

This is the story of the Muslims of Dehlor who survived sustained and targeted violence at the hands of communal elements and known perpetrators over a short but horrific period in March 2002, right after the burning of carriage No. S-6 of the Sabarmati Express. Over three days, as they fled their homes and were hunted down, these people witnessed the destruction and loot of their property, the rape of their women, the murder of their children and the slaughter of their families and friends.

In December 2002, the Chief Minister made a statement promising “.....equal treatment to all.” However, since then, the Government’s track record in investigating and prosecuting crimes related to communal violence has come in for severe rebuke from the Supreme Court several times over. As the Dehlor Story shows, victims have found it impossible to get any effective remedy because of a clear pattern of negligence and misfeasance by agencies of the state. People accused of serious crimes during that time are frequently and quickly acquitted - a direct outcome of poor quality police and prosecutorial work. In the case of Dehlor, the 23 deaths described here have only been brought on record after 21 months.

The victims of Dehlor have time and again tried to tell their story to the authorities, and have now brought some of it together in this narration. This narrative pieced together by CHRI represents their determination to get justice and recompense and their hope that they will get it. They want their day in court – they want to be heard by the guardians of the law, so that the perpetrators of murder, rape, loot and arson may be brought to justice.

They ask that they be assisted by the state and its agencies in getting effective criminal and civil remedies against all those who had any hand at all in the communal violence and those who helped them or abetted those crimes. They ask that the policemen, who did not provide them protection and later did not perform their statutory duty of investigating and bringing the perpetrators to book, be probed and disciplined internally and be made answerable to the courts as well. They ask that the administration of those times be examined and held accountable for failing in its duty to protect all citizens without bias.

© 2004 CHRI, New Delhi.

ISBN 81-88205-08-7

ACKNOWLEDGEMENT

We thank Mukhtar Mohammad, Shariefbhai Patel, Mehboobhai Bhangar, Latifaben Ghitelibhai, Sharifa Aapa, and Ghitelibhai for all help rendered ungrudgingly during the worst of times. Many thanks to Dr. Shujat Vali and team for providing assistance at crucial junctures. Our deepest gratitude to Sejal Dand and colleagues at ANANDI for all support received.

The Dehlol Story

Editor

Maja Daruwala

Authors

Navaz Kotwal

Venkatesh Nayak



Commonwealth Human Rights Initiative

B-117, 1st Floor, Sarvodaya Enclave
New Delhi – 110 117

Tel:-91-11- 2652 8152, 2685 0523

Fax:- 91-11- 2686 4688

Email:- chriall@nda.vsnl.net.in

Website:- www.humanrightsinitiative.org



CHRI EXECUTIVE COMMITTEE

B G Verghese, Chairperson - Member of the Commonwealth Journalists Association (CJA). Former Media Advisor to the Prime Minister of India. Former Editor of the Hindustan Times and the Indian Express. Member of the Prasar Bharati Board and the K. Subrahmanyam Committee (Kargil Committee). Former Visiting Professor at the Centre for Policy Research (CPR), New Delhi.

T Ananthachari, IPS (Retd.) - Former Director General of Police. Consultant to the UN High Commissioner for Refugees on Human Rights. Board member of the Centre for Peace and Conflict Studies.

N R Madhava Menon - Member of the Commonwealth Legal Education Association (CLEA). Presently Director, National Judicial Academy, Bhopal. Founder Director of the National Law School of India University, Bangalore, India, member of the Law Commission of India.

P P Rao - Senior Advocate of the Supreme Court of India and an expert on the Indian Constitution.



P H Parekh, Treasurer - Senior Advocate of the Supreme Court of India. President of the Supreme Court Bar Association. General Secretary of International Institute of Human Rights.

R V Pillai, IAS (Retd.) - First Secretary-General, of the National Human Rights Commission (NHRC) in India. Special Rapporteur to the Committee on the Elimination of Racial Discrimination (CERD) - the treaty monitoring body of the International Convention on the Elimination of All Forms of Racial Discrimination.

K S Dhillon, IPS (Retd.) - Visiting Professor Barkatullah University, Bhopal (India). Former Vice-chancellor, Barkatullah University, Bhopal and Senior Faculty in the Madhya Pradesh State Academy of Administration, Bhopal. Served as the Director General of Police and Commandant General Home Guards - cum - Director, Civil Defense and the Director General of Police, Punjab.

Anu Aga - Chairperson, Thermax group of Companies, the leading Indian player in energy and environment management. Immediate-past Chairperson of Confederation of Indian Industry (CII), Western Region. Along with Akanksha, an NGO, she supports educational centers for children from slums, in Pune.

Maja Daruwala, Executive Director - A Barrister advocating for human rights. Chairperson, Minority Rights Group International (MRG), London and People's Watch Tamil Nadu (PWTN). Trustee of the International Records Management Trust (IRMT), London and member of the Board of Directors of the Open Society Justice Initiative (OSJI), New York and the International Women's Health Coalition (IWHC), New York.



The Godhra Incident

On February 27, 2002, a passenger coach attached to the Sabarmati Express was set on fire by a mob at Godhra Railway Station in the Panchmahals district of Gujarat. 59 people were burnt to death. The train carried several Hindu religious volunteers returning from Ayodhya in far away Uttar Pradesh. A piece of land situated in Ayodhya has been the object of dispute between Hindu and Muslim religious groups since before India's independence.

A large section of Hindus believes that a 400-year-old mosque, which stood in Ayodhya until the 1990s, was actually built over land that marks the birthplace of Ram - a revered deity. The Muslims dispute this. In 1991, the mosque itself was destroyed as the result of a sustained campaign by organisations like the Vishwa Hindu Parishad and the Bajrang Dal with supported from political parties like the Bharatiya Janata Party - collectively called the Sangh Parivar. Their aim was to reposess this site and rebuild the temple, which was alleged to have been destroyed at the time of the construction of the mosque. Even as court proceedings are on to settle the ownership dispute, the months around the anniversary of the destruction of the mosque see an increased movement of pilgrims to Ayodhya from various parts of India. These months witness heightened communal tension in many parts of the country.

On February 27, 2002 as the Sabarmati Express carrying several hundred pilgrims waited at Godhra station, coach No. S-6 was set on fire and 59 people burnt to death.

