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Part – I

Relief and Rehabilitation

of

Riot Affected Persons

in Gujarat

Government of Gujarat

31-1-2005

Relief and Rehabilitation of
riot affected in Gujarat

Consequent to the communal riots which erupted in the State in the early part of 2002, the State Government took various effective measures of Relief and Rehabilitation based on humanitarian approach without any favour or discrimination. It is submitted that for the first time in the history of communal riots that the State Government had launched a relief and rehabilitation package with the support of the Government of India. The State Government provided assistance and extended support to the riot affected persons under various provisions of the Package.

Ex-gratia payments:

Payment in case of death : The State Government has paid Ex-gratia amount of Rs. 1.5 lakh per case in which 1 lakh is paid from the Prime Minister's Relief Fund and Rs. 50,000 from State Govt.'s fund. A payment of Rs. 17.54 crores has been made in 1169 cases which include 35 cases of unidentified dead bodies and 228 claims of persons reported missing. 49 cases have been rejected for want of legal heirs and other legal reasons.

It is submitted that in order to provide immediate ex-gratia payment even in case of missing persons or where dead bodies were difficult to be identified, the State Government constituted a district level committee headed by the District Collector. The composition of this committee is as under:

- | | | |
|-----|--|--------------------|
| (1) | The District Collector | : Chairman |
| (2) | The District Development Officer | : Member |
| (3) | The Dist. Supdt. of Police or Commi. of Police | : Member |
| (4) | The Civil Surgeon | : Member |
| (5) | The Resident Deputy Collector | : Member Secretary |

The State Government liberalised the provisions and empowered the committee to decide upon the cases even on the basis of circumstantial evidences. The Government further liberalised the policy and waived the provision of indemnity bond and solvency certificate of claimants. Instead, on the basis of circumstantial evidences and indemnity bond of Rs. 100/- on stamp paper, the committee has been empowered to decide such cases.

Injury Assistance:

The State Government had liberalized the earlier norms of assistance and simplified the procedure for assistance in case of injuries. On the basis of these revised norms payment has been made.

- Up to 10% disability Rs. 5,000/-
- More than 10% and up to 30% disability Rs. 15,000/-
- More than 30% and up to 40% disability Rs. 25,000/-
- Disability of more than 40% are entitled to immediate disbursement of Rs. 10,000 and an additional Rs. 40,000 after permanent incapacitation is duly certified.

The State Government has paid an amount of Rs. 2.21 crores in 2548 cases.

Cash doles and assistance for House-hold kits:

Cash doles:

The norms dating back to 1985 which were in existence for victims of communal riots has been liberalized by the Government and cash doles @ Rs. 15/- per day person, for 5 person per family for 15 days has been paid to the affected persons. An amount of Rs. 0.63 crores has been paid as a cash doles to 7718 riot affected families.

House-hold kits:

Earlier, House hold kits assistance and cash doles were paid as a single amount up to Rs. 650. The State Government has separated this assistance and house hold assistance upto Rs. 2500/- has been paid to the riot affected families. An expenditure of Rs. 10.28 crores is incurred for the payment of house hold kits to 42,786 families.

Supply of Food grain and other assistance to the inmates of relief camps:

The State Government has provided free food grain assistance to all the inmates of relief camps run by the local NGOs, Voluntary Agencies and community leaders. Not only that but 1,71,465 sq. ft. shade and shelters were provided to the camps. For the augmentation of existing facilities in the relief camps, the state Government has incurred an expenditure of Rs. 1 crore.

The assistance per capita per day given as under:

- a) Wheat flour-400 gms
- b) Rice-100-gms
- c) Edible Oil-50 gms
- d) Sugar-50 gms
- e) Dal/pulses – 50 gms
- f) Milk powder- 50 gms.

Expenditure on above food grain items provided free of cost of the inmates of 159 relief camps amounts to Rs. 9.65 crores (cost except wheat and rice).

Besides ration, cash assistance was provided to the relief camp organizers to meet with the contingency expenditure for inmates @ Rs. 7/- per day per head. An expenditure of Rs. 5.46 crores has been incurred for this purpose.

(b) Water supply: Adequate and chlorinated water supply was provided to the inmates. For this purpose; 24 tankers, 81 Syntex Tanks in Ahmedabad city and 12 Tankers in other district were places for providing water supply.

(c) Sanitation: Apart from existing toilet facilities, 270 new Toilets were erected, 6 mobile vans each having 10 Toilets were arranged round the clock. 201 New Bathrooms were erected.

(d) Medical and Psychological Treatment in the camps:

- 205 Medical officers and 273 Paramedical staff provided health care services in the relief camps
- 450596 cases treated, In other words each camp patient were examined on an average 3-4 times by doctors.
- As a result the prevalence of various illness, which could have been very high has been kept in check as can be seen from the table below:

Disease profile in the camps in comparison with the prevalence in the state:

Type of cases	Prevalence in Gujarat during 2002					In relief camps
	January	February	March	April	May	
						6/3 to 31/12/02
Diarrhoea	3.85%	3.46%	3.62%	3.77%	3.75%	4.05%
Gastroenteritis	0.18%	0.17%	0.36%	0.42%	1.58%	0.15%
ARI	11.27%	13.27%	9.54%	11.33	8.66%	4.88%

Preventive Action

- 2.25 million Chlorine tablets used for chlorination of drinking water
- Checking of food articles by PFA staff
- Malathion spray for control of mosquitoes
- Antifly spray for control of flies

Special Attention to Mother and Children:

- State MCH officer assigned overall responsibility

Mothers – Antenatal care:

- 4333 expectant mothers registered under the ante natal care program, 127 of these who were identified as high risk, have already been examined by expert gynecologists
- 2001 expectant mothers provided TT protection
- 647 dai delivery kits have been distributed
- 126 safe deliveries out of which 36 were handled in camps
- 580445 iron folic acid tablets distributed to anemic mothers

Children:

- 2.76 lacs iron folic acid tablets distributed to children
- 16847 children given polio vaccine
- 12407 children protected with measles vaccine
- 3851 children given DTP protection
- 2593 children covered for deworming
- 66640 ORS packets distributed
- 30 post graduate lady doctors and 33 ANMs providing health services in the relief camps.

Teritary Care Activities:

- Teams of 30 gynecologists, pediatricians, mental health experts sent by rotation to different camps have provided expert gynecology services to 1330 women, pediatric services to 4488 children, medical services to 3408 patients, ophthalmology services to 671 patients and dermatological care to 798 patients.
- 804 patients referred to tertiary care facilities for in-patient care.

Activities for control of blindness

- 11624 patients examined
- 5050 pairs of spectacles distributed
- 213 IOL operations performed

Medical Relief activities by Central Health Team (DGHS), GOI

- 7157 patients were examined and provided treatment as below:
 - 0 Obs. & Gynec -----324
 - 0 Pediatrics -----1926

0	Medicine -----	3408
0	Psychiatry -----	1
0	Ophthalmology -----	671
0	Dermatology -----	798
0	Dental -----	1

Mental Health

- Therapeutic intervention in camp were given to 1267 persons
- Group Counseling given to 1018 persons with specific Mental health problems who required specific drug treatment or individual psycho therapeutic intervention.
- Two teams are attending the camps on Monday and Friday of the week in specific relief camps allotted to them.
- Training was given to 170 participants for Psycho-social work

An expenditure of Rs. 3 crores has been incurred for health and hygiene.

Ration to the inmates leaving relief camps:

With a view to have ration after reaching home, the state Govt. has provided ration to the inmates while leaving relief camps. The inmates were provided with a ration of two months at the same scale provided in the relief camps. 1,60,753 inmates were provided ration while leaving the relief camps and the state Govt. has incurred an expenditure of Rs. 3.56 crores for this purpose.

Food grains to BPL families in riot affected areas:

In order to provide immediate help to the Below Poverty Line families in riot affected areas, free food grain i.e. wheat and rice was distributed. Free food grain was given to riot affected BPL families who were deprived of daily employment on account of communal disturbances. The Govt has distributed 1,77,519 Tons of food grain. The Govt. of India provided 1,2,441Tones of food grain amounting to Rs. 62.60 crores. The total expenditure of Rs. 100.45 crores has been incurred for food grain assistance

to the riot affected persons.

