

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) NO. OF 2006

IN THE MATTER OF

Citizens for Justice and Peace & Anr.

...Petitioners

Versus

The State of Gujarat & Ors.

...Respondents

A F F I D A V I T

I, Mrs. Zakia Naseem wd/o Mr Ahsan Allahbux Jafri, aged 65 years, occupation house wife, resident of 19, Gulbarg Society, Chamanpura, Asarwa Road, Ahmedabad, at present resident of 203, Siddiqui Square Apartments, Adajan Patia, Surat –9, do solemnly declare on oath and solemnly affirm as under:-

1. I say and submit that the I was staying at my above address before 28th Feb, 2002. On 28th Feb, 2002 my husband and I were in the house. At about 10.30 am about six to seven persons shouting “Bajrang Dal Zindabad”, “ V. H. P. Zindabad” had started forcefully closing and shutting the shops of the area. The mob of went on increasing and attacked our society.
2. The police arrived and disbursed the mob. I say and submit that at about 11.00 to 11.30 am the police commissioner Mr. P. C. Pandey and other armed police arrived in about 3 to 4 jeeps. Mr. Ehsan Jafri had talked to the police commissioner Mr. Pandey

who assured of deploying adequate police forces in the area. I saw my husband talking to the then commissioner of police Mr. P.C.Pandey. The police later on went away. The miscreants had stopped throwing stones while the police were present but resumed the attack soon after they left. No arrests were made by the police when they came.

3. I say and submit that one Ms. Rupaben Dara Modi was also stranded in my home at the relevant time. She was informed later on by her brother-in-law namely Mr. Farad Modi that he had gone to the police commissioner's office between 12.30 to 1.30 pm station and informed the police commissioner namely Mr. Pandey regarding the attack by the mob. Mr. Pandey had informed her brother in law that the police had already reached the scene of the offence and would soon take the rioters under its control.
4. However, infact despite being so informed the police had not arrived at the scene of the offence. I say and submit that had false assurances not been given by the police commissioner perhaps all of us had left the society in the morning itself i.e., at 11.00 am itself when Mr. Pandey had arrived at the society.
5. I further say and submit that Mr. Jafri had also informed the police commissioner Mr. Pandey in the morning itself that suitable arrangement be made to shift all the families belonging to the minority community to safer place; however, Mr. Pandey assured that either arrangement would be made to shift all the people belonging to the minority community or steps shall be taken to stop the miscreants by deploying sufficient police force. However, despite this, no steps were taken by the police commissioner Mr. P. C. Pandey. Later Mr. Jafri himself informed me about the above communication between Mr. Jafri and Mr. P.C. Pandey.
6. I further say and submit that one of the neighbours namely Mr. Fakir Mohammed was also present at the time of above conversation and had informed me about the communications between Mr. Pandey and Mr. Jafri. It was pursuant to this assurances all the people belonging to the minority community awaited the help of the police department.

7. I further say and submit that Mr Ehsaan Jafri had also contacted some of the political leaders and friends telephonically. However, it was due to the assurances of the police perhaps no body had reached the scene of the offence. I say and submit that I was in the first floor since 11.00 am and thereafter the situation got so aggravated that I could not get down on the second floor.
8. Since the ghastly tragedy that took not only my husband's life but that of over 65 innocent residents and neighbours of Gulberg society, the attitude of the State government to rehabilitation, reconstruction and our struggle for justice has been callous to say the least. Threats and intimidation and now the latest decision to appoint, Shri Pandey as Director General of the Gujarat police.
9. The refusal of the Gujarat police to chargesheet all the accused in the Gulberg massacre has been challenged by eye witnesses in the Sessions Court and this is pending. Smt Teesta Setalvad of the Citizens for Justice and Peace has been most active in giving legal aid and moral support to all the survivors. The representative of the organisation on the ground, Mr Raiskhan Azizkhan Pathan has also been active in the matter.
10. In 2002 and 2003, we have also filed an application objecting to the appointment of Shri Chetan Shah as public prosecutor in the case. Mr Shah has been charged with burning alive nine persons some years ago. These are part of the records of the NHRC transfer petition in which the Citizens for Justice and Peace have intervened and we have filed affidavits detailing the intimidation being carried out on us.
11. But in the matter of protection for us witnesses and survivors of the Gulberg massacre that the attitude has become most transparent. Despite our lives being in danger and under threat, despite some of us receiving threats, the attitude of the State in this regard has been cavalier.
12. On August 29, 2003 I went to depose before the Shah-Nanavaty Commission of Inquiry. Now that I have lost my husband in such a tragic way, I wish to see justice done in this country so that such heinous crimes do not recur. Instead of creating an atmosphere conducive to fair testimony and trial, I was surrounded by Bajrang Dal and

Vishwa Hindu Parishad gangs in the premises of the Commission after my testimony was over and the media was brow beaten into not being allowed to speak to me. I apprehend a threat to my life. If my son Tanvir had not rescued me in the nick of time we could have been seriously attacked. All this while the police present and simply watching. I say and submit that this is a shocking abdication of its responsibility to protect the life of citizens, impartially by the Gujarat state.

13. I urge the Honourable Supreme Court to intervene and intervene effectively in assuring protection of all survivors and witnesses of the Gujarat carnage and also to note that the atmosphere in the State of Gujarat is not conducive to fair trial even today and also to expeditiously hear our plea, pending for three years now, urging that investigation is handed over to CBI and crucial trials are transferred to be heard outside the state of Gujarat. Threats and intimidation and also the perversion of the role of State Public Prosecutor have made us all survivors lose faith in the administration of justice by the current political dispensation. The recent decision of the state to appoint Shri PC Pande , former Commissioner of Police, Ahmedabad as Director General of Police, Gujarat is an act that shows no remorse and moreover sends a message to the victim survivors that our struggle for justice may be quashed at any cost. The faith of the common man, has been shaken in the political administration in Gujarat. I attach press clippings through which we have received intimation of the same.
14. The contents of the above affidavit have been read over to me and explained to me in Hindi and the contents of its para 1 to 13 are true and correct to the best of my knowledge and belief.

Solemnly affirmed on this day of __ April 2006 at Surat.

(Mrs. Zakia Naseem wd/o Ahsan Allahbux Jafri)

(Deponent)

Identified by me.

Before me.