

Ordinance likely to decide on minority education status

The HRD Ministry is preparing a Cabinet note to this effect

Anita Joshua

NEW DELHI: The Union Human Resource Development Ministry is planning to take the ordinance route to give the National Commission for Minority Educational Institutions the power to decide on questions relating to the status of any institution as a minority educational institution and cancel recognition if the situation so warrants.

The Ministry is preparing a Cabinet note for promulgating an ordinance to this effect as the recent discourse on the Constitution Amendment to reserve seats for socially and educationally backward classes of citizens besides Scheduled Castes and Scheduled Tribes in private unaided educational institutions other than those run by minorities prised open the question on "who is a minority"; particularly in States such as Kerala. Add to this the issue of linguistic minorities.

Protesting exemption of minority institutions from the ambit of the Constitution Amendment, many political parties had sought a clear definition of the term minority since it applies to both religious and linguistic minorities. Responding to the discussion in Parliament,

Union HRD Minister Arjun Singh had said appropriate remedial measures would be taken if necessary. The Ministry's bid to hasten the process of empowering the Commission is billed as a step in this direction.

Though The National Commission for Minority Educational Institutions (Amendment) Bill – empowering the Commission with the power to draw up the parameters of who constitutes a minority and making several other amendments – was tabled in the Rajya Sabha in the monsoon session and the Cabinet had on December 15 cleared a fresh amendment proposed by the Parliamentary Standing Committee, inability to get it passed in the winter session has made the Ministry consider the ordinance route.

The Bill seeks to plug the loopholes that have hindered the functioning of the Commission set up in 2004 soon after the United Progressive Alliance Government came into office. Primarily, it proposes to relax the existing provision as per which minority educational institutions could seek affiliation to any of the listed six Scheduled Universities – Delhi University, North-Eastern Hill University,

Pondicherry University, Assam University, Nagaland University and Mizoram University – only. The Bill allows them to seek affiliation to any university of their choice subject to the rules of the concerned university.

Besides providing the right to establish a minority educational institution, the amendment has a provision as per which if a no objection certificate is not granted to an applicant within 90 days the applicant can go ahead and set up the institute.

The amendment also seeks to give appellate jurisdiction to the Commission in matters regarding refusal of grant of no objection certificate for establishing a minority educational institution.

According to the statement of objects and reasons attached to the Bill, "every proceeding before the Commission shall be deemed to be a judicial proceeding and the orders made by the Commission shall be executable by it as a decree of a civil court". Further, the Bill "bars the jurisdiction of courts (except the Supreme Court and the High Courts) to entertain any suit, application or other proceedings in respect of orders made by the Commission."

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THE HINDU

Minority rights and responsibilities

Muslims are not enjoying any 'privilege' denied to others. However, the concerns raised in Parliament, during the debate on the Constitution (104th) Amendment Bill, on the reservation issue need to be addressed. One way could be to conduct a performance audit of minority educational institutions.

Iqbal A. Ansari

MINORITY EDUCATIONAL institutions have been exempted from the purview of the Constitution (104th) Amendment Act that enables the state, under Article 15 (5), to provide reservation of seats in unaided educational institutions for socially and educationally backward classes or Scheduled Castes and Scheduled Tribes. This legislative measure seeks to harmonise the claims of citizens' right to freedom with the obligation of the state to fulfil the promise of social justice to weaker sections. Does the exemption amount to privileging minority status? The right of the unaided minority institutions not to be subjected to any regulatory measures, other than those aimed at promoting the educational standards of the institution and the interests of the community concerned, has been judicially upheld right from the Kerala opinion (AIR1958CS956) to the T.M.A. Pai Foundation judgment of the Supreme Court and in the subsequent clarifying judgments.

It is the lack of proper understanding of the legal philosophy guiding these firm directions of the judiciary that makes sections of the intellectual and political class in the country view such exclusion as minority appeasement.

The vulnerability of the minorities arising from their inadequate share in power and decision-making, and disadvantages caused by widespread discrimination and intolerance against them (and not necessarily any educational backwardness) requires special constitutional and legal provisions to enable them to secure effective equality along with preserving their distinct identity. The necessity of such special measures for the minorities to ensure substantive equality to them has been recognised by all international instruments on minorities.

The rights under Article 30 should not be taken as an affirmative measure on a par with the provisions under Article 15. The two stand on different footings. It also needs to be taken into account that social situations of minorities and majorities not only differ from country to country, but also from one minority to another within a country such as India. The Parsis, for example, are an affluent microscopic minority, who do not face any problem of discrimination or exclusion. Christians, except Dalit sections among them, are educationally advanced and are not uniformly subjected to discrimination.

The Sikhs have lately been facing problems of identity, but have the advantage of their bulk constituting a majority in one State. They are again not routinely subjected to discrimination.

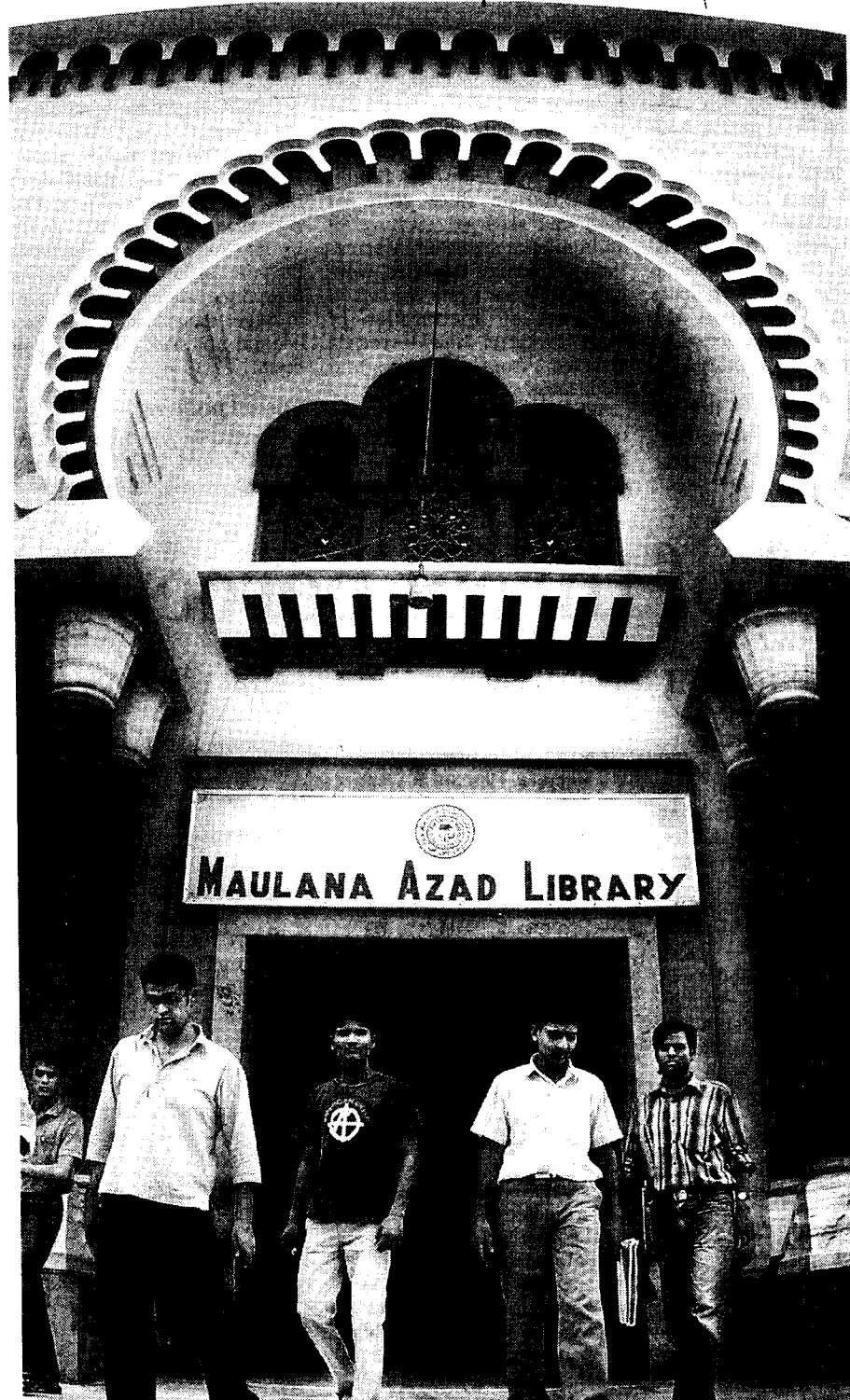
Unique case

The case of Muslims as a minority is unique. Large sections of the power-wielding majority generally treat them as a suspect community held responsible for the perceived wrongs of history, including Partition.

The over-blown projection of identity issues of Urdu with its 'foreign' script and Muslim personal Law, which is supposed to be causing 'alarming' increase in their population, provide further justification for their exclusion, even periodic demonisation, and open boycott.

Coupled with this reality is the fact that the bulk of present day Indian Muslims are of indigenous Scheduled Caste and Other Backward Class origin, whose social occupational structure has continued to perpetuate their educational backwardness.

The National Policy on Education (NPE) 1986, recognised Muslims along with neo-



FOCUS ON EDUCATION: Students at the library of the Aligarh Muslim University, whose doors are open to all. — PHOTO: RAJEEV BHATT

Buddhists as being educationally most backward on an all-India basis, and included in the Programme of Action a whole range of schemes for their educational uplift. Most of it, however, remained unimplemented for lack of a conducive political-bureaucratic climate, especially in the States, as well as for lack of financial backing, and doubts about the legal validity of community-specific measures.

This non-implementation did not become a significant public issue, in spite of the V.P. Singh Government's effort to highlight the gap between the successive Congress Governments' promises and performance for Muslims, largely because of the preoccupation of the Muslim elite during the period with the Mandir-Masjid issue.

The decade following the Ayodhya debacle has witnessed Muslim urge for education as an instrument of development. But their experience of the earlier four decades had been one of bureaucratic obstruction in get-

ting recognition and aid for their institutions and uncertainty of preferential admission of Muslim students under the pretext of secularism. The professional educational institutions recently started by Muslims, along with other minorities, have been facing problems of recognition, affiliation, and government-management share of quota.

Given the historical, political, and sociological dimensions of the Muslim educational situation, the Supreme Court's ruling in the T.M.A. Pai Foundation case upholding the right of minorities to preferentially admit students of the community without any limitation in unaided institutions and without the rigid ceiling of 50 per cent in aided institutions should receive ungrudging universal social-political support.

While endorsing such 'magnanimity,' it needs to be kept in view that Muslims, though the largest minority, have so far not been the major beneficiaries of Article 30

(1)'s scheme of minority empowerment. Any minority educational survey will reveal this reality.

The fact that their largest educational institution, the Aligarh Muslim University, has been denied the rights available to minorities under Article 30, especially the right to preferentially admit students of the community, should convince all honest observers of the educational scene that Muslims are not being appeased and that they are not enjoying any 'privilege' denied to others.

On the contrary, their now increasing urge for secular education needs universal support, as a measure of their modernisation and integration.

Addressing criticism

However, the concerns raised during the debate in Parliament on the Constitution Amendment Bill to provide reservation for socially and educationally backward classes of citizens, are genuine and need to be addressed. One set of criticisms relates to abuse of the right by members of religious and linguistic minorities simply for profiteering. The other rightly points out that at least the weaker sections among minorities, especially Muslims and Christians of Dalit and OBC origin, should get the benefit of reservation in unaided minority educational institutions. There is no justification for either minting money in the name of minority rights, or monopolising now-expanding educational opportunities under Article 30(1) by the already advanced and affluent sections among minorities.

It requires audit of the performance of all religious and linguistic minority institutions, to ascertain the extent, nature and modalities of profiteering and to find out which minorities and sections of minorities have benefited from the empowerment under Article 30(1).

The findings may indicate that though many minority educational institutions are rendering service to all communities, like most Christian and some Muslim and Sikh institutions, they have no uniform policy of any special provision for admission of their own weaker sections. There soon may arise a need to reserve a quota for Dalits and OBCs among minorities in aided as well as unaided minority educational institutions under law. There is also a strong case for extending the benefit of reservation to all citizens of Dalit origin including Christians and Muslims — as are available to Dalits following indigenous religions.

Regarding the admission of non-minority students of any class including Scheduled Castes and Scheduled Tribes, it must be clearly borne in mind that imposition of any fixed quota for un-aided as well as aided minority educational institutions will not be valid legally or socially. However minorities must realise that social engineering for national integration, as well as the agenda of social justice, both require admitting a fair mix of students from all communities, sections and classes.

The law only prohibits imposition of any fixed quota for any category other than minority. It does not come in the way of a minority autonomously developing policy for preferentially admitting students on the basis of class and the community to fulfil the obligation of integration and social justice in their own free domain.

On the same grounds, the demand of under-represented minorities, such as Muslims, for provision of preferential admission in State educational institutions, though without fixing any fixed quota under law, deserves consideration.

(The writer is a retired professor of the Aligarh Muslim University.)

Get samples from mass grave, court tells CBI

Ahmedabad: The Gujarat high court on Thursday entrusted the Central Bureau of Investigation (CBI) with the task of collecting the samples of skeletal remains of Gujarat riot victims from the mass grave in Lunavada village of Panchmahals district in the state.

Justice C K Buch hearing the petition filed by the mother of a riot victim and an NGO, Citizens for Justice and Peace, in an interim order directed officials of the CBI to collect samples and send them to the forensic laboratory at Red Hill in Hyderabad for DNA testing.

The high court said that the samples from each body found from the disputed mass grave (20 bodies) should be collected in the presence of the investigating team officials and should be sent to Hyderabad in sealed packages for testing.

"CBI may be assisted by a police officer from the state," the court added. "The report of the analysis of the samples should be sent to the

CBI and a copy of the report be also sent to the court in a sealed cover," Justice Buch said in his order.

The court hearing the plea, filed on Wednesday by a riot-affected woman Ameena Habib Rasool who had lost her 25-year-old son Ayub during the riots, earlier dismissed Gujarat government's plea stating that the CBI should not be involved in the entire process of collecting samples and DNA testing.

The government pleader said that the involvement of the CBI in the matter will have a "demoralising effect" on the police force of the state which had conducted the burial of the bodies in a transparent manner.

"The entry of a third agency (CBI) in the matter may lead to a lot of frustration in the (police) officers who had worked on the case," Gujarat Additional Advocate General Kamal said, adding "it will have a demoralising effect on the morale of the police." Agencies



Milestone in minority rights

Protection of minorities is the hallmark of a civilisation. According to Gandhiji, the claim of a country to civilisation depends on the treatment it extends to minorities. Lord Acton added another dimension: "The most certain test by which we judge whether a country is really free is the amount of security enjoyed by minorities."

The recent constitutional amendment at the initiative of the UPA government is not only underprivileged-friendly in the sense that it restores reservations for Scheduled Castes, Scheduled Tribes and socially and educationally backward communities in private, unaided institutions, but is also probably the greatest milestone in the history of minority rights in India.

It is for the first time that rights given to minorities under the Constitution will have any real impact on the education of minority communities. It is surprising that the Supreme Court took the view which contrary to ground realities was against the interests of weaker sections of society.

The debate on the status of minorities and on minority rights should be lifted from communalism versus secularism, and the nationalism versus sectarianism debate, and placed in the theoretical field of democracy, equality and rights. The case for minority rights, in other words, should derive from, and be legitimised by, our understanding of democracy.

These guarantees are essential in a democratic and pluralistic polity because as Franklin Roosevelt reminded us, "No democracy can long survive which does not accept as fundamental to its very existence the recognition of the rights of minorities."

As of today, there is no consensus even on the issue of the definition of a minority. The most obvious definition of minorities and majorities is in terms of numbers. A minority is a group that is numerically smaller than the majority in society. This basic definition is, however, not enough. For, the preponderance of or lack of numbers alone are not a guide to any authoritative definition. Minorities have, in apartheid South Africa for instance, exercised power and domination over the rest of society.

It is also true that in several countries, the numerical line dividing the minority and the majority may be so thin that it may be impossible to delineate a minority group. Alternatively, a society may be composed of different groups, none of which forms a minority, numerically speaking. The criterion of numbers, therefore, is an important but not a sufficient condition for any definition of a minority.

Ideally, we need to go further than just a numerical definition to conceptualise minority rights. We may do this by putting forth a second consideration. The second component of the definition of minority is that the group must be non-dominant in society and the polity. A group can be conceptualised as a minority when its values and worldviews are either not reflected at all, or insufficiently reflected both in the public sphere and in the constitution of societal norms. Both these factors reinforce each other.

Both non-recognition or inadequate recognition of the minority group in the public sphere, or in the constitution of those norms that define a society, signifies marginalisation and exclusion. Moreover, these two characteristics — numerical size and non-dominance —

The UPA initiative to provide quotas for the underprivileged in private and unaided educational institutions will make for a better India, writes FAIZAN MUSTAFA



may still not necessarily result in what can be referred to as the minority/majority problem. A group may be numerically smaller than the others, and its values may be incompletely reflected in dominant political or social norms, but this may not logically lead to either dependency or a feeling of exclusion.

We can easily conceptualise a situation where a minority group may be perfectly willing to give up its practices and merge into the mainstream for various reasons. Alternatively, the minority group may not wish to be considered as a minority at all. The group's desire to preserve its distinctive identity is thus another key consideration.

In this respect our Constitution, as has been widely recognised, is an exceptionally far-sighted document. The underlying argument for minority rights, ie that universal rights are meaningless in a society such as India, dominated by multiculturalism, difference, and the rights of minorities that mark contemporary political theory by about 50 years.

The framers of the Constitution showed profound sensitivity to the needs of minorities. Pandit GB Pant, moving the resolution to set up an Advisory Committee on Fundamental Rights and the Rights of Minorities, stated, "Satisfactory solution of questions pertaining to minorities will ensure the health, vitality and strength of the free State of India... now it is necessary that a new chapter should start and we should all realise our responsibility. Unless minorities are fully satisfied, we cannot make progress; we cannot even maintain peace in an undisturbed manner."

The Indian National Congress had consistently maintained throughout the Freedom Movement that it was committed to the protection of the religious, cultural and other rights of minorities.

Accordingly, special safeguards were guar-

anteed to minorities and were incorporated in the chapter on fundamental rights with a view to instilling in them a sense of confidence and security. Thus, an effective arrangement was evolved and the fears of minorities were dispelled, in the words of the Rev Jerome D'Souza, who represented the Indian Christian community, by "the completeness, the generosity, the thoroughness with which individual rights have been safeguarded in the section of our Constitution devoted to fundamental rights, the way in which these fundamental rights were placed under the power and jurisdiction of the Supreme Judicature and the spirit in which those provisions were passed by this House."

It is in this background that Articles 25 to 30 were enacted in our Constitution. In the memorable words of Justice Khanna, "These provisions enshrined a befitting pledge to the minorities in the Constitution of the country whose greatest son had laid down his life for the protection of minorities. As long as the Constitution stands as it is today, no tampering with those rights can be countenanced. Any attempt to do so would be not only an act of breach of faith, it would be constitutionally impermissible..."

It is a fallacy to regard these constitutional guarantees for minorities as special privileges and mere protections to them and not "fundamental rights" as the seven-judge Supreme Court Bench seems to suggest in the PA Inamdar case.

It is heartening to note that minority institutions are being kept out of the purview of the recent 104th constitutional amendment as Article 30 is the only fundamental right which the framers of the Constitution in their wisdom thought should not be subjected to any restrictions.

Arjun Singh and the UPA government have done the right thing in giving this right its

intended meaning. Minorities in India must express their gratitude to Mr Singh for evolving a consensus on such a contentious issue. It is heartening to note that even the BJP, which initially opposed the Bill, eventually supported it and the Left parties, which had reservations but later toed the governmental line.

The exemption for minority educational institutions from the government's reservation policy was also necessary because of the 11-judge Bench decision of the Supreme Court in the TMA Pai Foundation case which has lifted the upper limit of 50 per cent reservation for minorities.

Thus, if for instance on the basis of the need of the community, government permits 80 per cent seats being reserved for such a minority in a minority institution, imposition of governmental quota will lead to an absurd situation of more than 100 per cent reservation. So, Mr Singh's logic is consistent with not only ideals of the Constitution but also with the dictum of the highest court of the land.

It may be recalled that the Supreme Court has itself permitted the preference of minority students even in an aided institution provided the institution permits admission of non-minority students to a reasonable extent. The consistent stand of the Supreme Court since 1957 has been that there shall be only a "sprinkling of outsiders" in a minority institution.

The five-judge Supreme Court Bench in the Islamic Academy case which in 2003 clarified the 11-judge Bench decision held that non-minorities cannot be treated at par with minorities, as they do not have a preferential right in admission matters.

The court has said that non-minority students in a minority institution cannot be in such numbers as to defeat the basic purpose of establishing such institutions. So the recent amendment is based on sound constitutional principles as implementation of the states' reservation policy was indeed defeating the very purpose of promoting minority education.

The idea of giving some special rights to minorities is not to have a kind of a privileged or pampered section of population but to give to minorities a sense of security and a feeling of confidence.

The government should in fact encourage establishment of more minority educational institutions. India's dream of achieving the status of a developed country by 2020 cannot become a reality if its minorities in general and Muslims in particular remain uneducated. It is indeed the big national interest that is involved in the protection of minorities' rights.

Hopefully, detractors of educational and cultural rights of minorities will open their eyes to the whole genesis and backdrop of these rights which are essential for the all-round development of the country in the right direction.

These issues are so vital for our nation that there should be no room for a divide on political lines. Let the whole issue of these rights of minorities be a common agenda for all political groups, because what is at stake is the progress of the nation — a nation which cherishes equality of status and opportunity, and aims at achieving justice, social, economic and political.

(The author is Professor of Law and Registrar, Aligarh Muslim University.)

Mass grave: Centre asks Modi for report

Plea in HC seeks CBI probe, DNA testing of bodies

PRESS TRUST OF INDIA
NEW DELHI/AHMEDABAD,
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THE Centre today asked the Gujarat government to submit a report on the skeletal remains reported to have been found at a mass grave at Lunavada village of Panchamahals district, one of the worst hit by post-Godhra communal riots.

The directions went to the Gujarat Chief Secretary from the Union Home Ministry following reports about unearthing of the skeletons, official sources said here.

They said the Chief Secretary had been asked to submit a report as soon as possible after which the Centre would decide on further action.

A senior Home Ministry official said the Centre could not have any direct intervention in the matter as law and order was a state subject.

Meanwhile, a CBI team headed by a Deputy Inspector General of Police was on its way and is expected to reach Ahmedabad late in the evening and after that they would leave by road to the site where the skeletons were unearthed.

Senior CBI officials had spoken to the Director General of the Gujarat police in the morning who had informed them that the place where the skele-



The mass grave site at Lunavada. Chandan Giri

Modi instilling fear among people: Congress

NEW DELHI: Reacting to skeletal remains found in a mass grave in Gujarat by relatives of the victims of post-Godhra riots, Congress on Wednesday accused Chief Minister Narendra Modi of "always attempting" to run the state instilling "fear and social tension" among people. Warning the Modi government that his tactics would not work in the next Assembly polls, AICC general secretary Ambika Soni said instilling fear would not work for long. —PTI

tons had been recovered was actually 100 km from the place where the Bilkis Bano rape-cum-murder had taken place. The CBI is still on the lookout for seven missing persons—four males and three females—in connection with the Bilkis case.

Forensic team visits mass grave site

A Forensic Science Laboratory (FSL) team from Gandhi-

nagar today visited the mass grave site in Lunavada village, even as a writ petition filed in the Gujarat High Court sought a CBI probe into the incident and DNA testing of the bodies.

"A three-member team is camping in Lunavada and will assist police in collecting samples of the remains," FSL director J M Vyas said. The team arrived after Gujarat Police decided to conduct DNA tests to establish the identity of the bodies.

29 DEC 2005

INDIAN EXPRESS

Plan for central madrasa board

Move afoot to introduce science, maths, English for students

CHETAN Chauhan
New Delhi, December 27

IF A new plan of the ministry of human resource development sees the light of day, madrasa students will get the chance to join the formal education system.

The plan — prepared by the National Minority Education Commission (NMEC) — suggests bringing all madrasas under the umbrella of a madrasa education board and having a common education system for them.

"Religious teaching will continue to be the central part of the system but we'll also like to have conventional subjects like English, maths and science in madrasas so that students have some knowledge of the conventional education system," said a ministry official.

He said the idea behind having a madrasa education board was to have an acceptable syllabus and examination system for all madrasas in the country. "When a student passes out, he or she should be able to get into the next stage of education,"

said the official. "The board will help in evaluating educational skill of a madrasa student to make him eligible for admission to the higher educational arena."

The exact framework of the board will be decided in consultation with the heads of different schools like Deoband and Jamait-Ulema-Hind.

NMEC chairperson Safar Ali Naqvi told HT that the ministry was yet to give its approval to the board. "Discussion is on in the ministry at the highest level," he said. "We'll

hold consultations with other states once the proposal is sent to us."

Most Indian universities don't recognise madrasa education. Even minority-dominated universities like AMU and Jamia Millia Islamia don't admit madrasa students in all courses.

They are admitted in courses on Islamic studies. To change this and bring madrasas under the board, the government plans to link aid to these religious schools with affiliation.



What it means

- Proposed board will help make madrasa students eligible for admission to higher education
- UP, Bihar and Bengal have their own madrasa boards but not all madrasas there are affiliated to these boards

Combating communal violence

Any law specifically to deal with situations of communal violence must be followed up by reforming the police and the criminal justice system.

Siddharth Narrain

THE MANMOHAN Singh Government has introduced the Communal Violence (Prevention, Control and Rehabilitation) Bill to fulfil the United Progressive Alliance's commitment in its National Common Minimum Programme to "enact a model comprehensive law to deal with communal violence." Does it fit the bill?

The demand for such a law arose following criticism of the role played by several State Governments during communal violence. The Justice Nanavati Commission of Inquiry into allegations of organised violence against Sikhs in Delhi in 1984 found the attacks "were made in a systematic manner and without much fear of the police." In an indictment of the Government's role in the riots, the report said what initially started as an angry outburst became "organised carnage."

The Nanavati panel report's reference to the Government's complicity in the violence is similar to the findings of the Justice Srikrishna Commission that probed the Mumbai riots of 1993, and the numerous fact-finding reports on the Gujarat pogrom of 2002.

The Communal Violence Bill does little to address these concerns. It says State Government can declare an area "communally disturbed" if the manner and scale of violence involves the use of criminal force against a group, caste or community that results in death or destruction of property. The violence should be committed with a view to creating "disharmony or feelings of

enmity, hatred, or illwill" among different groups, castes or communities. The bill also requires that for an area to be declared "communally disturbed," there should be a danger to the "secular fabric, integrity, unity, or internal security" of India "unless immediate steps are taken."

The bill says that in a situation where the Centre is not satisfied with a State Government's actions, it can "draw the attention" of the latter to the situation and direct it to suppress the violence. If the State does not comply, the Central Government can declare the area "communally disturbed." However, the problem during the Gujarat pogrom was that the Vajpayee Government at the Centre refused to invoke its existing powers under the Constitution. Article 355 obliges the Central Government to ensure that "the Government of every State is carried on in accordance with the provisions of the Constitution."

This provision has to be read with Entry 2A of the Central List in the Seventh Schedule, which empowers the Centre to deploy armed forces in a State in aid of 'civil power' — that is, in aid of State instrumentalities responsible for maintenance of law and order. Though these provisions are a matter of interpretation, experts are of the opinion that they should be invoked in a Gujarat-like situation.

Besides, the bill does not ensure that public officials are made accountable for their actions during communal violence. Though the bill defines acts of omission and commission by public officials, it persists with the existing requirement of sanction from the

State Government before prosecuting them. A public servant can be punished with imprisonment of up to one year if he or she "exercises his lawful authority in a *mala fide* manner, which causes or is likely to cause harm or injury to any person or property." Under the bill, a public servant can also be punished if he or she "wilfully omits to exercise lawful authority vested in him" and thereby "fails to prevent the commission of any communal violence, breach of public order or disruption in the maintenance of service and supplies essential to the community."

The bill specifies that acts of omission by police officers include refusal to register first information reports (FIRs), failure to investigate and prosecute offences, and failure to provide protection to victims. The bill says requests for grant of sanction under this Section must be disposed of by the State Government within 30 days. But these provisions will serve no purpose if the State Government refuses to grant sanction to prosecute.

International obligations

The proposed bill is at variance with India's international obligations. India has signed and ratified the Convention on the Prevention and Punishment of the Crime of Genocide that makes it mandatory to punish persons who commit genocide, whether they are "constitutionally responsible rulers," public officials or private individuals.

An important suggestion by civil society groups has been to define the crime of 'genocide' and to make it applicable to all people

without exception. This means immunities attached to the official capacity of a person both under national and international law would not apply, and claims of sovereign immunity and privilege would not be entertained. Crucially, under this definition, public officers would, following a line of command, be criminally responsible for crimes committed by forces or officers under their control.

The bill does not come anywhere near addressing the larger issues related to the country's justice system including partisan nature of the prosecutor, defects in the process of investigation, and a lack of fair trial. The National Police Commission, appointed in 1977 to look at the issue of police reforms, produced eight reports between 1979 and 1981.

These suggested measures to minimise political interference in the functioning of the police, reduce the incidence of torture in police custody, and make the police accountable by withdrawing the immunity they enjoy against prosecution. The Home Ministry, instead of implementing these suggestions, appointed another Review Committee.

There are also suggestions by the Law Commission and the National Human Rights Commission to reform the criminal justice system that remain unimplemented. Any attempt to enact a law specifically to deal with situations of communal violence can, at best be a selective measure — one that has to be followed up by addressing the separate need for reform of the police and the justice criminal system in the country.

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THE HINDU

“Treat communal violence as genocide”

Debates in Parliament depended on NHRC report, says Nilotpal Basu

Staff Correspondent

NEW DELHI: Activists, lawyers, politicians, and citizens concerned have urged the Government to change the provisions of the Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill to incorporate the definition of genocide and criminalise mass crimes committed with State complicity.

The Bill was tabled in the Rajya Sabha during the just-concluded winter session.

At a meeting here on Saturday, Communist Party of India (Marxist) MP Nilotpal Basu said there was a need to question the assumption in the Bill that communalism was promoted by the State Government and prevented by the Central Government. Recommending that any law on communal violence empower civil society organisations, he said that Parliamentary debates on the Gujarat pogrom had depended heavily on reports by the National Human Rights Com-

mission (NHRC) and civil society organisations.

