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Judge (Retd.), High Court of Gujarat  
Chairman (Retd.), M.R.T.P. Commission  
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**Annexure - II**

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23rd March 2002

The Hon 'ble Chairperson  
National Human Rights Commission  
Sardar Patel Bhawan  
Parliament Street  
NEW DELHI-11 0001

Sub: Travails of Communal Riots in the State of Gujarat

Respected Sir,

I am indeed obliged to the Hon'ble Chairman for having fixed a separate appointment for me at the Raj Bhavan Annexe in Ahmedabad on 19th March 2002 at 7.30 p.m. and having given to me a patient hearing with respect to the traumatic experience my wife and I had undergone in the wake of communal riots that broke out in the State of Gujarat on and from 27 February 2002.

Incidentally, by virtue of one Interim Order passed by the Hon'ble Supreme Court on 16th February 2002 in SLP (Civil) No.13658 of 1996, the Government of Gujarat has constituted one Expert Committee with Members drawn from different fields like hydrology, soil erosion, environment, forest, and geology and mining and I was appointed its Chairman. The status of a sitting High Court Judge was conferred on me. An official car was also placed at my disposal. On my request, the Office of the Expert Committee for my functioning as its Chairman was located at my residence. My staff included one part-time stenographer, one part-time clerk, 2 part-time daily wagers peons and one driver for the official car provided for me. The Government had also placed at my disposal for my official work one Fax Machine and one Computer with a Printer and certain required furniture. In view of the tense situation on 27th February 2002, I contacted my staff on phone to inform them not to report for work on 28th February 2002 in the wake of the call of Gujarat Bandh on that day.

Since the Hon'ble Chairman is fully aware of what happened to people at large in Ahmedabad and elsewhere and more particularly to us on 27th and 28th February 2002, I need not repeat them in detail. In a nutshell, I have to say that my wife and I were blissfully ignorant of the Godhra carnage that occurred on 27th February 2002 till about 5.30 p.m. on that day when our opposite door neighbour informed us of it and requested me for using my good offices to provide protection in the wake of likely reaction and repercussions, more particularly in

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Ahmedabad. I contacted Government Pleader Shri Arun Oza and our Chartered Accountant friend Shri Sanjay Shah. Shri Arun Oza was good enough to arrange for police patrolling in the area. However, at about 11 p.m. on 27th February 2002, about 50-60 people gathered around our building on their motorbikes and scooters and hurled petrol bombs at our building. They dispersed within less than 10 minutes, presumably on spotting a police mobile van in the nearby area. I again contacted Government Pleader Shri Arun Oza and my Chartered Accountant friend Shri Sanjay Shah and informed them of the frightful incident. It needs no telling that -We were quite scared on that account. Shri Arun Oza arranged for sending one Deputy Commissioner of Police, Shri Parghi, at our residence at about 11.30 p.m. He assured us intensive police patrolling in the area. We requested for an armed police point near our building but that was not done, may be because of shortage of police personnel minding the so-supposed law and order situation in the city. No untoward incident occurred during the night in view of intensive police patrolling in the area.

