

**Threatened Existence: A Feminist Analysis of the Genocide in Gujarat**  
**Report by the International Initiative for Justice (IIJ)**  
**December 2003**

**Updates<sup>1</sup>**

Most of the year 2003 has seen a furtherance of the Hindutva project. In fact, at the time of writing these updates, a curfew has been imposed on several areas in the city of Ahmedabad. The State Government, the Central Government and the state have continued with their policies and programs of further marginalizing the Muslim community by the use of both overt and covert repressive measures. We give here a glimpse of these processes, pieced together as a collage, from different official and authoritative sources.

**1. Furthering Hindutva Ideology**

- The **Vishwa Hindu Parishad** distributed **6000 trishuls** (trident daggers) in Rajasthan in February 2003 and the pace of arming people has increased after the BJP victory in Gujarat. More than 2,600 people were armed in Rajasthan with *trishuls* in less than 35 days in 2003.<sup>2</sup>
- **A survey of Christians** in Gujarat was conducted in early March 2003 by the police on orders of the state government.<sup>3</sup>
- The **Gujarat Freedom of Religion Bill** was passed in the Gujarat State Assembly on 26 March 2003.<sup>4</sup>
- **School textbooks in the state of Gujarat** continue to show distortions under the present government. For instance, in the social studies textbook for the ninth-grade equivalent class, Muslims, Christians and Parsees -- members of a Zoroastrian sect -- are all labelled "foreigners." In the 10th-grade equivalent history textbook, Nazism is referred to with veiled admiration. "Hitler lent dignity and prestige to the German government within a short time by establishing a strong administrative set up ... He adopted the policy of opposition towards the Jewish people."<sup>5</sup>
- The University Grants Commission (UGC) wants to change the nomenclature of **Women's Studies Centres to 'Women and Family Studies'** in the proposed and recently revised (August 2003) Tenth Plan guidelines for all Women's Studies Centres issued by the UGC. Renaming of these Centres by implication limits the focus and domain of women's studies by seeing women only through the lens of the family.<sup>6</sup>

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<sup>1</sup> This section is prepared by the Forum Against Oppression of Women taking into account major developments till the first week of November 2003.

<sup>2</sup> [http://pd.cpim.org/2003/0302/03022003\\_rajasthan.htm](http://pd.cpim.org/2003/0302/03022003_rajasthan.htm)

<sup>3</sup> <http://www.pastornet.net.au/jmm/pray/pray0585.htm>

<sup>4</sup> <http://www.keralam.ws/news.html>

<sup>5</sup> <http://washingtontimes.com/upi-breaking/20030814-114442-6119r.html>

<sup>6</sup> Times of India, [Mumbai] August 25, 2003.

## 2. Moral Policing

- The Government of India on September 7, 2003, finally came out with its **stand on homosexuality** stating it cannot be legalised in India as society disapproves of such behaviour.<sup>7</sup>
- **Hindu Christian Marriage**
  - o A Hindu girl and a Christian youth from Naroda had dared to fall in love and get married. Outside the metropolitan magistrate's court number 18 in Meghaninagar, Rebeiro was roughed up by Babu Bajrangi, member of Bajrang Dal, and three other persons. Bajrangi became infamous during last year's communal riots when his name figured among those who led a mob to Naroda-Patia.<sup>8</sup>
  - o Reema Sompura, who was separated by use of force from her Christian husband Anthony Rebello by Hindu hardliners on April 29, has fled to Mumbai to be with her husband again. She is now determined to avenge the injustice done to her.<sup>9</sup>
- **Youth 'stripped' for marrying without elders' permission**  
A youth was paraded naked in a village in Halol taluka, Gujarat on Saturday for marrying a girl of his choice without the sanction of village elders, police said today.<sup>10</sup>
- **Welcome to the new Hotel Gujarat**  
It was the day after Godhra. Moti Manor, Ahmedabad's three-star hotel famed for its Mughlai cuisine, was in flames like many Muslim properties elsewhere in the city. Now, 20 months later, the hotel is all set to reopen. It will have a new name: Naika. And an all-new Hindu cuisine, totally vegetarian and in sync with the changed times. Moti Manor's irresistible Mughlai went up in flames with the old hotel. "We won't serve non-vegetarian. Otherwise, the hotel will always remain a soft target," says Mohan Agarwal.  
Manubhai Barot, general secretary of Hotel Owner's Association, says Moti Manor was "the worst-hit hotel during the communal riots and was targeted as it was run by a Muslim." He says association records show that over 100 small restaurants and hotels in Ahmedabad district were set ablaze post-Godhra.  
"Some changed hands while some are being run by the original owners. Very few have received compensation," he says.<sup>11</sup>