Social activist and co-editor of *Communalism Combat* Teesta Setalvad said that state-sponsored violence needed special responses. She said an alternative drafted by civil society organisations had defined ‘genocide,’ ‘crimes against humanity,’ and included a ‘chain of command

responsibility.’ She said the NHRC should be given a statutory role in preventing and controlling communal violence and overseeing rehabilitation efforts.

Nithya Ramakrishnan, lawyer, said courts should have the power to take cognisance of these crimes without having to wait for the State Government to declare the area ‘communally disturbed.’

Some felt that a separate law was not needed. T.N. Mista, former Director-General Central Reserve Police Force (CRPF) said: “The need is of good officers who are committed to the

ideals enshrined in the Constitution. If impartial, competent, honest officers are posted, there is no need for another bill. The laws of the land, as they exist today, are sufficient to prevent communal violence.”

Former Chief Justice of the Delhi High Court Justice Rajinder Sachar said: “It is ironic that the government’s bill gives tremendous power to the State officials, when the problem in a situation like Gujarat was the communalisation of the State authorities.”

He warned against diluting existing legal principles specifically for this law.

Bill tabled in Rajya Sabha

• “State-sponsored violence needed special responses”

Civil society groups criticise Communal Violence Bill

"Consent of State required to prosecute public servants"

Staff Correspondent

NEW DELHI: Civil society groups and individuals across the country have criticised the Communal Violence (Prevention, Control and Rehabilitation Bill), which the Central Government introduced in the Rajya Sabha on December 5.

Rejecting the Bill, they called upon the Government to consult all stakeholders and civil society groups and prepare a new law, which would strengthen the hands of citizens to make the Government accountable.

Civil groups not consulted

In a statement to the press, 42 organisations and individuals said the Government had not consulted civil society groups or try to forge a consensus on the Bill.

Citing the Gujarat instance

where the State Government was found to be 'complicit' in the violence against Muslims by many independent investigations, the statement said that instead of giving the Government more powers, the law should concentrate on giving citizens the power to hold the Government accountable and criminally liable for their acts of omission and commission and failure to protect or rehabilitate victims and failure to punish the guilty.

Emphasising that the Bill did not provide for punishment against public servants who failed to prevent communal violence, it said the Bill required prior consent of the State Government to prosecute public servants.

The statement said the existing power of the Central Government to intervene in cases

where the State Government had a hand in the violence was negated by a provision, which required the Centre to seek permission of the State Governments for such an intervention.

Dilution alleged

It said the Bill did not define sexual assault to include the kind of violence women faced in Gujarat and failed to take into account issues such as minorities being driven out of their settlements, social and economic boycott of particular groups and discrimination in employment.

The statement said the rights of survivors have been introduced in a diluted fashion without stipulating any mandatory national norms for a rehabilitation scheme.

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THE HINDU

গুজরাট দাঙ্গায় যাবজ্জীবন ১১

আমদাবাদ, ১৪ ডিসেম্বর (পি টি আই)— গুজরাট দাঙ্গার এক কুখ্যাত গণহত্যা মামলায় ১১ জনকে আজ যাবজ্জীবন দিল গোধরার এক দ্রুত নিষ্পন্নকারী আদালত। পাঁচমহল জেলার আজনওয়া গ্রামে সংখ্যালঘু সম্প্রদায়ের ১১ জনকে হত্যা করে এরা। আক্রান্ত হওয়ার আশঙ্কায় আজনওয়ার সংখ্যালঘু সম্প্রদায়ের গ্রামবাসীরা কাছের একটি স্কুলে আশ্রয় নিয়েছিলেন। সেই স্কুলেই হানা দিয়ে শিশুনারীসহ ১১ জনকে কুপিয়ে, পুড়িয়ে কুয়েয় ফেলে হত্যা করে দাঙ্গাবাজরা। নিহতদের মধ্যে ৬ জন মহিলা ও দুটি শিশু। তাদের কুয়েয় ফেলে দেওয়া হয়। জীবন্ত পুড়িয়ে মারা হয় ২ জনকে। দাঙ্গাবাজদের পাশা দালপা জেঠাভাই বারিয়া। তার সঙ্গী কালু সোমা, বানা কাটা, রায়সিং কুলা, ধনা রুপা, সালাম মাবা, বলবল জিবা, নটবর কালু, রত্না কালু, ও রুপা। সকলেরই যাবজ্জীবন হয়েছে। প্রমাণভাবে ছাড়া পেয়ে গেছে ১৮ জন। ৮০ জনের বেশি সাক্ষ দিচ্ছেন। এই নৃশংস হত্যাকাণ্ডের সুবিচার চেয়ে আদালতের দ্বারস্থ হন যে গফরভাই রসুলভাই শেখ, তাঁর স্ত্রী গায়ে আগুন ধরিয়ে কুয়েয়

ফেলে দিয়েছিল হিংস্র জনতা। গফরভাইয়ের আইনজীবী ছিলেন সিরাজ মালিক। ৫ মার্চের এই গণহত্যার আগে ৩ মার্চ এই দাঙ্গাবাজরাই আজনওয়া গ্রামে সংখ্যালঘুদের ওপর হামলা চালিয়ে নির্বিচারে একদফা লুটপাট, অগ্নিসংযোগ, অপহরণ ও খুনজ্বলম চালায়। সেই মামলায় অভিযুক্ত ৩৪ জনের মধ্যে ৩ জনকে ১০ বছর সশ্রম কারাদণ্ডের নির্দেশ দিয়েছে দ্রুত নিষ্পন্নকারী আদালত। হামলাকারীরা গ্রামের প্রায় ৪০টি বাড়ি ও দোকানে আগুন ধরিয়ে দেয়। একটি মসজিদ ভাঙপবিষ্ট করে। কালুশুলাম নামে এক দোকানিকে অপহরণ করে খুন করা হয়। কালুর দেহ এখনও পাওয়া যায়নি। তাঁকে নিখোঁজ সাব্যস্ত করার চেষ্টা হলেও প্রাপ্ত খবরের ভিত্তিতে আদালত কালু হত্যার মামলা দায়ের করে। যাবজ্জীবন দণ্ডপ্রাপ্তদের মধ্যে ধনা রুপাকে এই মামলায় অতিরিক্ত ১৫ দিন কারাবাস ভোগ ও অর্থদণ্ডের নির্দেশ দিয়েছে আদালত। একই শাস্তি দেওয়া হয়েছে রায়সিং পুজা ও ভারত পুজা নামে দুই দাঙ্গাবাজকে। প্রমাণভাবে খালাস পেয়েছে ৩১ জন।

Godhra panel gets commission status

EXPRESS NEWS SERVICE
AHMEDABAD | DECEMBER 10

THE U C Banerjee Committee, which is probing the incidents that led to the burning of the S-6 coach of Sabarmati Express, has now been conferred with the powers of a commission of inquiry, under the Commission of Inquiry Act, 1952.

Which means that the one-member committee, appointed by the central government in September 2004, will have the same status as that of the Nanavati-Shah Inquiry Commission, says a letter written by Banerjee's office to the riot panel. The letter comes as the reply to a letter which the Nanavati-Shah panel had written, summoning some documents.

In the letter dated December 7, the Banerjee Committee has stated that on December 2 they were conferred with the powers of a commission. "As per Section 11 of the Commissions of Inquiry Act, the high-level committee appointed in 2004 has now acquired the status of Commission of Inquiry. Now both U C Banerjee Commission and Nanavati-Shah Commission

'More powers will not cause conflict'

Advocate Mukul Sinha of Jan Sangharsh Manch believes that conferring the status of a commission on the Banerjee committee would not lead to any conflict. Both have different terms of reference, they should supplement each other and now they can share information too, Sinha said. But other advocates believe that a situation of conflict cannot be ruled out. —ENS

are of an equal status and have powers of a civil court under Section 4 of the Act," stated the letter.

The letter says that the Nanavati-Shah panel may pass appropriate orders if it wants to have any relevant documents from the office of the Banerjee committee in future.

The Nanavati-Shah Commission, appointed by the State government, is probing the Sabarmati Express train carnage and post-Godhra communal riots. But the Banerjee Commission is probing only the technical aspects of the fire that broke out inside the S-6 coach of the

Sabarmati Express.

Earlier too, the Nanavati-Shah Commission had asked for some documents, but the Banerjee committee had stated that the documents were too bulky to be photocopied and sent across.

The commission has scheduled further hearing on the letter from the Banerjee committee for December 17.

Advocates say that under Section 11 of Commissions of Inquiry Act, Banerjee Committee will now be deemed a commission. It can issue summons, record statements of members of public, and order prosecution if someone summoned fails to appear before it.

The police had once tried to prevent Justice Banerjee from entering the S-6 coach for inspection, though later he was allowed. Now, the Banerjee committee's power to examine the S-6 coach cannot be questioned, they said. Both Banerjee committee and Nanavati-Shah Commission can now ask for documents from each other. Till now, it was Nanavati commission which issued summons to procure official records from the committee.

11 DEC 2005

INDIAN EXPRESS

YSR to move SC on Muslim reservation

Statesman News Service

HYDERABAD, Dec. 9. — Andhra Pradesh chief minister Dr YS Rajashekar Reddy today said his government would file a special leave petition (SLP) with the Supreme Court against the Andhra Pradesh High Court order quashing five per cent reservation for Muslims. Reacting to a suggestion put forward by the Majlis-e-Ittehadul

Muslimen, the chief minister said the government was trying to appoint senior advocate Mr Fali S Nariman to fight the case.

"Fearing a delay in the appointment, we have sought time from the High Court. We will move the Supreme Court in the next two weeks or so," he said during a three-day heated debate on the Muslim quota in the Assembly.

The TDP and the BJP, how-

ever, staged a walkout over the controversial issue.

The leader of the Opposition, Mr N Chandrababu Naidu, accused the Congress government of lacking sincerity and using the Muslims for political mileage. BJP leader Mr Kishan Reddy said his party opposed such reservations on religious grounds because "this divisive politics would endanger religious harmony".

Dr Reddy said: "The three-member High Court Bench *suo moto* granted leave to the state to approach the Supreme Court for the first time in over a decade. Clearly, the court also understood our intentions. The court said the Backward Classes Commission did not have sufficient information while recommending reservations. Are we responsible if the commission headed by a retired

High Court judge did not see the proper information?"

Coming down heavily on Mr Naidu's claim that TDP promised three per cent reservation for Muslims ahead of last year's general elections, Dr Reddy quoted the points on Muslim welfare from the TDP's manifesto. "I can't understand, whether he's dreaming or imagining. Not a single point here deals with Muslim reservation."

The highlight of the day was the Congress' counter-attack on the Majlis after the latter said that the Congress stood to gain more from granting reservation to Muslims.

Also, Majlis leader Mr Akbaruddin Owaisi made a dramatic climbdown, saying: "We are not alienating ourselves from the Congress. I was only expressing the hurt that my hopes and aspirations were not met."

19/17

SC 5

9. November

Communal violence Bill tabled

RAJNISH Sharma
New Delhi, December 5

IN AN attempt to provide more powers to the Centre and the states to curb communal violence, the government on Monday introduced the Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill in the Rajya Sabha.

The Bill provides for stringent punishment for those indulging in acts of communal violence. In fact, both the punishment and the fine for such offences can be twice the longest term of imprisonment and the highest fine provided under the Indian Penal Code (IPC). The accused can also be directed by special courts to pay financial compensation to the riot victims.

Further, any person found guilty will be disqualified from holding any post of office under the government for a period of six-years from the date of conviction. The state governments will have to constitute special courts to deal exclusively with cases related to communal disturbance. In order to ensure impartial trial of these cases, the state governments can even set up additional special courts outside

the state. Judges for these special courts will be appointed by the state governments in consultation with the Chief Justice of the high court concerned. The special courts can also take cognisance of the offence without an accused actually being committed to trial. The Bill also includes special provisions to make the investigating officer (IO), who will not be below the rank of sub-inspector, more accountable. In case the IO fails to file the chargesheet within the mandatory period of three months, a committee - headed by an inspector-general of police can order a fresh probe by an officer not below the rank of deputy superintendent of police.

Provisions have been made for protection of witnesses so that they do not turn hostile during the trial of a case. The district magistrates have been given adequate powers to take preventive measures. Although the Centre has been given powers to declare a state "communally disturbed", it will not send Central paramilitary forces unless requested by the state government concerned. "Earlier, there was a view that the Centre should have powers to intervene in such situations and rush forces. But then, we thought this might upset the federal structure and be opposed by some states. In any case, under Article 356 of the Constitution, the Centre can intervene if a state government fails to control communal violence", home minister Shivraj Patil said.

Tough provisions

- Any person found guilty will be disqualified from holding any post of office under the government for six-years
- To ensure impartial trial, the state governments can set up additional special courts outside the state.
- The special courts can also take cognisance of the offence without an accused actually being committed to trial

Quota break for minority unaided schools

By Akshaya Mukul/TNN

New Delhi: Minority unaided institutes would be kept out of the reservation loop in the proposed bill to regulate admission and fees in private professional institutions, human resources development minister Arjun Singh has assured his ministry's parliamentary consultative committee on the draft.

Confirming Singh's promise, a senior MP, who is part of the committee, said the minister said minority unaided institutes would not be needed

to set aside seats in reply to his question on the issue. His rationale was that under Article 30 of the Constitution, minorities have the right to establish and administer educational institutions and forcing them to give reservation would be against the spirit of this fundamental right. Another reason is that minorities are already backward and cannot be forced to grant reservation.

But the law ministry, which is drafting the bill, has raised concern about the idea. A senior official said it

The law ministry, which is drafting the bill, has raised concern about the idea. A senior official said it would be difficult to keep one set of unaided institutions out of the reservation loop citing their fundamental rights. HRD ministry sources said before the proposed bill is introduced, there would be a constitutional amendment bill making reservation mandatory. It would amend Article 15 (right to equality), clarifying its sub-sections further in such a way that the fundamental right given to minorities to run educational institutions is not affected but somehow elements of Article 46 (directive principle of state

would be difficult to keep one set of unaided institutions out of the reservation loop citing their fundamental rights. HRD ministry sources said before the proposed bill is introduced, there would be a constitutional amendment bill making reservation mandatory. It would amend Article 15 (right to equality), clarifying its sub-sections further in such a way that the fundamental right given to minorities to run educational institutions is not affected but somehow elements of Article 46 (directive principle of state

policy) pertaining to promotion of educational and economic interests of SC/STs and other weaker sections is dovetailed into it. There is a political consensus in favour of reservation after the supreme court judgement in the P A Inamdar and Others Vs State of Maharashtra and others case. The apex court on August 12 had said that a state can neither enforce a policy of reservation nor carve out any quota or percentage of admission in a minority or non-minority unaided professional institute.

Mulayam says no to judicial probe into Mau riots

HD-5
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revisions

Chief Minister gives clean chit to Mau MLA Mukhtar Ansari

LUCKNOW: Uttar Pradesh Chief Minister Mulayam Singh Yadav on Wednesday rejected the Opposition demand for a Central Bureau of Investigation or judicial probe into the recent Mau communal riots.

Protesting the decision, the entire Opposition, including the Bharatiya Janata Party, the Bahujan Samaj Party and the Congress, staged a noisy walkout from the Assembly after a four-hour discussion.

Mr. Yadav said a three-member enquiry committee headed by the chairperson, Revenue Board, and former Chief Secretary, Neera Yadav, would be asked to give its report at the earliest. "If the members were not satisfied with the report the government would consider a judicial probe."

A sum of Rs. 5 crores would be spent for reconstruction work in Mau town.

Denying allegations that the government stood a mute spectator during the riots, he said it was its harsh measures that resulted in the "instant controlling" of violence.

The Chief Minister gave a clean chit to Mukhtar Ansari (Independent MLA from Mau) and said the Hindu Vahini instigated communal violence.

"The government would be forced to take strict action against the Vahini, an outfit of the BJP MP from Gorakhpur Yogi Adityanath, if it did not give up its evil design to divide society."

Noisy scenes

The House witnessed noisy scenes when Speaker Mata Prasad Pandey did not allow the lone Hindu Mahasabha member Radha Mohan Das Agrawal to

• **Opposition walkout over Govt. stand**

• **"Government controlled violence instantly"**

• **Warns Hindu Vahini**

• **Samajwadi Party was behind riots: BJP**

participate in the discussion. Later, he was allowed to speak on the intervention of the Chief Minister.

Initiating the discussion, Leader of the Opposition Laloo Prasad Yadav (BJP) charged the ruling Samajwadi Party with having been behind the Mau riots.

Demanding a judicial probe, Mr. Tandon said the enquiry by the Revenue Board chairperson was a bid to hush up the probe.

Mr. Ansari alleged a BJP conspiracy to dislodge the Mulayam Government and defame him.

Council rocked

Meanwhile, the lathi-charge on Bhartiya Janata Yuva Morcha (BJYM) activists here on Tuesday rocked the State Legislative Council here on Wednesday.

As the proceedings in the Upper House of the State legislature began, the members of BJP demanding a debate on the issue entered the well of the house. When repeated requests by the Chairman Chaudhary Sukhram to regain their seats failed to have any impact on agitated members, the House was adjourned for 15 minutes.

Later, when the house reassembled, the BJP members resumed disrupting proceedings.

-- UNI

CBI reopens '84 riot cases

9-11-84
10-11-84

Statesman News Service

NEW DELHI, Nov. 18. — The CBI today registered two criminal cases related to the 1984 riots against "some unknown persons", which were referred to it by the Union home ministry on the recommendation of the Nanavati Commission.

Last month, the Centre had referred 10 cases, mainly relating to Congress leaders Sajjan Kumar, Jagdish Tytler and Dharam Dass Shastri, to the CBI asking it to examine if these cases can be reopened for investigation.

The cases registered by the CBI are FIR 178/84 registered in the Mongolpuri police station in which a medical superintendent, Iqbal Singh Chadda, was killed by a mob, and FIR no 250/84 registered in Sultanpuri police station, in which rioters burnt a Gurdwara in Budh Vihar and set a large number of vehicles on fire.

The government had referred the cases to the CBI following an assurance by the Prime Minister that the government would reopen cases against those whose names figured in the Nanavati Commission report in which adverse inferences had been drawn about their conduct or behaviour.

As part of Dr Manmohan Singh's commitment, the home ministry went into the Nanavati Commission's report and



Riot victims protest against the UPA government in New Delhi. — File photograph

sought the law ministry's views on the issue. The issue was raised during the monsoon session of Parliament when Commission's report was tabled.

The 339-page report of the commission had also pointed fingers at several local Congress leaders including Sajjan Kumar, Shastri, Tytler and HKL Bhagat. The Commission had, however, absolved the Congress saying there was no evidence to suggest that former Prime Minister Rajiv Gandhi or any other high-ranking leader had "suggested or organised" the attacks in which nearly 3,000 people were killed.

Move for IIT, IIM minority quota

MONOBINA GUPTA

New Delhi, Nov. 16: A committee set up by the human resource development ministry has recommended reservation for minority students in professional institutions like the Indian Institute of Technology, Indian Institute of Management and Indian Institute of Foreign Trade.

The committee will meet tomorrow to discuss the report. Arjun Singh, who holds

the ministry and will preside over the meeting, may find it difficult to ignore the recommendation, though it is likely to spark a huge furor. Improving the status of minority education has been high on Singh's list of priorities since he took charge of the ministry.

A range of recommendations to improve the educational status of minorities has been made by the committee for minorities' education.

Earlier, the ministry's

move to confer minority status on Aligarh Muslim University ran into trouble after a court order de-recognised it.

The recommendation for reservation in IITs and IIMs is likely to trigger a controversy with a section of experts arguing that quotas will not help minority students. They say students with a weak educational background may find it difficult to cope with the pressures at IITs and IIMs.

In its report, the commit-

tee says: "The number of minority students is falling in prestigious institutions like IIT, IIM, IIFT (Institute of Foreign Trade), etc. The committee is of the opinion that reservations may be made for admission of minority students in such institutions."

IITs and IIMs have mandatory quotas for SC/ST students. Scheduled castes have a 12.5 per cent reservation and scheduled tribes 7.5 per cent. Besides, there is a quota of 3 per cent for physically chal-

lenged students.

The committee has not specified the size of the quota for minorities in the report.

It also wants to improve representation of minorities and backward classes in the highly competent faculty members," it says.

"As in the case of SC/ST, a centre may be established in the existing IITs and IIMs where bright students from these communities can be identified through the qualifying examination," says the committee.

"The centres can then coach them. The idea of associating IITs and IIMs with the coaching centres is to ensure a high standard of coaching which can easily be given by the highly competent faculty members," it says.

After admission, SC/ST students are coached for a year to bring them up to the standard of these institutions.

The committee has made important recommendations for madarsa education. It has suggested scrapping the pre-

nt scheme initiated in 1993-94.

"Its basic objective was to improve and bring the standard of minority education at par with general education. Unfortunately, the desired results could not be achieved with the existing parameters of the scheme," says the report.

"The government may consider scrapping the existing scheme and introducing a new scheme. Under the new scheme, there can be a central madarsa board/san-

gathan," it says.

The Indian **EXPRESS**

Tuesday, November 08, 2005

 PRINT THIS STORY

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National Network

Andhra HC quashes Muslim quota

Reservation Refuses to set aside admissions already made on basis of ordinance

ens & pti

Hyderabad, november 7 The Andhra Pradesh High Court today quashed a state government ordinance providing five per cent reservation to Muslims in government jobs and educational institutions.

The state cabinet had in May 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. The creamy layer, with an annual income of more than Rs 2.5 lakh, was excluded.

With this, the number of reserved seats had exceeded the 50 per cent ceiling suggested by Supreme court.

The High Court, quashing the ordinance, said the BC Commission did not do its job properly and failed to evolve a reasonable criteria for categorising Muslims as backward classes.

"The entire process is vitiated by arbitrariness and failure to adopt reasonable criteria. Thus the reservation act is ultra vires of the Constitution," the court observed.

However, the bench refused to set aside admissions to professional colleges on the basis of the ordinance.

The Bench observed that the Backward Classes Commission went about the job "mechanically" and did not look into the peculiar customs prevalent among Muslim community which may have contributed to their backwardness, socially and educationally.

On the whole, the Commission did not adopt "proper methodology" and hence categorisation of entire Muslim community as backward class based on "defective advice" given by the Commission was untenable, the court said.

State govt to move SC

Hyderabad: The Andhra Pradesh government

said it would challenge the High Court verdict quashing the ordinance providing for five per cent reservation for Muslims in jobs and educational institutions in the Supreme Court.

BJP welcomes HC verdict on quota

Hyderabad: The Andhra Pradesh unit of the BJP on Monday welcomed the verdict of the High Court quashing the ordinance providing five per cent reservation to Muslims. "It's a victory for the backward classes and a jolt for Congress which was trying to appease one community to

'We will immediately move the apex court seeking a stay on the high court order. We will not go back on our commitment (to Muslim quota)," Chief Minister Y S Rajasekhara Reddy told reporters.

Observing that the high court took a "subjective" view of the process adopted by the State Backward Classes Commission in identifying Muslims as backward classes for the purpose of reservations, he said, "While the court said the material before the BC Commission (to declare Muslims as BCs) is insufficient, we think we have sufficient material."

— PTI

gain political mileage," state BJP President N Indrasena Reddy told reporters after the judgment was pronounced on Monday. "We have been contending that reservations on the basis of religion were not acceptable," he said. The BJP was the only party to oppose the bill when it brought in the Assembly. It had been calling for the quota to be scrapped, accusing the Congress of playing to a votebank. — PTI

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BJP MLA held in riot case

Press Trust of India

AHMEDABAD, Nov. 5. — Gujarat BJP MLA Mr Shankar Chaudhary was today arrested for his alleged role in the murder of two minority community members, in a post-Godhra riot case.

Mr Chaudhary, an MLA from Patan district, was arrested on charges of murder and rioting after he surrendered before a local court. He was remanded to two days' police custody, a senior police officer said. The officer claimed police had "ample evidence" against him in connection with rioting and a shoot-out. The MLA is one of ten accused, against whom cases were registered on the complaints of five members of the minority community, police said.

On 1 March, 2002, Mr Chaudhary allegedly led a mob in his constituency, Radhanpur, and opened fire on members of a minority community, police said. During the rioting, police had intervened and opened fire on the crowd, and according to the FIR, two persons, Gulamnabi Sheikh and Gulam Rasool Sheikh, were killed and later burnt. However, it is yet to be established whether the duo was killed in police firing or by Mr Chaudhary's revolver. Post-mortem reports confirmed that they had died owing to bullet wounds.

Mr Chaudhary's alleged role came to the fore when a senior official probed the matter after the Supreme Court ordered reinvestigation of certain post-Godhra riot cases.

Although police sought to exhume the bodies of the two victims to ascertain the kind of bullets that hit them, they were restrained by the Gujarat High Court following a petition filed by the duo's relatives.

THE STATESMAN

06 NOV 2005

'84 riots return to haunt Tytler, Sajjan

New Delhi: Keeping Prime Minister Manmohan Singh's word that action will be taken on the recommendations of the Nanavati commission that probed the 1984 anti-Sikh riots, the Centre has asked the CBI to look into the complaints against senior Congress leaders Jagdish Tytler, Dharamdass Sshastri and Sajjan Kumar.

"In accordance with the assurances given by the Prime Minister and the home minister in parliament, the government has decided to entrust the re-investigation of the complaints against Tytler, Shastri and Kumar, named in the commission's report, to the CBI," a home ministry spokesman said here on Thursday. On action against police and government officers who have drawn adverse remarks in the commission's report, he said the home ministry had sought advice from the law ministry as the named persons had retired and disciplinary action against them was time-barred as per service rules.

As many as ten cases relating to the riots, looked into by the Nanavati commission, have been referred to the CBI by the home ministry. "We will see if the cases registered by the Delhi police after the riots should be reopened or rein-

vestigated by the CBI. The agency will scrutinise them and decide what action should be taken," a source said. Cases against Tytler, Kumar and Shastri, who have been indicted in "varying degrees" by the Nanavati panel on the basis of the evidence placed before it, were examined by the law ministry on the request of the home ministry.

Indicting Tytler saying there was "credible evidence" against him, the panel said he "very probably" had a hand in organising attacks and the government must take "further action as may be necessary". Tytler resigned as Union minister soon after the report was presented in parliament.

The 339-page report had also pointed fingers at several other Congress leaders. It, however, absolved the party, saying there was no evidence to suggest that former PM Rajiv Gandhi had "suggested or organised" the attacks in which nearly 3,000 people were killed.

Speaking in parliament on August 10, Manmohan had apologised to the Sikh community and the nation for the 1984 violence and said his government would reopen cases against those whose names figured in the Nanavati report with adverse inference about their conduct or behaviour. TNN & Agencies

Mau normal, curfew relaxed

J. N. V. K.
'Governor failed to meet members of the minority community' 110-5 2710

MAU: The riot-hit Mau town was fast returning to normalcy with indefinite curfew, clamped on October 14, relaxed on Wednesday for three hours in a phased manner.

Curfew was slated to be relaxed for longer duration so that the minority community could attend the Alvida namaz on Friday, while it was expected to be lifted totally during the day before Diwali. Police sources here said the situation was normal and the peace committees were working round the clock to instil confidence among the people.

Sources said in view of the coming festival week ahead, the administration was contemplat-

• Curfew eased for three hours in phased manner

• No scarcity of essential commodities

ing relaxing the curfew for longer period so that there were no hindrances to any community to celebrate their festivals.

The sources, however, maintained the night curfew would continue for another fortnight before being lifted.

"There is no scarcity of essential commodities in the curfew-hit areas while train and road services have already started," sources added.

Meanwhile, Superintendent of Police Sujit Pandey said elab-

orate security arrangements had been made in view of the coming festivals. "There is already one company of BSF and two companies of RAF in the district to keep strict vigil on the law and order situation."

Compensation demanded

Meanwhile, the Uttar Pradesh Minority Commission has criticised Governor T.V.Rajeswar for not meeting members of the minority community during his recent visit to Mau town. "The

Governor is the constitutional head of the State. It is unfortunate that he did not allow any member of the minority community to approach him nor did he visit the riot-affected areas to meet the victims", Commission Chairman Sheikh Suleman said in a release here on Wednesday. He said that the Commission member Mohammad Wamik had visited the town and reported that the members of the minority community had suffered more losses. He appealed to people to maintain communal harmony and demanded a compensation of Rs. Five lakh to the kin of those killed in the violence. UNI/PTI

CASE ■ Judge blames cops for not spotting killers

107 Godhra riots accused acquitted

J. Prakash 27/10

EXPRESS NEWS SERVICE
VADODARA, OCTOBER 26

A LOCAL court on Tuesday acquitted 107 suspects in a post-Godhra riot case, blaming police for failing to identify the killers of two men from a group they were escorting.

Judge P M Atodaria of the city sessions court observed that policemen had also failed in their duty by not gauging the prevailing tense situation, not calling for reinforcements in time and by being shoddy in the investigation. Other witnesses to March 17, 2002, mob attack, too, failed to point out the killers during identification parades at a police station and also in court. Of the 45 witnesses examined, 23 turned hostile.

When the post-Godhra reprisals began on February 28, Muslims from the Avdhoot Nagar slums in Makarpura

fled. On March 17, 50 wanted to return and collect household goods and SINJ Vanecha was asked to escort them.

But while they were returning from Avdhoot Nagar around 2 pm, they found the

'Other witnesses, too, failed to point out killers during identification parades at a police station and in court'

road blocked with rocks and gunny sacks. As SI Vanecha and his team got down to clear the way, a mob of some 2,000 people surrounded the convoy.

At 2.19 pm, Vanecha called headquarters for reinforcement. But by then, two of the Muslims had been killed by the mob. The reinforcements arrived before further violence and police took 113 people in

custody. But while appearing in court, Vanecha said that he could not positively identify the killers from any of those rounded up. Other policemen deposed on the same lines. Eye-witnesses from among those injured, too, failed to identify the killers, leading to the acquittal. Vanecha, who had been suspended following the killing, was subsequently reinstated and is now posted in Ahmedabad.