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In the morning on 28th February 2002, the milkman delivered to us our usual quota of milk pouches and the newspaper man brought to us newspapers of the day. On inquiry, both of them indicated to us that the situation was normal. In view of the previous night's frightening incident, the watchman of our building had fled. Since the situation was found normal, certain occupants of other flats in our building started going for their work. At about 11 a.m. on 28th February 2002, again about 70-80 people gathered around our building on their two-wheelers, mostly motorbikes and scooters, and started throwing stones at our building. Some miscreants flung open the compound gate with sticks, spears and swords and broke the glasses of the cars parked in the parking lot. Our building stands on pillars and the ground floor is used for parking vehicle. My official car was also damaged by certain miscreants. The crowd dispersed within about 10 minutes for some unknown reason, may be on spotting some police vehicle. I again contacted Government Pleader Shri Arun Oza on his mobile and my Chartered Accountant friend Shri Sanjay Shah, again on his mobile. My friend along with his wife immediately ran down to us and insisted on our leaving the house for safety at his residence. In the meantime, other occupants of the flats in the building were also panic-stricken and all of us decided to leave our respective houses for safety. Around 12.30 p.m. we left the house with a pair of clothes in a bag locking most rooms and the main door and the grill outside. A lock was applied each to the staircase grill and the compound gate. I received a phone call from my neighbour residing in a nearby area at about 4 p.m. on that day that my flat was set on fire. We tried to contact the Fire Brigade for help but in vain. My chartered accountant friend is a BJP active worker and he has good connections with certain Ministers. He immediately contacted Health Minister Shri Ashok Bhatt for help. About an hour later, Shri Ashok Bhatt informed my friend that the fire in my flat was extinguished. At about 6.15 p.m. on that day, I again received a phone call from an acquaintance from the nearby area that all the flats in the building were set on fire and were in flames. My friend and I tried to contact Government Pleader Shri Arun Oza and other Ministers including Health Minister Shri Ashok Bhatt, Revenue Minister Shri Haren Pandya and the like for help, but to no avail. 11 appears that they were also helpless and could

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not provide any help to us. Since the Computer placed at my disposal for my official use for storing the relevant data with respect to the Expert Committee's functioning was located in the office room at my residence, I thought of retrieving it if possible with a view to saving the data stored therein. On my request, Government Pleader Shri Arun Oza arranged for some military escort and in their company we visited our residence at about 10 p.m. on that day. To our dismay, we could see that the outer grill was pulled out as the lock applied thereon could not be broken open by miscreants and the wooden door was set on fire and it was reduced to ashes, again because the lock applied thereon could not be broken open. The refrigerator and the dining table and the chairs were in flames. The sofa set and one diwan in the drawing room were found reduced to ashes. The colour TV was found missing, so was the cordless telephone in the drawing room. Since the dining table with chairs and the nearby refrigerator were in flames, we could not move further to our kitchen or bedrooms. With the help of military personnel, we could retrieve the Computer and it was found completely blackened by the smoke emanating from flames. We have still not been able to ascertain whether or not it is in a working order and the data stored in the hard disk would be in tact. The official car parked in the ground floor parking lot was found burned, so also certain two-wheelers belonging to other occupants of certain flats in the building. Our residence was wide open as the outside grill was pulled down and the wooden frame of the door was also in flames. It was completely dark as all electric meters of the building were broken and burnt down. My wife had a traumatic shock on seeing the condition of her house. With heavy heart we came back to our friend's residence.

Government Pleader Shri Arun Oza was good enough to arrange for military escort and police protection for our visit during the day time the next day, that is, 11th March 2002, at about 10.30 a.m. At that time we found that the house was littered with glasses all over and nails used for fixing sofa sets and other wooden articles were also found littered throughout the house. The refrigerator was found completely burnt and the dining table and the chairs were reduced to ashes. Our kitchen was also found ransacked and household kits therein were damaged and destroyed or useful articles like the grinder-cum-mixture and other kitchenwares etc. were found missing, presumably removed by miscreants. To our good fortune, the locks applied to bedrooms were found in tact and only the lock of one bedroom was found tampered with as it could not be opened with its key. Since we had military escort and police protection, we picked up our clothes, some important documents, our bank papers and returned to our friend's residence.

The then Hon'ble Chief Justice of Gujarat High Court (Hon'ble Mr. Justice D.M. Dharmadhikari who has since been elevated to the Supreme Court on and from 5th March 2002) was informed on 1st March 2002 of the tragedy that had befallen us in the previous evening and he immediately rang me up at my friend's house and on my oral request he was good enough to allot to me a bungalow in the Complex of the Bungalows meant for Hon'ble Judges of the High Court of Gujarat. Its possession was handed over to me on 2nd March 2002. Under the cover of

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police protection, we could shift from our ransacked residence whatever household kits and furniture that escaped fire to our new residence. We have now started residing in it after putting most things in order.