## 3. Further information on Gujarat Cases:<sup>12</sup>

### 3.1 Status of communal violence cases in Gujarat

City/District	Total cases registered	Pending Trial	True cases closed	False cases closed	Acquitted	Pending Investigation	Pending Sanction for Prosecution	Other
Ahmedabad	959	516	358	58	7	19	-	1

<sup>7</sup> <http://www.rediff.com/news/2003/sep/08sex.htm>.

<sup>8</sup> *Times of India*, Sunday, May 11, 2003.

<sup>9</sup> Sharmana Ganguly *Asian Age*, [Ahmedabad] June 6, 2003.

<sup>10</sup> [http://www.indianexpress.com/full\\_story.php?content\\_id=33396](http://www.indianexpress.com/full_story.php?content_id=33396)

<sup>11</sup> [http://www.indianexpress.com/full\\_story.php?content\\_id=33402](http://www.indianexpress.com/full_story.php?content_id=33402)

<sup>12</sup> *Frontline*, Volume 20 issue 15, July 19 – August 01, 2003.

city								
Ahmedabad Rural	88	69	16	-	2	1	1	-
Baroda city	617	398	204	-	1	3	10	1
Baroda Rural	242	93	148	-	1	-	-	-
Anand	199	134	62	3	-	-	-	-
Kheda	193	134	38		3	17	4	-
Panchmahel	179	96	62	1	16	4	-	-
Bhavnagar	310	42	264	4	-	-	-	-
Sabarkantha	467	176	281	4	-	-	-	3
Banaskantha	61	15	45	-	-	1	-	-
Mehsana	172	78	90	4	-	-	-	-
Dahod	87	24	60	-	-	1	2	-
Others	678	262	404	2	6	-	2	1
Total	4252	2037	2032	76	36	46	19	6

### 3.2 Status of some major cases

Incident	Killings	Status
Naroda Patia, Ahmedabad	83	Trial yet to begin. Some accused absconding. Two still in jail, two witnesses were also jailed.
Naroda Gaon, Ahmedabad	12	Trial yet to begin. Witnesses who named politicians were jailed in connection with a murder case.
Chamanpura, Ahmedabad	67	Witnesses asking for their statements to be recorded properly and for a thorough investigation.
Sardarpura, Mehasana	33	Witnesses asking for special public prosecutor. The present District public prosecutor is a VHP leader.
Randhikpur, Dahod	18	Case closed as true but undetected (owing to lack of evidence). Main witness named the accused. But police have not arrested them; instead the police have declared the witness "unstable".
Pandharwada, Panchmahel	21	Accused acquitted.
Khanpur, Panchmahel	73	All the accused acquitted. During the trial, the witnesses identified the culprits. They said that they did not name these accused to the police and that the real accused were different people. The witnesses named the real accused in the court. But the public prosecutor did not make an application to bring the real accused before the court. The court while acquitting the accused had passed some observations against the police for not investigating the case properly.
Anjenwa, Panchmahel	11	20 absconding. 5 accused not named in the charge sheet. Witnesses have asked for the arrest of the accused or their property to be attached as was done against the absconding in the Godhra case.

Ambika Society, Panchmahel	13	FIR clubbed with three other cases that occurred in three separate places: Kalol, Boru and Vajalpur. Trial has not yet begun.
Eral, Panchmahel	9	The witness is a woman whose daughter was raped and killed. She has asked for the 'absconding' to be arrested and for the names to be included in the charge sheet. The judge will not proceed until all 32 witnesses are present at the same time in court.