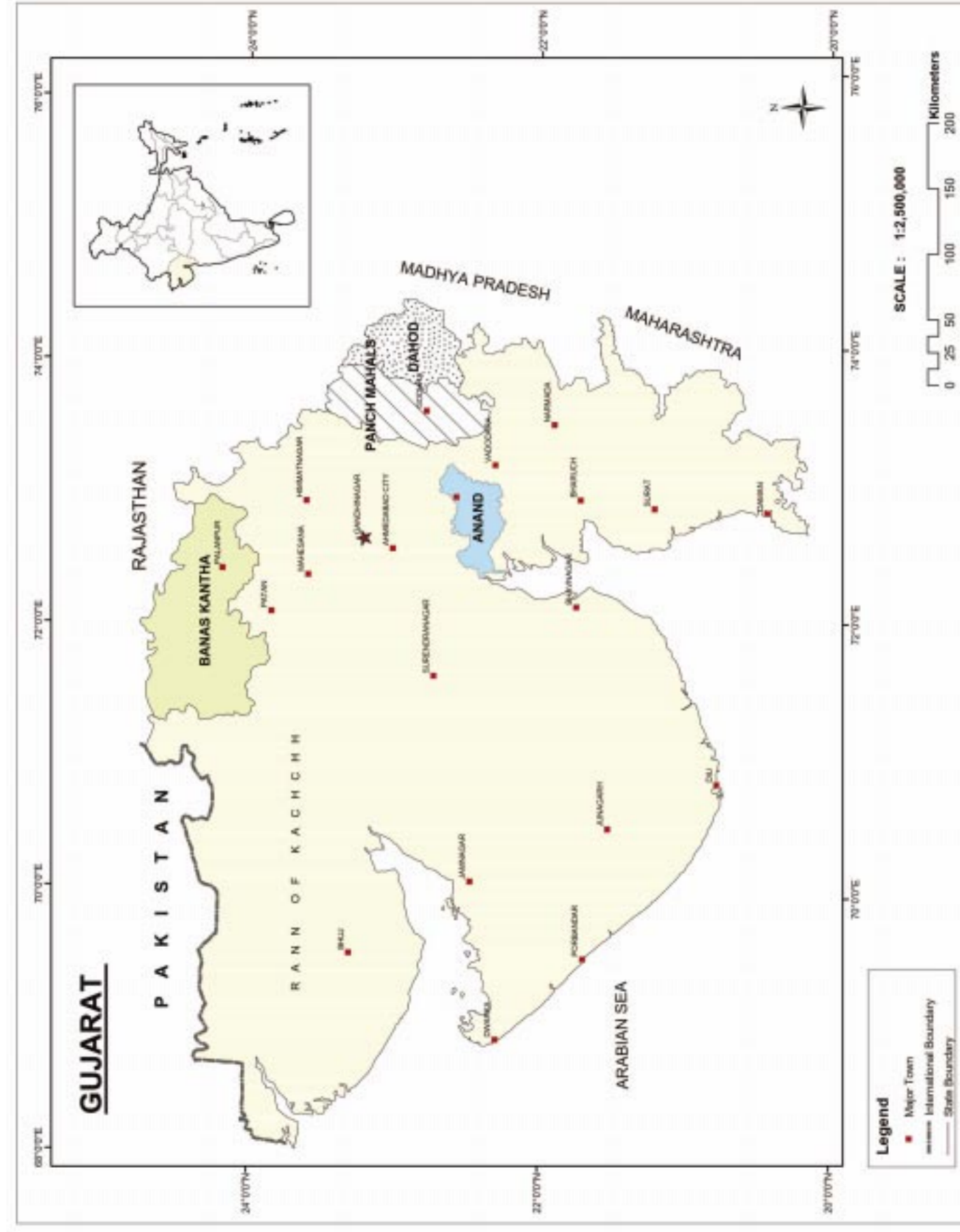
TV, radio and mobile phones spread word of the horrific event quickly throughout the country and elsewhere. As images of the arson and pictures of grieving relatives taking charred bodies to their places of origin came under the full glare of the media, communal tension reached breaking point in many places and calls for revenge attacks on Muslims came from extremist quarters. In the aftermath, in Gujarat - well known for its history of communal violence - more than 2000 men, women and children were murdered in the most gruesome manner and property worth several hundred million rupees destroyed. More than 200,000 people were driven out of their homes and forced to live in relief camps for several months - becoming refugees in their own country. Many of them have not been able to go back home till date, as they are not welcome in their villages anymore.

The State government vested with the responsibility for maintaining law and order, claimed that normalcy was restored throughout Gujarat within 72 hours. It disputed the unofficial estimates of death and recognized only 850 casualties. The National Human Rights Commission team, led by the then Chairperson Justice JS Verma, which toured the violence affected areas, noted serious lapses on the part of the law enforcement officers in preserving law and order. Sporadic incidents of violence continued to occur in cities as well as in the interior areas throughout the months of March and April 2002. A Commission of Inquiry set up by the State Government has been looking into the causes of the Godhra incident and the violence and mayhem let loose in its aftermath. More than 4000 cases relating to these incidents are in courts, some of which have acquired a high profile owing to media attention. The dead and the survivors of Dehlol however, continue to await justice.



| Table of Contents | | |
|-------------------|---|----------|
| 1. | The mob gathers | 3 |
| 2. | And grows on the road to Dehlol | 6 |
| 3. | Escape from Dehlol | 8 |
| 4. | In Sabhay's field | 8 |
| 5. | In Usar ni Muwadi | 8 |
| 6. | No chance meeting at Ambica Society | 9 |
| 7. | Nowhere to hide | 10 |
| 8. | At Futewad Talaav | 10 |
| 9. | At Goma river | 11 |
| 10. | Design for execution – executing a design | 12 |
| 11. | A stitch in time | 13 |
| 12. | The Riot Scheme | 14 |
| 13. | From small beginnings | 15 |
| 14. | From chaos to killing | 16 |
| 15. | The aftermath | 18 |
| 16. | Money for your trouble | 19 |
| 17. | It's all the same to us | 21 |
| 18. | No response | 25 |
| 19. | Delayed response | 26 |
| | Annexure | 28 |
| | Maps | |
| | <i>Gujarat</i> |1 |
| | <i>Dehlol</i> |5 |





The Dehlol Story

| Calendar of events in Dehlol | | |
|------------------------------|--|--|
| Date | Place | Killed |
| 28th Feb 2002 | Dehlol Muslim kasba | 0 All Muslim houses, shops, Masjid and property looted and destroyed |
| 1st March 2002 | Sabhay's Fields | 2 |
| 1st March 2002 | Usar ni Muwadi | 4 |
| 1st March 2002 | Futewad Talaav | 7 |
| 1st March 2002 | Goma River | 10 |
| 1st March 2002 | Ambica Society (residents of Dehlol killed in Kalol) | 13 |
| 1st March 2002 | Total killed | 36 |

Dehlol village in Panchmahals district lies a kilometre from National Highway (NH) No. 8, which connects Godhra to Baroda. It is about 28 km from Godhra, 55 kms from Baroda and 5 km from Kalol, the taluk headquarters. It has a population of about 1600. At the time of the Godhra arson about 60 Muslim families lived in Dehlol. Each community lived in their own segregated areas called *kasbas* (locality). *Kuchha* (dirt) roads lead into the village from the nearby villages of Derrol, Ramnath, Kandaj, Futewaad and Jhankripura all situated about 3-6 km away. There is a crisscross of shortcuts to Dehlol across the fields. These fields belong to Hindus and Muslims who are for the most part agriculturalists, small shop owners and traders.

Dehlol has a market place and a bus stand and is surrounded by fields growing seasonal staples like maize and sugarcane. The bus stand at Dehlol lies about a kilometre away from the main cluster of houses where most of the Muslims lived. Small shops belonging to both communities intermittently dot the road on either side. About half way down the road is a *madrassa*, and a Mosque lies near the heart of the community amidst the cluster of houses. There is neither a police station at Dehlol nor any police chowki. For assistance, the population must depend on Kalol Police Station situated about 10-15 minutes away by jeep.

Though Panchmahals district has a history of outbreaks of communal violence, Dehlol has not been identified as a communally sensitive area by the State government. But this



time communal violence took a heavy toll in Dehlol. 36 Muslims were killed. A young desperate mother carrying her baby was gang-raped in broad daylight. The houses of Muslims and their small businesses were looted and burnt without exception.

Signs of possible violence came almost 24 hours after the Godhra arson. It started small in the early morning at the bus stand with, eye-witnesses say, a small group of Hindu residents of the same village and the neighbouring villages and well known locals determined to incite violence and gather people into rampaging mobs. From there it gathered momentum and spread onto the road leading into the Muslim *kasba* and continued as an organised pogrom to hunt down fleeing Muslims wherever they were to be found - in the fields and on the roads of the area. The chase went on and murders occurred unremittingly for two full days - from early morning on 28th February to the evening of 1st March. Mobs of Hindus split up into small groups to search out their prey and held vigil at crucial junctions in order to waylay Muslims throughout the time when curfew and prohibitory orders were in place. All this took place within an area no more than 10-15 minutes' drive from the Kalol police station. Throughout this time the police visited Dehlol village just once and were never seen patrolling the by lanes and fields where desperate villagers were hiding and awaiting protection from their persecutors.

This is their story. It has been pieced together from the narrations of traumatised citizens struggling to come to terms with their grief and loss of livelihood, occupied with rebuilding their lives somehow, while often besieged by their persecutors. Yet they seek justice through the law.

The trail of events described below can be corroborated by contemporaneous statements made at the time, eyewitness accounts, independent recollections of fact, an examination of many records maintained in police stations, telephone and wireless communications and their timings, the deployment pattern of police recorded at the time and investigations into many of the incidents, which in some cases even two years on, have not begun. As the public does not have access to police records, diaries and log books of communications and vehicles, we have based this narrative on the accounts of eyewitnesses and survivors.