Of the 113 accused, two died during the course of the trial. Four were not arrested. The rest, out on bail, were released unconditionally on acquittal. Among the counsel for the defence were Rajendra Trivedi and Niraj Jain, who appeared for the accused in the Best Bakery case. The prosecution was begun by Mahesh Patel, and later handled in turn by Sanjay Bhatt, Kiran Chauhan, J. Prajapati, and finally, Prakash Bhatt.

'Kar sevaks' act had led to riot' *Modi not advised against visiting Godhra: ex-IG*

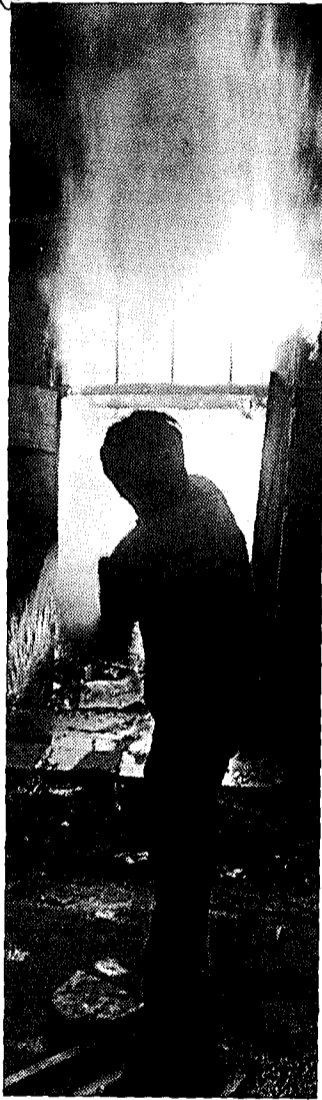
HT Correspondent
Ahmedabad, October 22

A PASSENGER of the ill-fated Sabarmati Express on Saturday told the Nanavati-Shah Commission probing the Godhra incident that the riotous situation on the platform was caused by the 'kar sevaks' who threw a Muslim tea vendor out of the coach.

Deposing before the two-judge panel, Virpal Chhedralal Pal from Uttar Pradesh said he had approached the bearded Muslim vendor for a cup of tea but the 'kar sevaks' asked him not to take tea from him. Virpal, who had procured some snacks from the crowded platform, told the commission, "I couldn't care less whether the vendor was a Muslim, Hindu or Christian".

"I just wanted a cup of tea, but the 'kar sevaks' asked me not to get it from a Muslim", the elderly man who lost his daughter-in-law in the incident told the commission. Virpal's testimony completely contradicts the claim of the BJP and Gujarat police that the attack on the train was part of a 'pre-planned conspiracy' by Godhra Muslims.

The stone pelting on the train had started after the Muslim vendor was thrown out of the coach by the 'kar sevaks' who were misbehaving with other passengers throughout the journey, Virpal told the commission. During cross-questioning, Virpal said he did not see any Muslim throwing any inflammable liquid into the coach — a version told to the commission earlier by surviving passengers.



Communal fire

PRESS trust of India
Ahmedabad, October 22

A POLICE officer, who was in-charge of the Godhra town when Sabarmati train carnage took place, told the Nanavati-Shah Commission on Saturday that he knew the incident had all the "potential for a major flare-up" but did not advise Gujarat chief minister Narendra Modi from visiting the site.

During his cross-examination, Deepak Swaroop, who was Special IG (Vadodara Range) during the carnage said, "I had not advised the chief minister from visiting Godhra but had informed him about the prevailing surcharged atmosphere when he arrived for a visit on the evening of February 27, 2002".

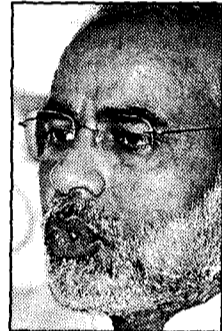
"I had informed that the passions were running high in the yard where the burnt bodies of passengers were lying and that a curfew was imposed in Godhra town", he added.

Swaroop said during Modi's visit to Godhra, he had experienced some crowd trouble after "the locals wanted to talk to him over the train burning issue".

He, however, denied that a crowd had halted the chief minister's car as they were protesting against the absence of police when the train carnage took place.

Swaroop admitted that maximum rioting including the Panderwara and Limdi Chowk massacres, where a total of 84 minority community members were killed, took place in Panchmahal district between February 28 and March seven when he reassumed charge of Godhra.

Swaroop, who is at present the commissioner of Vadodara, said he did not remember whether the FIRs regarding the massacres which happened in his absence were filed after he assumed charge on March seven.



Mau peaceful, Mukhtar still at large

Security beefed up in western U.P.; Raid in many places, 350 arrested

MAU (U.P.): Even as curfew remained in force in the riot-hit Mau town of Uttar Pradesh, the authorities on Wednesday allowed residents to come out and collect essential commodities, including medicines and milk, following an improvement in the situation.

The residents were allowed to come out between 10 a.m. and 12 noon to collect medicines and other items being distributed by the district administration.

Meanwhile, controversial local MLA Mukhtar Ansari, against whom a criminal case was registered for inciting people and murder, is reportedly out of the district. The administration had conducted raids to nab him, but to no avail.

"The situation is tense but under control and tight vigil is on to prevent any escalation," Deputy Inspector General Azamgarh Range

Rajendra Pal Singh told UNI. He said that round-the-clock patrolling was being ensured in the sensitive areas and 350 arrests had been made so far.

The train services via Mau will resume this evening, a Railway Spokesman said here.

MUZAFFARNAGAR: Security has been beefed up across western Uttar Pradesh, including Meerut and Muzaaffarnagar towns, in the wake of communal violence in Mau, official sources said.

Paramilitary forces had been deployed -- 17 companies of PAC in

seven districts and one company of BSF in Muzaaffarnagar -- as a precautionary measure, the sources said.

'An eye wash'

LUCKNOW: Claiming as an 'eyewash' the order to arrest Mukhtar Ansari in the wake of his role in Mau riots, the Uttar Pradesh BJP unit alleged that the State Government was still protecting him.

"Forty eight hours have elapsed since the order was passed but the police has failed to nab him. It is just a drama on part of the U.P.

• Curfew continues, but relaxed for couple of hours

• Para-military forces mount tight vigil in sensitive areas

• BJP announces State-wide protest on October 21

Government," BJP spokesman Vijay Bahadur Pathak said here.

Holding Mulayam Singh Yadav-led government responsible for Mau riots, the party was of the view the situation was allowed to deteriorate owing to Muslim appeasement policy.

The BJP alleged the Hindus were made target in Mau riots and the State machinery was a mute spectator.

Reiterating its demand for a judicial probe, it said the probe by a team led by Revenue Board chairperson Neera Yadav was not acceptable to the party.

The party has announced State-wide protest on October 21 against alleged failure of the State administration in Mau and its undue indulgence in Muslim appeasement. - UNI, PTI

Mau's trial by fire

Proof that the spectre of communal
violence is still with us

THE communal violence in Mau has hurt more than just the image of the Mulayam Singh Yadav government in Uttar Pradesh, it has dented a nation's complacency. For a while back then after the horrors of Gujarat 2002, the country was convulsed by a questioning. With varying degrees of sincerity and immediacy, civil society activists and policy-makers debated how to ensure, not just justice in Gujarat, but also a riot-free future for the country. Then, the urgency began to recede as public discussion shifted to other issues. This, despite the promise in the UPA's National Common Minimum Programme to enact a "comprehensive law on communal violence". This, despite the draft Communal Violence (Suppression) Bill 2005 wending its way into the public domain. The moment seemed to have passed.

The past few days in Mau have shown us why communal violence and how to prevent it should be a national priority. The trigger in Mau, as it often is, was incidental. Violence erupted over the organising of Dussehra celebrations, traditionally held peacefully in this eastern UP town. The killings and the violence have now been con-

trolled after the Mulayam Singh government brought in a new team of officers in the local administration and deployed additional forces in the affected region but the questions will not go away. Was the government just irresponsibly unaware of the build-up of tensions, or did it criminally ignore it? How did it happen that a local MLA, Mukhtar Ansari, already notorious with 36 criminal cases against him and a conviction under TADA, could "take charge" of the town as it burned and later seethed under curfew? Actually, these questions can be pared down to a single fundamental question: what are the series of abdications that make up the vacuum which the likes of Mukhtar Ansari then rush in to fill?

The Mulayam Singh government has instituted a time-bound probe into the violence. Those in the UP administration who could have prevented and then controlled the violence, and did not, must be identified and punished. But the rest of us are not off the hook either. We must renew the search for mechanisms and negotiations, involving both civil society and government, that can help India to keep its tryst with the future without blood on its hands.

Probe ordered into Mau riots

Mulayam says no to judicial probe; Neera Yadav to head inquiry team

LUCKNOW: Under attack from the opposition for the communal strife in Mau, the Uttar Pradesh government on Monday announced a three-member committee to probe the circumstances that led to the riots and the role of district officials and public representatives.

The committee would be headed by Neera Yadav, State Revenue Board chairperson, Chief Minister Mulayam Singh Yadav said at a hurriedly called news conference here. Mr. Yadav said that the committee would submit its report within three weeks. The names of other members of the committee would be announced shortly.

Mr. Yadav said that the toll in communal clashes that broke out in Mau over Dussehra festivities was seven. In all 252 people had been arrested in connection with the riots and 36 people including eight policemen had been injured. The Chief Minister said the new administration officials posted in the district had yielded positive results and the situation was now limping back to normality.

'No need to call Army'

Rejecting the demand for handing over the riot-torn town to army, Mr. Yadav said the State police and paramilitary forces, deployed in strength, were capable of handling the situation and no untoward incident had been reported from the area in the last 24 hours. He denied that the violence had spread to nearby villages and claimed that a stray incident in a village had been nipped in the bud by an alert security personnel.

Mr. Yadav said he had assured the Governor that the inquiry would be transparent and no favour would be shown to anyone including the supporters and members of the ruling party if found guilty.



SEEKING A PROBE: BJP leader, Kalyan Singh, the Uttar Pradesh unit president, Kesari Nath Tripathi, and others arriving at Raj Bhawan in Lucknow on Monday to demand judicial probe by a sitting High Court judge into the Mau violence. PHOTO: SUBIR ROY

Conceding that the violence reflected failure on the intelligence front, Mr. Yadav said the department, which was without a head, would get a new chief.

Rejects judicial probe

The Chief Minister also rejected demands for a judicial probe saying "it would consume a lot of time and hence would not serve any purpose".

In a veiled reference to the al-

leged role of local independent MLA supporting the government, Mukhtar Ansari, Mr. Yadav said "no one, whether a public representative or even member of the ruling party, would be spared if found guilty in the inquiry."

Referring to the reports on alleged intervention by the Governor T V Rajeshwar and his reported decision to visit Mau today, Mr. Yadav said he had called upon the Governor last evening

and persuaded him to postpone his visit in view of the volatile situation there.

Refuting reports that the district officials had been suspended on the recommendation of Mr. Rajeshwar, he said the Governor never interfered with the administration.

"The officials were punished as they failed to control the situation even 48 hours after the flare up," he said. --PTI

Peace meets held, no fresh violence

Mukhtar Ansari denies allegations of inciting violence; blames BJP for conspiring to spread trouble

MAU: Shoot-at-sight orders remained in force as additional forces were deployed in sensitive areas and peace meetings were organised on Monday to defuse the situation in this curfew-bound town where communal riots have claimed seven lives. Additional security personnel were rushed to areas where fresh incidents were reported on Sunday and a close vigil was being maintained, according to official sources.

While senior police officials including the DIG (Range) are camping in the town to monitor the situation, meetings of peace committees were being organised to diffuse the tension. Essential commodities were being provided to the people residing in curfew-bound areas, they said. So far 32

• Shoot-at-sight orders continue

• Toll in Thursday's violence rises to seven

• Several trains passing through Mau cancelled, diverted

• Red alert in all eastern U.P. districts

people have been injured while 180 arrests made in connection with the riots that broke out last week over Dussehra festivities.

Meanwhile, the local independent MLA Mukhtar Ansari, denied allegations of inciting violence saying the BJP had hatched a conspiracy to trigger communal violence "with a view to gain political mileage and malign my image".

He demanded that the town be

handed over to the army for maintaining law and order and registration of cases against the suspended Commissioner, District Magistrate, Superintendent of Police and Circle officer.

Several long and short distance trains passing through Mau or originating here had either been cancelled or diverted to other routes as a precautionary measure, sources said. Movement of roadways buses coming here

from Gorakhpur, Azamgarh and Ballia had also been suspended. Ten companies of Provincial Armed Constabulary (PAC) and two of the Rapid Action Force had been deployed in the town where senior officials, drawn from neighbouring districts were camping, they said.

The State Government has already sounded a red alert in all eastern districts to avoid any backlash. Senior BJP leaders meanwhile, met the Governor T.V. Rajeshwar in Lucknow and handed over a memorandum demanding dismissal of the Mulayam Yadav government for its failure to contain the communal riots, handing over the town to army and an inquiry into the violence by a sitting judge of the High Court.

Mau violence claims 3, curfew clamped

Press Trust of India

MAU (UP), Oct. 14. — Curfew was clamped in some parts of this communally-sensitive town today following clashes between two communities during Dussehra celebrations in which three persons were killed and 12 injured.

Three companies of Rapid Action Force from Lucknow and four battalions of PAC from Allahabad and Gorakhpur have been deployed here to control the situation and curfew imposed in

Kotwali, Sarai Lakhansi and Dakshin Tola police station areas, district magistrate Mr HS Yadav said.

Trouble started yesterday when members of a particular community raised objections over celebrations of Bharat Milap, a part of Dussehra festivities, in Shahi Katra Grounds here much to the annoyance of the other community who assembled there after which both sides indulged in heavy stone pelting.

About a dozen persons were injured in the violence, which continued till

this morning, and were admitted to BHU hospital in Varanasi and district hospital here where three of them succumbed to injuries. Superintendent of Police Akhileshwar Ram Misra said.

Some road-side kiosks were also set ablaze in certain areas and some property damaged after curfew was imposed, Misra said adding a mob opened fire at the railway station and disrupted movement of a train. Altogether 28 people belonging to both the communities have been arrested in this connection,

Yadav said adding DIG, Azamgarh and IG, Varanasi had reached the town.

Meanwhile, the BJP alleged that an MLA supporting the ruling Samajwadi Party in Uttar Pradesh was leading the rioting mobs which they claimed had damaged about 200 houses and shops.

In a press conference, senior BJP leaders Mr Kalyan Singh and Mr Kesari Nath Tripathi demanded suspension of the district magistrate and SP, Mau and a compensation of Rs five lakh to the deceased in the communal

violence.

The BJP demanded deployment of Army in the trouble-torn town to restore order and pressed for the arrest of MLA Mr Mukhtar Ansari at the earliest for controlling the situation. "The mafia MLA is calling the shots and roaming scot free after fueling communal violence in the sensitive town," Mr Tripathi alleged.

The party has also decided to send a three-member fact finding team to the riot affected town, the BJP leaders said.

BJP AGAINST AMU APPEAL

'Govt tried a madrasa in Aligarh'

Statesman News Service

NEW DELHI, Oct. 5. — Allahabad High Court's verdict stripping Aligarh Muslim University (AMU) of its status as a minority institution and quashing of the Union human resource development (HRD) ministry's 25 February notification stipulating 50 per cent reservation for Muslims in AMU's post-graduate professional courses, sparked off sharply-divided reactions from the BJP and the Congress today.

The BJP, predictably, welcomed the High Court's decision, demanding "cancellation of the reservation order by the government" without going for an appeal against the court verdict. "The government has committed a sin as it tried to convert the Aligarh Muslim University into an Aligarh Muslim Madrasa," BJP vice-president Mr Mukhtar Abbas Naqvi said.

"The UPA government should rather cancel its reservation order that aimed to damage the original equal-opportunity foundations of the AMU. It should desist from going for a Shah Bano-type solution to nullify the judgment," Mr Naqvi said. He

cautioned the Muslim community against the Congress-led government's "conspiracy" "to create a religious divide in the field of education just to gain political mileage by playing the minority card", alleging, the Centre's *niyat* (motive) had been to deny Muslims quality education.

The Congress said the AMU was granted the status of a minority institution through an amendment to the Central Act in 1981. "It is now the AMU's jurisdiction to respond to the current situation arising out of the High Court verdict," said the AICC spokesman, Mr Anand Sharma. The Congress made it clear that the party "respects the AMU's minority character", saying the varsity made a remarkable contribution to national education.

The HRD ministry said it was awaiting a copy of the court order. The National Commission for Minorities sought the Centre's intervention to protect the interests of AMU students already admitted under the Central notification (of 25 February). "It would also be difficult to erase a general perception that AMU is a Muslim institution," NCM chief Mr Tarlochan Singh said.

Renewed terror in Bali

Terror has struck Bali once again, and with it dispelled the notion that terrorists do not strike at the same place twice. When bombs killed nearly 200 people in Indonesia's best-known tourist destination in October 2002, it was thought the island would never recover from the blow. But putting aside their trepidation, western tourists began to stream back into Bali, believing it might not happen again. Last weekend's bombings in three crowded restaurants, which killed at least 25 people and injured over 100, have demonstrated that the purveyors of terrorism do not believe in pattern. Bali was a soft target, a low-security place where the bombers mingled easily among holidayers – much like the July 7 London underground bombers. Indonesian officials suspect the hand of Jemaah Islamiah, a shadowy Islamist outfit operating in South-East Asia with links to Al Qaeda (which it predates) and the ambition of establishing an Islamic theocracy encompassing several countries in the region. In that sense, the bombings in Bali, with its Western tourists, nightclubs and pubs, suggest an attack designed not only for maximum international impact but also as a message to Indonesians against "anti-Islamic" activities. Many JI leaders, including its operational chief, Hambali, are in prison in connection with the first Bali bombing and in the subsequent bomb attacks in Jakarta, at a hotel in 2003, and outside the Australian embassy in 2004. The organisation appears to have retained its capacity to strike despite this.

The Bali bombings represent the first big test of the leadership of President Susilo Bambang Yudhoyono. He certainly cannot be accused of complacency – only a few months ago, he warned that Indonesia remained a terrorist target and called for more security. He will come under more pressure from the West, particularly the United States and Australia, to ban the JI, which the Indonesian Government has been understandably reluctant to do for fear of setting off an Islamic backlash. Indonesia has the world's largest Muslim population, a majority of whom have no interest in or sympathy for the JI but are vigilant against Western meddling in their affairs. Pressure will also increase on President Yudhoyono to keep in jail Abu Bakar Ba'asyir, the alleged spiritual head of JI. In August, as part of Indonesia's 60th anniversary celebrations, Mr. Ba'asyir's 30-month sentence for his part in the 2002 Bali bombing conspiracy was reduced by four months, sparking international accusations that Indonesia was going soft on JI. President Yudhoyono faces the challenge every democratic leader does. In a country that threw off a crippling dictatorship less than two decades ago and marked its first peaceful change of leadership with the presidential election last year, how he deals with terrorism without becoming a groupie of the Bush-led "war on terror" could decide the future course of this young democracy.

অক্টোবরেই ফের বিস্ফোরণ বালিতে, হত ৩২, জখম ১০০

জাকার্তা, ১ অক্টোবর: জঙ্গি হামলার আশঙ্কার কথা জানিয়ে কলই জাকার্তার দুতাবাসে সতর্কবার্তা পাঠিয়েছিল মার্কিন গোয়েন্দা দফতর। আর আজই জঙ্গি হামলায় লুণ্ঠিত হয়ে গেল ইন্দোনেশিয়ার সমুদ্র পর্যটন কেন্দ্র বালি। লক্ষ্য পশ্চিমী দুনিয়াই।

তিন বছর আগে এই অক্টোবরেই ভয়াবহ বিস্ফোরণ হয়েছিল বালিতে। একাধিক নাইট ক্লাবে বিস্ফোরণে মারা গিয়েছিলেন ২০২ জন। এ বারের বিস্ফোরণ অবশ্য সেই মাপের নয়। বিস্ফোরণের সংখ্যা তিন। জিম্ব্রানে দু'টি, কুটায় একটি। বালির হাসপাতাল সূত্রে জানা গিয়েছে, নিহতের সংখ্যা অন্তত ৩২। তার মধ্যে বেশ কয়েক জন বিদেশি পর্যটক। আহত হয়েছেন ১০০ জন।

২০০২-এ বিস্ফোরণ হয়েছিল কুটায়। সেখান থেকে বড়জোর মিনিট কুড়ির ইটিপথেই দু'রঙেই আজ হামলা চালায় জঙ্গিরা। রাত পর্যন্ত কোনও জঙ্গি সংগঠন বিস্ফোরণের দায় স্বীকার করেনি ঠিকই, কিন্তু সন্দেহের সব তিরই ইসলামি জঙ্গি সংগঠন জামা ইসলামিয়ার দিকে। তিন বছর আগের বিস্ফোরণের পিছনে ছিল আল

কায়দা ঘনিষ্ঠ এই সংগঠনই। বিশেষজ্ঞরা বলছেন, একই লক্ষ্যে বারবার আঘাত করা লাগেনে অনুগামী সংগঠনগুলির বৈশিষ্ট্য।

সপ্তাহ শেষের সন্ধ্যায় নিয়মমাফিক জমজমাট ছিল জিম্ব্রান ও কুটায়র সমুদ্র সৈকত। ভিড় উপচে পড়ছে বিদেশি পর্যটকদের। জিম্ব্রানের মাতাহারি স্কোয়ারের পর্যটন কেন্দ্র লাগোয়া রেস্তোরাঁগুলিও প্রায় ভর্তি। স্থানীয় সময় রাত আটটা নাগাদ প্রথম বিস্ফোরণটি হয় এমনই একটি রেস্তোরাঁয়। কয়েক মিনিটের মধ্যে শাখানেক গিটার দু'রে আর একটিতে। মুহূর্তে মাতাহারি স্কোয়ার যেন রণক্ষেত্র। রক্তে ভেসে যাচ্ছে চার দিক। ব্রিটিশ পর্যটক ড্যানিয়েল মার্টিন ছিলেন পাশেই একটি কাফেতে। জানালেন, বিস্ফোরণের শব্দ শুনে দৌড়ে বাইরে এসে দেখি, যে যে দিকে পারছে পালাচ্ছে। ধ্বংসস্থল পে পড়ে রয়েছে বেশ কয়েকটি দেহ। কয়েক জন তিন দেশি পর্যটক। এক নজরে দেখে মনে হল প্রাণ নেই।

ইন্দোনেশিয়ার একটি টিভি-তে এক প্রত্যক্ষদর্শী জানিয়েছেন, অন্তত তিন জন বিদেশির রক্তাক্ত দেহ

বিস্ফোরণ-স্থলে পড়ে থাকতে দেখা গিয়েছে। এর মধ্যে এক জন অষ্ট্রেলীয়। সে দেশের দুতাবাস সূত্রে এ খবর জানানো হয়েছে। প্রাথমিক ধাক্কা সামলে জাকার্তা থেকে



স্বজন হারিয়ে। বিস্ফোরণের পরে কুটায়। - রয়টার্স

পুলিশের পদস্থ কর্তারা পৌঁছে গিয়েছেন বালিতে। রওনা হয়েছেন প্রেসিডেন্ট সুসিলো বামবাং যুদ্ধরনোঙ।

স্থানীয় মানুষদের মধ্যে একটা চালু কথা রয়েছে, অগস্ট থেকে অক্টোবর। বিস্ফোরণের সময় এই তিন মাসই। এ বারেও যেন সেই কথার সত্যতা প্রমাণ করেই বিস্ফোরণ ঘটল একেবারে অক্টোবরের শুরুতেই। ২০০১ সালে অগস্ট মাসে বালিতে বিস্ফোরণে ১২ জনের মৃত্যু হয়েছিল। পরের বছরে কুটায় জঙ্গিরা হামলা চালায় ১২ অক্টোবরে। এর পরের দু'বছর জঙ্গিরা হামলা চালায় জাকার্তার মারিয়ট হোটেল ও অষ্ট্রেলীয় দুতাবাসে। এ দেশে জঙ্গি হামলার আরও একটি বৈশিষ্ট্য রয়েছে। পর্যটকই হোন আর কুটনৈতিক, প্রতি বারই জঙ্গি হামলার লক্ষ্যে থাকেন পশ্চিমী নাগরিকরাই। এ বারেও বিদেশি পর্যটকদের ভিড়ে ঠাসা অঞ্চলেই হামলা চালানো হয়েছে।

কালই জাকার্তায় মার্কিন দুতাবাসের পক্ষ থেকে জানানো হয়েছিল, ইন্দোনেশিয়ার ফের হামলার ছক কষছে জঙ্গিরা। এক মাস আগে ইন্দোনেশিয়ার প্রেসিডেন্ট জঙ্গি কার্যকলাপ বেড়ে যাওয়ায় উদ্বেগ প্রকাশ করেছিলেন। এ খবর জানিয়ে ইন্দোনেশিয়ার বিদেশমন্ত্রকের মুখপাত্র মার্চি নাভালগাওয়া এই ঘটনাকে

সন্ত্রাসের যুগ আত্মপ্রকাশ' বলে অভিহিত করেছেন। তিনি বলেন, "মার্কিন বার্তায় বলা হয়েছিল, এ দেশে হামলার সম্ভাবনা ক্রমশই তীব্র হচ্ছে। দেশের যে কোনও স্থানে, যেখানে বিদেশিদের ভিড় বেশি সেখানেই হামলা চালাতে পারে জঙ্গিরা।"

২০০২ সালের জঙ্গি হামলার পরে অবশ্য বালিতে নিরাপত্তা ব্যবস্থা ঢেলে সাজা হয়েছিল। আত্মঘাতী গাড়ি বোমা হামলা ঠেকাতে বিশেষ ব্যবস্থা নেওয়া হয়েছিল। সে কারণেই ইন্দোনেশিয়া পুলিশের প্রাথমিক ভাবে ধারণা, এই বিস্ফোরণ কোনও আত্মঘাতী হামলা নয়। মওকা বুঝে জনবহুল রেস্তোরাঁ ও শপিং-মলে বিস্ফোরক রেখে চলে গিয়েছে জঙ্গিরা। সেখান থেকেই বিস্ফোরণ ঘটবে। কুটায় এর আগে ঘটানো বিস্ফোরণের পাণ্ডুরা একে একে সবাই ধরা পড়েছেন। বিচারে সবারই মৃত্যুদণ্ড দিয়েছে আদালত।

কিন্তু নিরাপত্তা ও বিচারব্যবস্থার এই বর্ষা অটুনির মধ্যেও ইন্দোনেশিয়ায় জঙ্গি দৌরাঙ্গা যে ক্রমেনি, তারই প্রমাণ রেখে গেল এই বিস্ফোরণ।— রয়টার্স, পি টি আই

More compensation for 1984 violence victims

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**Delhi Government decision follows directive by High Court;
Rs. 1.25 lakhs each for those injured in violence**

1379 ✓

Staff Reporter

NEW DELHI: Almost 21 years after the carnage and close on the heels of a recent Delhi High Court directive for rehabilitation of the 1984 anti-Sikh violence victims in the Capital, the Delhi Government on Monday announced enhancement of ex-gratia compensation for those injured in the violence to Rs.1.25 lakhs each. The decision will benefit a total of 2,996 people who had thus far received a compensation of only up to Rs. 2,000 each.

Announcing the decision of the Delhi Cabinet, Chief Minister Sheila Dikshit said her Government was fully alive to the woes of the victims of the 1984 violence. She said her Government was also committed to implementing the High Court

directive in its true spirit and had decided not to file any appeal against the order in view of a specific assurance given by Prime Minister Manmohan Singh in the Lok Sabha.

Stating that close to 3,000 people have been identified and they will be given Rs.1.25 lakhs each as compensation", Ms. Dikshit said these people had already received ex-gratia amounts of Rs. 500, Rs. 1,000 and Rs. 2,000 each and would hence be entitled to the balance amounts at the earliest. The decision would be notified and the amount paid in lump sum. The announcement will cost the Government a total of Rs.36.51 crores.

Ms. Dikshit said her Government had initiated several relief and rehabilitation measures to mitigate the misery of those af-

ected by the 1984 violence and over Rs.87 crores had been released under various assistance programmes. "The assistance has been in the form of death compensation, compensation for destroyed dwelling units, marriage assistance, grant of pension, compensation for uninsured commercial properties, grant of stipends to children, besides grant of employment to the victims of the 1984 riots."

The Chief Minister said she was committed to providing all possible assistance to the violence victims to enable them to regain confidence and become self-reliant. Monday's decision comes in the wake of the Delhi High Court order directing the Delhi Government to pay compensation on a petition filed by a victim of the 1984 violence, Manjit Singh Sawhney.

Godhra panel tells President to hand papers



Kalam

OUR CORRESPONDENT

Ahmedabad, Sept. 6: A panel probing the 2002 Gujarat riots has rejected the claim of privilege by the President's secretariat and asked it to hand over crucial papers.

These documents are letters that K.R. Narayanan wrote as President to his Prime Minister, Atal Bihari Vajpayee, advising him on how to tackle the violence.

Long after his term ended,

Narayanan told a magazine a few months ago that Vajpayee had ignored his letters that urged immediate measures to curb the rioting.

The Nanavati-Shah Commission of Inquiry, prodded by riot victims' counsel Mukul Sinha, had twice asked for the letters from Rashtrapati Bhavan but was told they couldn't be sent because of "privilege".

Today, the commission upheld Sinha's stand that the privilege claimed under Sec-

tion 74 (2) of the Constitution is not legally tenable, and again asked Rashtrapati Bhavan to send the letters. It said it does not feel production of the letters will endanger the country's security.

"Now the President's office cannot say no," Sinha said. "It will have to hand over the documents. Once the commission gets the letters, I will see to it that the former Prime Minister (Vajpayee) is summoned for cross-examination."

In July, Rashtrapati Bhavan had told the commission: "Having taken all facts into consideration, the President's secretariat would like to abide by its earlier stand of claiming privilege under Section 123 and 124 of Indian Evidence Act 1872 as was communicated to you on 7th June, 2005, and that there is nothing further to add to it."

In a related development, the government's counsel, J.M. Panchal, told the commis-

sion that he wanted to cross-examine four persons who were travelling in coach S-6 of the Sabarmati Express on February 27, 2002. He wanted their version of the Godhra train fire that had triggered the riots, Panchal said.

The commission asked him to check whether these passengers — Subhash Mishra, Radhaye Shyam Mishra, Rajneesh Gupta and Birpal — had appeared before the panel before or filed any affidavit.