In the wake of insistence the part of Vishwa Hindu Parishad on bhoomipoojan and/or shiladan at Ayodhya on 15th March 2002, the situation in Ahmedabad was found to be tense from 13th March onwards. In order to see that our presence at his house would not put my chartered accountant friend to jeopardy qua his life and property, we thought of going to my brother's place residing in Juhapura, a predominantly Muslim habitat in Ahmedabad. My friend was however reluctant. He contacted Health Minister Shri Ashok Bhatt for guidance. To his credit, Shri Ashok Bhatt talked to me on phone and assured me not to worry about our safety or that of my chartered accountant friend Shri Sanjay Shah during the period by staying at his residence. Shri Bhatt was good enough to offer accommodation in his residence at Gandhinagar if we were quite scared or in the alternative in the Circuit House with full security cover. We therefore continued to stay at our friend's house during the period. Newspaper reports indicate that communal riots resulted in virtual-carnage and holocaust in Ahmedabad and elsewhere in the State, so many persons were roasted alive. Countless persons were rendered homeless and many lost all their belongings and had to take shelter in relief camps. A large number of people lost their business premises and their belongings therein were gutted in fire. They suffered colossal economic loss on both counts inasmuch as they were rendered homeless and left without any source of livelihood. During the Hon'ble Chairman's visit to this area, the Hon'ble Chairman and his team had a first hand account of their sufferings.

In view of my personal relations as also my present position, friends did provide us timely help and took us to safety and we could retrieve some important documents, our bank papers and clothes and the like, but one may shudder to think the plight of people who have lost everything including the source of eking out a living. Some of them could be belonging to good families and they had to take shelter in relief camps at the mercy of organizers. One wonders whether or not they would be in a position to get two square meals a day when the situation becomes normal and when they have to leave the relief camps. The tragedy is too ghastly to describe in words; it would beggar description.

It is reported that conditions of persons taking shelter in relief camps are quite pathetic and pitiable. The food that they get is often of sub-standard quality. Besides, it is reported that meals served to them are also not adequate. Sanitation conditions therein are highly deplorable. Medical facilities are reported to be simply out of question. They live like animals put together in some open space rather than human beings with proper concern with human treatment. If some epidemic breaks out, it would further add to their woes.

Almost all persons taking shelter in relief camps have no work to do. It is a matter of common sense that they might be ruminating over what has happened to them. The whole episode of

ransacking their houses or business premises and setting on fire their belongings would be very much before their eyes. It would therefore be necessary to find out some solution to keep them engaged in some kind of economic activities which would enable them to keep their minds preoccupied as also to give them a source of earning their livelihood. In cases of natural calamities like famine, floods, earthquakes and the like, the Government often undertakes relief works. That provides self-sufficiency to victims of such calamities. They have also to feel a sense of dignity by eking out their own living. Their minds would remain preoccupied with some kind of activities. In the case of victims of communal riots, whether Hindus or Muslims, it would be necessary to evolve some kind of relief work under the cover of security so as to generate in them the sense of dignity of toiling for their bread. Besides, that would result in no idle minds and there will not be any devil's workshop operating in their idle minds. Similarly, female members in such relief camps may also be engaged in some kind of gainful activities of stitching, knitting, and the like. In my humble suggestion, the State Government's attention may be drawn on this aspect of the issue or the problem.

A question of rehabilitation of persons taking shelter in relief camps would also deserve proper consideration. Those who have seen their houses or business premises ransacked and their belongings set on fire therein might be scared to go back to their original places for residence or work. Their rehabilitation need not result into segregation or division of two main communities, Hindus and Muslims, in water-tight compartments.