### 3.3 Gujarat cops top list of riot atrocities: National Crime Records Bureau

It's official now. The Gujarat Police — accused of bias and committing atrocities during the riots in the wake of Godhra carnage — had killed the maximum number of civilians, says the latest report of the National Crime Records Bureau (NCRB). The report, released on Friday, stated that the maximum number of cases was registered against the state police during the Carnage in 2002

The Gujarat Police topped the list with as many as 506 cases of police firing, killing 222 civilians and injuring 361.<sup>13</sup>

### 3.4 Victimizing the Victims of Assault

- Senior advocate Harish Salve alleged before Supreme Court that riot victim Bilkis Yakub Rasool, who was raped during the Gujarat riots was called by police officials for questioning at 22.00 hours on September 16, on the plea that she had to be taken to Godhra for identification of the dead bodies. This had happened after Bilkis approached Supreme Court for relief. The petitioner had refused to accompany the officers saying no dead body would be available at the place of the incident as it took place 18 months back.<sup>14</sup>
- “I told the court what happened to my daughter and to my mother-in-law and father-in-law, how they were beaten by the mob. But the people in the court, they laughed at me, and they kept on laughing while I testified. The case is still going on. They offered us money to retract our statements. They said they would pay us off. Even my husband was persuaded to withdraw his statement, but I don't want to do that. I want justice.” Madina<sup>15</sup>
- “They started shoving me. I would have been trampled on if some people hadn't helped me into the car. We tried to drive off, but they surrounded us, shouting slogans and kicking and punching the car. But we managed to get out of there while the crowd continued to shout slogans.” Zakia Naseem Jafri, widow of murdered Member of Parliament<sup>16</sup>

### 3.5 Exposing the true face of Hindutva

- **BJP and VHP used us, Godhra victims' kin:**

<sup>13</sup> [http://www.indianexpress.com/full\\_story.php?content\\_id=31546](http://www.indianexpress.com/full_story.php?content_id=31546)

<sup>14</sup> <http://www.rediff.com/news/2003/sep/25godh1.htm>.

<sup>15</sup> [http://www.channel4.com/news/2003/10/week\\_2/06\\_guj.html](http://www.channel4.com/news/2003/10/week_2/06_guj.html)

<sup>16</sup> [http://www.channel4.com/news/2003/10/week\\_2/06\\_guj.html](http://www.channel4.com/news/2003/10/week_2/06_guj.html)

In an embarrassing development for the Narendra Modi government, some relatives of the Godhra train carnage today alleged being pressured by the BJP and VHP workers and demanded shifting of the Nanavati Commission of inquiry outside the state, as they had “no faith” in the Narendra Modi government. Bharat Panchal, who lost his wife Jyoti in the carnage, accused BJP and VHP of getting away with the compensation allotted to the victims. He said they have not been paid the entire compensation money and demanded an investigation into source of funds and their use by VHP and BJP, who allegedly received the amount in the names of the Godhra victims. The kin of the victims, including 18-year-old Khushboo, appealed to the public not to participate in the forthcoming Ayodhya yatra by the BJP and VHP to be held on October 15. She said, “after going through the sufferings, I don’t want anyone to face the same.”<sup>17</sup>

### 3.6 POTA Cases

- Amongst the **240 people** booked till September 2003 by the Gujarat government under The Prevention of Terrorism Act (POTA) **239 are Muslims**. These persons have been booked under the cases dealing with the burning of the Sabarmati Express, the Akshardham attacks and the murder of the former Minister, Haren Pandya.<sup>18</sup>

- **‘Abuse of the law in Gujarat: Muslims detained illegally in Ahmedabad’ – a report by Amnesty International**<sup>19</sup>

This document presents well-founded reports of the use of arbitrary and illegal detention by Crime Branch police in Ahmedabad in the past year. Evidence is also presented of the torture and ill treatment of detainees. These human rights violations are being carried out in the context of a large number of arrests of individuals suspected of involvement in a range of alleged conspiracies against the state.

The courts in Gujarat have to date failed to take any action to prevent or investigate and prosecute most of these illegal actions despite on occasion being confronted with allegations and evidence. The widespread use of incommunicado detention by police against members of the Muslim minority in Ahmedabad is reported to have terrorised the Muslim community who have been too scared to make official complaints.