Narayanan

V.V.
 HC-8 219

Interim relief for Gohana victims raised

Special Correspondent

CHANDIGARH: Pending the assessment of compensation to be paid for the loss of property or articles damaged in the recent disturbances in Gohana town of Sonapat district, the Haryana Government on Sunday decided to enhance the interim relief to Rs. 50,000 for each affected family.

An official spokesman said that a delegation, consisting of elders and members of the affected families, met the Chief Minister, Bhupinder Singh Hooda, in New Delhi in the morning seeking enhancement of the in-

terim relief. The Commissioner of Rohtak Division, N.C. Wadhwa, will supervise the assessment being carried out by the Committee, consisting of XEN, PWD (B and R) and Tehsildar, consti-

tuted earlier to assess the loss of properties or articles.

The Committee has been directed to complete the assessment work within three days instead of one week as stipulated earlier to speedily determine the final compensation to be paid to the affected families. It may be recalled that the PWD (B and R) has already taken up the work of repair and restoration of damaged houses for which the entire expenditure will be borne by the State Government.

According to a PTI report from Gohana, the INLD general secretary Ajay Chautala flayed the Haryana Government for

"failing" to protect the Dalits and demanded its dismissal. After visiting the Balmiki Colony and meeting some of the affected families whose houses were burnt down, he told reporters that the Hooda Government had "failed" to protect the Dalits. He demanded suitable compensation for the victims.

A delegation of Haryana Ja Mahasabha, led by its State president Kuldeep Goswal and vice-president Rambir Chaudhary visited Garhwal village to pay their condolences to the family of Baljit Singh, whose murder on August 27 reportedly triggered the Gohana incident.

Threat to change religion

HISAR: Bharatiya Valmiki Dharam Samaj leader Dev Singh Asur on Sunday said that people of his community would announce their decision to convert on September 11 at Chandigarh. Addressing media persons

here, Dr Asur said: "This is being done to express our resentment against the torching of houses of Dalits in Gohana."

The new religion to be embraced will be announced at the rally. -- UNI

Enough space for regional identities, cultures: Manmohan

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Manmohan
to-1

These are not inimical to our larger concept of nationhood, he tells NIC

Special Correspondent

NEW DELHI: Underscoring the need to address the challenges of regionalism and communalism, Prime Minister Manmohan Singh on Wednesday said there was adequate space in the polity and society for regional and sub-regional identities and cultures.

"There is a resurgence of regional and sub-regional identities in a manner which was not conceivable 60 years ago. As a pluralistic society and polity, we have adequate space for regional and sub-regional identities and cultures. These are not necessarily inimical to our larger concept of nationhood. Our Constitution gives a place of honour to all regional languages," Dr. Singh said in his inaugural address to the National Integration Council, which met here after 13 years.

Referring to Jawaharlal Nehru's remarks at the 1961 National Integration Conference, Dr. Singh said the former Prime Minister identified communalism, casteism, regionalism and lingual chauvinism as potential sources of discord. These threats remained even now though their gravity had altered or possibly declined.

Technological advances

Technological advances in communication, information technology and the media made it possible for small communities and local cultures to preserve and promote their unique identities in a manner inconceivable in the past.

"We must rejoice at the blossoming of these regional identities and lay emphasis on harmony rather than uniformity. We must, at the same time, ensure that these local identities become part of our diverse mosaic in a harmonious way rather than become the cause for divisiveness and exclusion."

Identifying the regional economic imbalance as one of the causes, the Prime Minister said that it might have remained or increased, even though all re-



ON A COMMON PLATFORM: Prime Minister Manmohan Singh being greeted by L.K. Advani and Sonia Gandhi on his arrival at the National Integration Council meeting in New Delhi on Wednesday. — PHOTO: SANDEEP SAXENA

gions were generally better off than they were 40 years ago. Some regions developed faster than others. He advised the Chief Ministers of less developed States to learn from the experience of the more devel-

oped ones and find new pathways to progress. The State Governments must invest in health, education, infrastructure and governance, and transform rural economy. "An improvement in the lives and

livelihood of the rural poor is an important element of national integration."

Turning to overt challenges in the form of communalism, extremism, separatism, insurgency and violence, Dr. Singh said

any grievance could be addressed democratically and through dialogue. Every political group, which claimed to represent the interests of any section, must demonstrate its popularity through the institutions of democracy.

Stressing the need to inculcate the spirit of liberalism in the people, Dr. Singh said the education system, the media and popular culture must reinforce India's commitment to pluralism and inclusiveness. "Equally, our legislature, our judiciary, our executive must at all times be cognisant of this need to renew our commitment to the founding principles of our Republic and the guiding principles of our Constitution."

Nehru's vision, Vajpayee's presence

Special Correspondent

NEW DELHI: It was one of the rare occasions when the current Prime Minister referred to two former Prime Ministers belonging to two different parties in his speech at the National Integration Council.

In his inaugural address,

Manmohan Singh referred to the first Prime Minister, Jawaharlal Nehru, and his contributions in conceptualising and shaping the Council as also that of the former Prime Minister, Atal Bihari Vajpayee.

"When Pandit Jawaharlal Nehru launched this Council,

he took great care to ensure that its composition reflected the grandeur of our diversity... I am delighted that today we have in our midst Mr. Atal Bihari Vajpayee, who was a participant in the very first meeting of this Council in June 1962."

সাম্প্রদায়িকতার সংজ্ঞা নিয়ে চাপানডতোর সংহতি পরিষদে

স্টাফ রিপোর্টার, নয়াদিল্লি, ৩১ অগস্ট: সাম্প্রদায়িক সম্প্রীতি বজায় রাখার লক্ষ্যে একটি বিলের খসড়া তৈরি করতে সাবকমিটি গড়ল জাতীয় সংহতি পরিষদ। তেরো বছর পরে ডাকা পরিষদের বৈঠকের নির্যাস বলতে এইটুকুই।

কেন্দ্র এই বিল সংসদে পাশ করানোর পরে রাজ্যগুলিও সেটি অনুসরণ করবে, এমনটাই আশা করা হচ্ছে। আজকের বৈঠকের গোড়াতেই স্বরাষ্ট্রমন্ত্রী শিবরাজ পাটিল বিল আনার প্রস্তাব দিয়ে বলেন, দাঙ্গার ক্ষেত্রে দ্রুত ব্যবস্থা নেওয়াও এর অন্যতম উদ্দেশ্য।

এর পাশাপাশি কোনও জায়গা থেকে অভিযোগ এলে সেখানে যাতে দ্রুত তদন্ত-দল পাঠানো যায়, তার ব্যবস্থা করার সিদ্ধান্তও নেওয়া হয়েছে আজ। তা ছাড়া নিয়মিত ব্যবধানে পরিষদের বৈঠক ডাকার কথাও ভাবা হয়েছে। কোনও কোনও মুখ্যমন্ত্রী বছরে দু'বার, কেউ বছরে একবার বৈঠকের প্রস্তাব দেন। প্রকাশ কারাট এবং নরেন্দ্র মোদী সম্পূর্ণ বিপরীত কারণে পরিষদের বৈঠকে সংবাদমাধ্যমের নিন্দা করেন। কারাট সংবাদমাধ্যমের উপর নিয়ন্ত্রণ জারির দাবিও জানান। কিন্তু বৈঠক শেষে পাটিল জানান, বিষয়টা তিনি সংবাদমাধ্যমের উপরেই ছেড়ে দিচ্ছেন।

বৈঠককে কেন্দ্র করে আজ অবশ্য দিনভর আবার 'ধর্মনিরপেক্ষতা' বনাম 'মৈকি ধর্মনিরপেক্ষতা'র লড়াই হয়ে গেছে। প্রকাশ কারাট এবং হরকিষণ সিংহ সুরজিতেরা যেমন সঙ্ঘ পরিবারকে আক্রমণ করে সরকারকে সক্রিয় হতে বললেন, নরেন্দ্র মোদী তেমনই সংহতির ব্যাখ্যায় নিয়ে এলেন অভিন্ন দেওয়ানি বিধি প্রণয়ন এবং ধর্মভিত্তিক সংখ্যালঘুদের ধারণা পরিবর্তনের প্রস্তাব।

আর এই বিতর্ক থেকে কিঞ্চিৎ সরে দাঁড়িয়ে প্রধানমন্ত্রী মনমোহন সিংহ জোর দিলেন বৈষম্য দূরীকরণ, সর্বাঙ্গিক উন্নয়ন ও গণতন্ত্রের উপর। সাম্প্রদায়িকতার বিরুদ্ধে লড়াই সম্পর্কে তাঁর মন্তব্য, লড়াইটা আরও বুদ্ধিমত্তার সঙ্গে লড়তে হবে। গণতান্ত্রিক উপায়ে মীমাংসা সম্ভব নয় এমন কোনও বিবাদ নেই, এই মন্তব্য

করে তিনি হিংস্রাশ্রয়ীদের ব্যালটের মাধ্যমে নিজেদের জনপ্রিয়তা প্রমাণ করার ডাক দেন।

হরকিষণ সিংহ সুরজিৎ অবশ্য সরকারকে লক্ষ করেই প্রশ্ন বলেন, শুধু কথার জাল বুনে কী লাভ? পরিষদের কাজ এগিয়ে নিয়ে যাওয়ার জন্য '৯২ সালে একটি কমিটি গড়ার ছিল।

সরকার শেষ পর্যন্ত এই দাবিগুলি মেনেই এগিয়েছে।

এই সব প্রশ্ন যে উঠবে তা জেনে পাটলা জবাব দিতে তৈরি হয়ে এসেছিলেন মোদী। রাজ্যের আইনশৃঙ্খলা পরিস্থিতির পক্ষে যুক্তি সাজিয়ে তিনি বলেন, তাঁর রাজ্যের নীতি হল, সকলের জন্য ন্যায়বিচার,



রাজনীতিতে উল্টোমেজর দুই বাসিন্দা। সংহতি পরিষদের বৈঠকের ফাঁকে একান্তে নরেন্দ্র মোদী ও বুদ্ধদেব ভট্টাচার্য। বুধবার।—পি টি আই

এখনও কেন তা বাস্তবায়িত হল না, এই ছিল তাঁর জিজ্ঞাসা। আর মুখ্যমন্ত্রী বুদ্ধদেব ভট্টাচার্য বলেন, কোনও দল যে ভাবে রাজনৈতিক কর্মসূচিতে ধর্মকে ব্যবহার করছে, তা ধর্মনিরপেক্ষ গণতন্ত্রে বরদাস্ত করা যায় না। শিক্ষাব্যবস্থাও যাতে ধর্মনিরপেক্ষতাকে তুলে ধরে তার জন্যও তিনি আহ্বান জানান। কারাট নিয়ে আসেন বাবরি মসজিদ ধ্বংসপর্ব থেকে গোধরা ও গুজরাত-কাণ্ড। দাঙ্গায় দোষীদের যাতে শাস্তি হয়, সে জন্য প্রস্তাবিত বিল শীঘ্র নিয়ে আসার দাবিও জানান তিনি।

কাউকেই তোষণ নয়। এ দেশে সাম্প্রদায়িকতার জন্য বিদেশি শক্তির প্ররোচনাকে যেমন তিনি দায়ী করেছেন, তেমনই জানিয়েছেন ১৭১৪ সাল থেকেই গুজরাতে দাঙ্গা হয়ে আসছে। তাঁর বক্তব্য, জাতীয় সংহতির জন্য প্রয়োজন 'নাগরিক পরিচিতি' অর্থাৎ ভাষা-ধর্ম-রাজ্যের উর্ধ্বে উঠে ভারতীয় পরিচিতি, 'বিজ্ঞানমনস্কতা' যা মানুষকে ধর্ম বা জাতপাতের মতো ক্ষুদ্রস্বার্থের উপরে উঠতে শেখায়, 'ধর্মীয় স্বাধীনতা' অর্থাৎ ধর্মের ভিত্তিতে সংখ্যালঘু-সংখ্যাগুরু বিভাজন না-করা এবং অভিন্ন দেওয়ানি বিধি প্রণয়ন।

মিথ্যা বলছেন জাহিরা, রিপোর্ট কোর্ট কমিটির

■ সুপ্রিম কোর্টের এক রিপোর্টে বেস্ট বেকারি মামলার প্রধান সাক্ষী জাহিরা শেখকে 'মিথ্যাবাদী' বলা হয়েছে। রিপোর্টে স্পষ্ট বলা হয়েছে, বডোদরার বিজেপি বিধায়ক মধু শ্রীবাস্তব জাহিরাকে টাকা দিয়ে বয়ান বদল করিয়েছেন। তবে রিপোর্টে অন্য কোনও রাজনৈতিক নেতার নাম করা হয়নি। গত নভেম্বরে মানবাধিকার কর্মী তিস্তা শেতলওয়াড়ের বিরুদ্ধে জাহিরা অভিযোগ করেছিলেন তাঁকে জোর করে মিথ্যা সাক্ষ্য দিতে বাধ্য করেছেন তিস্তা। এই রিপোর্টে জাহিরার সেই অভিযোগ সম্পূর্ণ ভিত্তিহীন বলা হয়েছে। পিটিআই জানিয়েছে, সুপ্রিম কোর্ট এখনও রিপোর্টটি গ্রহণ করেনি। রিপোর্টটির গ্রহণযোগ্যতা সম্বন্ধে জাহিরা ও তিস্তার আইনজীবীদের মত চাওয়া হয়েছে। পরবর্তী শুনানি ২৪ অক্টোবর।
(সবিস্তার পৃঃ ৫)

প্রকাশ্যে যুবক খুন

■ দিনেদুপুরে মহানগরের বৃকে পাঁচ-সাত মিনিট ধরে হামলা চালিয়ে এক যুবককে খুন করে নির্বিঘ্নে পালিয়ে গেল তিন দুষ্কৃতী। সোমবার ঘটনাটি ঘটেছে ওয়াটগঞ্জের নাজির লেনে। নিহত যুবকের নাম আক্রম হোসেন (২৮)। দুষ্কৃতীরা তাঁর গলায় ও হাতে ক্ষুর চালায়। ছেলেকে বাঁচাতে যাওয়ার আক্রমের মায়ের দু'টো হাতও ক্ষুরের আঘাতে রক্তাক্ত হয়ে যায়। আক্রম দৌড়ে পালাতে চেষ্টা করলে দুষ্কৃতীরা তাঁকে পরপর তিনটি গুলি করে। একটা ফস্কায়, একটা লাগে আক্রমের হাতে, অন্যটা মাথায়। ডি সি (বন্দর) অজয় বানাডে বলেন, "দু'দল দুষ্কৃতীর আট বছরের পুরনো শত্রুতারই জেরে এই খুন। খুনিদের ধরতে তল্লাশি শুরু হয়েছে।" (সবিস্তার কলকাতা ১)

বাণ্ডইআটিতে দম্পতি খুন

■ বাণ্ডইআটিতে সোমবার গভীর রাতে এক দম্পতিকে খুন করা হয়েছে। নিহতদের নাম নারায়ণ বিশ্বাস (৫৯) এবং নীতা বিশ্বাস (৪৭)। তাঁদের আলমারি থেকে উদ্ধাও হয়ে গিয়েছে ৩০ হাজার টাকা। অথচ সোনার গয়না একটিও সরেনি। এই খুন নিয়ে পুলিশ ধোঁয়াশায়। ঘটনার তদন্তে আসেন ডি আই জি প্রেসিডেন্সি রেঞ্জ হরমণপ্রীত সিংহ এবং জেলার পুলিশ সুপার প্রবীণ কুমার। এই খুন পারিবারিক ঘটনার জের না পুরনো শত্রুতার, নাকি নিছকই দুষ্কৃতীদের কাজ— পুলিশ তদন্ত করছে। (সবিস্তার কলকাতা ১)

মদের দোকান খুলতে মানা

■ ২০০৪ সালের ২০ জানুয়ারি রাজ্য সরকারের যে-বিজ্ঞপ্তি অনুসারে পশ্চিমবঙ্গ সরকার মদের দোকানের লাইসেন্স দিয়েছিল, সুপ্রিম কোর্ট তার উপরে স্থগিতাদেশ জারি করেছে। অর্থাৎ পরবর্তী নির্দেশ না-দেওয়া পর্যন্ত ওই সব লাইসেন্সধারী মদের দোকান খুলতে পারবেন না। সোমবার বিচারপতি ওয়াই কে সবারওয়াল এবং বিচারপতি এইচ কে সেমার ডিভিশন বেঞ্চ এই স্থগিতাদেশ জারি করে ওই সরকারি বিজ্ঞপ্তি বাতিল সংক্রান্ত জনস্বার্থের মামলাটি বিচারের জন্য গ্রহণ করেছে। ৭ সেপ্টেম্বর এই মামলার শুনানি হবে। (সবিস্তার পৃঃ ৭)

তেল ব্যারলে ৭০ ডলার

■ বিশেষজ্ঞদের পূর্বাভাস ফলে গেল। বিশ্ব বাজারে অশোধিত তেলের দাম ছাড়িয়ে গেল ব্যারলে ৭০ ডলার। আমেরিকায় হারিকেন ঝড়ের ধাক্কায় সমুদ্রে তেল উৎপাদন ও শোধনাগারে উৎপাদন বন্ধ হয়ে যাওয়াই এর মূল কারণ। এর জেরে ইউরোপ, আমেরিকা এবং এশিয়ায় শেয়ার বাজারও পড়েছে। মুম্বইয়ে সেনসেন্স নেমেছে ৪৬ অঙ্ক। (সবিস্তার পৃঃ ৩)

লোভে পড়ে মিথ্যা বিবৃতি দেন জাহিরা, দারি রিপোর্টে

স্টার্ক রিপোর্টার, নয়াদিল্লি, ২৯
অগস্ট: বেস্ট বেকারি মামলার মূল
সাক্ষী জাহিরা শেখের বিবৃতির
বিশ্বাসযোগ্যতা নিয়ে ফের প্রশ্ন উঠল।
সুপ্রিম কোর্টের এক রিপোর্টে
জাহিরাকে 'মিথ্যাবাদী' আখ্যা দিয়ে
বলা হয়েছে, তিনি "কিছু লোকের কাছ
থেকে টাকা পেয়ে বার বার বিবৃতি
বদল করেছেন।" রিপোর্টে স্পষ্ট বলা
হয়েছে, জাহিরার এই বয়ান বদলের
পিছনে বিজেপির বিধায়ক মধু
শ্রীবাস্তবের হাত ছিল।

জাহিরার বয়ান বদলের বিষয়টি
খতিয়ে দেখতে ১০ জানুয়ারি এক
কমিটি গঠন করে শীর্ষ আদালত।
রেজিস্ট্রার জেনারেল বি এম গুপ্তের
নেতৃত্বে সেই কমিটি ২৪ অগস্ট তাদের
১৫০ পাতার রিপোর্ট দাখিল করেছে।
আজ বিচারপতি অরুজিৎ পাস্যাত ও
এইচ কে সিমার এক বেঞ্চ রিপোর্টটির
মূল অংশ আদালতে পড়েন। রিপোর্টে
বলা হয়েছে, বডোদরার বিধায়ক মধু
শ্রীবাস্তব টাকা দিয়ে জাহিরার বয়ান
বদল করান। মধুকে জেরার জন্য
কমিটি তলব করেছিল। কিন্তু
অনুস্থতার অজুহাত দেখিয়ে
হাসপাতালে ভর্তি হন মধু।

জাহিরার বিবৃতিগুলির মধ্যে সব
থেকে চাঞ্চল্যকর গত নভেম্বরে
মানবাধিকার কর্মী তিস্তা শেতলবাদের
বিরুদ্ধে তাঁর অভিযোগ। জাহিরার
দাবি, তাঁকে জোর করে নির্দোষ
লোকেদের বিরুদ্ধে মিথ্যা সাক্ষ্য দিতে
বাধ্য করেছেন তিস্তা। সংখ্যালঘু
কমিশনের কাছে এ বিষয়ে জাহিরা
এক লিখিত বিবৃতিও দেন। বি এম
গুপ্তের রিপোর্টে বলা হয়েছে, তিস্তার
বিরুদ্ধে জাহিরার অভিযোগ সম্পূর্ণ
ভিত্তিহীন। আজ তিস্তা বলেন, "অনেক
নিশ্চিত লাগছে। প্রায় ৬০% ক্ষেত্রেই
সাক্ষীরা বয়ান পাল্টায়। মানবাধিকার
কর্মী হিসাবে এই সাক্ষীদের উপযুক্ত
নিরাপত্তা দাবি করছি।"

এ দিকে, আদালত কমিটির
রিপোর্ট সম্বন্ধে মধু শ্রীবাস্তবের দাবি,
তিস্তা ষড়যন্ত্র করে তাঁকে ফাসানোর
চেষ্টা করছেন। বি এম গুপ্তকে মধু
জানিয়ে দিয়েছেন, এই রিপোর্টের
উপর তাঁর কোনও আস্থা নেই।

আদালতের বিশেষ উপদেষ্টা হরিশ
সালভে আশঙ্কা প্রকাশ করেন,
রিপোর্টটি জনসমক্ষে পেশ করা হলে
বেস্ট বেকারি মামলায় সেটি ব্যবহার
করা হবে। ফলে মামলা আরও পিছতে
পারে। বিচারপতির জানান, আদালত
রিপোর্টটি এখনও গ্রহণ করেনি।
রিপোর্টটির গ্রহণযোগ্যতা সম্বন্ধে
জাহিরা ও তিস্তার আইনজীবীদের
মতামত জানতে চাওয়া হয়েছে।
পরের শুনানির দিন ধার্য করা হয়েছে
২৪ অক্টোবর।

30 AUG 2008

ANADABAZAR PAPER

Board loads gun on 'parallel' dispute

Gr 6
26/8
POORNIMA JOSHI

New Delhi, Aug. 25: The All India Muslim Personal Law Board is set to contest the charge, made by a public interest litigation filed in the Supreme Court, that it is operating a "parallel judicial system" to implement the Shariat.

Board members are furious with law minister Hans Raj Bhardwaj for echoing the accusation at a news conference.

The board's legal experts will meet on August 27 to decide on a response. Their main line of argument before the Supreme Court will be that Shariat courts (dar-ul-qaza) do not form a parallel judicial system for they are a "totally voluntary" set-up formed in accordance with the Constitution.

On August 16, the apex court had taken note of the PIL, which alleged that a "parallel Muslim judicial system" had struck root in the country. The court had issued notices to the Centre, the Dar-ul-Uloom (seminary) of Deoband, the personal law board and several states where Shariat courts apparently exist.

A practising apex court advocate had filed the PIL, seeking to restrain these courts from adjudicating in civil and criminal disputes involving Muslims on the ground that a "religious judiciary" could not perform a "sovereign function" in a democracy.

The law minister had later said: "The Constitution recognises only one judiciary headed by the Chief Justice of India and nothing else.

The Constitution does not recognise any of these Islamic courts. There is no question of allowing any parallel judicial system."

Zafaryab Jilani, a Lucknow-based lawyer and a member of the board's legal cell, today hit out at the minister. "A suggestion has been made... (that) we don't follow the Constitution," he said.

"The functioning of the dar-ul-qaza is complementary to the existing legal framework. It is an alternative disputes redress system just like the *bijli* adalat, the lok adalat, the family courts, etc. We are lessening the burden of the courts by letting people amicably settle their squabbles.

"One can understand somebody ignorant of such a practice bothering the Supreme Court. But a person of the law minister's standing should not display such ignorance. What does this statement mean — that the Muslims exist outside the Indian Constitution? It is a dangerous allegation."

Others share Jilani's concern. "It's a fantastic notion that the Shariat courts function as a parallel judicial system," said board member and legal expert Syed Shahabuddin.

"It's a voluntary set-up. People go there voluntarily and they are free to reject the decisions of these (Shariat) courts. Their decisions are not binding. The first question that is asked when anyone approaches these courts is, 'have you approached any other court?' No dar-ul-qaza has ever asked for recognition. I don't understand what the fuss is all about."

THE TELEGRAPH

BJP CRACKS DOWN ON DISSIDENCE

Khurana suspended

21/8 5:51 J. Minikin

Statesman News Service

NEW DELHI, Aug. 20. — A turmoil within the BJP today boiled over into a crisis as the party leadership suspended veteran leader Mr Madan Lal Khurana on the grounds of "gross indiscipline".

The BJP cracked down on the disgruntled Delhi strongman following his repeated onslaughts against party chief Mr LK Advani.

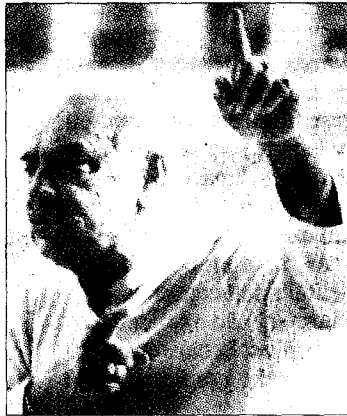
The immediate provocation for the disciplinary action came a day after Mr Khurana shot off a letter to Mr Advani, demanding the removal of Gujarat chief minister Mr Narendra Modi to "remove the taint" of the post-Godhra riots on the BJP. Mr Khurana cited Dr Manmohan Singh's apology to the nation for the 1984 anti-Sikh riots to press for a similar course of action in Gujarat.

The real reason behind the move against Mr Khurana, however, clearly seems to be his open defiance of Mr Advani's leadership in recent weeks. Upping the ante repeatedly, the 69-year-old former Delhi chief minister publicly demanded Mr Advani's resignation for his controversial statements in Pakistan, besides saying that he could not work under Mr Advani's leadership.

Reacting to his suspension, a defiant Mr Khurana said he was ready to face any action.

Announcing the BJP's decision, the party spokesperson, Mrs Sushma Swaraj, said Mr Khurana had been repeatedly indulging in "anti-party activities" and now he had crossed all limits.

Following his latest missive to Mr Advani, senior BJP leaders discussed the matter among themselves and then got in touch



Mr Khurana: Punished for 'gross indiscipline'.

with the party president, who cleared Mr Khurana's suspension. Later in the day, Mr Advani reached Ahmedabad where a slew of dissident leaders is pressing for Mr Modi's exit.

The BJP has issued a show-cause notice to Mr Khurana asking him to reply within 15 days. Mr Khurana has been relieved of all his organisational responsibilities with immediate effect. "Further action will be taken on the basis of his reply," Mrs Swaraj said.

On Gujarat, Mrs Swaraj said the dissidents' campaign against Mr Modi in the Capital this week could not be called anti-party activity because everyone had the right to meet leaders and discuss issues.

Advani backs Modi

In a blow to the dissidents in Gujarat clamouring for Mr Modi's ouster, Mr Advani today praised the functioning of the state government and lauded its honesty, PTI adds from Ahmedabad. "As per my knowledge, the Modi government is functioning very well and it's a good example of sound governance and honesty," the BJP chief said.

21 AUG 2002

THE STATESMAN

Surjeet hints at Mamata hand in anti-Sikh riots



Rubbish, says Didi; to sue CPM leader

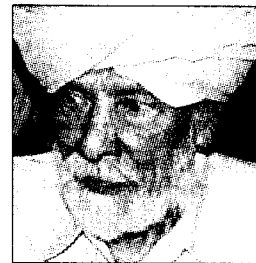
HT Correspondents
Kolkata/New Delhi, August 19

EVEN AS the anti-Sikh riots of 1984 are making waves in the country and have claimed at least one victim — Jagdish Tytler — an article written by veteran CPI(M) leader Harkishen Singh Surjeet in the forthcoming issue of *People's Democracy*, the party organ, has sucked Trinamool chief Mamata Banerjee into the controversy.

Recalling his experiences of the riots, Surjeet has said that "a so-called firebrand lady of Bengal" was among those "who organised the mayhem in West Bengal". Though the former CPI(M) general secretary did not name the "lady", the hint was too clear to be missed: it had to be Mamata Banerjee, who was then a Youth Congress functionary and fast shaping up as Bengal's Joan of Arc.

Mamata Banerjee and the Trinamool Congress promptly swung into action. Didi called a press conference at her Kalighat residence to rubbish the theory. "On the day Indira Gandhi was assassinated, I was with Rajiv Gandhi and Pranab Mukherjee at Contai in Midnapore. After we received the news from Delhi, we saw off Rajiv at Kalaikunda, and then returned to Kolkata. How can Surjeet make such an allegation?" she said.

Mamata did not stop at that. She called party senior Ajit Panja, an eminent lawyer himself, and asked him to draft a legal notice that would be served on Surjeet. Later, Panja told *Hindustan Times*, "First, we will serve legal notices on Surjeet and the printer and publisher of *People's Democracy*. We will claim damages and an uncon-



I contacted the (then) deputy CM of West Bengal Benoy Krishna Chowdhury who had given cops instructions to deal firmly with rioters because some political bigwigs, including the firebrand lady of Bengal, were trying to spread mayhem in the state — H.S. Surjeet

ditional apology from the writer and the publisher. Mamata will also file a criminal case against Surjeet under Section 500 of the IPC (defamation)".

But why would Surjeet cast such aspersions on Mamata after two decades of the incident? Mamata has a ready answer. "This has been done keeping the Assembly elections in Bengal, which are less than a year away, in mind. The CPI(M) is scared of me and they want to finish me off politically. But everyone knows that I am a secular leader," she said.

What has taken political circles in the city by surprise is that the CPI(M) had never raised the issue even when Mamata was the strongest politically. Didi contested the parliamentary polls that followed the assassination of Indira Gandhi in 1984 and had defeated CPI(M) veteran Somnath Chatterjee in South Kolkata, but the Marxists had said nothing of the sort then.

Even Pranab Mukherjee, who was then one of Mamata's mentors and now her rival in politics, came to Didi's defence. "She was nowhere on the political scene in 1984. So how could Mamata provoke the riots?" he said.

The CPI(M), too, is guarded in its response. State party secretary Anil Biswas said, "During the riots in the city, the Left parties ensured the security of the Sikh community. Mamata Banerjee was with the Congress, but her party took no initiative to protect Sikhs. But we would rather blame the party and not any individual." And Jyoti Basu, who was chief minister in 1984, told *HT*: "There was no information about Mamata inciting violence." See also *Kolkata Live*

Apex court turns down Zahira's plea

New Delhi

17 AUGUST

TO avoid any delay in submission of the report by a high-level Committee — inquiring into the alternates of Best Bakery case key witness Zahira Sheikh — the Supreme Court on Wednesday, turned down her plea seeking time for a week to submit her written submissions to the probe panel.

