

240 Pota cases, all against minorities

By Leena Misra

Times News Network

Ahmedabad: Chand Usman Khan who was brought here from Jammu and Kashmir on Friday will be the latest accused to be added to the Pota inventory of the Narendra Modi government which already figures heavy-weights from the underworld like Dawood Ibrahim, Chhota Shakeel and Sharif Khan.

Although Gujarat still faces some competition when compared to the huge list of accused booked under Pota in states like Jharkhand and Tamil Nadu, it might perhaps be the only state where all the 240-odd persons booked under Pota are from the minority community. The only non-Muslim in the list is a Sikh, Liversingh Tej Singh, Liversingh Tej Singh Sikligar, who figured in it for an attempt on the life of Surat lawyer Hasmukh Lalwala, and allegedly hung himself in a police lock-up in Surat in April.

Pota has been invoked in 11 cases in the state including, the Godhra carnage, the Akshardham massacre and the Haren Pandya murder which was investigated by the Central Bureau of Investigation. Among the 241 booked under the terror law, are some 20-odd accused booked under this law in three cases - the overarching conspiracy case booked by Ahmedabad's detection of crime branch and the Haren Pandya and the Jagdish Tiwari case which were chargesheeted together.

But some top police officers and human rights activists felt that Pota was being used indiscriminately, the biggest irony being that till date the Anti-Terrorist Squad has not booked a single case of Pota. In fact, a senior police officer told TNN, 'being a stringent law, one has to examine the case thoroughly before applying Pota'.

He compared the situation to Tada scenario spotted with a weapon was booked under Tada only to show short-term results'.

Noted human rights lawyer Girish Patel said, "It is absolutely discriminatory and hostile enforcement of Pota against one community though equally serious offences are committed by members of the other community".

Recently, minister of state for home Amit Shah, when replying to a question on the number of arrests under Pota, told the assembly on that 114 people were in custody under the Act. Although the state government has constituted a review committee headed by a retired judge for Pota, human rights lawyers call it a blatant misuse of the Act while the minority community members have taken to the streets several times for what they allege as 'discrimination'. Senior lawyer Mukul Sinha says, "We believe that Pota is being used with a deliberate intention to victimise the Muslims and it is part of the long-term plan of the government to create a divide".

Gujarat, also showed a lot of enthusiasm in applying the terror law, when it invoked the Prevention of Terrorism Ordinance (Poto) on the Godhra carnage case where 59 people were killed, even before Parliament endorsed it.

Three minors who figured in this list of accused under Poto in the Godhra case, were identified as Firoz Sikandarkhan Pathan (16), Hasan Waheedkhan Pathan (16) and Haroon Tayyab Iqbal (17) from the infamous Singal falia.

However, they got respite for 11 months when the state government withdrew Poto in March following representations in Parliament only to re-invoke Pota in February this year. But the minors have been kept out of it, since say sources.

Killing civilians: Gujarat cops worst

Express News Service

New Delhi, September 14

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 were 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, thereby killing 222 civilians and injuring 361. At the second spot were the Maharashtra police with 100 cases of police firing and 73 deaths. West Bengal followed with 79 cases of firing wherein 23 persons were killed and 51 injured. The NHRC report, Crime in India, attributed the number of police firing cases in Gujarat to "communal strife" prevalent in the state.

The report further said that 1 258 cases, as many as 261 personnel were found involved but the chargesheet was filed only in 96 cases - reflecting the state of investigations.

Again Maharashtra, took the second seat with 219 cases reported against the police alleging involvement of 262 personnel. Chargesheets were filed in 13 cases. Rajasthan followed with 106 cases against the state police force involving 168 personnel. Releasing the report, Home Secretary N. Gopalaswami said the information and statistics compiled by the NCRB were useful in policy decisions and also for the police.

He said that by March next year, all the police stations of the country would be connected to the district headquarters through Poll-Net.

THE TIMES OF INDIA (ENGLISH NEWSPAPER-AHMEDABAD)

Dt. 13/09/03

Gulbarg witnesses don't want Shah as public prosecutor

Times News Network

Ahmedabad: Two of the witnesses in the Gulbarg Society case have appealed to the law secretary, state law minister Ashok Bhatt and the principal judge of the city sessions court to replace the public prosecutor appointed in the case on the grounds that he was accused under Tada of murder in a communal riot case of 1987, and was on the VHP's legal panel.