The cases of two men, which are presented in this report, are somewhat unique in that a complaint concerning their treatment was presented before the Gujarat High Court. However, concerned for the safety of the two men and their relatives, Amnesty International is withholding their names from publication.

Amnesty International understands that only a handful of *habeas corpus* petitions have been filed on behalf of those illegally detained, because of the overwhelming fear of retribution amongst relatives and even lawyers. However, what is of considerable concern is that the High Court appears to have ignored their complaints thereby denying them their right to have their complaint of torture independently and impartially investigated as set out under Article 13 of the United Nations (UN) Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture). Their cases appear to exemplify the

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<sup>17</sup> <http://economictimes.indiatimes.com/cms.dll/html/uncomp/articleshow?msid=217599>

<sup>18</sup> [http://www.hindustantimes.com/news/181\\_376452,000900040003.htm](http://www.hindustantimes.com/news/181_376452,000900040003.htm).

<sup>19</sup> <http://web.amnesty.org/library>

routine flouting (and acceptance of that flouting) of safeguards against torture or ill treatment by institutions of the criminal justice system.

Amnesty International would like to point out that in researching information on which this report is based, it has not been able to visit Gujarat to interview detainees or police or government officials concerned, as it would have liked to have done.

#### Blatant abuse of the law against members of the Muslim community

In two *habeas corpus* petitions (No.658 and 650 of 2003) filed in the Gujarat High Court on 7 July 2003, **Y** and **Z**, the wives of two men - **W** and his father **X** - claimed that their husbands had been arrested by Crime Branch police officers and were being illegally detained. Twenty-year-old **Y**, resident of Ahmedabad, alleged that her husband **W** had been arrested from his father's house in Ahmedabad on 15 June and that she had not seen him since. Forty-year-old **Z** alleged that she had not seen her husband since he left for Jammu on business on 19 May but that she had been told unofficially that her husband was being illegally detained with his son, at the Gayakwad Haveli Police Station in Raikhad, Ahmedabad, having been arrested in Jammu some time after 20 June. Despite approaching Crime Branch officials on several occasions, the women were told that their husbands were not in custody.

**Y** testified that, *"we could see with our own eyes that they were very much beaten and there was swelling on the entire body. My husband and my father were so much frightened that they could not properly talk to us. Throughout our meeting they were weeping. They have specifically told us that they have not been beaten at all for the obvious reasons. However, that was not at all true. They could barely walk and that was enough to suggest their physical condition."*

The women also testified that they had seen many other detained people in the Gayakwad Haveli Police Station who were handcuffed or chained and who indicated that they were being held in illegal detention without the knowledge of their families. The two men gave their wives letters in Urdu telling them to withdraw the petitions or they would be killed. The women were then threatened by the Superintendent of Police not to pursue the petitions or their husbands, and they themselves, would be charged under POTA:

*"That Police Inspector A threateningly told us to withdraw our respective petitions. He told us to accompany him to tender apology of his senior police officer for filing petitions before this Honourable Court or else the consequences could be unthinkable."*

The lawyer acting for the two women persuaded them to pursue the case in the High Court and affidavits testifying to their meeting with their husbands were filed at the hearing on 11 July. In response, the Court repeated its request to the Crime Branch to give a statement as to the whereabouts of the two men. The Crime Branch continued to deny they were in their custody. The High Court gave an order saying that even if the two men were not in Crime Branch custody, the state had a duty to discover their whereabouts and adjourned the case for a further six days till 17 July.

On 16 July (as reported in the media on 17 July) **W** and **X** were produced, along with two other men, by Crime Branch officers in the special court established to administer POTA cases in Ahmedabad. Police claimed that they had been arrested the previous day at a railway station in Ahmedabad, with bullets and money in their possession and had been arrested in connection with the 'ISI conspiracy' case.

