

BJP opposes bill to fight riots



L.K. Advani at a BJP meeting in New Delhi on Sunday.

Picture by Ramakant Kushwaha

POORNIMA JOSHI

New Delhi, June 25: The BJP has told the Standing Committee on Home Affairs that the Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill, 2005, is "totally unacceptable" as it threatens to disrupt the federal structure of the country.

The committee is expected to submit its confidential report on the bill to Parliament on the last day of the first week of the monsoon session.

The bill was introduced in the Rajya Sabha in December and subsequently referred to the standing committee, which comprises 35 MPs. Although its proceedings are kept under wraps, the committee is learnt to be consulting a panel

of four experts — Fali Nariman, Jaspal Singh, Zoya Hasan and M.P. Singh — on the bill.

The committee has reportedly sought recommendations from all political parties, and the BJP is believed to have made the following objections:

■ Chapter XI empowers the Centre to deal with communal violence in a state and take over its law and order mechanism if it suspects that the state does not intend to act. The BJP says this provision would upset the federal structure as there are no safeguards against the misuse of the special powers

■ The composition of the relief committees is not "balanced" — the "majority" community has not been given any representation

■ The BJP is also opposed to the clause pertaining to disqualification of a legislator

"Provisions of Chapter XI completely erode the federal structure of the state. Law and order is a state subject. How can the Centre have arbitrary powers to declare an area communally sensitive and send in paramilitary forces?" asked a senior BJP leader.

The party's arguments, however, are in contrast to that of human rights organisations and women's groups.

In their public report, Colin Gonsalves of the Human Rights Law Network and anti-communal group Anhad have attacked the bill on the ground that all the core sections regarding prevention, containment and punishment of communal

offences only come into effect if the state government concerned issues a notification.

"A state government may issue a notification bringing the statute into force in the state and yet render it sterile by not issuing further notifications declaring certain areas to be communally disturbed," Gonsalves said in his report.

"The prospect of the infamous Gujarat experiment of a state-sponsored terrorising of minority citizens is still a real enough threat. It is for this reason that the bill was so eagerly awaited. But what this law sets out to do is not to protect innocent citizens from such acts of their elected rulers. Instead, it sets out perversely to vest those same state administrations with even more powers."

Funds quota for minorities

OUR SPECIAL
CORRESPONDENT

New Delhi, June 22: Fifteen per cent of funds allotted for development and welfare schemes will now be set aside for the minorities.

The cabinet decision, which adds a new feature to the Prime Minister's 15-point programme for minority welfare, is a follow-up to proposals outlined by Sonia Gandhi last week. The revised programme is also aimed at preventing communal riots, pro-

secuting communal offences and rehabilitating victims of communal violence.

Brushing aside possible charges of "Muslim appeasement", Congress leaders said the scheme would cover all the "nationally declared" minorities, including Christians, Sikhs, Parsis and Buddhists.

The BJP, however, was quick to condemn the separate fund allocation as "dangerously divisive" and the Samajwadi Party, desperate to avoid a division in its Muslim vote bank before next year's Uttar Pradesh elections, termed it

an "empty political ploy".

The hint of such a move lay in Sonia's comments on minority welfare are at the June 12 inauguration of the India Islamic International Centre here.

"The development level of considerable sections of the Muslim population is a matter of concern in terms of equity and social

justice, so is the under-representation in public employment and public life," the Congress president had said.

She said the Centre needed to address issues of jobs and education and widen

the levels of prosperity so that every community felt it was an equal stakeholder in the "new India that is emerging".

As she listed the United Progressive Alliance government's "notable" initiatives, she mentioned the creation of a ministry of minority affairs as well as the Planning Commission's intention to identify areas of "special inputs" for minorities in the 11th plan.

The 15 per cent fund reservation is believed to be the brainchild of minority affairs minister A.R. Antulay, whose ministry will oversee the disbursement and utilisation of the money.

Congress sources said the party would use the move to

try and win votes in Uttar Pradesh, Gujarat and other poll-bound states.

BJP vice-president Mukhtar Abbas Naqvi termed the decision a "gimmick", alleging that it was "just a ploy to divert people's attention from the burning issues of the day".

"But this will fail," he said. The Samajwadi Party was stumped for a response. One of its MPs, Ramji Lal Suman, admitted: "We can't publicly say anything against this decision. However, the effectiveness of any policy depends on its implementation."

THE PACKAGE

•15% of welfare funds to be earmarked for 'nationally declared' minorities

•PM's minority welfare programme to cover

•Prevention of riots

•Prosecution in communal offences

•Rehabilitation of riot victims

THE TELEGRAPH

Bengal orders survey of minorities

IMRAN AHMED SIDDIQUI

Calcutta, June 11: For the first time, Buddhadeb Bhattacharjee's government has commissioned a survey of the state's minority communities with the aim of assessing their position in society.

The move follows a directive from the chief minister, officials said.

"The first such exercise in 30 years of Left Front rule will help us assess the minorities' socio-economic condition, standard of education, lack of

employment opportunities and other problems. I met the chief minister before the Assembly elections and he readily agreed," said Syed Sajjad Zaher Adnan, chairman of the West Bengal Minorities Commission.

The Indian Statistical Institute has been asked to conduct the survey. Atish Dasgupta, a professor at the institute and brother of finance minister Asim Dasgupta, said a team under him had been formed to carry out the survey. He said the institute would complete its job in three months.

Adnan said Muslims, Christians, Sikhs, Parsis and Buddhists are the five communities notified as minorities by the Centre. The five-member commission, which has a representative from each community, has been receiving a large number of complaints about discrimination and unemployment over the past few years.

"The survey will bring out the condition of minorities. The results would help the government redress their grievances," he explained.

K. Sathiyavasan, the secretary in the minority affairs de-

partment, confirmed that the survey had been commissioned but refused to disclose its objectives. "Since it is a very sensitive matter, I shall not elaborate. First, let us get the report from ISI," he added.

Commission members recently visited some remote villages of Murshidabad and Malda where they were appalled by the condition of the minorities. "In Bengal, Muslims are in the majority among minorities. They have problems in plenty. In some villages, an entire family depends on a lone earning member. Unemployment

is a major issue," the chairman said.

Kalyan Chaudhury, a member of the commission representing Buddhists, spoke of much the same problems for the community in districts like Jalpaiguri and Darjeeling.

"Most of them are below the poverty line and the community is also deprived of constitutional rights. Even tribal Christians have been subjected to discrimination. The survey would be an eye-opener."

The decision is laden with dangers of political controversy. Some time ago, the Manmo-

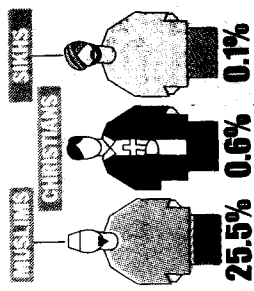
han Singh government came under attack after revelations that it had ordered a survey of minorities that would cover the army, too.

Much of the hue and cry, however, was over including the army in the survey with opponents arguing that issues such as community composition should have no place in the military.

It is not clear what a Bengal-specific survey will achieve as a countrywide exercise is already under way. The Rajindar Sachar committee's report is expected on October 31.

THE COUNT

Minorities as Percentage of state population



The number of Parsis and Buddhists is very small

Source: 2001 census

Curfew continues in Aligarh

Suspended SP asked to leave town "with immediate effect"

ALIGARH: A senior police officer suspended in connection with last month's riots here was asked to leave town "with immediate effect" as indefinite curfew remained in force on Wednesday in areas that saw communal violence after a local BJP leader was slain this past Sunday.

Calm prevailed in the localities of the old city where curfew was in force and "no untoward incident" had been reported from anywhere since Sunday night, District Magistrate Anil Kumar Sagar said.

He said no decision on curfew relaxation had been taken and the situation was being monitored by senior officials camping

here for the past three days.

The Special Task Force was investigating the matter but had made "no headway" yet, the DM said.

The district administration on Tuesday night ordered former City Superintendent of Police S. K. Verma, suspended for negligence in connection with the communal violence in the first fortnight of April, to leave "with immediate effect".

Verma had stayed on in the

town despite the suspension order last month.

AMU exams on schedule

All examinations of the Aligarh Muslim University would be held from tomorrow as per the original schedule.

The University has made arrangements for bringing students residing in curfew-bound areas to the examination centres and sending them back along with police escorts.

• **Calm prevailed in the localities of the old city**

• **Situation was being monitored by senior officials**

A decision in this regard was taken at a meeting of the AMU Vice-chancellor with all the deans of the faculties, principals of colleges, managers of schools and principals and other university officials, an official release by the AMU said.

It was also decided that the university vehicles would be available at 7.15 a.m. for the morning examinations and 1.15 pm for the afternoon examinations at six locations in Aligarh namely, Kotwali at Upper Fort, chauraha Abdul Karim, Embassy Hotel at Rasal Gunj, Sasni Gate Police station, Delhi Gate Police Station and Khirni Gate police post. - PTI & UNI

THE HINDU

সেই গুজরাত

ধর্মস্থান যদি সড়ক সম্প্রসারণের মতো পরিকাঠামো উন্নয়নের পথে বাধা হইয়া দাঁড়ায়, তবে তাহার অপসারণ যে জনস্বার্থেই জরুরি, ইহা কেহই অস্বীকার করিবেন না। বডোদরার একটি দরগার অংশবিশেষ ভাঙিয়া শহরের রাস্তা চওড়া করার জন্য গুজরাত হাইকোর্ট যে রায় দেয়, তাহার বৈধতা লইয়া প্রশ্ন তোলা অর্থহীন। কিন্তু হাইকোর্ট একই সঙ্গে জনস্থান জবরদখল করিয়া আমদাবাদে নির্মিত ১২০০ মন্দির সরাইয়া দিবার কথাও পুর কর্তৃপক্ষকে বলিয়াছে। সে ব্যাপারে গুজরাতের প্রশাসনকে তৎপর দেখা যাইতেছে না। আদালতের নির্দেশ যাহাই থাক, উন্নয়নের প্রকল্প স্থানীয় স্বশাসিত সংস্থা সংশ্লিষ্ট এলাকার জনসাধারণের সহিত আলোচনাসাপেক্ষেই সিদ্ধান্ত লইবে, ইহাই যুক্তিসঙ্গত। বডোদরার সুফি সন্তের দরগাটির ক্ষেত্রে অনুরূপ আলোচনার মাধ্যমে একটি গ্রহণযোগ্য মীমাংসাসূত্রও নির্ধারিত হয়। কিন্তু পুর-কর্তৃপক্ষ তদনুযায়ী দরগার অংশবিশেষ না ভাঙিয়া গোটা দরগাটিই বিপুল পুলিশবাহিনীর পাহারায় ধুলিসাৎ করিয়া দেয় এবং রাতারাতি ধ্বংসস্তূপের উপর দিয়া পাকা সড়ক পর্যন্ত বানাইয়া ফেলে। সংখ্যালঘু সম্প্রদায়ের মধ্যে ইহার প্রতিক্রিয়া যে প্রতিকূল হইবে, তাহা নিশ্চিত। সেই প্রতিক্রিয়ার মোকাবিলায় নরেন্দ্র মোদীর প্রশাসন ও পুলিশ যে আচরণ করিয়াছে, তাহা দেখিয়া কেহ বলিতেই পারেন: সেই গুজরাত সমানে চলিতেছে!

স্বাভাবিক ভাবেই নরেন্দ্র মোদীর রাজ্যে আবার জাগিয়া উঠিতেছে দাঙ্গার দুঃস্বপ্নস্মৃতি, দাঙ্গা না বলিয়া যাহাকে সংগঠিত সংখ্যালঘু-নিধনই বলা উচিত। পুলিশের কাছে সাহায্যের আবেদন করিয়াও সংখ্যালঘুরা নাকি কোনও নিরাপত্তার আশ্বাস পাইতেছেন না, ঠিক যেমন গোধরা-পরবর্তী কালে ঘটিয়াছিল। পুলিশের সামনেই সংখ্যালঘু মহল্লা আক্রান্ত হইতেছে। কেন্দ্রীয় স্বরাষ্ট্র দফতরের রাষ্ট্রমন্ত্রী বডোদরা সফর করিয়া প্রশাসনকে পরিস্থিতির জন্য দায়ী করিয়াছেন। ধুলিসাৎ দরগাটি সম্পর্কে তাঁহার বক্তব্য প্রণিধানযোগ্য। প্রশাসনের বক্তব্য, শহরের পরিকাঠামোর উন্নতির জন্য রচিত ১৯২১ সালের 'মাস্টার-প্ল্যান' অনুযায়ী সরকারি জমিতে নির্মিত এই দরগা ভাঙিয়া দেওয়াই উচিত। কিন্তু দরগাটি অন্তত তিনশত বছরের প্রাচীন, কাহারও কাহারও মতে চারশত বছরের। তখন তো আর মাস্টার-প্ল্যান ছিল না, সরকারি জমি তথা জনস্থান বলিতেই বা কী বুঝাইত? বাদশাহি আমলে সুলতান বা বাদশাহদের দান করা নিষ্কর জমির উপরেই তো মন্দির-মসজিদ-দরগা-মাজার গড়িয়া উঠিত। অনেক হিন্দু মন্দিরও তো এই ধরনের দানের জমিতেই নির্মিত। পরবর্তী কালের ব্রিটিশ সরকারের ব্যাখ্যায় যদি সেই ধর্মস্থান সরকারি জনস্থান বলিয়া শনাক্ত হয় এবং সেখান হইতে প্রাচীন মন্দির-মসজিদ ভাঙিয়া ফেলিতে হয়, তবে তো ভারতের অনেক ধর্মস্থানই কাটা পড়িবে। তাই জনস্থান দখল করিয়া চোখের সামনে নির্মীয়মাণ অর্বাচীন দেবালয়ের সহিত ঐতিহ্যপূর্ণ প্রাচীন বা মধ্যযুগীয় ধর্মস্থানের পার্থক্য করা উচিত, কেননা শেখোক্তের সহিত সম্প্রদায়ের ধর্মীয় আবেগ, ইতিহাস ও ঐতিহ্য জড়াইয়া থাকে।

নরেন্দ্র মোদীর প্রশাসন কি উন্নয়নকে অজুহাত হিসাবে ব্যবহার করিয়া সংখ্যালঘুর ধর্মীয় আবেগকে নূতন করিয়া আঘাত হানিতে চাহিয়াছে! গুজরাতে পুনরায় একটি নির্বাচন আসন্ন হইয়া উঠিতেছে, তাহাতে জয়লাভ করিবার জন্যই কি হিন্দু সাম্প্রদায়িকতাকে উস্কাইয়া হিন্দু ভোট সংহত করার চেষ্টা? তেমন সংশয়ের বিলক্ষণ কারণ আছে। গত নির্বাচনের পূর্বাঙ্কে এ ভাবেই গোধরা-পরবর্তী অপকাণ্ড ঘটাইয়া হিন্দুত্ববাদীরা মোদীর জয়রথ অপ্রতিহত করিয়াছিল। অন্যথায় বিজেপির গুজরাতে ক্ষমতায় ফেরা অসম্ভব ছিল। সন্দেহ হয়, কংগ্রেসও তথাকথিত হিন্দু ভোট হারাইবার ভয়ে এই সাম্প্রদায়িক রাজনীতিকে সম্মুখসমরে মোকাবিলা করিবে না। মুখে ধর্মনিরপেক্ষতার বুলি আওড়াইলেও ইতিহাসের বিভিন্ন পর্বে কংগ্রেস নেতৃত্ব বারংবার সাম্প্রদায়িক শক্তির সঙ্গে আপস করিয়াছে। রাজ্যে আগের বিধানসভা ভোটের সময় তাহাকে নরম হিন্দুত্ব ফেরি করিতে দেখা গিয়াছে। মোদীর জঙ্গি হিন্দুত্ব তাহাকে প্লাবিত করিয়া দেয়। বডোদরার ঘটনা নূতন করিয়া যে সিঁদুরে মেঘ ঘনাইয়া তুলিয়াছে, সে বিষয়ে ধর্মনিরপেক্ষ শক্তিগুলিকে আগাম সতর্ক থাকিতে হইবে। গুজরাত যাহাতে ভারতীয় প্রজাতন্ত্রে সংখ্যালঘুদের অবিসংবাদী বধ্যভূমি হইয়া না ওঠে, তাহা নিশ্চিত করা দরকার।

04 MAY 2006

Centre can't change stand before Liberhan, says BJP

Change of parties in power cannot result in a change of stance

Siddharth Narrain

NEW DELHI: Bharatiya Janata Party leaders L.K. Advani and Murli Manohar Joshi and the former Uttar Pradesh Chief Minister, Kalyan Singh, on Monday opposed the United Progressive Alliance Government's submission before the Justice Liberhan Commission that the demolition of the Babri Masjid was a "well-planned conspiracy."

At the last hearing, the UPA Government made its submissions along with an application for "condonation of delay." It said the December 6, 1992 demolition at Ayodhya was a "well-planned conspiracy" that began

• **NDA Government's submission was taken on record three years ago**

• **Fresh submission will mean opening inquiry afresh**

• **Orders reserved on plea for "condonation of delay"**

in 1989 when the BJP, the Vishwa Hindu Parishad, the Rashtriya Swayamsevak Sangh, the Bajrang Dal and the Shiv Sena lent support for building a Ram temple. Also the BJP passed the Palampur resolution to remove all obstacles to its construc-

tion. B.B. Saxena, counsel for Mr. Singh, said the National Democratic Alliance Government's submissions were already taken on record three years ago. Change of political parties in power could not result in a change in the Centre's stance.

"The arguments filed by the previous counsel Lala Ram Gupta and the arguments filed by the present Central Government counsel are contradictory." Without owning or disowning the arguments advanced previously, there was no justification for the present submission.

Satya Pal Jain, counsel for Mr. Advani and Mr. Joshi, said allowing the UPA Government to make fresh submissions at this

stage would amount to opening the inquiry and arguments afresh, and would be prejudicial to the interests of the other parties. Having taken a stand, the Centre could not be allowed to take a contrary view. I. B. Singh, counsel for D. B. Roy, former Senior Superintendent of Police, Faizabad, and R.N. Srivastava, former district magistrate, did not oppose the UPA Government's submissions being taken on record. Ayodhya comes under Faizabad district.

The Commission reserved orders on the Government's application for 'condonation of delay.' Arguments by counsel for the Commission Anupam Gupta would be heard on May 10.

02 MAY 2006

THE HINDU

Take steps to control situation: Centre

NCM wants probe to ascertain if police firing in Vadodara was unavoidable

Special Correspondent

NEW DELHI: The Union Home Ministry on Monday asked the Gujarat Government to take all steps to ensure that the situation remained under control in Vadodra where two persons were killed in police firing.

Union Home Secretary V. K. Duggal spoke to Chief Secretary Sudhir Mankad and offered to send paramilitary forces, according to a Home Ministry spokesman.

Meanwhile, the National Commission for Minorities has urged the State Government to conduct a judicial enquiry into the matter to ascertain if police firing was unavoidable in Vadodra and if the classification of the Dargah as an "encroachment" was correctly done. The Commission said the current situation in Vadodra arose on account of an "encroachment clearance drive" initiated two weeks ago by the municipal corporation of the city. These encroachments, according to official claims, included several places of worship of different religious communities.

It said municipal authorities were requested by the community leaders to ascertain if there were any "encroachments" of recent origin at the site. "This does not appear to have been done," the Commission said.



A dargah being demolished at Vadodara in Gujarat on Monday as part of road expansion project. — PHOTO: AFP

02 MAY 2006

THE HINDU

Four killed in Vadodara

Violence sparked by demolition of dargah

Special Correspondent

VADODARA: Four persons were killed and 22 injured in violence caused by the demolition of a dargah by the local authorities in Fatehpura here on Monday.

An indefinite curfew was clamped in six areas as the trouble spread and threatened to take a communal turn. Police reinforcements were rushed from Ahmedabad and other towns.

In the evening, police described the situation as tense but under control.

Minister of State for Home Amit Shah said it was not communal violence but a clash between the police and Muslim residents who objected to the demolition of the dargah, which was obstructing a road which the municipal corporation had taken up for expansion. It, however, later threatened to take a communal turn with couple of incidents of stabbing reported in the neighbouring localities.

The trouble started when a municipal corporation team helped by police went to demolish the dargah of Sayed Sarsiddin Baba on Monday afternoon to widen the road. Residents say the dargah near the Champaneri gate in Fatehpura in old Vadodara is more than 300 years old.

Residents' objections

Objecting to the demolition, residents pelted stones at the municipal staff and police. The police lathicharged people and fired tear-gas shells to disperse them. When these efforts failed, police opened fire and two persons were killed and 14 injured. At least eight others, including police and municipal staff, were injured in the stone-throwing.

An indefinite curfew was clamped in the area, and the dargah was razed to the ground and a road laid over the area.

As two stabbing incidents were reported from Fatehpura and the neighbouring Varasia, police extended the curfew to five more areas -- Panigate, Vadi, Navapura, Raopura and Karelibagh -- as a precautionary measure.

Religious places removed

Vadodara Mayor Sunil Solanki said the demolition of unauthorised structures had been going on for a fortnight to widen roads. He said nearly 1,500 ille-

• Dargah was blocking road

• Indefinite curfew declared in six areas

• Situation tense but under control: police

gal structures had been removed by the civic authorities. More than a dozen religious places of different communities had been removed, he said. At many places the members of different communities had volunteered to remove the obstructions. In Fatehpura, three meetings had been held with the representatives of the Muslim residents but they had not volunteered to remove the dargah, Mr. Solanki said. The road needed to be widened to accommodate the increasing traffic.

Municipal Commissioner R.K. Pathak said that as in all other case due notice was issued to the trustees of the dargah for its removal but they had failed to respond.

He said the demolition of unauthorised structures would continue despite the disturbances in Fatehpura.

State Director-General of Police P.C. Pande, who took charge on Sunday, said he had received an advice from the Centre for rushing police aid, but added that it would not be required now as the State police were capable of dealing with the situation. He said there was no communal violence and that the situation was under control.

Monday marked the 47th Foundation Day of the State of Gujarat, which was created on May 1, 1960 by bifurcating the erstwhile Bombay Presidency. Chief Minister Narendra Modi visited Porbandar on Monday morning as part of the 'Gujarat Gaurav Diwas' celebrations.

Leader of the Opposition in the State Assembly, Arjun Modhvadia, while blaming the Government for mishandling the situation demanded a judicial inquiry into the Vadodara incident. Union Minister of State for Home Prakash Jaiswal is expected to reach Vadodara on Monday night.