A Bench comprising of Justice Arijit Pasayat and Justice HK Sema, which had ordered the in-



quiry headed by Supreme Court registrar general BM Gupta, on Wednesday, refused to entertain the plea of Zahira's counsel DK Garg in this regard. The Committee, which was to submit its report on August 18, was allowed to do so by August 24 and the Court fixed August 29 for deliberations on the report.

Mr Garg alleged that the report of the Committee was already finalised, even without Zahira being given an opportunity to submit her written statements.

When the Court asked as to how did he know that the report has been finalised, the counsel said: "The registrar general himself told me about it."

The Court had appointed the Committee to find out the veracity of Zahira's accusation that social activist Teesta Setalvad had forced her to sign statements implicating the accused in the case.

The Committee, assisted by joint commissioner of police Kanwaljit Singh Deol, had also probed into the bank accounts of Zahira and her relatives, in the wake of Tehelka sting operation about a BJP MLA bribing her to turn hostile in the trial court.

—PTI

18 AUG 2005

The Economic Times

Dara challenges conviction in Staines murder case

NEW DELHI, Aug. 16. — Dara Singh, who was sentenced to life, for the murder of Australian missionary Graham Staines, and his two minor sons, today challenged his conviction in the Supreme Court.

Dara, whose death penalty was commuted into life imprisonment by Orissa High Court, contended that his conviction was merely upheld on the basis of presumption of his presence at the site of incident, as the mob was shouting slogans in his name. "The conviction of Dara is solely on the basis of mere presumption, which is contrary to the principles of criminal justice and devoid of law," the petition filed by his counsel Mr Siboo Sankar Mishra said.

The High Court on 19 May had set aside Rabindra Pal Singh alias

Dara Singh's death sentence for the murder of Staines and his two minor sons — Philip (10) and Timothy (6) — but had upheld life imprisonment on him for being part of an unlawful assembly that burnt them alive.

Along with Dara, another person Mahendra Hembram was sentenced to life as he had confessed his guilt in the court.

However, the High Court had acquitted 11 others who were awarded life terms by the trial court in the case that had sparked worldwide outrage in 1999.

The High Court had held that there was absolutely no evidence on record that due to individual act of Dara Singh alone, the three persons or any of them died and had quashed the capital punishment to him.

The trial court had convicted 13 accused including Dara Singh under section 302 (murder) read with 149 (every member of an unlawful assembly guilty of crime) of Indian Penal Code and had awarded life imprisonment to them.

While setting aside the death sentence on the separate charge of murder to Dara, the High Court had said that no particular fatal injury to any of the deceased had been attributed to him and therefore he could not be held individually liable for the offence.

Staines, who ran a leprosy home at Baripada, and his two minor sons Philip and Timothy were charred to death when a mob set ablaze the station wagon on the night of 22 January, 1999 at Manoharpur in Keonjhar district. — PTI

17 AUG 2000

THE STATESMAN

TUESDAY, AUGUST 16, 2005

The politics of apology and 1984

Manmohan Singh

There can be no denying the sincerity of sentiment but Prime Minister Manmohan Singh's apology for the November 1984 massacre of Sikhs will be accepted by the victims — and by the country at large — only when he delivers on his promise of justice. Dr. Singh was apologising on behalf of his party and Government for a crime that has gone unpunished despite the passage of 21 years. To those long years, the Prime Minister gratuitously added six months of his own. This was the time his Government took to produce an 'Action Taken Report' on the Nanavati Commission's findings, a document that was evasive and wholly inadequate. In societies that have suffered the trauma of mass violence — of political killings, genocide and human rights violations on a colossal scale — apologies are seldom considered a substitute for a fair and expeditious judicial process. Indeed, often, apologies are intended to cover up the political or moral legacy of an underlying criminality and are, therefore, doubly insincere. The U.S. Government's apology for the internment of Japanese-Americans during World War II, for example, rings hollow in the light of Guantanamo and Abu Ghraib. Similarly, Japanese apologies for wartime atrocities attract cynicism across much of Asia because history textbooks in Japan underplay them and Japanese leaders routinely visit memorials such as the Yasukuni shrine where war criminals are interred.

In general terms, apologies allow societies to put a closure over an event only if some modicum of justice has been delivered. South Africa's process of truth and reconciliation is perhaps unique in this respect, but the individual victims of racist terror had, at least, the elimination of apartheid to console them. Even there, however, a large number of victims felt a profound sense of disquiet at the fact that the perpetrators of vicious crimes were able to walk away at the very moment that their guilt was being established through confession. More often than not, truth commissions are the product of an incomplete transition from dictatorship to democracy — where issues of legal accountability are temporarily set aside as a compromise only to be taken up when the democratic forces are strong enough to assert themselves. The best example of this is Chile. Twenty years after the Rettig Commission established the extent of the crimes committed during the Pinochet era, the country has finally managed to put the former dictator and his henchmen in the dock. The two committees of Secretaries that the Government of India has announced represent a welcome first step to address the issues of rehabilitation. Going beyond these issues, the politicians, policemen, and bureaucrats guilty of crimes of commission and omission must be called to render account in an open court. Only after the courts have handed down their verdict and the state has put in place the necessary institutional and legal correctives, will the apology from the Prime Minister allow the victims — and India — to move on. Until then, public apologies, for all their emotional import, are devoid of true meaning.

THE HINDU

Panels for '84 riot relief

CBI may conduct probe

PRESS Trust of India
New Delhi, August 13

THE GOVERNMENT on Saturday formed two committees to implement assurances given by it in Parliament with regard to payment of compensation and other kinds of relief to victims of the 1984 anti-Sikh riots.

While one committee will go into the adequacy and uniformity of compensation given to the surviving family members of those killed in the riots, the other will deal with the issue of providing additional livelihood support and employment, home secretary V.K. Duggal told reporters here.

The first committee will be headed by K.P. Singh, special secretary in the home ministry, and will comprise secretaries in charge of relief in Delhi, Uttar Pradesh, Madhya Pradesh, Haryana, Bihar, Himachal Pradesh, Orissa, Maharashtra, Uttaranchal, Jharkhand and Chhattisgarh and representatives of the finance ministry.

Duggal said the terms of reference of this committee include examination of adequacy and uniformity of compensation given to next of kin of those killed, additional compensation to be given to bring about uniformity and possible enhancement.

The committee, which has been asked to complete its task in two months, would also oversee implementation of payment of additional compensation, the home secretary said. The second committee will be headed by D.K. Shankaran, secretary, border management in the home ministry. It will comprise home secretaries of the states where Sikhs were killed as well as Punjab where several victims have been rehabilitated, representatives of the finance ministry and joint secretary in charge of police in the home ministry.

"Action will be on the basis of the adverse inference drawn against politicians by the commission, the Action Taken Report (ATR) of the government and assurances given by the Prime Minister and the home minister in Parliament," Duggal told reporters.

The commission has drawn "adverse inference" against some Congress leaders including Jagdish Tytler, who resigned as a Union minister on Thursday, MP Sajjan Kumar and Dharamdass Shastri. Asked which agency will conduct the probe, Duggal said it could be the CBI or the riot cell of Delhi police.

No comparison: George

NDA convener George Fernandes on Saturday said the post-Godhra violence in Gujarat and the 1984 anti-Sikh riots were not comparable. The Gujarat "reaction" was a spontaneous outburst following the Godhra train carnage, he told reporters in Ludhiana. He said that, in Gujarat, the army was deployed as soon as the state government asked for it, while this did not happen during the Delhi riots. Also, Gujarat chief minister Narendra Modi was not involved in the violent incidents, he said. He alleged that several Congressmen were directly involved in the '84 riots.

NANAVATI REPORT FALLOUT



Cong leaders' security

CONGRESS LEADERS Jagdish Tytler, Sajjan Kumar and some police officers named in the Nanavati Commission report will be provided "full security", V.K. Duggal said.

Agencies, New Delhi

Sikhs demand 'truth panel'

WELCOMING PRIME Minister Manmohan Singh's apology in Parliament, various Sikh bodies on Saturday urged the government to set up a "Truth Commission" to bring out the "facts" relating to the 1984 riots and 'Operation Blue Star'.

A joint convention called by the Delhi Sikh Gurdwara Management Committee (DSGMC) and Shiromani Akali Dal, Delhi, passed eight resolutions demanding establishment of a "Truth Commission" on the lines of the one set up by Nelson Mandela in South Africa. "This is the first time since 1947 that any Congress Prime Minister has shown sincerity and extended a helping hand. This offer should be evaluated sympathetically", the resolution said, noting that, if found effective, it should be welcomed.

Agencies, New Delhi

1 AUG 13

AUG 13

THE HINDUSTAN TIMES

'84 riots panel indicted will face action: govt

Handwritten: N. V. M. 1/18

New Delhi: The Centre on Saturday said it would take action against politicians who have been adversely commented upon by the Nanavati commission which probed the 1984 anti-Sikh violence in the capital.

"Action will be on the basis of the adverse inference drawn against politicians by the commission, the action taken report of the government and assurances given by the Prime Minister and the home minister in parliament," home secretary V K Duggal said. The commission has drawn "adverse inference" against some Congress leaders, including Jagdish Tytler, who resigned as a Union minister on Thursday, Sajjan Kumar and Dharamdass Shastri. Asked how soon action would be initiated, Duggal said, "Very soon. The law ministry will be consulted first."

To a question on who would conduct the probe, the home secretary

said it could be the CBI or the riot cell of the Delhi police which had previously undertaken prosecution in 1984 riot cases.

Asked about the possibility of legal action being initiated against police officers, including then Delhi police chief S C Tandon, Duggal said the Centre was examining the guidelines of the department of personnel of training since prosecution against retired government servants could not be initiated after a gap of four years.

"We are having a relook at all those cases in which the Nanavati commission has made adverse comments against police personnel. Action, if any, will be taken after consultations with the law ministry," he said.

Meanwhile, the Centre has stepped up security for Tytler, Sajjan Kumar and several other party leaders and some police officers pulled up by the probe panel. Agencies



Jagdish Tytler

1 AUG 1985 THE TIMES OF INDIA

বিলম্বিত, কিন্তু ঠিক

নানাবতী কমিশনের তদন্ত রিপোর্টকে বাজে কাগজের বুদ্ধিতে ফেলিয়া না দিলেও তাহার ভিত্তিতে তৈয়ার করা সরকারের 'ব্যবস্থাগ্রহণ রিপোর্ট'টির সেই দশাই করিলেন প্রধানমন্ত্রী মনমোহন সিংহ। মাত্র দুই দিন আগেই তাঁহার স্বরাষ্ট্র মন্ত্রী সংসদে দাঁড়াইয়া কৈফিয়ৎ দিয়াছিলেন, তদন্ত কমিশন যেহেতু কোনও রাজনীতিককে স্পষ্টভাবে দোষী সাব্যস্ত করে নাই, কেবল 'সম্ভাব্য অপরাধ'-এর 'বিশ্বাসযোগ্য প্রমাণ'-এর কথা বলিয়াছে, তাই তাহার ভিত্তিতে সরকার কোনও ব্যবস্থা গ্রহণে অপারগ। প্রধানমন্ত্রী তাহার সম্পূর্ণ বিপরীত মেরুতে দাঁড়াইয়া রাজনীতিক-আমলা-নির্বিশেষে অভিযুক্তদের সকলের বিরুদ্ধে আইনানুগ ব্যবস্থা এবং দাঙ্গার শিকারদের পর্যাপ্ত পুনর্বাসনের আশ্বাস দিলেন। এই প্রতিশ্রুতি তাঁহার আগেই দেওয়া উচিত ছিল। বস্তুত সরকারের ব্যবস্থাগ্রহণ রিপোর্টটিতেই ইহা অন্তর্ভুক্ত হইতে পারিত। তাহা না হওয়ায় সরকারকেই বিব্রত হইতে হইল। নিজের স্বরাষ্ট্র মন্ত্রীর বক্তব্য ও অবস্থানকে খণ্ডন করিয়া প্রধানমন্ত্রীকে উল্টা গাহিতে হওয়ায় সরকারের মর্যাদা ও বিশ্বাসযোগ্যতাতেই চিড় ধরিল। সেই সঙ্গে ইহাও প্রমাণ হইল যে, শরিকদের চাপের কাছে নতি স্বীকার করিয়াই মনমোহন সিংহের কোয়ালিশন সরকারের এই পদক্ষেপ।

বাহিরের চাপ তো ছিলই। বিজেপি-সহ গোটা বিরোধী পক্ষ সংসদের দুই কক্ষেই প্রবল প্রতিবাদ জানাইয়াছিল। লোকসভায় মূলতুবি প্রস্তাবও আনা হয়। কিন্তু এ ধরনের হই-চই সংসদে বিরোধীরা আগেও করিয়াছেন। এ বার তাহার সহিত যুক্ত হয় সরকারের সমর্থক বামপন্থীদের চাপ, যাহা মূলতুবি প্রস্তাবের পক্ষে ভোট দিয়া সরকারকে বিব্রত করার ছমকি পর্যন্ত প্রসারিত হয়। এই চাপের মুখেই জগদীশ টাইটলারকে মন্ত্রিসভা হইতে ইস্তফা দিতে বাধ্য করা হয়। এতটা বামপন্থীরাও দাবি করেন নাই, সম্ভবত বিরোধী পক্ষও আশা করে নাই। তাই অভিযুক্তদের বিরুদ্ধে ব্যবস্থাগ্রহণের আশ্বাস এবং টাইটলারের পদত্যাগ বিরোধীদের কিছুটা নিরস্ত্র করিয়া দেয়। তাঁহারা সংসদ অচল করিয়া দিবার মতো আবার একটি বিষয় পাইয়া যে উত্তেজনা উপভোগ করিতেছিলেন, তাহা অতঃপর কতক নিস্প্রভ হইয়া যায়। প্রধানমন্ত্রী কেবল টাইটলার, সজ্জন কুমার কিংবা ধর্মদাস শাস্ত্রীর মতো রাজনীতিকের বিরুদ্ধে তদন্ত ও মামলার আশ্বাসই দেন নাই, অবসরপ্রাপ্ত অভিযুক্ত আমলাদের বিরুদ্ধেও ব্যবস্থা লওয়ার প্রতিশ্রুতি দিয়াছেন। এ জন্য প্রয়োজনে আইন সংশোধনের কথাও বলিয়াছেন। ইহাই ন্যায়বিচারের দাবি ছিল। নানাবতী কমিশনের রিপোর্টে অভিযুক্তদের সম্পর্কে যে ধোঁয়াশা ও বিভ্রান্তি রাখিয়া দেওয়া হয়, তাহার সুযোগ লইয়া সরকার ব্যবস্থা গ্রহণ রিপোর্টে হাত গুটাইয়া লয়, প্রধানমন্ত্রী এতদ্বারা তাহারও প্রায়শ্চিত্ত করিলেন।

একই সঙ্গে দাঙ্গাপীড়িতদের মর্যাদাপূর্ণ জীবন যাপনের ব্যবস্থা এবং ক্ষতিগ্রস্তদের আর্থিক ক্ষতিপূরণ তথা কর্মসংস্থানের আশ্বাস দিয়াও প্রধানমন্ত্রী সঙ্গত কাজ করিয়াছেন। প্রশ্ন হইল, এই আশ্বাস পূরণ হইবে কবে? দুই দশকেরও বেশি কাল ধরিয়া দাঙ্গাপীড়িতদের বৃহৎশ উদ্বাস্ত শিবিরে গ্লানি ও অপমানের জীবন যাপন করিয়া আসিতেছেন। তাঁহাদের সম্মান পুনর্বাসনের দায় প্রশাসনেরই। নাগরিকদের জীবন ও সম্পত্তির নিরাপত্তা সুনিশ্চিত করার দায় গণতন্ত্রে রাষ্ট্রেরই। দুই দশক ধরিয়া রাষ্ট্র সে দায় এড়াইয়াছে। মনমোহন সিংহ কি তাঁহার প্রশাসনকে সচল করিতে পারিবেন? তাঁহার সদিচ্ছা লইয়া কাহারও সংশয় নাই। কিন্তু এ সব কাজ তো ব্যক্তির সদিচ্ছার উপর নির্ভরশীল নয়। এই প্রসঙ্গে বিজেপি নেত্রী সুষমা স্বরাজের একটি বিবৃতি প্রসঙ্গত আলোচনার যোগ্য। তিনি শিখ সম্প্রদায়ের সহিত কংগ্রেস নেতাদের আচরণের প্রতিবাদে 'শিখ প্রধানমন্ত্রী'র পদত্যাগ দাবি করিয়াছেন। মনমোহন সিংহের পরিচয় কি এই যে, তিনি একজন শিখ? বিজেপির কাছে হয়তো মানুষের একমাত্র পরিচয় তাহার ধর্মীয় আনুগত্য বা সম্প্রদায়গত বন্ধন। কিন্তু জওহরলাল নেহরুকে হিন্দু প্রধানমন্ত্রী বলা যতটা হাস্যকর, মনমোহন সিংহকে শিখ প্রধানমন্ত্রী রূপে গণ্য করাও ততটাই। সুষমা স্বরাজের নেতা অটলবিহারী বাজপেয়ীও কি সেই অর্থে হিন্দু প্রধানমন্ত্রী ছিলেন? মনমোহন সিংহ বিলম্বে হইলেও শিখ-বিরোধী দাঙ্গা লইয়া সঠিক পদক্ষেপ করিয়াছেন। এবং সংসদে তাঁহার বিবৃতিতে গুজরাত দাঙ্গার সহিত দিল্লির দাঙ্গাকে সমান দুর্ভাগ্যজনক আখ্যা দিয়া তিনি বুঝাইয়া দিয়াছেন, কাচের ঘরে বাস করিয়া অপরকে লক্ষ করিয়া টিল ছোড়ার মূর্থতা।

প্রশাসনিক পদ থেকে ইস্তফা সজ্জনেরও

দাঙ্গা নিয়ে রাজনীতি হচ্ছে, ক্ষমা চেয়েও তোপ প্রধানমন্ত্রীর

স্টাফ রিপোর্টার, নয়াদিল্লি, ১১ অগস্ট: 'অপারেশন টাইটলার'-এর সফল সমাপ্তির পরে অনেক বেশি আত্মবিশ্বাসী এবং আক্রমণাত্মক প্রধানমন্ত্রী মনমোহন সিংহ আজ সংসদে দ্ব্যর্থহীন ভাষায় বিরোধীদের জানিয়ে দিলেন, "শিখদের মতো সাহসী সম্প্রদায়কে নিয়ে দোহাই রাজনীতি করবেন না।" একই সঙ্গে ইন্দিরা গান্ধীর মৃত্যুর পরে শিখ-বিরোধী দাঙ্গার জন্য আজ গোটা দেশের কাছে ক্ষমাও চেয়েছেন তিনি।

কিন্তু প্রধানমন্ত্রী এ দিন যে মেজাজে কথা বলেছেন তাতেই স্পষ্ট যে, নানাবতী কমিশনের রিপোর্ট নিয়ে সরকারের যেটুকু অস্বস্তি ছিল তা কেটে গিয়েছে। দলের ভিতরে-বাইরে যাবতীয় বিরোধিতাকে থামিয়ে দেওয়ার সূত্রও পেয়ে গিয়েছে তারা। পাশাপাশি মনমোহনের প্রশাসনিক সিদ্ধান্ত এবং কংগ্রেস নেত্রী সনিয়া গান্ধীর রাজনীতির মেলবন্ধন জোরদার করেছে ইউপিএ-র ঐক্যকেও। তবে এই ঐক্য খুব সহজে আসেনি। গত পরশু কংগ্রেসের কোর কমিটির বৈঠকের পরে প্রায় চব্বিশ ঘণ্টার রাজনৈতিক দোলাচল পেরিয়ে তবেই একমত হতে পেরেছে দশ জনপথ এবং সাত রেসকোর্স রোড।

কাল গোটা দিন দফায় দফায় বৈঠক চলেছে কংগ্রেসের অন্তরমহলে, কংগ্রেস এবং বাম নেতাদের মধ্যে। বামেরা নানাবতী নিয়ে চার দফা দাবি রাখলেও টাইটলারকে সরাসরে বলেনি। যদিও কংগ্রেসের শীর্ষ নেতৃত্ব তার আগেই স্থির করে ফেলেছিলেন যে, এই কাণ্ড থেকে নিজেদের হাত ধুয়ে ফেলতে টাইটলারকে সরানো হবে। কিন্তু কখন, কী ভাবে, তা নিয়ে সমাধানসূত্রে পৌঁছানো যাক্ষিল না।

দলের একটি বড় অংশের মত ছিল, ২৬ তারিখ সংসদের চলতি অধিবেশন শেষ হওয়ার পরে মন্ত্রিসভার রদবদলের মাধ্যমে টাইটলারকে সরানো হোক। কিন্তু টাইটলার নিজেই জানান, তা হলে তাঁর ভাবমূর্তি

একেবারে শেষ হয়ে যাবে। গোড়ার দিকে টাইটলার গোঁ ধরেছিলেন, তাঁকে প্রধানমন্ত্রীই মন্ত্রিসভা থেকে বরখাস্ত করুন। পরে নিজেই ঠিক করেন, নিজে থেকে ইস্তফা দেওয়াটা তাঁর ও দলের পক্ষে সম্মানজনক হবে। মনমোহনও সেটাই চাইছিলেন। কাল দুপুরে প্রধানমন্ত্রী লোকসভায় বক্তৃতা দেওয়ার

পরে আবার বৈঠকে বসে দল। সেখানেই সনিয়া এবং মনমোহন একমত্রে আসেন। দলের একটা অংশের আপত্তি সত্ত্বেও স্থির হয়, টাইটলার নিজেই পদত্যাগ করবেন।

রাতে টাইটলারের ইস্তফায় অস্ত্র হারানো বিরোধী শিবির নানাবতী রিপোর্টকে ঘিরে রাজনীতি জিইয়ে

রাখতে আজ কমল নাথেরও ইস্তফার দাবি তুলেছে। বলেছে, শাস্তিমূলক ব্যবস্থা নিতে হবে সজ্জনকুমার এবং টাইটলারের বিরুদ্ধে। নাম কা ওয়াস্তে বিরোধিতায় সরব বামেরাও।

তবে বিরোধীদের আক্রমণের যে আর ঝাঁঝ নেই, তা বোঝা গেল রাজ্যসভায় নানাবতী-বিতর্কের সময়ে। মাঝে সূফমা-যশবন্ত-আলুওয়ালিয়া চেষ্টামেচি করার চেষ্টা করেছেন বটে, কিন্তু সে সবই নিয়মরক্ষার খাতিরে। এ দিন অন্য অভিযুক্ত সজ্জনকুমার দিল্লি গ্রামীণ উন্নয়ন বোর্ডের চেয়ারম্যানের পদ থেকে ইস্তফা দিয়ে তাঁদের আরও হতাশ করেছেন। কাল লোকসভায় মনমোহন যা বলেছিলেন, আজ রাজ্যসভায় তাঁর বক্তৃতা ছিল মোটের উপর তারই প্রতিধ্বনি। কিন্তু মেজাজ ছিল পুরোপুরি আলাদা। যেমন, গত দু'দিন ধরে গলা ফাটানো অকালিদের বিরুদ্ধে আজ ঝড়োহস্ত ছিলেন তিনি। বলেছেন "আমি নস্বর বাড়তে চাইছি না। কিন্তু আমি বিশ্বাস করি পঞ্জাবকে সাংস্রদায়িকতার ভিত্তিতে ভাগ করতে সর্বক্ষণ ব্যস্ত থেকেছেন অকালিরা। '৬৭ সালে ওঁরা প্রথম সরকারে এলেন। তার পর কী ফল হল তা আমি আর বলতে চাই না।" তাঁর কথায়, "আমি সব সম্প্রদায়ের কাছে আবেদন করতে চাই, এমন ভাষা ব্যবহার করবেন না যা আমাদের দেশের ঐক্য ও সংহতির পক্ষে ক্ষতিকারক। এই প্রবণতাকে প্রশ্রয় দেবেন না।"

পাশাপাশি '৮৪-র দাঙ্গার জন্য ক্ষমা চেয়ে প্রধানমন্ত্রী বলেছেন, "ক্ষমা প্রার্থনা করতে আমার কোনও দ্বিধা নেই। শুধু শিখ সম্প্রদায় নয়, গোটা দেশের কাছেই ক্ষমা চাইছি আমি। কেননা '৮৪ সালে যা ঘটেছিল তা সংবিধান বর্ণিত জাতিসত্তার পরিপন্থী। আমার মিথ্যা গর্ববোধ নেই। সরকার ও দেশের তরফে আমি বলছি, এমন ঘটনা ঘটায় লজ্জায় আমাদের মাথা নিচু হয়ে গিয়েছে।" এর পরেই বিরোধীদের বিরুদ্ধে বিষয়টি নিয়ে রাজনীতি করার অভিযোগ আনেন মনমোহন।

শিখ-দাঙ্গার তদন্তভার পেতে পারে সিবিআই

স্টাফ রিপোর্টার, নয়াদিল্লি, ১১ অগস্ট: দীর্ঘ ২১ বছর পরে শেষ পর্যন্ত শিখ নিধন কাণ্ডের তদন্তে জড়াতে পারে সিবিআই। '৮৪ সালের সেই দাঙ্গায় জগদীশ টাইটলার, সজ্জন কুমারদের যোগ কতটা, তাই তদন্ত করে দেখতে এ বারে দায়িত্ব দেওয়া হতে পারে পারে কেন্দ্রীয় গোয়েন্দা সংস্থাকে। আজ প্রধানমন্ত্রীর সচিবালয় সূত্রে এই কথা জানানো হয়েছে।

বস্তুত, কালই প্রধানমন্ত্রী মনমোহন সিংহ আশ্বাস দিয়েছিলেন, যাদের বিরুদ্ধে তদন্ত হওয়া উচিত বলে নানাবতীর রিপোর্টে উল্লেখ রয়েছে, তাদের ভূমিকা খতিয়ে দেখতেই পুনরায় তদন্ত হবে। প্রধানমন্ত্রীর সচিবালয়ের এক কর্তা জানান, সিবিআই-কে তদন্তের ভার দেওয়ার কয়েকটি স্পষ্ট মুক্তি রয়েছে। প্রথমত, '৮৪ সালে শিখ দাঙ্গার ঘটনা খতিয়ে দেখতে কমিশন গঠন করা হয়েছিল প্রাক্তন বিচারপতি নানাবতীর নেতৃত্বে। এই কমিশনের রিপোর্টকে যথাযথ মর্যাদা দিতে হলে সিবিআই তদন্তই হওয়া উচিত। দ্বিতীয়ত, দিল্লি পুলিশকে দিয়েও হয়তো তদন্ত করানো যেত। কিন্তু সে ক্ষেত্রে বিরোধীদের প্রশ্ন তোলার সুযোগ থেকে যাবে। কারণ, '৮৪-র দাঙ্গায় পুলিশের ভূমিকা নিয়েও বিতর্ক রয়েছে। কিন্তু সিবিআই সরাসরি প্রধানমন্ত্রীর দফতরের অধীনে। সূত্রাং তাদের হাতে তদন্তের দায়িত্ব থাকলে কাজের অগ্রগতির উপরে মনমোহন নজর রাখতে পারবেন।

সরকারি সূত্রে জানা গিয়েছে, এ ব্যাপারে শীঘ্রই সিবিআই কর্তাদের সঙ্গে বৈঠক করবেন প্রধানমন্ত্রী। তদন্তের সুযোগ কতটা এবং এর সীমাবদ্ধতা কী কী, মূলত তাই নিয়েই আলোচনা হবে বৈঠকে। সমস্যা হল, তদন্তের জন্য সাক্ষ্য নিয়ে সঙ্কট দেখা দিতে পারে। কারণ, ২১ বছরের পুরনো ঘটনার বহু সাক্ষ্যপ্রমাণ লোপ পেয়েছে বলে আশঙ্কা সচিবালয়ের। সম্ভাব্য সিবিআই তদন্ত নিয়েও কিন্তু কোনও কোনও মহল থেকে প্রশ্ন উঠতে শুরু করেছে। তাদের পাল্টা বক্তব্য, সিবিআইয়ের উপরে এমনিতেই বহু তদন্তের চাপ রয়েছে। ফলে নতুন কোনও তদন্তের দায়িত্ব দেওয়া কি সেটিকে হিমঘরে পাঠানোরই সামিল নয়?

