

Role of the State and Political Parties: Through the Prism of the Young

ARRESTS OF MINORS - ABUSE UNDER PREVENTION OF TERRORISM ORDINANCE (POTO)

Eight boys, aged sixteen and under, were picked up in the swooping midnight arrests of over a hundred members of the minority community on 27th/28th February in Godhra. Of the 62 booked under POTO by the Government Railway Police (GRP) for the February 27th attack on the Sabarmati Express, seven were minors under sixteen.¹ According to lawyer Faroukh Kharadi, five of the eight had been released on bail in April. Yet all of them still face charges of murder, attempt to murder, criminal conspiracy, arson, rioting etc. Irfan is a boy who looks much younger than his years, and he narrated his story to us in a low pitched monotone, with eyes devoid of all emotion..



Irfan Bilal Badam: 16 yrs, resident of Polan Bazar, Godhra. 6th May.

“I was sleeping in my house on the 27th of February when the police came, late at night (4.A.M. 28th morning). My mother got up. They broke down the door, stormed in, found me and beat me up. They beat me very badly. They dragged me outside where about 15 policemen beat me up again, with sticks. Then they took me to the police lock up and kept me there for eight days. They gave me food only once a day. If I asked for more, I got a beating. Then they took me to Sabarmati Jail and kept me there for 27 days, and then another 10 days in the Juvenile Remand Home. I missed my exams as they had kept me under arrest.”

Source: Irfan Bilal Badam, on the terrace of the Iqbal Primary School camp, Godhra.

Advocate Yusufbhai Charkha, interviewed in his office in Godhra. May 6th, 2002.

Advocate Charkha, who is handling Irfan's case and that of other minors accused, listed the following aspects of the case for us:

- Initially the boys were booked under POTO – but the government consequently withdrew this charge when the POTA came into force.
- Parents were not informed about the arrests of their children within 24 hours, as required by the law

¹ For other details see “Modi's “minor” POTO abuse: 7 boys booked”, The Indian Express, Wednesday March 27th, in the appendix.

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- On 28th February these children were presented in the Railway Judicial Magistrate's Court, as if they were majors, and under case no. CR 9/2002, were charged with murder, rioting, arson etc.
- Despite appeals regarding their status as minors, the government remanded them into custody for 15 days – this is illegal; under the Juvenile Justice Act minors have to be sent to a Juvenile Home.
- They were then transferred to the city of Godhra court, case no Godhra City 66/2002, and kept in remand for 13 more days – this is also illegal
- The children had all been severely tortured in police custody.
- Finally they were transferred to the Juvenile Court only at the end of March and five were released on bail in April.

Mr. M.M. Popat, Chairman of the Juvenile Justice Board, Godhra. May 6th, 2002

This team met Mr. Popat in his chamber in the court. He gave us the names of the officers who had initially filed these cases – Rly. I.O. Mr. K.C. Bawa, Dy. SP, and Police Inspector Godhra Town, Mr. Kandar Trivedi. He also provided us with the details of all the above cases from his record, but refused to comment on what had happened to the children between the time they had been arrested after the midnight of 27th February and the time their cases were transferred to the Juvenile Court, between 27th March and 11th April. He did agree that in general producing minors in the Railway or City courts was a violation of the law, as it was to keep them in custody in lock ups.

In response to a question regarding provisions for dealing sensitively with the children in the juvenile court, he stated that henceforth the Board would go by different procedures of the New Juvenile Justice Act 56 of 2000. Under this,

- no trial would be required
- an inquiry would be conducted by the chairman and two members of the board
- and it would be completed within 40 days.

To our counter question of how, if there were to be no trial, would the children's lawyers fight the cases in their defense, he backtracked and contradicted himself: "No, no, there is not much difference between a trial and an inquiry."

When asked for the names of his two colleagues on the Juvenile Justice Board, he claimed not to remember them.

ARRESTS AND TORTURE OF COLLEGE STUDENTS

Mohammed Hafiz, 17 yrs., B.A. 3rd Yr student of the S.V. Arts and Commerce College, Resident of Kalupura. May 5th 2002

Shortly after listening to Afroz's narrative, this team met her sister Arifa, and yet another dimension of the trauma that has been unleashed on students was revealed to us. She told us that her sister, overcome by her own outburst and anxiety for her son, had no energy left to talk about any more of her sadness. But they considered it important to narrate what had happened to their brother too. Hence she, Arifa took upon herself the task of doing so - in a voice high strung and breaking with emotion.