Another report on Page 10

02 MAY 2006

THE HINDU

Vadodara: Jaiswal to submit report to PM

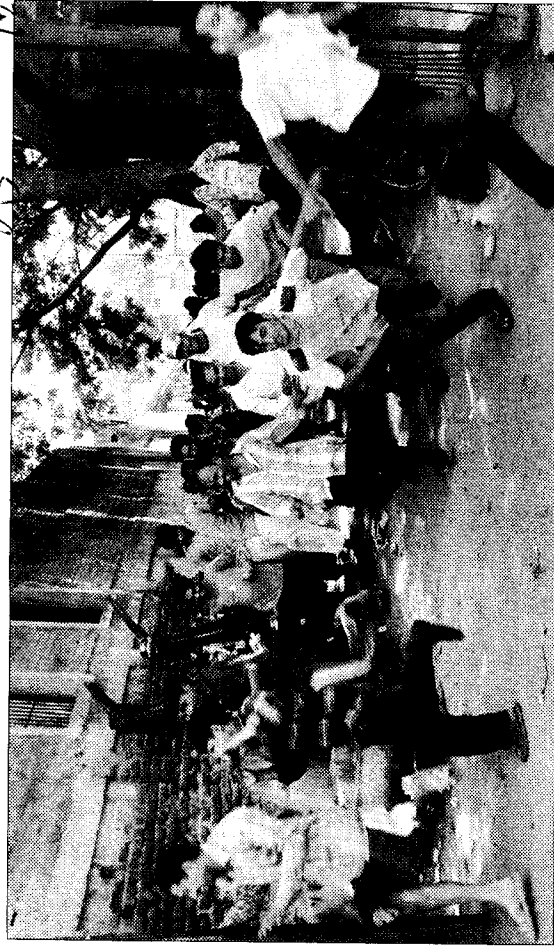
PRESS TRUST OF INDIA
VADODARA, MAY 2

UNION Minister of State for Home Sri-prakash Jaiswal, who visited the city in the wake of violence following demolition of a dargah, today said he would submit a report to Prime Minister Manmohan Singh and Congress president Sonia Gandhi.

He, however, refused to divulge the contents of his report, to be submitted tomorrow. Jaiswal said the Centre was worried over the flare-up and had sent him here.

Representatives of the Muslim community and Vishwa Hindu Parishad had met him and submitted memoranda, the Union minister said. The Muslim delegation had alleged police excesses on the community members, and claimed that the police had entered their houses and most of those killed or injured in firing belonged to the minority community, he said.

The delegation said that despite their willingness to



Residents run following a fresh outbreak of rioting in Vadodara on Tuesday. AP

change the structure of the dargah, civic authorities demolished it, the minister said. The VHP activists, in a memorandum to Jaiswal, asked why there was so much protest over demolition of a dargah as 42 temples were also demolished in the city last year as against six dargahs demolished.

He also alleged that the Vadodara district administration did not take enough cau-

tion in dealing with the issue of removing the dargah as matters of religious sentiments need to be dealt with a lot of sensitivity.

"Enough caution was not taken by the district administration which decided to remove the dargah on the pretext of clearing illegal encroachment. More caution should have been taken," Jaiswal said.

The Home Minister said the administration could

have sorted out the matter in consultation with the community representatives and not resorted to the demolition right away.

Pointing out that it was believed that the dargah was nearly 300 years old, Jaiswal said "distinction should be made between an ordinary place of worship and the one which is a few hundred years old, where more sentiments are involved."

PRESS TRUST OF INDIA
VADODARA, MAY 2

ONE person was killed during police firing and two injured in clashes in the city early today morning, raising the death toll to five, police said.

Police fired at a rioting mob at around 2 am in Moti Vohraavaad area, killing one person while two others sustained injuries in mob clashes, they said.

Calling the situation "comparatively calm", the authorities decided to relax curfew for two hours in the afternoon in Raopura and Panigate areas and for two hours in the evening at Wadi and Karelibaug.

The demolition of a dargah, which was over 200-year-old, here by civic authorities sparked widespread violence yesterday, claiming four lives in clashes and police firing, prompting authorities to impose curfew in the sensitive walled city area.

Attempt to disrupt funeral procession

VADODARA: Police lobbed teargas shells to disperse a group of people today who tried to disrupt the funeral procession of two members of a minority community, killed in police firing during the clashes following demolition of a 200-year old dargah in Vadodara, police said.

The incident occurred when relatives of the deceased were passing through the tense Fatehpura locality with the bodies for the burial, police said.

Arsonists also tried to torch two scooters but police intervened and drove them away and escorted the bodies amidst tight security arrangements.

Five persons have been killed in clashes and police firing since yesterday following the demolition. Cremation of two other riot victims was held late last night amidst tight security even as stray incidents of violence occurred in some localities till early this morning.

—PTI

1 more killed in violence

03 MAY 2006

INDIAN EXPRESS

FRIDAY, MAY 5, 2006

Stoking communal flames

9-11-06
HP-10
SPB

The extended communal violence in Vadodara in Gujarat cannot be explained by its immediate provocation: the demolition of a dargah in Fatehpura area by the municipal authorities as part of a road-widening project. Ever since Narendra Modi took over as Chief Minister, Gujarat's Muslims have been living in a state of insecurity and fear. The genocidal pogrom of 2002 demolished whatever credibility Mr. Modi had in the eyes of the minorities. In the years following the pogrom, neither Mr. Modi nor the Bharatiya Janata Party Government headed by him has done anything to win back the confidence of Gujarat's minorities. Instead, the efforts of the Modi Government have so far been to feed the fears and complexes of the minorities at every available opportunity. Not surprisingly, Muslim residents near the dargah in Vadodara were suspicious of the real intent behind the notice issued by the Municipal Corporation for the removal of the structure — which they claim was more than 300 years old. That three meetings with the residents of the area did not end in any agreement cannot be cited as an excuse for the insensitive and irresponsible manner in which the Municipal Corporation staff and the police handled the demolition. Given the volatile situation, they ought to have shown greater tact and not bulldozed their way past the protesters. Instead of assuaging hurt sentiments, the authorities ended up fuelling the apprehensions of the Muslim residents of the area. With Mr. Modi at the helm, the demolition predictably took on a communal colour. Six people have lost their lives in the violence, including the three who died in the police firing.

The reaction of the State Government has been predictably partisan. Indeed, it needed constant monitoring by the Centre to ensure that the rioting did not spread to other parts of Gujarat. The initial reaction of the State administration to the Centre's offer of police assistance was not positive. The Director General of Police, P.C. Pande, who had just taken charge, was in denial mode, claiming that the violence was not communal in nature and that the State police were capable of dealing with the situation. But when the violence showed no signs of abating, the Union Home Ministry rushed the Army and paramilitary forces to Vadodara, displaying a degree of alertness and responsibility that contrasted sharply with the collusive attitude of the BJP-led National Democratic Alliance Government towards the post-Godhra communal conflagration of 2002. One of the reasons for the anti-Muslim pogrom claiming so many lives then was the politicisation and communalisation of the police force under Mr. Modi. Central forces were not called in until the situation had spun out of control. Now, with elections due to the Gujarat Assembly in another 18 months, Mr. Modi might be tempted to make political capital out of communal riots, as he did in 2002. It is everybody's responsibility to deny him another such opportunity. The Centre must do everything in its power to hold Mr. Modi accountable — to the rule of law, the Constitution, and humanity.

05 MAY 2006

THE HINDU

Vadodara demolitions stayed

Centre moves Supreme Court,
notice issued to Gujarat

J. Venkatesan

NEW DELHI: In a bid to defuse the situation in Vadodara, the Centre on Thursday moved the Supreme Court against the Gujarat High Court order directing demolition of places of worship. The apex court, while permitting the Centre to prefer an appeal, stayed the May 2 High Court order and the ongoing demolitions.

Additional Solicitor-General Gopal Subramaniam made an urgent 'mention' in the afternoon before a Bench comprising Justices Ruma Pal and Dalveer Bhandari. He said the High Court had taken *suo motu* action based on a newspaper report without verifying facts. Quoting a Home Ministry report, he said the situation in Vadodara was tense after violence, and the Army staged a flag march in the riot-affected areas. The Bench issued notice to the Gujarat Government and other parties concerned. The Centre filed the *suo motu* appeal in the Registry in the evening after obtaining the stay order.

The Centre said it was deeply concerned at the safety and security of the citizens and the prevailing law and order situation. If the High Court order was not stayed immediately, it would have not only grave consequences on the law and order situation in Gujarat but also serious ramifications for the unity, integrity and security of the nation and its secular fabric.

The appeal said the High Court had passed an order directing the police and other au-

• High Court passed order without verifying newspaper report

• Demolitions will have major fallout on communal harmony

thorities "to take immediate steps for removal of encroachment by religious structures on the public space without discrimination, and submit their reports." The order was passed without even conducting a prima facie examination of the veracity of the contents of the newspaper report and without any pleadings on record. Temples or mosques, demolitions would have a major fallout on communal harmony. The unauthorised constructions could be removed without offending the sensitivities of any group.

The Centre made it clear that it was not justifying the existence of unauthorised constructions, more so if they were encroachments on public land. However, removal of religious places was intrinsically sensitive, and must be subjected to scrutiny and classification before demolition. The Centre maintained that it was only interested in ensuring that the law and order situation in Gujarat did not go out of hand.

In view of the extremely volatile situation in Vadodara, the High Court order should be stayed, the appeal said.

Another report on Page 12

05 MAY 2006

THE HINDU

Running Riot

*Insensitive administration
sparked Vadodara violence*

The current spate of rioting in Vadodara is further evidence of the deep fissures that divide Gujarat and the perverse approach of the Narendra Modi administration towards issues of governance. Six people have been killed in four days of violence over a civic issue that would have been settled with minimum fuss by administrators elsewhere in India. The riots started after a dargah was demolished by city corporation officials as part of a road-widening drive. The local Muslim community has been claiming heritage status for this dargah, revered by both Muslims and Hindus. Community leaders are on record that the administration demolished the Sufi shrine while talks were being held to work out an amicable solution. There is evidence that the structure was demolished despite officials knowing that the act could spark off violence. Riot-affected people have been quoted in the media as saying police refused to act on their requests for help. On the other hand, civic officials have sought to further divide society by pitting demolition of Hindu shrines against those of Muslims. The only saving grace has been prompt action on the part of the central government which has forced the Gujarat government to deploy additional forces and call the army. Chief minister Modi, during his visit to Vadodara on Wednesday, has warned rioters of stern action. He should begin with his own officials, including in the police and Baroda's civic administration.

Better policing can control riots, but policemen can't help society overcome fear, suspicion and insecurity that find expression in communal violence. That's the job of civil society and the political class. Unfortunately, both have been found wanting, if not utterly insensitive. The exceptions have been few and they survive against all odds. The wounds of the 2002 pogrom have not healed because no serious attempt has been made by the administration to ensure that they do. To the contrary, the Modi government has sent out ominous signals. P C Pande, an official who failed in his duty as Ahmedabad city police commissioner during post-Godhra riots, has now been appointed director-general of state police. Such steps further confirm the perception that the Modi government can't be expected to be fair and just to victims of the 2002 violence. Social peace has to be negotiated and is impossible to achieve if the administration decides to be confrontationist by design. Sections of the political class may be calculating that communal polarisation ahead of elections guarantees votes. Mob violence as political manifesto has worked in Gujarat once. Will it do so again?

05 MAY 2006

THE TIMES OF INDIA

Army deployed in Vadodara

Centre moves swiftly to check violence

Vinay Kumar

NEW DELHI: The Army was deployed in communal violence-hit Vadodara on Wednesday as the Centre moved swiftly to provide all assistance to the Gujarat Government in bringing the situation in the city under control.

About nine to ten columns, consisting of about 1,000 Army personnel, had been deployed in the city where six people were killed as violence erupted on Monday, Home Secretary V.K. Duggal told reporters here. The Army had been kept on standby in Ahmedabad where tension was reported from some areas, he said.

Mr. Duggal said the decision to deploy the Army was taken after Gujarat Chief Minister Narendra Modi spoke to Union Home Minister Shivraj Patil and the Centre reviewed the situation at a high-level meeting, which was also attended by Chief of the Army Staff General J.J. Singh. Mr. Modi earlier toured the violence-hit areas.

The Home Secretary said an appropriate level of Army columns would be made available to the State Government.

The clashes were sparked off following the demolition of a dargah by municipal authorities on Monday. Incidents of arson and stone throwing were witnessed on Tuesday after a Muslim youth was burnt alive in his car.

Mobs dispersed

The police fired 24 rounds to disperse violent mobs in Vadi, Panigate and other localities in Vadodara on Tuesday night. The mobs also set fire to two factories in an industrial estate besides a large number of vehicles. Following continued violence, no relaxation was granted in the indefinite curfew in force in six police station areas in the city.

Mr. Duggal said that a total of

13 companies of Central paramilitary forces, including four companies of Rapid Action Force (RAF), would also be deployed in Vadodara. Two more companies of Central forces would reach the city by Thursday, he said. Four companies of Central forces could also be deployed in Ahmedabad.

Message to Modi

Earlier, the Centre sternly asked the Modi Government to curb the violence in Vadodara. "These kind of situations cannot be allowed to remain beyond the control of the authorities. The State Government has to do it and we will see that it is done," Union Home Minister Shivraj Patil said. Earlier in the day, Mr. Duggal said the Centre had despatched four companies of Rapid Action Force (RAF) and one company of the Central Reserve Police Force to Vadodara.

The situation in three of the six police station areas in the city was "extremely sensitive." Strict vigil was being kept there as the next 24 hours were "very vital" for controlling the situation, he said. The threat of flare up of communal violence in Vadodara had been referred to by intelligence reports. The situation had to be brought "totally under control" lest it had national repercussions. Peace would prevail when community leaders sat together, had discussions and involve the people from both the communities, the Home Secretary said.

The Home Secretary said the Centre had suggested to the State Government to order an inquiry into the incidents that led to the communal violence and it was up to the State government to decide upon the nature and scope of such an inquiry.

More reports on Page 13

04 MAY 2006

~~04 MAY 2006~~

THE HINDU

বডোদরায় সেনা টহল

ধর্মস্থান ভাঙায়

সুপ্রিম কোর্টের

সুপ্রিম কোর্টের

নিজস্ব সংবাদদাতা, নয়াদিল্লি ও সংবাদসংস্থা, বডোদরা ৪ মে: আবার নরেন্দ্র মোদীর সরকারের উপরে রাশ টেনে ধরল সুপ্রিম কোর্ট। গুজরাত হাইকোর্টের সম্মতি নাকচ করে দিয়ে সুপ্রিম কোর্ট আজ গুজরাতে ধর্মীয় কাঠামো ভাঙার উপরে স্থগিতাদেশ জারি করল। কেন্দ্রের আবেদনের ভিত্তিতেই আজ এই নির্দেশ দিয়েছে সর্বোচ্চ আদালত।

নরেন্দ্র মোদীর সরকারকে চাপে ফেলতে গত কালই এই আবেদনের সিদ্ধান্ত নেওয়া হয়েছিল কেন্দ্রীয় মন্ত্রিসভায়। আজ সংবিধানের ৩৫৫ অনুচ্ছেদের ভিত্তিতে সুপ্রিম কোর্টে আবেদন জানায় কেন্দ্র। ওই ধারায় বলা আছে, দেশের কোনও রাজ্যকে বিদেশি আগ্রাসন বা অভ্যন্তরীণ উপদ্রব থেকে রক্ষা করা এবং প্রতিটি রাজ্য যাতে সংবিধান মেনে চলে, তা নিশ্চিত করার দায়িত্ব কেন্দ্রীয় সরকারের। কেন্দ্রের আবেদনে ওই অনুচ্ছেদের কথা উল্লেখ না-করা হলেও যা বলা হয়েছে, তার স্পষ্ট অর্থই হল ওই অনুচ্ছেদের আশ্রয় নেওয়া। কারণ আবেদনে বলা হয়েছে, গুজরাতের পরিস্থিতি খাতে নিয়ন্ত্রণের বাইরে চলে না যায় এবং অন্য রাজ্যে যাতে এই হিংসা ছড়িয়ে না পড়ে, সে জন্যই সরকার সর্বোচ্চ আদালতের দ্বারস্থ হয়েছে। তা ছাড়া, দেশে প্রাচীন ধর্মীয় স্থান অটুট রাখার যে আইন আছে (১৯৪৭-এর আগেকার ধর্মীয় স্থানগুলিকে রক্ষার জন্য ১৯৯১ সালের ধর্মীয় স্থান সংক্রান্ত বিশেষ আইন), তার পরিপ্রেক্ষিতে ২০০ বছরের পুরনো একটি দরগা ভেঙে দেওয়া বৈধ ছিল কি না, সেই প্রশ্নও তুলেছে কেন্দ্র। এই আবেদনের ভিত্তিতে গুজরাত সরকার ও বডোদরা পুরসভার কর্তাদের বক্তব্য জানাতে বলেছে সুপ্রিম কোর্ট।

গুজরাত হাইকোর্ট গত মঙ্গলবার স্বতঃপ্রণোদিত ভাবে সরকারি জমি থেকে সব ধরনের ধর্মীয় কাঠামো অবিলম্বে ভেঙে ফেলার নির্দেশ জারি করেছিল। একটি সংবাদপত্রের প্রতিবেদনকে 'রিট পিটিশন' হিসেবে গণ্য করে ওই নির্দেশ। আজ স্থগিতাদেশ জারির ফলে আইনশৃঙ্খলা পরিস্থিতির প্রশ্নকে পিছনে ঠেলে, নির্বিচারে বেআইনি নির্মাণ ভাঙার কাজ চালিয়ে যাওয়ার অস্ত্র হিসেবে হাইকোর্টের ওই নির্দেশকে আপাতত ব্যবহার করতে পারবে না মোদী সরকার। কেন্দ্রের পক্ষে এটা কিছুটা স্বস্তির হলেও বডোদরার পরিস্থিতি নিয়ে উদ্বেগ রয়েই গিয়েছে।

সেনাবাহিনী কাল রাতে এবং তার পরে আজও ফ্ল্যাগ মার্চ করেছে বডোদরার পথে। যদিও তা শাস্ত করতে পারেনি এই শহরকে। কাল রাতেও একের পর এক হামলা চালায় ক্ষিপ্ত জনতা। নবপুরায় আক্রান্ত হয় থানা। খেদ্দেয়াও বাজারে পুড়িয়ে দেওয়া হয় একটি বেকারি। আগুন লাগানো হয় দহেজ রোডের একটি তেলকলে। ইয়াকুতপুরা-সহ শহরের বেশ কিছু এলাকায় ব্যাপক পাথর ছোড়াছুড়িও হয়। নবপুরার থানা সামলাতে কাঁদানে গ্যাসের সেল ফাটালেও এই দফায় গুলি চালায়নি পুলিশ। শহরের বিভিন্ন এলাকা থেকে গ্রেফতার করেছে ৫০ জনকে। গুজরাত সরকারের উপরে নিয়মমাফিক 'আস্থা' জানিয়ে বডোদরায় স্বাভাবিক অবস্থা ফেরানোর ব্যাপারে 'সব রকম' সাহায্যের প্রতিশ্রুতি ঘোষণা করছেন স্বরাষ্ট্র প্রতিমন্ত্রী। জানিয়েছেন, বডোদরা ও আমদাবাদে আধা-সেনা পাঠানো হয়েছে। বডোদরায় উদ্ভেজনা বাড়লেই সেনাবাহিনীকে হস্তক্ষেপ করতে বলা হয়েছে।

গুজরাতের পরিস্থিতি স্বাভাবিক রাখতে কংগ্রেস ও কেন্দ্রের ইউপিএ সরকার নানা ভাবে নরেন্দ্র মোদী ও তাঁর সরকারের উপরে চাপ সৃষ্টি করার জন্য দু'টি কৌশল নিয়েছে। হাইকোর্টের রায়কে সুপ্রিম কোর্টে চ্যালেঞ্জ জানানো তার একটি। দ্বিতীয়টি হল, কেন্দ্রীয় স্বরাষ্ট্র প্রতিমন্ত্রী শ্রীপ্রকাশ জয়সওয়ালকে বডোদরা পাঠানো। ঘটনাস্থল ঘুরে এসে জয়সওয়াল যে রিপোর্ট তৈরি করেছেন, তাতেও ঘটনা মোকাবিলায় পুলিশ-প্রশাসনের ব্যর্থতার কথা উল্লেখ করা হয়েছে। এ ধরনের স্পর্শকাতর বিষয় নিয়ে কাজ করার আগে প্রশাসনের আরও সতর্ক থাকা উচিত ছিল বলে মনে করছে স্বরাষ্ট্র মন্ত্রক। সংঘর্ষ শুরু পরে পুলিশের গুলি চালানোরও সমালোচনা করা হয়েছে এই রিপোর্টে। যদিও আগামী বছরের বিধানসভা ভোটের কথা মাথায় রেখে কড়া কোনও ব্যবস্থা নেওয়াও বাস্তবসম্মত হবে বলে মনে করছে না মনমোহন সিংহের সরকার। তবে কংগ্রেসের পক্ষ থেকে একটি প্রতিনিধিদলকে গুজরাতে পাঠানো হয়েছে। গুজরাতের পরিস্থিতি স্বাভাবিক না হওয়া পর্যন্ত মোদী সরকারকে চাপে রাখবে কংগ্রেস। কেন্দ্রীয় বঙ্গমন্ত্রী শঙ্করসিন বাঘেলা যেমন বলেছেন, গুজরাত সরকার সতর্ক হলেই এই পরিস্থিতি এড়ানো যেত। ইউপিএ সরকারকে সমর্থনকারী বাম দলগুলি তীব্র ভাষায় নিন্দা করেছে গুজরাত সরকারের। বালুরঘাটে ভোটের প্রচারসভায় পশ্চিমবঙ্গের মুখ্যমন্ত্রী বুদ্ধদেব ভট্টাচার্য বলেছেন, এখনই গ্রেফতার করা উচিত নরেন্দ্র মোদীকে।

হাস্লামায় ও পুলিশের গুলিতে গত চার দিনে ৬ জনের মৃত্যু হয়েছে এ শহরে। জখমের সংখ্যা অন্তত ৬০। হতাহতের এই সংখ্যার চেয়েও দ্রুত ও মারাত্মক ভাবে বাড়ছে সংখ্যালঘুদের আশঙ্কা, পুলিশের সম্পর্কে তাঁদের অবিশ্বাস ও অভিযোগ। বেশির ভাগ ক্ষেত্রেই তা প্রশাসনের নিষ্ক্রিয়তার। খবর পেয়েও সময়ে না পৌঁছানোর, কিংবা ঘটনাস্থলে আদৌ না যাওয়ার। অনেকে আবার এমন

এর পর ছয়ের পাতায়

স্থগিতাদেশ সুপ্রিম কোর্টের

প্রথম পাতার পর অভিযোগও করেছেন, পুলিশ রক্ষাকারীর ভূমিকা নেওয়ার বদলে সংখ্যালঘুদের আক্রমণ করছে, নির্যাতন করছে। আটম বছরের মেহমুদ মিঞা গত সোমবার ঠেলা চালিয়ে চালিয়ে যাচ্ছিলেন দরগার পাশ দিয়ে। পুলিশ নাম জানতে চায়। নাম বলতেই পুলিশ তাঁর পায়ে গুলি করে বলে অভিযোগ মেহমুদ মিঞার। চব্বিশ বছরের জুলফিকার আহমেদের অভিযোগ, সে দিন হাতিখানা এলাকা দিয়ে যাওয়ার সময় তাঁর মাথায় টুপি দেখতে পেয়েই পুলিশ জিপ থেকে গুলি করে।

বুলেটবিদ্ধ জুলফিকার এখন হাসপাতালে। মঙ্গলবার রাতে উন্নত জনতার হাতে পুড়ে মরার আগে বারবার পুলিশকে এসএমএস করেন রফিক বোহরা। এক কিলোমিটার দূরের থানা থেকে পুলিশের আসতে সময় লেগেছিল দেড় ঘণ্টা। এই অভিযোগ রফিকের ভাই সিরাজের। পুলিশের জবাব, পৌঁছতে দেরি হওয়ার কোনও ঘটনা ঘটেনি। যারা গুলি খেয়েছে, তারা সকলেই হাসপাতালে জড়িত ছিল। গত কাল ঘটনাস্থলে গিয়েছিলেন মোদী। তাঁর বক্তব্য, আইন তার নিজের পথে চলবে।

05 MAY 2006

ANADARAZAR PATRIKA

Army deployed in Vadodara

Statesman News Service

VADODARA/ NEW DELHI, May 3: The Army was today deployed in Vadodara where the situation remained by and large peaceful barring stray violence in the wake of communal clashes and arson following the demolition of a dargah that left six persons dead and more than 60 injured.