The witnesses Firozmohammed Pathan and Sairaben Sandhi, in their application sent on Tuesday to the three offices, stated that public prosecutor Chetan Shah, who was appointed for the Gulbarg massacre case (FIR no 67/2002) two months ago, had a serious criminal record under the erstwhile Tada law. Instead, they demanded that a special public prosecutor be appointed for their case.

The Gulbarg case, in which 39 people including former MP Ehsan Jafri were killed in the post-Godhra riots, is committed for trial at the Ahmedabad city sessions court. Shah, who was booked under Tada (case no 1/87) for an offence of July 1986, was however exonerated of all charges by a local court.

Claiming to have learnt of Shah's background recently Pathan and Sandhi have quoted from testimonies of witnesses who claimed to have seen Shah burning and killing members of the minority community. However, they said, "We do not want to comment on the judgment of the court, but we do not want someone who is biased against members of a particular community."

They also said that "since the past 15 years, Shah has been an advocate on the VHP panel. Then is it correct to appoint him as public prosecutor?"

THE INDIAN EXPRESS (ENGLISH NEWSPAPER-AHMEDABAD)

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On VHP's panel, he defended all accused in massacre in which Jafri was burnt. Meet Public Prosecutor

**GUJARAT RIOTS
GETTING AWAY WITH
MURDER**

Look who's just got the keys to justice in riots

JANYALA SRENIVAS

Ahmedabad | September 13

If there was one key theme in the Supreme Court's unprecedented indictment of the Modi government yesterday, it was: get justice to the riot victims, get the guilty - that's what governance is all about.

But the Gujarat government, it seems, has a slightly different view.

For, this week it appointed a man called Chetan Shah as the Public Prosecutor of Ahmedabad, the point man for ensuring justice to victims of the most serious riot cases in the state.

The updated version of Shah's CV reads like this:

Until July, Shah was defending all the 35 accused in the Gulbarg Housing Society massacre in which ex-Congress MP Ehsan Jafri and 38 others were killed. All the accused are out on bail.

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."

But that hasn't stopped two key witnesses to send a protest letter to state Law Minister Ashok Bhatt, the Law Secretary and the principal Judge, City Sessions court against his appointment.

One of them is Feroze Mohammed Gulzar whose 25-year-old son was killed in Gulbarga: "How can we have faith in him? Until the other day, he has represented the very people who attacked us. This is unfair and we are demanding that the appointment be cancelled. The government should have studied his background, its links with the VHP."

Shah, when contacted, shrugs off these objections. "So what if I have a VHP background?" he told the Sunday Express. "So what if my names of innocent Hindus are being dragged into riot FIRs. The court acquitted me because there was no evidence. That settles it. I have been appointed through the proper channels and I will do my job well."

When asked about witnesses' objections, Shah said: "They just need an excuse to write. This fuss is all because of pseudo-secularists who are not bothered about the security of the country. Anyway, I will do my job fairly and as I am expected to do." Though all riot cases will fall under his purview now, Shah says he will not appear in any. "It's the team under me which will appear. My colleague Additional Public Prosecutor VP Atre will handle Gulbarga trial."

That's little comfort to Jafri's son, Tanvir Jarfi. "It is not acceptable to us," he says. "Even if it is his team which will be appearing it is obvious they will be directed by him." Contacted by The Sunday Express, Law Minister Ashok Bhatt said: "Shah was acquitted. His appointment was made after all the procedures were duly followed. I don't see anything wrong in it."

This is echoed by VHP State General Secretary Jaideep Patel: "By representing VHP as a lawyer, Chetan Shah does not become member. So what even if he happens to be a VHP member? Can't he become a public prosecutor?"

When asked about the fact the VHP provided Chetan Shah as a lawyer to the accused in the Gulbarga Society massacre, Patel said: "You want all the lawyers to only represent victims? Should there be no lawyers for the accused?" Chairman of Bar Council of Gujarat Bipin Trivedi says this is a political appointment and he cannot object.

"I can't comment on the ethics of it. But yes, ethics will certainly be discussed if after his appointment there is any misconduct."

THE ASIAN AGE (ENGLISH NEWSPAPER-AHMEDABAD)

DT. 10/09/03

Violence in Baroda on Ganesh Visarjan 15 injured

By Our Correspondent

Baroda, Sept.9: The Ganesh immersions in Baroda, Kheda and Godhra were marred by several clashes on Tuesday when incidents of stone-pelting and arson were reported in which at least 15 persons were injured.

Clashes in several parts of communally sensitive areas of Baroda were also reported late on Tuesday night when the police fired at least eight rounds to control the situation.