Committee to Monitor Relief Camps:

Consequent upon the statement made by the then Hon'ble Prime Minister in the House of the Parliament of 16th March 2002, all party committee was set up under the Chairmanship of the then H.E., the Governor of Gujarat. The committee, monitored the functioning of the Relief Camps in the state and reviewed the action taken by different departments of the Government for relief and rehabilitation of riot affected families. The committee was consisting of following 13 members including the Chief Minister.

- 1) Shri Narendra Modi, Hon'ble C.M.
- 2) Shri Naresh Raval, Hon. Leader of the opposition party in the Assembly
- 3) Shri Keshubhai Patel, Ex.-C.M.
- 4) Shri Rajendrasinh Rana, President State B.J.P.
- 5) Shri Amarsinh Chaudhary, President State Congress Party
- 6) Shri Suresh Chandra Mehta, Hon. Minister Industries
- 7) Shri Ashok Bhatt Hon. Minister Health and Family Welfare
- 8) Shri Siddharth Patel, Hon. MLA
- 9) Shri Usmangani Devdivala, Hon. MLA
- 10) Shri Kalyan Shah, President Gujarat Chamber of Commerce
- 11) Shrimati Ila Bhatt Honorary Chairperson, SEWA
- 12) Shri Ishwarbhai Patel, Gandhi Ashram, Ahmedabad
- 13) Shri Amthabhai Desai, Mazoor Mahajan Sangh

Beside the above members, the Chief Secretary and the Principal Secretary, Revenue, were permanent invitee members of the Committee. The committee met four times and reviewed the relief and rehabilitation measures taken by the Government.

In charge Secretaries and other senior officials of relief camps:

Relief camps in Ahmedabad were closely monitored by Collector and Municipal Commissioner. Other senior officials like, the Commissioner (Health), the Secretary

(Social Justice & Empowerment Department) etc. were visiting the camps frequently. In other districts, camps were monitored by Collector and other District Officials apart from that secretaries in charge of the districts visited the camps. It is submitted that as a part of effective mechanism, the Govt. put Secretaries with special responsibilities for overseeing and supervision of relief camps and other rehabilitation measures in the districts which is as under.

<u>Sr.</u>	<u>District</u>	<u>Name and designation of I/C Secretary</u>
1.	Anand	Shri P.K. Laheri, PS Rural Development
2.	Dahod	Shri Arun K. Sutaria, Settlement Commissioner
3.	Kheda	Shri R. S. Saxena, MD, Guj. Handloom Corporation
4.	Mahesana	Shri N. R. Varsan, I Secretary, Cooperation Dept.
5.	Panchmahals	Shri H. K. Dash Secretary, Food & Civil Supplies
6.	Sabarkantha	Shri I.P. Gautam, Director Finance SSNL
7.	Vadodara	Shri G. R. Virdi PS, Tribal Dev.Deptt.
8.	Ahmedabad (city)	1. Shri D. K. Rao, M. D. Gujarat Export Corporation, 2. Shri Amarjit Singh, Health Commissioner, 3. Shri M. Shahu, Addl. CEO, GSDMA 4. Shri Pankaj Kumar, Addl. CEO, GSDMA, & COR (Eq.) 5. Shri Varesh Sinha, Principal Secretary Education Deptt. 6. Shri Arvind Aggarwal, Commissioner Agriculture

The State Govt. provided further support of administrative officers for the supervision of relief camps in Ahmedabad. For this purpose six more senior officers were attached to the above named Secretaries group wise appointed by the state Govt. earlier. The officers entrusted with the responsibilities were as under.

- | | |
|------------------------|--|
| 1. Shri D. A. Satya | MD, GRHB |
| 2. Shri M. N. Khalyani | Chief Personnel Officer, Health Services |

- | | |
|------------------------|--|
| 3. Shri. Idrish Vhora, | M.D., Minorities Finance Corporations. |
| 4. Shri Anish Mankad | Commissioner, Youth Services |
| 5. Shri A. N. Shaikh | General Manager, G.M.D.C. |

State Government had appointed Shri S.M.F. Bukhari (Rtd. IAS) as Chief coordinator for the Relief Camps.

Special Education Facilities to the students in the relief camps:

In Relief camps, Text books were distributed to all the students of S.S.C. / H.S.C. Moreover, Kits comprising of pen, pencil, notebook, text book, reference books and arrangements for tuitions at free of cost were provided. The students in the relief camps were provided 827 sets of text books, 520 note books, 745 sets of compass box containing pencils, rubbers, etc., 800 pen sets and 224 assignment books. Tuitions to 223 of S.S.C. & 155 students of H.S.C. were imparted through 61 teachers for 14 days.

Secondary and Higher Secondary Board Exams

The Board exam of 10th and 12th in the State of Gujarat was scheduled to start from 11th March, 2002. Due to post Godhra riots, it was postponed to 18th of March. In the first stage, students set out for the exams with a calm mind in various parts of the state, excluding Ahmedabad, Baroda and six other cities on 18th March, with full arrangement of police and supervisors, amidst disturbed situation in Gujarat. In the first stage, 5,47,303 students of Std. 10 took the exams in 451 Centres and 2,81,856 students of Std. 12 took the exams in 187 centres, thereby foiling the malicious intentions of the miscreants. Similarly, in the second stage, students from all the communities in Ahmedabad and Baroda as well as other disturbed towns of Himmatnagar, Modasa, Bharuch, Viramgam, Jambusar and Prantij stepped out from their homes for the examinations with full preparation. A total of 2,38,573 students, including 1,07,193 students of Stde. 10 and 92,394 students of Std. 12 in Ahmedabad and Baroda and 38,000 students in six cities took the exams. Special arrangements were made for the students taking examination from relief camps.

Housing Assistance:

The state Govt. has paid housing assistance to the riot affected families upto Rs. 50,000/-. Technical survey was carried out and accordingly, 18,037 families were given assistance of Rs. 12.28 crores in urban areas. Similarly, in rural areas 11,204 families were provided with an housing assistance of Rs. 17.82 crores. In all 29,241 families were given housing assistance of Rs. 30.10 crores.

Financial assistance for rebuilding earning assets:

Financial assistance for rebuilding earning assets was given to those who suffered loss of their livelihood assets. The earning assets assistance was provided up to Rs. 10,000. In urban areas, an expenditure of Rs. 4.40 crores has been incurred to provide earning assets to 10,564 families whereas in rural areas 6631 families in rural as well as urban areas provided with earning assets assistance of Rs. 9.13 crores.

Rehabilitation of Small Business:

In order to cover those people in whose case restoration of earning assets required more than Rs. 10,000 and up to Rs. 50,000 the package of rebuilding of small businesses was implemented. Under this package, Social Justice & Empowerment Deptt. provided assistance to small business under the scheme whereby subsidy was given @ Rs. 10,000 or 20% which ever was less.

Under this package 2141 affected persons were given assistance for small business in urban areas. An expenditure of Rs. 1.34 crores has been incurred in urban areas. In rural areas 707 beneficiaries have been given assistance of Rs. 0.46 crores. Hence, the state Govt. incurred an expenditure of Rs. 1.80 crores to assist 2848 beneficiaries in urban as well as rural areas.

The nationalized banks and financial institutions provided loan of Rs. 9.26 crores to 2844 beneficiaries for small industrial projects.

Moreover, the Gujarat Minorities Finance and Development Corporation under the scheme of direct finance at lower rate of interest of NMDFC provided finance of Rs. 3.96 crores to 1510 riot affected persons.

Assistance to Industries / shops & Hotels:

The state Govt. also formulated a package to revise industrial units, large shops, big show rooms and hotels etc. where restoration was more than Rs. 50,000/-. Under this package 20% of the subsidy was provided subject to a ceiling of Rs. 50,000/- per unit. Under this package, 2083 units have been given assistance of Rs. 5.09 crores in urban areas whereas 545 units have been provided assistance of Rs. 1.16 crore in rural areas.

The nationalized banks and financial institutions provided loan of Rs. 38.24 crores to 2448 beneficiaries for industries, shops and hotels.

Interest subsidy on loans to affected units:

As loans were provided by the nationalized banks and financial institutions in order to help beneficiaries, the State Government provided a scheme of 4% interest subsidy for three years with a maximum limit of loan of Rs. 1.00 lakh per year.

The State Government incurred an expenditure of Rs. 60.00 lacs for providing 4% interest subsidy to 2219 units.

Insurance paid to the affected:

The Insurance Companies have settled 5868 Non life insurance claims to the tune of Rs. 118.76 crores of riot affected persons. Also, 85 life insurance cases have been settled by LIC.

