bihari Vajpayee, for his handling of the post-Godhra situation. He also accused the Bharatiya Janata Party of preventing him from a second term in office.

"He [Mr. Vajpayee] did not do anything effective. I had sent him letters. I had talked to him directly," Mr. Narayanan said in a freewheeling interview to the Congress MLA, P.T. Thomas, carried in a recent issue of the Malayalam magazine, *Manava Samskriti*.

Claiming that there was a conspiracy involving the State and Central Governments behind the 2002 Gujarat riots, he said: "Had military been given powers to shoot, the carnage in Gujarat could have been avoided to a great extent."

"I had asked the military to be sent to suppress the riots. The Centre had the constitutional responsibility and powers to send the military if the

State Governments asked. The military was sent. But if the military was given powers to shoot at the perpetrators of violence, recurrence of tragedies in Gujarat could have been avoided. However, both the state and central government did not do so," Mr. Narayanan said.

'Hidden agenda'

He said the BJP had come in the way of his becoming President for the second time, fearing that he would intervene in the implementation of their "hidden agenda."

"The BJP Government had [a] hidden agenda in many areas, including education. Securing the reins of education to spread their ideology was their aim. I had intervened in the appointment of certain vice-chancellors. Those, including Murli Manohar Joshi [the then HRD Minister] resented that," he said. "My interventions were democratic and constitutional. Above all, the interests of secularism was involved," he said.

"They had received legal advice on the possibility of my

intervention if I continued in President's office. At a certain stage, they told me that they had decided not to support anybody for more than one term in the posts of President and Vice-President. Their aim was to get rid of me and they carried out that mission quite efficiently," he said.

Left's strategy

Terming himself a "Nehruvian Socialist" though neither a "devotee of Communism nor a blind anti-Communist," Mr. Narayanan said the Left had supported him to become Vice-President and President after opposing him when he contested for the Lok Sabha from Ottappalam in Kerala in 1984 on a Congress ticket. "They [Left] knew that I had ideological differences with them. When they decided to support a dangerous non-Communist, special circumstances of the national politics were also involved. That was part of their political strategy. I had benefited from their support and their political positions received acceptability by supporting me," he said. — PTI

THE HINDU

03 MAR 2005

PROBING GODHRA-II

Politicians Must Not Be Allowed To Pollute Judiciary

By BP SAHA

The Godhra incident took place on 27 February 2002. The Nanavati-Shah Commission was set up in March 2002. Evidently, within such a short time, the commissioner of safety could not have finalised the inquiry. Criminal investigation and law and order is a state subject and has to be finalised within 90 days. The police investigation under Chapter XII of the CrPC on the Godhra episode was not confined to unearthing the cause of the fire or violence in a railway compartment. Its scope and canvas were much wider, including exposing criminal conspiracy, riot, communal fracas etc, spreading much beyond railway areas. Hence, the argument that the GRP's investigation and submission of the chargesheet against 135 accused persons is malafide and kept in abeyance till the commission submitted its finding is not tenable. Significantly, the investigation was challenged in different courts, including the Supreme Court, but has been rejected as prima facie evidence is adequate against the accused persons.

Observations

Mr Justice Banerjee's interim report reveals that fire was accidental. The possibility of an inflammable liquid having been used from outside is also completely ruled out. Thirdly, the fire was probably started by a kar sevak cooking inside the coach. It needs no reiteration that Justice Banerjee's report is one-sided. It has not probed the matter exhaustively from a judicial angle.

First, he relied on the statement of witnesses who have not been cross-examined. Secondly, those indicted had no opportunity to defend themselves. Neither have they examined defence witnesses nor could they submit any documentary or counter evidence or engage counsel to prove their innocence. Again, Mr Justice Banerjee has not judiciously considered the pros and cons of the investigation report submitted to the court by the railway police's special team highlighting that a conspiracy was hatched on 26 February 2002 at Aman Guest House, Godhra, and that 140 litres of petrol were purchased from a nearby petrol pump the same night.

How could a riotous mob gather at the spot immediately,

pelt stones at coach S6 and S7. The mob obstructed fire brigade personnel from reaching the site and extinguishing the fire. Observations like inflammable liquid not thrown from outside and impending retaliatory action by armed kar sevaks have been made without bringing any convincing or corroborative evidence. They were made on the

ciently old, no further danger is apprehended and the commission's finding is still awaited. It is also curious why an interim report was essential on the eve of assembly election in Bihar since the committee's life was extended right up to March 2005.

The railway minister was seen carrying the report and display-



basis of inference, assumption or presumption.

The inquiry committee under Mr Justice Banerjee was appointed on 4 September 2004 for three months. It was extended for another three months. Hence, submission of an interim report on the eve of the election in Bihar and Jharkhand was not desirable. Mr Justice Banerjee, without advancing any cogent reason, has argued that the committee felt it necessary to inform the government about the progress of the probe. Broadly, the interim report is submitted to prevent imminent danger, destruction or likelihood of loss of human life. Indeed, it serves either as immediate relief or protection to neutralise the impending catastrophe.

Political rivals

Simultaneously, an interim report sanctioning a substantial amount from the exchequer as immediate relief can be appreciated. In this case, there was no exigency for which Mr Justice UC Banerjee was compelled to submit the interim report. Admittedly, the incident is suffi-

ing a copy to voters and accusing political rivals for the unrest. Appearance of wall posters in public places focussing on the Godhra riots and denigrating the BJP and the Gujarat government are the handiwork of the RJD.

The overzealousness of the railway minister to initiate an inquiry which occurred two and a half year ago and when a commission of inquiry is already probing the episode, his loud insinuation against his predecessor and attempt to expose the railway administration indicate that he is keen to draw political mileage from the Godhra carnage and persuade the minorities to rally around his banner. Lalu promptly utilised the report to muster the support of the minority community.

Lalu's honesty is questionable. He is already an accused in several scams, has spent several days in jail custody and is now on bail awaiting trial. His attempt to unearth the truth about Godhra is not at all genuine. Lalu's political allies welcomed the Banerjee Committee report and criticised the BJP. Obviously, it indicates deep-rooted

political overtones.

The maxim that king can do wrong is broadly extended to the judges of high courts and the apex court in India. Indeed, in spite of judicial activism, higher courts often have been protecting public interest. However, the retired chief justice of the apex court, Mr Justice SP Barucha, has cautioned against corruption in the judiciary, especially in the lower judiciary.

Senior bureaucrats often aspire to get extension or re-employment after superannuation. In that pursuit they cultivate their political masters and oblige them ungrudgingly. The decision by the Prime Minister not to offer any post-retirement appointment to a public servant is laudable; it will demolish the nexus between politicians and bureaucrats. On the same analogy, it is prudent to consider if any administrative inquiry under the Commissions of Inquiry Act, 1952 or any other important inquiry should at all be entrusted to retired judges.

Degeneration

True, the expectation of the people from the judiciary is high. People place judges in high esteem and take their judgment as the last word. Yet we see a move for impeachment proceedings against Mr Justice V Ramaswami, criminal cases and arrest of judges serving Kolkata, Delhi, Punjab and Haryana High Courts and disciplinary action against a senior judge of Bombay High Court. The apex court's adverse comments against a retired judge, Mr Justice BP Banerjee of Calcutta High Court for receiving a residential plot in Salt Lake from the chief minister's quota, have come as a shock.

In sum, the society is in the grip of degeneration. Judicial officers are also drawn from the common stock. Hence, it is time steps are taken to prevent selfish politicians from influencing and polluting the judiciary.

Honest and upright judicial officers, including judges, should see the danger. The clean image and independence of the judiciary has to be maintained at all costs. If Lalu and like-minded politicians develop a nexus with the judiciary, democracy and the rule of law will disappear.

(Concluded)

PROBING GODHRA-I

Railway Board Should Publish White Paper

By BP SAHA

On 27 February 2002, 59 kar sevaks travelling in coach No 6 of the Sabarmati Express from Ram Janmabhoomi, Ayodhya, met with a painful death. It was alleged that a mob representing the minority Muslim community hatched a conspiracy to set fire to the coach and kill the kar sevaks.

They pelted stones from outside preventing the passengers from coming out. As a sequel to savage killing, communal violence broke out in the state. The situation went out of control of the state government and about 2,000 people lost their lives. The state government came under scathing criticism.

Criminal case

For the violence in the train, the state GRP registered a criminal case, investigated and chargesheeted 135 people. In addition, the Gujarat government appointed a commission of inquiry under Section 3 of the Commissions of Inquiry Act 1952 on 6 March 2002, known as the Nanavati-Shah Commission. The inquiry is still continuing and neither any interim nor any final report has been submitted. In May 2004 after the parliamentary election, a coalition government was formed at the Centre.

The new railway minister, Lalu Prasad, declared on 14 July that the Railway Safety Commissioner has not inquired into the Godhra incident which is a must under the Railway Act. Therefore, it was essential to pinpoint the reasons for the fire. On 4 September, the railway minister appointed Mr Justice Umesh Chandra Banerjee, a retired judge of the Supreme Court, to inquire into the Godhra incident. He submitted an interim report on 17 January 2005 asserting that fire was accidental and not a conspiracy. No inflammable material was thrown on coach S6 from outside to cause a fire. This raised a furore in political circles.

There is a distinction between an inquiry, an investigation, an inquiry U/S 202 CrPC, a magisterial inquiry and an inquiry under the Commissions of Inquiry

The author worked as the Superintendent of Police in Keonjhar, Orissa

Act 1952. Significantly, the railway minister is not empowered to order an inquiry under the Commissions of Inquiry Act or U/S 202 CrPC. Hence the inquiry by Mr Justice UC Banerjee, a retired judge, is purely an administrative inquiry having no legal sanction. In fact, this kind of inquiry may be ordered and en-

free from doubt and suspicion, the inquiry officer, even if he tries to be fair and impartial, is helpless in arriving at a pragmatic and impartial conclusion. Hence, its finding is likely to be far from fair and objective. Simultaneously, it will provide a good handle to those interested to utilise the report to pursue their ambitions.



trusted to any personality by a department authority.

Secondly, the government or the competent authority has no obligation to accept such a report and initiate any follow-up action.

Even if the Banerjee Committee is approved by the cabinet, it does not gain legal status, and its recommendation is not mandatory on the government. Thirdly, in such inquiries the witnesses depose without oath. They are not cross-examined nor do those under a cloud get an opportunity to defend themselves, use material clues or counter evidence in their favour. In short, the principle of natural justice is denied or not adhered to.

Evidence

In fact, the inquiry and its finding is unilateral, often based on presumptions, inference or uncorroborated evidence. Admittedly, under such conditions, evidence collected is not acceptable as it has short-circuited the touchstone of admissibility and relevance required under the Evidence Act and the settled law.

In the absence of unflinching testimony and adequate material

Lastly, an administrative inquiry with its inherent deficiency cannot take the place of a judicial inquiry or an inquiry under the Commission of Inquiry Act.

Interestingly, Lalu Yadav na's perhaps realised that such an inquiry report is futile even it has been conducted by a retired judge of the apex court. It may serve a political purpose, but it is going to end in a fiasco in the absence of legal authenticity and recognition. Hence, a move is afoot to bring the present inquiry within the protective ambit of the Commissions of Inquiry Act for securing a legal stamp.

Media reports reveal that the Union cabinet has already made a desperate move in that direction. In fact, the government cannot appoint more than one commission to inquire into the same charge or allegation. Secondly, Section 3(a) and (b) of CI Act 1952 reveals that if a commission of inquiry is appointed by a state government, the Union government shall not appoint another commission to inquire into the same matter. Frankly speaking, the Union government's move to put a stamp of the

Commission of Inquiry on UC Banerjee's inquiry is motivated and a blatant violation of the law, ethics and public interest. Such a venture will not only strain the public exchequer, but also misguide the people.

Secondly, if the finding of the two commissions of inquiry is contradictory or diametrically opposite, it will be difficult to identify the relevant and reliable report and take appropriate action. Thirdly, how is it possible to avoid a clash of the two reports, rectify the flaws and honour recommendations of both commissions? True, it will lead to chaos, challenges and endless litigations.

Station master

Section 113(e) makes it mandatory for the station master nearest to the accident site to inform the district magistrate, superintendent of police and office-in-charge of the police station within whose jurisdiction the accident occurs. Over and above this, the railway administration without delay should inform the state government and the railway safety commissioner (Section 113). The safety commissioner is dutybound to conduct an inquiry. The commissioner is also empowered to hold an inquiry into an accident pertaining to loss of human life, grievous hurt, damage to the railway properties suo motu Section 114, 114(1). If the commissioner fails to fulfil his obligations, the railway administration must order an inquiry (Section 115).

Assuming that the safety commission or railway administration has intentionally circumvented the legal obligations succumbing to pressure from the then top brass of the railway board, the district magistrate, SP and OC of the police station, who are not under the railway minister, were expected to unfold the truth. It. The minister has been accusing railway officials that they failed to conduct an inquiry required under the Railway Act. They are unable to disclose the truth for obvious reasons. Hence for the sake of transparency, the railway board should publish a White Paper pinpointing the truth.

(To be concluded)

Gujarat riots a black spot: Advani

PRESS TRUST OF INDIA

NEW DELHI, Feb. 26. — Admitting that the Gujarat riots marked a "black spot" on the six-year-rule of the Vajpayee government, BJP President Mr LK Advani today said, however, they did not have any impact on the Parliamentary elections.

He said "reality" with regard to the Narendra Modi government is different than the "image that has been created in the last few years".

"The events (riots) in Gujarat were a black spot for us in the sense that during the six-year-rule of Vajpayee government the communal situation had been good," Mr Advani said at a conclave organised by a media house here. He said Modi and

BJP would ensure that Gujarat, "which has faced criticism, emerges in a different light."

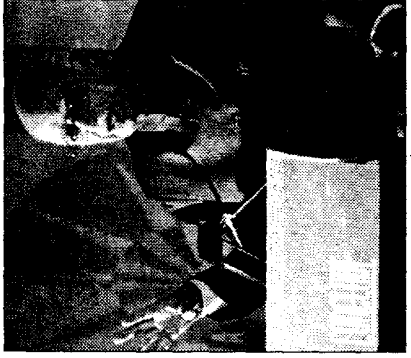
Disagreeing that NDA lost the Parliamentary elections because Modi was not removed, Mr Advani said: "Parliamentary elections had nothing to do with the events of Gujarat". He said that the riots could have cast an impact in certain constituencies where the "obnoxious" films of Gujarat had been shown by the rivals.

"The image of Gujarat government created in the last few years is not fair to Modi and his colleagues. There is a wide gulf between image and reality," he said.

Hailing the Modi government, he said: "The government is honest and free of corruption

with Rs 1 lakh crore being received during the recent Global Investor Summit held in Ahmedabad. With the 'India shining' slogan having received a beating at the Lok Sabha polls, Mr Advani said it was "inappropriate" and reflected only "half the truth about the contemporary" status of the country. Mr Advani said his party ought to have projected 'India rising' rather than 'India shining' and admitted to failure of communication in this regard.

Hillary say
At the meet, US Senator Hillary Clinton tonight sought to dispel the impression that America favoured Pakistan over India. She said this perception was a "relic of the past (RPT) of the past and not true".



Mr LK Advani at the conclave in New Delhi on Saturday. — PTI
which even the rivals agree," he said, adding in economic terms, the state was a prominent destination for foreign investment,

Praise for PM, Nehru

NEW DELHI, Feb. 26. — In a surprise of sorts, Mr Advani today hailed Prime Minister Dr Manmohan Singh for launching economic reforms and credited Jawaharlal Nehru with establishing the "true edifices of democracy". Speaking about the resurgence of the country in the economic field beginning in 1990s, he said: "For effecting this radical, reform-oriented change in the direction and content of economic policy, I have no hesitation in giving credit to our present Prime Minister who was the Finance Minister then."

Mr Advani also heaped praise on Nehru, describing him as a "true democrat" who "set up true edifices of democracy" which stand even today. — PTI

Debate on spirituality
Is spiritualism a means to attain what religious leaders dub as "super-consciousness" or a "smoke screen" for cult gurus to attract the rich into their coterie? Noted lyricist Javed Akhtar, known for his pragmatic views, locked horns with renowned spiritual leader and Art of Living proponent Sri Sri Ravishankar in a battle of wits at the conclave today, each debating on the central theme 'Spiritualism — a Halo or Hoax?'

Zahira fails to turn up

By Manas Dasgupta

110-12 ✓
21/2 ✓
AHMEDABAD, FEB. 23. The prime witness in the Best Bakery case, Zahira Sheikh, today failed to turn up before the G.T. Nanavati and K.G. Shah judicial inquiry commission here and was given time to appear on March 21.

As per the commission's earlier directive, Ms. Sheikh sent a letter through her lawyer seeking more time in view of the Supreme Court's order to furnish details of the sources of her income and that of her family members within four weeks.

Because of her current stay in Delhi to prepare for the affidavit and her pre-occupation with it, it would not be possible for her to be in a proper frame of mind to be cross-examined by the commission, she said.

Ms. Sheikh, whose cross-examination was requested by the Jan Sangharsha Manch advocate, Mukul Sinha, appearing before the commission on behalf of the riot victims, was due to be present before the commission on February 4 but had sought leave of absence through a fax message on health grounds.

The commission while adjourning the hearing to today directed her to present her case either personally or through her lawyer even if she wanted further postponement.

A key witness in the Godhra train burning case, 'sadhvi' Minaxi Devi, who voluntarily appeared before the commission yesterday and was to be cross-examined today, also failed to turn up. The commission directed her to appear before it on March 19 for cross-examination.