The armymen have moved in all curfew-bound localities of the town, official sources said.

Home Secretary Mr VK Duggal told reporters in

Delhi that nine to 10 Army columns consisting of about 1,000 soldiers had been deployed in Vadodara to control the situation there.

Though Gujarat chief minister Mr Narendra Modi had sought only a flag march by the Army as a "precautionary measure", Mr Duggal said the "directive to the Army was not just for a flag march".

The Army had also been put on standby in Ahmedabad, Mr Duggal said. Earlier, the Centre despatched 500 paramilitary personnel to

Vadodara.

The violence-hit town remained tense but largely peaceful today, barring a few incidents of stone-pelting and arson.

Advani seeks report: The BJP leader, Mr LK Advani, said in Jaipur that he had sought a report from Mr Modi on the situation.

Police said anti-social elements burnt three factories at the Sardar Patel Estate and looted a shop at Raopura.

Police used teargas in the Bavchavad area to disperse two groups of people pelting stones at each

other.

The situation in the town aggravated after a man was burnt alive in his car late last night, taking the toll in the violence since Monday to six. Over 40 people have been taken into custody on various charges.

Mr Modi, who toured riot-hit areas, told reporters that the situation was under control and warned of stern action against anyone fomenting unrest.

The CPI-M today asked the Centre to take immediate steps to protect the minorities in Vadodara.



At least spare
this as a
Heritage Site!

Volatile Vadodara

Bulldozers and bullets in place of negotiations

In a state where tension rages barely an inch below the normal tenor of life and mayhem a further inch below tension, the Narendra Modi government has once again turned out to be fatally irresponsible. Bulldozers and bullets can be no substitute for level-headed negotiations, an essential attribute of administration that the present dispensation in Gujarat has been singularly lacking even after the stigma of 2002. Direly reckless handling alone explains why the latest flare-up in Vadodara was allowed to acquire communal overtones. That said, one means no disrespect to religious sentiment to emphasise that the administration had at least an arguable case when it objected to the 300-year-old *dargah* as an encroachment and hence an impediment to traffic. There can be no scope for misplaced religious sentiment in Vadodara or elsewhere; but the case against such obstructions applies equally to many a temple in the country. The fact that the shrine existed in the town's master plan of 1921 and was, ergo, entitled to heritage status can hardly be cited in defence. Town planning in the first quarter of the last century can have no relevance whatsoever in 2006. It was in the main an administrative irritant that could well have been reasonably sorted out by the police, the municipal authorities and the locals. The regret must be that it wasn't even given a try. If Teesta Setalvad's statement is any indication, the government has clearly backtracked on the compromise formula that envisaged only a part of the shrine would be "sacrificed for development". Mr Modi hasn't really taken the bull by the horns. On the contrary, the bull in a china shop approach is in accord with his irresponsibly communal governance.

Far from being circumspect and without an earnest effort towards a reasonable solution, bulldozers were mobilised to demolish the shrine and clear the road. For the police to claim that the situation isn't exactly communal is only to beg the question. The tension and the mayhem are the administration's creation. Once again the police have turned out to be the ruling BJP's willing accomplice in the agenda against minorities. Mr Modi's warning to trouble-makers and the deployment of the army comes 72 hours after the mayhem. He will have to live down the shame that five people have died primarily because he presides over a communally callous administration.

10 MAY 2006

THE STATESMAN

90-11-1

HINDUSTAN TIMES

176
M.C. 04/11/05
6/5

Making peace last

THE SUPREME Court's stay of the Gujarat High Court's order, directing the local authorities to take immediate steps to remove all religious structures encroaching on public space without discrimination, is a welcome move. Given the communally charged climate in Gujarat, and the lack of any significant effort on the state government's part to rebuild the climate of trust destroyed in the wake of the Godhra massacre and the 2002 anti-Muslim pogrom, the project to remove a 300-year-old *dargah* was fraught with risk. As pointed out earlier, it should've been handled with the requisite sensitivity.

Under the Centre's insistence, the state has called out the army and this has possibly calmed the situation. But the 2002 violence and its recurrence demands some deeper thinking. The government has tabled a Communal Violence (Prevention, Control and Rehabilitation) Bill in 2005. It has laudable aims, but its provisions will meet the needs of the day only partially. The bill assumes that the Centre and the state governments will work towards the same goal of assuring communal harmony. But what Gujarat tells us is that

this may not happen. Not just because the state government and the Centre are run by different parties, but because the polity of a state has become so communalised that its politicians, police, lower judiciary and officialdom are no longer seen as neutral parties.

But a bigger question mark comes with the role of the army. Flag marches work at times, and at times they don't. Sometimes this happens as a matter of deliberate policy where state governments that have called out the army, do not provide magistrates who can order them to fire at rioters. This happened in Delhi in 1984, Mumbai in 1992-93 and Gujarat in 2002. Getting the army out without giving them authority to act lowers the morale of the soldiers and their standing in the eyes of the people who they are supposed to protect. Some will argue that any provisions that give additional powers to the Centre to overrule the state would disturb the spirit, if not the letter, of our federal Constitution. But surely the persistence of communal violence, encouraged or tolerated by state governments, does violence to the basic structure of the Constitution that defines India as a secular democracy.

06 MAY 2006

THE HINDUSTAN TIMES

'Pope remarks needn't trouble India'

He also praised us, says Ambassador to Vatican

JAYANTH JACOB
NEW DELHI | MAY 20

INDIA wasn't troubled by the Pope's remarks that there were "disturbing signs of religious intolerance" in some parts of the country, said Amitava Tripathi, India's new ambassador to the Vatican. Pope Benedict XVI had made the remarks while receiving letters of credence from Tripathi.

But Tripathi told *The Sunday Express* that the Pope had also praised India and that the controversial remarks were restricted to only a paragraph.

Reacting to the Pope's statement, a spokesperson of the Ministry of External Affairs said on Friday: "It is acknowledged universally that India is a secular and democratic country in which adherents of all religious faiths enjoy equal rights. The Constitution states that all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion."

Said Tripathi: "The observations the Pope made are reflective of his personal perception. We are a sovereign



Disturbing signs of intolerance... (but) Indians rightly proud of stability of their political institutions

nation ruled by our own set of rules."

Tripathi quoted the Pope as saying that Indians are "rightly proud of the stability of their political institutions" and that he recognised the "formidable challenges involved in promoting justice, combating all forms of violence and extremism, and establishing a climate of serene and respectful dialogue, cooperation and goodwill between the different components of their vast and diverse society."

However, the Vatican had a

reminder. While welcoming Tripathi on a goodwill visit to Vatican Radio on Friday, Fr. Alfie Ben, director of the Indian Desk for South Asia, said: "In recent times, not very heartening events have been taking place in India, that are bent on tearing apart the beautifully woven multi-religious, multi-cultural and multi-ethnic fabric of India."

"There are areas in India where some unfortunate incidents take place on minorities, but considering the bulk of the population, they are negligible in size. Majority of India's population is peaceful and seeks the welfare and development of India," Tripathi said. He added that there is no majority religious group in India, because even the so-called majority groups based on castes and sub-castes.

Vatican Radio reported that Tripathi assured the Vatican that the Government of India was very appreciative of the tremendous service the Catholic church carries out in the fields of education, health and social work and urged it not to be very apprehensive about the incidents that take place against the Christians.

Come, lets fight jihad together, VHP's Singhal tells Pope

PRADEEP KAUSHAL
NEW DELHI | MAY 20

THE VHP has offered to team up with Pope Benedict XVI to fight their "common" adversary - Islamic terrorism.

VHP president Ashok Singhal made this offer to the Pope today, two days after the latter expressed serious reservations about moves to ban conversions in some parts of India at a meeting with Amitav Tripathi, the Indian envoy to the Vatican.

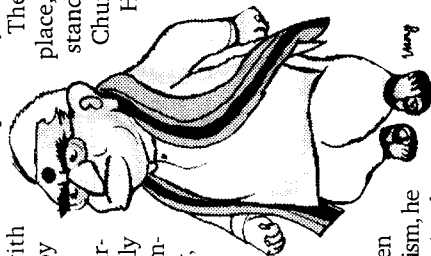
The entire Sangh Parivar, particularly VHP, would have normally unleashed a no-holds-barred campaign against Pope. However, Singhal, by courting the Pope, has obviously taken a major tactical turn.

The VHP chief has said: "Christians and Hindus are both facing the same historical threat of jihad." Drawing a parallel between histories of Christianity and Hinduism, he equated the "destruction of Kashi, Ayodhya, Somnath temples" to the terrorist attacks "on World Trade Center, London and Madrid" and daily attacks on Hindus. Then comes the proposition: "Instead of fighting each other, let us fight jihad."

All BJP-ruled states are in the process of enacting legislations to check conversions following an RSS diktat. The VHP has put forth a five-points, among them an anti-conversion law, for compliance by any BJP government to win its support. The Rajasthan government is currently at loggerheads with Governor Pratibha Patil, who has returned an anti-conversion Bill passed by the Assembly to the Cabinet.

The new tactical position in place, Singhal did affirm his basic stand: "Pope should declare that Church will not convert a single Hindu". He also turned around to ask if the Pope would allow Christians in Vatican to convert.

BJP spokesman Prakash Javadekar came out with a rather mild response today: "The Pope's remarks are not relevant to India, there is more freedom here than in many countries. State laws are not against conversion by conviction, but if people convert en masse, motives have to be there." The pro-West BJP leadership is expected to come out with a carefully-considered response later.



SC restores minority status of AMU

But No 50% Quota For Muslims For The Present

TIMES NEWS NETWORK

Aligarh Muslim University

New Delhi: The controversial minority tag attached to the prestigious Aligarh Muslim University (AMU) by the 1981 central legislation will stay as the Supreme Court on Monday restored the status it had prior to the Allahabad High Court verdict striking down the law making it a minority institution.

However, AMU's contentious decision to keep 50% of seats in its PG medical courses will not be given effect to, the university through senior advocate Soli J Sorabjee gave an undertaking before a bench comprising Justices K G Balakrishnan and D K Jain.

This will mean that AMU, declared to be a non-minority institution by the Supreme Court in 1967 in the Azeez Basha case followed recently by two concurrent judgments of the HC to the same effect, would have its minority status, but without the benefits coming its way from such change of character.

The bench admitted appeals filed by AMU and the Centre and referred them to a larger bench as the issue involved interpretation of constitutional provisions re-

lating to the minority status of an educational institution.

Appearing for the university, senior advocates Sorabjee and Rajeev Dhawan contended that the basis of the ruling in the Azeez Basha case has been removed by the amendment to the AMU Act allowing the institution to frame its rules for its administration and providing for reservations to Muslims.

However, appearing for the students, who had questioned the decision of AMU to reserve 50% seats for Muslims, advocates K V Vishwanathan and Indu Malhotra opposed the HC order being stayed saying the university had been an institution of eminence created for all communities, and not for Muslims alone.

The Centre, through Additional Solicitor General Gopal Subramaniam, supported AMU's contention saying the HC failed to consider the intent behind the 1981 amendment to the AMU Act despite it being pointed out during the arguments.

The bench then ordered that status quo as prevailing before the filing of the writ petitions before the HC in 2005 would be maintained till the apex court decided the issue.

THE TIMES OF INDIA

BJP leader criticises Centre

Special Correspondent

2/1/11
2/1/11
10-12

NEW DELHI: Reacting to the United Progressive Alliance (UPA) Government's submission before the Liberhan Commission probing conspiratorial aspects and events that led to the demolition of the Babri Masjid at Ayodhya, the Bharatiya Janata Party on Thursday alleged that the Centre was indulging in "cheap electoral politics."

"The UPA Government has set a tradition of raking up such issues on the eve of polls. It released the Justice U.C. Banerjee's interim report on the Godhra train fire incident last year on the eve of the Assembly polls in Bihar. Now, it has made a submission before Liberhan Commission which had already closed arguments," BJP general secretary Prakash Javadekar said here.

Mr. Javadekar said the National Democratic Alliance (NDA) had already submitted its affidavit before the Commission.

He alleged that the UPA Government had also been interfering with the Central Bureau of Investigation that had filed a charge sheet in the Ayodhya case. He said the NDA government had already made out a case that the demolition was a result of "mass outrage" against the policies of "pseudo-secularism and appeasement."

Responding to queries on the issue of job reservation, he said the BJP had stated in its 2004 manifesto that it would encourage the private sector to reserve jobs for SC and ST candidates. Refusing to comment further on the issue, he said the Government was only "leaking" its proposals deliberately on poll-eve but had not taken any decision. "We can reply only when the Government takes a decision on quota in jobs," he added.

To a question on the Telangana issue in Andhra Pradesh, he said the BJP would support carving out a separate state. "Let it come before Parliament, we will vote for it," he added.

21 APR 2006

THE HINDU

Minority report ~ things

Minorities constitute about 26.27 per cent of the total population of West Bengal, which is 8,01,76,197 according to the 2001 Census. In numbers, it comes to about 2,10,65,448. This minority population (predominantly Muslim) is dispersed in all the 18 districts of the state, with significant presence in most of them.

The break up of the minority population in West Bengal is as follows: there are 2,02,40,543 Muslims, 5,15,150 Christians, 66,391 Sikhs and 2,43,364 Buddhists. The SC population is about 25 per cent - almost equal to the Muslim - and the ST population is about 6 per cent.

The condition of Muslims who once ruled the state is deplorable. After the partition of Bengal and the creation of Pakistan, those who chose to remain in India consciously opted to be a part of the mixed (multi-religious) Bengali culture and heritage. To them, the bond of "Bengali nationalism" was more important than the charm of religious rhetoric, which was the basis for the creation of East Pakistan or Bangladesh. After Partition, an atmosphere of distrust developed among the various religious groups in India for obvious reasons. It was but natural then that both Congressmen and minority representatives often used the language of liberal-secular nationalism in the Constituent Assembly debates.

In the aftermath of the display of generosity by members of the Constituent Assembly and the use of the "language of paternal benevolence" by Nehru and other leaders of the Congress Party who had an overwhelming influence on the said Assembly, it was understood that there would be no discrimination between citizens on the grounds of religion in India and therefore in West Bengal. The illustrious son of Bengal and the famous reformer, Swami Vivekanand, had once said that he wanted "an India with a Vedic mind and an Islamic body."

In spite of the sincere efforts of significant numbers of Bengali Muslims to assimilate and be at peace with their brothers in West Bengal, they could not get the fair or judicious treatment that was promised. Successive governments in have done little to provide data on poverty - the head count or other human development indicators for Muslims in the state. Their

It seems secularism and injustice are only weapons to garner support and collect the votes of minorities, writes MD HABIBUR REHMAN

socio-economic plight is therefore for all to see.

According to the State Assistance Plan (SAP) for 2004-2007, as shown in a DFID (Department for International Development) document, key elements of which had been approved

tion of their institutions in keeping with minority rights guaranteed in Article 30 of the Constitution of India. In this order, a clause was added that both parties would have to consult before bringing any change to the "special rules".

cal level to a degree that actually reflects their numbers. They continue to remain under-represented in successive Assemblies in West Bengal and in Parliament.

Similarly, the average placement of Muslims in



by the government of West Bengal, a total of four districts have rural poverty rates over 40 per cent. Three of these districts are Murshidabad, Birbhum and Bankura while there are pockets of high poverty in Uttar Dinajpur and West Midnapore. About 50 per cent of the total population in these districts is Muslim.

The West Bengal Human Development Report categorically states: "... SC, ST and minorities together account for more than half the population, and these are also the three poorest groups in West Bengal."

Educationally, the Muslims lag far behind the majority communities. Current trends suggest that West Bengal will not achieve universal primary education by 2015, if one goes by the SAP. Primary school attendance has risen only marginally between 1992 and 1998, from 68 per cent to 71 per cent. Three-four million children, aged between five and nine years, are not in school, and among those enrolled, about 40 per cent drop out before they complete primary school.

The government of West Bengal's order no. 641 Edn., dated 23 May 1974, had an effect on Christian missionary schools as it provided them with a set of "special rules" for the administra-

When the School Service Commission Act 1997 was promulgated, minority schools were exempted from the purview of the Act vide Sec. 15 of SSCA, 1997. On 20 February 2006, the West Bengal School Service Commission (Amendment) Bill 2006 was passed to withdraw those exemptions in clear violation of the rights guaranteed to the minorities under Act 30 of the Constitution, making it mandatory for all government-funded religious and linguistic minority schools to appoint their staff from candidates sent by the School Service Commission. This reflects very badly on the attitude of the government towards minorities.

The need of the hour is the opening of primary schools in the localities where there are large numbers of Muslims, living and working. The Sarva Shiksha Abhiyaan, whose implementation continues to be a travesty in this state, must be thoroughly overhauled and used as a powerful means to give basic education to all.

On the political front, although Muslims constitute about 25 per cent of the state's population, their percentage share in the legislature is grossly inadequate and hardly represents their interests at the politi-

cal level to a degree that actually reflects their numbers. They continue to remain under-represented in successive Assemblies in West Bengal and in Parliament. Similarly, the average placement of Muslims in

government services is low: about 4 per cent on an average - this speaks volumes about the feelings of general discrimination against them. In 1999, there were still 7,31,357 Muslim job seekers on the registers of employment exchanges in the state. Out of them, only 717 (0.098 per cent), that is, less than 1 per cent, were placed in employment in 1999.

In an article published in People's Democracy, a weekly of the Communist Party of India (Marxist) on 9 December 2000, Md Amin, the minister for minority affairs in the then government of West Bengal tried to dispel fears of discrimination against the minorities. He tried to explain that Muslims in the rural areas have benefitted immensely from the land reforms in West Bengal carried out by the state government. One agrees with the minister but with a pinch of salt.

Land reforms in West Bengal have touched around only 15 per cent of the land; the remaining 85 per cent land ownership remained outside the land reform measures. Hundreds of hectares of land belonging to Muslims in the suburbs of Kolkata and Howrah are being acquired to accommodate multinational foreign companies.

Md Amin further pointed

out that the increase in the number of Haj pilgrims from 1997 to 1999 (that is, 1733, 2016 and 2297 respectively) is one indication of the prosperity of Muslims in West Bengal. Nothing could be stranger than such logic! The number of Haj pilgrims is minuscule as compared to the population of Muslims in West Bengal. Md Amin also explained that the Minorities Development Finance Corporation provides loans for self-employment to the minorities and during 1997, 1998 and 1999, on an average, about 1,500 Muslims benefitted annually from this scheme. This was an excellent job by WBMDFC, according to him, and compensated for the low absorption of minorities in government jobs. While the government should be lauded for the initiation of such welfare schemes for the minorities, the claim of the minister must be examined in the light of facts and figures.

The Muslim population in West Bengal is more than 1.60 Crore (1991 census) but the ratio for beneficiaries among Muslims comes to 1:10,717. Moreover, the thrust of this scheme is mostly in the urban areas where the people are more literate and aware of these schemes. The disparity in the ratio of beneficiaries among Muslims in rural West Bengal will be far greater.

The recent figures released by the West Bengal Minorities Welfare and Finance Development Corporation for the Year 2003-2004 show that the number of beneficiaries in West Bengal during the Year 2003-04 is 2995 persons/unit for a loan corpus of Rs 12.46 crore. This results in an average of Rs 4,160 per person/unit. The proportion of beneficiaries with the total population will be around 1:7033, that is, one beneficiary in about every seven thousand persons.

The chief minister of West Bengal, Mr Buddhadeb Bhattacharjee, while addressing a seminar on "The Problems of the Minorities in West Bengal and Remedial Measures" organised by the West Bengal Minorities Commission in Kolkata on 16 March 2001 said that sufficient steps were being taken to ensure the economic and social development of the minorities in the state. According to him, 108 blocks had been identified for setting up educational institutions and four new women's hostels would be coming up soon. Mr

Bhattacharjee also said that the state's budget for madrasa education had been increased to Rs 11.5 crore for the year 2000-2001, while it was only Rs 5.20 lakh in 1976-1977.

One cannot understand the absence of any response from the chief minister to the statements of Justice (Retd.) KM Yusuf, chairman, West Bengal Minorities Commission (very much a political appointee), who also participated in the said seminar and outlined the problems faced by the minorities, especially Muslims in West Bengal. According to the latter, the two major problems faced by Muslims were education and employment. He felt that the West Bengal Primary Education Act 1973 should be amended to provide recognition to primary schools of linguistic minorities set up after 1974. In his opinion, the year 1990 should be taken as the cut-off year.

Modernisation of madrasas should also be undertaken so that the students get an opportunity in today's competitive world. Mr Yusuf also felt that there existed a feeling of general discrimination among Muslims in the state as only 3.95 to 5.77 per cent got placements in jobs whereas their percentage population was 23.61, according to the 1991 census (now around 26.27 per cent). The matter of Urdu not being used for official purposes in the areas of Garden Reach, Metiabruz and Islampur despite a state government order, the non-establishment of Wakf Tribunals and

the denial of OBC certificates to the Jolaha-Ansari community was raised.

During the last parliamentary election campaign in 2004, the Association of Indian Minorities launched a Nyay Rath, urging the people, particularly Muslims, to wipe out the communal elements along with their allies and oust the NDA from power. This had a very positive impact. People across sections voted for the Left and secular parties and UPA was formed.

At the same time, the Association had also released an agenda for the forth-

The CPI-M manifesto for the ongoing Assembly election is yet again a compilation of secular rhetoric. But what about its implementation?

coming Assembly elections in West Bengal, placing the following demands before all political parties including the ruling coalition in West Bengal:

1. To get a survey conducted by an international agency of repute for a poverty head count and other Human Development Indicators with regard to the socio-economic educational and political backwardness of minorities in West Bengal before the coming

Assembly elections. Minority NGOs may also be asked to cooperate with the agency that does the survey.

2. Chalk out a time-bound programme/roadmap to address the socio-economic, educational, political under-development/under-representation of minorities and include it in the coming Assembly election manifesto.