At the High Court hearing of the *habeas corpus* petitions on 17 July, the judge did not take any action to investigate the claims of illegal detention or torture or to provide remedy despite evidence before him that the two men had been illegally detained for

a month and had been subjected to torture or ill treatment. In response to a request by lawyers acting for the wives of the two men to be granted leave to appeal to the Supreme Court, the judge stated:

*"In our opinion, no substantial question of law of general importance is involved in these petitions which is required to be decided by the Honourable Supreme Court."*

### Illegal detention

Amnesty International has received information that scores of Muslim men have been illegally detained for questioning in connection with the killing of former Home Minister Haren Pandya. Amnesty International was told by a local lawyer that between the end of March and the beginning of May 2003, up to 380 people had been called by police for interrogation. Arrests have continued after May and are reported to be still continuing. The men are not formally arrested and no records are kept of their detention and interrogation by police. In some cases, this "interrogation" is reported to last for two weeks, while in other cases it lasts one or two days. Some detainees have been allowed to see their families during this period and in other cases relatives have been able to provide food for the young men but not been permitted to see them.

### Conclusion

Amnesty International is aware of the openly stated hostility of the Government of Gujarat to human rights organisations and "international interference" in its internal affairs. But in ratifying international human rights instruments, India has recognised the international jurisdiction of the United Nations in relation to human rights. The state must answer internationally for violations of human rights.

## **3.7 Intervention by the Supreme Court**

- The Supreme Court of India, in hearing a NHRC (National Human Rights Commission) petition for **retrial of the Best Bakery case**, has directed the Gujarat government to review the Best Bakery case in which the 21 accused of burning 14 persons to death, were acquitted. The Supreme Court on October 9, 2003, said it would monitor the appeal filed by the Gujarat Government in the High Court against the acquittal of all the 21 accused in the case by the Vadodara trial court, saying it had little faith in the prosecution. The NHRC had filed the petition after one of the key witnesses, Zahira Shaikh who left Gujarat and demanded a retrial, stated that she had lied before the trial court, as she was threatened by the local BJP and Congress leader.<sup>20</sup>
- **Keep off rape victim, Supreme Court tells Gujarat cops**  
The Supreme Court on Thursday asked Gujarat police to 'keep off' the petitioner and riot victim Bilkis Yakub Rasool, who was raped during the Gujarat riots, till the Court decided her plea for transfer of the sexual assault case from state police to CBI. "It would be appropriate for the state police to keep off her till the court decides her plea for transfer of the case to CBI."<sup>21</sup>
- **Beyond Best Bakery: SC turns light on 12 riot cases**  
Shifting the spotlight to investigations into 12 riot cases, tagged with the Best Bakery case in the NHRC petition, the Supreme Court today directed Gujarat to file status

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<sup>20</sup> <http://www.hindu.com/2003/10/10/stories/2003101007110100.htm>

<sup>21</sup> <http://www.rediff.com/news/2003/sep/25godh1.htm>

reports of the cases and posted the matter for further hearing on November 7. The bench also asked the counsel for Gujarat to file his response within four weeks to an affidavit filed by Citizens for Justice and Peace, which submitted a detailed account of prosecutors who were either members or leaders of local units of the RSS or the VHP in Gujarat.<sup>22</sup>