আগের সাক্ষ্য মনে

নেই বিলকিসের

মুম্বই, ২৩ ফেব্রুয়ারি: আগের জবানবন্দীর অনেক কথাই মনে করতে পাচ্ছেন না, দাবি করেছেন বিলকিস বানু। এমন কী, তাঁর দায়ের করা গণধর্ষণ মামলাটি যে সুপ্রিম কোর্টের নির্দেশে গুজরাত পুলিশের বদলে সিবিআইয়ের আওতায় চলে গিয়েছে, তাও তিনি জানেন না।

গোধরা পরবর্তী গুজরাত দপ্তরায় তাঁকে গণধর্ষণ ও আরও আট জনকে খুন করা হয়েছিল অভিযোগ করে মামলা করেছেন বিলকিস। বিলকিস এখন গোপন সাক্ষ্য দিচ্ছেন আদালতে। তাঁকে জেরা করছেন অভিযুক্ত পক্ষের আইনজীবী এস কে জৈন। জৈন বলেন, “একাধিক প্রশ্নের উত্তরে বিলকিস জানিয়েছেন, আগের জবানবন্দিতে কী বলেছিলেন, তিনি মনে করতে পাচ্ছেন না।” তবে বিশেষ সরকারি কৌশলি আর কে শাহ জানিয়েছেন, বিলকিসের আগের বিবৃতির সঙ্গে এই সাক্ষ্যের গরমিল থাকলেও এ বিষয়ে এখনই কোনও চূড়ান্ত সিদ্ধান্ত নেওয়া যাবে না। আইনজীবী জৈন অবশ্য বলেছেন, মূল ঘটনাটি নিয়ে এখনও বিলকিসকে জেরা করা হয়নি। কাল এ বিষয়ে তাঁকে প্রশ্ন করা হবে। — পি টি আই

ANADARZAD BANGALAI

24 FEB 2005

Bilkis identifies 12 accused

HT Correspondent
Mumbai, February 22

IN A major boost to the victims of the Gujarat riots case that is being heard at the special court in Mumbai, Bilkis Bano — the prime witness in a gangrape-cum-murder case, on Tuesday identified 12 accused in court on Tuesday afternoon.

Bilkis, whose case is being heard by the court in camera, deposed before the special judge and named 12 of the total 20 accused, who had allegedly outraged her modesty and assaulted her and members of her family at Dahod in Gujarat on March 3, 2002.

The 12 accused identified by

Bilkis are charged with rape and murder, while eight others are charged with shielding the guilty. Of these eight, two are a doctor couple who performed the post-mortem examination of the victims, while six others are police officers.

The charges were framed for their alleged involvement in attacking a group of 17 members of the minority community in the aftermath of the Godhra riots on March 3, 2002, at Devgarh Baria village of Dahod district, Gujarat.

Special public prosecutor R.K. Shah said Bilkis pointed at the accused, who had allegedly gangraped her and also those who had killed her three-year-old daughter. She even described the roles of

each accused in the hoary crime. Bilkis could not recognise the police men, but gave their names to the trial court. She also identified the clothes she was wearing on the day she was gangraped.

Of the 17 victims, eight were killed, while six others were reported missing, and three — Bilkis Bano, Master Hussain and Sadaam — survived the attack. The conspiracy, according to the prosecution, was hatched between February 28, 2002 and March 3, 2002.

Meanwhile, the prosecution has also sought time from the court till March 9 to reply to the bail petitions filed by six police officials and Dr Sangeeta Prasad.

Another accused, Dr Arun

Prasad, who is out on bail, has moved a discharge petition in the high court and it is likely to come up for hearing on March 3. The cross-examination of Bilkis is expected to begin on Wednesday.

The accused identified by Bilkis Bano in the special court in Mumbai were Jaswantbhai Chaturbhai Nai, Govindbhai Nai, Naresh Kumar Ramanlal Mordhiya, Shamesh Chimanlal Bhatt, Radheshyam Bhagwandas Shah, Bipin Chandra Kanyalal Joshi alias Lala Doctor, Kesarbhai Khimabhai Vohania, Pradeepbhai Ramanlal Mordhiya, Bakabhai Khimabhai Vohania, Rajubhai Babulal Soni, Mitesh Chimanlal Bhatt and Ramesh Chandra.

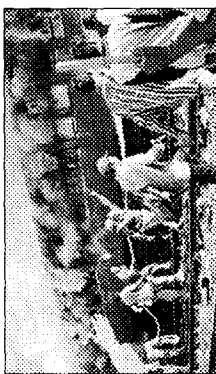
VHP doctored carnage snap: Witness

HTC & Agencies
Ahmedabad, February 22

A SADHVI, who had travelled onboard the S-7 coach of the Sabarmati Express on February 27, 2002, and claimed to have taken the first pictures of the burning S-6 coach of the train, said on Tuesday that one of the photographs had been "tampered with" after a VHP leader took away her camera for developing the film.

Deposing before the two-judge commission probing the train inferno and post-Godhra riots, Sadhvisri Minaxi Deviji alleged that the VHP had doctored the photograph taken by her to show bodies lying on the ground, while the train coach burnt in the background. This photograph

train", she quoted a VHP worker as saying. The *sadhvi*, who said she was the daughter of a freedom-fighter, said that, after she alighted from the S-7 coach, she saw the burning S-6 coach and, instinctively, began taking pictures with her camera.



The burning S-6 coach of the Sabarmati Express.

was the one that several other Hindu organisations had publicised through their websites and posters.

Minaxi also confessed that she had travelled without ticket to and from Ayodhya with other VHP workers. "No tickets are required, it's our

stable and a local journalist. Minaxi said she found that one of the pictures clicked by her had been superimposed to show bodies in the foreground. She had shot only the burning coach, but the print given to her by the VHP had bodies draped in white sheets. This was the photograph, with VHP captions on top, which was circulated by several Hindu organisations.

Minaxi's deposition also deepened the confusion over the chain-pulling theory. She said the chain was pulled to stop the train as some people shouting 'Jai Sri Ram' were left out on the platform. This deposition contradicts the Gujarat Police theory that pulling the chain was part of a pre-planned conspiracy by Muslims living near Godhra.

Minaxi's deposition also deepened the confusion over the chain-pulling theory. She said the chain was pulled to stop the train as some people shouting 'Jai Sri Ram' were left out on the platform. This deposition contradicts the Gujarat Police theory that pulling the chain was part of a pre-planned conspiracy by Muslims living near Godhra.

SC seeks details of Zaheera's assets

Press Trust of India

NEW DELHI, Feb. 21. — In a bid to probe the veracity of the allegations and counter-allegations levelled by key witness Ms Zaheera Sheikh and social activist Ms Teesta Setalvad in the Best Bakery case, Supreme Court today directed the former to submit within four weeks details of her assets and

bank balance. Mr Justice Arijit Pasayat and Mr Justice HK Sema also asked Zaheera to submit the details of the financial position of her relatives to the high-level committee appointed by it to probe into the issue.

The Court also gave the high-level committee headed by its registrar-general Mr BM Gupta another three months for submitting a report. Delhi Police

joint commissioner Mr Kanwaljit Deol is the second member of the panel.

Appearing for Zaheera, senior advocate Mr PN Lekhi requested the court to direct Teesta to also furnish details of her assets to the committee.

The court, however, refused to order the committee to look into any allegations that Zaheera might make against Setalvad in her affidavit.

Bilkis deposes in court

MUMBAI, Feb. 21. — Bilkis Bano, the prime witness in the Bilkis gang rape-cum-murder case, today deposed before a trial court here in-camera for the first time and narrated incidents of gangrape and murder that unfolded on 3 March 2002 at Dahad in Gujarat claiming eight lives.

Deposing before the court for two hours amidst tight security, Bilkis supported the prosecution's case but could not complete her story. Her deposition would continue tomorrow, prosecutor Mr RK Shah said. The accused were not brought to the court in view of shortage of police personnel. Earlier, on two occasions, Bilkis Bano had appeared before the court but did not tender evidence. — PTI

RSS-sponsored Muslim conclave amid protests

By Our Special Correspondent

JAIPUR, FEB. 12. The Rashtriya Swayamsevak Sangh-sponsored "Nationalist Muslim Conclave" began today with a call to the minority community to 'adopt patriotism' as a way of life and 'join the national mainstream' by rejecting terrorism and separatist tendencies. The conclave was held at the Muslim Musafirkhana here under tight security amid protests by Muslim organisations.

Police arrested a large number of protesters on Friday night for staging a dharna at the gate of the Musafirkhana demanding a change of venue.

Even though prohibitory orders under Section 144 of the Criminal Procedure Code were

in force, Muslim activists today staged a demonstration at Moti Dungari Road when the conclave was in progress.

Muslim organisations have termed the meeting a part of the Sangh Parivar's continuing 'hate campaign' and an effort to divide the community by projecting the impression that "only those Muslims who associate with RSS are nationalist."

The two-day convention has been organised by the 'My Hindustan' cell of the RSS in association with the Madrassa Board of the Rajasthan Government.

This is the fourth conclave to be held by the cell since its establishment a couple of years ago. Previous conventions were organised in Delhi and Indore.

Earlier, the RSS Sah Sampark Pramukh, Indresh Kumar, addressed the inaugural session and called upon Muslims to raise their voice against terrorism "sponsored by Pakistan" in Jammu and Kashmir.

"The burning issues in the community relate to illiteracy, unemployment and disease which should be addressed to ensure its development on a par with other communities in the country," he said.

Delegates from various parts of Rajasthan and Maharashtra, Gujarat, Madhya Pradesh and Jammu and Kashmir are attending the conclave.

The protests against the convention were spearheaded by the Rajasthan Muslim Forum, an umbrella body of Muslim or-

ganisations.

"Project distinct identity"

PTI, UNI add:

In his speech, the RSS chief, K.S. Sudarshan, who is in the city to review the Sangh's activities, called upon the assembled Muslims "to project a tolerant variant of Islam as against the jihadi variant."

"Educated Muslims want to keep themselves away from the jihadi variant of Islam which is rearing its head in other parts of the world," he said. "Indian Muslims can project a very bright picture of Islam before the world." On India-Pakistan relations, Mr. Sudarshan said the people of both countries wanted to live in peace, maintaining brotherly relationship.

THE HINDU

13 FEB 2005

EC puts RJD on notice over riot CDs

SMS & AGENCIES

PATNA/NEW DELHI, Feb. 12.

The Election Commission has again cracked down on RJD chief Mr Lalu Prasad, serving his party a notice over the screening of CDs allegedly showing the post-Godhra riots, seeking the party's "factual position" by 7 p.m. this evening. But the RJD expressed its inability to do so before the deadline saying both its national and state presidents

were busy with campaigning. Also, it postponed polls in three constituencies in view of "inadequate" security arrangements.

A letter requesting for extending the deadline was submitted to the chief electoral officer Mr KC Saha by RJD election campaign committee chairman Mr Bholu Prasad Singh. "Since Mr Lalu Prasad and state party chief Abdul Bari Siddiqui are away campaigning, we are unable

to present the party's clarifications on the matter. You are requested to allow us time till 5 p.m. on 14 February, as per your earlier directive, to present our case," the letter said.

In another development, the EC, which had been following complaints about the CDs and NDA's offensive against the RJD, had asked Bihar's CEO to issue a notice to the ruling party returnable by 5 p.m. on 14 February. It, however, revised its earlier order dur-

ing the day and directed the party to furnish an explanation by 7 p.m.

Mr KC Saha issued a notice to RJD state president, Abdul Bari Siddiqui, seeking to know the "factual position" by this evening about the use of such CDs in its electioneering in Purnea and Kishanganj. "The RJD has been asked by Mr Saha to explain the position as to whether the CDs are being shown for electoral publicity and whether the

party has taken prior permission from the Commission for it," said the deputy chief electoral officer, Mr SH Mintoo, in Patna.

Citing "inadequate" security and law and order arrangements, the Election Commission postponed till 18 February polls in Bahera, Ghanshyampur and Jale seats in Darbhanga, where elections were originally scheduled in the second round of polling on 15 February.

13 FEB 2005

AICC clears air on Nanavati probe report

Statesman News Service

NEW DELHI, Feb. 11. — With pressures mounting on the Congress-led UPA government to make the Nanavati Commission's report on the 1984 anti-Sikh riots public, the All India Congress Committee today said, quoting the Union home minister Mr Shivraj Patil, that "we have been assured that the report will be out."

AICC spokesman Mr Abhishek Singhvi said: "There is no question of suppressing the report, but the process leading to this will take time."

Mr Singhvi was asked to comment on reports that the Nanavati Commission's findings "goes beyond indicting individual Congress leaders and that they slam the then Delhi police and administration for not preventing the riots". He was also asked how the Delhi massacre was different from the 2002 Gujarat carnage. To these posers, he said: "There is no basis for making such allegations now when the contents of the report are not known, we should refrain from making speculations."

Asked why the Congress had raised a hue and cry when the Srikrishna Commission's report on 1993 Mumbai riots was not made public and why it is sitting mum in the case of Nanavati's report, Mr Singhvi said, "the question will arise only when there is any bid to suppress it, under the Commission of Inquiry Act, there are set procedures, the government has to first process the report before moving for tabling it and the action-taken-report in Parliament."

Khurana takes Cong to task

Former Delhi chief minister Mr Madal Lal Khurana today said the BJP will disrupt the Budget session if the UPA government does not make the Justice GT Nanavati Commission report public soon.

He alleged that the Centre was deliberately delaying the publication of the report as it has indicted many prominent Congressmen with murder of innocent Sikhs in the Capital.

Release the report!

Nanavati report on anti-Sikh riots

It cannot be said, after all of twenty years of the outrageous killing of some 3,000 innocent Sikhs as a reaction to the murder of Indira Gandhi, that there was any need to be secretive about what His Lordship, Mr Justice Nanavati has had to say in his two-part report on the horrendous event. It will be recalled that Rajiv Gandhi had tried to justify the assault on the Sikhs, by his stupid comment that when an oak falls there will be tremors! Or words to that effect. It is not sought to be argued here that such a report, after this lapse of time, was imperative. Suffice it to say that after the commission was appointed by the previous government, it was too late to consider whether a different issue, its printing and publication, should now be reviewed. To argue to the contrary, makes the judiciary and its learned members who have retired, mere pawns in a game that only politicians understand.

There can be no doubt that the issue should have been reported in depth at the material time and it is also possible that a misplaced concern for the mental health of the population may have delayed it. But that is not the issue here. The issue is simple. A Commission of Inquiry has been properly appointed and has reported in two parts. Copies have been given to the minister. By what process of reasoning can it be argued that the report should be confined to the minister and his underlings only, and not made available to the general public? To suggest that they are the only ones properly schooled to receive it and study it and the rest of us are somehow disabled for a study of it, is of a piece with the argument that there is a difference between them and us. The short point is that there is no such difference and the attempt to argue that there is, can only be strongly resented.

These old habits die hard. Bureaucrats should understand that they hold no monopoly in these matters and politicians should also accept the same advice, if anything more readily. Anything less is to do disservice to the learned judge and suggest that he does not know how to camouflage things from the vulnerable population of India. For the benefit of anyone interested, the people do not need any such doubtful protection and certainly not from the bureaucrats and politicians. The people of India are mature, sober and very wise and can well do without the excessive protection, sought to be imposed upon them.

Let us put an end to such nonsense. All reports of Commissions of Inquiry should be routinely placed before the public of India and published without delay, by law if necessary. It is anathema for them to be the subject of delay in first handing over copies to the politician and to the bureaucrat and in the fullness of time, with the kind permission of these lofty unmentionables, copies can be made available after time has ensured that no-one remembers. Try having more confidence in the people of India. It will strike you forcefully!

Nanavati report on '84 anti-Sikh riots

Statesman News Service

NEW DELHI, Feb. 9. — More than 20 years after an estimated 3,000 people were killed in anti-Sikh riots in the Capital, a Commission of Inquiry today submitted a comprehensive 185-page report to the government on the riots. While the report's details have not been made public, a commission source said that Mr Justice GT Nanavati (70) has "gone beyond just indicting individual Congressmen".

Mr Justice Nanavati submitted the report to Union home minister Mr Shivraj Patil today after three-and-a-half years' work.

The Commission, constituted by the previous NDA government following a complaint by Sikhs that the Ranganath Commission report did not unravel the truth, has also recommended steps to prevent recurrence of such riots.

Justice Nanavati said: "It is up to the government whether to make the report

public and act on the findings and recommendations given by the Commission."

However, a body of prominent citizens representing the 1984 riot victims today demanded that the Commission report be made public at the earliest.

The report consists of two parts — Volume I detailing discussions of the November 1984 events and Volume II comprising prime evidence. It gave its findings on the causes and course of the criminal violence and riots, on how it could have been averted, examined the question of lapses of duty on the part of officers and political figures responsible for maintenance of law and order.

Congress silent

The Congress today refrained from reacting to the panel's report. "We will have to ascertain the contents before formulating our response," AICC spokesman Mr Anand Sharma said, adding that all allegations against Congress are "false and politically-motivated".

THE STATESMAN

10 FEB 2005



Zahira: Taking a break

Tired Zahira skips date

OUR CORRESPONDENT

Ahmedabad, Feb. 4: Hours before she was to depose before the Godhra inquiry commission, Zahira Sheikh, the Best Bakery witness who has turned hostile, sent a fax message that she would not be able to come because of "ill health".

In the message from Vadodara today, she said: "I am ill and totally exhausted after the marathon cross-examination at Mazgaon Court in Mumbai. So I need some time to rest before I get ready to record my testimony."

The commission has now asked her to personally appear on February 23, implying that even if she does not want to depose, she should come to tell the commission that or send her lawyer to explain why she is unable to make it. Sending fax messages will not do.

The G.T. Nanavati Commission, probing the Godhra train deaths and the post-Godhra communal riots, had summoned Zahira to depose after advocate Mukul Sinha, representing civil

rights group Jan Sangharsh Manch, filed an application requesting that he be allowed to cross-examine her as she has been frequently changing her statements.

Zahira had filed an affidavit before the commission in June 2002 in which she gave a graphic account of the attack on Best Bakery that left 14 people dead and also named the accused. Then she turned hostile, leading to the acquittal of all 21 accused in the Best Bakery case.

Later, Zahira said she had been under pressure not to tell the truth and sought retrial of the case outside Gujarat. But when the retrial was granted, she did another somersault and alleged that social activist Teesta Setalvad had "coerced" and "tutored" her to name innocent people.