3. Clear illegal occupation of Wakf/Minority trust land in urban areas in the first phase and develop them into multi-storied housing complexes for minorities in urban areas to address their housing needs.

4. Increase the number of minority representation in Parliament and state Assemblies through the proper and proportionate candidature of people belonging to minorities by different political parties including the Left parties. Political parties should also work towards eliminating the deliberate or otherwise "gerrymandering" of constituencies by the Delimitation Commission.

5. Buddha Purnima may be declared as a state holiday by West Bengal.

The CPI-M manifesto for the ongoing Assembly election is yet again a compilation of secular rhetoric. But what about its implementation? It seems secularism and injustice like that in Gujarat are only weapons to garner support and collect the votes of minorities.

(The author is Chairman, Association of Indian Minorities, Kolkata.)

'Muslims insecure, feel inferior in UP; Rajasthan poor in minority affairs'

SACHAR PANEL INITIAL FINDINGS ■
'States not doing enough for social, economic uplift of Muslims'

JAYANTH JACOB

NEW DELHI, APRIL 18

THE initial findings of the Prime Minister's High Level Committee, headed by Justice (retd) Rajinder Sachar, looking into the "social, economic and education status of the Muslim community in the country" show how poorly the state governments have fared in

tent and no financial and physical targets are fixed in implementing these programmes.

■ The state government has few programmes for the minorities and the outlays of these programmes have been abysmally low.

■ Even the Sarva Shiksha Abhiyan and Shiksha Abhiyan do not appear to have entered the Muslim-dominated areas.



Muslims do not have access to welfare schemes: panel

implementing measures for the uplift of the community.

RAJASTHAN

The committee has made some scathing observations about the BJP-ruled government. It found that the state government was not doing enough for the welfare, education and health care needs of the community.

■ The much publicised 15-point programme for the minorities are non-exis-

■ Sanitation and sewerage facilities are next to nothing in poorer Muslim areas.

■ There was only one primary school with "improper building" and a few teachers in an exclusive Muslim locality of over 1.2 lakh population on the outskirts of Jaipur.

When contacted, Madan Dīlawar, social welfare minister, said: "Muslims are our

▶ CONTINUED ON PAGE 2

'Muslims feel insecure in UP; Rajasthan record in minority programmes poor'

brothers and we all are children of Mother India. So why is there this demand for everything separate for Muslims? They can study in the same schools where the children of other communities study. Every community has to follow certain procedures like furnishing guarantees in getting bank loans and there cannot be any exception to a particular community."

UTTAR PRADESH: The committee that visited the state from August 4 to 7, 2005 found "all pervasive presence of an inferiority complex and sense of insecurity among the Muslims" that it has already brought to the notice of Chief Minister Mulayam Singh Yadav.

It observed:

■ Adverse impact of economic liberalisation on the traditional occupations of Muslims—brass and wood work, lock industry in Aligarh, power looms etc.

■ Urgent intervention of the UP government needed in preventing "the disturbing practice of child marriages, which is the cause for high mortality rate among the Muslims in the state."

■ UP is "serene and peaceful and there is communal harmony and amity," despite UP being a centre "of many a controversy relating to the demolition of Babri Masjid and Ayodhya issue."

When contacted, Yaqoob Qureshi, UP Minister for Haj and Minority Welfare, said: "Chief Minister Mulayam Singh Yadav is known for his determination to improve the lots of the Muslims and other weaker sections of the society. But we get little help from the UPA government which swears by secularism. We have appraised HRD Minister Arjun Singh of the immense problem the madrasa teachers are facing and the need to upgrade the curriculum in madrasas. But sadly, no response. After the Sachar committee brought to the fore the problem faced by the Muslims engaged in traditional occupations, we are chalking out a plan to help them."

KARNATAKA: The committee called for "government efforts in enhancing the Muslim participation in panchayat raj institutions and the civic and mu-

nicipal bodies."

■ The panel showed concern over the complaints of Muslims not getting loans from the nationalised banks despite the recommendation from the Minority Development Corporation.

■ The committee also expressed concern over the "number of recent occurrences that highlight inter-community tensions in the coastal areas of the state and the district of Chickmagalur."

When contacted, Minister for Minority Welfare Iqbal Ansari said: "We are aware of the problem Muslims facing in getting loans from the nationalised banks. Since they do not come under the purview of the state government, we are roping in cooperative banks to give loans to Muslim farmers and entrepreneurs. We are also working out a special package to re-skill the Muslims who are losing out on their traditional occupations."

ANDHRA PRADESH: This is perhaps a good news story. While praising certain community initiatives, the committee underscored the need for "an inclusive develop-

ment of the community by providing them accessibility to education at primary, elementary and higher levels and private and public sector employment."

Md Fareeduddin, minister for minority welfare, said: "We are paying all attention to the development of the Muslim community. Also we are encouraging community initiatives like training Muslim girls and boys for the BPO industry."

KERALA: The state has thrown some statistical puzzles at committee. Though Muslims constituted 24.7 per cent of the state's population, their share in government jobs was just 9.88 per cent. The SC/STs who constituted 10.95 per cent of the population had a job share of 13.3 per cent.

The forward communities, whose share in population was 23.5 per cent, has 40 per cent of the government jobs.

The state authorities did not want to make any comments citing election code of conduct.

The final report of the committee is expected to be submitted in June this year.

LIBERHAN PANEL SUBMISSION

Ayodhya act a plot: Centre

Press Trust of India

**'PM's silence on
quota ominous'**

NEW DELHI, April 19 : After months of delay, the UPA Government today filed its final written submission before the Liberhan Commission accusing the BJP, RSS, Bajrang Dal and Shiv Sena of having "collaborated and connived" to demolish the disputed structure at Ayodhya in a well-planned manner.

"From the records it is apparently clear that the demolition... was clearly... an act of conspiracy between the State Government held by the then Chief Minister Kalyan Singh, his Cabinet Colleagues, various prominent leaders of BJP and Sangh Parivar including RSS, VHP, Bajrang Dal, Shiv Sena and Dharam Sansad etc.," the Centre said.

Prominent BJP and Sangh Parivar leaders accused of "acting in collusion and conspiracy" include Mr LK Advani, Mr

HYDERABAD, April 19: The BJP leader, Mr LK Advani, today said the Prime Minister's silence on a demand for reservations for Muslims in government jobs was ominous. His reticence about illegal immigration from Bangladesh is ominous too, he told reporters. ■ SNS

Murli Manohar Joshi, Mr KS Sudarshan, Mr Ashok Singhal, Mr Giriraj Kishore, Mr Vinay Katiyar, Ms Uma Bharti, Ms Sadhvi Ritambhara. Several senior officials of the state government have also been named.

The UPA government's submission is in sharp contrast to that of its predecessor NDA which had told the commission that the demolition was a result of a sudden uncontrollable upsurge of karsevaks present at Ayodhya on

■ Turn to page 4

'Victims of bias, neglect, Muslims at bottom of social barrel'

SACHAR PANEL INITIAL FINDINGS ■ Most BPL Muslims can't access welfare schemes, 60% landless, equal number skip school

JAYANTH JACOB
NEW DELHI, APRIL 17

DISCRIMINATED against and pushed to the sidelines, the Muslim community in India is at the bottom of the heap when it comes to benefits from Government-run welfare schemes, access to education, employment, even the system of credit, including bank loans.

This is the disturbing conclusion emerging from the initial findings of the Prime Minister's

High Level Committee, headed by Justice (ret'd) Rajinder Sachar, looking into the "social, economic and education status of the Muslim community in the country." The final report of the committee is expected to be submitted in June this year.

Since August last year, the committee has collected data after visiting several states, holding talks with government departments in Uttar Pradesh, Bihar, Madhya Pradesh, Gujarat, Delhi, Rajasthan, Andhra Pradesh and Kar-



Picture dismal on education front for Muslims, panel finds out

nataka, NGOs and Muslim organisations.

The data, accessed by *The Indian Express*, shows:

- 94.9 per cent of Muslims in Below Poverty Line (BPL) families in rural areas do not receive free foodgrains.

- While only 3.2 per cent of Muslims get subsidised loans, just 1.9 per cent of the community benefit from the Antyodaya Anna Yojana Scheme, a programme meant to prevent starvation among the poorest of poor by providing food

grains at a subsidised rate.

- 60.2 per cent of Muslims do not have any land in rural areas.

- Just 2.1 per cent of Muslim farmers have tractors.

- A mere 1 per cent own hand-pumps.

- On the educational front, the picture is equally dismal: 54.6 per cent Muslims in villages and 60 per cent in urban areas have never attended schools.

- Only 0.8 per cent of Muslims in rural areas are graduates.

CONTINUED ON PAGE 2

'Victims of bias, neglect, Muslims at bottom of social barrel'

■ Although in urban areas, nearly 40 per cent of the Muslims now receive modern education, only 3.1 per cent of the community in urban areas are graduates. Just 1.2 per cent are post-graduates.

When contacted by *The Indian Express*, Justice Sachar said: "These figures are based on what people and organisations told us when we met them in the states. But they need to be analysed before arriving at any final conclusion. The committee is yet to submit its report".

The committee also found shocking instances of discrimination against the community. These include cases of Muslims not getting loans from even nationalised banks and finding it difficult to sell or buy property.

"There is an implicit diktat that loans should not be given in specific areas dominated by Muslims because of the high probability of default", the committee observed after its visit to Rajasthan between August 22 and 24 last year.

The committee also found inadequate number of government schools in the Muslim-dominated areas contributing to the low number of Muslim boys and girls attending the schools.

(Tomorrow, the stories from the states).

Advani makes common cause with Sonia

Stateaman News Service

NEW DELHI, April 4. — Mr LK Advani today endorsed Mrs Sonia Gandhi's veiled criticism of the Communist parties for "communalising the country's foreign policy" and said both BJP and Congress could make common cause in politics and governance if the ruling party eschewed "minorityism".

Referring to a signed article by Mrs Gandhi in the Congress mouthpiece, *Sandesh*, which indirectly criticised the Left parties for the anti-Bush protests, Mr Advani said: "No Indian can disagree with this view. But at the same time, we urge the Congress president and her party to introspect on whether it was wrong to

'Like Jesus'

NEW DELHI, April 4. — Mr LK Advani today likened the BJP's birth on 6 April 1980 to the "Resurrection" of Jesus Christ. Addressing a press conference here today, "We were thrown out on 4 April 1980 (from Janata Party). It was a Good Friday. We resurrected on 6 April (with the coming into being of BJP) — which was the day of Resurrection of Christ", Mr Advani said. — SNS

communalise foreign policy, but right to communalise domestic policy." He was addressing a joint press conference with party president Mr Rajnath Singh before embarking on a five-week twin Bharat Suraksha Yatra beginning 6 April.

While Mr Advani would commence his sixth yatra

on Ramnavami from Rajkot after offering prayers at the Dwarakadheesh temple and paying homage to Mahatma Gandhi at his birthplace in Porbander, Mr Singh will hit the road from Bhubaneswar after visiting the Jagannath temple. Mr Advani said the day the Congress honestly reversed its politics of minorityism, "a firm foundation will have been laid for the BJP and the Congress to make common cause in a wide area of politics and governance".

Vajpayee's denial

Mr AB Vajpayee today termed as "baseless" media reports about his reservations on Mr Advani's yatra and wished it all success.

05 APR 2006

THE STATESMAN

Zahira Sheikh moves Supreme Court for reduction of sentence imposed

Wants exemption from fine of Rs. 50,000 as she has no means to pay it

J. Venkatesan

NEW DELHI: Zahira Sheikh, key witness in the Best Bakery case, filed an application in the Supreme Court on Monday seeking modification of the apex court order pronounced on March 8, sentencing her to undergo one year imprisonment and to pay a fine of Rs. 50,000 for filing flip flop statements on affidavits.

In her application, she prayed for reducing the one-year sentence to a period of imprisonment already undergone by her and also to exempt her from paying the fine of Rs. 50,000 as she had no means to pay the amount.

She submitted that when the incident happened on March 1, 2002

she was only 16 years of age and a month earlier her father had died leaving behind five children of tender age. She had also lost her elder brother Nafitullah, who was suffering from kidney failure, on March 2, for want of medical aid. Her family was on the verge of starvation, she added. Ms. Zahira said that after she surrendered before the court of Additional Sessions Judge, Greater Mumbai at Mazgaon on March 10, she had lost about eight kg of weight

as she was not even provided two meals a day.

Ms. Zahira said that the victims of the 1984 Sikh riots were not only given Rs. five lakh to Rs. 10 lakh but also residential plots and flats. However, neither the Centre nor the Gujarat Government had provided any aid to her family. She said, as she was an illiterate, the politicians had exploited her and she and her family members required "justice blended with mercy."

21/3
• **Submits that she has lost her father and brother who were bread-winners**

• **Says after surrender, she is not even provided two meals daily**

Ms. Zahira said that she was a victim of circumstances. She and her entire family tendered unconditional apology for acts of omissions done on their part. She asserted that she had not committed mistakes adversely. She said her elder brother, who died on March 2, had provided her and the family two meals a day.

She said in identical circumstances, the apex court, which awarded six months imprisonment initially to several police officials, reduced the sentence to a period already undergone though in that case the contemners had served only 20 days in prison. She urged the court to take into consideration all these factors and to reduce the sentence imposed on her.

Zahira flip-flops on jail term

Mumbai: In yet another volte-face, Zahira Sheikh, sentenced to one-year jail for her flip-flops in the Best Bakery case and for contempt of court, on Thursday informed a sessions court here that she wanted to spend the jail term in Vadodara and, therefore, may be handed over to Gujarat police.

When Zahira had surrendered before the court here on March 10 in keeping with the supreme court order, she urged for serving the sentence in a Maharashtra jail and not in Gujarat prison as she apprehended threat to her life.

As Zahira did the turnaround, the court decided to keep her in custody till March 20 because Gujarat police was not present and also because it was awaiting supreme court directives on the manner in which the sentence awarded to Zahira should be executed.



They will kill me here. They are not providing good food and also not allowing me to perform namaaz. I want to go to Vadodara

Appearing before judge Abhay Thipsay, Zahira broke down and said "They will kill me here. They are not providing good food and also not allowing me to perform namaaz. I want to go to Vadodara".

As Zahira was in tears, the judge inquired from the policemen of Bhoiwada lock-up where she is lodged about the facilities provided to her. Zahira pointed at a woman constable and complained that "madam keeps shout-

ing at me". The constable then told the court that Zahira was demanding non-vegetarian food and also a duppata (scarf) for offering namaaz. Zahira was also demanding that she may be allowed to sit outside the lock up. These facilities could not be provided in the lock up, the constable said.

The judge explained to Zahira that she had to undergo the sentence because supreme court had punished her. He also issued directions to the police to allow Zahira perform namaaz and have home food in the lock up.

Zahira was in the court for nearly 45 minutes and most of the time she was seen wiping her tears. The court directed Bhoiwada police not to be harsh with Zahira and allow her better facilities like home food and permission to offer namaaz. Agencies

BEST BAKERY ■ Court wants SC say on execution of jail term, remand till March 16

Zaheera breaks down in court: Don't send me back to Gujarat

EXPRESS NEWS SERVICE
MUMBAI, MARCH 13

BEST Bakery prime witness Zaheera Sheikh today broke down in court and appealed to the judge not to send her to Gujarat. The court remanded Zaheera in custody till March 16 and sought clarification from the Supreme Court on the manner of execution of the one-year jail term imposed on her for contempt of court.

Zaheera, who had surrendered before Judge Abhay Thipsay on March 10, broke down and pleaded that she may be kept in a Maharashtra jail and not in Gujarat as she apprehended danger to her life. The judge, however, noted that the Supreme Court order did not specify the manner in

statement in camera to which she replied in the affirmative.

A little later, the judge told Zaheera that he was ordering security for her in the jail as she apprehended danger to her life. When the judge asked Zaheera why she had given false submissions, she said she had nothing to say.

Zaheera also pleaded before the court that she may be allowed to go home on March 20 to attend the mourning ritual of her brother Nafitullah who passed away recently. The judge, however, said she could not be released as she had surrendered to undergo a year in jail as ordered by Supreme Court.

"It is now proved that you have told lies and for that you are punished. What if I release you and the Gujarat police takes you in cus-

today?" the judge said.

On March 8, the Supreme Court had sentenced Zaheera to a year in jail and a fine of Rs 50,000 for her flip-flops in the trial. The apex court severely reprimanded Zaheera for turning hostile during the trial and accepted the report of the high-powered inquiry committee, which indicted her as a "self-condemned liar".

Meanwhile, Zaheera's lawyers Atul Mistry and DK Garg said they were not aware of her plans to surrender before this court. If they had, they would have asked her to surrender in SC. They, however, said they were moving Supreme Court for review of its order and reducing the sentence awarded to Zaheera.

The court took the application on record but did not pass any order. (With PTI)



Zaheera at an earlier court hearing

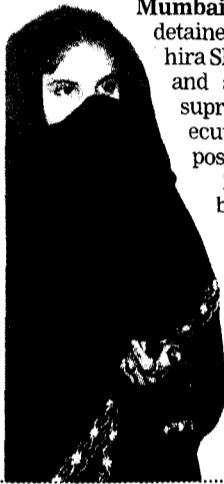
which the sentence is to be executed and said the apex court had also not issued direction to Gujarat police to detain Zaheera in the state jail.

"Under these circumstances, it would not be proper on the part of this court to give her custody to Gujarat police," the judge noted and ordered that she may be de-

tained in a Mumbai jail pending clarification from the Supreme Court.

Clad in a burqa, Zaheera was in tears and broke down when the judge asked why had she come to his court when the order of jail sentence had been pronounced by the apex court. The judge asked Zaheera whether she wanted to make a

Court refers Zahira's plea to SC



g. mibankh
Mumbai: A sessions court on Monday detained Best Bakery prime witness Zahira Sheikh in its custody till March 16 and sought clarification from the supreme court on the manner of execution of one-year jail term imposed on her for contempt of court.

Zahira, who had surrendered before judge Abhay Thipsay on March 10, broke down and pleaded that she may be kept in a Maharashtra jail and not in Gujarat as she apprehended danger to her life.

The judge, however, noted that the supreme court order did not specify the manner in which the sentence is to be executed and said the apex court

11-1 1413
had also not issued direction to Gujarat police to detain Zahira in state jail. "Under these circumstances, it would not be proper on the part of this court to give her custody to Gujarat police," the judge noted and ordered that she may be detained in a Mumbai jail pending clarification from the supreme court.

Clad in a burkha, Zahira was in tears and broke down when the judge asked why had she come to his court when the order of jail sentence had been pronounced by the apex court. The judge asked Zahira whether she wanted to make a statement in camera to which she replied in the affirmative.

The media personnel and members of the public were asked to leave the court immediately. After some time when the media persons were allowed entry, the judge told Zahira that he was ordering security for her in the jail as she apprehended danger to her life. When the judge asked Zahira "Why had you given false submissions," she said she had nothing to say. Agencies

Playing with fire in U.P.

The last thing the boiling political cauldron of Uttar Pradesh needed was for the temple town of Varanasi to be hit by Lashkar-e-Taiba terrorists. Of the two sites chosen for Tuesday's inhuman attack, one was the hoary temple of Sankat Mochan, where the faithful seek deliverance from hardship. Fortunately, Varanasi, a wise, old city that glories in its devotion as also in its respect for diversity, has shown the inner strength and resilience characteristic of ancient civilisations. Its people have effortlessly defeated the terrorist project of creating communal disharmony. The least that democratic political parties could do was to unite on this issue to avert wider trouble. For once, the Samajwadi Party and the Congress seemed to understand they were in this together. Senior Congress leaders urged cooperation with Chief Minister Mulayam Singh, who, in turn, appeared thankful for the support. Muslim leaders, cutting across party lines, condemned the attacks. Tragically, this wisdom was not evident in saffron quarters. The Bharatiya Janata Party announced the launch of the "National Integration Twin Yatra" – to be charioted by no less than Lal Krishna Advani and his successor, Rajnath Singh. Lest the term "integration" should conjure up goody-goody images of peace and amity, there was a clarification: the yatras were intended to fight the United Progressive Alliance's policies of "minorityism" and "vote bank politics." The Leader of the Opposition added for good measure that the yatra routes would be drawn up keeping in mind the coming elections to five State Assemblies.

Such opportunism takes the breath away. The UPA is accused of pursuing "vote bank politics" by a party that flagrantly seeks votes on the issue of "minorityism." The damage potential of two simultaneous yatras, self-confessedly on a mission to stoke majoritarian sentiment, should be evident to anyone familiar with the Hindu Right's divisive agenda. Yet the BJP ought to know that the politics of yatra has played itself out. The party's vote peaked in the aftermath of Mr. Advani's Ram rath yatra – the trail of death and destruction left in its wake polarised communities to the advantage of the party. The subsequent yatras have fetched steadily diminishing returns. Consider the eminently forgettable list: Ekta Yatra, December 1991; Janadesh Yatra, September 1993; Su-raj (Good Governance) Yatra, March 1996; Swarna Jayanti Yatra, May 1997; and finally Bharat Uday Yatra on the eve of the 14th general election. The attempt to link the March 7 calamity with "minorityism" has a dangerous communal undertone, as though India's 140 million-strong "community" of Muslims can somehow be held accountable for the inhumanity of Lashkar terrorists. The BJP can ill afford to forget Kandahar, December 1999 when its Government surrendered ignominiously to Pakistan- and Taliban-supported terrorism. That surely was no "minorityism."

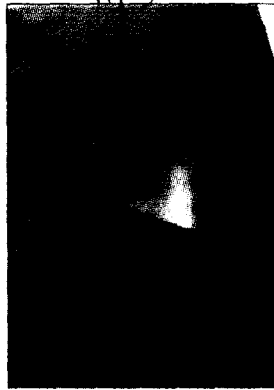
THE HINDU

Zahira gives up, finally

Mumbai: Prime witness in the Best Bakery case Zahira Sheikh, who has been sentenced to a year in jail term by the supreme court on perjury charges, appeared before a special fast track court in Mazgaon on Friday. She is likely to be taken into custody to facilitate the implementation of the supreme court order.

On Thursday evening, the Vadodara police served perjury notices to her sister Sahera and brother Nasibullah at their Bhayander residence. Senior officer K B Jadeja said the team was trying hard to track down Zahira and her mother Sehrunnisa Sheikh, who disappeared from their Bhayander residence the day the supreme court gave its order.

Zahira was last seen



publicly at her brother Nafitullah's funeral in Bhayander.