For no fault of theirs much of the evidence of the killings in the fields and the gang-rape will have been lost. Lady Justice will pay the price for this. But she has a long arm and if well served by those in authority, can still reach out and catch the perpetrators, as well as bring to account those who had a duty to prevent violence but did little to prevent it and who later have done little to build up the case, preserve the evidence or bring perpetrators to book.

The Mob Gathers.....

According to eye-witnesses, February 28, 2002 started out much as any ordinary day would. That there was danger at hand was known to the authorities because Panchmahals as a whole is designated a communally sensitive area. Godhra was less than 45 km away and the Vishwa Hindu Parishad (VHP) had called for an all Gujarat Bandh on the 28th, on the night of the 27th itself. If there was a curfew announced, few had heard of it at the time. But a little later in the morning some remember that the Mamlatdar (Executive Magistrate) had come around in his jeep announcing curfew and ordering people to stay home.





Around 7:30 in the morning four Hindu residents of Dehlol - Ashok Patel, Suraj Kumar, Dileep Bhatt and Killol Jani were seen at the bus stop. Abdul Rahim (45) a rickshaw driver recalls the entire incident.¹ He saw Ashok Patel drive right up to the bus stand to park his car in the middle of the road. He allegedly gathered and instigated people to go forth and take revenge for the Sabarmati torching. Within a few minutes a mob of about 40-50 people - all residents of neighboring villages- Ramnath, Kandaj, Futewad, and Jhakripura and armed with hammers, sticks, swords, axes and cans of petrol and kerosene had appeared and gathered around Ashok Patel.

They began to attack trucks that drove past the bus stand. Some were stopped, the drivers pulled out and beaten up. All the drivers who were assaulted belonged to the minority community. One of the drivers beaten up was a Sikh. A truck carrying four Muslim passengers was stopped and attacked by the mob, which determinedly tried to pull the passengers out. But thanks to the quick mindedness of the driver who drove the truck in reverse gear, they managed to escape.

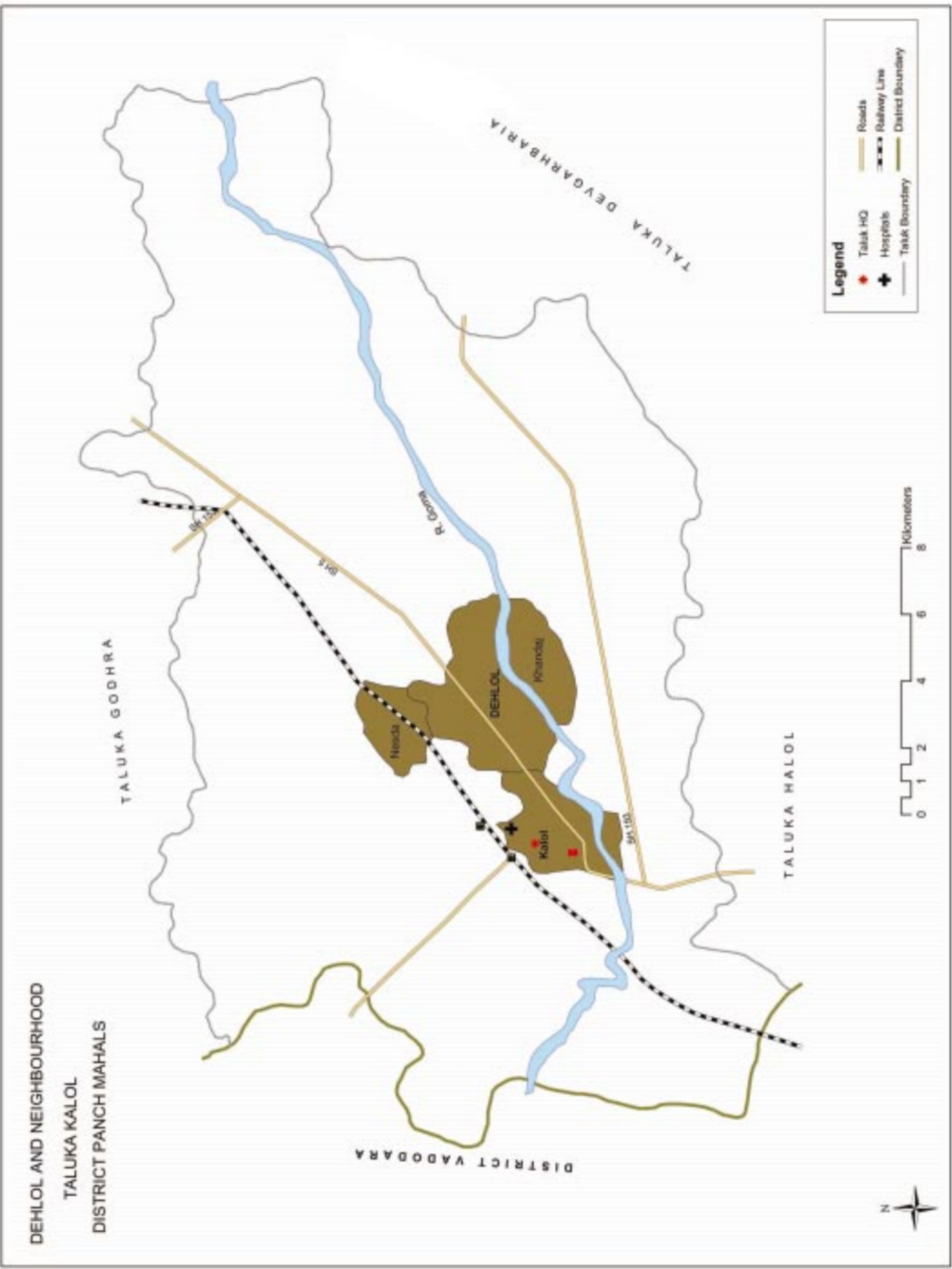
Abdul Rahim saw 3-4 policemen arrive at the spot. [This is quite possible because the police First Information Report (FIR) indicates that the police were out on *bandobast* across Kalol from 6 in the morning.²] Though the FIR does not say where they were deployed at this time, Police diaries would indicate who these men were. But they appear to have done nothing to stop the violence. Instead they were seen in close conversation with some members of the mob, who then made their way towards the Muslim *kasba*. Abdul Rahim who had watched all this from where he was hiding to save himself fled towards the *madrassa* to forewarn the *Maulvi*, who was already taking classes. Maulvi Hafeez Ilyas immediately sent the children home and called up Kalol Police Station informing them of the disturbances, warning them of the impending danger and asking for protection. In the course of the morning he made at least five phone calls to the police station. They assured him that a police jeep would be sent to Dehlol “soon “. The number of times he and others called, can be corroborated from telephone records and the phone logs kept at the Police Station. However, the FIR does not record the fracas at the bus stand. The omnibus police FIR for incidents that occurred across Kalol taluk on 28th February places the police at Dehlol no earlier than 11am, and makes no mention of the events of the bus stand. This would indicate that the police had no knowledge of it or refused to acknowledge it as an illegal activity. Yet, complaints of incidents of violence were reported to them early on in the day. In fact, the bus stand incident is the first of a continuum of events that eventually prompted the police to arrive at the *kasba* and forced them to fire at the mob because of the degree to which violence had escalated by that time.



In the meantime, news about the advancing mob had spread through the Muslim *kasba*. Yunusbhai Ismail Sheikh (42) a resident and owner of a TV repair shop also called up the Kalol Police Station to complain about the incidents at the bus stand and ask for protection.

¹ Based on the verbal testimony by Abdul Rahim resident of Dehlol to the CHRI team.

² FIR No. 33/02 Dated February 28, 2002.