Rehabilitation of orphaned children and widows:

The State Government adopted a three-pronged strategy to support the affected women and children as under:-

ICDS services to riot affected children, pregnant and lactating mothers:

The State Government provided following services:

Supplementary nutrition

1. Distributed : 1,17,428 kg. Ready to Eat food
2. Consumption : 1,09,890 kg. Ready to Eat food
3. No. of units of nutrition : 11,69,798

Other services provided were growth, monitoring immunization in coordination with Health department. Pre-school education and nutrition and health education were also provided.

Widow's Pension:

The State Government undertook a survey of orphans, widows, disabled persons and destitute persons living in the camps. Under the scheme 435 riot affected widow beneficiaries were covered under the State Governments pension scheme.

Trauma Counseling:

Trauma counseling to-groups as well as individuals was given by the State Government. Under this programme 17785 persons have received counseling.

SHANTA Project:

A project called 'Shanta' was implemented by an NGO viz. SEWA for skill up gradation, training and livelihood. 271 widows were covered under the programme and an expenditure of Rs. 0.47 crores was incurred.

Under the “Shanta Hamare Bachche” programme for rehabilitation of single parents and orphaned children, 606 children were covered and an expenditure of Rs. 0.55 crore were incurred.

Under the NORAD programme of skill upgradation 267 women were given financial assistance of Rs. 0.06 crores.

NORAD (Swavlamban) and SWADHAR Schemes by State Govt.:

Under the Govt. of India scheme of women’s livelihood and restoration, 5858 women beneficiaries were given assistance of Rs. 2.01 crores. Also, three Swadhar homes were established which provided shelter to 196 women and 148 children. An expenditure of Rs. 0.45 crores was incurred.

Thus, comprehensive relief and rehabilitation programme was formulated by the Government of India under the then Prime Minister’s directive. Against the receipt of Rs. 155.61 crores from the Government of India, an expenditure of Rs. 205.00 crores has been incurred by the Government of Gujarat. The task of implementing the relief package was carried out with full involvement of entire government machinery.

Part – II

Note on Riots after Godhra Carnage

Government of Gujarat

31-1-2005

NOTE ON RIOTS AFTER GODHRA CARNAGE

Background of Communal violence in Gujarat:

Communal tensions have been there in the Country and in Gujarat for long and there have been records since 1714 about occasional riots between Hindu and Muslim communities in particular in Gujarat.

Before partition Muslim organizations were in existence, of such organizations, “jamiyate Ulema-E-Hindu” was the main fundamentalist organization. Maulana Hussein Ahmedi (1879 – 1957) remained the head of this organization from 1940 to 1957. He was also Principal of “Dar-UI-Ulema” He was the proponent of the theory that non-Muslims are the enemy of Muslims. (Muslim Nationhood in India by Safia Amir – 2000, P. 179). This organization still carries this philosophy and the children getting education learn such biased views. The riots during partition had witnessed the dubious roles of such organizations. One of the most painful incidents could be the riot during the partition of the Country, which witnessed large-scale displacement of both the communities. The harrowing experiences of those days still linger in the minds of many

During 1926 also riots between Hindu and Muslims were witnessed in Ahmedabad on the day of Rath yatra. Two Gandhians namely Late Vasant Amichand and Razab Ali Lakhani were killed while they were trying to establish peace between

both the communities in Jamalpur area. In recent times the major communal riots between Hindus and Muslims were witnessed in 1969, 1985, 1991, 1992-93.

The 1969 riots notable when the Muslims started the riots on the day of Urs. The incidents sparked from the attack on Sadhus of Jagannath Temple on trivial issues like the obstacles created by the herds of cattle returning to the Temple premises at the end of the day. The Muslim mob shouting slogans like “Allah Ho Akbar, Maro Maro” entered in the Temple premises and damaged the Temple properties and injured 12 Sadhus. Rumour of death of one injured Sadhu in the Hospital sparked off the riots. In Ahmedabad city itself 756 incidents of riots etc. were reported in which 24 Hindus, 430 Muslims and 58 others lost their lives. Damages / destruction to 37 Masjids, 50 Dargahs, 6 Kabirstans, 3 Temple and 6441 Houses / shops were caused. Around 300000 people were reached homeless. In other places around 21 communal incidents were reported claiming 59 deaths and injury to 350 persons.

Thereafter, major riots were witnessed in 1985 when anti-reservation movement started in January 1985 in Ahmedabad. The riots continued sporadically till July 1985 and claimed 161 lives in which 82 people lost their lives in Police firing. Apart from Ahmedabad, such incidents were reported from many other places and 55 such incidents claimed 42 lives. Sporadic communal incidents continued in 1986 also.

Again in 1992 and 1993 major incidents were reported. In 1992, 1436 incidents and in 1993, 497 incidents were reported. In 1992, 105 Hindus and 220 Muslims lost their lives while 410 Hindus and 335 Muslims were injured. In Ahmedabad itself, in 150 incidents of riots 261 people lost their lives and 635 people were injured. In 1993, 64 Hindus and 52 Muslims lost their lives while 426 Hindus and 206 Muslims sustained injuries.

Riots after Godhra carnage – 2002

The riots that followed the heinous crime of burning of S-6 coach of Sabarmati Express on 27th February 2002 in Gujarat are undoubtedly unfortunate and deplorable and should not recur in future. The maximum deaths reported were during first week,

from 27th February 2002 to 5th March 2002 when almost 611 lives were lost. Out of these deaths reported, death due to Police firing was 101 in the same period. Out of 1000 rounds of ammunition fired 5450 rounds were fired in first three days. In Police firing 61 Hindus and 40 Muslims lost their lives. The Police action was effective in which more Hindus were killed in Police firing. Because of such actions riots could be controlled within 72 hours.

In the communal riots that took place in the State from 27th February 2002 to 1st January 2003, 1037 people died out of which 781 Muslims 256 Hindus. Out of 1037 deaths, 196 died in police firing of which 80 were Hindus and 116 were Muslims. During the riots 2544 persons were injured. Out of which 1180 were Hindus and 1364 were Muslims. Of the 2544 persons injured. 422 persons were injured in the police firing. (207 Hindus and 215 Muslims).

Action taken by the administration:

Alert and precautionary measures:- The Godhra incident on the morning of 27-02-2002 promoted the State machinery to be on a full-scale alert and this was communicated to all district authorities and Commissioners of Police. The first alert message of 27-02-2002, from the Home Department covered the need to take precautionary measures including adequate police bandobast and preventive measures including issuance of prohibitory orders depending upon the local situation. It was instructed that anti-social and hard-core communal elements should be dealt with firmly. It was also impressed upon the district administration that when the dead bodies arrive in the respective native places, there was a likelihood of heighened communal tension and hence, bandobast should be arranged, especially for the funeral procession. All Commissioners of Police DMs and SsP should remain in-H.Q. and closely monitor the situation. This alert message of 27-02-2002 was followed by another message from Home Department on 28-02-2002 to all concerned to round up anti-social and known communal elements under the preventive laws.

It was instructed that mobile patrolling should be intensified and adequate protection should also be provided at places of worship and that effective action should be taken to disperse unruly mob, unlawful assembly, using whatever force necessary. It also made it clear that anti-social elements indulging in violence and bent upon jeopardizing communal harmony must be controlled firmly. Another message dated 28-02-2002 impressed upon all concerned officers to maintain adequate bandobast for 01-03-2002 being Friday and a day of prayer for the Muslims. Directions to provide adequate bandobast to all sensitive areas and implementation of curfew orders were given.

On 28-02-2002, another message was sent to the Addl. DGP (Intelligence) to maintain adequate bandobast for the security of returning Haj pilgrims at their point of entry.

On the first day of March 2002, the Chief Secretary in a message to all Commissioners of Police, DMs and SsP directed that effective action should be taken including implementation of communal riot scheme. The district administration and the Police have to act in a decisive, prompt and effective manner to bring the situation under control. He personally directed not to hesitate to use whatever force was necessary for bringing the situation under control. When the life and properties are threatened in a communal situation, necessary force including firing has to be resorted to for bringing the situation under control. If the situation deteriorates beyond a point besides imposing curfew, even “shoot and sight” orders should be given so that unruly mob do not collect in a public place.

On 01-03-2002, another message was sent to all concerned for maintenance of public order, peace and tranquility. This includes putting into force.

