

CHAPTER 9

DEMANDS AND RECOMMENDATIONS

Relief and rehabilitation of people affected by the arson, loot and violence has not been addressed by the State in any sustained way. It is significant that community-based organizations have been forced to run Relief Camps in the absence of Government initiatives to address the issue of relief for victims of violence. Interim relief announced by the Government has reached only a few. Several measures need to be taken to remedy the prevailing situation, both in the short term and in the long term.

Economic rehabilitation needs to be undertaken on an urgent footing. Economic rehabilitation should not be equated to interim relief alone. Although interim relief is crucial in the short term, the State has to address concerns about long-term employment opportunities for those affected by the violence. The Compensation and Relief package announced by the Government of Gujarat does not reflect the extent of losses sustained nor does it allow for a reasonable opportunity for economic rehabilitation. The compensation package does not take into account ground reality, and is, at best, tokenistic.

Moreover, the State has not addressed the question of betrayal of trust and sense of extreme insecurity if it can be addressed at all. Social rehabilitation has been totally ignored by the State and Central governments till now. The Government has treated the post-violence scenario as a matter of law and order and of maintaining peace. It has also tried to sweep under the carpet the enormity of the crimes involved and the role of the State in these. Even after more than three months the Sabarmati Express attack, Vadodara continues to fester and simmer. And just to think the Chief Executive of Gujarat, Shri Narendra Modi claimed that things were under control in 72 hours.

“Trial in riot cases of 1985, registered against State Health Minister, Mr Ashok Bhatt (one of those who ‘monitored’ the current riots from the Police Control Room in Ahmedabad), and Harin Pathak is yet to begin after 18 years. The case has been stayed in wake of a High Court order.... in the 60 cases registered against the 263 accused of faulty construction, leading to the death of nearly 800 people in the January 2001 earthquake, a year-and-a half later, trial has not begun in a single case.”¹ This indicates if anything what the riot victims can expect from the normal courts of justice in India.

The impartial and swift prosecution of those guilty of violence, both in the Godhra massacre and the incidents in the State thereafter, would go a long way in building confidence and reestablishing the credibility of the State. Without legal and social justice, all talk of peace and healing will remain empty.

For restoration of such trust among affected Muslims, and the few affected Hindus, the State has to demonstrate willingness and ability to protect life and security of ordinary citizens, and render swift justice. For this the following steps are essential:

- 1. A special court of enquiry, on the lines of a war crimes tribunal, by sitting judges of the Supreme Court. This court of enquiry should, within a time bound period, investigate the crimes against humanity committed on minorities and should have the power to punish. Specifically, take action against persons, including police, identified by the affected people. The State should organise reparations from BJP, Bajrang Dal, VHP and RSS to the Muslim community.**
- 2. Present compensation and rehabilitation of the State is tokenistic and needs to be based on real losses and social costs incurred by the affected persons.**

¹ ‘Justice in riot cases light years away’, *The Times of India*, Ahmedabad, June 13, 2002.

3. ***Set up special courts to try crimes against women on a day-to-day basis, with procedures sensitive to the traumatized victims of violence.***
4. ***A special committee to be instituted to investigate the negative and dysfunctional role of the Police, the other arms of the Executive and the media.***
5. ***Action against those who gave provocative speeches on TV channels and statements in newspapers. Also action against newspapers, TV channels who have published news with a communal colour, as confirmed by Editors' Guild of India Report.***
6. ***PASA and selective use of other legal sections are not to be used.***
7. ***Provide for a single window system for all administrative formalities including that for relief and rehabilitation.***
8. ***Institute systems that ensure transparency and right to information including those for arrests, relief and rehabilitation measures.***

In addition the following short-term and long-term measures are desirable:

In the short-term

- State support for Relief Camps with full protection ensured to those living there till adequate rehabilitation packages are organized.
- Adequate and nutritious food should be made available to women and children, particularly lactating and pregnant women.
- Adequate sanitation facilities, which allow for privacy and hygiene, particularly during menstruation, should be provided in camps.
- Comprehensive health care including counseling for trauma should be provided on a regular basis.
- Surveys and *panchnamas* to be rapidly and properly conducted to ensure timely disbursement of interim and other relief.
- Interim and other relief should be handed over to women and men of a family jointly.
- Issue ration cards and other identity cards to those who have lost such documents with immediate effect.
- Issue of educational documents/certificates to those who have lost such documents with immediate effect. Full protection to be provided to those who wish to return to their homes, and legal/ownership documentation to be expedited in cases where they have been destroyed.
- Mass promotion of children who have not been able to take annual and Board examinations to prevent the loss of an academic year.
- Facilitation of process of school transfer to those displaced by the violence, specifically admissions for students in schools without loss of year and without insisting on formal transfer certificates.
- Job opportunities for women and men to be encouraged by creating a pool of information for those on daily wages as well as provision of interest-free small loans for those wishing to set up *laaris*, *paan* shops or any other small business.
- Disburse soft loans for the re-establishment of medium and large industries/business through a single window mechanism.

- Arrest and take action against those guilty of violence, including policemen named by the victims of the violence and those guilty of dereliction of duty.
- Restore and repair places of worship damaged and destroyed during the violence in consultation with the community concerned.
- Examination of video footage telecast by local TV channels as well as police videos to identify and prosecute those found guilty of making provocative speeches/statements.

In the long-term

- Provision of alternative housing to those who are not in a position to return to their old homes. Formation of *mohalla* committees to rebuild trust in mixed neighbourhoods.
- Steps to ensure education and employment opportunities for women of the minority community.
- Disseminate accurate information about the Muslim community including comparative socio-economic indices, statistics on bigamy etc. in an easily understandable form.
- Disseminate information on the history of interdependence between communities including in textbooks.
- Ensure the recruitment of a non-partisan, gender-sensitive police force and bureaucracy by building gender sensitivity and impartiality indicators into the selection process and following it up with periodic training programs.
- Ensure stringent punishment for those police and administrative personnel who engage in communal/gender insensitive actions.