He had heard the Mamlatdar who went around Dehlol in the morning announcing that prohibitory orders had been issued and urging people to stay home. Yunusbhai made over a dozen phone calls to the police station. The Kalol police assured him as well that that a van with police personnel would soon be at the *kasba*. Calmed by the assurance that help would soon be at hand, the Muslims locked their doors and hid themselves in their houses waiting for the police to arrive. However, no police car or presence of any kind appeared until the mob was well into the destruction of the *kasba*.

.....and grows on the road to Dehlol.....



Encouraged by the lack of any visible signs of authority, any effective curb on their movements or any danger of being apprehended for wrongdoing, the mob at the bus stand had swelled to at least 200-300, as more Hindu residents of Dehlol joined in and began moving towards the Muslim *kasba*. *en route* the one km road the mob went about looting and breaking down and setting on fire the shops, enclosed carts (larris) cabins and small businesses that were on the road. They took care to target just those owned by Muslims leaving property owned by Hindus untouched. The mob was seen to be armed with hammers, lathis (stout canes), swords, dharias (scythes) and several cans of petrol and kerosene.

According to the police FIR, at the time of these incidents, prohibitory orders had already been announced in Dehlol. A group of six policemen led by Police Inspector (PI) Parmar, and armed State Reserve Police (SRP) that had been deployed in Kalol from their base in Godhra, were on *bandobast*. Police Sub-Inspector (PSI) R J Patil, Jamadar (Head Constable) Uday Pratap Singh, Police Constable (PC) Khatubhai Lakhabbhai, PC Bhupat Singh Bhabharbhai, PC Mohanbhai Dhirubhai and PI K.V. Katara were on *bandobast* duty since 6 in the morning.³ Additional armed SRP had been called in from their base in Godhra and had been deployed for *bandobast* duty all across Kalol. But clearly they were not in Dehlol.

By the time the police arrived at the main Muslim *kasba* the mob was well into destruction of property. Over loudspeaker the Mamlatdar ordered the mob to disperse. When this had no effect he ordered PC Uday Pratp Singh to fire a single round in the air from his .303 rifle. At this the mob scattered temporarily and the policemen decided to leave. Yunusbhai and his neighbours state that they pleaded with the police to stay on but they refused and left without posting any police presence at the *kasba*. According to several residents' accounts, the police stayed for about 20-35 minutes, but certainly less than an hour. The time of this firing would provide some indication of when the police actually arrived at the scene. But nothing has been mentioned in the relevant FIR.

The destruction of the *kasba* lasted a long while. It was done at a time when prohibitory orders were already in place. Prohibitory orders are announced when there is any likelihood of a breach of public peace and order. The District Magistrate (DM), the Sub-

³ FIR No. 33/02 dated 28th February 2002



Divisional Magistrate (SDM) or any other Executive Magistrate (Mamlatdar) has the power to issue these orders. Keeping the safety of the public in mind these orders are issued to prevent the formation of large groups of people intent upon committing acts of violence, prohibit them from carrying specific weapons, inflammables, incendiaries and corrosive materials and forbid the delivery of harangues and use of gestures and other mimetic representation, which may offend public decency and morality. These orders if properly enforced are adequate for preventing communal outbursts or quickly nipping them in the bud at the first signs of tension. All powers of enforcement of the orders lie with the police. However it is clear that throughout the days of violence that followed, prohibitory orders and the curfew were simply not effectively enforced. Effective imposition of the prohibitory orders and the curfew later would have ensured that movement was restricted, people kept to their own segregated home areas, and trouble seekers could not organise or collect weaponry and inflammable substances or track down their victims with the apparent ease with which they were able to do so. In Dehlol, the size of the mob, their ability to enter the *kasba*, remain there and cause the amount of damage that they did over a period lasting between 3-4 hours, all indicate that unlawful assemblies were openly defying the police and administration, that could not - or did not - effectively prevent non-compliance.

Prohibitory orders apart, under the ordinary law of the land the police are required to prevent the formation of any large crowds armed with lethal weaponry. At the very first instance all efforts should be concentrated towards dispersing the mob. This could be achieved using tear gas, firing in the air and if the mob refuses to relent, then fire at the crowd. The key to mob control lies in identifying ringleaders and arresting them. In Dehlol the police did not attempt to identify any of the crowd nor make a single arrest when they came into the village. Even later on they did not make any tally of the damage done, nor secure the site nor seek information, nor did they take statements about loss or damage suffered. In fact they took neither preventive nor punitive action though it could reasonably be apprehended that without this, there was a clear likelihood of more to come. At this time there had been no loss of life, the *madrassa* and Mosque were still standing and the residents were frightened but had not fled the *kasba*.

Within half an hour of the police leaving the scene of violence, the mob reassembled. Between 8:00 in the morning and 1:00 in the afternoon all the Muslim houses in the *kasba* had been systematically looted and burnt. The police FIR relating to the Dehlol incident is silent about what happened after the firing. It does record that the mob attacked the Mosque and set it on fire before the police took action. However local residents assert that the Mosque was destroyed much later after the police left. Maulvi Hafeez Ilyas's house was also destroyed. Seven members of his family were attacked and injured but they managed to escape alive. The mob attacked Yunusbhai's house and looted everything. What the mob could not remove was set on fire. Until the mob struck his house Yunusbhai kept calling the police station using his residence telephone, but now nobody answered. Afraid of what might happen in the absence of any police protection he and a group of about 40-50 Muslims including his family members decided to flee the village.



Escape from Dehlol.....

Yunusbhai's group of about 40-50 Muslim men, women and children ran a distance of 2-3 km and hid themselves in the fields belonging to Fatabhai Ghemabhai. The standing crops of corn and sugarcane provided them a place to hide for some hours. All along they kept a watch for the police and hoped that a patrol would come into sight, spot them and take them to safety. They dared not approach the highway, which would expose their presence, but rather kept low among the tall crops. It had been 12 hours since the attack on them had begun and they had not yet reached safe ground.

Scared and hungry, Yunusbhai, his wife Zubeda, his son Rizwan, and others including Medina, Faim, Imran, Feroz and Sultana spent the night in the fields. Too scared to look for food or ask for shelter they remained in the fields till an hour after midnight on the morning of 1st March. Then, feeling that they had stayed too long in one place they decided to use the shelter of the night to avoid being spotted by the mobs and move on. The whole group reached a lemon orchard, which was half a km away and hid there till 1:00 in the afternoon. That was another 12 long hours. But then again they moved off to fields, which offered more cover. "The escape seemed never-ending," says Medina Yakub (32). About 1:30 pm Yunusbhai's group had reached a field that belonged to Sabhay, a Muslim resident of Dehlol. They hid there for another two hours. It was now over 24 hours since they had begun their flight. They had had no food or water and the old people and children were tiring out. But they kept moving so as to miss the eyes of any dangerous mobs. They also kept close together hoping for safety in numbers. Unaware of the severity of the danger they were in or how long it would last, they were inching their way homeward hoping to return to the *kasba* and find food and shelter there, even amid the destruction. All the while they hoped to find the police on patrol or posted at the scene of destruction.

In Sabhay's Field.....

But the fleeing group had been spotted.

At Sabhay's field about half a kilometre's short cut from their *kasba*, a 150-200 strong mob armed with swords, sticks, knives, dharias, axes and cans of petrol and kerosene set upon the group. According to the statement of Siraj Kansara, a cycle repair shop owner, who was also fleeing with his own family, four to five men set upon his seventeen year old nephew Faim Rafiuddin Kansara. Faim was mercilessly hacked to death and his face slashed with swords till it was completely disfigured. Next they turned on his sixteen year old cousin Imran Abdul Salaam Kansara and killed him the same way. Siraj was able to recognise only Vikram Nagar Solanki in the group.

In Usar Ni Muwadi.....