1. Communal riot scheme for the respective districts / cities must be implemented.
2. Revised guidelines given by the Government of India to promote communal harmony should be implemented strictly and effectively.
3. Close vigil must be kept on the activities of anti-social and communal-minded elements and they should be rounded up under preventive sections of laws.

4. Prompt and effective action must be taken against hard core communal elements bent upon jeopardizing communal harmony.
5. Special attention must be paid to communally sensitive areas, especially places which have witnessed communal violence.
6. Bandobast should be tightened and mobile as well as foot patrolling should be intensified, especially in affected areas.
7. Any attempt to jeopardize tranquility, peace and public order must be nipped in bud.
8. All necessary precautionary as well as preventive measures must be taken depending upon local situation.
9. Effective action should be taken to disperse unruly mob and unlawful assemblies.
10. Meeting of Peace Committees / Ekta Committees and Mohalla Committees should also be held.
11. Tense situation, if any, must be defused by taking appropriate measures and involving prominent members of both community as well as social leaders.
12. Last but not least, curfew imposed in the cities/towns concerned should be strictly implemented.

On 02-03-2002, messages were issued highlighting the need to keep close watch as instance of attack on life and properties in villages came to notice. It was impressed that prompt and sufficient police patrolling is organized in villages where particular members of a community may be in small number and isolated. Steps should be taken to prevent entry of anti-social elements from outside the State or from large cities into rural areas. Peace Committee meetings should be held at Taluka level and also ensures that social leaders in rural areas are sensitized for the need to keep peace. Telephonic contact should be maintained with villagers by Police Station in rural areas to obtain information quickly and act accordingly. Available forces should be deployed suitably to meet the developing situation. Sufficient mobility should be maintained by local officers as well as forces placed at their disposal.

By another message on the same day i.e. on 02-03-2002, it was impressed upon concerned district officials that in addition to maintaining law and order, the

process of healing, building confidence among the people, defusing tension and promoting communal harmony required to be geared up immediately. For achieving this purpose, the District / City Ekta Committees, Peace Committees and Mohalla Committees should be activated and arrangements for holding the meeting should immediately be made. Prominent members of all communities, social leaders and NGOs should also be involved in the process.

The Additional Chief Secretary (Home) sent a message on 04-03-2002 to deal firmly with rumour mongering. It was instructed that the District / City Peace Committee should be activated to assist in restoring peace. Peace Committees at Taluka levels and in all villages should also be held. The ACS (Home) instructed that peace marches should be held in villages and that such peace marches should be arranged looking to the local situation. Arrangements for obtaining information from local villages should be put into place. All Class I and Class II employees or Revenue and Panchayat should be instructed to visit the village at least twice a week and ensure their presence. Telephone numbers of villagers should be obtained. Talatis and Primary teachers should be instructed to keep in touch with villagers for the purpose of maintaining peace in their villages. Details on the committee meetings held are annexed herewith as Annexure. 'A'.

By another message dated 04-03-2002, the instructions contained in the earlier messages were reiterated for convening Peace Committees. It was impressed on the need to ensure participation of individuals from every community in these meetings, especially at village level to enable them to express unity and solidarity for the safety of everybody and to hold peace marches in the villages.

Vide another message dated 04-03-2002; it was impressed upon district officials about the reports of attempts to disturb traditional peace and amity in the villages. It was impressed that the administrative machinery cannot reach out to every village and it was the village community as a whole to shoulder the responsibility for peace and communal harmony by holding Peace Committee meetings and peace marches and to build an atmosphere of communal harmony and ensure public safety. It was impressed on the district officials to utilize the provisions under the Bombay

Police Act for imposition of punitive tax on villages and curtailment of development scheme grant facilities to the villages as a whole.

In addition to above messages, Home Department has issued 14 messages thereafter also. These messages included measures to be taken for ensuing festivals, arrival of Haj pilgrims and their security, Friday Jumma Namaz, issues related to Ram-sevaks etc. from time to time.

The Chief Secretary and Additional Chief Secretary (Home) had arranged two Video conferences with CsP, DMs, SsP and other concerned officers on 04-03-2002 and 11-03-2002. In these two Videoconferences, important items on the agenda were as follows:

- (a) Review of law and order and the current violence in the State.
- (b) Effective deployment of various forces optimally.
- (c) Instructions for holding Peace Committee meetings and Peace marches.
- (d) Drawing attention to various alert messages issues regarding law and order, ensuing festivals, Haj pilgrims etc.
- (e) Curbing violence and protecting of places of worship.
- (f) Preventive measures and other actions against criminals, including preventive detention under PASA.
- (g) Programme on 15-03-2002 at Ayodhya on the Ram Mandir issue.
- (h) Bandobast for SSC/HSC examinations.

In accordance with the State Government's direction and the instruction contained in the revised guidelines issued by Govt. of India for communal harmony, the district administration including Police, Revenue and development functionaries organised Peace Committee meetings and peace marches in affected districts.

Every day right from 27-02-2002, high level meetings with Senior Officers were held. The Chief Secretary and ACS (Home) also held at least one meeting per day with DGP and other Senior Police Officers. In these meetings, the current situation during the preceding 12-24 hours was reviewed. Various issues including ensuing festivals, their bandobast, effective use of force including continuation of

armed forces, Central para Military Forces etc. were reviewed. Separate meetings were held by the Chief Secretary with high level Army Officers on 07-03-2002, 18-03-2002 and 23-03-2002.

It can be seen from the above that the State Government in the Home Department was very vigilant vis-à-vis the developments on the law and order front and it immediately responded by bringing to the notice of all district officials the need to maintain adequate bandobast in view of the incident at Godhra on 27-02-2002. In addition to the above written communications, the Chief Secretary held Video conferencing with affected district officials and conveyed instructions to concerned CsP, DMs and SsP. No stone was left unturned in bringing to the notice of district officials about the various measures to be undertaken to maintain communal peace and harmony and to act in a manner best suited to the situation and to maintain peace at all costs. It was also impressed that violators of laws should be effectively dealt with and no laxity should be shown and maximum force should be used to suppress and contain violence.

Deployment of Army:-

The role of Army in internal security duties is very limited. However, they have been requisitioned on many occasions in the past for assisting the Civil Administration in curbing violence during major disturbances.

On the morning of 28-02-2002, as events in the aftermath of the gruesome Godhra episode, of 27-02-2002 unfolded and violent incidents were reported from many parts of the State, a high level review of the situation at the Chief Minister's level was made by mid-day on 28-02-2002 itself. The meeting was attended by the Chief Minister, Minister of State for Home, Acting Chief Secretary, Additional Chief Secretary (Home), the Director General of Police and Addl. DGP (Intelligence). By 1430 hours in the afternoon, the Chief Minister made an oral request to the Union Home Minister for Army deployment. At about the same time, the Addl. Chief Secretary (Home) requested the Union Defence Secretary to make the Army available for internal security duties. The Hon'ble Chief Minister publicly announced at 1600

hours, the decision of the State Government to call in the Army. A formal written request was sent to the Central Government for Army deployment.

In fact, informal interaction was maintained with the local army formation both at Gandhinagar and Ahmedabad from the evening of 27th itself. Further on the morning of 28-02-2002, enquiries made with the local Army revealed that no force was available for deployment as the whole force was deployed in the forward areas. Efforts were also made to requisition available Army personnel in the cantonment area of Ahmedabad but no force was available. It is understood that withdrawing the Army at such critical juncture when war like situation existed with the neighbour needs a high level decision at the Center. This decision to withdraw the Army and deploy in Gujarat was immediately taken at the highest level in the Center.

Because of the sustained efforts by the State Administration, Army personnel were airlifted from the forward positions and they started arriving by the midnight of 28-02-2002 itself. It is worthwhile mentioning that 40 aircrafts were used to airlift army personnel to Ahmedabad. The first aircraft landed at Ahmedabad by the midnight of 28-02-2002 and the last aircraft by 11.00 PM on 01-03-2002. The deployment of the Army also required additional logistic support by the civil administration in the form of Executive Magistrates, vehicles, Liaison Officers, guides and maps. The District Magistrate Ahmedabad provided 6 buses, 9 trucks and 15 jeeps for use by the army by 2.30 A.M. on the 1st of March. By 0300 hrs. 26 red flags were also provided for the army. During the day 39 other vehicles were also provided to the army personnel. A total of 131 vehicles were provided to the army for their movement. In addition 7 executive magistrates were provided to the army by 7.30 A.M. followed by three more. A total of 32 Executive magistrates were provided to the army. Eighteen mobile phones were provided to the army on 1st March itself to facilitate better communication. In addition Liaison officer and escort officers from the police were also provided on a war footing. Similarly, 6 aircrafts were used to airlift personnel to Baroda and the first plane landed at Baroda by 4.30 P.M. of 01-03-2002. Fourteen aircrafts were used to airlift to Rajkot and the first plane landed in Rajkot by 0300 hours on 02-03-2002.