"So it will be interesting to know whether she had filed a false affidavit or she is telling a lie now — that she cannot identify any of the accused she had named in the Bakery massacre case," said advocate Sinha.

কেন পদ্মশ্রী? বজরঙ্গির পোড়াল গ্যাডিসের কুশপুতুল

আজকালের প্রতিবেদন: ভুবনেশ্বর, ২৯ জুন— গ্যাডিস স্টেইনসের পদ্মশ্রীসম্মান একেবারেই মেনে নিতে পারছে না ওড়িশার বজরং দল। এ যেন তাদের গালেই একটি চপেটাঘাত। এর বিরুদ্ধে বজরংবাহিনী প্রতিবাদসভা করেছে ময়ূরভঞ্জ জেলার আনন্দপুরে। প্রতিবাদের ধরনধারণ যে খুব শিষ্ট ছিল তা নয়। ৬ বছর আগেই গ্যাডিসের স্বামী গ্রাহাম স্টেইনস আর তাঁর দুই সন্তানকে পুড়িয়ে মেরেছিল এই গেরণ্যাবাহিনীই। এবার এরা প্রতিবাদ সভায় পোড়াল গ্যাডিস স্টেইনসের কুশপুতুল। বজরং দলের ওড়িশা শাখার সভাপতি সুভাষ চৌহানের বক্তব্য, 'দেশে যোগ্য লোকের অভাব নেই। গ্যাডিস স্টেইনসকে কেন পদ্মশ্রী দেওয়া হল?' উল্লেখ্য, ওড়িশা থেকে গ্যাডিস ছাড়াও এবার পদ্মশ্রী দেওয়া হয়েছে নৃত্যশিল্পী কুমকুম মোহান্তি এবং তণ্ডুশিল্পী চতুর্ভূজ মেহেরকে। গ্যাডিস স্টেইনস গত বছর চলে গেছেন অস্ট্রেলিয়ায়, মেয়ের কাছে থাকতে। মেয়ে সেখানে ডাক্তারি পড়ছে। গ্যাডিস যে অস্ট্রেলিয়ায় চলে গেছেন, সেটাও বজরঙ্গিদের একটা অভিযোগ। তিনি পাকাপাকিভাবে এ দেশে এসে আবার থাকবেন কি না, সে নিয়ে সত্যিই সংশয় আছে। তবে স্বামী ও দুই পুত্রের মর্মান্তিক মৃত্যুর পরও বারিপদার মিশন হাউসে গ্যাডিস অনেকদিন থেকেছেন, কাজ করে গেছেন কুষ্ঠরোগীদের সেবায়। স্বামীর স্বপ্ন ছিল কুষ্ঠরোগীদের অস্ত্রোপচারের ব্যবস্থা সমন্বিত একটি হাসপাতাল খোলার। সেই স্বপ্নও গ্যাডিস বাস্তবায়িত করেছেন গত বছর। বারিপদার মানুষ গ্যাডিসের সম্মানে খুশি।

AAJKAL

The Banerjee report eroded the trust of people open to evidence

The end of truth

PRATAP BHANU MEHTA

*9. Miroshin
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29/11*

The timing and manner in which the judge, U.C. Banerjee, disclosed the interim findings of his inquiry into the burning of the train at Godhra have done grave harm to the cause of truth. Playing politics with truth can be as insidious as the subversion by lies. Unwittingly perhaps, Banerjee has ensured that truth will remain hostage to politics. The tragedy that was Godhra was incalculably compounded by what can only be described as a state-supported pogrom against minorities. Now it appears that we are determined to ensure that the aftermath of the tragedy is a farce.

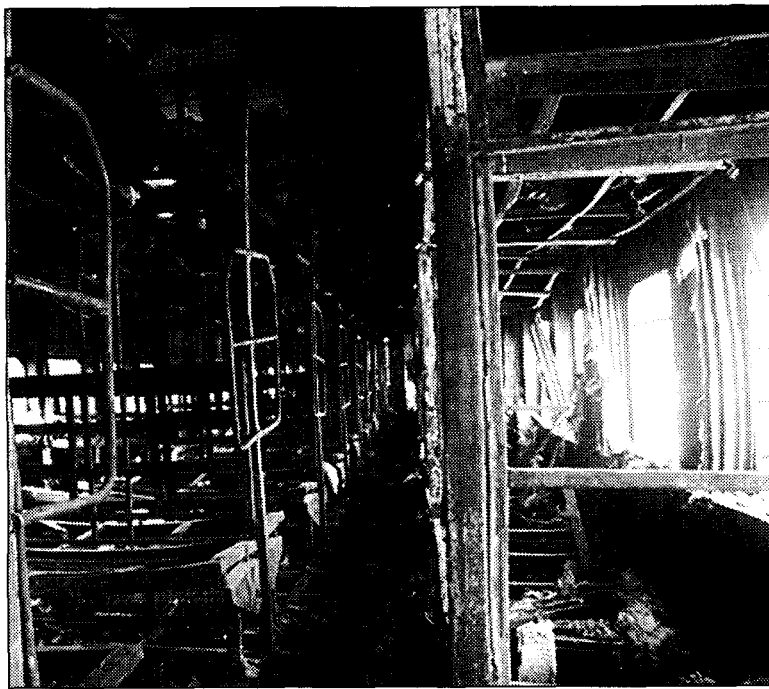
What is the "truth" at stake here? I am not in a position to dispute Banerjee's substantive finding that the Godhra fire was an accident, and that there was no conspiracy. This account is quite plausible, though we have to wait and see how all the evidence coming in from different reports stacks up. The question of the "truth" at stake is a rather different one. This is the idea that in matters such as Godhra, there is no truth of the matter at all. All we can hope for is different narratives. This position has become the default commonsense position of many citizens. But its ramifications are frightening. It gives the lie to any serious attempts to pin responsibility for what actually happened in Godhra and its aftermath. If there is no "truth", by what authority do we hold anyone responsible? The vacuum created by the absence of truth is not filled by a constructive scepticism. Rather it licenses all kinds of prejudices to fill the public space on equal footing. If we are convinced that the truth is always grey, or is relative to a narrative, or whatever other evasive phrase we want to employ, then we end up in the position that one story is as good as another. Truth is the casualty in Godhra and Gujarat, not because the facts, difficult as they might be, cannot be ascertained. Truth is a casualty because the very idea of truth has become suspicious.

We have come to this pass because the institutions that are authorized to produce the truth face a grave crisis of credibility. We were pretty confident that any inquiries or commissions appointed by the National Democratic Alliance government, or the Gujarat

government, would always carry the taint of suspicion. We have also become so adept at uncovering motives that it has become impossible for any civil society organization to stamp its authority. The twists and turns of the justice system have left all of us wondering exactly what is going on. The simple truth is that credibility is at a great premium in this society. And without credibility, there is no truth.

criticism.

No one expected the Bharatiya Janata Party to accept the findings of the report. They have an extraordinary ideological investment in obscuring the truth. So the fact that the report generates opposition from those quarters is neither surprising nor relevant. What Banerjee's actions did, however, was to give aid and succour to the thought that there are no



The vanishing point

What U.C. Banerjee did was undermine whatever credibility he might have possessed. It was an extraordinary act of political naiveté to suppose that releasing an interim report on the eve of elections in Bihar would not taint the report. After all, the man who commissioned the report, Laloo Prasad Yadav, is one of the main actors in these elections, and the chief target of the report, Nitish Kumar, is his main rival. The report was due out in March in any case, so why the unseemly haste? Why preface what is after all a departmental inquiry with long disquisitions on secularism? Why use a press conference to publicize its findings? What is the meaning of "interim" anyway? If interim carries a connotation of uncertainty, why be so cavalier about releasing it prematurely? If truth is about how and when something is said, as much as it is about what is said, then Banerjee was setting himself up for fair

impartial institutions left in society. It goes without saying that many of our citizens have such entrenched positions on Godhra that it is unlikely that any evidence will sway them. But it is also the case that a significant number of citizens were genuinely agnostic about what happened at Godhra. They were open to any of the possibilities: accident, miscreants who got out of hand, local conspiracy, premeditated international conspiracy or even at its most diabolical, a conspiracy from within the train. What Banerjee did was undermine the trust of those who were genuinely open to persuasion by evidence.

It could be argued that we should ignore the politics and timing of the report and concentrate on its substance. Let us not allow the politics to obscure the facts. In some ways, this is the only way forward. But the task is not going to be easy for the reasons mentioned above. We are living in a

climate of opinion where we are perilously close to giving up on the idea of truth itself. The politics associated with the Banerjee report will only exacerbate that sentiment. Second, any truth about Godhra will be injurious to the psyches of many. Hindu society still needs to come to terms with the appalling character of what happened in Gujarat. But if Godhra turns out to have been a mere accident, the last straw many were clutching onto in order to evasively contextualize the violence in Gujarat will have disappeared. And we will be left with still more uncomfortable questions to face. If it turns out to be a conspiracy, many Muslims will be faced with an analogous dilemma. And the political fallout could still be vicious. So there is considerable investment in resisting the truth. And if our institutions are not credible, this resistance will be more difficult to breach. In such a climate, any commission ought to bend over backwards to ensure that it can carry some weight with the wavering and the undecided.

It would be utopian to expect that any regime of truth can come to establish itself in a society as deeply divided as ours. One measure of this division, and our political shortsightedness, is the fact that we still cannot create bipartisan commissions on matters of grave national importance, as Godhra undoubtedly is. Our political parties are unlikely to come together and put their weight behind a commission whose authority they would all accept. Thus on matters such as Godhra, there is little political space left between sectarian prejudices on the one hand, and a corrosive scepticism on the other. Credible commissions are one opportunity to open up that space. They are an opportunity to say that something like the truth can be objectively ascertained and impartially administered. Banerjee's actions, perhaps unwittingly, have helped undermine whatever slender trust in institutions we possessed. His misjudgment will turn out to be grievous especially if his findings contain the truth of what actually happened. Unlike the *sangh parivar*, which is prone to expose us to inflated claims, Banerjee may have compromised the truth. Lies are easy to expose, but a tainted truth harder to repair. Our tragedy is not that we might not ever ascertain the facts. It is that we have given up on the idea of truth itself. This is because we no longer believe that any institution can actually produce the truth.

Shia revolt

Muslims
Muslim law board needs to change

With Shias breaking away from the All India Muslim Personal Law Board, the Barelvi Sunnis have split earlier, the idea of personal law may be deconstructing itself. Indian secularism, based on different personal laws for different communities, is an idiosyncratic version — Pakistan too has different personal laws, but then Pakistan is not a secular country. The moment one has laws of marriage, divorce and inheritance based not on Indian citizenship but on membership of a particular community one has to face the question: what makes a community, and with which community do you identify. The VHP, for instance, would like to have Dalits and other backward castes share the point of view of upper castes and make a monolithic Hindu community, but Dalit leaders don't see it that way. Likewise the AIMPLB, dominated by the point of view of Sunni Deobandi clerics, claims to speak for all Indian Muslims. Of India's 150 million Muslims about 60 million are Shias, but there are just two of them on the 200-strong board.

Shia community leaders tend to have more liberal views on marriage, divorce and family planning than their Sunni counterparts, and Maulana Kalbe Sadiq, vice-chairman of the board who happens to be a Shia, forcefully objected to the conservative view articulated by the board that Islam was against family planning. The Shia-Sunni rift on the issue may be international. Iran, dominated by Shia clerics, has dramatically brought down its birth rate to near-Western levels, while Saudi Arabia, dominated by the Sunni Wahhabi interpretation of Islam, has had unchecked population growth causing per capita income to drop precipitously. The encouraging thing about the Shia board is that it will seek representation from all walks of life: not just clerics; but also judges, professors, doctors and engineers are on the board. This will make it more broadly representative of the community. There is no reason why the different boards, cannot put up a joint front on issues of interest to all Muslims, such as the Babri Masjid demolition, while going their separate ways in other spheres. The splitting of the AIMPLB is a natural consequence of the conservative stance on social issues of pressing interest to Muslims. A reformist constituency should come about, and modernising reforms which stress education, family planning, women's rights and social justice should benefit Muslims also.

28 JAN 2005

THE STATESMAN

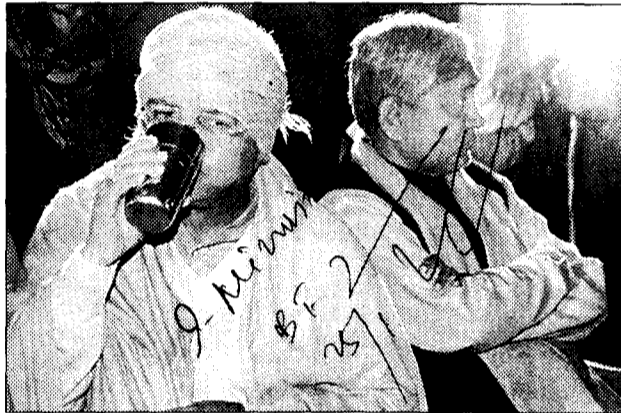
Report Card: Lalu's Plan To Polarise Voters Suffers Setback

Banerjee report on Godhra not conclusive, says Nanavati

Our Political Bureau
NEW DELHI 24 JANUARY

LALU Prasad Yadav's attempts to polarise the Bihar electoral scene with the UC Banerjee report on Monday suffered a setback when Justice Nanavati said the railway ministry-appointed panel's report attributing the Godhra train fire to an accident was not the final word. Justice Nanavati, who heads the commission probing the Gujarat riots, also said the incident could have been a terrorist act. In an interview to a TV channel, Justice Nanavati said though the interim report of the Banerjee Committee would be factored in when he comes with the report on the riots, "it cannot be conclusive." "We will continue the process of inquiry and investigation... Justice (retd) Banerjee's report will not affect our inquiry in any manner."

Insisting that nothing could be ruled out at this stage, Justice Nanavati pointed out that over 250 persons were in the ill-fated S-6 coach when the fire broke out. "It is not so easy for anyone



BIG FIGHT: RJD chief Lalu Prasad Yadav (left) and JD(U) leader Nitish Kumar in Patna on Sunday. — PTI

to have a clear idea of the sequence of events... it would be premature to say that it was an accident at this stage or a conspiracy," he said.

The judge also noted that mob at the Godhra station could not be ignored. "I think everyone has confirmed that there was a mob at the station that was pelting stones from the platform," he recounted and asserted that the role of the mob had to be thoroughly

investigated before ruling out any foul play or conspiracy.

Justice Nanavati further clarified the findings of the UC Banerjee Committee would not affect the course of his commission's inquiry. "We have to take into account the evidence provided by several witnesses before we can give our report on what happened in Godhra," he said.

Comparing the status and powers enjoyed by the Nanavati

Commission, appointed by the Narendra Modi government, and the UC Banerjee Committee, Justice Nanavati said his commission had statutory powers to summon witnesses and order re-investigation, unlike the Banerjee panel which was just a departmental committee of the Railways.

He ruled out any interference in the inquiry or investigation of Godhra violence by the findings of the Banerjee panel. The latter had not only found the Godhra train fire accidental but also pointed out the lax attitude of the state authorities in dealing with the same.

Expressing the hope that the Nanavati Commission's report would be out by the end of 2005, Justice Nanavati insisted that Banerjee's interim report would in no way alter the course of its inquiry into the Gujarat mayhem.

He also allayed apprehensions that the Nanavati panel, having been appointed by the Narendra Modi government, would give a finding to suit the latter. "We may have been appointed by the Modi government, but we remain independent," he pointed out.

7 minutes 20 mins
2 Special
combs

1.18 MORE SMOKE ✓
24/11

It is a record of kinds, that the true cause of the burning of one coach in a train should persist in eluding investigators. With forensic tools, *post-mortem* findings and eyewitness accounts, a burnt coach should be the simplest mystery to penetrate. But the truth about the burning of coach S6 of the Sabarmati Express on February 27, 2002 remains elusive. Although the interim report of the latest inquiry, commissioned by the Union railways minister, Mr Laloo Prasad Yadav, last September, says how the fire could not have started, it does not say how it did. It discards the hypothesis of inflammable liquid, either thrown from outside or within, and, with it, the presence of "miscreants". This new U.C. Banerjee report confirms the stone-throwing episode, and cites it as reason for the closed doors and windows. What is new? One, the report says the fire in S6 could only have been accidental. Two, it contradicts earlier police and forensic reports, by suggesting that the doors were closed. The forensic report, which had first refuted the initial police theory of petrol being thrown from outside and had said it was thrown within the compartment, had also said that three of the four doors were open. Another forensic report, as recent as the Banerjee report, has withdrawn the hypothesis about inflammable liquid, having found "no traces" of it. Add to this the eyewitness accounts, clear in themselves, but making up no comprehensive picture, the changing chargesheets of the police, lost records and documents and the fact of hasty post-mortems by the railway track without sufficient equipment — and the truth promises to recede forever.

The Banerjee inquiry is supposed to focus on the issue of railway safety. Very fitting for Mr Yadav, who is being accused by the opposition of deliberately timing a motivated study to draw in minority votes in the Bihar assembly elections. Whatever be the case, the truth about Godhra, the terrible preamble to the Gujarat carnage, will constantly be obscured by a fierce fight for credibility by politicians for two distinct vote banks, the born-again Hindus on one side and minorities and believers in secularism on the other. Religion in the guise of politics is a determined obscurer of the truth — perhaps that is why the judge, Mr U.C. Banerjee, has spent six pages of the report on the subject of secularism.

Banerjee report shows Muslims had no role: Surjeet

LUDHIANA, JAN. 23. The general secretary of the Communist Party of India (Marxist), Harkishan Singh Surjeet, today said the Justice U.C. Banerjee report clarified that Muslims had no role in the Godhra train tragedy.

He was responding to newsmen's questions on the findings of the report.