### 3.8 Public Prosecutors: Not in the interest of victims<sup>23</sup>

- In the Gujarat High Court in May, some victims filed a criminal complaint that in the Sardarpura riot case—in which 33 people were burnt alive—the public prosecutor was Dilip Trivedi, general secretary of the Vishwa Hindu Parishad (VHP). He continues to be public prosecutor in the case although after the court's strictures, he was pulled out from another case. Like him, several VHP-affiliated lawyers hold the key to justice for riot victims across the state. Trivedi was appointed by the state government as public prosecutor in both cases. He registered his “no objection” to bail being granted for the Sardarpura accused. Trivedi was removed from the Dipda Darwaja case and replaced with Rajendra Darji, another VHP lawyer. The request for a special public prosecutor to oversee both the cases has, however, not been complied with as yet.
- **Panchmahals:** There are 121 riot FIRs filed. Trial is on in 26 cases. There has not even been one conviction yet. The Public Prosecutor is Piyush Gandhi, the president of VHP unit of the Panchmahals district. He is also a member of the lawyers' panel of the VHP.
- **Ode, Anand:** 27 persons were declared missing by police after an attack on the village. Only three confirmed deaths were registered in the FIR; the rest were named ‘missing’. The case coming up for trial. Public prosecutor P S Dhora's panel of public prosecutors will handle riot cases in both Anand and Kheda districts. Dhora is a known RSS sympathiser.
- **Vadodara:** Here 603 FIRs have been filed. Sanjay Bhatt, one of the newly appointed Public Prosecutors asked to handle riot cases, is the nephew of VHP city unit president Ajay Joshi and is also a VHP advocate. Incidentally, Joshi defended the 21 accused in the Best Bakery case, which is now under SC scrutiny.
- **Ahmedabad:** 942 FIRs were filed. The major cases were: 89 killed in Naroda, 39 in Gulbarg Society. Chetan Shah, who was on the VHP advocate panel for two decades, has been appointed Public Prosecutor. Shah has been on the Vishwa Hindu Parishad (VHP) panel of lawyers for over two decades. In 1986, Shah was named in an FIR in connection with a communal riot in the city in which seven Muslims were burnt alive. He was acquitted in that case for “lack of evidence.”

### 3.9 Stifling voices of dissent

- **‘Mallika Sarabhai is being framed’**  
Prominent personalities from all over the country have condemned the alleged victimisation of noted dancer Mallika Sarabhai by the Narendra Modi government in Gujarat. In a memorandum addressed to Deputy Prime Minister L K Advani and Mr

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<sup>22</sup> [http://www.indianexpress.com/full\\_story.php?content\\_id=33644](http://www.indianexpress.com/full_story.php?content_id=33644)

<sup>23</sup> [http://www.indianexpress.com/full\\_story.php?content\\_id=31837](http://www.indianexpress.com/full_story.php?content_id=31837);  
[http://www.indian-express.com/full\\_story.php?content\\_id=31507](http://www.indian-express.com/full_story.php?content_id=31507)



Modi, the signatories alleged that over the past few days, the Gujarat government was trying to “frame” Ms Sarabhai, who is based in Ahmedabad, in a false case of human trafficking. They alleged that Ms Sarabhai was being targeted because of her stand against the anti-Muslim pogrom in Gujarat. She is the key petitioner in a petition in the Supreme Court in this regard. In the past she was threatened by vested interests that wanted her to withdraw the petition. The personalities have called for an immediate end to the victimisation of Ms Sarabhai.<sup>24</sup>

- **Gujarat government's cases against Nafisa Ali slammed**

Nafisa Ali had incurred the wrath of Gujarat Chief Minister Narendra Modi over her remarks during a visit to the state earlier this month when she addressed meetings in Godhra, Vadodara and Ahmedabad. She was quoted as stating: “Just like the people of Hitler's country are ashamed of him, people will be of Modi too. Men can be good or bad; you cannot blame an entire religion as good or bad.” On August 14, a day before Independence Day, the Gujarat government filed two criminal cases against Ali, who had, in a strong indictment of Modi's role in the sectarian carnage, compared him to Adolf Hitler. She was accused of “promoting religious enmity”.<sup>25</sup>

- Suspected VHP activists on Monday forced a Delhi-based documentary maker to apologise for screening *Godhra Tak*, a 62-minute documentary, containing footage of the Godhra train carnage and its aftermath. The documentary, directed by Shubrudeep Chakroborty, was screened at Khet Bhavan near Gandhi Ashram. Soon after the screening for media persons, around seven persons — who identified themselves as VHP activists — entered the premises and asked the director to apologise for screening the film.<sup>26</sup>
- Two Human Rights Defenders, associated with the **Citizens for Justice and Peace**, have been receiving renewed threats in connection with their work related to justice for the victims of the Gujarat carnage, be it the BEST Bakery case or the victims of the Godhra burning of Coach S-6 of the Sabarmati Express. Shri Rais Khan Aziz Khan Pathan, the full-time coordinator of CJP, has received two threats in the past week on his mobile, details of which have been sent by CJP to the DGP, Gujarat State, Mr Chakrovarty, CP Ahmedabad, Mr Kaushik and other officers of the Gujarat State. On October 23, 2003, Teesta Setalvad, Secretary CJP formally applied to the Mumbai police for protection after repeated warnings from the field office of the CJP in Gujarat.<sup>27</sup>

#### 4. Continuing Genocide

##### 4.1 Continuing violence

- **Only Muslims died, sent to hospital, cops say it's coincidence**

Three deaths, 37 hospitalised: that's the price Viramgam's Muslims living in the Chandfali and Dhadi Vaas areas paid for Sunday's violence, sparked off when Muslim boys, while playing cricket, sent the ball flying into a temple.