The deployment of Army commenced by 1100 hours after a high level meeting with the Chief Minister and the Union Defence Minister along with Senior officials of the Army and the State administration. The Army was deployed in the affected areas of Ahmedabad city i.e.in Paldi, Juhapura, Vejalpur, Shahpur, Bapunagar, Rakhial, Gomtipur, Meghaninagar, Dariapur, Kalupur, Naroda and Dani Limda. Thus, in Ahmedabad, 9 columns of Army was deployed on 01-03-2002 itself.

Later on 2 columns of the Army was dispatched to Godhra on 02-03-2002 and they reached Godhra at 0130 hours. Two columns of the Army were moved to Baroda on 01-03-2002 at 1830 hours. Two columns of Army were moved to Rajkot on 02-03-2002 at 1100 hours.

While the situation in other parts of the State was grave, cities, like Bhavnagar and Surat, were initially unaffected. However, as incidents of violence were reported from Bhavnagar and Surat, Army columns were moved to Surat on 03-03-2002 at 1100 hours and to Bhavnagar on 03-03-2002 at 2235 hours. At the peak of deployment, there were 26 Army columns in the State.

The Chief Secretary and Senior Officers had review meetings with high-level officials of the Army at regular intervals. In a meeting on 07-03-2002, it was decided that considering the improvement in the law and order, Army (except in Panchmahals district) would be sent back to the barracks from 10-03-2002 (at 0600 hours). However, considering the Ayodhya issue and ensuing festivals, army remained in a standby position. Later on, as there were some incidents in Vadodara and Surat, army was again deployed. On 15-03-2002, after reviewing the local situation, army was used for a flag-march.

There has been a general allegation of delayed Army deployment by the State Government. It may be clarified at this juncture that oral communication and contact were made with the Army on 27-02-2002 itself and on 28-02-2002 mornings and it was informed that no Army personnel are available in Ahmedabad for internal security duties. Emergency review was undertaken and by 1430 hours of 28-02-2002, and an oral request was made to the Government of India to move in Army in aid to Civil Administration. The Army, which was in forward areas, was airlifted and they

started landing in Ahmedabad by midnight of 28-02-2002 and early morning of 01-03-2002. Within 12 hours of our requisition, their deployment commenced. Thus, within 16 hours, Army has taken up their position, especially after being flown in from forward areas. The Army was not given responsibility of only flag-march, but were given the responsibility of assisting the local Police in the maintenance of internal security. Executive Magistrates were provided with each column of Army to enforce law and order. Transport was also made available, as Army's vehicles were not available. The district administration had requisitioned a large number of vehicles for the Army. The initial perception of delay in Army deployment, in the context of what happened and clarified above, are inaccurate and based on inadequate appreciation of facts.

Subsequent actions:

Series of cases were filed after the riots and investigation started by the Police. The Police tried to register FIRs for each incident and the complaints of the victims were duly registered. F.I.R.s were filed in Relief camps also.

There have been 4256 cases filed in entire State. Total number of accused identified to be involved in riots is 25,483 (17489 Hindus and 7994 Muslims). Out of 25,204 accused arrested, 17348 are Hindus and out of 24765 accused obtaining bail, 7645 are Muslims.

In 2020 cases, where 'A' summary have been filed by the Police for want of evidence are being scrutinized by a Committee headed by the DGP as directed by the Hon'ble Supreme Court on 17th August, 2004. As on 31.10.04, 724 such cases have been reviewed leading to further arrest of 44 accused and registration of 3 more cases. Department action against erring policeman has also been initiated.

The State Government has taken due diligence with regard to sexual violence against girls and women in Gujarat during the riots of 2002. The State Government had registered all the cases, which have come to light regarding sexual.

Offences. There have been 6 cases of reported rape, the details of which are as under:

- (A) Limkheda Police Station, CR No. 59/2002 – The case is being re-tried at Sessions Court Greater Bombay, Mazgaon under the Mumbai High Court.
- (B) Kalol Police Station, CR No. 36/2002 - Daft charge sheets are being prepared after further investigation.
- (C) Kalol Police Station, CR No. 41/2002 – The lower court rejected request for further investigation. Trial stalled by the High Court
- (D) Kalol Police Station, CR No. 60/2002 –Daft charge sheets are being prepared after further investigation.
- (E) Naroda Police Station, CR No. 100/02 – the Supreme Court has stayed the trial.

These cases have been properly investigated with special provision of overseeing and supervising the investigation by a senior women police officer.

Besides during the riots, to enable women to come freely and give their complaints, the State Government had constituted a Committee as Women Cell comprising of (1) Ms. Hemangini Zaveri, Secretary, Legislative & Parliamentary Affairs (Retd) (2) Kum. Manorama Bhagat, MD, GWEDC & (3) Mrs. R.I. Hakim, Dy. Secy. Gujarat Legislature Secretariat. The necessary Government Orders were issued vide order dated 15-5-2002 empowering this Committee to look into all such complaints and take appropriate action.

The Cell took initiative to instill confidence amongst women and children who were affected during riots. The Cell recorded their complaints / submissions. The Cell also visited Relief Camps. In all, the Cell heard 856 women in person and recorded 1116 complaints. The Cell received not a single complaint of sexual harassment of women.

The trials of case show better conviction than previous riots. Till July 2004, in 9 conviction cases, 33 accused have been convicted. In fact, in earlier riots, governments have withdrawn cases. Even one Inquiry commission was wound up.

(Facts as on 30th November 2003, source state IB)

Year	No. of cases registered	Cases remained undetected	No. of cases withdrawn	No. of conviction	No. of acquittals	No. of case where Appeal preferred	No. of pending cases
1969	497	369	1	3	96	0	0
1985	1208	622	35	42	260	0	176
1986	591	247	20	11	150	1	130
1987	404	172	4	4	100	1	83
1990	1652	737	22	23	457	0	340
1992	1366	658	12	9	226	0	242
1993	513	172	10	8	130	0	98
Total	6231	2977	104	100	1419	2	1069

All the above facts show the state of affairs in previous governments. So many cases have been withdrawn on above the number of cases where the incidents remained undetected. In other words, some summary reports were filed for want of proof. No NGO ever wanted to reopen these cases, neither there was any judicial intervention to reopen the case. The large number of acquittal also did not attract any body's attention.

Status of legal actions:

Further the status of cases for opinion to the state legal department shows that the percentage of appeal has increased than the previous years.

Year	Cases reported to	Fit cases for appeal	Percentage	Unfit for appeal	Percentage
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	LD				
2001	3403	561	16.48%	2842	83.52%
2002	4121	448	10.87%	3673	89.13%
2003	5913	895	15.13%	5018	84.87%
2004 Up to July	4593	911	22.04%	3682	77.96%
	-460			-460	
	—————			—————	
	4133			3222	

Details of case pending in the Supreme Court:

Following matters were referred to Supreme Court in year 2002, before the transfer of Best Bakery case.

1. WP No. 221/2002 by Ms. Mallika Sarabhai, (Main contention ids relief and rehabilitation)
2. WP (Crl.) No. 21993/2002 by Yusufkhan Muradkhan (Contention is transfer of case by CBI)
3. WP (Crl.) No. 530/2002 by Mahasweta Devi, (Apart from citing barbaric incidents demanded rebuilding of damaged religious places and effective relief and rehabilitation of victims)
4. Wp. No. 11-15/2002 by Aleque Padamsee, (Alleged hate speech by CM in Gaurav Yatras)
5. Wp No. 37-52/2002 by Devendra Pathak, (All kind of allegations and demand for CBI investigation)
6. SLP (civil) No. 7951/2002 By Viraj Ira Desai, (All kind of allegations and demand for CBI investigation)

However, the total number of writ petitions, SLPS, transfer petitions increased even by repeating the same facts by different petitioners. There are about 28 cases pending before the Supreme Court.