Mr. Surjeet, here to preside over a three-day convention of the Punjab CPI (M) unit at Jodha village, said the Left was yet to form an opinion about the performance of the UPA Government at the Centre. "It is too early to form an opinion about the UPA in eight months," he said. — UNI

10-11-05 2/11
A. Mivens

Godhra Commission to submit report by December

VADODARA, JAN. 23. The two-member Commission, comprising Justice (Retd) G. T. Nanavati and Justice (Retd) K. G. Shah, probing the Godhra train fire and the subsequent communal riots in Gujarat, will submit its report by December this year.

"The term of the Commission expires in December 2005 and we will submit our report by that period," Justice Nanavati told reporters here today.

Asked whether the Commission would submit the report if it was completed before December, he answered in the affirmative.

Justice Nanavati also said summons had been sent to Zahira Sheikh, prime witness in the Best Bakery case, to appear before the Commission on February 4.

However, he refused to comment on the interim report on the Godhra tragedy submitted by Justice U. C. Banerjee. — PTI

Shias form own law board

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Statesman News Service

LUCKNOW, Jan. 23. — The Shias, upset with the All India Muslim Personal Law Board for not taking up their cause and failing to look after their interests, have formed a separate All India Shia Personal Law Board.

Prominent Shia leader Maulana Mirza Mohammad Athar will be the chairman of the newly-formed body. A formal announcement with details of the body's constitution would be made on 29 January.

The ulemas present at a congregation here nominated Maulana Athar who was the chairperson of the ad hoc body as a full-fledged chief today.

For the AIMPLB it was yet another split after the recent move of the Berallavi (Sunnis) to constitute their own board.

Maulana Athar said the AIMPLB formed in 1972, which claims to represent the country's Muslims, hadn't been able to solve any of the community's problems. The AIMPLB never cared about the Shias and so they have lost faith in it, the Maulana said.

The new body would work for the community's uplift in the fields of education and politics and take up socially relevant issues. Separate committees of lawyers and ulemas would be formed to chalk out

'Move to grab media attention'

LUCKNOW, Jan. 23. — Rejecting the allegation that the AIMPLB had ignored the Shia community's interests, its spokesman Mr SQR Iliyasi termed the formation of the new board as an attempt to "grab media attention". "The new Shia personal law board has been formed at the instigation of some vested interests," he said.

Rejecting an assertion that it would divide the rank and file of the Muslim community in the country, Mr Iliyasi said the Shia ulemas, who had announced the formation of the new board, did not enjoy support of their own community as a whole. Senior board member Maulana Sajjad Nomani also termed the formation of the new Shia board as "unfortunate" and a "hasty step". — PTI

the details, he said.

One reason for breaking away from the AIMPLB was the fact that there were just two Shias in the 200-strong AIMPLB, it was disclosed at the meeting today.

Mr Ibne Hasan present at today's meeting said the AIMPLB's tone was aggressive towards the Shias as it enjoys "protection" of the state government. "The board's negative action towards the Shias has inspired us to constitute a separate body," he said.

গোধরা নিয়ে উস্কানি রুখবে কমিশন

স্টাফ রিপোর্টার, নয়াদিল্লি, ২২ জানুয়ারি: গোধরা রিপোর্ট নিয়ে সাধারণ রাজনৈতিক বিতর্ক বা আলোচনায় বাধা দেওয়া হবে না ঠিকই, কিন্তু তিন রাজ্যের আসন্ন নির্বাচনে এর মাধ্যমে সাম্প্রদায়িক উস্কানি দেওয়ার চেষ্টা হলে কমিশন কড়া হাতে তার মোকাবিলা করবে। আজ মুখ্য নির্বাচন কমিশনার তরুণ সুবাইয়া কৃষ্ণমূর্তি এই বিষয়ে নির্বাচন কমিশনের অবস্থান পরিষ্কার করে দিয়েছেন।

দিন কয়েক আগে পটনায় গিয়ে কৃষ্ণমূর্তি বলেছিলেন, “রাজনৈতিক লাভের জন্য এই রিপোর্ট ব্যবহার করা উচিত নয়। এবং রিপোর্টে কোনও সাম্প্রদায়িক রং দেওয়াও ঠিক নয়।” এই মন্তব্যের প্রেক্ষিতে বিতর্ক সৃষ্টি হওয়ার পরে আজ তিনি রাজনৈতিক প্রচার ও সাম্প্রদায়িক উস্কানির মধ্যে বিভেদরেখা টেনে বিষয়টিকে বোঝাতে চেয়েছেন। মুখ্য নির্বাচন কমিশনার আজ বলেন, “আমরা রাজনৈতিক বিতর্ক বা আলোচনা বন্ধ করিনি। কিন্তু তা যেন ভোটের রাজনীতিকে সাম্প্রদায়িক চেহারা না দেয়।” ফলে বিহার ভোটে গোধরা রিপোর্ট নিয়ে প্রচারের জন্য লালু পায়ের তলায় কিছুটা জমি পেয়ে গেলেন বলেই মনে করছে রাজনৈতিক মহল।

বিহারে ভোটের আগে এই রিপোর্ট প্রকাশ ও তার প্রচার নিয়ে ইতিমধ্যেই বিতর্ক চরমে উঠেছে। বিজেপি ও সংযুক্ত জনতা দল কমিশনের কাছে অভিযোগ জানিয়ে বলেছিল, এই রিপোর্টের প্রচার বন্ধ করতে হবে। পটনায় গিয়ে কৃষ্ণমূর্তিও কড়া ভাষায় লালুকে আক্রমণ করেছিলেন। সব মিলিয়ে কমিশনের কর্তৃত্ব ও রিপোর্ট ব্যবহারের রাজনৈতিক অধিকার নিয়ে জলঘোলা শুরু হয়। লালুর পাশে এসে দাঁড়ায় সিপিএম।

কমিউনিস্টদের বক্তব্য, গোধরা রিপোর্টের রাজনৈতিক প্রচার করা যেতেই পারে। রাজনৈতিক দল হিসাবে এই রিপোর্টের রাজনৈতিক প্রচার করে লালু কোনও ভুল করেনি। লালুও জোর গলায় বলেছেন, তিনি এই রিপোর্ট প্রচার করবেন। লালুর বক্তব্য, “আমি এটা নিয়ে রাজনীতি করছি না। আমি কেবল চাই দেশের মানুষ জানুক, প্রকৃত সত্যটা কী। আমি কেবল বিজেপি আর এস এসএসের ফ্যাসিস্ট কর্মসূচির মুখোশ খুলে দিচ্ছি।” তবে কমিশন জানিয়ে দিয়েছে, এই নিয়ে কোনও সাম্প্রদায়িক প্রচার তারা বরদাস্ত করবে না। নির্বাচনী আচরণবিধি অনুসারে, ‘কোনও কাজ যা বর্তমান বিভেদ বাড়ায় বা সম্প্রদায় বা জাতের মধ্যে ঘৃণা বা উত্তেজনা সৃষ্টি করে’ তা বন্ধ করতে হবে। এর প্রেক্ষিতেই কৃষ্ণমূর্তি বলেন, “যদি কিছু সাম্প্রদায়িক স্বার্থে ব্যবহার করা হয়, ব্যক্তিগত আক্রমণ বা আচরণবিধি লঙ্ঘন করে, তা হলে হস্তক্ষেপ করবই। যখন, যেখানে দরকার, হস্তক্ষেপ করব।”

ভোটের মুখে গোধরা রিপোর্ট পেশ করা নিয়ে এ পর্যন্ত কোনও মন্তব্য করেনি কমিশন। বিষয়টি নিয়ে কমিশনের পূর্ণাঙ্গ বৈঠকে আলোচনা হওয়ার কথা ছিল গতকাল। কমিশন সূত্রে খবর, এই আলোচনা পিছিয়ে দেওয়া হয়েছে। কমিশনের একটি অংশ অবশ্য মনে করে, গোধরা রিপোর্ট পেশ করার সময় নিয়ে কিছু করার আইনি এস্তিমার নেই কমিশনের। সে ক্ষেত্রে লালু আটঘাট বেধেই রিপোর্ট প্রকাশ করেন। রিপোর্ট নিয়ে রাজনৈতিক প্রচারের প্রক্ষেপে কমিশনকে কার্যত পিছু হঠতে হয়েছে। কিন্তু এই ছাড় দিলেও সাম্প্রদায়িক উস্কানি হচ্ছে কি না, তার প্রতি কড়া নজর রেখে কমিশন লালুকে চাপে রাখতে চায়।

তবে সাম্প্রদায়িক উস্কানির সম্ভাবনার পাশাপাশি আর একটি বিষয় নিয়েও উদ্বিগ্ন মুখ্য নির্বাচন কমিশনার। তাঁর কথায়, বিহার-ঝাড়খণ্ড-হরিয়ানা—এই তিনটি রাজ্যেই রাজনীতির লোকদের সঙ্গে সমাজবিরাোধীদের এতটাই দহরম মহরম, দৃষ্ণতীরা যে ভাবে সাধারণ ভোটারদের ভয় দেখায়, তাতে সেখানে সুষ্ঠুভাবে ও নিরপেক্ষ ভোট পরিচালনা করাই একটা বড় চ্যালেঞ্জ।

ANADABAZAR PATSODA

23 JAN 2005

The truth about Godhra

Three years after 59 train passengers, most of them VHP members and sympathisers or their family members, perished in a fire on board coach S-6 of the Sabarmati Express at Godhra, a coherent picture is finally emerging of what actually happened that fateful morning.

Siddharth Varadarajan pieces together the puzzle.

WE HAVE before us now four bodies of evidence regarding the cause of the February 27, 2002, fire — the police charge sheet (based on the police investigation), the Justice U.C. Banerjee Committee's interim report, the deposition of passengers and police and rail officials before the Nanavati Commission and the technical report prepared by an independent panel of engineering experts on behalf of the Hazards Centre.

Unfortunately, none other than the Hazards Centre report can be considered a complete body of evidence. The police charge sheet is riddled with contradictions and relies too heavily on retracted confessions and statements by witnesses of dubious credibility. The Banerjee interim report bears all the hallmarks of a rush job, while the Nanavati panel's work shows no signs of concluding despite the passage of nearly three years.

Nevertheless, the burden of evidence gathered so far definitely does not seem to support the pre-planned conspiracy theory of the police.

Mr. Justice Banerjee and the Hazards Centre experts aver that the fire was most likely caused by an accident, though there is no doubting the fact that coach S-6 was stoned by an angry mob.

That there was an accidental fire at the same time an angry mob was throwing stones from outside might seem like something of a coincidence. Perhaps it was the panic induced by the stoning which made an accident more likely — a half-smoked cigarette thrown down carelessly, a stove

used for making tea not turned off properly.

On the other hand, if the Hazards Centre theory — of a smouldering object under a berth eventually burning the latex seat, thereby generating thick black smoke and then bursting into flames — is correct, then the process of combustion might actually have started 15-20 minutes prior to the first time smoke was detected. This would be well before the stoning started.

The platform

By now all narratives agree that a fracas broke out on the platform between aggressive karsevaks and Muslim vendors. A Muslim girl was molested by them. Stones were thrown on the coach and the karsevaks also gathered stones to throw back. Worried that the situation might deteriorate, the station master sent the train off suddenly at 7.48 a.m.

The first stop

No sooner had the engine crossed the platform than chain-pulling stopped the train. Satyanarayan Varma, the train guard, told the Nanavati Commission that the chain had been pulled because some passengers had been left behind.

The first charge sheet says the karsevaks pulled the chain but subsequent charge sheets claim one of the conspirators forced a Muslim vendor to board the train and pull the chain.

In fact, rail records submitted to the Banerjee Committee show that the chain had been pulled in four coaches (83101, 5343, 91238 and 88238). These were

rectified but it is possible there was a fifth coach too which was not rectified. The record in the chargebook of the Assistant Station Master (ASM) shows that there was another coach requiring rectification.

Once the four coaches were set right, the train started moving again. The time now was 7.55 a.m. according to the ASM and 8 a.m. according to

the guard. Passengers have testified that even as the train was standing and then began to move, the stone-pelting which began on the platform continued.

The second stop

Soon after the engine crossed Cabin 'A' about a kilometre to the west of the station, the train came to a halt again.

There is no written record of a chain pull or rectification or of an altered clappet valve or dangling hosepipe as per the police claim that one Anvar Kalandar stopped the train because the conspirators told him a Muslim girl had been kidnapped by the karsevaks. It is possible that the unrectified fifth coach dragged the train to a halt. Either way, there is no

record of physical evidence to suggest someone from outside the train got it to stop. The only evidence with the police is Kalandar's statement as a witness that he was responsible.

Time the key

Given the speed of the train after the first stop (10-12 km/h) and the distance of Cabin 'A',

the train would have come to a stop the second time around 7.55-8.05 a.m.

Assuming the police case is correct, the conspirators were already in position and began cutting the vestibule connecting S-6 and S-7. Presumably, the process of cutting the vestibule, clambering aboard the train with jerry cans, opening the door to allow three more conspirators to get on board, emptying all the petrol and then setting the coach on fire would take more than a couple of minutes.

Even allowing for the implied claim that the karsevaks on board S-6 did not attempt to stop the conspirators from performing these tasks as rapidly as possible, it is difficult to square this scenario with the fact that in the railway records the fire/smoke is reported at 7.55 a.m.

The fire

In fact, the railway records state that the second stoppage and sighting of smoke were simultaneous. The Wardhi Book entry of the GRP, for example, records a complaint of fire at 7.55 a.m. received from the ASM, who had in turn been intimidated by the guard. The duty of the officer recording the complaint ended at 8 a.m., when he handed over charge. The GRP inspector, M.J. Zala, noted that the information about the fire was received by him at 8.05 a.m.

Finally, the Special Duty Diary of the Vadodara control room shows notification of the fire by 8.05 a.m. The Godhra fire station, for some reason, records receiving the information only at 8.20 a.m.

Even assuming a five-minute gap between the second stoppage and the fire, the police case is quite improbable. The charge sheet says the main conspirators ran from the platform after the stoning began all the way to a lane near the Aman Guest House where the petrol was stored,

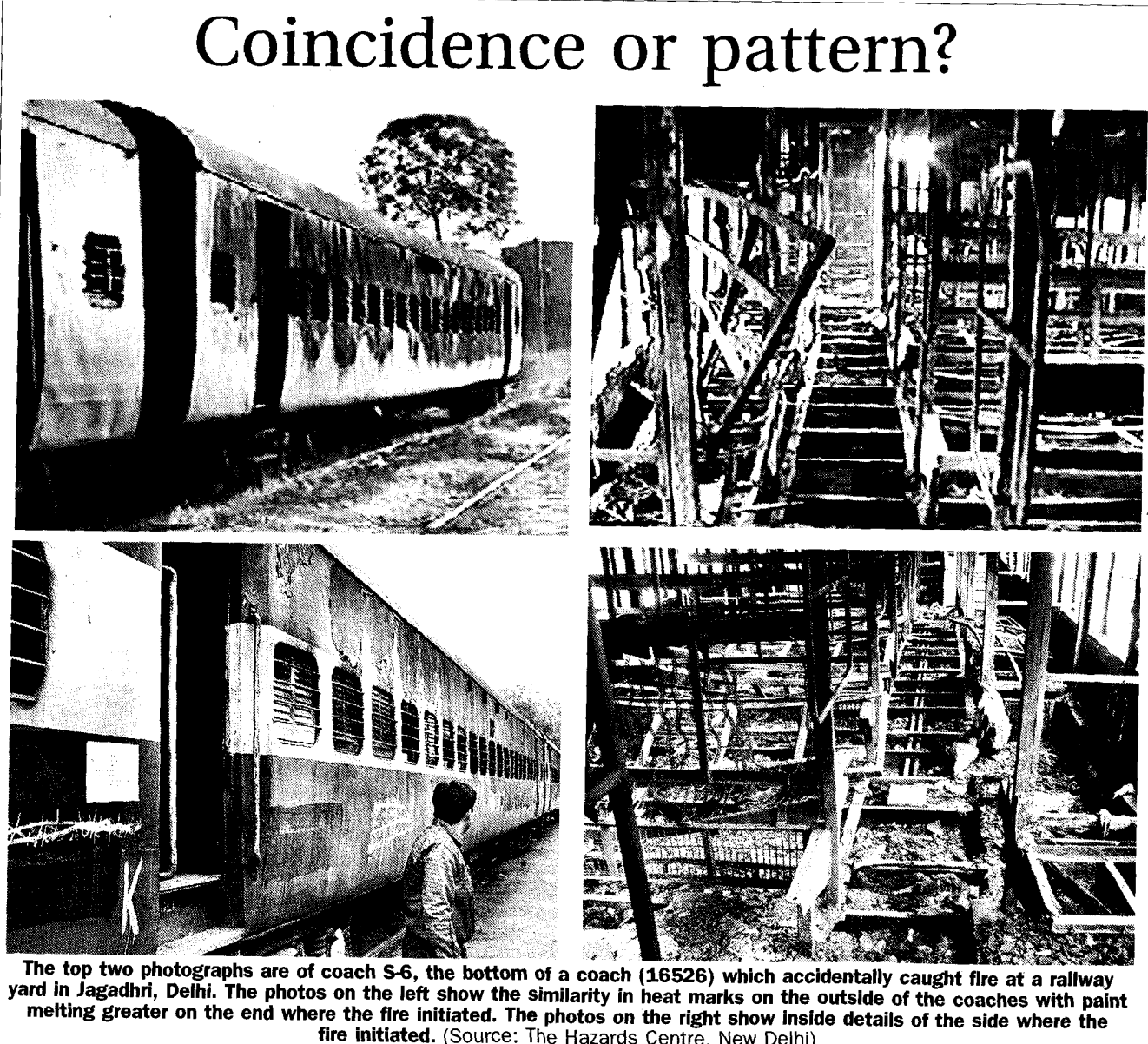
loaded it on to an autorickshaw, drove to a drain some 50 steps from the track, unloaded the cans, ran up to the track and then cut the vestibule. Even assuming they began this process at 7.43 a.m., as soon as the Sabarmati Express arrived at the Godhra station, and set the train on fire by 8 a.m., was 17 minutes enough time?