The other side of the picture: No Hindu died, none of the 12 injured had to be hospitalised.

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<sup>24</sup> Times News Network, Tuesday, October 28, 2003.

<sup>25</sup> <http://in.news.yahoo.com/030829/43/27de5.html>

<sup>26</sup> [http://www.indian-express.com/full\\_story.php?content\\_id=33824](http://www.indian-express.com/full_story.php?content_id=33824)

<sup>27</sup> Press Release by Citizens for Justice and Peace dated November 8, 2003.

Killed in police firing at his residence — it's over 2 km from the spot where the clash took place — Zakir Yusuf was standing on his terrace when a bullet pierced his chest. Police have arrested 15 Hindus, including Jadhav, and 9 Muslims, among them two boys. Viramgam hasn't heard the last of this.<sup>28</sup>

- **Godhra gets that scare again**

The spectre of violence and curfew returned to haunt this communally sensitive town today. Arson broke out when stones were thrown from a mosque on processionists accompanying Ganesh idols for immersion. Eleven persons who were injured were taken to the Civil Hospital. Witnesses said the local police and their counterparts from the State Reserve Police often simply watched as processionists went berserk, looting shops, upturning goods, setting things on fire. It was only after the Rapid Action Force stepped in that some order was restored. The videotape clearly shows that the ransacking and arson was “one-sided”, said Antani, who too was injured in the incident.<sup>29</sup>

- **Excerpts from the Report of the PUCL fact finding committee – Baroda<sup>30</sup>**

A police team of around 15 strong, led by PI Gadhvi, combed the area after complaints that the statue in the Mahakali Mandir opposite Kanungo Street had been damaged at 10:30 pm. The police conducted house to house search, looking for the miscreants. During the search, the police have clearly acted in a brutal manner. We observed that the police had brutally assaulted children, women and men from the Muslim community and damaged 17 houses and 12 autorickshaws of people from Muslim community.

The team also met women who reported that the police were drunk on duty, were mouthing lewd and vulgar comments, were making outright sexual advances, were unzipping and exposing genitals, were using foul language having religious and sexual connotations and caused unnecessary and gratuitous damage to property

#### 4.2 Continuing economic boycott

- A study conducted one year later, reported the conditions in parts of Gujarat:<sup>31</sup>
  - o **Por:** Hunger and deprivation continues to hit the 400 Muslim residents of Por with over 70 young persons out of jobs. The total strength of this Patel dominated village is 5,000, of which Muslims number 1100. Women were also involved in milking cattle, an occupation that is today unavailable to them, as they do not have access to buffaloes as these were also stolen or driven away.
  - o **Vadodara:** Over 17 persons were dismissed from the Gujarat Electricity Board following anonymous complaints on their character being received by the authorities. All of the dismissed employees are Muslim.
  - o **Unjha:** Here a huge agricultural market has been purged of Muslims. There was unmentionable violence and marginalisation; so none returned. The land on which the Mosque and Madrassa stood--that were destroyed by a bulldozer—is today still in the possession of the Collector.

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<sup>28</sup> Rupam Jain, Indian Express, November 4, 2003.

<sup>29</sup> [http://www.indianexpress.com/full\\_story.php?content\\_id=31027](http://www.indianexpress.com/full_story.php?content_id=31027)

[http://www.indianexpress.com/full\\_story.php?content\\_id=31146](http://www.indianexpress.com/full_story.php?content_id=31146)

<sup>30</sup> [http://www.onlinevolunteers.org/gujarat/news/September 2003](http://www.onlinevolunteers.org/gujarat/news/September%2003)

<sup>31</sup> Teesta Setalwad, Communalism Combat, April 2003.