The brutality with which the two teenagers were maimed and killed numbed the survivors who had witnessed the murders from their place of hiding. A few of the group had scattered by now. About 10 of them managed to stay together and moved ahead but in no





time the same mob caught up with them at Usar Ni Muwadi about a kilometer and a half away. Tired of the journey the older people had now become easy targets and the mob found an easy kill in two 70 year olds - Fatima Ibrahim Kotdawala and Ismail Musa Tailor. Bibiben Ismail, his 65 year old wife, was also killed along with Allrakha Ismail Kotdawala. All were hacked to death before being burnt. Siraj Kansara, who had survived an attack for the second time that day, again recognized Vikram Solanki who has now been named in the FIR lodged just under two years later.⁴

No Chance Meeting at Ambica Society.....

The rest of the fleeing group of about 30-40 reassembled and ran towards National Highway No. 8. Even on this main thoroughfare they did not come across any police force that would ferry them to safety.

On reaching the highway, leading towards Kalol, the group found a parked tempo belonging to Feroz Rasool Sheikh (28), who ran a business transporting milk each day from Dehlol to Kalol. Abandoning hope of getting back to their homes anytime soon, 30 of them crowded into the tempo in order to get to Kalol town by the fastest means possible. The journey of barely three kilometers was expected to be relatively safe and quick.

On its way to Kalol the tempo had to pass Ambica Society. Ambica Society is a low-rise group housing project that abuts the highway. A few yards beyond it, as you face Kalol, there is a right turn that leads into Dehlol village 4 km down the road. At a distance the group could see what looked like a police check point or *nakabandi* (road block) arranged at the junction of the main highway and the road turning into Dehlol.

A car was parked in the middle of the road and the entrance to the Dehlol road was blocked with barrels, stones and heaps of sand. Realizing too late that this was actually not a police check point at all but a blockade manned by a group 8-10 Hindus waiting in ambush near Ambica Society, the tempo driver Feroz sped up and swerved to avoid the blockade. In the process his tempo overturned spilling out its passengers some of who ran helter-skelter for cover. The gang immediately set about catching those they could and the killings began in the same deliberate way as before.

According to Yunusbhai, Yakubbbhai of Dehlol was caught and slashed at with a sword. The attackers threw some unidentified chemical on him and within seconds he was ablaze and burned to death. Salimbhai was also burnt alive. Sattarbhai, Mohammadbhai, Uriben, Feroz, Razzak, Mumtaz, Wasim, Ameena and Rozina were all done to death in the same way- each one of them hacked with swords and dharias and then deliberately set on fire.

What followed next changed Yunusbhai's life forever. 3-4 men got a hold of Rizwan - his 12-year-old son. They held Rizwan down and struck him with swords and sticks until he was drenched in blood. Rizwan was begging and pleading with them to stop and let him go. Unable to bear his screams Zubeda - his mother ran out of her hiding place and fell on

⁴ FIR No. 223/03 dated December 17, 2003.





top of him, covering him with her body. Mother and son were both hacked to pieces and then immediately set ablaze. Yunusbhai, alleges that amongst those who murdered his son were JP Shah, Manager of People's Bank, Kalol, Sheetal Tikudo an employee in People's Bank, Jagga the owner of Vijay Talkies in Kalol, and Vijay Panwaala - all familiar people of the neighbourhood.

Yunusbhai saw all this happen from where he was hiding. He saw three of the men who had killed his son chasing Sultana – wife of Feroz, the tempo driver– who was carrying Faizan her 3-year-old son in her arms.

Sultana Feroz Rasool Sheikh (19) ran away from the scene to save herself and her son. She has reported in an FIR lodged at Kalol Police Station that she was caught and gang raped by the three men who had chased her.⁵ She does not know the identity of her rapists but she says she can recognise them if brought before her. In a meek voice she mechanically narrates her story. “ *I tried to run but those three men soon overpowered me. They pulled me by the hair and I fell. My three-year-old son Faizan was in my hand. He fell down with me. They stripped me naked and raped me one by one. All along I heard the cries of my son. They then cut my left foot with a sword. I lost consciousness. I do not remember when I regained consciousness. But I remember picking up my son; he was lying at my side crying all along. I was hiding in the field for two days. I did not even have any clothes on. As I walked along a Hindu Baria gave me a kurta (long shirt) to put on. Only on March 4 did I reach the Kalol camp.* ”⁶ Sultana was not aware that even as she was being gang raped her husband Feroz was being murdered by others nearby. The mob set fire to his vehicle and left.

Nowhere to hide.....

Even as Yunus's group had fled, other families that lived in the Muslim *kasba* had stayed on in the Dehlol village. On February 28, Yakubbhai Adambhai Sheikh (38) and 12 of his family members had taken shelter along with a few other Muslims at his sister-in-law Zubedaben Mohammadbhai's (45) house in Kasanji Falia⁷. They stayed there till 6:00 in the evening and then went back home after the mob had left. Everything that was owned by Yakubbhai- a tailor by profession - had been looted or destroyed. His family stayed in their broken house for the night. Since the mob had come and gone and since curfew was still on they felt that they had survived the attack.

At Futewad Talaav.....

However around 10:00 the next morning (1st March), a mob of about 150-200 people once again entered their *kasba*. Again the mob was well armed with dharias, swords, sticks and hammers. Again, witness Yakubbhai, identifies Ashok Patel who had led the mob the day before as leading the mob on the second day as well.

⁵ FIR No. 36/02 dated March 2, 2002.

⁶ Based on the personal interview with Sultana conducted by the CHRI team.

⁷ Based on the personal interview with Yakubbhai conducted by the CHRI team.





Yakubbhai fled to the nearby fields along with his family and a few neighbours. The standing crops hid them for a while. By 12 noon this party of 20 people, including two children, decided to leave the place and walk towards the Goma river, which is actually a dry river bed whose low topography would keep them out of sight. At Futewad Talaav seven of them were found by a roaming gang of about 25-30 armed men. The older members of the fleeing group were the first to be targetted. They could not run fast or scatter and hide in the fields. Most of the Tekrawala family was hacked to death. The older ones - Ibrahim Rasool Tekrawala (65), Adambhai Rasool Tekrawala (60), Mariamben wife of Adambhai Tekrawala (58) and Mohammad Ismail Tekrawala (55) were easy prey. Young Yakub Mohammad Tekrawala, (27) who rushed to the rescue of his family was ruthlessly hacked to death and set on fire. Other luckless people like, Idrishbhai Yusufbhai Kotdawala (26) and Haji Ibrahim Ismail Khetarwala (57) were also set upon and murdered. Once again each was first hacked until dead or near to it and then set on fire in that predetermined pattern of death that seems designed to destroy their identity and any surrounding evidence of the murderous attack.

In all, seven people both, old and young, were murdered and burnt at Futewad Talaav. Yakubbhai, Firdosbhai and several eyewitnesses hiding in the fields saw these murders. There were other small children with them who too witnessed this.

At Goma River.....



The remaining thirteen younger people managed to run away. Firdosbhai Yusufbhai, Yakubbhai, Sattar Ibrahim and others ran ahead. As they reached Goma river the mob that had entered their *kasba* chased them and caught them. Firdosbhai recognised at least 25 of them- Ashok Patel, Suresh Patel, Vithal Patel, Dileep Gohil and others have been named in his complaint.⁸ He along with his nephews Javed and Ezzaz hid behind a tree and watched as ten members of their family and neighbours were struck with swords and lathis, and cut to pieces. Sattar and Yakub were also hiding and watching these gruesome murders. Ayyub Ismail Kalu (35), Yusuf Ismail Kalu (45), Hasinaben Yusufbhai Kalu (40), Sharif Yusuf Kalu, (18), Hamid Ayyub Kalu (9), Mohammadbhai Ibrahimbhai Sakbhajiwala (40), Yasmin Mohammad (15) and Bibiben Ibrahim (40) were mercilessly killed by the mob.

Unable to bear the sight of his mother Kulsum Ayyub (30) being slashed and beaten to death eleven-year-old son Ezzaz screamed and ran out of his hiding place to help his mother. But the mob caught him and held him witness, sparing him for a macabre ritual. Once done with the murders the perpetrators again made sure to pile up all ten bodies and set them on fire. This time they also took the time to make the young boy who had tried to save his mother walk around the pyre in Hindu ritual. Then in a final act of execution they threw him into the fire as well and left him there to burn.