According to a 'panchnama of rehearsal' dated 18.9.2002, it took the police four minutes to move by auto from the Guest House to the drain. In the remaining 13 minutes, the conspirators would have to have run from the platform to the Guest House, loaded and unloaded the petrol, covered the 50 steps by foot, cut the vestibule and gone on board S-6.

Even this improbable scenario becomes possible only because of the 8-10 minutes additional delay caused by the first stoppage. If the guard's testimony is correct, the first stoppage was because karsevaks on board pulled the chain. How could the conspirators, assuming they ran from the platform at exactly 7.43 a.m., have known the karsevaks would pull the chain?

No waiting mob

Finally, the testimony before the Nanavati commission of Rajendraprasad Meena, ASM on duty at Cabin 'A' at the time, makes it clear there was no mob standing between the cabin and the train when it came to a halt the second time. There was, however, a crowd running alongside the train after it moved from the platform. When he got down from the cabin, "some people from the crowd had come near the cabin... the mob did not arrive together but 10-15 persons were coming and gathering... There were women and children also." Mr. Meena was not witness to anybody trying to cut the vestibule. "I did not see personally as to who set the fire and how."



The top two photographs are of coach S-6, the bottom of a coach (16526) which accidentally caught fire at a railway yard in Jagadhri, Delhi. The photos on the left show the similarity in heat marks on the outside of the coaches with paint melting greater on the end where the fire initiated. The photos on the right show inside details of the side where the fire initiated. (Source: The Hazards Centre, New Delhi)

Arun Jaitley's questions ... and some answers

In response to the Justice Banerjee Committee's conclusion that the Godhra fire was most probably an accident, BJP spokesperson Arun Jaitley posed a number of technical questions that he said contradicted the "accident theory."

Mr. Jaitley's questions — and those raised by the Gujarat police — all stem from the police charge sheet in the case and have been answered, in whole or in part, by Justice Banerjee's report, the testimony of passengers of coach S-6 and railway officials before the Banerjee and Nanavati panels, and even more comprehensively by the report of the independent panel of engineers assembled by the Hazards Centre, New Delhi.

Did you consider the evidence that the conspirators entered S-7 and cut open the vestibule between S-6 and S-7?

Mr. Justice Banerjee's report makes it clear that since the Railways allowed S-7 to proceed onwards to Ahmedabad and subsequently disposed the burnt connecting vestibule as scrap, there is no forensic evi-

dence of the vestibule having been cut. In any event, the Railways' formal note on the condition of coaches after the incident says only that the vestibule was burnt. In other words, the sole written appraisal of the vestibule based on a physical inspection by a qualified rail official does not mention anything about it being cut.

● M.N. Joshi, a forensic expert with the Gujarat State Forensic Science Laboratory (FSL) told the Nanavati Commission on January 18, 2005, that the door connecting the vestibule between S-6 and S-7 was of the sliding type and could not be kicked open, a claim the police chargesheet makes.

● Dunu Roy and Prof. Dinesh Mohan of the Hazards Centre told *The Hindu*: "On both sides of S-6 the vestibule was composed of steel walls ending in neoprene rubber buffers. Those neoprene buffers are very tough and impossible to cut or force one's way through".

Did you consider the evidence that the entire quantity of 140 litres of petrol was

pooured inside S-6? The FSL report has confirmed that the coach was burnt by inflammable liquid being thrown on the floor of S-6.

Justice Banerjee considered the FSL claim and rejected it because of its improbability.

● The police chargesheet says that no less than six miscreants entered S-6. First, Mehmood Hasan and Jabir Binayam Behra cut the vestibule and entered, followed by Shaukat Ahmed Charkha, who then opened the door facing the Signal Falla side to let in Rafiq Husain Bhatuk, Irfan Kalandar and Imran Bhatuk. The six men, each holding 20-litre carbays filled with petrol, poured the contents on the floor of the coach. A few minutes earlier, Abdul Razzak Kurkur had poured in 20 litres of petrol through the toilet window. The six men then detained and set the coach on fire by throwing burning rags in.

● With six men allegedly entering and pouring petrol into S-6, notes Mr Justice Banerjee, "it is not only improbable but absurd... that inflammable mate-

rial would be thrown out in an overcrowded coach from the entry point of the coach to deep inside and not one whisper would be raised by anyone of the persons within the bogie."

● One passenger, R.R. Rajpoot, who travelled on seat 62 near the entrance the six miscreants allegedly came through, was asked by Mr Justice Banerjee, "Did you see anybody setting the coach on fire or throwing any substance?". He replied: "No, I did not."

● There were, by all accounts, as many as 140 passengers on board, at least 80 of who survived. But none has testified seeing the miscreants entering and throwing petrol.

● Asked by *The Hindu* for their opinion on the theory of petrol being poured on the floor, the Hazards Centre engineers said: "The floor is an impregnated plywood base with a vinyl cover — both of which are 'fire-resistant', meaning thereby that if the source of flame is removed they will self-extinguish. Hence, something else has to keep it burning. The FSL may think that what did that was 60

litres of petrol, but the very nature of petrol is that it is so flammable that it will rapidly burn away without extensively damaging the floor. And in this case, the floor has been burnt away over three cubicles, as is evident in the photographic evidence. The only plausible explanation for that is that burning foam (from the seats) and plywood fell on the floor and induced it to burn".

● Both Justice Banerjee and the Hazards Centre note that if the miscreants had thrown petrol outside the bathrooms, as the police claims, there would have been a large spread out of flames first, and not smoke. But none of the passengers noticed large flames. Only smoke was noticed. In some cases, passengers have testified that it was only after they escaped from the smoke and came off the train that they saw flames leaping. Raju Bhargava, police superintendent of Godhra, who told the Nanavati commission he arrived at the scene "at about 8:30 a.m." testified: "I had not seen any raising of flames in the area of that coach

which I could see from the door. I had seen only smoke in that area... I had not noticed any flames on the floor of the area between the two doors." Mr Bhargava, incidentally, was at the scene within 10 minutes of the time the police claims the coach was set on fire. Of course, the Godhra station railway records note that the first intimation of fire was between 7.55 a.m. and 8 a.m.

● Finally, both the Banerjee report and the Hazards Centre experts point out that none of the passengers who were medically examined had burn marks on the lower body, which would have been inevitable if petrol was burning from below. Had there been a large fire emanating from the floor near the bathroom, passengers in the 9th compartment (seats 64-72) would have been burnt on their legs, and many people's trousers, pajamas, sarees would have caught fire. But there is no such evidence even from those who escaped from this compartment.

3. The police say an accidental fire is impossible since the

materials used in the bogie were fire retardant and self-extinguishing.

When asked this question by *The Hindu*, the Hazards Centre experts said there was no contradiction.

● The fire-retardant materials are the vinyl-coated fabric (trexine) of the seats, the ready mixed paints, the impregnated plywood floor base, the vinyl cover on the floor, the asbestos ceiling, the synthetic wool insulation, and the laminated plastic panels. But the latex foam and the plywood base of the berths is another matter altogether. They are both inflammable, the latter highly so, and neither have specifications for fire-resistance.

● In any event, the presence of a smouldering object can make even fire-retardant materials catch fire. Says the Hazards Centre: "The floors, formica walls and rexine seat covers are the materials treated with fire retardants. All these materials are sheets. The fire retardant chemicals are added to the parvay material. So if you try to set the sheet on fire from one edge,

the fire won't proceed along its length easily. Similarly, if you pour some inflammable fluid on top of this material, the material itself won't flare up until high temperatures are generated. However, if some other material smoulders and then burns, produces hot gases, and temperatures are raised enough, there will be a flashover and the whole surface of the fire retardant material gets heated at the same time, and not just a thin edge. In such a situation the whole top surface (not just a thin edge) of the linoleum, rexine or formica would melt and crumble and even burn at the same time".

● The fact that this happens, says the Hazards Centre, is clearly demonstrated by the accidental fire damage sustained by coaches parked at the railway workshop at Jagadhri in Delhi. "That a carriage can be burnt to cinders within 20 minutes or so without large amounts of fluid being thrown is proved by the 5 carriages parked at Jagadhri and the railways themselves have this evidence". (See photographs)

Police charge sheet

The police charge sheet has been revised many times to add new faces and elements to the crime. Apart from one major revision — when the police abandoned the charge that the train was burned by throwing petrol from the outside — the basic story of the core conspirators boarding S-6 and setting it on fire from within has remained constant.

The police say the conspiracy was hatched by a core group at the Aman Guest House, Godhra on the night of February 26, 2002. The conspirators learnt that night that karsevaks would be passing through Godhra on board the Sabarmati Express on February 27 and purchased 140 litres of petrol from a nearby pump. The decision to burn S-6 alone among all the coaches was allegedly taken by Mauala Umerji and communicated to the conspirators. The plan was to engineer a confrontation with karsevaks on the platform itself, and then, once the train started, to pull the chain so that the train would stop near Cabin 'A', where a 1,000-strong mob would lie in wait to ensure none of the passengers escaped S-6 after it had been set on fire.

Apart from contradicting what we know about the timing and spread of the fire and

the testimony of passengers, the conspiracy theory raises a number of questions.

How did the conspirators know the train was coming with karsevaks on board when neither the railway authorities nor the Godhra SP had any prior knowledge?

Why was S-6 selected for attack when the entire train was full of karsevaks?

How did the conspirators know that the karsevaks would pick up a fight with Muslim vendors on the platform?

The charge sheet, which describes this fight, also says the karsevaks molested a Muslim girl on the platform, and that this incident seems to have inflamed passions. How did the conspirators know in advance that the karsevaks would molest a girl?

Assuming they took advantage of the incident to spread the rumour that she had been taken on board the train, how could the conspirators ensure, in advance, the presence of a man named Anvar Kalandar on the platform with both knowledge and inclination to adjust the clappet valve outside the train and stop S-6 exactly at Cabin 'A'? Despite effecting such a key role, the police say Kalandar was just a chivalrous bystander and not part of the conspiracy.

The voice of a victim

Virish Rawal, an 82-year-old man who lost his wife, Sudhabeen, in S-6, died before he could learn the truth about the train tragedy. But he knew even then that his family had been made "sacrificial goats by the VHP in its political game."

His son, Ashwin, a local Bajrang Dal leader, was killed in a stabbing incident in the post-Godhra riots. This is an extract and summary of an affidavit filed by the late Girish Bhai before the Supreme Court in October 2003.

Sudhabeen was a senior social worker with the Agha Khan Foundation's Khoja Council. Like others from Janatanagar, Ahmedabad, she "participated in the yatra spontaneously, thinking it was a religious event."

In her life and mine we did not share the communal sentiments that are part and parcel of the VHP/BJP's politics."

However, "as his [Ashwin's] father, I say with regret that just like any terrorist" he had been "turned in heart and mind by the vicious VHP propaganda."

Girish Bhai's affidavit

squarely blames the VHP, the BJP, the Gujarat Government and the Railways for both the Godhra tragedy and the 'barbaric violence' that followed.

"Since this tragedy our family members have been used by the VHP and the BJP to amass crores of rupees, here and abroad, and also win the last elections. Worse still, they were used for justifying the [subsequent] murders... On many occasions the VHP and BJP have held functions with big names from the NRI world and collected large sums of money while they made us sit on the dais as scapegoats. Where has this money gone and what has it been used for?"

The victims themselves "have been denied fair and proper compensation."

"Even out of the Rs. 1 lakh promised by the Gujarat Government, Pravin Togadia told us to forget Rs. 50,000, promising that the VHP would make up the amount. All sorts of other promises were also made but none have been kept."

As for justice: "The

investigation into the causes and fallout of the Godhra tragedy too are being suppressed by the current BJP establishment... I was scheduled to depose before the Shah-Nanavati commission on September 18, 2003. A few days before, some VHP people came led by Jaykhanth Dave of the BJP to tutor us how to speak. Our society of 35 tenements is situated in a remote place and they tried to use this pressure. I was so upset at the fact that we were being told what to say that I did not go. Some others out of fear went ... On October 2, 2003, at 10 pm, 6 persons belonging to the VHP led by Bachubhai Patel came to my house with a singular aim of making us change our minds from pursuing this case ... I said I was not interested in money but in justice ... Jaideep bhai [VHP leader] also tried to influence me but I am very clear that we wish to both fight for justice and dignity for ourselves and use the tragedy that has befallen us to warn innocent victims not to fall prey to yatra politics."

'Heavy smoke, no fire on floor, no intruder'

None of the passengers saw miscreants entering or pouring petrol themselves. Moreover, none recalled other passengers — who might have seen such a thing — mentioning this as the cause of the fire.

Hari Prasad Joshi: When the train came to a halt the second time (near Cabin 'A'), there was heavy stone pelting from the platform side... The train was overcrowded and people said the train was on fire. At that point, people started getting off but the smoke was very thick and Joshi and his wife had difficulty breathing.

Writes Mr. Justice Banerjee: "Joshi fell down on the floor and located some place obviously on the floor where he could breathe. He then crawled towards the door, which was open, and then came out after crawling the entire distance in the coach itself." His wife, however, choked to death and fell down. "I was standing near the window for the safety of my wife and I could hear the cries for help, but within two to three minutes, all became quiet and it is thereafter only that flames were seen and not at any earlier point of time."

Mr. Justice Banerjee records

that Joshi got down from the rear of the coach on the yard side, near seat 72, because most passengers had fled towards the front of the coach away from the source of the smoke. If the fire was caused by petrol thrown on the floor near seat 72, Joshi would not have been able to exit through there, let alone crawl on the floor. Moreover, the flames should have been visible from outside almost immediately since seat 72 was a window seat on the yard side.

D.N. Dwivedi: He was sitting on the floor and noticed very heavy and thick smoke coming from the top left inside of the coach.

Jamuna Prasad: He testified that there was a 10-minute gap between the detection of smoke and detection of flames. "We were not able to imagine that any fire could break out even in a steel or in an iron coach. For this reason, it took quite some time to make up our mind to escape."

Dwarkabhai: His deposition before the Nanavati Commission states, "I came out through the window of the third cubicle... Till I came out

of the coach, I had not seen any flames. As long as I was inside the coach, I had not noticed any fluid having been poured inside the coach. I had not seen any person sprinkling any fluid or putting fire on the coach."

Jayantibhai: "Due to smoke, I had moved towards engine side... I do not know how the smoke had taken place... The people on back side of the coach were talking... that the coach was burning from inside and therefore all should run... The smell of the smoke was like that of burning rubber. It was like burning of luggage." (Testimony before Nanavati Commission).

Ramfersinh: He told the Nanavati Commission he saw burning rags coming in from the platform side through broken windows but "nothing on the floor had burnt due to throwing of burning rags."

Bhupatibhai: He told the Nanavati Commission, "I had not seen anybody from the mob entering the coach. I had seen one or two burning rags being thrown on the coach but I had not seen whether those rags entered the coach or not."

EXCLUSIVE: FROM BANERJEE'S REPORT

The 'crawl' to Godhra truth

Eyewitness pointed the way

Avirook Sen
New Delhi, January 21

■ "We were in the middle of the coach ... the smoke was so thick we were having tremendous breathing problems; I was absolutely choked and I fell down on the floor ... Then I crawled towards the door that was open."

THAT IS an excerpt from Hari Prasad Joshi's deposition to the U.C. Banerjee Commission, which investigated the fire on the Sabarmati Express in Godhra on February 27, 2002. It is also, according to Banerjee, the single most significant passage in the 164-page report. It is the best supporting evidence to Banerjee's two primary arguments: that the fire started inside; and that it was an accident: no inflammable material was used.

In his report — a copy of which *HT* has access to — the retired judge makes his case through details that have not yet been revealed.

Joshi, a tax inspector in his mid-forties, was travelling with his wife in S-6, where 59 people died. Of the 14 passengers who deposed before the commission, Joshi did two things differently: he crawled (rather than try to run) to safety; and he exited through the door closest to where the fire started.

The fact that Joshi was able to crawl, according to Banerjee, is proof that there was no inflammable material thrown on the floor of the coach.

While Gujarat's Forensic Science Laboratory had discredited the theory that inflammables were thrown into the coach from outside, it had said there was evidence of 60 litres of petrol inside the coach, presumably thrown by "miscreants".

Banerjee says this is absurd for two reasons: first, how was it that no one saw these miscreants or protested? And second, that the train was being pelted with stones from the side adjacent to the platform and witness after witness confirmed that passengers downed the windows, locked the doors of the coach and climbed to the safety of the upper berths. If the doors were locked because of the stoning, how could anyone have entered the compartment? argues Banerjee.

But the stoning left the passengers trapped inside only one option: to try and escape through the two doors on the other side, which faced 10 more tracks and a yard. But one of these doors was too close to the fire, so most people tried getting out of the other.

The result was a mini-stampede — over 200 people were in the coach, many of them were falling off the upper berths, dead or unconscious. (Banerjee notes that it takes just four to five minutes for a man to die of asphyxiation.) Joshi went for the other door. And, as he neared, he caught a breath of fresh air near ground level — every other part of the train was now filled with black smoke.

But what is it that caused the fire in the first place? The report eliminates the petrol, the "miscreant" and electrical cause theories, but doesn't offer any clear answers. It notes that there was some evidence of cooking. It also speculates that, in the panic caused by the stone-pelting, there could even have been a carelessly thrown, unextinguished cigarette that could have started it. There were enough materials in the coach — the coir, the foam and the latex on the berths — that would have burnt readily.

Godhra report details negligence by Railways

By Siddharth Varadarajan

NEW DELHI, JAN. 21. Apart from concluding that the fire which engulfed the Sabarmati Express at Godhra on February 27, 2002 was probably caused by an accident, the Justice U.C. Banerjee Committee has indicted the Railways on at least eight counts of negligence, amounting, in many cases, to serious violation of procedures mandated either by statute or plain common sense.

To the millions of Indians who travel by train every day, the picture that emerges is a sobering — and even disturbing — one.

Hinting that the officials involved were either incompetent or effecting a cover-up, Mr. Justice Banerjee writes that if the

way the Railways acted in the run-up to and aftermath of the Godhra fire can be taken to be “the normal functioning of the Railways... then only God can help the passengers.”