Two specific cases are the case relating to Bilkis Banu and Best Bakery case. In Best Bakery case Zaheera Shaikh is the key witness. Both these cases have been transferred by the Supreme Court to be tried outside the State of Gujarat and the proceedings are on in the Mumbai Court. In all, the Court has examined 40 witnesses. Cross-examination of prime witness Zahira Shaikh has ended recently. It is to mention here that in the case of Best Bakery, the main witness Zaheera Shaikh has recently made various allegations of wrongful confinement and criminal intimidation etc. against Teesta Setalvad, representing an NGO. The Supreme Court has directed an inquiry under the Registrar General of the Supreme Court in this regard.

Witness Protection:

State government has been sensitive to the issue and has been providing protection wherever required. Further individual protection to witness was provided with group protection by protecting the areas with SRP and even by CISF. Details are as follows:-

Case number	Number of individual provided protection	Nature of protection
Prantij Police Station CR No. 26/2002	Protection not demanded	
Godhra Railway Police Station CR No. 9/2002	50	1 Armed PSO
Vijapur Police Station 1 CR No. 46/2002	45	1 Police Constable to each witness. One Sub Inspector and a team of CISF have been deployed for protection of 30 witnesses who have shifted to another place.
Meghaninagar I CR No. 67/2002	48	1 Police Constable to each witness

Naroda Police Station I CR 100/2002	92	One Police Constable to each witness
Khambholaj Police Station I CR No. 23/2002	15	No individual protection. But half section of SRP at village. Bhalej and one section of SRP at village Ode available. Besides, CISF (Central Industrial Security Force) group protection is provided at Ode.
Khambholaj Police Station I CR No. 27/2002	44	One SRP Section and CISF patrolling.
Visnagar Police Station I CR No. 60/2002	4	One armed Police Constable to each witness
Naroda Gaon Police Station I CR 98/2002	No individual protection	Two static bandobast points consisting of 1+3 SRP have been provided.
Khanpur Police Station I CR No. 11/2002	No individual protection	One static bandobast point consisting of 1+3 SRP has been provided in addition to CISF protection.
Khanpur Police Station I CR No. 13/2002	No individual protection	CISF protection available to areas where eyewitnesses are not illegible
Kalol Police Station I CR No.620.2002	5	Group protection given by SRP and local police although not demanded.
Kalol Police Station I CR 36/02	No individual protection as not demanded	Half section of SRP protection provided in there locality.
Kalol Police Station I CR	No individual protection as	SRP patrolling provided in

222/2003	not demanded	the areas were witnesses resided.
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Inquiry Commission:

The heinous crime of setting up of S-6 coach of Sabarmati Express on fire occurred on 27th February 2002 where 59 kar sevaks lost their lives and more than 40 people sustained serious injuries. The incident shook the state and blew serious jolt to the peace loving state of Gujarat. The Chief Minister immediately visited the site of incident and directed all concerned to take all steps to provide immediate care to the injured. The Chief Minister announced on the floor of state legislative Assembly setting up of the judicial inquiry commission under the retired Judge Justice K. G. Shah. The formal notification was issued on 6th March 2002.

The terms of reference of the Inquiry Commission as laid down in the Government Notification dated 6.3.2002 include.

- (i) inquiry into the facts and circumstances and the course of events of the incidents that led to setting on fire some coaches of the Sabarmati Express on 27th February, 2002, near Godhra railway station.
- (ii) The facts, circumstances and course of events of the subsequent incidents of violence in the state in the aftermath of the Godhra incident.
- (iii) The adequacy of the administrative measures taken to prevent and deal with the disturbances in Godhra and subsequent disturbances in the state.
- (iv) To ascertain as to whether the incident at Godhra was a pre-planned and whether information was available with the agencies which could have been used to prevent the incident.
- (v) To recommend suitable measures to prevent recurrence of such incidents in future.

Controversy was made on appointment of the Inquiry Commission. In writ Petition © No. 221/2002, along with other prayers, the Constitution of the one Member Commission (Hon'ble Justice K. G. Shah) by Government Notification dated 6th March, 2002 was challenged in the Hon'ble Supreme Court of India and the prayer was sought to quash and set aside the said Notification. The Hon'ble Supreme Court has not thought it fit to grant any relief on that account.

The state government reconstituted the Inquiry Commission and appointed Justice Nanavati as the chairman of the Commission on 21-5-2002.

The nature and re-constitution of the present inquiry Commission was also challenged in Hon'ble High Court of Gujarat under SCA No. 5450/2002, wherein reconstitution of the Commission of Inquiry was challenged and the prayer was asked to stay the Commission's functioning. However, the Hon'ble High Court did not find it fit to grant any such prayer or to interfere with the proceedings of the Commission.

The commission started the proceeding and invited applications / affidavits from public. The Commission received about 4000 affidavits. Meanwhile the State government extended the period of the Commission and took review of the situation and on receipt of some representation decided to expand the scope of the inquiry covering the role of CM, Ministers, officials, institutions etc.

Extended terms of reference of the Inquiry Commission as laid down in the Government Notification dated 20th July, 2004 include

- (j) inclusion of incidents of violence that took place on and from 27th February, 2002 to 31st May 2002.
- (ii) Role and conduct of the then Chief Minister and / or any other Minister (s) in his Council of Ministers, Police Officers, other individuals and organizations in both the events.
- (iii) Role and conduct of the then Chief Minister and/or any other Minsiter (s) in his council of Ministers, Police Officers (i) in dealing with any political or

non-political organization which may be found to have been involved in any of the events. (ii) in the matter of providing protection, relief and rehabilitation to the victims of communal riots (iii) in the matter of recommendations and directions given by National Human Rights Commission from time to time.

Consequently, the Commission had received more than 40,000 affidavits of which about 18000 affidavits are for Relief and rehabilitation claims. Of the 44,000 affidavits received by the Commission about 39,538 affidavits are from while about 488 affidavits are from the Government officers and from police department.

The Commission has held public hearing at the commission's office and also at various places in the State. The depositions of the Citizens and witnesses of every districts of the State have been recorded and 1005 witnesses have been examined so far.

April 01, 2005

Comments:-

Relief and Rehabilitation – Ex-Gratia payments

Details of death from burial / cremation grounds, hospitals, community organizations, need to be taken and crosschecked.

There may not be any data of casualties, if victims are from floating population and when the victims are from places out side Gujarat.

Cash doles – cash doles and household kits

The scheme appears to have not worked properly in rural areas – ground level investigation is required.

Other welfare measures

There is no data regarding the refugees, who have been forcibly pushed out of the relief camps in August, 2002, in order to impress the Central Election Commission, that 100% rehabilitation has been done and this should not be an impediment for ordering immediate Assembly poll or voluntarily moved out. The ground level position is that a large chunk of the displaced persons still did not go back to their pre riot habitats, as still their security and safety are not ensured by the authorities. The threat and intimidation from Sangh Parivar bodies that cases against their supporters be withdrawn or compromised still persists. Moverover, it is pressed as the pre condition for ensuring an atmosphere of security and protection, from the side of Hindu bodies. This trend was reflected in the report sent by the then Addl. DGP (Int.), Shri R. B. Sreekumar to the State Home Department, on 20.8.2002, which listed out the details of affected villages from where migrations had taken place. Ground levels inquiries basing on the inputs from such reports appended in ADGP (Int.) Affidavit to Nanavati Commission are imperative for achieving any progress towards rehabilitation.

Ration to the inmates (See page-7)

The inmates have disappeared into the thin air in August, 2002. It is mentioned in the report that 1,60,753 were provided with ration. Therefore, the number of people, who had migrated would certainly be higher than the above figure of 1.607 lakhs. Details of those migrants, who had taken shelters with their relatives and friends, within Gujarat and out sides remain an unknown area. In-depth ground level verifications are called for, before launching of any worthwhile long-term rehabilitation. It is learnt that the displaced persons, mostly from community, had moved over to gettos and this trend has ominous strategic, security and public order implications, in the long run.

Rehabilitation of small business (See page-12)

In many riot-affected areas, the vacuum created by migration of those engaged in commercial activities during the pre riot days, is purposefully filled in by pro BJP elements. This is coming in the way of long-term rehabilitation. This trend is more pronounced in districts of Godhra, Dahod, Vadodara Rural, etc.