While the police were hunting for her, D K Garg, her advocate in the supreme court who is waiting to file a review petition against the SC order, had claimed that he had not heard from her. Agencies

19 Mar 1992

ZAHHEERA SURRENDERS

DEBASISH Panigrahi and GIGIL Varghese
Mumbai, March 10

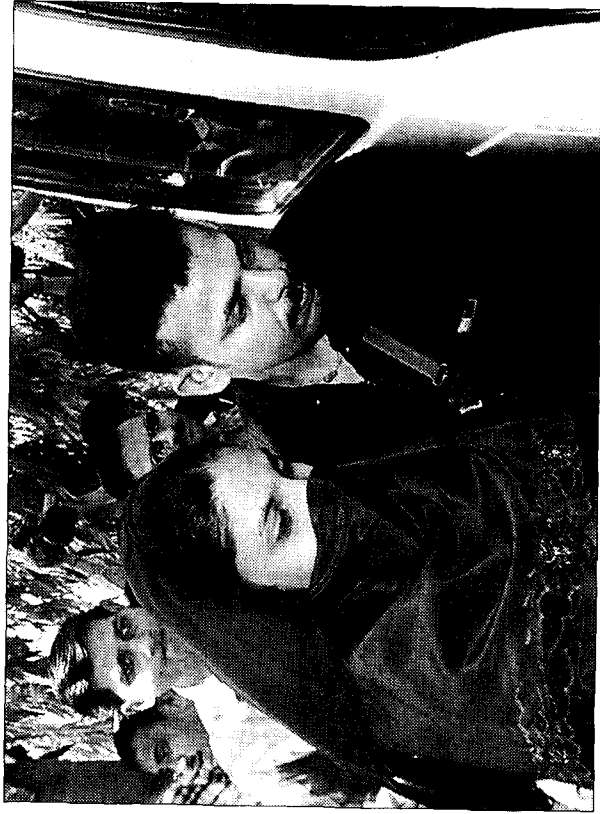
ZAHHEERA SHEIKH is behind bars. The key Best Bakery case witness — sentenced by the Supreme Court on Wednesday to a year in jail for contempt for her changing statements on the case — surrendered on Friday before a special court. She was sent to judicial custody till March 13 and will be lodged in Bhoiwada lock-up till then. This was the first time Zaheera surfaced in public after the special court had issued her a perjury notice on February 24.

Even as reports came in that a Vadodara police team was in Mumbai looking for her, Zaheera walked into court with her lawyer at 6:30 p.m. and surrendered before judge Abhay Thipsay. In court, Zaheera broke down and told Public Prosecutor Manjula Rao that she did not want to be sent to Gujarat to serve her sentence as she apprehended a danger to her life there. She also asked for protection. Zaheera will be produced in court on Monday when a decision on her request not to be taken to Gujarat will be taken.

The special court has asked for a copy of the Supreme Court order to help decide on her in-

carceration. Zaheera insisted in court that she wanted to meet the judge, Thipsay, in his chamber since she trusted only him, sources said. However, this request was turned down and she was directed to give a written application instead. Based on the application, judge Thipsay directed Byculla police to provide her protection.

Zaheera, it seems, had informed Rao of her desire to surrender in the special court. Rao passed on the message and Judge Thipsay stayed in court beyond working hours. Zaheera arrived with her younger brother and lawyer and was taken away in a police van at 9 pm amid heavy security and an escort. Vadodara Police Commissioner Deepak Swaroop told HT that Zaheera had been staying at her Bhayander home all these days. He said they had kept a watch at the residences of all her relatives, thus reducing her options. Incidentally, Zaheera is also facing perjury proceedings in the special court. Zaheera's sister Sahira, mother Sehrunissa and brother Nasibullah were also issued show cause notices by Judge Thipsay asking why they should not be prosecuted for perjury. These notices too are returnable on March 20.



A file photograph of Zaheera being produced in court.

Zahira's Conviction

Of lies, damned lies
and perjury

MANY people are going to see Zahira Sheikh's sentencing by the Supreme Court as a triumph of truth. Her conviction comes, however, not because she told lies and perverted the truth — it is because she committed perjury. A good deal of activity in large and complex societies such as ours centres on legitimate lying. Such industries as lobbying, public relations, diplomacy, politics, advertising depend on it, and if we ban lying we would end up adding large numbers to the unemployed. Take the onerous guest who overstays his welcome. Do we tell him to his face that he can take his leave now, or do we pretend to enjoy his company? Many of us would tend to do the latter, without which the hospitality industry would grind to a halt. Shakespeare enumerated various types of lies in *As You Like It*, including "the lie circumstantial...the lie direct". While lying is an indispensable part of the freedom of speech and expression guaranteed to us by Article 19(1)(a) of the Constitution, there is no doubt that it is unethical in many circumstances, such as when politicians make false promises during elections.

Complexity arises because law cannot have provisions for the multitudes of situations that arise in everyday life. We are not supposed to park cars illegally, but what happens when there are no provisions for public parking? What about that gas cylinder you need to cook food for your child, but cannot obtain unless you pay a bribe? Something must be left up to the individual conscience, otherwise we would be law-observing robots without imagination and creativity. The same is applicable to lying — we must ourselves decide when lying crosses the line. Perjury, though, is not the same thing as lying. It is lying under oath, a different kettle of fish altogether. Zahira may inhabit the same grey zones as many of us. It is difficult to reconstruct the exact matrix of threats and promises that led her to retract her testimony in the Best Bakery case, and according to some the Supreme Court verdict has made her a victim twice over. Investigation should also focus on those who made her change her testimony. But the system cannot afford to be permissive towards those who lie under oath, as this amounts to a breach of contract. Without enforcement of contract, the foundation of society is destroyed. If witnesses do not tell the truth even when sworn to in front of a court, the delivery of justice is no longer possible.

She represented the demand for justice in Gujarat. Till twists and tugs in the Best Bakery case gathered her into the shadows, says AYESHA KHAN

Finding Zaheera Sheikh



EXACTLY four years and eight days ago, on March 1, 2002, a slim 17-year-old girl and her family were hounded by a riotous mob baying for blood at Best Bakery in Hanuman Tekri, Vadodara. Today, it is the Vadodara police which is "officially" hunting the same girl, after the Supreme Court on Wednesday sentenced Zaheera Sheikh to one-year's simple imprisonment and a Rs 50,000 fine for being a "self-condemned liar".

This is a story of irony and tragedy, in which Zaheera became an unwitting heroine and also a victim. Tragic, because it was this gutsy chit of a girl, who, when uncorrupted, could rise to the occasion as no other, filing an FIR against the rioters and standing by her family. Ironical, because this young girl grew the lessons of profit, media management, political pulls and pressures, and succumbed to them.

But it in no way takes away the truth of what happened on March 2, 2002 at SSG Hospital, Vadodara. The 17-year-old girl, with her two plaits undone and turmeric poultice on her bleeding head, her salwar-kameez blood-stained, stood out from the rest in the hospital's casualty ward. Even as the bodies were counted — more than a dozen — a

stunned, dumbstruck mother, aunt and younger brother Nasibullah with bleeding feet sat on the floor, she had negotiated, cajoled and pleaded with doctors and police officials to take care of the injured and the dead.

The girl who came to Vadodara with her baker father and four other siblings, had since traversed a great distance — from relief camps to national attention. Thereafter, nattily dressed in a burqa, it is this younger sibling who remains the self-appointed spokesperson of the family which witnessed 14 deaths, in every police station to numerous courts and commissions. A secondary-school dropout, she is the one who remained the public face, even as elder brother Nafitullah married twice, mother Sehrunnisa fell out with relatives over the compensation money, and her younger brother, square jawed, away the future, as the family realised the political and financial importance of their testimony.

Caught in the crossfire of a complaisant Gujarat political system and activists, perhaps the only crime that Zaheera and her family committed — more so, as she was under the strong influence of her domineering widowed mother Sehrunnisa — was the centuries' old one: plain greed. Sensing the national importance of

the issue while she was with human rights activist Teesta Setalvad in Mumbai, where she became privy to the attention of the national media and the ways of a metropolis for the first time, hers has been a story of growing greed and need, remaining vulnerable to be exploited.

She, who always had a family entourage, and was excommunicated and abused by the Muslim community, could live in the best of the hotels, guest-houses and farmhouses dotted around Gujarat, always under the protection of Gujarat police which suddenly turned helpful after her volte-face. It is perhaps also a story of expediency, for on Wednesday, when the Supreme Court read out her sentence, the very police which was supposed to be protecting her and the lawyers were paying her ever since she had owned her.

The police is hunting for her, and her latest set of lawyers plead ignorance. Somehow, they say, Zaheera grieves over her elder brother.

No one knows what she is thinking and going through since November 3, 2004 — the last time she faced the media after slipping into the shadow of gun-toting security commandoes.

Hunted and hounded, Zaheera remains the unwitting victim of political caprice and personal greed.

THE International Herald Tribune headline said it all: "Bush gives India a hug, Pakistan a friendly pat." President Bush's recent South Asian trip officially confirmed India's status as America's strategic partner. India got the much coveted civilian nuclear deal, which assures US cooperation in India's use of nuclear technology to meet the country's burgeoning demand for energy. Pakistan's claim to a similar deal was firmly turned down and although Bush praised General Musharraf's efforts in the war against terrorism, he did not say or do anything else to cheer either Musharraf or the

rest of official Pakistan. A highly visible visit by the head of state of the world's sole superpower would please many governments, especially when accompanied with promises of continued economic and military assistance. But Bush's praise for Musharraf during his Islamabad stop-over, and the fact that Pakistan got a state visit from a US president, were insufficient to fulfil Pakistani expectations. Successive military leaders in Pakistan have sought alliance with the US as a means of overcoming the power imbalance between India and Pakistan as well as to push for Pakistan's case over J&K. Musharraf is no exception. The Pakistani generals' formula for befriending the US is simple. Pakistan offers strategic cooperation to the US in addressing its immediate policy concern: containing Soviet communism during the Cold War; providing Afghan Mujahideen a base

In Islamabad, on a turning wicket

Pakistan should not define its interests solely in terms competing with a much larger neighbour, says HUSAIN HAQANI

of operations in the war to bleed the Soviets; and, since 9/11, intelligence sharing and military action against Al-Qaeda. In return, they invariably seek to advance their own goal of "containing" India. Since the '50s, when Pakistan and the US first became allies, US assurances of a settlement of the Indo-Pakistan dispute

over J&K has often been the touchstone of US fidelity for Pakistan's rulers. Now, when the US considers India a strategic partner, US pronouncements on Kashmir are nothing more than reminders that the parties to that dispute need to settle it some time soon. Had Bush said something more on J&K, Musharraf could have used it as a face-saver. He decided, however, to stick to his script and avoided saying anything that Musharraf could describe as an offer of American mediation over Kashmir.

As expected, Bush did not press Musharraf very hard on the question of restoring democracy, at least publicly. But he did not leave the issue unaddressed either. In express-

ing the hope that "democracy is Pakistan's future", he refuted Musharraf's assertions that Pakistan is already on the road to democracy.

Realistically speaking, there was little reason for Pakistani officials to expect anything different. But

with India announced a few months ago, demand for a civilian nuclear deal was not based on demoted energy needs or prior conation between Pakistan and th. It was a case of asking to be d exactly as the

Us with India. most memorab- ment of Bush's tne at its end.

"Pakistan and India are different countries with different needs and different histories," Bush said at his joint press conference with Musharraf. Almost every US leader and official dealing with the two countries has had that thought but the hesitation in stating it has often fed unrealistic expectations among Pakistanis.

The visible disappointment in Pakistan over Bush's visit is not the result of US unreliability, as several Pakistani commentators are claiming. It is the consequence of the persistence of strategic myopia within the Pakistani establishment. Bush deserves credit for being straight-forward in his statements throughout his South Asia trip. He carefully and scrupulously avoided



Bush: cramping Musharraf's elbow room too

Pakistan's military rulers have a long history of deluding themselves and building unrealistic hopes. Pakistan had been told long before the Bush visit not to expect a civilian nuclear deal comparable to India's. In any case, Pakistan had not shown any interest in American civilian nuclear technology until the deal

feeding false hopes in Pakistan. In the past, carefully worded US ambiguity was used by Pakistani generals to claim the US let them down by not helping them in their adventures. Musharraf is already venting anger against India and the Afghan president for not letting his courtship with the US result in a marriage on Pakistan's terms. But Pakistanis must come to terms with the fundamental flaw in their strategic paradigm instead of periodically lashing out at others, especially the US. A nation should not define its interests solely in terms of competing with a much larger neighbour. Pakistan has already suffered enough as a result of its efforts to use periodic alliances with the US to challenge India. This might be a moment to consider a new strategic vision, one which takes advantage of close Indo-US ties to forge a partnership simultaneously with India and the US. Instead of acting as the prickliest nation in South Asia, Pakistan could then be the friend of its immediate neighbors as well as of the world's sole superpower. Pursuit of economic prosperity and political stability under democracy, rather than the "containment" or "cutting down to size" of India would be a better strategic goal for Pakistan. Unfortunately, Musharraf has already indicated that he is not considering any changes in the old Pakistani view.

Husain Haqqani is director of Boston University's Center for International Relations

One-year jail term for Zahira Sheikh for making false statements on oath in court

"Courts must maintain public confidence...Deal with witnesses turning hostile..."

J. Venkatesan

NEW DELHI: The Supreme Court on Wednesday sentenced Zahira Sheikh, key witness in the Best Bakery case, to one-year imprisonment and imposed a fine of Rs. 50,000 on her for contempt of court by making false statements on oath and filing false affidavits.

A Bench of the Court comprising Justice Arijit Pasayat and Justice H. K. Sema directed her to pay the fine within two months, failing which she will have to be in prison for one more year. It ordered attachment of her assets, including bank deposits, for three months.

The Judges directed the income tax authorities to initiate proceedings, requiring her to explain sources of acquisition of assets and expenses met by her till date from January 1, 2002.

The Bench was passing orders on applications challenging the report of the committee headed by the Registrar-General of the Supreme Court holding that Zahira was a self-condemned liar and susceptible to influence by others.

The Judges asked the Chief Income Tax Commissioner of Vadodara in Gujarat to initiate the proceedings immediately. The tax authorities can order continuation of attachment in accordance with law, if so advised. "The income tax authorities shall also require Bharatiya



Janata Party MLA Madhu Srivastava and his brother Bhatto Srivastava to explain why the claim, as made in a VCD, of paying money [to Zahira] shall not be further enquired into and if any tangible material comes to surface, appropriate action under the income tax law shall be taken, notwithstanding the findings recorded by the inquiry officer that there is no acceptable material to show that they had paid money."

Apparently shocked by the recent acquittal of all accused in the much talked about Jessica Lal murder case, the Bench observed: "Courts have always been considered to have overriding duty to maintain public

confidence in the administration of justice — often referred to as the duty to vindicate and uphold the majesty of the law."

Writing the judgment, Mr. Justice Pasayat said in cases of defective investigation the court have to be circumspect in evaluating the evidence. "It would not be right in acquitting an accused solely on account of the defect; to do so would amount to playing into the hands of the investigating officer if the investigation is designedly defective."

The Bench said: "Time has become ripe to act on account of numerous experiences faced by courts on account of frequent turning of witnesses hostile either due to threats, coercion,

lures and monetary considerations at the instance of those in power, their henchmen and hirelings, political clout and patronage and innumerable other corrupt practices ingeniously adopted to smother and stifle truth and justice to become ultimate casualties."

The Bench further said: "Broader public and societal interests require that the victims of the crime who are not ordinarily parties to the prosecution and the interests of State represented by their prosecuting agencies do not suffer even in slow process but irreversibly and irretrievably which if allowed would undermine and destroy the public confidence in the administration of justice which may ultimately pave way for anarchy, oppression, injustice resulting in complete breakdown and collapse of edifice of rule of law, enshrined and zealously guarded and protected by the Constitution. There comes the need for protecting the witness. The time has come when serious and undiluted thoughts are to be bestowed for protecting witnesses so that ultimate truth is presented before the court and justice triumphs and that the trial is not reduced to mockery."

The Bench directed the trial court in Mumbai to dispose of the case of perjury against Zahira uninfluenced by the observations made by the inquiry officer or the apex court.

09 MAY 2006

THE HINDU

Zaheera 'flip-flops' into jail

Press Trust of India

NEW DELHI/AHMEDABAD, March 8. — Zaheera Sheikh, a key witness in Gujarat's Best Bakery case, was sentenced today by the Supreme Court to one year in jail for contempt of court. The court pronounced the verdict after accepting the report of a high-power committee which found her to be a "self-condemned liar".

Zaheera was also ordered to pay a fine of Rs 50,000. Failure to pay, said the court, would mean another year in jail. It was left open to the tax authorities to inquire into the alleged sting operation showing controversial BJP MLA Madhu Srivastava and Congress corporator Bathu Srivastava talking about the payment of money to Zaheera.

A witness to the attack on the Best Bakery in Baroda in which 14 people burnt to death, Zaheera changed her testimony leading to the acquittal of all the accused. Later, claiming she had been threatened by local politi-



cians, the Supreme Court ordered a retrial — only for her to retract her testimony once again.

A committee set up by the Supreme Court to inquire into Zaheera's "flip flops" said it believed she had been bribed to turn hostile in court.

Expressing disapproval of Zaheera's conduct, the Bench, comprising Mr Justice Arijit Pasayat and Mr Justice HK Sema, today said: "This is a classic example of a case where evidence was tampered with

and witnesses won over." However, they made it clear the state should protect witnesses, particularly "in sensitive cases involving those in power".

"The state has a definite role to play in protecting the witnesses, to start with at least in sensitive cases involving those in power, who have political patronage and could wield muscle and money power, to avert trial getting tainted and derailed and truth becoming a casualty," the Bench observed. "As protector of its citizens, it has to ensure that during a trial in court, the witness could safely depose truth without any fear of being haunted by those against whom he has deposed."

Last month, a special court sentenced nine people to life in prison for the Best Bakery attack.

Expressing ignorance about the whereabouts of Zaheera, her counsel, Mr Atul Mistri, today said she had not been in touch with him since the SC verdict. The All India Muslim Personal Law Board has welcomed the verdict, adds a report from Bangalore

সাক্ষ্য বদলের দায়ে জাহিরার এক বছর জেল

নয়া দিল্লি, ৮ মার্চ: শাস্তি পেলেন জাহিরা শেখ। তবে তুলে দিলেন অনেক প্রশ্ন। আবারও। এই প্রথম গুজরাত দাঙ্গায় দুর্গতদের মতোই কাউকে শাস্তি দেওয়া হল।

বেস্ট বেকারি মামলায় বার বার সাক্ষ্য বদল করার অপরাধে সুপ্রিম কোর্ট আজ তাঁকে এক বছরের কারাদণ্ড ও ৫০ হাজার টাকা জরিমানা করেছে। গুজরাত দাঙ্গার শিকার এই মেয়েটির সাক্ষ্য বদলের পিছনে নিরাপত্তাহীনতা এবং রাজনীতির চাপ যে আছে, তা অনেকটা মেনে নিয়েও শীর্ষ আদালত তাঁকে শাস্তি দিল আজ। কারণ কোর্টের মতে, সাক্ষীদের বয়ান বদলের ফলে বিচার যাতে প্রহসনে পরিণত না হয়, তা দেখতে হবে আদালতকে। 'দোষী' জাহিরাকে কড়া ভাষায় তিরস্কার করে আদালত জানিয়েছে, "সাক্ষী বেঁকে বসার নজিরবিহীন উদাহরণ হয়ে থাকতে পারে এই মামলা।"

শুধু জাহিরা নন, সুপ্রিম কোর্টের আজকের রায়ে আপাগোড়া ছায়া ছিল আর এক কন্যা, জেসিকা দালের।

সাক্ষ্যপ্রমাণের অভাবে জেসিকা হত্যা মামলার নামজাদা অভিযুক্তরা বেকসুর খালাস হওয়ায় দেশ জুড়ে যে বিতর্ক শুরু হয়েছে, তাতে শীর্ষ আদালতের উদ্বিগ্ন স্পষ্ট। বিচারপতি অরিজিত পাসায়ত ও বিচারপতি এইচ কে সেনার বেস্টের রায়ে বড় অংশ জুড়ে ছিল সাক্ষীর নিরাপত্তাহীনতার সমস্যা, সাক্ষীদের ভয় দেখিয়ে রাখবায়ালদের ছাড়া পাওয়া এবং বিচারব্যবস্থার প্রতি লোকের আস্থা কমে যাওয়ার প্রসঙ্গ। সাক্ষীর ভূমিকা কত গুরুত্বপূর্ণ, মনে করিয়ে দেওয়া হয়েছে তা-ও।

সুপ্রিম কোর্ট বলেছে, সাক্ষ্যের সাক্ষীদের ভয় বা লোভ দেখিয়ে বয়ান বদল করানো হচ্ছে। যারা ক্ষমতায় আছে, তাদের প্রত্যয়ে এ ধরনের কাজ হচ্ছে। কোর্ট যেমন আসল সাক্ষীদের নিজের থেকে ডেকে আনতে পারে, তেমন রাষ্ট্রকে সাক্ষীকে রক্ষা করার দায়িত্ব নিতে হবে। বিশেষত তদন্তকারী সংস্থার ভূমিকা নিয়ে যখন প্রশ্ন উঠেছে, তখন কোর্টের মতে, রাজনৈতিক ভাবে স্পর্শকাতর মামলা, যেখানে

ক্ষমতাবানরা রাজনৈতিক প্রভাব, পেশী শক্তি তথা অর্থ খাটিয়ে সত্যকে আড়াল করার চেষ্টা করে, সেখানে সাক্ষীকে রক্ষা করে কাজটা শুরু করুক রাষ্ট্র।

গুজরাত দাঙ্গার বিভিন্ন মামলা তো বটেই, সাক্ষীকে ভয় দেখানো আর ক্ষমতাবান অভিযুক্তের ছাড়া পাওয়ার এই অভিযোগ নিয়েই তো তোলপাড় হয়েছে দেশ, জেসিকা মামলাতেও। কোর্ট বলেছে, "মানুষ বিশ্বাস করতে শুরু করেছে, ফৌজদারি মামলা হল মাকড়সার জালের মতো। ছোট পোকাকারী সেখানে আটকে যায়, আর বড় পোকাকারী জাল কেটে পালায়।"

রাজনৈতিক ও আইনি মহলের একাংশ বলেছে, বার বার সাক্ষ্য বদল করে গুজরাত দাঙ্গার একটি গুরুত্বপূর্ণ মামলায় অভিযুক্তদের মুক্তি পাইয়ে দিয়েছিলেন জাহিরা। অভিযোগ, বিনিময়ে তাঁর ব্যাঙ্ক আকাউন্ট স্ক্রীভ হয়েছিল। সুতরাং শাস্তি তাঁর প্রাপ্ত। এটা একটা দুঃস্বপ্ন হয়ে থাকবে। তদন্তকারী কমিটির রিপোর্টে জাহিরাকে বলা হয়েছে, 'ডায়া মিথোবাদী' রিপোর্ট

মেনে নিয়ে সুপ্রিম কোর্ট তাঁর জেল আর জরিমানার আদেশ দিয়েছে। টাকা দিতে না পারলে আরও এক বছর জেল খাটতে হবে। তাঁর সম্পত্তি ও ব্যাঙ্ক অ্যাকাউন্ট সিল করার নির্দেশ দেওয়া হয়েছে আয়কর দফতরকে। ২০০০ সাল থেকে জাহিরার আয়ের উৎসও খতিয়ে দেখা হবে।

এখন প্রশ্ন হল, আদালতই যখন সাক্ষীদের নিরাপত্তাহীনতার কথা মেনে নিয়েছে, সেখানে জাহিরাকে শাস্তি কেন? নিরাপত্তাহীনতার জন্য দায়ীরা তো অধরাই থেকে গেলেন। বিজেপি বিধায়ক শ্রীবাস্তবের কথা ধরা যাক।

জাহিরার মুখ বন্ধ করতে তাঁরাই প্রচুর টাকা দিয়েছেন, এমনই তো অভিযোগ। আদালতে কিন্তু তিনি এক রকম 'ক্লিন চিট' পেয়েছেন। কোর্ট বলেছে, তাঁর বিরুদ্ধে তেমন কোনও প্রমাণ মেলেনি। টাকা দেওয়ার অভিযোগ আয়কর দফতর খতিয়ে দেখবে। তাই তিন্তা শেতলওয়াড়ও সহানুভূতির সঙ্গেই জাহিরার কথা ভেবে দেখতে বলেছেন। সেই সমাজসেবী তিন্তা, বার বার বিরুদ্ধে

চাপ দিয়ে মিথ্যা বলানোর অভিযোগ এনেছিলেন জাহিরা। "জাহিরা ভুল করেছেন, কিন্তু ভুল করতে বাধ্য করেছে কে বা কারা?" জাহিরা-বিরোধী আমদানীদের এক ফেঞ্চসেবী সংগঠনের প্রতিনিধিরাও বলেন, "জাহিরার শাস্তিই যথেষ্ট নয়। উনি রাজনীতির শিকার।" এ দিকে, শ্রীবাস্তব আবার বলেছেন, তিনি নিজে জাহিরাকে চেনেনই না। বরং জাহিরা মামলায় তিন্তার গতিবিধি অনেক বেশি সন্দেহজনক। জাহিরাকে মুম্বই নিয়ে গিয়ে মামলা চালাতে কারা তাকে আর্থিক সাহায্য করে, তা খতিয়ে দেখতে তদন্তের দাবি করেছেন মধু।

জাহিরা অবশ্য নিশ্চিন্ত। তবে সুপ্রিম কোর্টের রায়ে পরেই তাঁকে খুঁজতে বিশেষ দল গঠন করা হয়েছে। পুলিশের বক্তব্য, মুম্বইয়ে জাহিরার এক কাকা বলেছেন, ২ মার্চ জাহিরার দাদা নাসিবুল্লা মারা যাওয়ার পরে সে মুম্বই এসেছিল। তার পরে কোনও খবর নেই। জাহিরার আইনজীবী অতুল মিস্ত্রীও বলেন, মার্চের সঙ্গে ৬ মাস তাঁর যোগাযোগ নেই।

Godhra panel faces court fire

OUR CORRESPONDENT
AND PTI

Ahmedabad, March 7: Gujarat High Court today slammed the one-man U.C. Banerjee Committee for "undermining" its authority by making public its report on the Godhra train fire, the flashpoint of the 2002 riots that killed hundreds across the state.