Describing the violations in considerable detail, the committee's 165-page Interim Report — a copy of which is with

The Hindu — attacks senior railway officials for giving credence to rumours about the incident that were patently false or absurd. At any rate, the Railways was party to both the destruction of forensic evidence and a sloppy system of record-keeping, which combined to help obscure the truth about the circumstances under which 59 passengers were burnt to death on board coach

S-6 of the train. The report begins by attacking the Railways for not instituting its own inquiry into the incident, as mandated by law. The Commissioner of Railway Safety (CRS), Mumbai, said this was because the Gujarat Government had set up a commission of inquiry.

Pointing out that the Shah Commission was notified only on March 6, 2002, i.e., eight days after the incident, Mr. Justice Banerjee says “the explanation put forth by the CRS is unacceptable... The notification for an enquiry under the Railways Act should and ought to have been issued by him within 48 hours from the time of intimation” of the incident.

Mr. Justice Banerjee takes ex-

ception to the use of the stock phrase “set on fire” by senior officials in referring to the burning of S-6. “Before making any comment as to how the fire originated, one is required to examine the necessary details and that is precisely why the Railways Act provided for a Railway inquiry.”

He suggests that the railway authorities’ eagerness to come to a “pre-determined conclusion as to the cause of the fire” was reminiscent of the “Modern Day Nero” in the Gujarat Government — indicted by the Supreme Court in its Best Bakery judgment for “looking elsewhere while innocent people died and.... deliberating how the perpetrators of the crime can be saved or protected.”

Evidence destroyed: Page 11

THE HINDU

22 JAN 2005

"Ensure against parties getting mileage from Banerjee report" ✓

HD-11

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By Our Special Correspondent

NEW DELHI, JAN. 19. The Bharatiya Janata Party and the Janata Dal (United) today sought the Election Commission's intervention in ensuring that political parties did not use the U. C. Banerjee Committee Interim Report on the Godhra train fire for political purposes in the coming Assembly elections.

Delegations from both parties submitted separate representations to the Commission, with the BJP demanding action against the Railway Minister, Lalu Prasad, for using the report to issue provocative statements to "communalise and create tension between communities."

The model code of conduct bars all parties and candidates from indulging in any activity that may create tensions be-

tween communities and the BJP said that Mr. Prasad violated it the day the Commission gave him a last opportunity, in its order holding him guilty of violating the code by distributing money to voters. His provocative statements, according to the BJP vice-president, Mukhtar Abbas Naqvi, "now necessitates further action against him and the party under the Symbols Allocation Order."

The BJP equated its demand for restraining political parties from using the Banerjee report in the elections to the Commission forbidding all parties from using visuals of the "burnt train of Godhra" in the run-up to the Gujarat Assembly elections in 2002.

The BJP also said that Mr. Prasad "circulated Hindi copies of the summary of the report

from his residence at Patna" at the same time as Mr. Justice Banerjee released it in the capital.

'Issue specific order'

The JD (U) president, George Fernandes, urged the Commission to issue a "specific order that no political party in these elections will in any form use the Interim Report produced by the Banerjee Committee so that the sanctity of the ballot is upheld and the conspiracy to make a mockery of the elections is defeated."

A party delegation echoed this when it submitted a memorandum demanding an enquiry into the alleged doctoring of Electronic Voting Machines in Bihar during the Lok Sabha elections to the advantage of the Rashtriya Janata Dal and its allies.

গুজরাত দাঙ্গার তদন্তে জোরালো প্রভাব ফেলবে অন্তর্বর্তী রিপোর্ট

সৌভদ্র চট্টোপাধ্যায় ● নয়াদিল্লি

১৮ জানুয়ারি: গোধরা-কাণ্ডের অন্তর্বর্তী রিপোর্ট পেশ করে গুজরাত দাঙ্গার তদন্তে সুদূরপ্রসারী প্রভাব ফেলে দিলেন লালুপ্রসাদ।

বন্দ্যোপাধ্যায় কমিটির রিপোর্টের সঙ্গে কোনও মিল নেই গুজরাত সরকারের বিশেষ তদন্তকারী দলের রিপোর্টের। সেখানে বলা হয়েছে, ষড়যন্ত্র করে করসেবকদের উপরে বাইরে থেকে হামলা চালানো হয়েছিল। পরস্পরবিরোধী দু'টি রিপোর্টের মাঝে বসে এখন গোধরা ও তার পরবর্তী দাঙ্গার সামগ্রিক তদন্ত করছে প্রাক্তন বিচারপতি নানাবতী ও শাহের কমিশন। আইন মন্ত্রক সূত্রে খবর, বন্দ্যোপাধ্যায় কমিটির রিপোর্ট এখন আর উপেক্ষা করতে পারবে না কমিশন। কমিটির রিপোর্ট নিয়ে আজ প্রধানমন্ত্রীর সঙ্গে আইনমন্ত্রীর আলোচনা হয়েছে। এই রিপোর্টের ভিত্তিতে কত দূর এগোনো যায়, খতিয়ে দেখছে সরকার। কারণ, রিপোর্টে রেলকর্তাদের পাশাপাশি প্রাক্তন রেলমন্ত্রীর বিরুদ্ধেও বিস্তারিত

অভিযোগ রয়েছে। ফলে শাস্তি দেওয়ার ক্ষেত্রে সরকার অতিরিক্ত সতর্কতা নিতে চায়। লালু রিপোর্টের অংশবিশেষ প্রকাশ করে দেওয়ার পরে আজ বিজেপি পাঁচটা ১৯টি প্রশ্ন তুলে এর বিরুদ্ধে সরব হয়েছে।

টেনে আগুন কী ভাবে লেগেছিল, মূলত সেই প্রশ্নের উত্তর খুঁজতেই গড়া হয় বন্দ্যোপাধ্যায় কমিটি। নানাবতী কমিশনের তদন্তের প্রেক্ষিত আলাদা হলেও আইন মন্ত্রকের কর্তারা মনে করছেন, কমিটির রিপোর্ট উপেক্ষা করা কমিশনের পক্ষে কার্যত অসম্ভব। কারণ, এই কমিটিরও মাথায় সুপ্রিম কোর্টের প্রাক্তন বিচারপতি। তা ছাড়া, যে সব সাক্ষ্যের ভিত্তিতে কমিটি রিপোর্ট পেশ করেছে, তা-ও মজবুত। কমিটি বিশেষজ্ঞদেরও মত নিয়েছে।

ফলে গত সরকারের আমলে নিযুক্ত তদন্তকারী কমিশনের উপরে অনেকটাই প্রভাব ফেলতে পেরেছেন লালু। রাজনৈতিক মহলে আরও একটা যুক্তির কথা উঠছে। গুজরাত ঘটনার তদন্তের জন্য প্রথমে মোদী সরকার গঠন করেছিল শাহ কমিশন। কিন্তু

গুজরাতেরই মানুষ শাহকে দিয়ে কেন কমিশন গঠন করা হল, তা নিয়ে বিতর্ক হওয়ায় বাজপেয়ী সরকারের নির্দেশে পরে আনা হয় নানাবতীকে। এখন নতুন কমিটির রিপোর্ট উপেক্ষা করে ফের বিতর্ক তৈরি করার পরিস্থিতি নেই বলেই মনে করা হচ্ছে।

বিহার-ঝাড়খণ্ড ভোটের ঠিক মুখে এই রিপোর্ট প্রকাশ করা হলেও লালুকে নির্বাচন কমিশনের রক্তচক্ষুর সামনে পড়তে হবে বলেও মনে হচ্ছে না। নীতীশ কুমার আজ কমিশনের কাছে আর্জি জানিয়েছেন, এই রিপোর্টকে কাজে লাগিয়ে যেন বিধানসভা ভোটে প্রচার করা না হয়। কিন্তু কমিশন সূত্রের খবর, সরকারি তদন্ত-রিপোর্ট প্রকাশ নির্বাচনী বিধি ভঙ্গের মধ্যে পড়ে না বলেই মত কমিশনের একাংশের।

বিজেপি আজ মোট ১৯টি প্রশ্ন তুলেছে বন্দ্যোপাধ্যায় কমিটির রিপোর্ট নিয়ে। যেমন, এই ঘটনার তদন্তকারী পুলিশ অফিসার বা বিশেষ তদন্তকারী দলের প্রধানকে কমিটি জিজ্ঞাসাবাদ করেনি। ফরেনসিক রিপোর্ট দেখা হয়নি। কোচের ভিতরেই আগুন লেগেছে বলে

কমিটি জানালেও, কোচ কিন্তু তৈরি হয় আগুন-নিবারক পদার্থ দিয়ে। কমিটি সব কাগজপত্র দেখেনি বলেও পরোক্ষ অভিযোগ করা হয়েছে। আরও প্রশ্ন তোলা হয়েছে, কমিটি কি জানে যে গোধরা-কাণ্ডের আগের রাতে আমন গেস্ট হাউসে দুটি গোপন বৈঠকে ট্রেনে আগুন জ্বালানোর ষড়যন্ত্র হয়েছিল? সেই রাতেই ১৪০ লিটার পেট্রল কিনে সেখানে রাখা হয়েছিল? এ ছাড়া আরও তথ্য জানিয়ে বিজেপি প্রশ্নের চেষ্ঠা করেছে গোধরা-কাণ্ড একটি সুপরিষ্কৃত ষড়যন্ত্র।

রেলমন্ত্রক সূত্রের পাঁচটা দাবি, বন্দ্যোপাধ্যায় পুলিশকর্মীদের সঙ্গে দেখা করতে চেয়েও সহযোগিতা পাননি। গুজরাত সরকারের কোনও প্রতিনিধির সঙ্গে কথা বলা হয়নি, কারণ ট্রেনে আগুন লাগার ঘটনার প্রসঙ্গে এদের সাক্ষ্য প্রয়োজনীয় নয়। তবে রাজ্যের দমকলকর্মীদের ডাকা হয়েছিল। কারণ, ১৯৫২ সালেই রেলের নিজস্ব দমকল ব্যবস্থা তুলে দিয়ে চুক্তি হয়, সংশ্লিষ্ট রাজ্যই প্রয়োজনে তাদের দমকল দেবে।

পাশবই জমা দিতে নির্দেশ জাহিরাকৈ

মুহই, ১৮ জানুয়ারি: টাকা নিয়ে
বয়ান বদল করেছেন এই অভিযোগের
ভিত্তিতে বেস্ট বেকারি মামলার মূল
অভিযুক্ত জাহিরা শেখকে দু'টি ব্যাঙ্ক
অ্যাকাউন্টের পাশবই জমা দিতে
নির্দেশ দিল মুহইয়ের বিশেষ
আদালত। সরকারের তরফে এ দিন
আদালতে বলা হয়, বডোদরার
আদালতে সাক্ষ্য দেওয়ার এক সপ্তাহ
আগে জাহিরার অ্যাকাউন্টে দু'দফায়
টাকা জমা পড়েছিল। প্রথম দফায় ৩৫
হাজার টাকা, পরে আরও দশ হাজার।
জাহিরা অবশ্য বলেছেন, এই ঘটনা
তঁার মনে নেই। জাহিরার ভাই
নাসিবুল্লার অ্যাকাউন্টে এক লক্ষ নব্বই
হাজার টাকা জমা পড়েছিল বলেও
অভিযোগ করেছে সরকার পক্ষ। এ
সম্পর্কেও তঁার কিছু জানা নেই বলে
দাবি করেছেন জাহিরা।

২০০৩ সালের ১৭ মে বডোদরার
আদালতে সাক্ষ্য দেন জাহিরা। সেই
সাক্ষ্যে তিনি বলেন, বেস্ট বেকারিতে
হামলাকারীদের কাউকেই চিনতে
পারেননি তিনি। সরকার পক্ষের
বক্তব্য, ১০ মে বডোদরায় তঁার ব্যাঙ্ক
অফ ইন্ডিয়া অ্যাকাউন্টে টাকা জমা
পড়েছিল। ভায়ান্দরে সিভিকিট ব্যাঙ্কে
নাসিবুল্লার অ্যাকাউন্টে টাকা জমা
দেওয়া হয়। জাহিরা মুহইয়ে
থাকাকালীন বাড়ি ভাড়া বাবদ প্রায় ১
লক্ষ টাকা কে দিয়েছিল, সে প্রমাণও
তোলা হয়েছে।

এ দিকে, জাহিরাকে
জিজ্ঞাসাবাদের জন্য ডেকে পাঠিয়েছে
গুজরাত দাঙ্গার তদন্তে গঠিত নানাবতী
ও শাহ কমিশন। ৪ ফেব্রুয়ারি
জাহিরাকে হাজির হতে বলা হয়েছে।
এর আগে গোখরা কমিশনের সামনে
২০০২-এর মার্চে শেষ বার হলফনামা
পেশ করেন জাহিরা। — পি টি আই

WEDNESDAY, JANUARY 19, 2005

SEEKING THE TRUTH ON GODHRA

J. M. M. M. M. *HO-12* *1911*
THE INTERIM REPORT of the Justice U.C. Banerjee committee represents the first time that some light has been shed on the "riddle wrapped in a mystery inside an enigma" that is the Godhra train tragedy. A total of 59 passengers, mostly Vishwa Hindu Parishad supporters and including women and children, died in the poisonous smoke and horrific fire that engulfed coach S-6 of the Sabarmati Express on February 27, 2002. Chief Minister Narendra Modi and other senior Bharatiya Janata Party leaders blamed the incident on a pre-planned "jihadi" conspiracy. In the days and weeks that followed, as many as 2,000 innocent people, most of them Muslims, were killed in "retaliatory" riots across Gujarat that had the clear sanction of the State authorities. In the Hindu Right's highly divisive, morally corroded world view, the killings were an understandable and even justified response to what happened at Godhra. Even Prime Minister Atal Bihari Vajpayee could not resist the pull of this twisted logic. "If a conspiracy had not been hatched to burn alive the innocent passengers of the Sabarmati Express," he told a party conclave in Goa on April 12, 2002, "the subsequent tragedy in Gujarat could have been averted. But this did not happen." The developments that followed were condemnable, he said, "But who lit the fire?"

So certain was the BJP and its leadership of a well-planned conspiracy that it never occurred to them to consider the possibility that the fire could have been caused accidentally. The idea of a conspiracy was politically convenient, because it could serve as a cover for the genocidal violence that was unleashed almost immediately. Thus, from day one, neither the police nor the Railways paid any attention to investigating the case in as comprehensive a manner as the gravity

of the tragedy warranted. Depositions of passengers and witnesses were not collected in a systematic way, the post-mortem of the victims was conducted hastily and the site of the tragedy was not quarantined. Finally, forensic samples were not lifted in a timely or schematically rational fashion. While the Gujarat police cannot be faulted for initially pursuing the conspiracy angle, it is shocking that virtually no attention was paid by the Railways to probing the cause of the fire and the dynamics of its spread. More than a million Indians travel by train across the country every day. Even if the fire were not accidental, a timely technical probe would have yielded valuable suggestions for improving the safety of railway coaches. The Central Government of the day erred in not conducting such an investigation. By objecting to the work of the Banerjee committee and politicising its interim findings, the BJP and its National Democratic Alliance partners are today only compounding their original sin.

Although the substantive logic of the Banerjee report can be commented upon only when it is made public, its suggestion that the fire was not the result of flammable liquid thrown on the floor by miscreants who entered the coach forcibly squares with the technical findings of an independent panel of engineers released on Monday. The similarity between the burn patterns on S-6 and other coaches that have accidentally caught fire is interesting, as is the fact that none of the survivors had burn injuries below the waist. It is also well established that the toxic smoke appeared first, well before flames engulfed the coach — a sequence that is inconsistent with the police's petrol theory. While a murderous conspiracy cannot still be ruled out, it does seem, on the basis of what we know so far, that the Gujarat Government is barking up the wrong tree.

THE HINDU

19 JAN 2005

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Godhra report: what the official records say *19/1*

By Our Special Correspondent

NEW DELHI, JAN.18. Notwithstanding the charge of the Bharatiya Janata Party that the interim report of the Banerjee Committee on the Godhra train fire was timed to influence the Assembly elections in Bihar, official records of the Railway Board show that Mr. Justice Banerjee had been requested to submit an interim report by January 15, 2005.

While granting extension for three more months on November 22, 2004, the Railway Board

had requested him to submit an interim report by January 15.

The committee commenced functioning from September 5, 2004. Till November last, it had visited the site twice, inspected various other railway installations and began recording evidence of witnesses.

"However, this Ministry is of the view that the current tenure of three months which expires on December 4, 2004, would be inadequate to cover all aspects of [the] terms of reference and [the] issues related to the in-

cident. In view of the nature of the investigation and the very large number of witnesses that are required to be called from distant places to depose before the committee, the Ministry of Railways is of the considered view that the tenure of the committee should be extended by a further period of three months beyond its present tenure," the Railway Board's November 22, 2004 note had said.

The committee will have two more months to submit its final report to the Railway Ministry.