Insurance paid (See page- 14)

The 5686 non life insurance claims can be a basis for tracing out details of injured people. As per the statement (page-2) the Govt. paid injury assistance only in 2548 cases.

The claim of 85 life insurance cases is quite negligible, compared to the number of people killed. Is it because of non-registration of complaints and other manipulative tactics by the police as reflected in the second Affidavit of Addl. DGP, Shri R. B. Sreekumar? Grassroots level verification called for.

Widow pension (See page-15)

Only 435 riot affected widows got benefit of the pension schemes. This is quite meager in comparison to the casualty figures and statements by CID, IB.

Shanta project (See page-16)

Even, SEWA refused to take the cases of Muslims widows.

Part II on riots

The statistics quoted in page-1 and 2 need to be compared with the report of Reddy and Dave Commission.

Background of communal violence (See Page-1 & 2)

The authenticity and veracity of the statistics of violence and causative factors for genesis of violence need deeper study, unless the same is taken out from the reports of Commission like Reddy and Dave Commissions, and also from authentic documents.

Action by the Administration (See page-3 to 10)

It is a very vague account of the response of the administration and a deeper analysis will throw up the following questions, which remain unanswered.

- (a) Why no minutes of the meetings held by the CM and other senior officers for review of the situation from 27th Feb., 2002, onwards were prepared and circulated to the concerned?
- (b) Why dead bodies of Godhra train five victims were paraded through the streets of Ahmedabad city and that too when over 50% of the deceased persons

belonged to places out side Ahmedabad city and a few dead bodies were not even identified at that juncture?

- (c) Did CP or DGP report to CM or higher officers about the possible adverse repercussions on law and order about parading of dead bodies?
- (d) Why no preventive action against communal elements on February 27/28, 2002, even after the announcement of Bandh call be by Sangh parivar on 27th February, 2000?
- (e) Why the Communal Riot scheme was not put into operation in relevant areas, from 27th Feb., 2002, evening onwards?
- (f) Why no prompt and effective action against the rioters by the officers of the rank of Dy. SP and above, particularly in Ahmedabad (nearly 40 of them) and Vadodara city (nearly 30), who were having striking forces of additional policemen moving with them?
- (g) Why no action by nearly 100 police mobiles in Ahmedabad city and similarly in Vadodara city against crowds which congregated in small numbers in the morning of 28th February, 2002?
- (h) Why no action, when the enforcers of the Bandh indulged in traffic disturbance and petty nuisance, more for testing the mood and strategy of police, in the morning of 28.2.2002?
- (i) Why delay in imposition of curfew, particularly in Ahmedabad city? In Ahmedabad city curfew was imposed as late as 13.00 hrs on 28th February, 2002?
- (j) Despite regulations why there was no arrangement of videography of violent mobs?
- (k) Why police failed to videograph mobs, while electronic media succeeded? Any constraint from higher authorities?
- (l) Why no effective action policemen in static points and by mobile patrolling groups, both by vehicles and on foot, against rioters from 27th Feb., 2002, evening onwards?
- (m) Why delayed response in distress calls from prominent Muslim citizens, like Ahsan Jafri, (Ex. MP), despite their contacting the Chief Secretary, the DGP, the CP Ahmedabad city, etc.
- (n) Why more casualties of police firing and riots among the Muslims?

- (o) Why the instructions in the compilation of Circulars captioned “Communal Peace”, issued to all District Magistrates and police officers SPs and above are not implemented?
- (p) Why “Instructions to deal with communal riots (strategy and approach)” prepared by Shri Z. S. Saiyed, IPS Retd., Officer on Special Duty and forwarded to all executive police officers for strict implementation, had not been implemented?
- (q) Why no monitoring of the implementation of instructions issued by the Chief Secretary, Home Department, DGP and other higher officers, from 28th Feb., 2002 to 4th March, 2002?
- (r) Why no action against vernacular press publishing communally inciting news and articles, despite proposals from SP Bhavnagar, CP Ahmedabad and ADGP (Int.)? Please note that ADGP (Int.), Sreekumar had even presented one of such reports to the Nanavati Commission?
- (s) Why no action or enquiry against police officers for their alleged failure to record FIRs and provide proper response to the complaints of riot victims, mostly minorities, though this matter was reported graphically by ADGP (Int.), R. B. Sreekumar, in his reports to Govt. dtd. (1) 24.4.2002, (2) 15.6.2002, (3) 20.8.2002 and (4) 28.8.2002, etc?
- (t) Why no action or enquiry against officers of the Executive Magistracy, particularly, the District Magistrates of the Districts, who failed to initiate prompt action against rioters, particularly, from 27th Feb., 2002 to 4th March, 2002? Similarly, why no action or enquiry against the DM and his staff for recommending pro BJP, VJP advocates or appointment as Public Prosecutors, to present cases against Hindu rioters?

Deployment of Army (See page-10 to 13)

The claim that Army was requisitioned verbally on 27th and 28th is not acceptable as there is provision for sending cryptographic messages to the concerned, especially when the same political party was ruling the Central and State Govt.s.

Please note the recent statement of former President of India, Shri K. R. Narayan, that the Army was not given a free hand in dealing with rioters in Gujarat.

The Affidavits and depositions in the cross examination in the Nanavati Commission of the then Addl. Chief Secretary Shri Ashok Narayan, the then DGP Shri K. Chakravarthi, the then CP Ahmedabad Shri P. C. Pande had to be analyzed to bring out the falsehoods in the claims of the Govt. about the Army deployment, allocation of Army Units in various places, operational freedom given to the Army and related matters.

Subsequent action (See page-14)

There were serious complaints from the side of minority victims of riots, questioning the impartiality, sensitivity and purposefulness of the Gujarat Police in investigating their cases because the accused persons were drawn from the Sangh parivar support base.

The Govt. was aware of such a tendency betrayed explicitly by the executive police through the reports of State Intelligence Bureau, dated: 24.4.2002, 15.6.2002, 20.8.2002 and 28.8.2002 (all appended with second Affidavit of ADGP, Intelligence), but no follow up action was taken by Home Department or DGP office. Supervisory officers in the affected areas from Dy. S. P. to Range officers also did not discharge their duties as per the stipulations laid down in the Gujarat Police Manual, police regulations and statutes, i.e. Cr.P.C., B.P.Act, etc. about the methodology, process, procedure, etc. to be followed in the investigation. The supervisory officers also did not exercise their managerial responsibilities in ensuring justice to the riot victims. There could be no justification or excuse for this criminal negligence in properly supervising investigation of serious crimes like, multiple murder, mass rape, extensive arson, large scale destruction of property, etc. as this process was taking place days after the major riots and these officers above the ranks of Dy. SPs in Ahmedabad city, Vadodara city, Vadodara Range, Ahmedabad Range, Gandhinagar Range, wherein major carnages had taken place, had certainly committed culpable negligence bordering on commission of offences like suppression of evidence u/s 202, IPC. This

debilitating aspect of the policing was commended upon by the Supreme Court and consequently the Supreme Court ordered review of 2000 old cases.

Please also note that, there were numerous press reports about review of cases being done with the objective of saving and safeguarding the accused persons largely drawn from the support base of the Sangh Parivar. The shifting of Dr. Nirja Gotru, IPS, (1993 Batch), from the responsibility of reinvestigation as she arrested some police officers for their criminal negligence, the recent (28.3.2005), transfer of Shri Satishchandra Verma, IPS, (1986 Batch) from the post of DIGP, Border Range (for ordering the arrest of a BJP MLA for his direct involvement in killing of minorities), are illustrative instances of pressurizing harassing and victimizing the police officers to toe the line favourable to the ruling party in the review of cases.

Recently, in the periodical crime conferences convened by DGP, a set of pro Govt. police officers raised the issue of possible wide spread discontentment among the police officers, particularly, belonging to the ranks of PSI, PI and Dy. SP, in case they are dealt with for criminal negligence, as in the case of Halol case, by Dr. Nirja Gotru, IPS, and Bikisbanu case by CBI. Such a stance is highly detrimental and damaging to the ends of justice, the letter and spirit of the Constitution of India, particularly, Article 14 and 21 and will have the effect of nullifying and subverting the Supreme Court orders regarding review of riot cases.