Set up by railway minister Lalu Prasad in 2004, the Banerjee committee had said the fire, which killed 59 people, was "accidental", thereby contradicting the claims of the Sangh parivar and the BJP-led Gujarat government that it was a "conspiracy" hatched by "Jihadi Muslims".

The report came as fresh ammunition for the Congress and its allies. Yesterday, it sparked calls for Gujarat chief minister Narendra Modi's dismissal and forced adjournment of the Lok Sabha after rival members traded angry words.

While the Congress and its allies demanded "action", BJP members slammed the Banerjee committee as "fake".

Today, Justice M.R. Shah said the Banerjee committee should have waited for the



Banerjee: Stepping on court's toes?

court's final judgment on a petition that has challenged the formation of the panel.

The petition was filed by Neelkanth Bhatia, a survivor of the February 27, 2002, fire on the Sabarmati Express.

"It is a matter of great regret that though the matter was sub judice and was kept for order on March 7, the Banerjee committee chose to make the report public...." Justice Shah said in an

interim order.

"This, in the opinion of the court, is overreaching the process of the court. Such actions will lead to (the) collapse of the entire judicial system," the judge added.

"If the committee wanted to file the report, then it should have sought the court's permission," the judge said. "Nobody is above the law."

In the interim order, Justice Shah directed all the authorities concerned, including the railway ministry and the Congress-led government at the Centre, "not to publicise the report further and not to act upon the report in any manner till the court concludes hearing the petition".

The court also ruled that a division bench would now decide on the case. The secretary of the Banerjee committee could be summoned.

In Delhi, the government put off making a statement on the report till tomorrow. An announcement to this effect was made in the Rajya Sabha by deputy chairperson K. Rehman Khan.

He said the railway minister, who was to make the statement, had said that the report would be placed in the House tomorrow.

TUESDAY, MARCH 7, 2006

Facts are sacred

10-10
7-3
P
Kishore

It was to huge saffron protests that the Justice U.C. Banerjee Committee appointed by the Railway Ministry presented, in January 2005, its interim report on the Godhra train calamity. The uproar was over a crucial finding: the fire that engulfed coach S-6 of the Sabarmati Express, killing 59 passengers, most of them belonging to the Vishwa Hindu Parishad, on February 27, 2002, appeared to be “accidental” rather than planned. If this *prima facie* view held up, it would knock the bottom out of the Narendra Modi-inspired campaign that the kar sevaks were victims of a pre-meditated *jihadi* conspiracy. Thirteen months on, the panel, now upgraded to a Commission of Inquiry, has confirmed its key preliminary finding: “It was not a deliberately inflicted fire but an accidental one.” Unsurprisingly, the offices of the Bharatiya Janata Party and the VHP have erupted in anger. The judge has been accused of playing politics, indeed timing the release of his reports for the run-up to elections – this time to five State Assemblies. An enraged Rajnath Singh has even sought “punishment for the Minister who constituted the committee.”

The over-the-top reaction is ironic coming from a party that exploited the tragedy to the hilt. Before Godhra changed his political fortunes, Mr. Modi was a Chief Minister who could just about win his own Assembly constituency. The calamity resurrected him among an emotionally vulnerable vote bank that was goaded to buy his “action-reaction” theory. Following genocidal violence that was aided and abetted by the state machinery and earned Gujarat worldwide notoriety, the Chief Minister went on a calculatedly divisive “gaurav yatra,” tried hard to advance the State election, and eventually won a second term on the strength of one narrative – Muslims as *jihadi* conspirators. But no advantage came to Lalu Prasad from the publication of the Banerjee Committee’s interim report; nor is it plausible that the final report will, in any way, tilt the electoral balance. The conspiracy theory rested on two assumptions: (a) flammable liquid was poured into the coach from outside; and (b) the doors of the coach were bolted to prevent the kar sevaks from escaping. In July 2004, a report of the Forensic Science Laboratory, Gujarat, studied the burning pattern and concluded that no flammable material was thrown into the coach from outside. Later an independent panel of engineers corroborated the finding. Justice Banerjee has pointed out that, of the 250 passengers in the coach, 59 died and the rest escaped: “How could it happen if the entry doors were locked?” The Banerjee Commission was handicapped in several ways: it was at loggerheads with the Nanavati-Shah Commission of Inquiry appointed by Mr. Modi, and it was refused assistance by the police, forcing the judge to invoke his powers under the Commission of Inquiry Act. If the dictum “comment is free, but facts are sacred” holds, the country as a whole must reflect on the significance of the latest findings.

THE HINDU

Godhra politics back: Lalu panel says accident, BJP says absurd

EXPRESS NEWS SERVICE

NEW DELHI, MARCH 3

THE Justice U C Banerjee Committee appointed by the Railways to ascertain the cause of fire in the Sabarmati Express at Godhra today submitted its final report, saying the fire in the coach was accidental and not deliberate.

This is in line with the findings of the interim report of the committee submitted in January last year on the fire in S-6 coach on February 27, 2002, leading to large-scale riots in Gujarat.

The BJP had rejected the interim finding that said the fire was accidental and that the coach, carrying kar sevaks on their way to Ayodhya, was not set on fire from outside.

Sources said that the final report



— running into three volumes and more than 500 pages — substantiates this, adding the level of toxicity inside the bogey was very high on account of the rexine and foam of the seats. This had led to the fire spreading so fast.

The report was submitted to Railway Board Chairman JP Batra today.

Officials said the final report also

mentions that the Gujarat Police was not very forthcoming during its inquiry, till recently when powers were given to the committee.

In its interim report, the committee had pointed to evidence of cooking inside the coach by kar sevaks, and ruled out the possibility of an electrical fault leading to the fire.

The final report also goes into safety aspects, and suggests measures to prevent a repeat of the February 27, 2002, incident.

While reactions to Banerjee's final report were muted today, last year, Railway Minister Lalu Prasad had drawn considerable flak for the timing of the interim report, which was released just before the assembly elections in Bihar.

0 2 11 2003

INDIAN EXPRESS

Uproar in House over attack on Christians

Special Correspondent

JAIPUR: Rajasthan Chief Minister Vasundhara Raje assured the State Assembly on Wednesday that nobody would be allowed to take the law into hands in the name of religion. "We are one family in Rajasthan. We don't want to create a divide in the State; be it the matter relating to Christians, Hindus or Muslims," she said intervening in a discussion in the House on the recent attacks on Christian institutions in Rajasthan.

At the same time, Ms. Raje warned the persons behind the controversial book, "Haqeeqat" (Reality), the distribution of which is attributed to the Kota-based Christian group, Emmanuel Mission International. "So much has happened in various parts of the State due to one book. We will severely punish those behind it (the book). We will not spare them," she said.

The Assembly witnessed noisy scenes during Zero Hour when the Congress members raised the issue of attack on churches and Christian institutions in Kota and various parts of the State during the past fortnight in the wake of protests by Hindu radical groups over derogatory references found in "Haqeeqat", a Hindi translation of a book

written in English purportedly as an answer to a "Bunch of thoughts" by M.S. Golwalkar.

The Congress members, Chandrashekhar Baid and Sanyam Lodha, had given two separate sets of notices, signed respectively by 14 and 20 MLAs, to move adjournment motion on the issue to Speaker Sumitra Singh.

The Congress members charged the BJP Government with a communal agenda to divide communities. Gopal Baheti, MLA from Pushkar alleged that the Chief Minister had refused to meet a delegation of Christians, which had approached her to seek protection from attacks from communal elements the other day. "You are the Chief Minister of the State, not of any particular group or community," he reminded her.

Senior Congress leader B.D. Kalla charged that the Vishwa Hindu Parishad, the Bajrang Dal, the Hindu Jagran Manch and similar outfits were making use of the book as an excuse to create anarchy and vandalize churches and Christian institutions.

Even in the presence of police the fundamentalist groups prevented Christians from conducting prayers at a church near the Civil Lines residence of the Chief Minister last Sunday, Mr. Kalla said.

MONDAY, FEBRUARY 27, 2006

A tortuous quest for justice

Justice, at last. After four years of tortuous twists and turns, what is most striking about the Best Bakery case is not the conviction of nine of the 17 accused brought to trial, but the effort that went into securing the ends of justice. Without the active intervention of social activists, media personnel, the National Human Rights Commission and the Supreme Court, those responsible for burning to death 14 persons in a Vadodara bakery during the post-Godhra anti-Muslim pogrom in Gujarat in 2002 would have walked free from the law. The case tested the ability of the Indian justice delivery system to hold out when the arraignment is of the politically influential capable of manipulating the levers of power. The prime witness, Zahira Sheikh, who had named those responsible immediately after the burning down of the bakery, turned hostile during trial, resulting in the fast track court in Vadodara acquitting all the 21 accused in June 2003. From the very beginning, it was evident that a combination of intimidation and inducement was at work. Ms. Sheikh was accompanied to the fast track court by sympathisers of the accused who claimed they had taken her into "protective" custody. Some of the witnesses actually made a dramatic U-turn at the trial stage describing as "saviours" those very persons they had earlier charged with committing the crime, thus raising apprehension about subversion of the judicial process. After all, the survivors of the fire had voluntarily named the accused before the national media, the Government-appointed Commission of Inquiry, the Concerned Citizens Tribunal and the NHRC before the retraction. At one point, Ms. Sheikh, claiming that members of the ruling establishment had intimidated her, demanded retrial outside Gujarat to enable witnesses to depose in an environment free of fear. Although she again went back on her statement, the case was retried in a Mumbai court on the basis of a Supreme Court order.

Besides sentencing the nine to life imprisonment, the Mumbai sessions court judge, Abhay Thipsay, directed issue of notices to all witnesses who had turned hostile, including Ms. Sheikh, asking them to show cause why they should not be prosecuted for perjury. Significantly, the judge found that Ms. Sheikh and her immediate family members had deliberately given false evidence against social activist Teesta Setalvad, who had been in the forefront of the campaign for justice in the case. One of the reasons why witnesses alter their testimony is that there is no fear of being tried for perjury even if they were found to be lying. In the interests of justice and to ensure a fair trial of other cases it is important to make Ms. Sheikh and the other hostile witnesses explain their flip-flops. Otherwise, the influential will get away with murder, especially if they have the backing of the state as happened with the Best Bakery case at the trial stage.

27 FEB 2006

THE HINDU

Where has Zahira gone? No one has a clue

OUR BUREAU

Feb. 25: Zahira Sheikh, the centre of attraction in the Best Bakery case, seems untraceable.

The Mumbai sessions court, which yesterday convicted nine persons for the Vadodara bakery carnage during the Gujarat riots, has issued perjury notices to Zahira (**picture on right**), her mother Shehrunnisa, sister Saira and brothers Naseebullah and Nafitullah.

They have been asked to file replies by March 20 to the showcause notices that ask why they should not be prosecuted for lying under oath.

If found guilty of perjury, a person is liable to be sente-

nced for up to seven years and pay a fine.

The Sheikh family, which was reported to have gone back to Vadodara after their deposition in court — all of them turned hostile — has not been seen for several months.

Only Zahira's older brother Nafitullah, who is suffering from cancer, has been visiting Nair Hospital in central Mumbai from time to time.

"I last met them five months ago," said Atul Mistry, the family's lawyer, from Vadodara.

He said they needed to reply to the court now and required legal advice. Mistry conceded that it was strange his clients had not tried to get in touch with him after the verdict.



If the lawyer says he is flummoxed, so is the prosecution. "We are looking for Zahira. We have to find her to ensure that she gets the notice," said Manjula Rao, the prosecution lawyer. Her past benefactors have no clue, either. Javed Anand

NAILED NINE

- **Rajubhai Baria:** Sold milk in Hanuman Tekri
- **Pankaj Gosai, 27:** Worked in a private factory and doubled as part-time priest in a Hanuman temple close to Best Bakery
- **Bahadur Singh Chauhan (Jeetuj):** Ran a cable business in Hanuman Tekri
- **Jagdish Rajput:** TV mechanic, is suffering from AIDS which he contracted in Vadodara jail after arrest in 2002
- **Dinesh Rajbhar:** His family migrated from Uttar Pradesh in the 1990s. Worked in a local bakery which closed down after the riots
- **Sanabhai Baria, 38:** Sold milk in Hanuman Tekri
- **Sailesh Thadvi, 28:** Daily wage, sold polythene bags on the side
- **Suresh Vasava (Lalooj):** A tribal from Dahod, worked as a labourer and lived alone in Hanuman Tekri
- **Sanjay Thakkar:** Supplier of construction material. Better off than most in labour-dominated Hanuman Tekri

from the Citizens for Justice and Peace, which brought the Zahira case to public attention, said the organisation does not know her whereabouts.

Mistry said he was not sure whether Zahira and her family had gone back to their village in Basti in Uttar Pradesh. "But her mother told me that she was thinking of taking Zahira there to get her married."

The lawyer said he had not yet received a copy of the notice issued to his client. Mistry said previous notices were delivered by Gujarat police to Zahira's house. This time he expected no exception.

Mistry is said to have arranged accommodation for her in a Hindu locality in Vadodara after she turned her

back on activist Teesta Setalvad, accusing her of "torturing and tutoring".

Minority leader Zuber Gopalani, who was involved in relief work for post-Godhra riot victims, said: "I do not think any sensible Muslim boy will marry Zahira. She has become untouchable for a Muslim."

On March 1, 2002, 14 persons were burned to death at the Vadodara bakery owned by the Sheikh family.

Zahira was the prime witness, but turned hostile, once in the Vadodara court and again in the Mumbai court, where a retrial was held.

The court had on several occasions taken offence at Zahira's replies during her cross-examination.

Life term for 9 in Best Bakery case

8 acquitted for lack of evidence

Special Correspondent

MUMBAI: A sessions court on Friday convicted nine of the 17 accused facing retrial in the Best Bakery case in the special court at Mazgaon and sentenced them to life imprisonment. Eight people were acquitted due to lack of evidence. Delivering the verdict, Additional Sessions Judge Abhay Thipsay said death penalty was not called for as no special part played by any accused was satisfactorily proved. The life sentence for the nine persons will run after a series of convictions under various sections of the Indian Penal Code.

Non-bailable warrants were issued against four accused persons, still at large.

Mr. Thipsay also directed issuance of show cause notices to Zahira Sheikh, her mother Seherunissa, her brothers Nafitullah and Nasibullah and her sister, Sahira, asking them to show cause why they should not be prosecuted for giving false evidence. He said they deliberately gave false evidence and that harmed the image of activist and journalist Teesta Setalvad.

Ms. Setalvad of Citizens for Justice and Peace (CJP), a voluntary organisation, played a major role in helping Ms. Sheikh seek justice after the acquittal of all the 21 accused in the trial at the Vadodara fast track court in 2003. Those convicted are: Rajubhai Dhamirbhai Baria, Pankaj Virendragir Gosai, Bahadursinh alias Jitu Chandrasinh Chauhan, Jagdish Chunilal Rajput, Dinesh Fulchand Rajbhar, Shanabhai Chimanbhai Baria, Suresh alias Lalo Devjibhai Vasava, Shailesh

Anupbhai Tadvi and Sanjay Thakker.

Before life imprisonment, all of them will have to serve sentences for various other offences under the IPC. All nine have to serve a maximum sentence of 10 years Rigorous Imprisonment for offences under Sections 143, 147, 324 and 326, 148, relating to unlawful assembly, mischief by fire, causing grievous hurt and using dangerous weapons.

In addition, five of them are convicted of offences under Sections 435, 395, 449, 450, 451 and 188 of the IPC. These relate to damage to property, arson, dacoity, wrongful confinement and criminal trespass. Fines varying from Rs. 500 to Rs. 10,000 have also been imposed on the nine convicted persons.

The eight acquitted are: Mahendra alias Langdo, Pratapsinh Ravjibhai Solanki, Yasin Khokhar, Tulsi Bhikabhai Tadvi, Ravi Rajaram Chauhan, Kamlesh Tadvi, Yogesh alias Painter Laxmansinh Varma and Harish Virendragir Gosai.

The judge also worked out a compensation of Rs. 50,000 for the wife of Kausar Ali, one of the 14 victims of the Best Bakery massacre. Kausar Ali is Zahira's uncle. While the prosecution demanded Rs. 2 lakhs to be raised from fines from the accused, the convicted persons pleaded that they would not be able to pay. Mr. Thipsay then decided that Rs. 50,000 could be awarded as compensation from the fines he has imposed. The Government has still not paid Shah Jahan, the Rs. two lakh due to her, as his body was not found.

2006 06 14

9 get life in Bakery case

**GUJARAT
RIOTS**

Zaheera faces perjury charges

HT Correspondent
Mumbai, February 24



ALMOST FOUR years after a mob torched the Best Bakery in Vadodara during the post-Godhra riots and killed 14 people, a special court in Mumbai on Friday pronounced nine of the 21 accused guilty and sentenced them to life imprisonment.

Additional sessions judge A.M. Thipsay acquitted eight accused since the prosecution failed to prove its charges against them.

In June 2003, all the 21 accused had been set free by a Vadodara sessions court in the first trial for lack of evidence. Later, after the Gujarat HC upheld the lower court's verdict, the Supreme Court had ordered a re-trial in Maharashtra. Seventeen of the 21 accused faced charges in the Mumbai re-trial as the rest are untraceable.

Both the trial and the re-trial were marked by witnesses turning hostile. On Friday, the court issued notices to Zaheera Sheikh, the prime witness, her mother Sehrunissa, sister Saira and brothers Nafitullah and Nasibullah, asking them to show cause why they should not be prosecuted for perjury (lying under oath). What turned the tables in the Mumbai re-trial were the testimonies of five key eyewitnesses who hadn't been examined in the Vadodara court.

Yasmin Bano, Zaheera's sister-in-law, was the only member of the Sheikh family to support the prosecution. Other eyewitnesses who were not examined in Vadodara but testified in Mumbai were the workers at the bakery who were injured when it was torched.

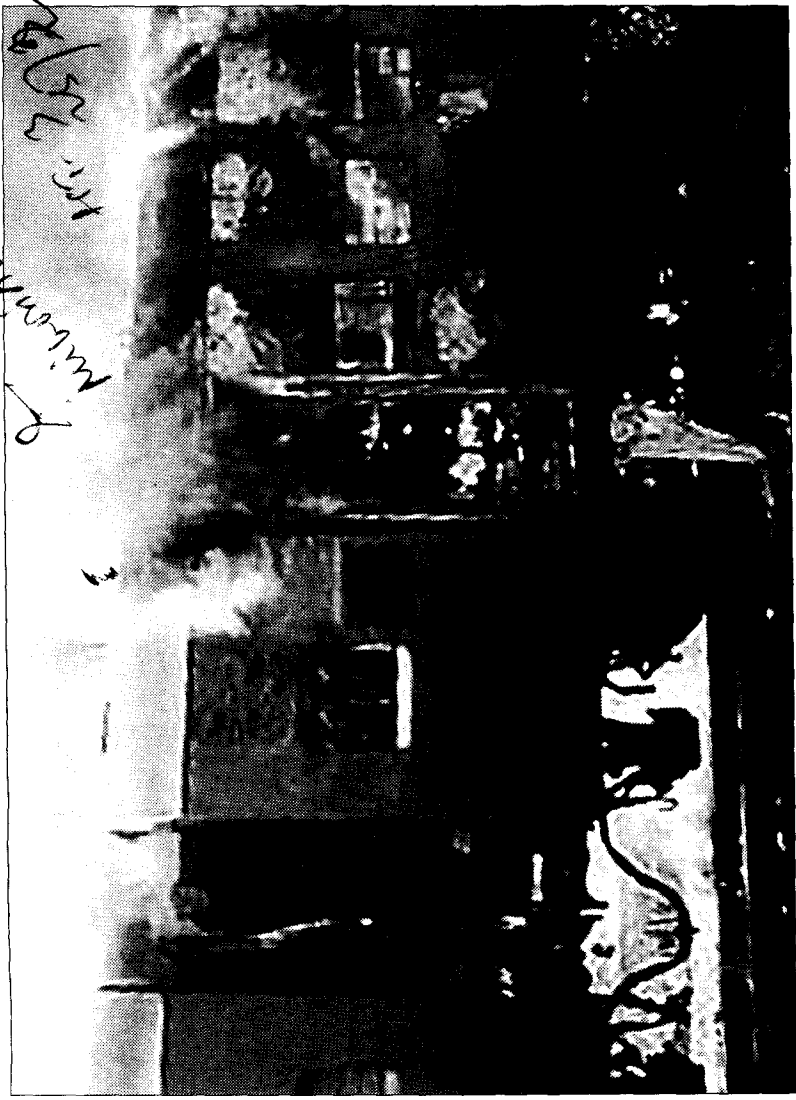
In the re-trial, the prosecution managed to procure convictions on the basis of the same charge sheet that was filed before the Vadodara court.