In all ten people were murdered at Goma river. Of these four were women and two were children no more than eleven years old.

⁸ See Annexure





Yakub, Firdos and Javed watched these events from their hiding place. They waited there till the killers left. The fires were still smouldering. Staggering and benumbed by what they had witnessed they walked for two days through fields and gullies to reach Godhra's relief camp two days later. They stayed there for three weeks before they were shifted back to the Kalol relief camp.

Design for Execution – Executing a Design.....

The complexion that has been constantly given to the post-Godhra violence across Gujarat is that it was a series of large-scale communal riots. This would mean that two fairly strong opposing groups clashed head on with each other. In Dehlor, this description does not appear to be justified. There was no confrontation between equally placed groups.

The pattern of murders, maiming, rape and damage to property and the regularity with which they occurred all across in the relatively small area in and around Dehlor, removes any notion of spontaneous clashes between two communities coupled with unintended incidental consequences to life and property. Rather, it points to a deliberate and organised design by some members of one religious group for hunting down and killing fleeing members of another religious group with the intent to destroy as many of them as possible. All the incidents as described by the police and eye-witnesses, indicate that there were no complete strangers in the riotous mobs but just groups of local people in the main, led by well known and identified ring leaders who systematically roamed about during a curfew with the demonstrable intention of hunting for and harming muslims wherever they could find them.

Even when the news of the terrible happenings at Godhra was first out it took instigation before crowds came out to make any protest or take action. It was only on the first day when emotions were more easily aroused by instigators that the ringleaders could assemble the largest mobs. Incited to hatred they were encouraged to mount armed attacks on specific targets – Muslims who would ordinarily be going about their business at the bus stand in the morning; shops that belonged to them on the road leading to the main Muslim locality; all the houses and businesses in the *kasba* itself and then the Mosque.

Then, perhaps assured that there would be no hindrance to their actions from any authority, the next day, while most ordinary people stayed away, the more determined zealots organised themselves into spotters and hunting parties. In the absence of effective curbs, each day, these groups could be organised easily, armed with common everyday implements like lathis and dharias and some more lethal weaponry like swords, and sent out to search or placed at strategic places with the sole intention of flushing out, setting upon, hunting down, humiliating and seriously harming members of the minority community.

Looking at the pattern of violence it is entirely possible that conspirators, instigators, organizers and perpetrators knew very well that the first brush of violence in the *kasba* had flushed out the whole community from their homes. Families, friends and neighbours would now either make for distant areas in an attempt to leave the locality entirely or would wander about in the fields seeking refuge. In order to leave the locality they would either have to tramp across land of mixed and uncertain ownership and over long



distances, or they would have to use the open roads and public transport. Either way, with hunting parties able to roam about freely, there were few places for a large group of so many runaways to hide indefinitely. If they were alone or in small groups picking them off would be much easier. This imputation of deliberate design is well demonstrated in the encounter at Ambica Society. Here a small group of miscreants had tactically placed itself at a strategic junction where it knew it would be able to waylay Muslims either escaping from Dehlol or trying to get back to their homes.

From the first murders of the two teenagers Faim and Imran in Sabhay's field, the killings demonstrate a blue print for murder that was repeated in too many places for it to have been the work of minds working at random. Everywhere more than one person set upon others with strong force. Often the slashing and cutting was aimed at disfiguring the body to prevent recognition. To ensure this, each dead or near dead one was then charred. In fact in every one of the 65 known murders that took place all across Kalol taluka over three days, the bodies were burnt in exactly the same way.

This was achieved often with petrol or kerosene - quantities of which seem to have been carried around by stalking mobs everywhere - and sometimes with the help of catalytic chemicals - the terrifying, lethal 'pink powder.' This yet unidentified chemical has been widely described by witnesses as far away as Dahod and Banaskantha districts and their words are echoed by others in Ahmedabad and Baroda. It appears to have accelerated the process of burning or deepened and intensified the burns. Its properties are uncertain but it is rumoured to have originated from explosives or detonators used to excavate the sites devastated during the Gujarat earthquake of January 2001.

The use of this 'pink powder' carried about in small vials, has been reported too often by witnesses unconnected with each other not to warrant careful investigation even today. At the time, had they been done with the attention and care that each individual corpse merits, *post mortem* examinations may have provided some forensic clues to explain the various causes that could create such deep burns and near total charring of body after body. But the police neither accompanied the eyewitnesses to the spot of the crime nor collected and preserved the evidence for forensic examination.

Could all this have been prevented? Was enough done to stop it quickly? Did the police maintain law and order?

A Stitch In Time.....

Communal violence is not new to Gujarat. For decades, the state government and law enforcement agencies have had much experience in dealing with such outbreaks - big and small. 16 of Gujarat's 22 districts are officially acknowledged as 'communally sensitive'.

From the Central Government to the district administration and on to the individual police officer, each mechanism of the State, has extensive powers given by the law to prevent, tackle and contain communal violence. Long-term techniques of how to build amity between communities, such as peace committees, are provided for while practical systems of community liaison and intelligence gathering are in place to track extreme political activities and keep the behaviour of bad characters under review.





The Criminal Procedure Code, the Police Act, the Police Manual, the Ministry of Home Affairs Guidelines on Communal Harmony (revised in 1997) and the Riot Scheme combine to give the administration and the police far-reaching powers to place localities under curfew, restrict movement, search premises and seize weapons. To rein in potential troublemakers and known bad elements the police have powers of preventive detention and to make arrests on reasonable grounds of suspicion. It has the power to use force in the protection of life and property and to decide on the degree of force to be used. The chain of command, the routes of communication and each person's duty within the entire scheme for maintaining law and order in times of communal tension have all been carefully spelled out in minute procedural detail and passed down the line of communication. Magistrate and police have powers to make these measures work.

The Riot Scheme.....

Mindful of its own pervious history of civil conflict Gujarat has in addition put in place a riot scheme. The riot scheme exists precisely to fend off communal discord before it turns into large-scale violence. It is a comprehensive compilation of guidelines, procedures, and crucial information and instructions, designed to prevent or control communal disturbances effectively without having to wait for orders from senior officers. It lays down a detailed set of rules to be observed by the police when 'a breach of peace is suspected or when law and order is not under control'. It is directed at the police and kept in each police station. The riot scheme is expected to be well rehearsed with every police officer so that each one is aware of the strategy for preventing or containing communal violence, and can perform his role effectively.

Besides listing localities that have been identified as communally sensitive, the riot scheme lists local goondas, history sheeters and radical elements. Amongst other things the scheme requires the police to continuously gather and update intelligence on potential troublemakers and at the onset of tension to warn them off or even round them up and so reduce the likelihood of their fishing in troubled waters.

It also requires the police to keep a record of all arms and ammunition present in the local police station and at headquarters (here this would be Godhra), as well as keeping tabs on all the licensed arms available with individuals. This allows them to seize all arms if there is a possibility that they will be wrongfully used.

The scheme also lists out the strength of the force available at the police station, details each person's responsibilities and provides a compilation of emergency services such as ambulance, hospital and fire station and their contacts. But the riot scheme is a secret document that the public cannot access because of the sensitive nature of some parts of the information it contains.

In February 2002, the Kalol Police Station was headed by Inspector Parmar. In addition, there were 2 Sub Inspectors, 17 Head Constables (Jamadars) and 33 Constables – a total strength of 52. The sanctioned strength is 62. There are three police outposts within the jurisdiction of this police station located at Vejalpur, Aradara and Sansoli and each is headed by a Jamadar and staffed with 2 Constables. The station has three motorcycles, a jeep and a mobile van both equipped with wireless sets and mikes. The police station and the outposts are also connected up by wireless and phone.



Given the existence of advanced communication equipment in Kalol Police Station, from the moment the news of the terrible incident at nearby Godhra was flashed across the communications system of Gujarat's officialdom, the local administration and the police would have been alive to the hugely increased risk of tension and the possibility of violence in the locality.