"My brother was staying with our grandmother in Teen Darwaze, Patwaseri, and was studying in her house when they broke down the doors and came up the stairs to arrest him after the Godhra incident. He was beaten mercilessly upstairs, then dragged downstairs and beaten up further, outside the house too, by about 60 policemen in *chaddis* (or were they policemen?), till he finally collapsed. They also beat up female relatives and other women present. My brother was then taken to the Karanj Police Station, admitted for a day into Vadilal Hospital and then returned to Karanj Police Station again. When he was being transferred to the Central Jail with approximately 120 other young men who had been arrested like him, their van was attacked by a tola of thousands at Sabarmati.....11 of these young men, including my brother, have still not been released. They are "making" a case against him. He had done absolutely nothing to deserve this. He was just studying in a room in my grandmother's house - what reason did they have to arrest him?

He has come home on parole now for 15 days for his B.A, 3rd year exams, he will have to return to jail on the 15th of May. He was not allowed any books in jail to study for his exams - he has to prepare the best he can in these few days. But my brother says it is better to die than live a life like this. He has no goal left in life, he says ultimately he has to end up in jail."

Source: Arifa Abdul Hamid Kathiara, sister, volunteer in Rang Avadoot camp Juhapura.

HOW THE YOUNG PERCEIVE THE POLITICAL PARTIES, POLICE, GOVERNMENT AND THE GUJARATI SAMACHAR.

Zeenat, 13, from Naroda Road, Ahmedabad. May 5th, 2002

Zeenat was helping the volunteers with the younger children in the camp when we met her. She welcomed us in fluent English, and describing the interaction of the younger children when they first arrived, she said:

"All their games were war games. They would shoot, fight, kill, throw bombs at each other and team up saying, "You're Hindu, we're Muslims, you're the Bajrang Dal/VHP, we are Muslims. You wear saffron, I'll wear green.....that is what they had seen and heard. They now refer to Hindus as the Bajrang Dal or the VHP. Now we have got them out of those games into more peaceful activities."

Source: Zeenat, in the Rang Avadoot camp, Juhapura

Mohsin, Class 7, resident of housing society near Rang Avadoot Camp, Juhapura, Ahmedabad.

Mohsin had come from the neighbourhood to play with his cousins in the camp. He said:

“You can see the “border” from our windows.....there is a wall between our Juhapara and the Hindu Jivaraj area. The Bajrang Dal, with *talwars* and *kesri* (saffron) patties came from there and cut up Muslims here. The police too stood on that side of the border and tear gassed and fired shots into this side.....”

Mohsin, with his cousins in the Rang Avadoot camp, Juhapura. May 5th, 2002.

Ina: 9 yrs., Naroda Road, Ahmedabad. May 5th, 2002.

“When the tola came we all started running. Everybody got separated. The tola burnt our house, it destroyed the *masjid* nearby. And the police was with the tola, it also arrested many of our boys and took them away. The police shot down one of the boys in the next house – he died. I will never go back there. They will attack us again, they will finish us.”

Source: Ina, in the Rang Avadoot camp, Juhapura, Ahmedabad.

Mohsin Cl.7 , Md. Sk. Mohsin Cl. 8, Farroukh Cl. 7 From housing society nearby, and from Baroda, in the Juhapura camp, Ahmedabad.

These boys, chatting amongst themselves, turned to us and said vehemently: “The *Gujarati Samachar* writes that Dawood Ibrahim sent us bombs; they also published missile shaped pictures of the bombs.... They all write lies, complete lies, and get us into trouble.....”.

Source: Mohsin, Md. Sk. Mohsin, Farroukh in the Rang Avadoot camp, Juhapura, Ahmedabad. May 5th, 2002

Naseem Banu: 20 years, from Narodapatia, Chamanpura, Ahmedabad.

Naseem’s house was adjacent to Ehsan Jafri’s. She was in the Daryakhan Camp when this team met her. Initially she was not at all interested in conversation. In fact, she also seemed unhappy when others began to narrate their accounts. She reasoned that nothing could be gained out of conversation. *‘If the government engineers our killing, what could anybody else do? No one can be more powerful than the government’*.

Later, however, she began to open up. “When the assailants encircled Chamanpura, I took cover behind my house....Eventually the rescue party and the Darya Khan Camp vehicles brought us to the camp. I saw what they did to Ehsan Jafri. He folded his hands

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to plead for his life, they slashed down his hands.” She referred to the popularity of Mr. Jafri in the locality and said, “*Who will ensure justice when the government is a party to this crime?*”

Source: *Naseem Bano, Daryakhan Camp, Ahmedabad. May 3rd, 2002.*

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