Such an attempt might keep the communal tension alive and burning. They should be persuaded to go back to their original places under the cover of proper security. Their neighbors may also be persuaded to take care of such persons so that they feel safe and secure and may not remain frightened or scared any longer in settling down in their original places. If such an attempt is not made, it might result in creation of separate pockets of habitation of the main two communities, namely, Hindus and Muslims. That would be a dangerous proposition. Any attempt to allow them to settle for residence and business in their original places in a harmonious manner would result in building up communal harmony in the society. It might also result in mitigating economic losses that such victims might have suffered on account of loss, temporary or otherwise, of cover over their head or source of livelihood; else their sufferings on account of economic loss would be aggravated inasmuch as they will have to dispose of their properties practically at throwaway prices. If the victim of communal violence is a Hindu residing or carrying on business in a predominantly Muslim locality may not be in a position to dispose of his property to any Hindu because no Hindu would like to purchase such property in that area and a Muslim purchaser would like to acquire it at a throwaway price. So would be the case of a Muslim victim of communal violence residing or carrying on business in a predominantly Hindu locality. The best course for the Government would be to cultivate and to develop a public opinion for peaceful existence in communal harmony. It is certainly a long drawn process difficult to realize in a near future but is not an impossibility.

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It is everyone's common knowledge that this time communal violence has spread in far-flung areas including in rural areas. The victims of such communal violence might be scared of living in their original villages. That might result in building up separate rural habitats for different communities like Hindus and Muslims. In our secular country such segregation in rural areas is highly undesirable. Such segregation might result in treating each other as enemies rather than friends. In this case also the State Government could play a vital role in allowing the victims of communal violence in rural areas to settle down in their original places either for residence or for business or for both under the cover of proper security for the time being. Again, an atmosphere of peaceful co-existence with communal harmony need be developed by cultivation of public opinion in that regard. This is not impossible in view of the mass appeal that can be created with the help of visual media.

Our State of Gujarat is known for its industrial peace. In order to maintain such industrial peace it is necessary to establish communal harmony between the two main communities, namely, Hindus and Muslims. If this is not done, industrial entrepreneurs might not be inclined to have their industrial activities in our State of Gujarat. The prospects of foreign investment for industrial activities in our State might have considerably dwindled on account of recent communal riots. It is therefore necessary for the state Government to take necessary remedial measures for establishment of communal harmony in the State anywhere and everywhere irrespective of caste, creed or religion. This would result in taking big strides in recouping the loss suffered by our State of Gujarat on account of large-scale communal riots in recent times which have put the State at least a decade behind on the economic front as well. In my humble opinion, since the law and order machinery had almost completely failed during the early period of riots for nearly 72 hours resulting in loss of life and property by victims thereof, the State Government should provide adequate compensation not only to bereaved family members of the dead but also to those who are rendered homeless, whose properties are destroyed or gutted in fire and those who have lost their substance on account of setting their business premises on fire. Victims of the communal violence could be both Hindus and Muslims. No discrimination need be permitted to be made for providing adequate compensation to them for whatever loss they have suffered. I humbly suggest that the National Human Rights Commission itself or through its committee, if any, may survey the damage and assess the loss in each case and recommended adequate compensation for victims of communal riots in the state. The state Government need not be permitted to escape its liability on that score. The whole issue may be likened to "no fault liability" as in the case of certain motor accidents. The State Government need not be permitted to claim any immunity under any pretext. I need not carry coal to the New Castle by stating that the primary function of the State is to protect its citizens and other residents from internal disturbances. The concepts of Welfare State need not obliterate its primary concepts of Police State. For the traumatic shock undergone by victims of communal riots as also for economic loss on being rendered homeless as also loss of substance, some formula may be evolved for the minimum compensation may be worked out on assessment of loss in each case by the Hon'ble Commission or its committee, if any. This is

my humble suggestion to the Hon'ble commission. I express my great sense of gratitude for giving me patient hearing in the evening of the 19th march, 2002 in the Raj Bhavan Annexe and i look forward to kin and sympathetic consideration of my humble suggestion stated here in above by the Hon'ble Commission and I again express my deep sense of gratitude and thankfulness in anticipation.

Respectfully Yours

A. N. Divecha