Incidents of stone-pelting and throwing of acid bulbs were reported in the walled city areas of Baroda including Panigate, Mandvi and Yakutpura around 10pm. At least four rounds were fired at Yakutpura and four at Panigate area to control the situation. Three policemen sustained minor injuries.

Mob tried to set on fire four shops at Panigate area. However the police quickly controlled the situation. The police also recovered two crude bombs from Mandvi area during the processions late on Tuesday night.

The Baroda Mayor Naran Patel's vehicle was also attacked and damaged by the mobs at Mehta pole area. However, Mr. Patel was rescued from the spot. Similarly, clashes between two groups from the same community took place at Rameshara village in Halol taluka of Panchmahal district in which at least seven persons were injured. The incident is believed to be the outcome of last year's elections of sarpanch in the village when the Congress party has now.

Till last year, only one Ganesh idol was being installed in the village. However, following political rivalry two idols were installed this year. The incident took place after one of the groups had returned from the groups had returned from the immersion and clashed with another group that was heading for immersion.

Heavy stone-pelting was reported in the area in which seven persons including Sana Chhota Parmar, Kalu Shiva Parmar, Puja Kanji Parmar, Chandu Mangal Parmar and Vandana Chandra Singh were injured. However, the Rameshara village outpost police officials along with a company of the State reserve police reached the spot immediately. The angry mob started pelting stones at the police officials and one of the SRP official and a policeman were injured in the incident.

At least 120 Ganesh idols were immersed in Halol taluka on Tuesday.

Whereas, at least four persons were injured in a communal flare up at Balasinor taluka of Kheda district including two children, one official of the State reserve police and a circle police inspector of Balasinor were also injured. The incident took place when the Ganesh immersion was about to conclude at Talav Darwaja area of the town. However, following some dispute over the route of the procession communal clashed took place and heavy stone-pelting was reported. The police lobbed two teargas shells. However, two children - Sachin Valand 7, Ankur Patel 10, the Balasinor circle police inspector B.K. Ahir and one SRP official were injured. No arrests have been made in this connection, informed the Kheda police.

Similarly, in Baroda, a minor incident of stone-pelting was reported at Tandalaja area of Badora near Basil school. The incident took place following a row over bursting of firecrackers that took communal turn and stone-pelting was reported in the area. The situation was controlled soon, informed the police. Meanwhile, three children were drowned at Halol taluka of Panchmahal of which two are still missing when students from Nurkat ashram uccha madhyamik school had gone to immerse the Ganesh idol at Kada dam in Jumbughoda at Halol.

The children including Vasudev Nayak of Khidiya amdara village of Halol taluka and Gulam Baria of Dhariyavi village of Halol are still missing after drowning in the lake at Jumbughoda.

Mukesh Rathwa of Nathakuva village of Halol who drowned was rescued. Vasudev was standard X student whereas, Gulam and Mukesh were the students of standard XI and IX respectively.

THE INDIAN EXPRESS (ENGLISH NEWSPAPER-AHMEDABAD)

Dt: 09/09/2003.

Gujarat's blindspot

What is the difference between dictatorship and democracy? In the first one person change the people; in the second, the people change that person. When I read about the treatment meted out to Zakia Jaffrey after she had deposed before the Nanavati-Shah Commission on the killing of her husband, former MP Ehsan Jaffrey, I wondered how one man - Chief Minister Narendra Modi - could have changed the people of Gujarat. True, those who mobbed Zakia Jaffrey and the media personnel interviewing her were Sangh Parivar activists. But I know of no person of stature in the state who has condemned the incident.

Earlier I did not find any protest against the case which was initiated against Nafisa Ali, a Delhi-based social activist. In the long list of men and women from the world of films, media and academics who sent a joint letter to the president of India on the immediate withdrawal of the case against Nafisa Ali, I did not find the name of anyone living in Gujarat. It seems as if the Gujaratis have been brainwashed by Modi to believe that the country is have to fend for themselves. And even for a small incident they are held responsible because they are always in the dock.