The Godhra arson took place at 8 on the 27th morning. The VHP called for Gujarat Bandh to be observed the next day and the ruling Bharatiya Janata Party (BJP) issued a nationwide Bandh call for 1st March. This extra political colour added to a great human tragedy was enough for the police to be on high alert, make quick preparations to stem trouble at the very earliest and keep strict vigil to protect places liable to attract reciprocal bloodshed. Without all this, violence was a near certainty.

The police at Kalol maintain that they were short-handed and unable to deal with all exigencies that arose. It is true that the station was short of staff. But that in itself would have been reason enough to ensure that the ground for communal peace had been laid well before hand, that community liaison with police was good and that the best elements within both communities were working closely with the police, while the worst had no opportunity to take advantage of the tense situation. Knowledge of their own limitations should have prompted the police at Kalol to very early preventive action. Perhaps it did. But in the absence of transparency about police work or records it is not possible to gauge their preparedness or create any plausible defence for their later actions. There is also no evidence from the community that indicates that during this important grace period of 24 hours the police or administration did anything to keep the peace or prevent violence.

Nothing indicates that peace committees were activated or that the leadership was taken into confidence or warned to keep their communities under control. Nor is there anything known to indicate that steps were taken to apprehend or even warn off possible known troublemakers.

In Dehlor, incitement to violence and evidence of heightened communal feelings for avenging, what was seen as an act of Muslims against Hindus, became manifest early on 28th morning at the bus stand. But even then, in comparison to what followed over the next two days, the incident was small and not of a magnitude that could not be contained by effective steps to enforce prohibitory orders and the subsequent curfew, and make sure that the leadership of both communities contained their people. In effect, the early morning incident at the Dehlor bus stand was a demonstration of existing sentiment and a valuable early warning of the havoc that might follow (if it were not contained) – and indeed did follow.

From Small Beginnings.....

In fact, it is this bus stand incident that turned the key to unlock the door to all the violence that followed over the next two days. The police FIR says that police were out on *bandobast* as early as 6:00 in the morning, but does not reveal the nature of the *bandobast* or where the police had posted themselves or what their strength was. There is very little public knowledge of the precise arrangements that PSI Patil undertook. Detailed information of what was actually done can be verified from entries made in police and station diaries,



movement registers and log books of police vehicles. However, these documents are not made public but can be produced when ordered by a court of law or a commission of inquiry. Nevertheless, in the absence of this information it must be assumed that the police did the correct things and deployed themselves in the most strategic places with a view to prevent communal violence as duty demands.

Commonsense demanded that they would have taken such actions as would prevent sizeable numbers of any community from reaching each other's areas of concentration and would have blocked off or kept under observation obvious targets of revenge such as businesses, residences and religious places, particularly those of the minority community. This required that they would have had *nakabandi* (road blocks to prevent unregulated access) in the vicinity of the Mosque at Dehlol, on the roads leading from the villages into the town and main roads of the town leading to the Muslim *kasba*.

But the evidence does not support this. Prohibitory orders, it appears, were in place. Despite this, people were out and about in the ordinary course of their business on the 28th morning at the bus stand. That indicates a laxity on the part of the police and administration to ensure that their orders were in fact followed. It is quite possible that ordinary people had not heard the announcement of the orders. But a round or two across the vicinity by the few policemen or administrators would have spread awareness about the orders. Eyewitness accounts place three policemen at the spot, but allegations of more than one state that no one in authority prevented Ashok Patel, Suraj Kumar, Dileep Bhatt and Killol Jani from standing at the bus stand and instigating others to go forth and take revenge for the Sabarmati torching. The fact that others could so quickly gather around them at that early hour from neighbouring villages armed with weapons in the presence of three police persons and could then make their way along a one km route towards a known concentration of Muslim habitations and could stop along the way to burn and loot their small businesses, does indicate the clear absence of *bandobast* in that area.

In fact the crowd moved into the *kasba* unchallenged and stayed there destroying property before and after the police came and went away. The police FIR recording the incident clearly indicate that they themselves saw the Hindu mob looting and destroying Muslim owned shops and houses. The mob was large, armed and intense and would not stop. This forced the police to fire in the air, only after which the mob dispersed temporarily. The crimes were committed in plain sight of policemen, yet no arrests were made at all - not then and not later. None had been made even two years later. Had the police arrested the ringleaders and rounded up the criminal and communal elements there was every likelihood that no further violence would have ensued in the area. But, inexplicably another opportunity was missed.

From Chaos to Killing.....

At this stage a great deal of property had been destroyed but no one had been killed. Two days later 36 people were dead. Two teenagers were dead in Sabhay's field; four died in Usar ni Muwadi; five aged people and two youngsters were dead in Futewaad Talaav; ten including two small children died in Goma River and thirteen more were done to death at Ambica Society.



By all eyewitness accounts the perpetrators of the crimes in Dehlol were often local people all well known in the area – and therefore to the police.

Narrating their tales the victims of various incidents very early on identified some of their persecutors and later from the relief camps named them before the police. In Futewaad Talaav and at Goma River they could identify as many as 25 people they knew including four who had been at the *kasba*; at Ambica Society they could identify four Kalol residents and at Usar ni Muwadi and Sabhay's field at least one person was clearly identified.

Illustratively, in the unfolding story of violence Ashok Patel, for example, is one of those cited as an alleged instigator very early on. He is first seen inciting a crowd at the bus stand. He is then identified on 1st March as being part of the mob that entered the *kasba* again, and chased the Muslims out into the fields. He is later cited as an alleged perpetrator of murder at Futewaad Talaav and then later allegedly involved in the killings at Goma river. Suraj Kumar, Dileep Bhatt and Kilol Jani were also sighted at the bus stand and then were again seen allegedly taking part at the attacks at Futevaad Talaav and Goma River. It is possible that these men roaming about together were known troublemakers. If they were, the police should have known enough to put them out of circulation as a preventive measure. Assuming that they were not known before the 28th, their actions on that day, repeatedly reported to the police as they were, were enough to prompt their arrest. But in fact no arrests were made and the violence rolled on.

Again, nowhere was the heavy *bandobast* that the police claimed to have arranged visible. The Muslims did not sight it throughout their flight of several days before they reached the relief camps. On the other hand the frequency of the murders and the ease with which Muslims could be picked off and killed, evidences that well organised hunting parties of different sizes were out and about and had easy passage from place to place. Not only could they apprehend their victims in various places, in the fields and even on the main roads but they could also spend a considerable amount of time in the attack without any fear of being interrupted by the police or any other authority of the government. The numbers in which they are reported to have been wandering around, the number of attacks in a relatively small vicinity, their duration and ferocity, all clearly show that the curfew was nowhere being strictly enforced and that the *nakabandi* was not preventing people from moving about as they would have done in normal times.

No serious attempts seem to have been made to seize arms and explosive substances as required by law.⁹ Eyewitness accounts reported in statements to the police and also confirmed by FIRs filed by the police themselves, all reiterate that roaming mobs carried considerable weaponry. Mobs inevitably came armed with various types of weapons, including lathis, dharias, and swords. In addition they carried cans of petrol and other incendiary material. The nature of the damage done and the injuries sustained also speak to the kinds of lethal weapons easily to hand.

⁹ Sec. 22-23, *The Arms Act*, 1959.



While some weaponry such as dharias, lathis and long knives are commonly available in a largely agrarian economy, the collection of materials such as petrol, kerosene and other incendiaries requires organisation. In small towns and village areas petrol stations are few. Petrol would have had to be collected from nearby pumps or stationary vehicles and carried to various places in bulky cans and in full sight. Many people would have been involved in the fetching and carrying. It seems improbable that the movement of such cumbersome material would have gone unnoticed over so many days if there had been effective inspection at police check points. There is no available record of what the police did, if anything at all, to prevent petrol from being carried away in portable containers during a curfew. However again, contemporaneous police diaries available to the courts and their superiors making inquiries would indicate the sufficiency of their actions.