Editorial on Page 10

অশুভতা রিপোর্টে কী আছে

G. Nibutik

- ১ বাইরে থেকে দাহ্য পদার্থ ঢেলে এস-৬ কামরায় আগুন লাগানো হয়নি
- ২ করসেবকদের সঙ্গে ত্রিশূল ছিল, হামলা হলে তাঁরা ছেড়ে কথা বলতেন না
- ৩ কামরায় রান্না করা ও বিড়ি-সিগারেট খাওয়ার চিহ্ন মিলেছে
- ৪ বৈদ্যুতিক গোলযোগ ছিল না
- ৫ যড়যন্ত্র নয়, এই অগ্নিকাণ্ড 'দুর্ঘটনা'ই
- ৬ তথ্যপ্রমাণ সংরক্ষণ করা হয়নি, ক্ষতিগ্রস্ত এস-৭ কামরা বেচে দেওয়া হয়েছে



কেন এই কমিটি

নানাবতী কমিশন গোধরা ও পরবর্তী ঘটনার তদন্ত করছে। রেল পুলিশ ১৩৫ জনের বিরুদ্ধে বিশেষ পোচা আদালতে চার্জশিট দিয়েছে। কিন্তু গত ১৪ জুলাই নয়া রেলমন্ত্রী বলেন, রেল সুরক্ষা কমিশনার বা রেলের কোনও সংস্থাই অগ্নিকাণ্ডের তদন্ত করেনি, যা রেল আইনে বাধ্যতামূলক। তাই নতুন কমিটি গড়ে আশ্বনের কারণ খতিয়ে দেখা হবে। এই প্রেক্ষিতে ৪ সেপ্টেম্বর বিচারপতি উমেশচন্দ্র বন্দ্যোপাধ্যায় কমিটি গড়া হয়।

শ্রীমতী গ. নিবুটিক

গুজরাত দাঙ্গার কারণই খারিজ নতুন রিপোর্টে

সৌভদ্র চট্টোপাধ্যায় • নয়াদিল্লি

১৭ জানুয়ারি: যে তত্ত্বের উপরে দাঁড়িয়ে গুজরাত দাঙ্গা, সেই তত্ত্বই নস্যোৎ হয়ে গেল গোধরা-কাণ্ডের এক অন্তর্বর্তী রিপোর্টে!

বিচারপতি উমেশচন্দ্র বন্দ্যোপাধ্যায়ের নেতৃত্বাধীন উচ্চপর্যায়ের কমিটির ওই রিপোর্টে স্পষ্ট বলা হয়েছে, গোধরায় সর্বমতী এক্সপ্রেসের এস-৬ কামরায় বাইরে থেকে আগুন লাগানোর কোনও ষড়যন্ত্র হয়নি। নিছকই দুর্ঘটনাবশত কামরার ভিতর থেকেই আগুন লেগেছিল।

বিহারে ভোটের আগে বিজেপি-বিরোধী শিবির আসন সমঝোতা নিয়ে যখন ছত্রভঙ্গ চাপে থাকা রেলমন্ত্রী লালুপ্রসাদ মোক্ষম সময়ে গোধরা কাণ্ডের অন্তর্বর্তী রিপোর্টটি প্রকাশ করে 'মাস্টার স্ট্রোক' দিয়ে বসেছেন। বিহারে লালুর প্রধান প্রতিপক্ষ প্রাক্তন রেলমন্ত্রী নীতীশ কুমারকেও বিস্তারিত সমালোচনা করা হয়েছে রিপোর্টে। ঠিক এখনই কেন রিপোর্টটি প্রকাশ করা হল? কংগ্রেসের বক্তব্য, "এই তথ্যগুলি আড়াই বছর আগেও তুলে ধরার চেষ্টা হয়েছিল। কিন্তু তৎকালীন কেন্দ্র বা রাজ্য সরকার আমল দেয়নি। কেন তখন তা চেপে রাখার চেষ্টা হয়েছিল, সেটাই তো প্রশ্ন!" নীতীশ বলেছেন, "এটা স্রেফ রাজনৈতিক চমক।" আর লালুর ঘনিষ্ঠতম কেন্দ্রীয় মন্ত্রী প্রেম গুপ্ত বলেছেন, "এই জনাই উনি লালুপ্রসাদ!"

লালু নিজে কী বলছেন? লালু বলছেন, "এই রিপোর্ট সন্দেহাতীতভাবে প্রমাণ করল যে ২০০২ সালের গুজরাত দাঙ্গা বি জে পি, সঙ্ঘ পরিবার এবং নরেন্দ্র মোদীরই ষড়যন্ত্রের ফসল।"

আজ বিকেলেই গোধরায় ট্রেনে অগ্নিকাণ্ড নিয়ে রিপোর্টটি জমা দেয় বিচারপতি বন্দ্যোপাধ্যায়ের কমিটি। রেলভবন সূত্রে রিপোর্টের যে সারসংক্ষেপ প্রকাশ করা হয়, তাতে বলা হয়েছে—গোধরায় ট্রেনে আগুন লাগার পিছনে কোনও 'বাইরের হাত' নেই। আগুন লেগেছিল কামরার ভিতর থেকেই। পেট্রোল ঢালা হয়নি, দুর্ঘটনারও আগুন জ্বালায়নি, বিদ্যুৎ থেকেও জ্বলেনি। এটা নিছকই দুর্ঘটনা। বগির ৯০ শতাংশই ছিলেন করসেবকেরা। তাঁদের হাতে ত্রিশূল ছিল। ফলে দুর্ঘটনার বগির ভিতরে ঢুকে আগুন লাগাচ্ছে, অথচ যাত্রীরা সামান্য আওয়াজ না করে নিজেদের পুড়তে দিচ্ছেন, এটাও ভাবা যায় না। তৎকালীন রেলমন্ত্রী নীতীশকুমার ও তাঁর অধীনস্থ রেলের শীর্ষকর্তারা কেউই দুর্ঘটনার পরে আহতদের দেখতে যাননি। বিষয়টি নিয়ে ঠিকমতো তদন্ত করার ক্ষেত্রে কমিশন অব রেলওয়ে সেকটি (অসামরিক বিমান পরিবহণের অধীনে) এবং রেল প্রশাসন ব্যাধি। এতে রেল-আইন লঙ্ঘিত হয়েছে।

কমিটির মেয়াদ বৃদ্ধি করা হয়েছিল আগামী মার্চ পর্যন্ত। কিন্তু বিহারে ভোটের আগে কার্যত তড়িঘড়ি কমিটির অন্তর্বর্তী রিপোর্ট প্রকাশ করা হল জানুয়ারির মাঝামাঝিই। নতুন সরকার আসার পরে গোধরা বা গুজরাত কাণ্ডের তদন্তে একমাত্র এই কমিটিই গঠিত হয়েছিল। এবং তা হয়েছিল লালুরই ইচ্ছায়। রেল বাজেটের জবাবি বক্তৃতায় এই নতুন তদন্ত কমিটি গঠনের কথা ঘোষণা করেছিলেন লালু। বিচারপতি বন্দ্যোপাধ্যায়ের রিপোর্টের যে অংশবিশেষ প্রকাশ করা হয়েছে, তাতে গোধরা কাণ্ডের মোড় ঘুরিয়ে দেওয়ার পক্ষে যথেষ্ট। পাশাপাশি বলা হয়েছে, তৎকালীন রেলমন্ত্রী নীতীশ এক বারও যাননি আহতদের দেখতে। ঘটনার তথ্যপ্রমাণ সংরক্ষণের জন্যও কোনও চেষ্টা করেনি রেল প্রশাসন। প্রাথমিক তদন্ত ছাড়াই পশ্চিম রেল এই ঘটনাকে 'দুর্ঘটনাদের কাজ' বলে বর্ণনা করেছিল। কমিটির রিপোর্টে বলা হয়েছে, এ যাবৎ ঘটনার বিধিসম্মত তদন্ত করেনি রেল। প্রসঙ্গত, এই একই কথা লালু বলেছিলেন তাঁর রেল বাজেট ভাষণে।

বিহার ভোটের আগেই গোধরা নিয়ে রিপোর্ট প্রকাশ করার পরিকল্পনা আগে থেকেই ছকে রেখেছিলেন তিনি। তবে এটা যে আজই ঘোষণা করা হবে, সেটা ছিল অপ্রত্যাশিত। বিহারে এবারে আসন বন্টন নিয়ে কংগ্রেস ও কমিউনিস্টদের সঙ্গে মন কষাকষি যে হবে, সেটা প্রত্যাশিত হলেও কংগ্রেস যে এভাবে রাজ্যস্তরে জোটের তোয়াকা না করে ৮০টি আসনে প্রার্থী দেবে, তা লালুর কাছে

এর পর ছয়ের পাতায়

গুজরাত

প্রথম পাতার পর
অপ্রত্যাশিত। বোম্বার উপরে শাকের
আটি রামবিলাস পাসোয়ান। এত বছর
ক্ষমতায় থাকার ফলে 'অ্যান্টি-
ইনকাম্বেন্সি' ভূতও তাকে তাড়া করে
ফিরছে। এই অবস্থায় বিজেপি
বিরোধিতার তাসই যে তাঁকে আবার
বৈতরণী পার করতে সাহায্য করবে
এটা লালুর অজানা নয়। আর তাই
প্রথম পর্বের ভোটে মনোনয়ন পর্ব
শেষ হবার মুখে লালু রিপোর্টটি
প্রকাশ করে শুধু বিজেপিকে নয়, টেকা
দিতে চাইলেন কংগ্রেসকে।

কেন লালু এমন করলেন? সনিয়া
গাঁধীর সিদ্ধান্ত ছিল, বিহারে দলের
নির্বাচনী শ্রীবৃদ্ধির জন্য লালুর সঙ্গে
রাজ্যস্তরে সংঘাতে যেতে হবে। 'জো
হজুর' বৃত্তি কংগ্রেসকে বিপাকে
ফেলবে। মহারাষ্ট্রে নির্বাচন থেকে
দেখা যাচ্ছে কংগ্রেস আবার মুসলিম
ভোট ধীরে ধীরে ফিরে পাচ্ছে। উত্তর
প্রদেশেও মুলায়ম সিংহ যাদবের সঙ্গে
প্রকাশ্য সংঘাতের মধ্যে দিয়েই
কংগ্রেসের বিকাশ হবে বলে মনে করে
শীর্ষ নেতৃত্ব। বিজেপি যখন দুর্বল হয়ে
যায়, তখন কংগ্রেস এবং লালু বা
কমিউনিস্টদের বিরোধ বাড়ে। এই
রাজনৈতিক বিরোধের মধ্যে দিয়েই
কংগ্রেস পৃথক শরিকি সভাকে তুলে
ধরার সুযোগ পায়। রাম মন্দির
আন্দোলনের সময়ে মন্ডল
রাজনীতিকে মূলধন করে লালু
মুলায়ম পাল্টা রাজনীতির লাভের গুড়
খেয়েছিলেন। মন্দির আন্দোলনে
লালকৃষ্ণ আডবাবীকে গ্রেফতার করে
এই লালুই ধর্মনিরপেক্ষ শক্তির মসিহা
হয়ে উঠেছিলেন। বিজেপিকে তাই
উল্কে দিয়ে আবার লালুই প্রধান
সাম্প্রদায়িকতা বিরোধী শক্তি হয়ে
উঠতে চান। বিজেপির ভোটব্যাঙ্ক
পৃথক। কিন্তু বিজেপি-বিরোধী
ভোটব্যাঙ্কের প্রধান ভাগীদার লালুই
হতে চান। এই পরিস্থিতিতে বারবার
অস্বস্তিতে পড়ে কংগ্রেস। নরম হিন্দুত্ব
আর মুসলিম ভোট এই দোলাচলে
পড়তে হয় কংগ্রেসকে।

No mention of evidence or witnesses ^{SF-4 18/1} Cong raises rhetoric pitch ^{9-11/2001}

Statesman News Service

NEW DELHI, Jan. 17. — Without elaborating on what the documentary evidence was and who were the key witnesses who deposed before the Banerjee commission, the report said: "The possibility of an inflammable liquid having been used is completely ruled out as there was first a smell of burning followed by dense smoke and flames thereafter."

The Statesman had carried a report in its 6 September 2004 edition under the headline: 'Godhra inquiry to run through Lalu land' which had raised some questions on the manner in which the inquiry was ordered vis-a-vis its terms of reference.

The Banerjee commission was to take station masters and other railway staff as witnesses right from the station from where the train originated before reaching Godhra on that fateful day — 27 February 2002.

The Banerjee commission report says since there was a smell of burning followed by dense smoke and flames... this sequence is not possible in case the fire is caused by inflammable liquid

thrown on the floor of the coach from outside".

"The inflammable liquid theory also gets negated by the statements of some of the passengers," the report added.

"Those who suffered injuries on the upper portions of the body and not in the lower parts and those who crawled outwards, toward the door, on their elbows, could get out of the train without much injury," the report added. The Banerjee committee report further said: "On the basis of available evidence, the committee has found it unbelievable that the *kar sevaks*, armed with *trishuls*, would allow themselves to get burnt without a murmur, allowing miscreants to enter the S6 coach and set it on fire."

The report claims that it has evidence from forensic experts who rule out that the coach could have been set on fire from outside. Besides, there is evidence, according to Mr Justice Banerjee, that some cooking was also going on in the said coach.

The Banerjee panel report has finally inferred that "there was thus no scope for any miscreant activity from any external agency during this period".

NEW DELHI, Jan. 17. — The Congress today made a scathing attack on the BJP in the wake of the findings of the Justice Banerjee Commission, which is probing the train killings at Godhra in February 2002. "The commission's interim report establishes conclusively that the fire in the train was an accident and not caused by any external factor or conspiracy — but the BJP government in Gujarat used it as its basis to orchestrate statewide, organised and premeditated violence and carnage," AICC spokesman Mr Anand Sharma charged.

The Congress' attack signalled its intentions in the coming days, even as the commission's explosive interim report came in the run-up to the Assembly elections in politically-charged Bihar, Jharkhand, and Haryana next month. Describing the Gujarat riots as "a blot and a scar on the country's soul," Mr Sharma said: "This could have been averted if the Narendra Modi government and administration had not hidden these facts then."

Quoting the report, Mr Sharma said: "Rail and police officials were informed when fire broke out in the coach, but the Modi government chose to remain silent and rather used it cynically for sponsoring communal violence and bloodbath". Mr Sharma also slammed the BJP for entrusting the coming Assembly poll campaign to Mr Narendra Modi and Miss Uma Bharati. "This indicates the divisive and emotive campaign the BJP wants to run," he said. — SNS

Godhra fire accidental, says Banerjee panel

By Vinay Kumar

NEW DELHI, JAN. 17. Debunking the previous National Democratic Alliance regime's "conspiracy theory" behind the fire incident in the Ahmedabad-bound Sabarmati Express at Godhra on February 27, 2002, in which 59 people died, the Justice U.C. Banerjee Committee today said the fire in the S-6 coach was purely "accidental."

"With the elimination of the 'petrol theory', the 'miscreant activity theory' and the ruling out of any possibility of 'electrical fire', the fire in the S-6 coach can at this stage be ascribed as an 'accidental fire'," the Committee said in its interim report. It noted that there was a preponderance of evidence that the fire originated in the coach S-6 itself without any external input.

Use of inflammable liquid ruled out

"Moreover, the possibility of an inflammable liquid having been used is completely ruled out as there was first a smell of burning, followed by dense smoke and flames thereafter. This sequence is not possible in case the fire is caused by an inflammable liquid thrown on the floor of the coach or an inflammable object thrown from outside the coach. The 'inflammable liquid theory' also gets negated by the statement of some of the passengers who suffered injuries on the upper portion of the body and not the lower body and who crawled towards the door on elbows and could get out without much injury," the Committee concluded

Political significance

The report is not without political significance. The "Godhra incident" — as per the then Bharatiya Janata Party-led coalition Government at the Centre and the party's Government in Gujarat — was caused by a fire ignited by miscreants at the Godhra railway station, killing 'kar sevaks' returning from Ayodhya. It triggered widespread communal riots in Gujarat in February-March 2002, in which thousands lost their lives and a large number were rendered homeless.

The report, running into two volumes, was presented by Mr. Justice Banerjee to the Railway Board Chairman, R.K. Singh. Mr. Justice Banerjee said that many comments would "not be palatable to the Railways." The high-level committee was appointed by the Railway Minister,



Highlights of the Interim Report

- The "inflammable liquid theory" is negated by the statement of some of the passengers of the S-6 compartment.
- It is unbelievable that kar sevaks, armed with 'trishuls', would allow themselves to be burnt without a murmur. Some evidence of cooking inside the coach by kar sevaks found.
- No scope for miscreant activity from any external agency.
- The fire in the coach can be called an "accidental fire."
- Railways failed to conduct a statutory inquiry.
- Western Railway prejudged the issue by calling it miscreant activity without even a preliminary inquiry.
- Neither the then Railway Minister nor the Railway Board members visited the site.
- Response of the Godhra Fire Brigade most unsatisfactory.



Justice U.C. Banerjee (left) after presenting his Committee's Interim Report on the Godhra train fire to the Railway Board Chairman, R.K. Singh, in New Delhi on Monday. — Photo: Anu Pushkarna

Graphic by Varghese Kallada

Lalu Prasad, on September 4, 2004, about three months after the Congress-led United Progressive Alliance came to power at the Centre. The initial term of the Committee was for three months but it was granted extension for three more months.

A statutory inquiry by the Commissioner of Railway Safety was abandoned within days of the Godhra incident on the plea that the State Government had already appointed the Nanavati-Shah Inquiry Commission. Even the Divisional Railway Manager of Vadodara had described the fire as having been caused by miscreants. "Higher-ups in the railway administration have failed to inculcate a sense of safety among the pas-

sengers. All is not well with railway safety. The entire approach of the Railways has been very casual and it is unfortunate that the Western Railway did not adhere to any norms of the accident manual," Mr. Justice Banerjee said in his brief opening remarks.

Incidentally, the expert committee was the first such panel to have been appointed by the Railway Ministry, nearly three years after the incident took place. Mr. Justice Banerjee refused to reply to questions either on railway safety or the timing of the interim report on the eve of Assembly elections in Bihar, Haryana and Jharkhand.

It was a conspiracy, insist Gujarat police: Page 11

Godhra: engineering experts question police theory

By Our Special Correspondent

NEW DELHI, JAN. 17. In another blow to the Modi Government's official account of the Godhra train incident, an independent panel of engineers probing the technical aspects of the tragedy has concluded that it is "highly unlikely" that the fire which engulfed coach S-6 of the Sabarmati Express on February 28, 2002, "could have started on the floor of the passage or the floor outside the toilets by throwing of flammable liquid." The findings of the report — prepared by a multi-disciplinary group of experts on the basis of a scientific review of the physical evidence, testimony and medical records of the victims — broadly support those of the Justice U.C. Banerjee committee, whose interim report on Godhra was handed over to the Railway Board today.