- A summary of the findings from villages in Dahod, Panchmahals and Anand district of Gujarat by members from Forum Against Oppression of Women and Aawaaz-e-Niswaan at the end of May 2003:
  - o The income levels of the people from the Muslim community have declined to almost 25% to 50% of their earnings as compared to the period before March 2002. The main factors behind this situation are the actively propagated economic boycott, the intimidating atmosphere in the state, lack of safety and security and loss of their means of livelihood.
  - o All affected people feel extremely insecure and have had no help at all from the State machinery. It is more than one year that this situation has prevailed and people have still not been able to return to their villages.
  - o Even though their goods have been usurped by their neighbours, the police have made no attempts so far to recover the looted property. In some places people have had to buy their own stolen cattle from others by taking loans.
  - o People from at least six villages (Wasad, Mogri, Karamsad, Khambhoj, Odh, Sunav) in Anand district have not yet been able to go back to their villages and neither the police nor State machinery have offered any help.
  - o In one village, Wasad, the houses were on land leased by the Government for 99 years. The end of the lease period coincided with the violence, when villagers ran away from their homes to save their lives. Now the Government is not allowing them to return under the pretext that the lease has expired. 35 families from this village and around have been living in different places and meeting the Collector and various government offices to renew the lease, without any outcome.
  - o In Mogri village even the peace committee meetings were attacked by violent mobs in the month of April and a newly built house was demolished. Police have taken no action against attackers.
  - o The livelihoods of the affected people from the Muslim community can be categorized as follows:
    1. Agriculture: Most of the villagers who owned land are not in a position to cultivate their own land, as they are being threatened and hence have to give away their land for cultivation to non-Muslims. The agricultural work involves working away from houses in isolated places, where they fear for their lives. Women too are unable to do any field work due to fear of assault.
    2. Agricultural Labour: Most Muslims who used to work as agricultural labourers are not given work by non-Muslims. In places where they have been able to get some work, they are treated badly, constantly abused and continuously reminded and taunted about the happenings of the previous year.
    3. Hawkers: People's mobility has reduced considerably. Those who were involved in door to door vending of goods, can now move only in certain areas where they feel relatively safe. Their areas of operation and therefore potential clients have considerably reduced. Non-Muslim clients have reduced drastically. Muslim clients have themselves been affected by the violence of the previous years and have far less money to buy anything.
    4. Small shop owners: The most strategic places where their shops stood before the violence have been usurped by the local influential non-Muslims. They have thus lost the vantage places that would yield more clients. The State

authorities have done nothing to help people get their shops back. Whatever shops the Muslims have been able to set up, non-Muslim clients do not come to buy; in some cases if they do come, they often do not pay for the goods taken.

5. Transport: Most people who owned any vehicles have lost their vehicles in the violence. Very few could get enough insurance money, which is anyway not sufficient to buy another vehicle. So they have lost their business and their means of livelihood; people whom they had employed have also lost their jobs.
6. Dairy business: In the violence of 2002 people lost all their cattle and hence are not in a position to continue or to restart their dairy business. After their experiences of violence, now investment in cattle is not seen as a safe option because of the constant fear of theft and attacks.
7. Other trades: The mobility and the working hours that need to be put in for making a living have been greatly affected by the violence and prevalent unsafe atmosphere. People cannot stay away from home after dark. This means that the area in which they move for business has to be within a certain distance so that they can come back home before dark.
8. Capital intensive business: All big capital intensive businesses like saw mills, shrimp farming, big shops – have all been looted, burnt and destroyed in the violence. These businesses could not be restarted because of ongoing threats of renewed violence and a severe lack of capital.

See Annexure IX for a detailed report on the economic boycott faced in Mota Sannaiya, a village in Dahod district.

These glimpses provide a snapshot of the scenario unfolding in Gujarat almost two years after the bloody pogrom. These processes are being fanned and fostered by the majoritarian ideology, not only with the connivance of the State, but with its active design and management. These demonstrate the urgent need for active intervention of the people at the local, national and international level.