Fear of Modi's annoyance may also be the reason for the silence of the people of the state. it is like the emergency days when the mere mention of India Gandhi was enough to spell terror. Yet Gujaratis must remember that, as Martin Luther King has said, "The days we see the truth and cease to speak is the day we begin to die". It is sad that the came Gujaratis who had once responded to the refrain of "Ishwar Allah tere nam" in the song that India's

tellest man - much, now flare Hindu-Muslim and he said at the and Muslims in and Muslims are

There is consuming the

they have not got the recognition that is due to them. Parochialism is not what they like but this is something that has been imposed on them. And Modi keeps stoking the fires. What happened at Godhra was unforgivable. But the pre-meditated reprisal in several parts of the state was no less beastly and brutal. I do not want go over the story of

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Mahatma Gandhi - liked so up at the suggestion of amity. Gandhi was a Gujarati height of rioting between Hindus the wake of Partition: "Hindus my two eyes."

a smouldering hatred which is best in Gujaratis. Many believe

murder and worse, and of men and women migrating from their places with bundles on their heads and fear stricken children trailing behind.

Time should have been a healer. But even 18 months after the tragedy, the process of reconciliation has not begun. The rehabilitation is a farce because the state has washed its hands of the task. How much of the prime minister's special grant has been spent on rehabilitation is anybody's guess. I wonder if the PMO has ever sent Modi a query regarding this. Certainly I have not heard anything about the PM admonishing the Sangh Parivar activists for their behaviour towards Zakia Jaffrey. I do not, of course, expect Deputy Prime Minister L.K. Advani and BJP President Venkaiah Naidu to express regret because they are cast in a different mould. But somehow I go on indulging in wishful thinking about Vajpayee and imagine that he will at some point of time speak out to condemn the saffron crowd for having humiliated Zakia Jaffrey.

In this instance, too, the police behaved in the same manner as it did during the carnage. They stood by as spectators when the Sangh Parivar activists mobbed Zakia and kicked her car. Despite this, the police continued to stay uninvolved. This is of a piece with what happened during the Gujarat massacre: Even then, the government machinery, including the police, was largely on the side of the mob. The Concerned Citizens Tribunal has confirmed this in a two-volume report.

It should not, therefore, come as a surprise when the court throws out the Best Bakery case because of lack of evidence. What the National Human Rights Commission went through to get a copy of the court's judgement is a story of the Gujarat government's deliberate policy of withholding anything related to the carnage. A copy of the judgement was sent after many reminders and that, too, in Gujarati, without the English translation. The Supreme Court is yet to decide whether to order retrial in the Best Bakery Case or to transfer the cases arising out of the carnage to courts outside Gujarat.

The important thing is how to stop witnesses changing their testimony under pressure. Probably one way to do so is to record the evidence on an audio-visual tape. The real problem that confronts the nation is how to ensure justice to the victims in Gujarat. More than that, how to make Muslims feel at home in the state. The administration is not cooperating. The Centre is not evincing any interest because Modi is the BJP mascot for the coming elections. There is no use demanding President's rule since the government is from the RSS.

There is, then, no option other than making an appeal to the Gujarati community. Some among them should assert themselves - poor Malika Sarabhai did so at the cost of losing many of her friends - to see how the blot on the nation can be removed. Gujarat is still thrown at you wherever you go abroad. I am disappointed that Vajpayee did not do anything although he kept calling the carnage "a shame". Party interest has crowded out human considerations. The poison of communalism, which is the politics of hatred and division, will take us down the road to disaster. The Gujaratis should know that.

Shamefully, some Muslims have come to believe that they must avenge the killing of their brethren wherever it takes place. They have formed groups of terrorists. The Mumbai bomb blasts their handiwork. They do not realise the harm they are doing to their own community. They cannot afford to indulge in violence. They are playing into the hands of Hindu fanatics who only want to divide society on the lines of religion. The battle against communalism cannot be fought through communalism. Coming together as a pluralistic nation only way out.

THE INDIAN EXPRESS (ENGLISH NEWSPAPER-AHMEDABAD)

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Tape shows Godhra rioting one-sided: SP

MININD GHATWI

GODHRA, SEPTEMBER 6

Though no arrests were made in Godhra on Saturday in connection with Friday's incidents of arson and loot, police said they had got hold of a videotape of the event that clearly identifies the perpetrators.

"We have visual evidence and arrests will follow irrespective of the political fallout," said DSP M D Antani.

Antani, who also got flak from MLA Hareesh Bhatt for committing excesses on Hindus, said the incident looked premeditated. He confirmed that rumours of 'private firing' had been spread to justify stone-throwing in Polan Bazar. No idol was damaged, he said, scotching rumours that also contributed to the violence.

The videotape clearly shows out that the ransacking and arson was 'one-sided', said Antani who himself was injured and had to repeatedly remind his men of the oath they took when they joined the service. He said force had to be used to prevent more damage to Muslim properties.