সরকারি কর্তারা বলছেন, '৮৪-র দাঙ্গা নিয়ে এর আগে একাধিক কমিশন হয়েছে। বিষয়টিকে নতুন করে খুঁটিয়ে তুলতেই বিজেপি নানাবতী কমিশন গঠন করে। এখন সিবিআই-কে দায়িত্ব দেওয়ার একটাই কারণ: এই সংস্থার বিশ্বাসযোগ্যতা নিয়ে কখনও প্রশ্ন ওঠেনি।

দাঙ্গার দু'দশক পরে হলেও, নানাবতী কমিশনের রিপোর্ট প্রকাশের প্রায় সঙ্গে সঙ্গে সেই নির্দেশ দিয়ে ওস্তাদের আরও একটি মার দিতে পারেন মনমোহন।

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টাইটলার-পর্ব দলেই উস্কে দিল মোদীর ইস্তফার দাবি

স্টাফ রিপোর্টার, নয়াদিল্লি, ১১ অগস্ট: জগদীশ টাইটলার আর সঞ্জন কুমার বিপাকে ফেলে দিলেন নরেন্দ্র মোদীকে।

গুজরাত দাঙ্গার প্রেক্ষিতে এত দিন বিরোধীরা মোদীর ইস্তফা চেয়ে গলা ফাটাত। কিন্তু '৮৪ শিখ-বিরোধী দাঙ্গা নিয়ে নানাবতী কমিশনের রিপোর্টের জেরে টাইটলার ও

সঞ্জনের পদত্যাগের পর এখন এনডিএ শিবির থেকেই

গুজরাতের মুখ্যমন্ত্রীর ইস্তফার দাবি উঠছে। এনডিএ শরিক সংযুক্ত জনতা দলের নেতা রাজীবরঞ্জন সিংহ আজ বলেছেন, “এ বছরই গুজরাত দাঙ্গা নিয়ে রিপোর্ট পেশ করতে চলেছে নানাবতী কমিশন। তাতে যদি মোদীর দিকে অভিযোগের আঙুল ওঠে তা হলে জগদীশ টাইটলার আর সঞ্জন কুমারের দুইসত্ত মেনে তাঁরও পদত্যাগ করা উচিত।” নানাবতী কমিশনের রিপোর্টে মোদী দোষী সাব্যস্ত হলে তাঁর ইস্তফা চেয়েছেন বিজেপি নেতা তথাগত শতপথীও। সরাসরি মোদীর নাম না করে তৃণমূল কংগ্রেস সাংসদ দীনেশ ত্রিবেদী আজ বলেছেন,

রেল দুর্ঘটনার জেরে এক কথায় ইস্তফা দিয়েছিলেন লালবাহাদুর শাস্ত্রী। আজকাল কোনও ব্যাপারে দায়িত্ব গ্রহণ করে ইস্তফা দেওয়ার সংস্কৃতিটাই উঠে গিয়েছে। টাইটলারকেও তো ইস্তফা দিতে বাধ্য করতে হল।”

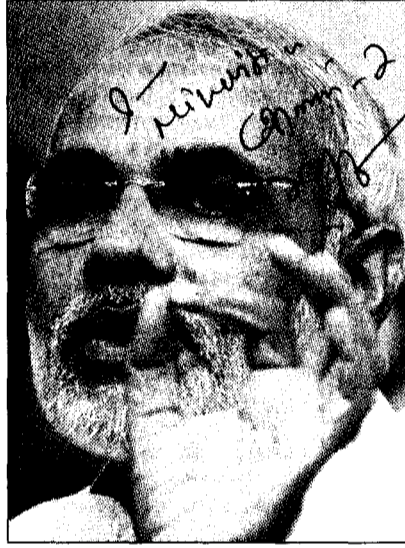
সরকারি ভাবে বিজেপি অবশ্য এখনও মোদীর পাশেই আছে। ইস্তফার দাবিকে বিন্দুমাত্র গুরুত্ব না-দিয়ে সভাপতি লালকৃষ্ণ আডবাণী বলেছেন, “এখনও কোনও কমিশন বা আদালত মোদীকে দোষী সাব্যস্ত করেনি। যদি করে তখন ইস্তফার কথা ভাবা যাবে।”

কিন্তু ঘটনা হল, শুধু শরিকরাই নয়, বিজেপির একাংশও আজ মোদীর ইস্তফার দাবিতে আডবাণীর কাছে দরবার করেছে। টাইটলার-সঞ্জনের ইস্তফার প্রেক্ষিতে তৈরি হওয়া নতুন রাজনৈতিক বাতাবরণে মোদীর বিরুদ্ধে কোমর বেঁধে নেমেছেন দলে তাঁর বিরোধী গোষ্ঠীর লোকজন। নেতৃত্বে কেশুভাই পটেল। তাঁর অনুগামীরা আজ আডবাণীর সঙ্গে

দেখা করে অবিলম্বে মোদীর ইস্তফা চেয়েছেন। কেশুভাইয়ের বক্তব্য, নানাবতীর রিপোর্ট মোদীকে ছেড়ে কথা বলবে না। তাই আগেভাগেই যদি তিনি ইস্তফা দেন তা হলে বিজেপির ভাবমূর্তিও উজ্জল হবে আর বিরোধীরাও এই নিয়ে জল ঘোলা করার অবকাশ পাবে না।

ফলে টাইটলার-সঞ্জনের ইস্তফা সব মিলিয়ে মোদীর

রাজনৈতিক ভবিষ্যত খানিকটা অনিশ্চিত করে তুলেছে। জিমা-কাণ্ডে তাঁর পাশে দাঁড়ানো মোদীর গদি রক্ষায় আডবাণী মুখে যা-ই বলুন ঘরের ভিতরে তাঁকে সরানোর চাপ উপেক্ষা করা এ যাত্রায় বিজেপি সভাপতির পক্ষে খুব সহজ হবে না। বিশেষ করে যখন ‘বিজেপি ধর্মনিরপেক্ষ নয়’ এই অজুহাত তুলে এনডিএ-র ঘর ভাঙতে ব্যস্ত চন্দ্রবাবু নায়ডুরা। দিন কয়েক আগেই চন্দ্রবাবুর ঘনিষ্ঠ টিডিপি নেতা ইয়রান নায়ডু, এনডিএ শরিক ইন্ডিয়ান ন্যাশনাল লোকদলের ওমপ্রকাশ চৌটালা, বিজু জনতা দলের দু’এক জন নেতা অকালি দল নেতা সুখদেব সিংহ ষিড়সার বাড়িতে একটি ধর্মনিরপেক্ষ



গোষ্ঠী তৈরির সম্ভাবনা নিয়ে আলোচনায় বসেছিলেন।

সুতরাং মুখ্যমন্ত্রীর বাঁচাতে কংগ্রেস, বাম এবং ইউপিএ শরিকদের দিকেই তাকিয়ে নরেন্দ্র মোদী। শুনতে অসম্ভব লাগলেও এটাই বাস্তব যে আডবাণী নন, মোদীর রক্ষাকর্তা হতে পারেন কেন্দ্রের সরকার পক্ষ। যদি তারা মোদীর ইস্তফার দাবিতে সরব হয়। সে ক্ষেত্রে বিরোধী এক্য বজায় রাখতে এনডিএ এবং নিজেদের মুখরক্ষা করতে বিজেপিকে মোদীর পাশে এসে দাঁড়াতে হবে। আর মওকা বুঝে ইউপিএ যদি খুব বেশি চেষ্টামেচি না-করার কৌশল নেয় তা হলে ঘোর অনিশ্চিত মোদীর ভবিষ্যৎ।

বিজেপি সূত্রে খবর, গদি বাঁচাতে দিল্লিতে দরবার করতে আসতে পারেন মোদীও। যদিও প্রকাশ্যে এ সব জল্পনাকে উড়িয়ে দিয়ে মোদী বলেন, “আমি মোটেও দিল্লি যাচ্ছি না। কেউ আমায় ডেকেও পাঠায়নি। আমার কাছে অনেক গুরুত্বপূর্ণ রাজ্যের উন্নয়ন। আপাতত সেই নিয়েই ব্যস্ত।”

12 AUG 2006

ANADABAZAR PATRIKA

OPP TOLD NOT TO PLAY WITH SIKH SENTIMENTS

PM apologises for 1984 riots

Statesman News Service

NEW DELHI, Aug 11. — The Prime Minister, Dr Manmohan Singh, today apologised for the 1984 anti-Sikh violence that followed former Prime Minister Indira Gandhi's assassination. "On behalf of the government and the whole country, I bow my head in shame that such an event took place," Dr Singh said, intervening in a discussion on the Nanavati Commission report, on a motion moved by the BJP leader, Mr Rajnath Singh. "I have no hesitation in apologising to the Sikh community. I apologise not only to the Sikh community but to the whole nation because what took place in 1984 is the negation of the concept of nationhood as enshrined in our Constitution."

The motion was defeated by a voice vote. Describing the issue as one with grave implications for the future of a "brave community and the future of the country", an emotional Dr Singh said that this was an occasion for introspection on "how to work together to find new pathways so that such a ghastly trauma is not repeated". He appealed to all political parties not to play with the sentiments of the Sikh community. "This



Protesters disperse after a water canon is trained on them during a demonstration in New Delhi on Thursday. — PTI

would render no service to the Sikh community or the nation," he noted. "A lot of effort has gone into helping the Sikh community. Let us not do anything to reverse these efforts."

In his reply to the Opposition tirade, home minister Mr Shivraj Patil, said it was wrong to say the UPA government was shielding the guilty. An examination of the action taken report (ATR) showed that on all the 10 recommendations made by the Nanavati Commission report, he claimed, appropriate action was underway.

A minister (Mr Jagdish Tytler) had resigned and the government was contemplating action against the others named in the

report, he pointed out. As for police officers, he said the government was bound by the service rules, and yet was consulting the law ministry to find the means for appropriate action. The government has set up two committees to look into the compensation paid to the victims or their kin. Holding that all possible help would be given to the '84 riot victims, the minister said: "I promise and assure you that we will implement this in letter and spirit."

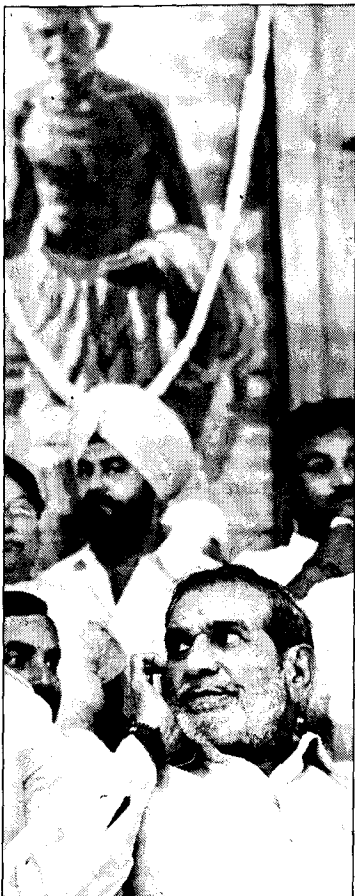
Sajjan quits

The Congress MP from Outer Delhi, Mr Sajjan Kumar, today resigned as chairman of the Delhi Rural Development Board.

More reports on page 4

THE STATESMAN

THE ACCUSED, THE VICTIM AND THE PROTECTOR MOVE ON WITH LIFE



Congress leader Sajjan Kumar, one of the partymen accused of fanning violence against Sikhs during the '84 riots

I'm innocent, I will not resign: Tytler

By Mahendra Singh/TNN

New Delhi: With pressure mounting on him to quit, Union minister Jagdish Tytler defended himself, claiming that he was innocent. He also ruled out his resignation. Tytler said no victim of the 1984 riots had filed an FIR against him in the last 21 years nor any of the other commissions which probed the matter before the Nanavati panel "mentioned me directly or even indirectly". Dismissing reports about pressure from within the party for his resignation, he said, "I don't think any pressure will work, and I have faith in my party leadership."

Tytler claimed that the affidavit on the basis of which the judge indicted him was itself false.

"Justice Nanavati did not question me about my presence, but relied on one of the affidavits. I was in Amethi on October 31, 1984, when Indira Gandhi was assassinated. On November 1, right from the morning, I was with Rajivji near the body of Indiraji. This can be verified from DD which was beaming it live for 24 hours," Tytler said. "The affidavit of one Surender Singh on the basis of which Justice Nanavati said Tytler

was 'probably' involved says he saw me leading a mob at 9 am on that day. How can I be at two places at the same time?"

Tytler said Surender Singh had filed the first affidavit in English but later said he could not read or write the language. "He later filed another affidavit in Gurmukhi which said that he had not seen Tytler leading the mob, but Justice Nanavati did not consider it, saying it might have been written under pressure," Tytler said.

Claiming that there was a wrong perception about his involvement in the riots, he appealed to the media, "Please help me...I am a victim. I have been a victim for the last 21 years. I am appealing to your conscience...My whole political career is in your hands."

He said the CBI had also given him a clean chit after interviewing members of 900 households on the orders of the Delhi high court. "Not a single person spoke against me," he said, adding that it was his advocate who had asked the court to order a CBI probe as his name had come up in the course of arguments about the involvement of a senior police officer in the riots.



(Above) A woman relative of a riot victim can't hold back tears during a protest against the UPA government's stand on the Nanavati commission report (below) policemen stand on a placard saying the obvious in New Delhi on Tuesday

Kamal Nath ploy to get others off hook?

TIMES NEWS NETWORK

New Delhi: The bracketing of commerce minister Kamal Nath with Delhi Congressmen like Jagdish Tytler as accused in the 1984 anti-Sikh riots has raised eyebrows in the party, with many inclined to see the hand of his rivals.

The issue has taken on puzzling proportions since Nath had never been mentioned as one of those Congressmen provoking mobs in the capital until an affidavit alleging his role surfaced two decades after the anti-Sikh violence in the capital. The affidavit had alleged that Kamal Nath tried to instigate a mob to attack a gurdwara.

Quoting a reporter covering the incidents at a gurdwara, Nanavati said on page 141: "Kamal Nath had tried to persuade the mob to disperse and the

mob had retreated for some time. Therefore, it would not be proper to come to the conclusion



Policewomen take away a protester seeking action against the Congress leaders indicted by the Nanavati commission

tha Kamal Nath had in any manner instigated the mob." Congress observers see the dragging of his name as part of a move to counter the pressure on the PM to remove the ministers sullied by involvement in the 1984 riots.

Will Gujarat report meet the same fate?

By Leena Misra/TNN

Ahmedabad: Will the Nanavati-Shah report on the Gujarat riots resemble the one on the anti-Sikh riots? This was the question uppermost in the minds of policemen, politicians and the public in Gandhinagar on Monday even as the scathing indictment of the Congress by Justice (retd) GT Nanavati unfolded byte by byte.

The same judge heads another commission in Gujarat probing into the Godhra carnage and the post-Godhra riots which claimed nearly 1000 lives in 2002. Although neither Nanavati nor his colleague, Justice (retd) K G Shah, were ready to comment on their Gujarat probe, there were indications that this commission's term might be extended from its present deadline of December 2005.

So far the commission has recorded over 40,000 affidavits, "each of which will have to be scrutinised and classified, since some of them are about relief and rehabilitation, which do not concern the probe", said commission sources. Also, Nanavati is also heading another commission probing the unauthorised constructions that came up in Delhi since 1993.



"Even if the commission examines 100 affidavits a day, it will take several months", says this source. This commission was constituted in March 2002, headed first by Justice Shah, followed by Justice Nanavati's appointment. It has been given at least three extensions, so far. The Modi government, extended its scope last year, to include probe on the role of the chief minister, his council of ministers and other officials. However, so far, neither Modi nor any of his ministers during

the time, have been summoned for cross-examination.

Incidentally, the Modi government expanded the terms of reference of the Nanavati-Shah probe around the time the Centre appointed the high-powered Justice (retd) UC Banerjee committee to investigate the Godhra carnage. And now the commission has called for all the papers of the Banerjee probe.

When it was appointed, its main term of reference was to probe the "conspiracy" behind the Sabarmati express carnage at Godhra. The commission has so far examined hundreds of witnesses from all districts barring Kutch and Surendranagar, which hardly saw any communal incidents.

According to a commission source, "the examination of witnesses' action is almost complete barring one or two, though we might call some witnesses in the course of the probe."

The Congress, which is now in the dock in parliament after the tabling of the action taken report (ATR) on the anti-Sikh riots, hopes that Justice Nanavati's Gujarat report resembles the one on the anti-Sikh riots.

NDA steps up offensive against govt

TIMES NEWS NETWORK

New Delhi: Directly targeting Prime Minister "Sardar" Manmohan Singh, the BJP-led opposition on Tuesday stepped up its offensive against the government for its failure to take action against those indicted by the Nanavati commission that probed the 1984 anti-Sikh riots.

Sensing that it had hit upon the right target to embarrass the government on the issue, the BJP on Tuesday got its act together after having displayed a comparatively weak response to the probe report and the ATR which were tabled in the Lok Sabha on Monday. Demanding the Prime Minister's resignation for putting his signature on the ATR which allows the accused of the '84 riots to go scot free, the BJP's question to him is whether he did it under pressure from Sonia Gandhi?

'Sardar' taunt irks PMO

TIMES NEWS NETWORK

New Delhi: The Left got into the act on the Nanavati report on Tuesday. While the CPM asked the government to take action against those named in the report and probe the involvement of others whose culpability had been indicted by the commission, the CPI was more direct. The CPI demanded prosecution of all those against whom the commission has got "credible evidence", though it did not name Tytler.

The NDA continued with its tactic of taunting "Sardar Manmohan Singh" for his "failure" to provide justice to the families of thousands of Sikhs who were massacred. It seemed to have worked, with an irritated PMO protesting, "The Prime Minister does not favour playing with the sentiments of any community." At the meeting of the Congress' core group, participants, including Sonia Gandhi, felt that acquiescing in the opposition's demand straight away would be bad politics, and decided to wait to see how the debate on the adjournment motion progresses.

Opposition MPs in the alliance have given notices for adjournment motion against the government, threatening to disrupt the

House if it is not accepted. The BJP and its allies are understood to have issued a whip to their MPs to be present and vote for the

motion. The NDA has called a meeting on Wednesday to draw up the strategy in Parliament for the day. BJP deputy leader in Lok Sabha V K Malhotra, Akali Dal leader S S Dhindsa and Prabhunath Singh (JD-U) are among the ones who gave notices for the adjournment motion.

Terming as "shameless" Congress MPs' action in not allowing the opposition to raise the issue and the ATR, Malhotra said, it had "exposed" the secularism of Congress party. He alleged that Manmohan was "under pressure" from Congress president Sonia Gandhi to exonerate the accused in the riots.

Speaking at the parliamentary party meeting, BJP president L K Advani listed the number of issues on which the Congress has been marked as the "accused," in just two weeks time that the monsoon session has opened.

লোকসভায় নানাবতী-বিতর্ক জুড়ে রইল গুজরাত দাঙ্গাই

স্টাফ রিপোর্টার, নয়াদিল্লি, ১০ অগস্ট: বিতর্কের বিষয় ছিল একুশ বছর আগের শিখ-বিরোধী দাঙ্গার প্রেক্ষিতে নানাবতী কমিশনের রিপোর্ট। কিন্তু লোকসভায় সেই বিতর্কে আজ গোটা দিনই ছায়া ফেলল সাড়ে তিন বছর আগের গুজরাত দাঙ্গা। কংগ্রেস এবং বাম নেতারা অকালি এবং বিজেপির আক্রমণের জবাব দিতে গিয়ে সামান্য সুযোগ পেলেই তুলেছেন গুজরাত প্রসঙ্গ। এবং তাৎপর্যপূর্ণ ভাবে গুজরাত কাণ্ড নিয়ে সাফাই দেওয়ার ক্ষেত্রে কোনও বিজেপি সাংসদ নন, আজ সবচেয়ে সরব ছিলেন সংযুক্ত জনতা দল নেতা তথা এনডিএ-র আহ্বায়ক জর্জ ফার্নান্ডেজ!

৮৪'র দাঙ্গা নিয়ে আলোচনা বেশি দূর গড়ালে গুজরাত প্রসঙ্গ অনিবার্য ভাবেই উঠে আসবে বলে আশঙ্কা করেছিলেন বিজেপি নেতৃত্বের একটা বড় অংশ। আজ ঠিক সেটাই ঘটেছে। কেন্দ্রীয় মন্ত্রী কপিল সিবল থেকে শুরু করে সিপিএম সাংসদ মহম্মদ সেলিম, এমনকী সমাজবাদী পার্টি এবং বহুজন সমাজ পার্টির মতো দলগুলিও প্রাণ খুলে গুজরাতের মুখ্যমন্ত্রী নরেন্দ্র

মোদীর বিরুদ্ধে সরব হয়েছেন। আর এই সমবেত আক্রমণের মুখে ঢাল নিয়ে দাঁড়াতে দেখা গিয়েছে এনডিএ-র আহ্বায়ককে।

জর্জের যুক্তি, গুজরাতের ঘটনার সঙ্গে দিল্লির শিখ নিধনের কোনও ভাবেই তুলনা চলতে পারে না। কারণ, তাঁর কথায়, "৮৪ সালের ঘটনাটি ছিল সরকারি মদতে গোটা সম্প্রদায়কে খতম করে দেওয়ার চেষ্টা। গণহত্যা। হিটলার ইহুদিদের সঙ্গে যা করেছিল। আর গুজরাতে যা হয়েছিল তা মুখোমুখি লড়াই। গুজরাত দাঙ্গার দিন রাতেই মুখ্যমন্ত্রী আমার কাছে সেনা চেয়েছিলেন। আমি সেই রাতেই সেনা নিয়ে পৌঁছে গিয়েছিলাম।"

জর্জের এই বক্তব্যে তির্যক মন্তব্য ভেসে আসে ট্রেজারি বেঞ্চের বিভিন্ন কোণ থেকে। চিৎকারে এক সময় খেই হারিয়েও ফেলেন জর্জ। স্পিকার সোমনাথ চট্টোপাধ্যায়কে উঠে দাঁড়িয়ে সভা নিয়ন্ত্রণ করতে হয়।

লোকসভায় আজ সকাল থেকেই দিল্লি বনাম গুজরাত রাজনৈতিক চাপানউতোর চলেছে পুরোমাত্রায়। সকালে গুজরাত দাঙ্গার প্রসঙ্গটি প্রথম

উত্থাপন করেন মহম্মদ সেলিম। তাঁর বক্তব্য, "৮৪'র বদলে গুজরাত বসালেও আলোচনাটা একই ভাবে করা যায়!" পরে তিনি নানাবতী রিপোর্ট প্রসঙ্গে প্রধানমন্ত্রীর দিকে তাকিয়ে বলেন, এই ধরনের মানসিকতার (সংখ্যালঘুর উপর নিপীড়ন) প্রতিরোধে সরকারের দিশা কেমন হবে সেটাই এখানে বড় কথা। "এমন কিছু যেন না করতে হয়, যে তাঁকেও বাজপেয়ীর মতো বলতে হল, লজ্জায় মুখ নত হয়ে যাচ্ছে।"

পরে লোকসভায় সিপিএমের সংসদীয় দল নেতা বাসুদেব আচারিয়াও বলেন, গুজরাত এবং ৮৪-র দাঙ্গার মধ্যে কোনও তফাত নেই। আমরা ধারাবাহিক ভাবে গুজরাত দাঙ্গার নিন্দা করে আসছি।

সেই দাঙ্গায় সমর্থন দিয়ে আজ শিখ-বিরোধী দাঙ্গার বিরুদ্ধে সরব হয়ে বিজেপি দ্বিচারিতা করছে। সমাজবাদী পার্টির নেতা রামজিলাল সুমন বলেন, গুজরাতের মুখ্যমন্ত্রী নরেন্দ্র মোদীর আচরণের সঙ্গে '৮৪ কাণ্ডে জড়িত কংগ্রেসি নেতাদের আচরণের কোনও তফাত নেই।

11 AUG 2005

Tytler resigns bowing to pressure

Government will open cases wherever needed: Manmohan

Special Correspondent

NEW DELHI: After resisting intense pressure from within the Congress, its allies, supporting Left parties and the Opposition seeking his removal from the Union Council of Ministers, Jagdish Tytler put in his papers late on Wednesday.

Barely hours after Prime Minister Manmohan Singh assured the Lok Sabha that the Government would reopen and re-examine cases against individuals named by the Nanavati Commission, Mr. Tytler submitted his resignation to Congress president Sonia Gandhi with the request that it be forwarded to Dr. Singh.

Authoritative sources said the Prime Minister summoned Mr. Tytler in the afternoon and said he should resign from the Government. The Congress-led United Progressive Alliance has been taking flak since the Nanavati Commission report was tabled in the Lok Sabha on Monday along with Action Taken Report. The report said there was "credible evidence" that Mr. Tytler very probably a hand in the riots. Later talking to *The Hindu*, Mr. Tytler said, "I want my name to be cleared. I went to the Congress president and submitted my resignation, requesting her to forward the same to the Prime Minister, Manmohan Singh. I do not want my party to be put in any kind of difficulty."

He insisted that all allegations against him were "fabricated" and the affidavit submitted by one Surinder Singh was "not valid" as he had later revised the affidavit. "I was at 1 Akbar Road and later at Teen Murti at the time I was accused of instigating the riots." Demanding a thorough inquiry into the affair and the findings of the report, he said it should be submitted within a

certain timeframe so that his name could be cleared. "I am confident that I will stand vindicated in the ultimate analysis. The Nanavati report is rubbish and should be thrown in the dustbin."

Pressure began mounting on Mr. Tytler a day after the Congress rejected the Opposition charge that he be removed from the Council of Ministers. A section in the Congress was of the view that the party seek his removal from the Government. Meanwhile, sources in the Left parties said they were "unhappy" that Home Minister Shivraj Patil had not offered any assurance in the Lok Sabha that mentioned any action the Government planned to take against Mr. Tytler.

Earlier in the day, acknowledging and bowing to the "sentiments" of disquiet expressed in the Lok Sabha, Dr. Singh came close to re-opening the cases against those leaders indicted by the Nanavati Commission. "Our Government assures the House that wherever the Commission has named any specific individuals as needing further examination or specific cases needing reopening and re-examination, the Government will take all possible steps to do so within the ambit of law. This is a solemn promise and a solemn commitment to this House," Dr. Singh said in his intervention during the eight-hour debate in the House that rejected the Opposition-sponsored adjournment motion.

The motion, moved by Shiromani Akali Dal (Badal) MP Sukhdev Singh Dhindsa, received 128 votes in favour and 254 votes against, with one abstention. The Congress members against whom action was demanded — Union Minister of State for Overseas Indian Affairs



A CRY FOR JUSTICE: An elderly woman turns emotional during a demonstration by Sikhs in New Delhi on Wednesday, demanding punishment to those responsible for the massacre of their brethren in the 1984 riots that followed the assassination of Prime Minister Indira Gandhi. — AP

Jagdish Tytler and MP Sajjan Kumar — put in a brief appearance at the time of voting.

In his three-point assurance, Dr. Singh said even though most Government and police officials examined by the Commission had retired from service, the Government would consult the Law Ministry to bring the guilty to book to the maximum extent possible.

As a rehabilitation measure, he assured the House that the Government would try and ensure that the widows and chil-

dren of those who suffered in the riots were enabled to lead a life of dignity and self respect. "It will be our honest attempt to wipe away the tears from every suffering eye."

On the demands for action against political leaders, Dr. Singh said many of them were examined by the Commission, which clearly stated: "There is absolutely no evidence that Rajiv Gandhi or any other high-ranking Congress(I) leaders had suggested or organised attacks on the Sikhs." In the case of

some others, it was probable that they may have some involvement in some incidents and that there was evidence to this effect.

"The Commission is in itself not certain, however, of the role of these individuals. As the ATR says, governments cannot act when the Commission itself is uncertain. However, there is something called perception and there is the sentiment of the House. The Government respects that and bows to that sentiment."

Describing the riots as a "national shame, a great human tragedy... a blot on the nation's conscience," Dr. Singh made an earnest appeal to members not to politicise it. "Let us march on. Let the nation march on."

In his 30-minute intervention, he said tragedies such as the anti-Sikh riots or what happened in Gujarat had no place in the country. Twenty-one years later, the question was "where do we go from here." He regretted the debate had taken a narrow and partisan path, which did

no service to the valiant Sikh community that had a glorious past.

Crediting Jawaharlal Nehru and the former Punjab Chief Minister, Pratap Singh Kairon, for their role in the development of the State, he said, "[I] don't want to score political points but when Akali Dal was agitating to divide Punjab, the State was inspired by Jawaharlal Nehru and Pratap Singh Kairon... If you are trying to drive a wedge between the Sikhs and [the] Congress, forget that."

14 APR 2005 THE HINDU

Day of protests on Parliament Street

Staff Reporter

NEW DELHI: The Delhi police resorted to water cannons and mild force on Wednesday to disperse a number of Akali Dal activists and victims of the 1984 massacre of the Sikhs who had gathered at Gurdwara Bangla Sahib and tried to march towards Parliament to protest against Centre's 'inaction' against the "guilty" as brought out by the Nanavati Commission report. Some protesters sustained minor injuries.

Around 11-30 a.m. the protesters gathered outside the gurdwara and began a march to Parliament. However, they were stopped outside Parliament Street police station. As some of them tried to pull down the police barricades, water cannons were turned on them.

Later, addressing the gathering, Delhi Akali Dal (Badal) chief Avtar Singh Hit said justice had eluded the victims of the 1984 riots as far as the Action Taken Report on the Nanavati Commission was concerned, despite a Sikh being the Prime Minister. Terming the Action Taken Report as a "whitewash", the protesters de-



A SHOW OF ANGER: Relatives of the victims of the 1984 anti-Sikh riots grapple with police personnel during a protest in New Delhi on Wednesday. — PHOTO: SHANKER CHAKRAVARTY

manded the resignation of Prime Minister Manmohan Singh. They also urged the Government to register cases against the "accused" politicians, including Sajjan Kumar, H.K.L. Bhagat and Committee member Kuldeep Singh Bho-

gal were present. Mr. Bhogal alleged that the police lathi-charged some of the protesters. But, the police denied it saying only water cannons were used.

A senior police officer said those who tried to pull down the barricades sustained injuries in the process.

Later, the Akali Dal leaders were allowed to submit a memorandum to Union Home Minister Shivraj Patil, while the protesters staged a dharna outside the Parliament Street police station till evening.

The CPI(M-L) has also criticised the Government and demanded severe action against all those found guilty in the Nanavati Commission Report, including the Congress leaders whose names had appeared therein. The party also demanded immediate registration of criminal cases against them, implementation of the recommendations of the report and further enquiry to unearth the facts of the "genocide" of 1984.

See also Pages 5 & 12

Minister letter in bag, PM mounts salvage bid

Tytler out in riots turnabout

OUR SPECIAL
CORRESPONDENT

New Delhi, Aug. 10: The uproar against the anti-Sikh riots claimed its first political victim 21 years after the atrocity and on a day the country's most respected politician was forced to articulate an embarrassing somersault.

Jagdish Tytler, who found himself portrayed as the symbol of the government's inaction over the G.T. Nanavati Commission report, announced his resignation from the Union ministry tonight.

The resignation was an expected end to a sequence of



A Sikh woman at a protest rally in New Delhi. (Reuters)

events that unfolded overnight — the most stunning being the retreat by the government from its stand that no action needed to be taken on the report that recommended further investigations.

It fell upon Prime Minister Manmohan Singh to declare the turnaround.

With Tytler's quit letter apparently in his pocket, the Prime Minister told Parliament that cases against those named by the commission will be "re-examined" and "re-opened" — a pledge that also puts Congress MP Sajjan Kumar under pressure.

The government's change of stance — it had earlier said it couldn't move against anyone on "mere probability" — came under Left pressure. The CPI and CPM had declined to vote against an Opposition-sponsored adjournment motion in the Lok Sabha unless the Centre acted on the commission's report.

After Singh's statement in the House — Tytler's resignation hadn't been made public

yet — the Left voted against the motion, helping defeat it 254-128.

Through the morning, Tytler had resisted pressure to quit till the Prime Minister summoned him to a meeting. There, in the presence of defence minister Pranab Mukherjee and home minister Shivraj Patil, Singh is believed to have got his minister of state for NRI affairs to resign, though the official version is that the letter was given to Sonia Gandhi later.