The recommendations of NHRC, National Commission for Minorities, etc. are largely unimplemented. For example, NHRC suggested for rewarding those officers, who have done good work during the period of protracted communal riots in 2002 and punishing those who committed acts of commission and omission. Strangely, the Govt. has been doing just the opposite, for sending a message to the police and Govt. servants that they should safe guard the political interests of the Govt. The illustrative cases are given below:

NHRC's recommendations, delineating the subversion of the bureaucracy and police by Modi Govt., suggested for **rewarding those Govt. functionaries**, who have done good work **and suitably punishing others** for their acts of omission and commission.

These recommendations had been accepted by the Gujarat Govt. But actually diametrically opposite response was made by Modi Govt., at the cutting edge level. Those who connived with the carnage were doubly rewarded and those (very few of them) were punished in various ways by utilizing the Governmental instruments of (1) transfer, (2) promotion and (3) suppression - - of course for sending a message to the Govt. functionaries to be committed to the political agenda of the CM than to the Constitutional obligations, for which every Govt. servant had taken oath.

Cases of punishment, ill treatment

- (1) **Shri Rahul Sharma, IPS**, 1992 Batch, the then SP of Bhavnagar, transferred to the unimportant post of DCP Control Room, Ahmedabad city for his sin of saving a Madrasa in Bhavnagar from attacking Hindu crowds, by opening fire at them.

Later, he was transferred to lesser important post of SRPF Commandant, for opposing the anti minority investigation of Ahmedabad city cases by Ahmedabad city Crime Branch

- (2) **Shri Vivek Srivastava, IPS**, 1989 batch, transferred from the post of SP Kachchh for arresting Home Guard Commandant, (pro BJP) for his involvement in riots.
- (3) **Shri Himanshu Bhatt, IPS, 1996** Batch, transferred from post of SP, B. K. district for initiating action a Sub Inspector who joined with rioting Hindu crowd, and the SI was reinstated from suspension and posted in the same Police Station.
- (4) **Shri M.D. Antani, IPS**, 1990 Batch, transferred from Bharuch district for taking action against BJP supporters.
- (5) **Shri A. K. Sureliya, IPS**, 1995 Batch, send on deputation to CRPF for being critical of the Govt. policies in a meeting.

NB: All the above officers are out of Gujarat service and on Central deputation.

- (6) **Shri R. B. Sreekumar, IPS**, 1971 Batch, the then ADGP (Int.), from 9.6.2002 to 17.9.2002 – continuously harassed. On trivial matters his explanation was sought on so many occasions. **Recently, February, 2005, without any valid grounds he has been superseded in promotion to the rank of Director General.** The Govt. was resentful to him on account of his (1) sending reports bringing out the objectionable role of ruling party supporters in the communal riots, partisan role of police towards minorities, non implementation of reports of NHRC, etc. to the State Home Depatt. and DGP, (2) presenting as assessment about law and order situation in the State (in August, 2002) to the Central Election Commission, contrary to the report of the State Govt., which resulted in postponement of the Assembly election, (3) reporting of an objectionable speech by the CM Shri Narendra Modi to the Home Deptt., (4) submission of two Affidavits to the Nanavati Commission containing assessment adverse to the political interests of the Govt., etc.

“Rewards”

- (1) **Shri G. Subba Rao, IAS**, 1965 Batch, the then Chief Secretary during riots, had given 3 months extension and also posting as Chairman, Electricity Regulatory Authority for 6 years from May 2003.
- (2) **Shri Ashok Narayan, IAS**, 1966 Batch, the then ACS (Home), given 2 years extension after retirement in the post of State Vigilance Commissioner.
- (3) **Dr. P. K. Mishra, IAS**, 1972 Batch, the then P.S. to CM, inducted in the important post of Addl. Secretary (MHA). He also was given many foreign trips, in his capacity as Director, Gujarat State Disaster Management Authority.

- (4) **Shri A. K. Bhargava, IPS**, posed as DGP and allowed to hold two additional charges of ACB and MD, Housing Corporation.
- (5) **Shri P. C. Pande, IPS**, 1970, inducted in the Central in the prestigious post of Addl. Director, CBI.

Now in February, 2005, Modi Govt. promoted him as DGP (ACB), though he is not yet relieved from Central Govt., rewards for his services for killing over 600 persons in Ahmedabad city, 95% of whom are Muslims.

- (6) **Shri Kuldeep Sharma, IPS**, 1976, rewarded for facilitating riots in Rural areas of his Ahmedabad Range (Districts of Ahmedabad Rural, Kheda and Anand) did not even file any Affidavit in the Commission – as ADGP (Crime) on promotion.
- (7) **Shri M. K. Tandon, IPS**, 1976, transferred to the prosperous Range of Surat and later promoted as ADGP, for his services in the carnages of Gulbarg Society, Naroda Patia, in Ahmedabad city, etc, in the capacity of the then Addl. CP, Ahmedabad city, during the riots.
- (8) **Shri Deepak Swaroop, IPS**, 1976, promoted as ADGP and recently posted as Commissioner of Police, Vadodara for his services of remaining inactive as Range officer of Vadodara having districts of Vadodara Rural, Godhra, Dahod and Narmada.
- (9) **Shri K. Nityanandam, IPS**, 1977, promoted and posted as Commissioner of Police, Rajkot city by **upgrading that post by two levels i.e. DIG to ADGP** for rewarding his services as Home Secretary from 2001 to 2005, for manipulating statistics and drafting pro Govt. reports for sending to NHRC, etc.
- (10) **Shri Rakesh Asthana, IPS**, 1984, has been posted in the important Vadodara Range, though he was a junior IG, reportedly **for taking the**

Govt. line of conspiracy theory in Godhra incident, as the Chief Investigator of the case.

- (11) **Shri A. K. Sharma, IPS**, 1987, was posted to important Range of Ahmedabad, even downgrading the post, **for his services during the riots as Mehsana SP.**

At lower levels also most of the officers from PSI to Dy. SP, who were in areas of major riots against minorities are posted in “lucrative” posts.

Role of IAS officers:

Practically no Collector / District Magistrates who are bound by police acts and regulations to maintain law and order had initiated any action to contain riots, especially where mass killings had taken place.

Secondly, DMs had recommended even office bearers of Sangh Parivar as Public Prosecutor, to present cases against Hindu rioters !!!!! – they as defence lawyers.

Thirdly, most of the DMs had forcibly closed down relief camps meant for riot victims, mostly Muslims in August, 2002, in order to project an image of normalcy to the Chief Election Commissioner, for facilitating early Assembly Elections. The above items have been covered / reported by Sreekumar, the then ADGP (Int.), who is now victimized and superseded in promotion.

Drama of Nanavati Commission

The Govt. officers going as witnesses to the Commission inquiring to Godhra incident and post Godhra riots were tutored by senior Home Department officer Shri G. C. Murmu, IAS, 1985 Batch and the Govt. Advocate Shri Arvind Pandya and witnesses were intimidated also for ensuring that they will not speak out the truth harming the political interests of Narendra Modi. (See the newspaper reports on 4th March, 2005 and Electronic Media reports on 3rd March, 2005, afternoon).

This action by the Govt. Home Department is amounting to offences of conspiracy, perjury, etc. punishable under IPC.

Slack review of post riot cases as ordered by the SC in August, 2004.

It is learnt that the review of post riot cases under the supervision of DGP, Shri A. K. Bhargava, IPS, is done to favour political interests of BJP and Narendra Modi. One illustrative instance is that Dr. Nirja Gotru, IPS, 1993 Batch, now Deputy Commissioner (Prohibition) had arrested few Hindu leaders and certain policemen and therefore she was abruptly asked to discontinue her review work and disassociate with the cases connected with post Godhra riots, in the middle of 2004. (a clear of victimizing an officer for performing her legal role.

It is also relevant that Shri S. S. Khandwawala, IPS, (1973 Batch), Addl. DGP (Training), entrusted with the task of the above review work is under the total mercy of the Chief Minister, because Shri Khandwawala is continued in service though he has been convicted in a criminal case by the Court, but the sentence only is suspended. It is left to the State Govt. to remove him from service on grounds of conviction by the Court and so he is fully cooperating with the Hindu body's interests in the review of riot cases, in which the Muslims are the victims/complainants. The Govt. also is using Shri Khandwawala for political mileage and propaganda as he is the senior most IPS officer of Gujarat Cadre belonging to Muslim community.

Partisan role of the Investigation officers, who are reviewing the cases, is further established in the revelation of Shri Rahul Sharma, the then SP of Bhavnagar, before the Nanavati Commission on 30.10.2004. He presented to the Commission a CD ROM