See also page 3

25 FEB 2006

THE HINDUSTAN TIMES

Family members cry foul



The burning of the Sabarmati Express coaches that led to large-scale violence and loss of lives in Gujarat.

RATHIN DAS

Ahmedabad, February 24

HANUMAN TEKRI on the outskirts of Vadodara where Best Bakery was torched on March 1, 2002 during the VHP-sponsored bandh was a picture of gloom.

The dilemma of the families of the convicted has actually been accentuated by the June 2003 acquittal in the case by the fast track court in Vadodara.

"Which court to believe, the Fast Track court or the Mumbai sessions court?", was the common refrain of the family members of the convicted.

Amid outbursts of wails and subdued cries, most family members were found abusing the political leaders for their fate and blamed the local police for 'wrongly' implicating their dear ones. While many relatives of the

21 accused had been camping at Mumbai where the sessions court delivered its judgment on Friday, some others had deserted their houses to avoid the media glare. But, at least three families which stayed put at Hanuman

BEST BAKERY VERDICT

Tekri on Friday — may be because they had no better place to go to — were bitter about the fate of their members who have been sentenced to life imprisonment.

Anup Tadvai, father of convicted Shailesh Tadvai, said his son was in jail because the police had given wrong information to the Supreme Court. Pathetic is the case of Sharda Rajbhar whose

son, Dinesh, is among the nine convicted by the Mumbai court in its verdict in Friday. Sharda, a widow, said there was a mob of nearly 3,000 which attacked the Best Bakery. She wondered how only 21 were accused.

If Dinesh spends the rest of his life in jail, she has been left to fend for herself, Dinesh's wife and her three children. "I have no idea as to how to feed them. The last four years had been difficult to run the family", she told media persons.

Virendra Gosain, father of another convicted accused Pankaj, claimed his son was innocent. The police, he alleged, took him away only to interrogate for a while, but was later made an accused. The old man regretted that the political leaders who had promised to help the family are nowhere to be seen now.

Judicial probe ordered into 1989 massacre

AGENCIES

Patna, February 24

IN A move that could have political ramifications for Bihar's erstwhile ruling RJD, the Nitish Kumar government on Friday announced the institution of a judicial commission to probe afresh the Bhagalpur communal riots cases of 1989 that left over 1,000, mostly Muslims, dead.

A special meeting of the Cabinet, chaired by chief minister Nitish Kumar, resolved to get the matter probed by a one-man judicial commission, which will bring to justice the accused who managed to escape conviction despite evidence, punish errant officials and suggest a rehabilitation package for the victims.

The commission, to be headed by a serving or retired judge of Patna High Court, will be asked to submit its report within six months of its inception. However, the commission might submit an interim report if desired, Nitish told reporters after the meeting lasting over three hours. It would be the second judicial probe into the Bhagalpur massacres that shook the nation and led to the alienation of the minority Muslims from the Congress.

Earlier, the RJD government had instituted a judicial commission headed by Justice R.N. Prasad, whose report was tabled in the state Legislative Council in 1996. The riots took place when Satyendra Narain Sinha of the Congress was chief minister. Lalu Prasad, who became chief minister in 1990, was often accused by the NDA of "soft-peddalling" the investigation of the cases and prosecution of the accused despite his secularist agenda.

Referring to the terms of reference of the commission, the CM said it would probe afresh all the cases of the Bhagalpur riots and examine the manner in which the prosecution and investigation agencies had carried out their duties resulting in closure of the cases against the accused. "We've identified 27 cases in which closure reports have been filed by the prosecution agencies despite sufficient evidence against the accused", he said.

BHAGALPUR RIOTS

The CM said the commission would find out the reasons and circumstances under which the investigating police officials produced "insufficient evidence and uncorroborated facts" that led to the closure of the cases. It will also examine whether any property was sold under pressure by the victims in the riot-hit areas and, if so, steps will be taken to return such property to the rightful owner and identify those guilty of indulging in strong-arm tactics to take possession of such property.

The CM said the commission would suggest a rehabilitation package detailing measures that should be taken for restoration of land, houses and other property that were forcibly occupied during the riots.

Timeline

- March 1, 2002: Mob burns down Best Bakery in Vadodara, 14 killed
- March 2, 2002: Main complainant Zaheera Shaikh files an FIR naming the accused
- March 21, 2002: Zaheera appears before the NHRC, demands justice
- May 7, 2003: Zaheera's brother, Naftullah, and sister Saira retract statements in Fast Track court at Vadodara
- May 17, 2003: Zaheera turns hostile in the Fast Track court, says cannot identify the accused. The same day, Zaheera's mother, Sherumissa, and younger brother Naseebullah deny statements to the police
- June 27, 2003: Additional sessions judge H.U. Mahida of Fast Track court acquits all the 21 accused named by Zaheera
- July 7, 2003: Zaheera names BJP MLA Madhu Srivastava for intimidating her into turning hostile. Demands retrial outside Gujarat
- July 11, 2003: Zaheera gives statement before NHRC that she was forced to retract her statements.
- September 29, 2003: The Gujarat government challenges the fast track court's order in the HC with an amended appeal
- December 26, 2003: Gujarat High Court dismisses government plea
- March 12, 2004: The Supreme Court admits Gujarat government's appeal against acquittal
- April 12, 2004: The Supreme Court bench orders retrial of the Best Bakery case outside Gujarat, in Maharashtra
- September 9, 2004: Zaheera's brother Naftullah Shaikh records statement before Vadodara Police on threats
- September 22, 2004: Charges framed against 17 accused in Mumbai court by Judge Abhay Thipsay. Four other accused were declared absconding
- October 4, 2004: Trial begins in Mumbai special court presided over by Judge Abhay Thipsay
- November 3, 2004: Another turnaround by Zaheera, says her statement at Vadodara Fast Track court was correct

**HEADCOUNT | Will create
'illogical and unnecessary data'**

Plea to stop Army Muslim count in SC

EXPRESS NEWS SERVICE
NEW DELHI, FEB 20

THE UPA government's lop-sided move to hold a census of Muslims in the country's armed forces has finally reached the Supreme Court with a former Deputy Chief of Army Staff approaching the apex court today to seek a stay on the survey being held by the Justice Rajinder Sachar Committee.

Citing an *Indian Express* write-up of February 18, petitioner Lt General (retd) R S Kadyan claimed that the Centre's move was fraught with disastrous consequences and would only help to "sow the seed of communalism in the defence forces". He urged that the exercise be stopped immediately.

"If such a list is prepared, it will create very illogical and unnecessary data which might create, and/or will be capable of creating, in the mind of the minority communities in India a feeling of their being less in number in the defence forces, as such

giving them cause for some sort of fear of the majority community," Lt Gen Kadyan said.

The petitioner expressed the fear that this may also lead to ill-will or resentment towards the said community from other members of the defence forces, who would misconstrue the move as being intended to grant reservations and special privileges to the members of a particular community.

Muslims were not the only minorities in India, there being others like Christians and Parsis too, Lt Gen Kadyan said, adding that it would be highly improper to total up the numbers of any particular community in the armed forces as religion was not the basis for selection in these services.

The headcount "would amount to discrimination and the creation and treatment of them as a separate class, which, instead of unifying members of diverse religions in the defence forces, would be a starting point for divisiveness and discrimination," the petition claimed.

Muslims and the Indian Army

After 60 years of Independence, we should be sufficiently confident of our collective secular beliefs and practices to examine facts.

Sandeep Dikshit

SHOULD THE Indian Army be exempted from the Rajindar Sachar Committee's inquiry into the economic and social status of Muslims? The Army fears it "may convey the wrong message to the troops, adversely affecting the well-established cohesion, regimental spirit, and morale." It also argues that the national policy on reservation is not applicable to Army recruitment. All recruitment was on the basis of a 1984 formula ensuring equitable selection from all regions.

The Army takes pride in having put in place a system that insulates it from ethnic and religious turbulences. This despite the fact that the battle cry of one of its regiments is a *shabad* from the Gurbani while the Gorkhas invoke Goddess Kali. They are a throwback to tradition. Indeed, the temple, mosque, church, and gurdwara in the Army are in a common *dharamsthal* (place of worship). The spirit of brotherhood encompasses all — the Naga battalions from the Northeast and the Gorkha regiment of Nepalese origin. The Army is the force of last resort in communal riots; it has battled insurgency in several States after other security forces were overwhelmed by the task. Army officers command men from different social and ethnic backgrounds and participate in their religious ceremonies and receive absolute allegiance.

Given its record of facing up to nearly every challenge in India and abroad, the Army's reluctance to part with information about its internal processes is understandable. But the Sachar Committee is questioning none of the Army's practices nor is it asking for changes in its ethnic or religious composition.

What is the information available about recruitment to the Army? According to a book, *Khaki and the Ethnic Violence in India*, by Omar Khalidi, writing to Chief Ministers in 1953, Jawaharlal Nehru felt deeply about the absence of Muslims in the defence forces: "What concerns me most is that no effort is being made to improve this situation which is likely to grow worse unless checked." The same year, his Defence Minister Mahabir Tyagi admitted that the percentage of Muslims in the armed forces had fallen to two and "to correct this state of affairs, I have instructed that due regard should be paid to their recruitment."

This was soon after Independence. Before Partition Muslims formed 36 per cent of the Army; the transfer of two major regiments and some other units to Pakistan led to the percentage falling to two.

The Army tends to be wary of civilian attempts to examine its functioning. No other Central or State police organisation had reservations about forwarding the information sought by the committee despite the low representation of Muslims in their ranks. Consider the

decade-old statistical data with the National Commission for Minorities: the Assam Rifles has 2.5 per cent Muslims, the Border Security Force 4.54 per cent, and the Indo-Tibetan Border Police 1.81 per cent.

It is reasonable to conclude that the same data hold good for the Army. In this regard, the Sachar Committee, in a routine survey of a large number of organisations and even Government welfare schemes, sought a systematic account of the recruitment pattern. It would perhaps suggest correctives to ensure Government service is as widely representative as possible. The Army itself, while not providing for quotas in recruitment, reserves seats for Scheduled Castes and Scheduled Tribes in all the 17 Sainik Schools it runs.

Omar Khalidi argues that the aggregated State-wise recruitment figures do not reveal religious, ethnic, and caste composition of the Army. At best there are surmises such as the then Defence Minister Mulayam Singh Yadav's estimation of Muslims comprising one per cent of the Army. But such figures without a comparative base, source or starting point are virtually useless for a meaningful analysis.

Does the Army, in fact, have such information? All its application forms contain a column under "religion" just as in the forms for other Government jobs. It would not be too difficult for the Army to cull the figures from its recruitment offices. Its reluctance to part with the information has, however, found it some unlikely allies. Anti-minority groups that have constantly questioned Muslim loyalty to the nation have joined the current resistance by the Army.

The Sachar Committee admits to distorted perceptions about Muslims ruling over reality in the absence of "authentic information about the social, economic and educational status of the community." The absence of such data came in the way of planning, formulating, and implementing specific interventions, policies and programmes to address the issues relating to the socio-economic backwardness of the community. Worse, the lack of information perpetuates myths about appeasement of Muslims.

For the Army planners too, the committee's questionnaire should not have come as a surprise. The Government's National Common Minimum Programme said efforts would be made to see how best the welfare of socially and economically backward sections among religious and linguistic minorities, including reservation in education and employment, could be enhanced. The Sachar Committee is a step in that direction.

The Army need not fear a change in composition because of the Committee's report. After 60 years of Independence, we should be sufficiently confident of our collective secular beliefs and practices to examine facts.

Muslims and armed forces

The contestation over the work of the Prime Minister's High Level Committee headed by Justice Rajindar Sachar is clearly overblown. Vested political interests, imprecise media reports, a reportedly peremptory style of enquiry by the Committee, and some over-reaction by the Army all seem to have played their part in this affair. The mandate of the Committee is to "prepare a report on the social, economic and educational status of the Muslim community in India." In fulfilling this, it has gone about collecting, collating, and analysing information from diverse sources, including the Central and State governments, public sector undertakings, universities, the corporate sector, and the armed services. Since the basic purpose was to identify areas for government intervention, the Committee has been after numbers to crunch — particularly data on the proportion of Muslims in "public and private sector employment." The allegation that the Committee has attempted to 'communalise' the armed forces by asking for the number of Muslims in the three wings is completely over the top. But the relevant question is not about the motive of the Committee or about its data quest, which is within its terms of reference. It is about its style of virtually demanding from the armed forces information on a sensitive matter. The Chief of Army Staff, General J.J. Singh, has responded, with all the emphasis at his command, to the effect that all Indians should get an "equal chance of joining the armed forces" and that enrolment must be based purely on "merit and the ability to perform the task that might be assigned." But, unlike the chiefs of the Air Force and the Navy, he seems to have misconstrued the implications of the queries about his wing's religious composition. Contrary to the initial assertions made by its chief of personnel, the Army does, it turns out, collect information on applicants' religious identity during the first stage of recruitment.

Merit and equal opportunity are relatively recent terms in the history and vocabulary of the Indian Army. That regiments would admit only those with similar religious, ethnic, and caste backgrounds was policy during British colonial rule. There was also a period when recruitment was limited largely to the so-called "martial races" — a pseudo-ethnological construction that divided Indians into those with "fighting" qualities and those without. The post-1949 ban on recruitment along caste, linguistic, and religious lines has produced positive results. The armed forces have become more heterogeneous in their composition. The exceptions are some Army regiments raised before Independence; they have been retained as 'homogeneous' entities partly because of tradition and partly because of the belief they function cohesively and effectively. Unlike other civil services, the armed forces have no quotas for Scheduled Castes and Scheduled Tribes. There is of course no question of communal reservation. But while anything divisive or diversionary must be avoided, there can be no denying the merit of expecting all institutions, including the armed forces, to become more diverse and more representative of the various constituent elements of India than they are today.

15-point scheme for minorities soon

Ready to address grievances of all political groups

Special Correspondent

NEW DELHI: Claiming to have restored "pluralism, tolerance and compassion," the Manmohan Singh Government used the President's Address to Parliament on Thursday to announce that "a new 15-point programme for the minorities is under preparation."

In the President's customary address to a joint session of the Lok Sabha and the Rajya Sabha at the beginning of the budget session, the Government not only showcased its achievements in areas such as internal security, economy management and foreign policy, but also softly sent out a message to friends, allies and the Opposition that it would stay the course.

Bush visit left out

The only concession to the Left and its current unhappiness over what it considers the erosion of an independent foreign policy was the conspicuous omission from President A.P.J. Abdul Kalam's address of the American President's coming visit. The address claimed that "our relations with the United States underwent a substantial transformation in 2005, and we carry forward our strategic partnership based on the July 18 Joint Statement."

In deference to the growing doubts over the proposed nuclear deal with the U.S., Mr. Kalam noted that the "Government expects that the country may gain access to international cooperation for enlargement of our civilian nuclear energy sector, based on the reciprocal commitments of India and the U.S. in the Joint Statement." He also reiterated the commitment Prime



President Abdul Kalam coming to Parliament. - PHOTO: KAMAL NARANG

Minister Manmohan Singh has publicly made that "Parliament will be apprised of the on-going discussions on this subject in this session."

Composite dialogue

Asserting that the Government was guided by "enlightened national interest," the President said the foreign policy "has been oriented to enlarge our policy choice." On Pakistan, he said that "while we remain concerned over infiltration and cross-border terrorism and expect Pakistan to fulfil its commitment in this regard, we reiterate our commitment to the

composite dialogue process..."

Though there was no reference to the controversial "Iran vote," he talked of "a marked change in the global perception of India as an influential actor on the international stage." This was a recognition of "our capability to shoulder responsibilities - global and regional."

To those sections or groups who have reasons to be dissatisfied, Mr. Kalam expressed the Government's "willingness to talk to all political groups to address their grievances, real or imaginary" but also asserted the "resolve to combat terrorism, militancy and extremism and to uphold the rule of law."

The President said that "the process of modernisation and expansion of the Delhi and Mumbai airports through public-private partnership has already commenced."

He noted that "we will also create a policy framework that attracts foreign direct investment, keeping in view our overall national interest. My Government has taken appropriate decisions to rationalise the FDI policy with a view to removing unnecessary hurdles and outdated restrictions."

As for the proposed 15-point programme for the minorities, he explained that it was aimed "at enhancing the social development of the minorities, especially the poor, modernise madrasa education, and provide financial support for entrepreneurship development and self-employment."

He mentioned about the Justice Rajinder Sachar committee, which would "recommend steps for their [minorities] economic and social development and empowerment."

Ladakh: The writing was on the wall

The recent flare-up between the Buddhists and Muslims is a conclusion of the continuing polarisation, brought about by neglect in governance issues

BALRAJ PURI

THE recent communal flare-up in Ladakh is the worst of its kind in the region known for its long history of communal harmony.

After communal incidents in Kargil and Leh—headquarters of Muslim majority and Buddhist majority districts—the situation got out of hand and the Army had to be called in.

The communal trouble breaks the long record of amity in the state.

Even during the mass exodus of Kashmiri Pandits in 1990 and the mass killings at Wandhama and Nandipora, local Muslims were not involved. The situation was the same in Jammu too, despite a series of militant attacks on Hindus.

When India projected Jammu and Kashmir as a symbol of secularism and insisted that no solution would be considered which undermined its secular character, Ladakh was at the heart of its stand.

When representatives of Northern Areas of Pakistan (Gilgit and Baltistan) had argued that their only link with the pre-1947 state of J&K was Ladakh and India repeatedly proposed opening of the Kargil-Skardu road for the divided families to meet, Pakistan resisted for fear that a secular Ladakh may be a source of inspiration for its discontented population.

The current developments in this strategic territory may turn to Pakistan's advantage. But today's situation is not a sudden development that should take the powers that be unawares.

Nobody took notice of the dangerous portents of the communal tension in Leh, when Buddhists held anti-Muslim demonstrations and observed a two-day hartal over the alleged kidnapping of two Buddhist girls by Muslim boys and its backlash among Shias of Kargil, who held anti-Buddhist demonstrations and observed hartal in November?

The complete communal polarisation was signalled in October in the results of the Ladakh Autonomous Hill Development Council elections, where the Union Territory Front, demanding separation of Leh from the state, won 25 seats with Buddhist support. The rival Congress won one, a Muslim candidate, from a Muslim majority constituency.

Why no notice of the electoral verdict was taken?

Today's communal clash in fact, is the culmination of trend to which the state government and government of India have been contributing—most probably intentionally—for years.

To start with, Ladakh does not enjoy administrative status equal to Jammu and Kashmir. The state's Constitution treats it as a part of the Kashmir region.

Unlike the other two regions which are administered by separate heads of departments

and separate Divisional Commissioners and Inspectors Generals of Police, in case of Ladakh, all departmental heads are based in Srinagar.

Ladakh's discontent has been simmering ever since the establishment of a popular government. Palliatives, tried from time to time, proved counterproductive. In 1978, it was divided into two districts.

But without a common regional identity, the Buddhist and the Muslim majority districts of Leh and Kargil started drifting in divergent directions.

Eventually in 1995, the Centre conceded internal autonomy to Leh. I had asked the then Prime Minister Narsimha Rao why he rejected the demand of autonomy for Ladakh as a whole and why he conceded it when it was made by Ladakh Buddhist Association for Leh district only. He insisted that his offer was for the whole region.

I called the Home Secretary, who was also the Secretary for Kashmir Affairs on telephone, from the PM house, to clarify the position. He confirmed that the decision applied to Leh only. Evidently the Prime Minister was under the impression that Leh and Ladakh were synonymous.

Later, however, a similar autonomous council was formed for Kargil by the Multi-led government in 2002. But a common Ladakh regional council was conspicuously missing in the arrangement.

It is also important to note that the much hyped powers of the two councils are less than those of the Zila Parishads under Panchayati Raj system.

As the head of the government-appointed Regional Autonomy Committee, I had met the representatives of Leh and Kargil, who had unanimously accepted my proposal for a common regional authority, the president of which would rotate among the two districts. The state government rejected my report.

The cumulative frustration of Buddhists took the form of a demand for an Union Territory status. The Muslims, too, despite their grievances against the state government, would not like to be ruled by a distant Delhi.

It may be recalled that Ladakh was a rare region where inter-religious marriages were not uncommon before Independence.

After the current crisis is diffused, a high level dialogue with the leaders of the two communities needs to be started to devise appropriate constitutional and political measures to restore age old harmony and a common regional personality in the context of a federal and decentralised set-up of the state, which alone can accommodate its diversities and ensure its unity.

The author is Director, Institute of Jammu and Kashmir affairs

Ladakh's discontent has been simmering for long. In 1978, it was divided into two districts. But without a common regional identity, the Buddhist-majority Leh and the Muslim majority Kargil started drifting in divergent directions

Survey on Muslims: PMO clarifies

Data being sought from all departments and agencies and not just the Army

9 minutes
HP 1

Special Correspondent

NEW DELHI: The Prime Minister's Office (PMO) on Monday sought to set the record straight on the controversy over the Justice Rajinder Sachar Committee seeking details from the Army on the number of Muslims in its employ. According to the PMO, the data was being sought from all departments and agencies of the Central and State Governments — and not just the Army — by the Committee as part of its assignment to prepare a report on the social, economic and educational status of the Muslim community in India.

The high-level committee was

set up by the PMO on March 9, 2005. The PMO, in the clarification, said it had not been involved with the working of the seven-member committee since it was constituted. The committee was given 15 months since its constitution to submit its report.

The committee had been asked to prepare a detailed report and address a series of pointed questions. These include details such as the States, regions, districts and blocks where Muslims mostly live; the geographical pattern of their economic activity; their asset base and income levels in relation to other groups across various

States and regions; their level of socio-economic development in terms of relevant indicators such as literacy, Maternal Mortality Rate, Infant Mortality Rate, ...; their share in public and private sector entrepreneurship; and their level of access to education, health, bank credit and other services provided by Government/public sector entities.

Army Chief opposes

Xinhua reports:

The Army Chief, Gen. J. J. Singh, vehemently opposed on Monday the Government's move to gather information of the number of Muslims in the armed forces, saying every citizen had

an equal chance to serve in uniform, the Indo-Asian News Service (IANS) reported here.

"Our system for entry into the armed forces and for enrolment is based on merit and on the ability to perform the task that might be assigned," the news service quoted the Army chief as saying.

"We never have this kind of thing like where you come from, what language you speak or what religion you believe in. That's always been our policy, he added." Leaders in the Opposition on Sunday described the survey as "disturbing" saying it would weaken the morale of the men and women in uniform.