The Prime Minister then set off for the Lok Sabha for the debate on the Opposition's motion. "The government respects (the) perceptions and sentiments expressed in this House," he told the MPs.

"Our government assures the House that wherever the commission has named any specific individuals as needing further examination or specific cases need re-opening and re-examination, the government will take all possible steps to do so within the ambit of law."

While "re-examination" obviously relates to Tytler, "re-opening" spells trouble for Sajjan Kumar. The commission report favoured reopening the cases against Kumar. It spoke of "credible evidence" against Tytler.

Both Tytler and Kumar stayed away from the House for most of the day, arriving just ahead of the voting.

As Sonia left Parliament after the government had won the vote, Tytler went up to meet her. He later announced that he had quit the ministry and had requested Sonia to forward his resignation letter to the Prime Minister.

In Parliament, the Prime Minister promised to take whatever action is still possible against the officials — many of them retired — named in the commission's report. He also pledged more steps to rehabilitate the pogrom's victims.

Singh defended the Congress and its top leadership and signed off with a mention of Gujarat, saying "all parties should rise to work together ... to ensure that such tragedies — whether in Delhi or Gujarat — never again take place".

■ See Page 6

The Telegraph

THURSDAY 11 AUGUST 2005 VOL. XLIV NO. 36

11-18 MIB BEST SACKED

Mr Jagdish Tytler should no longer be entitled to any of the titles he enjoys. He is a cabinet minister and well-known Congress leader. But he has been clearly identified in the report of the Nanavati commission as one of the leaders who, in the aftermath of Indira Gandhi's assassination, instigated and led the pogrom against the Sikhs of Delhi. According to the report of the commission, "credible evidence" was presented before it to prove Mr Tytler's direct involvement. It is appalling that even after this official confirmation of his participation in the massacres, Mr Tytler has been allowed to continue as a cabinet minister. There has even been an attempt on the part of the government to gloss over the evidence presented before the commission and the conclusion that Mr G.T. Nanavati drew from that evidence. The initial response of the government was that no action could be taken against Mr Tytler because the evidence against him was not certain and incontrovertible. This can only be interpreted as a ham-handed attempt at a cover-up. No civilized government can afford to have in its ranks a man against whom there is a substantial corpus of evidence of having initiated a pogrom. Mr Tytler may still be given the sack under pressure from the opposition and the allies of the Congress. By making him quit as the report became public knowledge — or better still, by not making him minister at all — the government could have saved injury to its credibility.

It is not enough that Mr Tytler leaves the ministry. He should also be made to leave the Lok Sabha and be expelled from the Congress. Mr Tytler has broken one of the central pillars of the Congress creed. He has acted against the principle of secularism. By doing so, he has lost his right to remain even a primary member of the Congress. The Congress president, Ms Sonia Gandhi, should waste no time in acting against him. The presence of such a person can only seriously jeopardize the Congress's fight against communal forces. Mr Tytler's access to the Lok Sabha is through the Congress. This access can easily be barred. It is important to remember that there are other Congress leaders who are similarly indicted by the Nanavati commission. Action needs to be taken against them too. The year 1984 is a blot on the secular credentials of the Congress. The blot is permanent, but the guilty can still be punished.

11 AUG 2005 THE TELEGRAPH

Home declines comment, may get in touch with law ministry

WHAT WAS & WHAT SHOULD BE



A protest against quotas in minority colleges in Hyderabad

File picture

How the term minority came into being

The British treated Hindus and Muslims as separate groups, requiring separate treatment. To Muslims were added Anglo-Indians and Christians, following large-scale inter-marriages and conversions. These three, together with Parsis, were the first recognised minorities, the court said.

Later, when the Constitution was being drawn up, in the backdrop of the Partition, it was felt necessary to allay the fears in the minds of Muslims and other religious communities by offering special protection of their rights

Why it should be done away with

in independent India, a claim for protection by one group could lead to a similar claim by another, causing conflict. Besides, Hindu society is caste-ridden and no group can claim majority. Several castes have claimed minority status on the ground that they are backward. If each minority group fears the other, an atmosphere of distrust would result, threatening the country's integrity, according to the court.

Minority panel hails SC advice

OUR BUREAU

New Delhi, Aug. 10: The National Commission for Minorities has welcomed the Supreme Court's advice to "suggest ways and means to help create social conditions where the list of notified minorities is gradually reduced and done away with altogether".

"We appreciate the Supreme Court's suggestion. One of the final goals of Indian polity is to raise the socio-economic standards of minority communities to such a level that they do not remain mere minorities. The ultimate aim of the NCM is also to create such an environment and help build such a society. We would soon be sending our observation to this effect to the government, suggesting ways to create better socio-economic conditions," chairman Farooq Ahmad said.

The home ministry — the nodal ministry — refused to comment on the judgment. However, sources said the

unanimous suggestion of the three-judge bench has an important bearing and the ministry will get in touch with the law ministry, the minorities commission as well as various minority groups.

Rejecting an appeal for national minority status for the Jain community, the court advised the commission to work towards a situation where there will be no need for labelling communities minority. At present, Muslims, Christians, Sikhs, Buddhists and Zoroastrians (Parsis) are notified as minority communities under section 2(c) of the National Commission for Minorities Act.

Rev. Enos Das Pradhan, secretary-general of Church of North India, said it was not tenable to do away with minority status altogether.

"The minority communities have so far remained marginalised. The status of some communities has even deteriorated further over the years. Unless minority communities are given a larger share of the

cake, they will not become as strong as the majority community both in the social and economic sense. Unless that happens, how can you do away with notified minorities?"

Maulana Mahmood Madni of Jamiat-ul-uhma said he would comment only after seeing the full judgment and consulting legal experts.

"The country has already been reorganised in the year 1956 under the state reorganisation act on the basis of language. Differential treatment to linguistic minorities based on language within the state is understandable but if the same concept for minorities on the basis of religion is encouraged, the whole country, which is already under class and social conflicts due to various divisive forces, will further face division on the basis of religious diversities," the court said. "Encouragement to such fissiparous tendencies would be a serious jolt to the secular structure of constitutional democracy."

1 1 AUG 2005 THE HINDU

‘অপারেশন টাইটলার’-এ প্রধানমন্ত্রীর পাশে সনিয়া, বিরোধীরা বেকায়দায়

স্টাফ রিপোর্টার, নয়াদিল্লি, ১০
অগস্ট: নিঃশব্দে কাঁটা সরিয়ে দিলেন
মনমোহন সিংহ। ইন্দিরা গান্ধীর ঘরানার
এই ‘অপারেশন টাইটলার’-এ অবশ্য
প্রধানমন্ত্রীর পাশে পুরোপুরি ছিলেন
সনিয়া গান্ধীও।

সনিয়ার হাতে ইস্তফা তুলে
দেওয়ার পরেও জগদীশ টাইটলার
অবশ্য খোলাখুলি পুরো বৃত্তান্ত বলতে
চাননি। বারবার এড়িয়ে যাওয়ার
ভঙ্গিতে বলেছেন, “না না, কোনও চাপ
ছিল না, নিজের ইচ্ছায় ইস্তফা
দিয়েছি।” তবে পরমুহুর্তেই ধরা
পড়েছে দলের প্রতি তাঁর প্রচ্ছন্ন
অভিমান, “প্রধানমন্ত্রী যখন বলেই
দিয়েছেন, নতুন করে তদন্ত হবে, তার
পরেও মন্ত্রিত্বে থেকে যাওয়াটা কি ভাল
দেখায়...আমার মনে হয় প্রধানমন্ত্রী
ঠিকই করেছেন।”

আর সে কথা তিনি ইস্তফাপত্রে
লিখেছেন প্রধানমন্ত্রীকেও। সনিয়া-
মারফৎ পাঠানো চিঠিতে মনমোহনকে
অনুরোধ করেছেন, ‘এখনই এ বিষয়ে
নতুন তদন্ত শুরু করুন। এই কলঙ্ক
থেকে মুক্তি দিন আমাকে।’

বাম নেতৃত্বও তদন্তই চেয়েছিলেন,
ইস্তফা দাবি করেননি। বি জে পি

মূলতুবি প্রস্তাব এনেছিল। কিন্তু, খোদ
লালকৃষ্ণ আডবাণীও আশা করেননি,
টাইটলারকে আজই ইস্তফা দিতে বাধ্য
করবেন মনমোহন সিংহ। প্রথমে
একেবারেই রাজি ছিলেন না জগদীশ।
কিন্তু প্রধানমন্ত্রীর নির্দেশ মেনে তাঁকে
ইস্তফা দিতেই হল। কারণ, সনিয়া
গান্ধীও এ ব্যাপারে মনমোহনকে সম্পূর্ণ
সমর্থন করলেন। কংগ্রেস নেতৃবৃন্দের
ওস্তাদের মারে পুরো বিরোধী শিবির
এখন বেকায়দায়। আর, ইস্তফা দিতে
বাধ্য করে কুড়ি বছর আগের শিখ
দাঙ্গার বিতর্কে অবসান ঘটালেন খোদ
পঞ্জাবের ভূমিপুত্রই।

কাল রাতেই মনমোহন মন্ত্রিসভার
সতীর্থদের জানিয়ে দিয়েছিলেন,
জগদীশের ইস্তফাই চাইছেন তিনি।
কিন্তু, টাইটলার গোঁ ধরেন, পদত্যাগ
করবেন না। প্রধানমন্ত্রী চাইলে কালই
তাঁকে মন্ত্রিসভা থেকে অপসারণ করতে
পারতেন। কিন্তু, প্রধানমন্ত্রী সেটা
করতে চাননি। বরং টাইটলারকে
বুঝিয়ে, নৈতিক কারণ দেখিয়ে ইস্তফা
দেওয়ার পরামর্শ দেন মনমোহন।
প্রথমে টাইটলারের যুক্তি ছিল,
পদত্যাগের অর্থ দোষ স্বীকার করে
নেওয়া। কিন্তু, কালই সনিয়া ও

মনমোহন ঠিক করে ফেলেছিলেন,
সংসদে বি জে পি’র মূলতুবি প্রস্তাবে
যাই হোক না কেন, আজই টাইটলারকে
মন্ত্রিসভা থেকে সরানো প্রয়োজন।
কারণ, গোটা দেশ জুড়ে এই ব্যাপারে
জনমত তীব্র হয়ে উঠেছে। সাধারণ
মানুষ টাইটলারের ইস্তফা চাইছেন।

সংসদে দলমত নির্বিশেষে বহু শীর্ষ
নেতা মনে করছিলেন, আইনি
জটিলতায় না গিয়ে আজই যদি
টাইটলার ইস্তফা দিয়ে দেন, তবে সেটি
বাজনৈতিক ব্যবস্থার পক্ষে আদর্শ।
কিন্তু কংগ্রেসের মধ্যে এ ব্যাপারে
মতৈক্য ছিল না। কংগ্রেস ওয়ার্কিং
কমিটির বেশ কিছু সদস্যের মত ছিল,
টাইটলার দাঙ্গার পর গত কুড়ি বছরে
তিন বার দিল্লিতে নির্বাচনে জিতেছেন।
ফলে, জনমত যখন তাঁর পক্ষে, তখন
তাঁকে দল আকস্মিক ভাবে পদত্যাগ
করতে বলবে কোন যুক্তিতে!

আরও একটি যুক্তি ছিল,
টাইটলারকে ইস্তফা দিতে বাধ্য করা
হলে প্যাভোরার ঝাঁপি খুলে যাবে।
‘রক্তের স্বাদ’ পেয়ে যাবে বি জে পি।
এর পরে তারা লালুপ্রসাদ যাদব বা শিবু
সোরেনের মতো ‘দাগি’ মন্ত্রীদের
মন্ত্রিসভা থেকে সরানোর দাবি তুলবে।

তখন কংগ্রেসের পক্ষে পরিস্থিতি
সামাল দেওয়া কঠিন হবে। কিন্তু এ সব
যুক্তি নস্যাৎ করে দিয়ে প্রধানমন্ত্রী শেষ
পর্যন্ত টাইটলারকে ইস্তফা দিতে বাধ্য
করলেন। কাল রাতে সনিয়া গান্ধী-
মনমোহন সিংহ-আহমেদ পটেল ও
প্রণব মুখোপাধ্যায় বৈঠকে বসেন।
সেখানেই সনিয়া-মনমোহন সাফ বলে
দেন টাইটলারের ইস্তফাই বাঞ্ছনীয়।

আজ সারা দিন সংসদে যখন বিতর্ক
চলছিল, অন্তরালে তখন চলছিল
টাইটলারকে ‘বোঝানোর’ পর্ব। তিনি
সারাদিন সংসদে অনুপস্থিত ছিলেন,
মূলতুবি প্রস্তাবে ভোটও দেননি। তবে
ইস্তফা দিতে বাধ্য করায় টাইটলার
যতই চট্টন, কংগ্রেস নেতৃবৃন্দ বিষয়টি
নিয়ে কোনও নরম মনোভাব দেখাননি।
তাঁদের মাথায় ছিল গুজরাতের
বিষয়টি। টাইটলার থেকে গেলে
ভবিষ্যতে নরেন্দ্র মোদীর বিরুদ্ধে
আক্রমণ শানানোর পথে কাটা পড়ত।

জগদীশ টাইটলারের পদত্যাগ বি
জে পি তথা বিরোধীদের পালের
বাতাসও কেড়ে নিল! অভ্যন্তরীণ
কোল্ডলে ছন্নছাড়া বি জে পি সম্প্রতি
নানাবতী কমিশনের রিপোর্টে হালে
এর পর সাতের পাতায়

11 AUG 2005 ANADABAZAR PATTANA

ROW OVER NANAVATI ATR DISRUPTS PROCEEDINGS IN BOTH HOUSES

Parliament adjourned

Statesman News Service

NEW DELHI, Aug. 9. — Both Houses of Parliament were adjourned for the day today without transacting any business after BJP and Akali Dal members stormed into the Well and made noisy demands for action against those named in the Nanavati Commission Report on the 1984 slaughter of Sikhs in the Capital.

Trouble arose soon after the House paid homage to the martyrs of Quit India Movement of 9 August 1942 and the 9 August 1945 atomic bomb victims of Nagasaki, Japan.

Angry NDA members, particularly of the Akali Dal and BJP, were soon on their legs, flourishing copies of newspapers carrying findings of the Commission and government's Action Taken Report (ATR) and demanded action against Union minister Mr Jagdish Tytler and other Congress leaders named in the report. They alleged that the ATR was a whitewash and the government was trying to protect guilty Congressmen like Mr Tytler and Mr Sajjan Kumar, Lok Sabha member from Outer Delhi.

The Speaker, Mr Somnath Chatterjee, adjourned the House for the day after failing to restore order. The House had sat scarcely for 10 minutes after it met for the day.

In the Rajya Sabha, slogan-shouting NDA members forced the Chairman, Mr Bhairon Singh Shekhawat, to adjourn the House, first till noon and then for the day. Soon after the House met and paid

Left lends voice to report rap

NEW DELHI, Aug. 9. — The Left parties today rubbished the Nanavati Commission's report as "disappointing" and demanded prosecution of the Congress leaders named in the report to "assure the people that justice will be done". The CPI-M politburo, which met here today to look into various aspects of the Commission's recommendations, said it had not only failed to fix responsibility but also come out with a dismal performance. The report had failed to render justice to the thousands who had suffered in the aftermath of riots. It also accused the government of not taking seriously even "the limited recommendations". The CPI's Central Secretariat expressed its disappointment with the Commission's recommendations and said it was "self contradictory in its conclusion" and did not name several Congress leaders involved in the incident. — SNS

their respects to the country's freedom fighters to mark the anniversary of the Quit India movement, BJP leaders, led by Ms Sushma Swaraj, were on their feet demanding action against those named by the Nanavati Commission report.

"It is sad that on this day, the Congress Party, which led the country to freedom from British rule, has chosen to shield its members held guilty of killing over 3,600 Sikhs," Ms Swaraj said. There was "concrete evidence" of Mr Tytler's involvement, she said. Congress members retaliated by raising the issue of Gujarat riots and how no one had been punished as yet.



Widows of the anti-Sikh riot victims demonstrate in New Delhi on Tuesday. — AFP

BJP trains guns on Sonia

Statesman News Service

NEW DELHI, Aug. 9. — The BJP today trained its guns at the Congress president, Mrs Sonia Gandhi, and charged her with putting pressure on the Prime Minister to exonerate all the accused in the 1984 Sikh riots.

The move came even as the party and its NDA partners today gave notices to the Speaker for moving an adjournment motion against the government for its "failure" to take action against those indicted in the Nanavati report.

"We want to know from the

PM must quit: Vajpayee

NEW DELHI, Aug. 9. — Mr Atal Behari Vajpayee today said people named in the Nanavati Commission report should resign from the council of ministers. He also asserted that as Prime Minister, Dr Manmohan Singh too was responsible for the Action Taken Report and therefore must resign. In Chandigarh, the Shiromani Akali Dal asked the Prime Minister to ensure justice to victims of the senseless violence "or else quit". — SNS & PTI

Prime Minister if he did it (exonerate persons named in the report) under Mrs Gandhi's pressure. After the assassination of Indira Gandhi and in the wake of the 1984 riots,

Rajiv Gandhi had said that when a big tree falls it shakes the earth. The Congress president has pardoned all the guilty persons. It is painful and condemnable," BJP spokesman Prof Vijay Kumar Malhotra said today.

Mr Malhotra also accused the Congress of trying to "stifle" the voice of the Opposition inside Parliament by scuttling the debate on the subject in a planned manner.

On the Left parties' criticism of the UPA government over its failure to punish the guilty persons, he said it would be known for sure once they speak out before the nation inside Parliament

THE STATESMAN

তদন্তের নামে

নানাবতী কমিশনের রিপোর্টকে 'পর্বতের মুখিক প্রসব' বলিলে মুখিকও লজ্জা পাইবে। একুশ বছর আগে সংঘটিত সেই ভয়ানক— দাঙ্গা নয়— গণহত্যার (যাহাতে রাজধানী দিল্লিতে প্রায় চার হাজার নিরপরাধ শিশুকে হত্যা করা হয়) তদন্তে নিযুক্ত আট-আটটি কমিশনের অ-পর্যাপ্ত অনুসন্ধানের পর সুপ্রিম কোর্টের অবসরপ্রাপ্ত বিচারপতি জি টি নানাবতী তদন্তের দায়িত্ব পাইয়া যে রিপোর্ট পেশ করিয়াছেন, তাহাতে শেষ পর্যন্ত এক জন দাঙ্গাকারীকেও শনাক্ত করা হয় নাই। কমিশন বলিতেছে যে, বহু হলফনামা হইতে স্পষ্ট যে ইন্দিরা গান্ধীর মর্মান্তিক হত্যাকাণ্ডের পর মানুষের স্বতঃস্ফূর্ত ক্ষোভের সুযোগ লইয়া 'কংগ্রেসের নেতা ও কর্মীরা শিশুদের আক্রমণ করিতে মানুষকে উস্কানি দেন'। অভিযুক্ত কংগ্রেস নেতা এইচ কে এল ভগত, জগদীশ টাইটলার, সজ্জন কুমার ও ধর্মদাস শাস্ত্রীর সম্পর্কে বলা হইয়াছে যে তাঁহারা 'খুব সম্ভবত' দাঙ্গায় নেতৃত্ব দিয়াছিলেন। সমস্যা এখানেই। দাঙ্গার একুশ বছর পেশ হওয়া তদন্ত রিপোর্টও যদি বলে 'সম্ভাব্যতা'র কথা, ধোঁয়াশা রাখিয়া দেয় অভিযুক্ত ব্যক্তিদের দায়িত্ব বিষয়ে, তাহা হইলে আর আগাইবার আশা কোথায়? কমিশন অভিযুক্তদের বিরুদ্ধে 'বিশ্বাসযোগ্য প্রমাণ'-এর কথা বলিয়াছে। কী সেই প্রমাণ? প্রমাণ যদি বিশ্বাসযোগ্যই হয়, তবে অপরাধটি 'সম্ভাব্যতা'র এলাকায় চলিয়া যায় কী রূপে? আর যদি যথেষ্ট প্রমাণ না পাওয়া যায়, তাহা হইলেই বা কমিশন এমন ধোঁয়াটে দাবি পেশ করিয়া নিজের দায় সারের কী ভাবে?

শেষ পর্যন্ত নানাবতীর এই তদন্ত তাই এক অর্থহীন অনুশীলন, যাহা পূর্ববর্তী তদন্ত কমিশনের অর্থহীনতারই পুনরাবৃত্তি করিয়াছে। অভিযুক্তদের সম্পর্কে এমন ভাষা ব্যবহার করা হইয়াছে, যাহা সরকারকে তাহাদের বিরুদ্ধে ব্যবস্থা না লওয়ার সুযোগ করিয়া দেয়। অভিযুক্ত রাজনীতিকদের সম্পর্কে অনিশ্চয়তার ধোঁয়াশা রাখিয়া দিলেও দুই-এক জন আমলা ও সরকারি অফিসারদের (দিল্লির তদানীন্তন প্রশাসক ও পুলিশ প্রধান) বিষয়ে অপেক্ষাকৃত স্পষ্ট রায় শোনা গিয়াছে। কিন্তু মনমোহন সিংহের সরকার 'ব্যবস্থাগ্রহণ রিপোর্ট'-এ অভিযুক্ত অফিসারদের বিরুদ্ধে ব্যবস্থা এড়াইয়া গিয়াছে এই যুক্তিতে যে অনেকেরই হইয়া গিয়াছে, অভিযুক্তরা অনেকেই চাকরি হইতে অবসর লইয়াছেন, ইত্যাদি। বিচিত্র যুক্তি। বিলম্বিত বিচার তো এমনিতেই অবিচারের নামান্তর। উপরন্তু বিচারপ্রার্থী যদি দেখেন, ক্রমাগত অভিযুক্তকে কাঠগড়ায় তুলিবার লক্ষ্য মনতুবি করিতে করিতে এক সময় এই 'দেরি হইয়া যাওয়া'র ঘটনাটিকেই কাঠগড়ায় না-তোলার যুক্তি রূপে ব্যবহার করা হইতেছে, তবে ন্যায়বিচারের আশা চিরতরে ধূলিসাৎ হইতে বাধ্য। অপরাধ প্রমাণিত হইলে অভিযুক্ত ব্যক্তি অবসরপ্রাপ্ত হইলেও তাঁহাকে শাস্তিভোগ করিতে হইবে, এই নিয়ম সখ্যশীঘ্র সম্ভব চালু করা জরুরি, সে জন্য প্রয়োজনে আইনি সংস্কারেই বা আপত্তি কোথায়? নয়তো নিয়মিত ভাবেই যে কোনও দাঙ্গার পরে তদন্ত শেষ হইতে গোটা দুই দশক লাগিয়া যাইবে, ইত্যবসরে অভিযুক্তগণ অবসরগ্রহণ করিয়া আইনের আওতার বাহিরে চলিয়া যাইতে থাকিবেন।

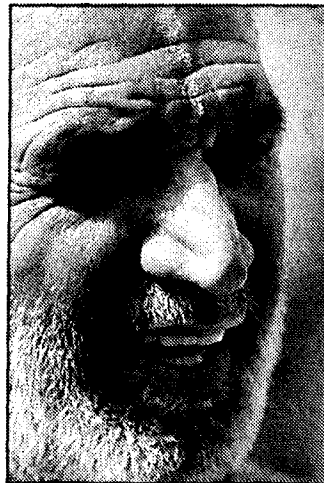
এমন নয় যে এই প্রথম দাঙ্গার তদন্ত কমিশন এ ধরনের রিপোর্ট দিল। অতীতে যত দাঙ্গা সংঘটিত হইয়াছে, তাহার অধিকাংশ ক্ষেত্রেই একই ঘটনা দেখা গিয়াছে। দাঙ্গায় জড়িত রাজনৈতিক নেতারা কোনও না কোনও তদন্ত-ছিদ্র দিয়া নিষ্কৃতি পাইয়া গিয়াছেন। ফলে তদন্ত কমিশনের সত্য উদঘাটনের সদিচ্ছা ও বিশ্বাসযোগ্যতার উপর মানুষের ভরসা হারাইয়া গিয়াছে। কমিশন যদি সত্য গোপনেই বেশি আগ্রহী হয় কিংবা এমন ভাষায় সত্যকে প্রকাশ করে যাহাতে তাহা বিভ্রান্তি ও অনিশ্চয়তা রচনা করে, তাহা হইলে সরকারের পক্ষে কমিশনের সুপারিশ উপেক্ষা করা সহজ হইয়া পড়ে। লক্ষণীয়, কমিশনটি অটলবিহারী বাজপেয়ীর সরকার বসাইয়াছিল, তদুপরি গুজরাত দাঙ্গার তদন্তের ভারও এই বিচারপতির উপরই ন্যস্ত। (তাহার রিপোর্টও এমনই হইবে কি?) তাই এই রিপোর্ট লইয়া বিজেপির পক্ষে বেশি জলযোগা করা কঠিন। চাপান-ডতোর শুরু হইয়াছে সরকারের 'ব্যবস্থাগ্রহণ রিপোর্ট' লইয়া। সংসদের ভিতরে-বাহিরে এই রাজনীতির উত্তাপ ক্রমেই বাড়িবে। তবে উদ্বাস্ত শিবিরের অসহায় মুখগুলিতে হাসি ফুটিবে না। তাঁহাদের স্বজন হারানোর যন্ত্রণা ও ঘাতকদের শাস্তি না পাওয়ার বাস্তবতার সহিত আপস করিয়া লইতে শিখিতে হইবে।

Nanavati To Tytler & Sajjan: Thou Hast Sinned

Panel indicts Cong leaders for 1984 riots

Our Political Bureau
NEW DELHI 8 AUGUST

In a major embarrassment for the Congress, the Nanavati Commission has indicted the Delhi Congress unit for inciting the 1984 anti-Sikh pogrom. Not just that, it has also said there is "credible evidence" of Union minister Jagdish Tytler's role in the riots and has directed the government to follow up cases



SAJJAN: Booked

against Congress MP from Outer Delhi Sajjan Kumar and Dharam Dass Shastri.

As expected, the government threw a protective shield around Mr Tytler and Mr Kumar and ruled out any action on the basis of Justice GT Nanavati's observations that the cases against them need to be re-examined. This sparked off angry protests from the Opposition, leading to adjournment of both Houses of Parliament on Monday afternoon.

Politically, the issue holds ominous portents for the Congress as the Opposition is planning to use it to push the government into a difficult corner. The NDA leaders on Monday said the UPA government was mindlessly brushing

aside the sentiments of the Sikhs, who were sought out and burned to death after the assassination of Indira Gandhi. The Congress' response to 1984 could also limit its ability to take own similar unwholesome acts in other theatres like Gujarat and hurt the party's newly cultivated "secular" image.

The action taken report (ATR) refers to the panel's conclusion that Mr Tytler "was very probably" involved in organising the anti-Sikh attacks to state that "a person cannot be prosecuted simply on the basis of 'probability'". In Sajjan Kumar's case, it recalled his acquittal by the court in 2002 and lack of any fresh material since then to refuse reopening of criminal proceedings against him.

In its 184-page report tabled in Parliament on Monday, the Nanavati Commission puts the blame on local Congress leaders for organisation of the attacks on Sikhs to avenge the killing of their top leader Indira Gandhi by members of the minority community.

While finding no role of senior leaders like Rajiv Gandhi in the orchestrated attacks, it however recorded that: "Whatever acts were done, were done by the local Congress leaders and workers, and they appear to have done so for their personal political reasons."

Pointing fingers of suspicion at several Congress leaders, including Jagdish Tytler, Sajjan Kumar, Dharam Dass Shastri and HKL Bhagat, the Commission has said the local leaders "do not appear to have done so (incited and participated in riots) purely for personal reasons."

"If they (riots) were the acts of individuals only, then the killing of Sikhs and looting properties of Sikhs would not have been on such a large scale," the Commission pointed out.

Inaction May Breed Anger, Says Nanavati

Our Political Bureau
NEW DELHI 8 AUGUST

JUSTICE GT Nanavati on Monday subtly cautioned the Centre against inaction on his recommendations, saying it might lead to "frustration" and "anger" among the people.

Despite repeated attempts from the media to seek his reaction on the UPA government's Action Taken Report (ATR), which has debunked the Commission's findings, Justice Nanavati said: "I cannot comment on it. But if the government does not consider it, then it might lead to frustration and anger among people. And it could result in people taking law on to their hand."

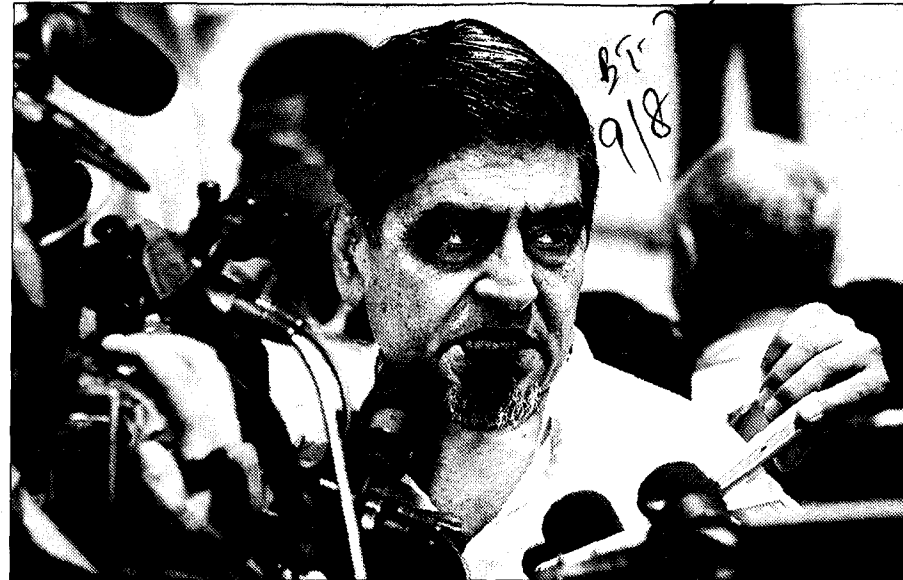
Justice Nanavati was not willing to put in black and white his feelings on the ATR tabled in Parliament on Monday, but left it to the people to interpret his statements. But one thing was clear: he was not happy over the way the Commission's report has been handled by the UPA.