The Gujarat police, however, will draw little comfort from the report as it undermines their claim that the fire was started by miscreants forcibly entering S-6 and pouring petrol on the floor.

Burn patterns studied

A key part of the Godhra puzzle, the engineers say, can be resolved when the burn patterns on coach S-6 are compared with those on a number of rail coaches that have caught fire recently. In particular, they found a striking similarity between the damage sustained by S-6 and coach 16526, which caught fire accidentally at a railway siding in Jagadhri near Delhi in November 2003. It is possible, they conclude, that the fire originated from luggage below the seat, and started by burning the lower berth first. "The resultant dense and high temperature smoke spread to

the top of the carriage and then moved along the ceiling and between the ceiling and the roof through the length of the coach. The radiative and convective heat generated eventually resulted in a flash over which the fire engulfed the entire coach towards the top."

The engineers involved in the study, conducted under the aegis of the Hazards Centre, include A.K. Roy, a chemical engineer with expertise in hazards and safety, Prof. Dinesh Mohan, a Delhi IIT biomedical engineer with expertise in human tolerance to injuries, Prof. Sunil Kale, a mechanical engineer from IIT Delhi with expertise in thermodynamics and fluidisation, and S.N. Chakravarty, a mechanical engineer with more than 10 years experience in the coaching section of the Railways.

Fifty-eight passengers, many of them activists of the Vishwa

Hindu Parishad, died in the tragedy, which the Gujarat Government and police say was the result of a pre-planned conspiracy involving dozens of people. At present, more than 100 individuals from Godhra have been arrested under the Prevention of Terrorism Act and charged with involvement in the case.

Source of fire

The engineers' report observes that the most flammable material in a railway coach is the latex foam in the seats. Though the foam is protected by a plywood base and vinyl cover, "these materials can be set on fire by cigarettes, matchsticks or lighters that are still burning. If there is any cooking equipment with fuel stored below the seat, this can worsen matters." While a burning rag thrown by the mob outside could have been an ignition

source, it "would have to first penetrate between the bars on the window before landing on people and luggage to initiate a fire."

If the fire had indeed started on the floor near the toilets, as the Gujarat police claims, "inflammable plywood and foam in three tiers of seats would not be available for the fire to burn in this area." And if the fire was started by an inflammable fluid on the floor, "the flames would have been noticed right away in a very crowded carriage, precluding the possibility of a long smouldering source."

Stating that the most probable origin point for the fire was in the region between the last two cabins, the engineers say, "The initiation is unlikely to have been noticed until the dense asphyxiating smoke emerged from the burning latex foam." Passengers in cabins 8 and 9 would have tried to es-

cape from the exits near seat 72 while passengers in the other cabins would have run in the opposite direction, towards seat 1. Given the overcrowding, "150 or more people must have gathered trying to escape, and been subjected to dense and toxic fumes emanating from the roof and upper levels," leading to many passengers asphyxiating or falling unconscious and being burnt by the fire.

The report attacks the slipshod manner in which the testimony of passengers and vital forensic material was gathered by the investigating agencies. Calling for computer and experimental simulations to conclusively understand the process of accidental combustion inside railway coaches, the experts say that serious thought needs to be given to the design of doors and exits and emergency escape routes.

A conspiracy, insist Gujarat police

By Manas Dasgupta

GANDHINAGAR, JAN. 17. The Gujarat police and the ruling Bharatiya Janata Party have virtually rejected the Justice U.C. Banerjee Committee's Interim Report and have maintained that the Godhra train carnage was a "pre-planned conspiracy" and not a case of "accidental fire."

The State unit of the Congress, on the other hand, welcomed the report. The party spokesman, Shaktisinh Gohil, demanded the resignation of the Chief Minister, Narendra Modi, after being "exposed" for "drumming up the conspiracy theory" to take advantage of the Hindu vote bank in the 2002 Assembly elections.

The Special State Inspector General of Police, Vadodara range, Rakesh Asthana, who is heading the Special Investigation Team (SIT) into the train carnage, claimed that the investigation, supported by "scientific and oral evidence," had so far "clearly established" that the incident was a "carefully planned and meticulously executed criminal conspiracy." The investigation had also "ruled out accidental fire in the coach," he maintained.

"Politically motivated"

While the State Government refused to react, the BJP State unit president, Rajendrasinh Rana, termed the Banerjee panel report as "politically motivated" and "manipulated" by the Railways Minister, Lalu Prasad, in view of the coming Assembly elections in Bihar, Jharkhand and other States.

Even as Mr. Asthana claimed that he was only giving details of the investigation carried out by his team, his deputy in the SIT, Noel Parmar, now the Deputy Superintendent of Police, Western Railways, Vadodara, deposed before the judicial inquiry commission of Justice G.T. Navavati and Justice K.G. Shah, on the same lines. During his cross-examination, Mr. Parmar not only insisted that the train carnage was a "pre-planned conspiracy" but also suspected the involvement of a terrorist organisation, which he declined to name in front of the media present.

Incidentally, Mr. Asthana's press conference was convened soon after the media sought the State Government's official reaction. Mr. Asthana was at pains

to emphasise that his statement was not in response to the Banerjee Committee's report.

10 chargesheets

Mr. Asthana said that 10 chargesheets had been filed against the accused before the special POTA court. He pointed out that many of the accused had moved the Gujarat High Court and other courts for bail but in a "majority of the cases," bail was rejected because of the "facts and evidence" against them. He agreed that the fire was ignited from inside the coach but rejected it as an accidental fire. The SIT investigations had "revealed" that the accused had entered the coach "forcibly" through the vestibule connecting the S-6 and S-7 coaches, poured petrol and jumped out through the rear door. Burning rags were then thrown inside through the broken windows to ignite the fire.

Mr. Asthana said that experts of the State Forensic Sciences Laboratory (FSL) had also collected evidence from the scene and had concluded that at least 60 litres of petrol had been used to set the coach afire. The entire coach was engulfed in fire in just seven minutes, which would not be possible without the aid of the inflammatory materials. The FSL report had also established that the fire was ignited from inside the coach and not from outside but it did not mean it could be "accidental." The S6 coach was 1993 make which was "fire retardant and self-extinguishing." It had been corroborated by the Railways' technical report. The findings of the State FSL had not so far been contradicted either by the central FSL or any other similar laboratories.

Claiming that the SIT was going ahead with "detailed investigations" into the "criminal conspiracy," Mr. Asthana wondered how the Banerjee Committee before submitting its interim report had not bothered to examine the police who had been investigating the case right from the beginning or even the FSL experts who had collected evidence from the scene of the crime. In fact, he said, the State police deposition before the Banerjee Committee was scheduled for tomorrow and the process of collecting documents and evidence for submitting before the Committee was on but even before that it had submitted its interim report.

Banerjee lists reasons against sabotage theory

By Vinay Kumar

NEW DELHI, JAN. 17. The Justice U.C. Banerjee Committee — which, in its Interim Report, today said the fire in a coach of the Sabarmati Express at Godhra on February 27, 2002 was purely "accidental" — enumerated some reasons for reaching the conclusion.

On the basis of available evidence, the Committee found it unbelievable that 'kar sevaks' (to the extent of 90 per cent of the total occupants) armed with 'trishuls', would allow to get themselves burnt without a murmur by miscreant activity — like a person entering the S-6 coach from outside and setting it on fire.

It also noted the forensic laboratory's experiment and verified its conclusion that it was impossible to set fire to the train from outside. Some evidence of cooking inside the coach by 'kar sevaks' was also presented before the Committee.

It noted that the train left the platform at 7.48 a.m. and stopped on account of vacuum failure in some coaches. The train started again at 8 a.m.

Relying on the Survey of India mapping of distances and given the speed of the train at that time, the Committee noted that the engine ought to take about five minutes to be near the post at 468/19 and the Guard's coach at 468/45.

"It is at this juncture that the smoke was not only noticed but also had been reported to the GRP, the RPF and the Vadodara Control. There was thus no scope for any miscreant activity from any external agency during this period," it said.

Nitish rapped

Rapping the Nitish Kumar-led railway administration and the Commissioner of Railway Safety for their failure to conduct a statutory inquiry into the accident, the Committee noted that it was they who were in breach of the Railway Act as well as the Accident Manual of the Zonal Railway.

The Railway administration also did not make any concerted effort to preserve clues to the incident.

In particular, the Committee criticised the onward travel to Ahmedabad of the

S-7 coach despite some damage to it and despite it being a crucial piece of evidence and later being disposed of as scrap.

It severely criticised the entire hierarchy of the Western Railways in pre-judging the issue by describing the incident of fire as a miscreant activity without conducting even a preliminary inquiry.

The Committee noted that neither the then Railway Minister nor Members of the Railway Board had visited the site of the accident or the injured passengers.

It observed that the response of the Godhra Fire Brigade too was most unsatisfactory not only in terms of delayed arrival but also in terms of a high percentage of ineffective fire engines and non-functioning of the motor pumps of the fire tenders. A fire that could have been doused in four to six minutes took much longer time resulting in heavy loss of lives, it said.

The Committee took the assistance of K. Balakesari and S.K. Khanna, both retired Railway Board members, and S.K. Dheri, former chief of Delhi Fire Service.

BANERJEE REPORT / NO LEGAL STATUS: BJP

Report nails the lie of Modi Government: CPI(M)

By Our Special Correspondent

NEW DELHI, JAN. 17. Political parties have come out with their reaction to the interim report of the Justice U.C. Banerjee committee on the February 2002 Godhra tragedy. While the Communist Party of India (Marxist) said the report punched holes in the theory that "inflammable liquid" was thrown at passengers from outside the burnt coach of the Sabarmati Express, the Bharatiya Janata Party said it was an attempt to influence the course of justice and trivialise a heinous crime.

The Congress said it was mysterious why the previous Government did not share information available with it on the incident as the interim report was based on the available material. The party spokesperson, Anand Sharma, said had this information been made public soon after the incident, perhaps the situation that followed could have been avoided. He alleged that the incident was used to organise pre-meditated violence, which was a shameful stigma and a painful scar on the country's liberal

and secular democracy.

The CPI(M) said the interim report "nailed the lie of the Narendra Modi administration and the Rashtriya Swayamsevak Sangh/Bharatiya Janata Party outfits." The report had negated the theory, extensively propagated by the Narendra Modi administration and the Sangh Parivar that inflammable liquid had been thrown into the S-6 coach from outside. This was then used to unleash the most barbaric State-sponsored communal genocide in Gujarat with the express purpose of sharpening communal polarisation to make electoral gains. "Such sinister cynical recourse to vitiate communal harmony for political and electoral benefits by the RSS/BJP is further exposed," the party's Polit Bureau said in a statement.

'Charge confirmed'

The national secretary of the Communist Party of India, D. Raja, said the interim report confirmed the party's charge that Godhra was used by the Sangh Parivar and the Narendra Modi Government to "whip up hatred and violence against

minorities that resulted in the post-Godhra genocide that took lives of hundreds of people."

'No legal status'

The BJP general secretary, Arun Jaitley, said the Banerjee committee was "extra-constitutional" and had no legal status. The criminal trial in the case was proceeding and the work of the inquiry commission was also on. At most, railways could have ordered an inquiry into loss of property or the neglect of duty by its staff.

Mr. Jaitley said the timing of the report showed that it was intended to influence the Bihar elections. "Our worst fears have come true," he said, pointing out that when the committee was set up, the BJP feared it was "an attempt to help the accused." He described the report as "an extra-constitutional effort to influence the course of justice" and "an unfortunate attempt to trivialise the heinous crime."

At the same time Mr. Jaitley said he trusted the legal system and hoped there would be a fair and unbiased trial of the Godhra-related cases.

18 JAN 2005

Charges framed in Bilkis case

Press Trust of India

14 11
MUMBAI, Jan. 13. — Clearing the decks for commencement of trial in the Bilkis Bano gangrape-cum-massacre case, a special court today framed charges against the accused for their alleged complicity in attacking a group of 17 members of the minority community in the aftermath of the Godhra riots on 3 March 2002.

On 6 August 2004, the Supreme Court transferred the trial from Gujarat to Maharashtra following fear expressed by Bilkis Bano that “the witnesses and CBI, which is probing the case, would come under harm in Gujarat”.

Of the 20 accused, the judge, Mr UD Salvi, framed charges against 19 and separated the trial of Dr Sangeeta Prasad as she was under treatment. The

court kept the matter for recording of evidence on 27 January and issued summons to Bilkis Bano to appear on that day.

The charges were explained to all the accused but they pleaded not guilty.

In the Best Bakery case, the defence today urged the trial court in Mumbai to conduct an inquiry into the “improvements” in the evidences given by five witnesses who have supported the prosecution.

THE STATESMAN

14 JAN 2005

RSS hoardings communal: Cong

ROHIT BHAN
BHOPAL, JANUARY 13

THE Congress has accused the RSS of putting up "communally-sensitive" hoardings in some parts of Bhopal for its January 23 Path Sanchalan programme.

While the state government has expressed ignorance about the content of the hoardings, the Opposition Congress has alleged that the BJP was trying to spread communal hatred through its sister organisations.

The hoardings are reportedly based on the 2001 Census. "Aapke naati potey Hindu reh sakenge kya (Will your grandchildren be able to remain Hindus)," asks one, fol-

lowed by "Janganana 2001, visfotak tathya" (Census 2001, explosive facts).

The hoardings also carry a tagline: "Hindu bhaav ko jab jab bhooley, aayi vipada maahaan, bhai chhoota, dharti chhooti, mitey dharmasansthan (Whenever you ignored Hindu sentiments, tragedy befell — you lost brothers and land and religious institutions were destroyed)."

The RSS has defended the hoardings. "The Census has clearly indicated the rapid increase in minority population and a negative Hindu population growth," RSS Vibagh Karyavahak for Bhopal Vilas Gole said. But the Congress insisted the content was inflammatory.

Party sees
BJP hand
behind
hoardings
'based on
2001 Census'

বিলকিস বানু মামলায় চার্জ গঠিত হল

মুম্বই, ১৩ জানুয়ারি: বিলকিস বানু গণধর্ষণ মামলার অভিযুক্তদের বিরুদ্ধে চার্জ গঠন করল মুম্বইয়ের বিশেষ আদালত। ২৭ জানুয়ারি থেকে এই মামলার সাক্ষাৎ গ্রহণ শুরু হবে। সে দিন আদালতে হাজির থাকার জন্য মামলার প্রধান সাক্ষী বিলকিসকে সমন পাঠানো হয়েছে।

মামলায় অভিযুক্ত ২০ জনের মধ্যে ১৯ জনের বিরুদ্ধে আজ আদালত চার্জ গঠন করেছে। অসুস্থতার কারণে আপাতত ছাড় পেয়েছেন সঞ্জীতা প্রসাদ নামে এক মহিলা। চার্জ বলা হয়েছে, গোধরা কাণ্ডের পরে গুজরাত-দাস্তা চলাকালীন ২০০২-এর ৩ মার্চ দাহোদ জেলার দেবগড় বারিয়া গ্রামে বিলকিসদের বাড়ি চড়াও হয় দুষ্কৃতীরা। ছয় মাসের অন্তঃসত্ত্বা বিলকিস বানুকে ধর্ষণ করা হয়। মাটিতে আছাড় মেরে খুন করা হয় তাঁর তিন বছরের ছেলেকে। এই ঘটনায় সব মিলিয়ে খুন হন আট জন। আরও ছ'জনের কোনও খোঁজ মেলেনি। কোনও মতে প্রাণে বাঁচেন বিলকিস-সহ তিন জন।

অভিযুক্তদের মধ্যে ১২ জনের বিরুদ্ধে সরাসরি এই হামলায় জড়িত থাকার অভিযোগ আনা হয়েছে। বাকি ছ'জন পুলিশ অফিসার ও দু'জন চিকিৎসকের বিরুদ্ধে অভিযোগ, তাঁরা হামলাকারীদের আড়াল করার চেষ্টা করেছিলেন। — পি টি আই

Another twist to Bakery case

No affidavit filed: Zaheera

Press Trust of India
New Delhi, January 3

IN A major twist to her flip-flops, Best Bakery case star witness Zaheera Sheikh has told the Supreme Court that no affidavit sworn by her was filed in the apex court, based on which the trial was shifted from Gujarat to Mumbai and acquittal of the 21 accused was quashed.

Zaheera's latest affidavit came in response to the supreme court notice to her on an application filed by Teesta Setalvad seeking a CBI probe into her recent shift of stand in the Bakery case. The apex court had asked on December 6 if the recent change of her stand amounted to contempt of court as the Bakery trial was transferred on the basis of her affidavit that she was threatened to give false evidence before the Gujarat trial court.

Stopping short of accusing Setalvad of filing a forged affidavit, Zaheera, through counsel D.K. Garg, said, "All these matters contain an affidavit supposedly filed by me in September 2003. I do not recall having made any such affidavit because this one 'compulsive document', which is found in every writ or application, or appeal, does not contain any evidence of my having sworn it since it does not bear my signature; nor is there any sign of having been sworn to or affirmed before any authority competent to administer oath", she said.

Zaheera termed the so-called affidavits filed in her name and another in her sister's name by Setalvad's NGO, 'Citizens for Peace and Justice' as "leaflets" since they had no official authentication on them.

She said, "Surprisingly, also annexed with this affidavit is another so-called affidavit dated August 2003, supposed to have been filed by my sister, Saira

Banu, and this so-called affidavit is neither addressed to any court not to any authority. Nor does it bear the signature of any authority or person who is competent to administer oath". She also termed the recent tehelka sting operation accusing a BJP MLA of bribing her to change her statements as a "blatant falsehood".

She reiterated that "Setalvad and her agents" pressured her in the name of "religion". "I had previously considered the association of Setalvad, since her nominal description showed she was a Hindu woman, but I discovered during my stay at her residence that she was a neo-Muslim", she said.

Bilkis doctor

A special court on Monday rejected the discharge plea of Dr Arun Prasad, accused in the Bilkis Bano gangrape and mass murder case, and deferred the framing of charges against the 20 accused persons till January 13.