Govt justifies survey

'Information about Muslims in all walks of life sought'

Agencies
New Delhi, February 13

SEEKING TO stem a raging controversy, a high-level government committee said on Monday that the information it had sought about Muslims in the country involved all walks of life and not only in the armed forces.

The committee, headed by Justice (retd) Rajinder Sachar, also made it clear that it had not asked any questions to the armed forces on the operation in Hyderabad in 1948 and the 1999 Kargil war with Pakistan as reported in a section of the media. The seven-member committee was set up in March last year for preparation of a report on the social, economic and educational status of the Muslim community in India.

The high-level committee categorically denied allegations made in the media that any specific questions were asked by it from any wing of the defence forces or the ministry regarding any action taken by the forces ever in the past.

'PMO not involved'

THE PRIME Minister's Office (PMO) said on Monday that it had not been involved with the work of the Rajinder Sachar Committee constituted by it to prepare a report on the status of Muslims in India. "After constituting the committee, the PMO has not been involved with its work", the PM's media adviser, Sanjaya Baru, said in a statement.

The report had also claimed the Leh-based division commander had wanted Muslim villages evicted from Turtok along the line-of-control (LoC) in Ladakh during the Kargil war.

"Third, the committee also denies the media report specifically mentioning information regarding the level and number of Muslims in the army. In fact, the committee is deeply upset at seeing these references attributed to it in the media", the statement said.

Emphasising that it was fully aware and valued the intrinsic importance of the armed forces, the committee said there was no way that it would ever ask any question that might, in any manner, be even "remotely prejudicial to the interests of the nation which must always remain supreme".

The committee's mandate includes collection of information from all possible sources, including the Central and state governments and a large number of other agencies, in order to prepare a report on the current social, economic and educational status of the Muslim community in the country.

The committee said it had visited 11 states so far and

"In particular, the committee denies having asked any question regarding Operation Polo of 1948 (in Hyderabad) and Operation Vijay (1999 Kargil war), the committee's officer on special duty S. Zafar Mahmood said in a statement here. It said no communication of the communication had ever mentioned the book referred to in the media.

Media reports had suggested that the Sachar Committee quoted extracts from the book, 'Khaki and the Ethnic Violence in India', by Omar Khaldi in a communication to the army asking it to confirm if 700 Muslims had deserted during the Hyderabad Operation.



Defence minister Pranab Mukherjee at the recently held fourth Defence Expo 2006 in New Delhi.

held discussions with a cross-section of the people, as well as with the government. "It was in the overall context of this exercise that letters were also written and pro forma sent to the three Services chiefs", it said.

Under the seven-point terms of reference, the committee has to collect information regarding which states, regions, districts and blocks Muslims mostly live in and what their asset base and income levels are relative to other groups across various states and regions.



Army chief blasts Muslim headcount

Visakhapatnam, February 13

THE ROW over a survey on Muslims in the armed forces intensified on Monday with Army chief Gen J.J. Singh on Monday vehemently opposing the government's move, saying that every citizen had an equal chance to serve in uniform.

"Our system for entry into the armed forces and for enrolment is based on merit and on the ability to perform the task that might be assigned," the army chief told reporters on the sidelines of a defence function in this Andhra Pradesh coastal town.

"We never have this kind of a thing like where you come from, what language do you speak or what religion you believe in. That's always been our policy. We're apolitical, secular and we are a professional force. That's the way I would like to look at it," Singh added.

Firing line

UNFAIR
The army is an apolitical organisation, no place for religion, says Army Chief

REAL THREAT
The RSS said it was a real threat to India's secular fabric and put country at risk

Meanwhile, the RSS has described as a "real threat to India's secular fabric" the information sought by the high-level government panel on Muslims in the armed forces.

"It's a sure way to destroy the unity of the armed forces and put the country's security at risk. The armed forces have no religion except the National Flag. We strongly oppose the government attempt to create a division in the armed forces", RSS spokesman Ram Madhav said.

Accusing the UPA government of "communalizing" the armed forces by ordering the survey of Muslims among its ranks, the Vishwa Hindu Parishad said on Monday that such a move would create divisions among the personnel and jeopardise national security. "The government, which claims itself to be secular, has ordered a survey along communal lines. Such steps taken to appease the minorities will communalise the armed forces, create divisions and eventually put the country's security in danger", senior VHP vice-president Acharya Giriraj Kishore told a Press conference. **IANS**

2006

THE HINDUSTAN TIMES

Armed & dangerous

What's the next national institution up for community classification? The budget?

THAT the army chief publicly indicated what his force had told the government in private — soldiers and identity politics don't mix and ignoring that means stirring trouble — should hopefully somewhat lighten the onerous burden of the Rajinder Sachar committee. If the government does not instruct the committee to withdraw the Muslims in armed forces questionnaire even after this, we will know that this variant of "minority welfare" policy can be dangerous. And then the Sachar committee will join a list currently headed by attempts to link the Iran/nuclear proliferation issue to Muslim identity. Politics and policy of these kinds are united by their chilling indifference to consequences that can follow from deliberately fracturing certain institutions' national identity.

Foreign policy was never really a matter of sub-national angst till Tehran found out recently that Indian politics has produced some of its finest spokespersons. The result is that we are looking at an unnecessary, immature and potentially divisive ruckus that will be glorified in the name of debate.

The "debate's" sponsors are not asking whether a nuclear-armed Iran will be in India's interest. Similarly, when the Sachar committee started badgering the army, it didn't ask whether community classified soldiers were in India's interest. The army is frequently required to put out communal fires — that fact alone should have forewarned the government and the Sachar committee.

Both should be glad, in fact, no one's really asking the bigger question: what is the direction of government policy? Assuming the Sachar report tells a comprehensive story about Muslim social and economic indices, would the government then have community-specific social expenditure plans? This newspaper had earlier reported a Central project on similar lines; proportion of welfare spending going to Muslims should match their demographic ratio. This is silly economics. It's not smart politics either. Demands for other community-based welfare programmes could be only a few irresponsible political speeches away. What's next? Separate Union budgets for every community?

DSP HOUSE TORCHED, CURFEW CLAMPED

Leh flames lick Kargil

Press Trust of India

Five injured in Jaipur clashes

SRINAGAR, Feb. 10. — The violence over the alleged desecration of the *Koran* today spread to Kargil town where an agitated mob set ablaze the house of a senior police officer forcing authorities to impose curfew and call in the Army. In the neighbouring Leh town, curfew remained in force for the second day today after clashes between Muslims and Buddhists over the alleged desecration of holy *Koran* in Bodh Kharboo of Kargil district. Across the Ladakh region, including in Leh and Kargil towns, tension simmered between the two dominant communities.

A group of youths, who believed the government wasn't doing enough, set ablaze the house of deputy superintendent of police, Ms Sonam, and unsuccessfully tried to torch the district police-line in Kargil as well, defence spokesman Lt Col VK Batra said.

Lt Col Batra said three columns of Army had been deployed in Kargil and the civil administration had imposed curfew to maintain law and order.

Telephone lines are functioning neither in Kargil nor in Leh districts while the cellular service is also very poor. All information reaching here is through the internal wireless system of police and Army.

JAIPUR, Feb. 10. — Prohibitory orders were clamped and additional forces deployed in the tense Subhash chowk area here today following a clash between two groups of Muslim community in which five persons, including a policeman, were injured. Tension brewed in the area since yesterday after the two groups belonging indulged in heated altercation during the *Tazia* procession, superintendent of police, north, Mr Rajiv Sharma said adding, the two sides clashed today after a bike was damaged. — PTI

Meanwhile, the situation in Leh remained under control even as police, civil administration and Army kept a close watch on the developments there.

"The situation is under control and no untoward incident has taken place since the imposition of curfew yesterday," inspector general of police (Kashmir range) Mr K Rajendra Kumar said.

Four more arrests have been made since last evening as police had swung into action after four unoccupied houses and three vehicles were set on fire, forcing the imposition of curfew.

Thirty-one people were arrested yesterday in the town, where the Army also staged a flag march.

THE STATESMAN

Riots ghost back to haunt Gujarat

Prodded by SC, state reopens 80% of cases

Then Prez had wanted army to shoot at sight

RATHIN Das
Ahmedabad, February 8

THE CONNIVANCE of the Gujarat police in hushing up the 2002 riot-related cases is becoming more apparent by the day. Nearly 80 per cent of the cases closed then have been recommended for reopening after a review ordered by the Supreme Court.

Following a petition in 2004, the apex court had ordered the review of 2,000-odd riot-related cases in Gujarat that had been closed by the police after arbitrarily filing 'A' summaries. The review, to be done under the supervision of designated senior IPS officers in each district, was to determine whether the cases were fit for reopening.

Of the 1,965 cases reviewed till January 31 this year, 1,594 have been recommended for reopening. This fact has been stated in the action taken report (ATR) the Gujarat DGP is obliged to file before the Supreme Court every quarter.

Justice On Trial, an NGO floated by some Sangh Parivar activists in October 2004 soon after the Supreme Court order, had said then that reopening of the 2,000-odd cases would affect a population of nearly one lakh as nearly 10,000 youths needed to be taken into custody due to the reopening of the cases closed in 2002.

As a result of the reopening of these cases, 41 policemen are liable to face action.

The reopening of these cases has also brought 640 more accused who are to be arrested. DGP A.K. Bhargava's ATR to the Supreme Court says. Nearly 40 cases had been closed after the review due to lack of enough evidence while 13 new cases had been opened, the ATR said.

Asked about the large number of cases which were wrongly closed by the police in 2002, Bhargava said that the police then were working under tremendous strain and were more busy in controlling the riots. This might be the reason for the police being unable to follow up the cases properly, he said.



RATHIN Das
Ahmedabad, February 8

K.R. Narayanan had written to A.B. Vajpayee as early as March 4, 2002, about the need to empower the Army to open fire on riotous mobs in Gujarat, to quell the violence quickly. This was revealed for the first time on Wednesday during the proceedings of the Nanavati-Shah Commission probing Godhra and its aftermath.

The two-judge commission witnessed a prolonged debate over the Centre's refusal, citing privilege, to furnish the communications between the then President and Prime Minister. The commission, comprising judges G.T. Nanavati and K.G. Shah, would not accept additional solicitor general Mohan Parasaran's contention that public interest and national security would be endangered if the communications were revealed now.

A person like Narayanan could not have been so irresponsible as to make a statement that would endanger public interest and national security, the judges said. Besides, the late President had confirmed to the commission the contents of his letter to Vajpayee, the judges told Parasaran. "Then, why claim privilege on what the President has already made public?" the judges asked.

Nanavati said the contents of the contentious letters were very relevant to the commission as they would throw light on the conduct of the governments at the Centre and the state during the riots. "If it is found that the Prime Minister's office didn't forward the President's advice to the state government, then it proves the connivance of the central government in continuing of the riots", Nanavati told the additional solicitor general.

"And, if it is found that the chief minister didn't act even after the PM's instructions, then it proves that the state government was interested in continuation of the riots," he said in support of his argument that the commission was mandated to investigate the role of the state and its leaders.

No evidence so far to implicate Modi, says Nanavati panel

Request for CBI probe against some politicians turned down

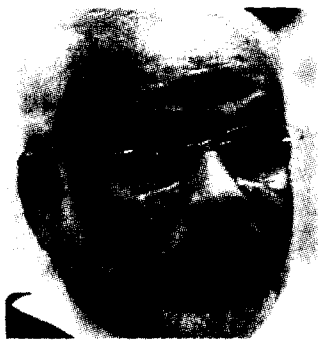
Special Correspondent

AHMEDABAD: The G. T. Nanavati and K. G. Shah judicial inquiry commission probing into the Godhra train carnage and the post-Godhra communal incidents in Gujarat, has so far not come across any evidence to implicate Chief Minister Narendra Modi in the riots.

At a sitting of the commission here on Saturday, Justice Nanavati observed that "as of now" there was nothing before the commission which could warrant summoning Mr. Modi to depose before it. There equally would be no meaning to ask the Chief Secretary or the then police chief to file affidavits on the role of the Chief Minister in the riots. "They will always say everything was all right," Justice Nanavati commented.

The commission was considering an application submitted on behalf of the Jansangharsha Manch by Dr. Mukul Sinha, advocate for the riot victims, seeking issuance of a directive to the State Government to submit an intelligence report and other government documents regarding the role and conduct of the Chief Minister and his council of ministers, other leaders of the BJP, the Congress and in the Sangh Parivar outfits in the train carnage and the subsequent riots.

Dr. Sinha, however, disagreed with Justice Nanavati's views. Speaking to media persons later, Dr. Sinha claimed there was "enough evidence" in the commission's possession on the role of the Chief Minister and some of his Ministers in the communal carnage. He pointed out that



Gujarat Chief Minister Narendra Modi

the Additional Director General of Police, R. B. Shreekumar, had filed two more affidavits in which he had quoted then Director General of Police K. Chakravarthy having "overheard" a conversation between Mr. Modi and some of his Ministers implicating them in the riots. He had also referred to then Health Minister I. K. Jadeja as "interfering with the police operations" sitting in the police control room on the Gujarat Bandh day called by the Vishwa Hindu Parishad and supported by the ruling BJP to protest against the train carnage. Dr. Sinha's application also include summoning Mr. Shreekumar for the second time for a cross-examination on his fresh affidavits.

The State Government through a revised notification had brought the Chief Minister, his council of Ministers, top police officers, political parties, non-government organisations and others within the purview of the Nanavati-Shah commission to inquire into their roles in the train carnage and the communal riots.

Even while asking the government pleaders appearing before the commission to give the Government's views on Dr. Sinha's application on or before the next sitting of the commission on February 8, Justice Nanavati rejected a request for a CBI investigation against some "suspicious" political leaders and police officers. The commission, he said, did not have jurisdiction over the Central agencies and it could direct only the State Government agencies to act in a particular manner. "There is no meaning requesting the CBI, they may or may not agree."

The commission, while taking a serious view of the U. C. Bannerjee commission turning down its request again for sending relevant documents and records in its possession about the train carnage, said it would issue an "appropriate order" to the Bannerjee commission. The Bannerjee commission, through a letter showed its reluctance to send copies of the documents sought by the Nanavati-Shah commission.

Dr. Sinha also requested the commission to order "detailed processing and analysis" by experts of the two compact discs submitted to the commission by the then Bhavnagar DSP, Rahul Sharma, who was later shifted to the intelligence department. In his application, Dr. Sinha pointed out that the CDs contained list of mobile phone calls made to and from Ahmedabad implicating several persons in the ghastly Naroda Patia and Gulberg Society incidents as well as the "complete failure bordering collusion" by some police officers

THE HINDU

AMU to appeal against HC order

ALIGARH, Jan. 8. ^{9/11} ^{5/1} The Aligarh Muslim University today said it would appeal against the judgment of Allahabad High Court scrapping its minority status even as several social organisations favoured a political solution to the issue. ^{9- miniker}

The AMU also termed Union human resource development minister Mr Arjun Singh's assurance that fresh efforts would be made to accord minority status to the institution as a positive sign. Admitting that the High Court judgment was a setback, vice-chancellor Mr Naseem Ahmed said the AMU would appeal to the Supreme Court after receiving a copy of the judgment.

Mr Ahmed did not spell out any specific course of action apart from the legal option. However, sources said most favoured a political solution to the issue and wanted a constitutional amendment for restoring the AMU's minority character. Several organisations stressed the need for a political solution. The president of the AMU students' union, Mr Abdul Hafiz Gandhi, said efforts were on for seeking co-operation of all secular parties and organisations to help restore the university's minority status.

"The HRD minister's statement in Bhopal yesterday in this regard is a positive sign and is a pointer to the way things are likely to move on this critical issue during the next few weeks," Mr Ahmed said. According to sources, the focus for restoring the minority character of the more than 125-year old educational institution was likely to shift from the legal arena to the political side. The teaching and non-teaching associations fear that the present legal set-back would prevent the university in continuing its proactive role in promoting the educational advancements of Muslims all over the country. In a joint memorandum to President Dr APJ Abdul Kalam, six associations connected with AMU employees have asked him to take necessary steps for preserving the university's autonomy and minority status. — PTI

5/1/2006

THE STATESMAN

Commission can decide minority status

Union Cabinet takes the ordinance route to facilitate implementation of quota Bill

Special Correspondent

NEW DELHI: The Union Cabinet on Friday decided to promulgate an ordinance to give the National Commission for Minority Educational Institutions (NCMEI) the power to decide all questions of minority status and cancel such recognition if the situation so warrants.

Defence Minister Pranab Mukherjee said the ordinance would facilitate the implementation of the Constitution (93rd Amendment) Bill, 2005 to reserve seats for socially and educationally backward classes, besides the Scheduled Castes and the Scheduled Tribes, in private unaided institutions other

than those run by minorities.

Ordinance route

Though a Bill to give the Commission the power to define a "minority institution" was introduced in the Rajya Sabha in the monsoon session last year, delay in its passage made the Human Resource Development (HRD) Ministry consider the ordinance route to identify minority institutions which could be exempted from the purview the Constitution (93rd Amendment) Bill. Protesting the exclusion of minority institutions from the ambit of the Constitution Amendment, many parties sought a clear definition of the term 'minority' as it applies to

• Ordinance will facilitate implementation of quota Bill

• The NCMEI Bill seeks to plug loopholes, relax curbs

• Commission proceedings shall be deemed judicial

both religious and linguistic minorities.

Remedial measures

Responding to a discussion in Parliament, HRD Minister Arjun Singh said remedial measures would be taken if

necessary. The ordinance is billed as a step in this direction.

The NCMEI (Amendment) Bill also seeks to plug loopholes, which hindered the functioning of the Commission since inception in 2004. It proposes to relax the provision, which restricted minority institutions to seek affiliation to any of the six listed scheduled universities: Delhi University, North-Eastern Hill University, Pondicherry University, Assam University, Nagaland University and Mizoram University. The Bill allows them to seek affiliation to any university of their choice subject to its rules. By another provision, if a no-objection certificate (NOC) is not granted within 90 days,

the applicant can go ahead and start an institution.

Appellate jurisdiction

The amendment also seeks to give appellate jurisdiction to the Commission in matters of refusal of the NOC for establishing a minority institution.

According to the statement of objects and reasons, all proceedings before the Commission shall be deemed judicial and its orders are executable as decrees of a civil court. 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 the Commission's orders.

g. minority
10.1

10.1

HC upholds ruling on AMU minority status

Refuses Permission To Varsity To File SLP Before SC Challenging Ruling

Allahabad: In a major setback to the Centre, a division bench of the Allahabad high court on Thursday upheld its judgment in October last year terming as "unconstitutional" the grant of minority status to Aligarh Muslim University and 50 per cent reservation to Muslims.

The order was passed by a bench comprising Chief Justice A N Ray and Justice Ashok Bhushan on petitions filed by the Central government and AMU challenging the single-judge verdict on October 4, 2005. The appeal bench also refused to grant permission to AMU to file a special leave petition against the judgment before the supreme court, saying they "do not find any reason for the same."

It ruled that admissions for the session of 2006-2007 "will be free to all. However, those students who have been given admission earlier under a quota system and are studying in the university will continue to do so."

The bench struck down section 1 and section 5 (2) (c) of the Aligarh Muslim University Amendment Act, 1981, by which the status of a minority institution was accorded to AMU. The court said it "is ultra vires to the constitution." It observed that the supreme court in the Ajeez Basha case in 1968 had already taken the view that AMU was not a minority institution and enactment of a law by Parliament could not overrule the judgment.

In October, Justice Arun Tandon observed that the AMU Amendment Act was unconstitutional and AMU was not a minority institution. He said the notification issued by Union human

resource development ministry on February 25 permitting AMU to reserve seats for Muslims in post-graduate medical courses and the 50 per cent quota approved by the AMU Academic Council in the PG medical courses were, therefore, "illegal".

The students, who had been denied admission to PG medical courses in



The judgment has not come as a setback to the Centre.

No decision can be a setback. It's the court's right and it has given its decision. We will decide what should be done

AMU for the session 2005-06 had filed a writ petition on which a single judge of the Allahabad High Court had passed the judgement in October 2005, holding that AMU was not a minority institution and 50 per cent reservation to Muslims in PG medical courses was illegal. This judgement was impugned in appeal by the AMU and others.

Apart from others, it was also contended by the appellants that petitioners (students) had no locus standi to file writ petition, as they had taken chance to appear in the PG medical courses examination. This objection, however, was turned down by the court.

In a guarded reaction to the high court ruling, Union human resource development minister Arjun Singh on Thursday said the judgment has not come as a "setback" to the Centre. "No decision can be a setback. It's the court's right and it has given its decision. We will decide what should be done," Singh told reporters in New Delhi. Agencies

SC orders status quo on job quota for Muslims

Declines To Stay HC Order Quashing Ordinance

New Delhi: The supreme court on Wednesday declined to stay the Andhra Pradesh high court judgement quashing an ordinance providing five per cent reservation for Muslims in government jobs and ordered status quo while referring the issue to a constitution bench.

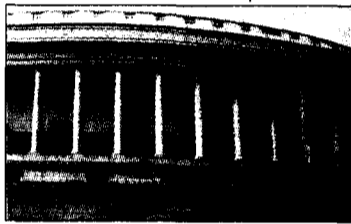
"We are not inclined to stay the operation of the judgement and make it operational as it has invalidated the law," a bench comprising Chief Justice Y K Sabharwal, Justice C K Thakker and Justice R V Raveenderan said in an interim order.

However, the bench gave relief to those who have already availed the benefit of the quota directing the authorities to maintain status quo on the issue. "We are of the view that status quo should continue to the extent that such persons who have been granted admission in the educational institution would continue with the course and not disturbed and likewise appointment, if any to public service is made, the same should not be disturbed," the bench said.

Admitting a bunch of appeals, including from Andhra Pradesh government, against the high court judgement, the apex court

referred the matter to the constitution bench.

"Considering that essential question of public importance has been invited in the matter and the high court had granted leave to the state to approach the apex court...we grant leave in all matters and direct the same to be



placed before the constitution bench," the three-judge bench said.

Senior advocate Fali S Nariman, appearing for the state government, sought stay of the judgement which was opposed by senior advocate Harish Salve, who argued for the students on whose petition the high court had quashed the ordinance. Declining to stay the verdict, the bench said if the operation of the judgement will be stayed it will mean that the law held to be unconstitutional will continue to operate till the SC decides.

Andhra Pradesh government had contended that the high court did not consider Article 16 (4) of the constitution while invalidating the Act but Salve drew the attention of the court to clause 3 of the ordinance which refers to social and educational backwardness of Muslims residing in the state.

The court also perused the report of State Backward Classes Commission which formed the basis for quota policy. The high court had observed that the commission gave 'defective advice' to the government and failed to evolve reasonable criteria to categorise Muslims as Backward Class.

The high court had said the commission did not do its job properly and failed to produce sufficient material to suggest that the entire Muslim community was socially and educationally backward.

Nariman said if that was the case, the high court should not have quashed the ordinance and instead the report should have been sent back to the commission.

Salve maintained that the high court did the correct exercise but said that nobody had stopped the state from sending it to the commission for re-examination. Agencies