"ATR is not for my satisfaction. It is for facing Parliament. It is to tell Parliament what action has been taken by the government on the recommendations of the Commission," he remarked.

To another question, he stated: "In a democracy, public opinion is of utmost importance. Public will decide how the Commission has functioned."

Some of the Commission's recommendations seeking action against Congress leaders appeared to be self-contradictory. For example, in Union minister Jagdish Tytler's case the Commission noted there were "credible evidence" against the leader, but in the same sentence added that "very probably" he had a hand in igniting attacks on Sikhs.

When asked whether such recommendations were not contradictory, he said if evidence was not clear, "we have to choose such words."



For Left, Activism Stops At Celluloid

Our Political Bureau
NEW DELHI 8 AUGUST

AMU — another film on the 1984 anti-Sikh riots — recently grabbed the best of eyeballs for a purely political reason: The movie starred Brinda Karat — CPM's best known female face who is today its latest Politburo member — as a mother trying to shield her adopted daughter from finding out the truth about her real parents killed in the riots.

So you might be inclined to think that her party or Mrs Karat takes the 1984 riot a tad more seriously. Nope. It turned out to be the other way around.

Ever ready to grab the UPA neck upon the very mention of words like 'disinvestment', 'MNC' or 'EPF', the CPM on Monday said it would need a couple of days to "study" the Nanavati report before it gave its official line. The party, it seems, is getting mature when it comes to emotional issues. The CPM, which even refrained from its oft-repeated "law should take its own course" response in such cases, evaded any reaction to the ATR saying it was the government's version of the report. Apparently, not wanting to add to the worries of the Manmohan Singh government, party MPs Nilotpal Basu, Basudeb Acharia and Rupchand Pal said the party will not condone anybody till it went through the report.



BJP taunts Cong on 'secular' tag

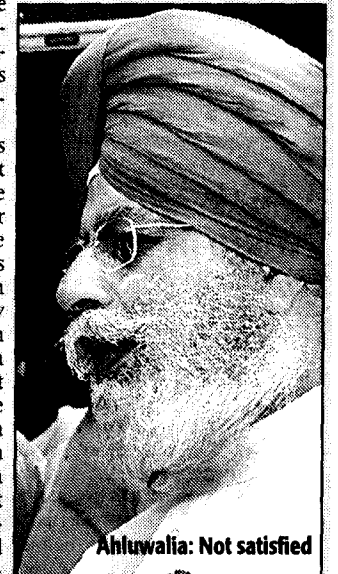
Our Political Bureau
NEW DELHI 8 AUGUST

IN a season of acute disappointments, the Nanavati Commission report on the 1984 anti-Sikh riots should bring some cheer back on the faces of BJP leaders. Sensing an opportunity to get even with its principal rival, the saffron outfit on Monday barged at the Congress, questioning its claims of being the foremost "secular" voice in the country in the face of the Commission's findings on the involvement of local Congress leaders in abetting the communal pogrom.

Armed with the report's findings and the subsequent governmental response, the BJP was gearing up to corner the Congress on an issue which, the party felt, has enough potential to besmirch its reputation as a secular party in the eyes of the common man. The Manmohan Singh government's decision to reject the panel's indictment of the roles of Union minister Jagdish Tytler, outer Delhi MP Sajjan Kumar and former Karol Bagh MP Dharam Dass Shastri had, at the same time, provided an escape-route for the BJP to ward off all threats of a "secular" assault, should it find itself at the receiving end of the post-Godhra riot's probe panel. Justice GT Nanavati, the retired Supreme Court judge, heads this Commission too.

By giving a clean chit to Mr Tytler, Mr Kumar and Mr Shastri, the Congress leadership had, in fact, ended up providing a reference point to the BJP. It's moral authority to question the Narendra Modi government's handling of the post-Godhra conflagration stood greatly eroded. "The Congress, henceforth, will have no locus-standi to claim the Gujarat chief minister's scalp for his failure to bring the situation under control immediately. In any case, the only charge against Mr Modi pertains to administrative lapses," a senior BJP leader re-

marked. Immediately after the contents of the report were known, the BJP and its allies in the NDA, served notice about their intentions of going all out to draw political mileage from the issue. A meeting of the Opposition alliance, held under the chairmanship of BJP president LK Advani, decided to send a delegation to President APJ Abdul Kalam, to apprise him of the UPA govern-



Ahluwalia: Not satisfied

ment's "stonewalling" tactics and to seek his intervention.

Plans to launch a countrywide agitation to expose the Congress were also drawn in the meeting. "Its tragic that a Cabinet meeting headed by 'a sardar' (Manmohan Singh) cleared such an action-taken report (ATR). How could the Prime Minister approve such a document? If his conscience was against it, he should step down from office," BJP spokesman VK Malhotra said here on Monday afternoon.

Even though Assembly elections in Punjab are still a year-and-a-half away, the BJP-Akali Dal alliance is certain to use the report to play on the emotions of the Sikh community, for whom the 1984 carnage remains a festering wound.

"Credible evidence" against Tytler: Nanavati

No evidence against Kamal Nath; former Lt. Governor of Delhi Gavai and ex-Police Commissioner Tandon blamed

Vinay Kumar

NEW DELHI: The Nanavati Commission, which probed the 1984 anti-Sikh riots, has found "credible evidence" against senior Congress leader Jagdish Tytler and said he "very probably" had a hand in organising the attacks. The report recommended action against Mr. Tytler, now Minister for Overseas Indian Affairs.

On the role of another senior Congress leader, Sajjan Kumar, the Commission recommended examination of only those cases in which witnesses accused him specifically and yet no charge sheets were filed and the cases terminated as untraced. It said there was no evidence of the involvement of Kamal Nath, now Commerce Minister, in instigating the mobs.

However, the Government's Action Taken Report (ATR), tabled along with the Commission report in Parliament on Monday, has dismissed the observation that Mr. Tytler "very probably" had a hand in organising the attacks, stating the panel itself was not absolutely sure of his involvement.

"Probability not enough"

The ATR pointed out that in criminal cases, a person could not be prosecuted simply on the basis of "probability" and any further action would not be justified. It said Mr. Tytler was not mentioned as an accused in cases of arson and looting in three first information reports filed in the Bara Hindu Rao police station. After the completion of trial, 13 accused were convicted and one was declared proclaimed offender. In another case, all the 31 accused were acquitted in 1992.

Of the seven cases against Mr. Sajjan Kumar, now MP from Outer Delhi, two cases did not relate to the 1984 riots. The ATR said his name was not men-



SEEKING JUSTICE: Relatives of the victims of the 1984 anti-Sikh riots stage a protest in New Delhi on Monday against the Nanavati Commission report. At right, Minister for Overseas Indian Affairs Jagdish Tytler is seen outside Parliament House, after the tabling of the report in Parliament. - PHOTOS: SHIV KUMAR PUSHPAKAR AND V. SUDERSHAN

tioned in other cases. In FIR 178/84 lodged in the Mangolpuri station, only one person made an accusation, which the Government would look into for appropriate action.

Delhi police criticised

The Commission report, which runs into 339 pages and consists of two volumes, and the 15-page ATR made a number of general observations on the Delhi police and said the personnel remained passive and did not

provide protection to the people. Timely action against those who indulged in riots could have saved many lives.

The one-man Commission, headed by the former Supreme Court judge, G.T. Nanavati, was appointed by the National Democratic Alliance Government on May 8, 2000 to inquire into certain matters connected with the riots, which occurred in New Delhi and other parts of the country on and after October 31, 1984 in the wake of the assassi-

nation of the then Prime Minister, Indira Gandhi.

On the role of Dharam Das Shastri, a Congress leader of Karol Bagh here, the Commission said there was "credible evidence" that he instigated his men, Tek Chand Sharma and Rajinder Singh, to organise attacks. It recommended that the relevant material be examined and further investigation taken up.

Agreeing with the recommendation, the ATR said Mr. Shastri was not named an accused in

FIR 867/84 and that his men were convicted by court.

"Law and order failed"

While observing that there was a "colossal failure of maintenance of law and order" in Delhi, the Commission expressed dissatisfaction with the explanation given by the then Lt. Governor, P.G. Gavai, and the then Police Commissioner, S.C. Tandon. Mr. Gavai did not give as much importance as was demanded to the law and order sit-

uation and he could not escape the responsibility for its failure.

On Mr. Tandon's conduct, it noted that he ought to have taken strict action against the defaulting officers and given them directions to be very strict with the police force "callous," and the policemen on the spot "ineffective" as mobs indulged in looting and killings.

The Nanavati Commission agreed with the findings of the Justice Mishra Commission on

the delay in calling the Army to control the situation. There should be an independent police force, equipped to take effective and immediate action, it said.

While accepting the views of the Commission, the ATR said all State Governments and Union Territory administrations were being advised to take necessary action.

More reports on Page 12

BRIEFLY

Early poll ruled out

GUWAHATI: Election Commissioner Navin Chawh on Monday ruled out any possibility of advancing the Assembly elections in Assam, slated for next May. — UNI

Dissolution case

NEW DELHI: The Supreme Court on Monday referred to a five-judge Constitution Bench petitions challenging the dissolution of the Bihar Assembly. — PTI Page 12

158 trucks enter Manipur

IMPHAL: Essential items loaded in 158 trucks entered Manipur on Monday even as a 12-hour bandh called by the All-Naga Students' Association Manipur was on in some hill areas. — PTI Page 13

Missions closed

RIYADH: Australia and Britain on Monday warned that militants would soon strike in Saudi Arabia as the United States closed its missions here for two days in response to threats. — Reuters Page 14

No agreement on telecast

NEW DELHI: Ten Sports and Prasar Bharati have failed to reach an agreement on telecasting Tuesday's final cricket match between India and Sri Lanka. — PTI

Shuttle return postponed

CAPE CANAVERAL (FLORIDA): NASA ordered Discovery to spend a nerve-wracking extra day in orbit after bad weather forced the postponement of Monday's scheduled return of the first U.S. shuttle mission since the Columbia disaster. Page 12

SUDOKU

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'9 Commissions, 21 years but justice denied'

Special Correspondent

NEW DELHI: The Bharatiya Janata Party on Monday expressed its dissatisfaction with the Action Taken Report on the Justice G.T. Nanavati Commission of Inquiry, saying it was like "sprinkling salt on the wounds" of families who had lost members in the "massacre of Sikhs" that took place in 1984.

The Shiromani Akali Dal (Badal) said the community was once again denied justice, for

which it had been waiting for over two decades. It demanded the resignation of Union Minister Jagdish Tytler and registration of cases against Sajjan Kumar.

The former Union Minister, Sukhdev Singh Dhindsa, said, "Nine Commissions, 21 years have gone but those affected are awaiting justice. While the Commission report itself did not offer much, the Government cannot let off those who have been mentioned."

The Congress, however, rejected the demand. When asked whether the party felt Mr. Tytler should put in his papers in view of the Commission's findings, party spokesman Anand Sharma said, "There is no indictment, no evidence. Not actionable."

"Whitewash report"

BJP spokesperson V.K. Malhotra told mediapersons that it was not an action taken report but a "whitewash report." There was no doubt that the riots were

a "planned massacre." Mr. Malhotra said "it was highly objectionable" that such a "whitewash report" had been presented by the Government when Manmohan Singh was the Prime Minister. The Congress objected, saying it was condemnable to drag Dr. Singh's religion into the issue.

On the comments by the Supreme Court with regard to the Gujarat riots and the role of the Narendra Modi administration, Mr. Malhotra said 200 people

were killed in police firing and none during the 1984 riots.

"No mention of Rajiv"

The BJP found fault with the Commission's report, saying there was "no mention of the then Union Home Minister [P.V. Narasimha Rao] and Prime Minister [Rajiv Gandhi]." The only point of "satisfaction" for the party was that the issue would be debated in Parliament; its MPs had already given notices for this.

'Delhi Police probably instigated attacks'

'Big mobs armed with weapons attacked the houses of Sikhs'

Special Correspondent

NEW DELHI: Considering the manner in which the violent attacks on Sikh community were made, it was felt that probably the attacks on Sikhs were organised by the Congressmen or their supporters or by some other organisations or associations, the Nanavati Commission that inquired into the 1984 anti-Sikh riots in Delhi has observed.

It was also felt that the Delhi Police was not only negligent in protecting the Sikhs and their properties but probably connived at or instigated such attacks that not only hurt the feelings of Sikhs but also shocked the conscience of the people throughout the country, the commission observed.

Reconstructing the sequence of events of October 31, 1984 when Prime Minister Indira Gandhi was assassinated, the commission said that by about 2 p.m. on that day angry crowds started shouting slogans outside AIIMS where Mrs. Gandhi was rushed for treatment. "After some time the crowds started pulling out Sikh passengers from buses and mishandling them. The first incident of pelting stones happened at about 5 p.m. The massacre that followed thereafter was a nightmare for the Sikhs and the civilised society," the commission said.

It stated that most of the deaths took place on November 1 and 2, 1984. Big mobs armed with weapons attacked the houses of Sikhs; male members were assaulted and beaten mercilessly and many of them were burnt alive or cut into pieces.

• Feelings of Sikhs hurt

• Most killings were on November 1 and 2, 1984

• Bodies were thrown into Yamuna

• 3,000 Sikhs were killed

• 3,000 Sikhs were killed

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COMMISSION AND OMISSION

Still haunted by the ghost of 1984

"My children keep asking me where my family is. All I have to show them is a photograph..."

Mandira Nayyar

NEW DELHI: The only "proof" Nirmal has that she had a family once is an old faded photograph. Standing outside her dilapidated flat here in Tilak Nagar -- a Sikh-dominated area in West Delhi -- Nirmal is just one of the many victims of the 1984 Sikh riots who say they have lost all faith in the Government after the tabling of the Nanavati Commission report in Parliament on Monday. With those accused of participation in the riots virtually being given a clean chit by the Commission 21 years later, the anger she feels is palpable.

"My children keep asking me where my family is. All that I have to show them is a photograph. My mother and I

were the only ones in my family to survive, but she died last year waiting for justice. My family never killed Indira Gandhi, so why should they have been slaughtered? This Government might not be able to give us justice. But God will," she says, tears welling up in her eyes.

Living with memories of the riots, the residents -- who had pinned their hopes on the tenth inquiry commission that was set up to investigate the riots -- are now left grappling with a sense of overpowering rage and frustration. With images of her son and husband being burnt alive still vivid in her mind, there is no reassuring 80-year-old Jassi Bai.

"Is this justice? Jagdish Tytler, H.K.L. Bhagat and Sajjan Kumar are all free. The killers of Indira Gandhi were hanged, so why are they not punishing those who killed thousands of innocent people? Manmohan Singh is just a puppet in the hands of Sonia Gandhi. He is a Sikh. How can he still head such a Government?" wails Jassi Bai.

Having walked across from Pakistan during the 1947 Partition "believing in

Jawahar Lal Nehru's dream", Jassi Bai now believes that justice will always be elusive for her in independent India. "I escaped without a hair singed during Partition. But here in the Capital, I lost everything. The whole Commission is eyewitness. No one has heard us for years. I have no hope or expectations from any Government."

For Harbans Kaur, who has been a widow longer than she was married, the Nanavati report "is just one more reason to be disillusioned with the system": "It is a conspiracy. It was not a riot but a massacre of innocent people. I was 18 years old. I saw my husband tied to a pillar and burnt alive. These were not riots but killings supported by the Congress party. Otherwise how is it that they could drag out innocent people and brutally kill them the way they did?"

With more questions than answers, the residents of this colony say the reality of the riots will always haunt them. "The fire still burns in us. We are still burning with the memories of the riots. It is not easy to lose your father, your grandfather and your brother,"



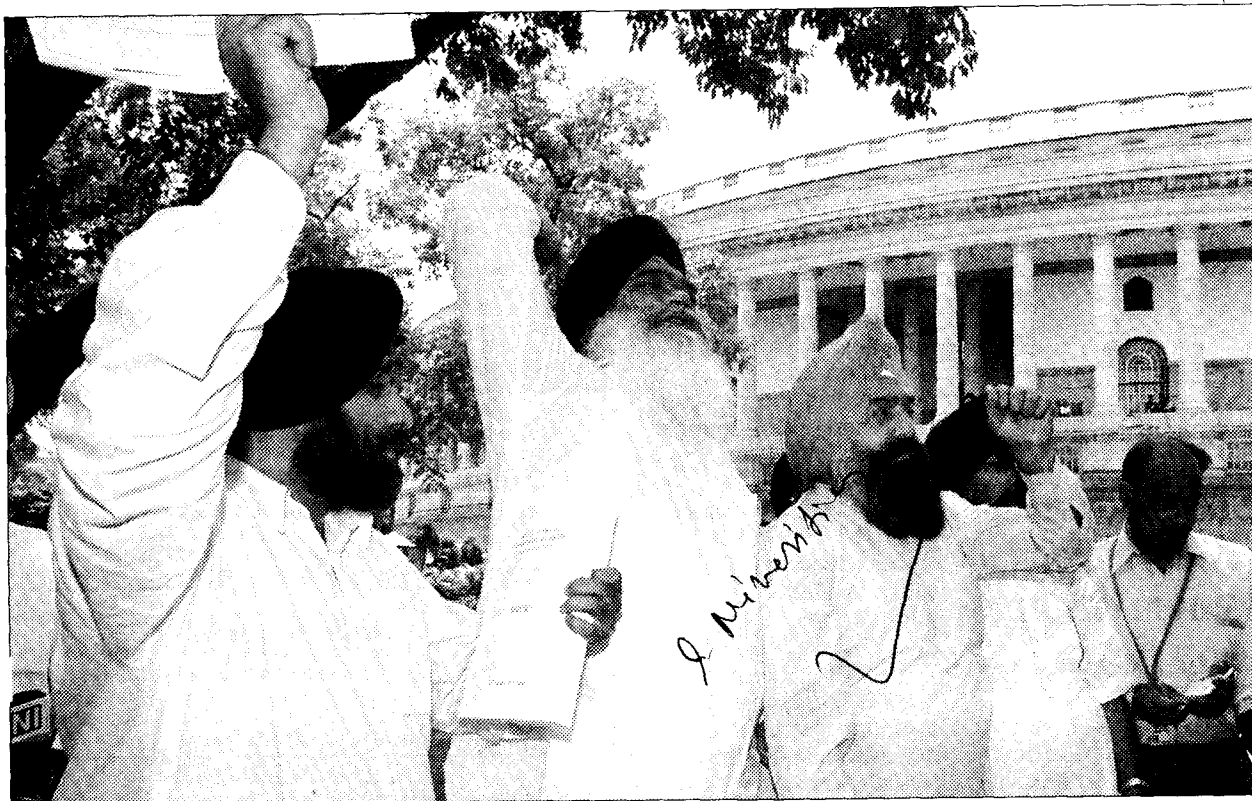
SHADOW OF 1984: Eighty-year-old Jassi Bai at home in Delhi on Monday with photographs of her husband and son who were killed during the 1984 riots. PHOTO: SHIV KUMAR PUSHPAKAR

states young Gurmeet Kaur who was a little child in 1984.

For the elders, the nightmare is far from over. "Even after we die, our young ones will continue this fight. We have not given up," says Paramjeet Kaur.

■ WHITEWASH, SAYS BJP ■ CONGRESS BRAZENS IT OUT

Riot report evokes mixed reaction



UP IN ARMS: Sikh MPs raise slogans against the Nanavati Commission report outside Parliament on Monday. — AFP

Statesman News Service

NEW DELHI, Aug. 8. — The Justice Nanavati Commission report on the 1984 anti-Sikh riots and violence, tabled in Parliament today, generated political heat and fireworks, with the BJP going hammer and tongs at the Manmohan Singh government's action taken report while the Congress, reeling under widespread accusations, decided to brazen it out.

Criticising the government, the BJP said the ATR on the Nanavati report was "a white-wash report" which, the party noted, rubbed salt in the wound of thousands of Sikh families who had lost their members in the violent "mayhem". The ATR, the BJP charged, bore the imprint of a "helpless" Prime Minister, who is himself a Sikh, letting guilty persons off the hook.

The Congress-led UPA government's "outside" ally, the Left parties struck a guarded posture. They declined to react to the Nanavati report but reminded of "the situation" under which the previous NDA government constituted the Commission.

The Congress denied the BJP's charges, accusing the latter of "politicising" the issue. Congress spokesman Mr Anand Sharma also

Former L-G blames Rao

NEW DELHI, Aug. 8. — The former Lt Governor of Delhi, Mr PG Gavai, who has been indicted by the Justice Nanavati Commission, today accused the then Union home minister, the late PV Narasimha Rao, and the then Army chief, A Vaidya, for their "failure" to control the riots. "Rao was only making calls to me to protect his friends and telling me their locations," Mr Gavai said in his reaction to the report. "I approached the then Army chief General Vaidya, but his response was too cold. He told me, Gavai these things normally happen." — SNS

took umbrage to the BJP's raking up of the Prime Minister's religious identity, calling it "condemnable".

The BJP deputy leader in the Lok Sabha, Mr VK Malhotra, was, however, particularly critical of Dr Manmohan Singh for allegedly allowing the perpetrators of the '84 carnage go scot-free. He said it was very "painful and objectionable" to find the government's ATR giving a clean chit to all the accused. The 1984 Sikh riots was a "planned murder" of 3000 Sikhs in Delhi and another 1000 spread across other states, he said. "There can be no greater humiliation than this report."

Like the government, the Congress sought to justify the ATR,

calling the BJP's allegations "false". To a question, Mr Sharma said the Union minister for NRIs, Mr Jagdish Tytler, indicted by the Nanavati panel, does not need to resign. He echoed the ATR's line, saying the Nanavati Commission has "contradicted" itself by saying "there is credible evidence against Tytler to the effect that very probably he had a hand in organising attacks on Sikhs."

Mr Sharma claimed that under the law, evidence has to be "beyond any shadow of doubt". "In criminal cases, a person cannot be prosecuted on probability."

The Congress also dismissed the point likening the "state-sponsored" 2002 Gujarat carnage with the 1984 Sikh massacre. "Such a parallel could not be drawn, because unlike Gujarat, the Congress leadership has not been found to be involved in the '84 riots by the Commission, which has given a clean chit to Rajiv Gandhi and other Congress leaders like Kamal Nath and Vasanth Sathe."

Earlier in the day, at a meeting of the NDA, chaired by the BJP president Mr LK Advani, a decision was taken to organise a countrywide "agitation" against the ATR. The matter is set up for a discussion in Parliament.

Cabinet no to probe against Tytler

TIMES NEWS NETWORK

New Delhi: The Union cabinet on Thursday brushed aside the recommendation of the Nanavati commission for further probe into the role of minister for overseas affairs Jagdish Tytler in the anti-Sikh riots following the assassination of Indira Gandhi in 1984.

Probing the role of Tytler in the killings of Sikhs, the commission has said: "The commission considers it safe to record a finding that there is credible evidence against Shri Jagdish Tytler to the effect that he very probably had a hand in organising attacks on Sikhs".

The action taken report, however, seized upon "very probably" to rule out further probe against the minister. The Nanavati commission specifically indicts Congressmen, Outer Delhi MP Sajjan Kumar and former MP Dharam Dass Shastri as well as the then Lt Governor P G Gavai and police chief S C Tandon.

Regarding Sajjan Kumar, the commission has recommended that the government should examine "only

those cases where witnesses have accused Mr Kumar and yet no chargesheets has been filed". Examining the role of the Lt Governor, the commission has rejected his defence that there was no lapse at his level as "not satisfactory".



ANTI-SIKH RIOTS

Then police commissioner Tandon has been stric- tured even severely, with the commission holding him responsible for the collapse of law and order. It notes that it was Tandon's duty to main- tain order in the city. A num-

ber of junior police officers have also come in for cen- sure. As for Shastri, the commission has stressed that it is "of the view that there is credible evidence against Dharam Dass Shas- tri that he had instigated at- tacks on Sikhs. The govern-

ment maintained that the "guilty would not be spared." Undoubtedly, ac- tion would be taken against those found guilty", said I&B minister Jaipal Reddy after the cabinet meeting.

While sources justified the decision saying that un- like Congress MP Sajjan Ku- mar, Tytler had not specifi- cally been indicted by either of the two commissions which probed the '84 riots, the decision may invite protests and allegations from the opposition. The op- position was pressing for early tabling of the report.

Reddy, however, declined to give the details of the ATR, saying "it is absolutely Parliament's privilege".

Under the present provi- sions of the Commission of Inquiry Act, a government is bound to announce what action it takes on the find- ings of a probe body insti- tuted under this law.

The government will be going to Parliament well within the six-month period it gets under this law to de- cide on the follow-up action. Till then, it has stoutly stonewalled demands for making the report public.

Inheritance: Women on par with men

Women will get equal footing in inheri- tance with men with changes in the Mitak- shara law sought through an amendment to the Hindu Succession Act. A minor modifica- tion is also proposed to be effected to the protec- tion of women from do- mestic violence bill to eliminate the possibility of the law being misused by relatives of the hus- band to further victimise and harass the wife or the woman living in any relationship. TNN

04 APR 1985

9/2/08 **No escape** 9/18

Try as it may to dodge it, the UPA government will have to confront the spectre of '84

THE UPA government's reluctance to table the Nanavati Commission report in Parliament is palpable. It is also disgraceful. Consider this tortured timeline. More than two decades have passed since Delhi imploded with mob violence against its Sikh community in the wake of a prime minister's tragic assassination. The Nanavati Commission, set up in 2000 to belatedly probe the crimes of 1984, submitted its report after nearly five long years in February, 2005. The UPA government is yet to table the Commission's report, along with the Action Taken Report (ATR), in Parliament. Now, with less than a week left before it is legally bound to do so — the six month statutory period expires on August 8 — the government is still scrambling for an explanation when confronted by hostile Opposition MPs in Parliament and queasy allies outside it.

Is the government led by the Congress party still unabashedly protecting its own? Is that why it stubbornly resisted the calls to table the Nanavati report in Parliament even earlier this year, in the Budget session? And then, can a Congress party that must be so obviously pushed and prodded by statutory deadlines into coming clean on hate crimes which oc-

J. M. Wilson
curred when a government led by it was in power, rail against the absence of justice in Gujarat? Does it have the credibility, or moral authority to do so? These are not merely rhetorical questions. The UPA government may — hopefully — soon have in its hands the report of the inquiry, also conducted by Justice Nanavati, into the shameful violence of Gujarat 2002. The lack of alacrity it shows now on shining the light on events in 1984 will come back to haunt it then.

But this isn't just about anticipating future discomforts. The Congress party and the UPA has much at stake in being sincere, and appearing to be sincere, about bringing some kind of closure to the tragedy of Delhi 1984. This is a government that came to power swearing by secular principles. A government held together by the professed antipathies of all its disparate parts to the divisive ideology and violent politics of communalism. This government took oath in the penumbra of Sonia Gandhi's halo, much dented since. If the sinking feeling — that there are double standards in dealing with communal violence — is allowed to settle into a widely-held conviction, the UPA government loses legitimacy in deep and irretrievable ways.

Zahira denies lodging complaint

Prime witness in Best Bakery case appears before commission

Manas Dasgupta

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AHMEDABAD: The prime witness in the Best Bakery communal riot case, Zahira Sheikh, on Wednesday denied that she had ever lodged any police complaint about the burning of the bakery on March 1, 2002.

She also denied that she was under any kind of pressure when she told the Vadodara fast track court that she did not recognise any of the accused. She said she had first met the Mumbai-based social activist, Teesta Setalvad, only after she was "per force" taken to Mumbai by some of her "accomplices."

Appearing before the G. T. Navavati-K. G. Shah judicial inquiry commission probing the Godhra train carnage and the post-Godhra communal riots in Gujarat, Ms. Sheikh denied that she had filed any affidavit before the commission on the Best Bakery incident. She said that when she was in hospital after the incident, the police did take her signature on some written documents, but she did not know it was taken as her complaint to the police. She claimed that when she signed the paper, she did not know its contents nor did the police read it out to her.

She said she had told the Vadodara fast track court that she had narrated the incident to the police but she was not aware that what was produced as her complaint exactly matched with what she had told the police. She said she was not aware if the fast track court had declared her a hostile witness, claiming that she had never changed her version about the incident. She claimed that hearing

• Not accompanied by her lawyer

• Contradicts statement on Teesta Setalvad

• Cross-examination concludes

some noise of a mob approaching her house, she and other family members had escaped to the terrace of the house where they stayed the entire night and it was not possible for anyone to recognise some of the accused in the mob from that position.

Ms. Sheikh was appearing before the commission after seeking a series of adjournments on various grounds for the last four months and when almost on the verge of being issued an arrest warrant for repeatedly ducking the commission. She was not accompanied by her lawyer but still appeared confident in her replies.

Though she made some contradictory statements about Teesta Setalvad forcing her to "implicate" some of the accused, she denied that she had filed any affidavit before the commission. She reiterated that her signature in the affidavit dated May 20, 2002, produced before the commission was genuine but was not in agreement with all its contents. Contradicting her earlier statement that she did not know Teesta Setalvad till she was taken to Mumbai after the judgment of the Vadodara fast track court acquitting all the 21 accused, she named some of Ms. Setalvad's "henchmen" to be in touch with her to file an affidavit before the

commission on the line desired by them.

Even though she repeatedly claimed that she was abducted to Mumbai by Ms. Setalvad's "henchmen" and was kept virtually under house arrest for about a month in her house "sometime in the year 2003," she admitted that at no stage neither she herself nor any of her family members lodged any police complaint about the actions of Ms. Setalvad and her accomplices. Later in reply to a question, Ms. Sheikh said she had no intention to move the Supreme Court. She said she had to go to the Supreme Court only because Ms. Setalvad had filed a petition in the apex court, she said.

While at the last hearing in April, she had declined to give any detail of the incident feigning that she had forgotten the minute details, this time she drew almost a graphic picture of the incident on March 1 in which she agreed that the bakery was set afire by a violent mob of about 700 people as a reaction to the Godhra train carnage.

She said Ms. Setalvad's accomplices, Mohammad Vora, Munna Malik and Arif, wanted her to name seven persons as accused but she did not know any of them.

Ms. Sheikh's cross-examination by the advocate of the riot victims, Mukul Sinha, concluded.

The commission was also informed that a representative of the U. C. Bannerjee committee, which had inquired into the train carnage and had already submitted an interim report holding the fire in the train to be "accidental," only submitted a copy of the interim report to the Navavati-Shah commission.

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THE HINDU