There was a deliberate attempt to keep a gap at the end of the procession when it was passing from Rani Masjid in the sensitive Polan Bazar locality, said the DSP. "The rioters simply refused to move and squatted in the chairs usually occupied by politicians and leaders, we could not have bodily lifted them," Antani said.

Though the four FIRs filed on Saturday did not have any names, Antani said the rioters would be identified and named.

"Stones were pelted only after the police failed to control the group," former MLA Rajendrasinh Patel said demanding a judicial inquiry into the riots. He alleged that the riot was aimed at keeping the communal cauldron boiling.

But Hareesh Bhatt, a former national vice-president of Bajrang Dal, had a different take on the incident. "Riots took place because of police excesses. When a Ganapati procession is stoned, a reaction is natural," he said, though admitting that he got stick from his own supporters. "They lost control because their expectations were high. They thought the MLA and the government belonged to them but were angry because police dealt strictly with them."

When asked whether he himself was not responsible for raising expectations by promising to convert Polan Bazar into a cricket stadium, he skirted the question and blamed his roughing up on politics.

Local VHP leader and advocate Rakesh Thakor said the disturbance was not pre-planned from either side but looked spontaneous. "It's possible tat Congress activists posed as precisionists and scribbled 'Jai Shri Ram' on the mosque or urinated near it," Thakor said, admitting that there was a need to change the procession's route.

THE TIMES OF INDIA (ENGLISH NEWSPAPER-AHMEDABAD)

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Minority-dominated areas protest against arrests

TIMES NEWS NETWORK

AHMEDABAD: The 'self-imposed' bandh provoked by the recent arrests of Muslims in the Akshardham case, was complete in most Muslim-dominated localities of Ahmedabad on Tuesday. Shops, commercial establishments and offices in areas like Dariapur, Shahpur, Shah-e-Alam and Juhapura remained closed to protest untoward incident was reported.

The bandh call was not given officially by any political, religious or voluntary outfit, instead an anonymous pamphlet which talked about police and state government's partisan stance towards the Muslims circulated on the eve of the bandh, did the job.

The pamphlet said, "Muslims of Gujarat and especially those staying in Ahmedabad are being defamed by false allegations and arrests. If we don't protest now, then the power-hungry people who are orchestrating this

would
Gujarat
like

leaders
with
indicted

The bandh was supposed to be limited to Dariapur and Shahpur, from where the city crime branch made most of the arrests, but eventually spread to other areas

anti-Muslim policing, succeed in turning into a strife-torn zone Kashmir."

"Clergies and of our community along commoners are being for any untoward

incident that occurs in India. 'Kya Musalman hona atankwad hai?' (Is being a Muslim an act of terrorism?)," the note questioned.

Initially, the bandh was supposed to be limited to Dariapur and Shahpur from where are the city crime branch made most of the arrests, but eventually it spread to other areas. The protest also extended to the arrests in the cases of the killing of ex-state home minister Haren Pandya and the tiffin blasts aboard AMTS buses where the accused were booked under Pota.

In Jamalpur, Jamila (5) played with a friend, on the footpath. On weekdays this area is a choc-a-bloc with hawkers selling vegetables, flowers and other shops drawing customers from all parts of the city.

The roads wore a deserted look as shops lining the usually busy Teen Darwaja area downed shutters. Mohammad Rahim who ekes out a living by duplicating keys and fixing locks was among the few was visible on the vacant roads. "I have come all the way from Sarkhej and now I will also return since business is bad."

Residential areas and commercial zones of Juhapura too echoed the protest bandh. However, Addl commissioner of police (head quarters) who is also holding temporary charge of the areas falling under sector II, J D Patadia, said: "All pre-emptive measures like bandobast and increased patrolling had been taken. People went about their business as usual in most parts of the city."

In the evening a small group of women who tried to take out a protest rally from the Limdi Chowk of super-sensitive Dariapur were prevented by the police. DCP (Zone IV) S K Gadhvi said: "We reasoned with the womenfolk that they would be violating the police commissioner's prohibitory orders on public assembly or demonstration for any such cause. The demonstrators then dispersed on their own."

Mukhtar Mohammad, members of the peace committee at Dariapur said: "Why is Pota being used only against Muslims. People who used provide basic amenities like hospital and help riot-hit residents by running relief camps are being abused by the city police. They are being termed as criminals by the city crime branch without any corroborative evidence."

The crime branch had arrested five persons from Dariapur and Shahpur of which two are clerics, in the Akshardham case, last week.