With the exception of a brief visit on the morning of February 28th, the police were not seen in Dehlol at all. Between the 28th and the 1st of March Dehlol was burning and completely destroyed. A whole community was dispossessed and on the run from pillar to post. A total of 36 murders took place. But all this went unnoticed by the police force in Kalol who by their own admission were on heavy *bandobast* duty. Clearly, either the police were there as they say they were, but chose to do nothing or they were not there at all. Either way they need to account.

The Aftermath

The Dead and the Dispossessed....

It bears repeating that 36 people were killed in two days in Dehlol area alone. It bears repeating that their entire *kasba* was destroyed. It bears repeating that the entire livelihood of the community was laid waste and lost to them.

It was not until the 3rd or 4th March that the Dehlol community began arriving at the relief camps hastily set up at Godhra, Kalol and Halol. They had left their homes with nothing and found themselves now in an open stretch of land where people assembled seeking refuge. It was only a week to ten days later when government doles of Rs. 20/- per head per day began to be handed out that these areas came to be designated a 'relief camp.' Later still, water and some semblance of sanitation came, but tents came only to Godhra. At the Kalol camp people slept in the open. There was a constant influx of refugees from surrounding areas from as far away as Randhikpur, Lunawada and Anjanwa, which were also rocked by communal violence. The conditions in the camps are too well documented to bear repetition. The government finally closed the camps on 30th May, 2002. But most people traumatised and terrified as they were stayed on in these wretched places till end-August.

None of the Dehlol Muslims ever returned to live back in their familiar *kasba*. They scattered to relations where they could and the rest rented accommodation where they felt safe. Some waited for their community or civil society groups to rally around until new land was purchased and new housing societies built. The first of these was inaugurated in



December 2003 almost two years after their flight. Most now work as itinerant daily wage earners. Those that are employed are under-employed for the most part. They work intermittently when they can but without the earlier security of joint family income and income from their small holdings to tide them over.

In July 2002, a group of residents attempted to go back to Dehlol. They received no help from the administration, which did practically nothing to help the villagers resettle into their homes. The day this group entered the village, a bomb blast of unknown origin killed three Hindus and injured another dozen. In reaction the Muslims were clearly told by the Sarpanch that they would never be allowed back to live in the area. Now a few of those that own land go back in the day to tend their fields. They return before sunset. The *kasba* lies there silent, a relic of its times.

Money for Your Trouble.....

63 houses were destroyed in Dehlol. The government set a ceiling of *ex gratia* payment of Rs.50,000/- for loss of property. On an average Dehlol families received Rs 5,000/-. Wage earners, small time business people and owners of small holdings received no start up funds or other assistance from government.

At first, an *ex gratia* payment of Rs 200,000/- was announced for those who had died in the Godhra arson and Rs.100,000/- or just half, was announced for those who had died in the violence that followed. The furore created by this obviously differential treatment of the dead forced the government to fix uniform Rs 150,000 *ex gratia* payments. In places like Goma river where whole families have been wiped out there were no immediately recognisable heirs to claim the payment and the matter remains unresolved.

The rest of the Dehlol Muslims have received their compensation: but not without a struggle. Those whose remains were not found, have got compensation against 'missing certificates' obtained from the administration against sad little affidavits to say that they will return the money if their nearest and dearest return alive.

It took a year before anyone of the Dehlol group got any *ex gratia* payment. Yakubbbhai's story is typical of the progression toward compensation. He had lost his mother, father, brother, sister-in-law, his sister and her husband, his uncle, aunt and others. They had all been charred to death on the Goma river bed. They may have been identifiable but since no one attempted to look for them and since there was no FIR about it, there was no official knowledge of their deaths and therefore no basis on which money could be paid out. Yakubbbhai next, had to show that these dead of his family had actually been born. But most people of Yakkubhai's station and community don't have birth certificates so he could not show that they actually existed at all. Now he had to go back and forth to the

***Ex gratia* payments are provided by way of relief and in recognition of the trauma being suffered. But does not amount to an admission of any liability on the part of the state nor express any breach of responsibility to protect citizens.**

Mamlatdar, who for the first few times would not even meet the man. But persistence and help from activists finally created enough pressure to persuade the Mamlatdar to certify that these folks had actually lived in the village. Armed with the certificate Yakubbbhai went off to the police station where PSI Patil now accepted that Yakubbbhai's murdered relations had indeed been alive but were not yet 'officially'

Surviving Tales.....



A little 9-year-old boy from Dehlol had seen all the killings in Goma River and Futevaad Talaav. He was not supposed to be part of the tragedy. He was only visiting his relatives over the Eid holidays. But he got caught up in the flight out of Dehlol. He saw his friend Ezzaz walk around the pyre of his mother and then being pushed in. He can tell the story now after months of being unable to talk or walk. He tells the story of the killings unblinkingly while staring straight into your eyes. He repeats the details of the slashing, cutting and killing and then the burning, matter-of-factly and then turns away to play. There has been no compensation for him. No additional care. No present protection as a witness with first hand knowledge of the murders, no inquiries have been made about what he saw and heard. There is no likely or future courtroom denouement. He will just grow up with the knowledge of his memories.

dead. There were no remains. There was nothing. On several occasions Yakubbbhai asked the police to come with him to the Goma river bed but they said they would do their own investigations and would not accompany him. Yakubbbhai was up against a stonewall until the government order came along. This said people whose immediate family members have not returned home after the riots could claim the ex-gratia payment from the State on the production of a 'missing certificate' and not a death certificate. Then finally in the month of September 2002, the police gave Yakubbbhai his missing certificate. It is only after the FIR, which has now been filed 21 months later that those 10 human beings have been afforded the small dignity of being acknowledged as having lived and died.

Some Dehlol residents who have seen too much killing and lost too many have simply melted away without any energy or heart left to fight for justice.

But others doggedly persist. They want the people responsible for the murders, arson, loot, and rape brought to justice as much as they want those who were meant to protect them held to account. Of the many who witnessed their next of kin being burnt alive a few have determinedly sought their remedies at court but not without a fight at every step. Many people from Dehlol sought to file their complaints before the police or the magistrates. Even while they were in the camps struggling with their physical and emotional situation, they tried to tell their story to the authorities.

The Constitution of the country guarantees every citizen the right to equal protection under the law and requires that effective criminal and civil remedies against the state, against individuals in the service of the state and individual perpetrators of



the crimes be available. The State, through the police, prosecutorial and judicial system are bound to ensure that there is even-handed justice available to all and that justice is easy to avail of and effective in its outcomes. It is in situations such as Dehlol that these systems are put to the test.

It's All the Same to Us.....

Eight separate incidents had taken place over two days in different places affecting different people. In all 36 people were killed and property worth hundred thousands was destroyed. But the police filed only one FIR for all this. It took into account, incidents on the 28th that had happened in Kalol town, Derrol Station and Vejalpur town and Dehlol. The murders at Ambica Society were recorded in a separate FIR filed for Kalol.¹⁰

The FIR begins with the mention of the arrival of the police in Dehlol at the Muslim *kasba* where they say, a mob of 500 Hindus was found looting and destroying property. As the mob was uncontrollable, firing was resorted to. There is no mention of any incident that took place at the bus stand though with a surety they knew about this because they were told not once but many times, or the incidents, which followed after the police left the *kasba*. No individuals have been identified in the mob and there is no record of any on-the-spot arrests or any evidence being taken from victims.

It makes no mention of the people's flight out of Dehlol and the desertion of the village right after its burning. It does not record the subsequent deaths of 36 people that took place in the fields. From this it appears that they knew nothing of these happenings - or did not want to, or were negligent about finding out what had happened to the inhabitants of a whole village in their jurisdiction.

A FIR as the name suggests, is the first information in time received by the police about the commission of an offence. It is the report that initiates further inquiries into an incident. Facts and statements given in a FIR provide pointers to the direction in which the inquiries will go. From the point of view of the informant a FIR is filed to set the criminal law in motion, whereas for the investigator it charts the direction his investigation will take. The more precise the details and the more exact the allegations in the FIR and the more thorough and meticulous its recording, the more accurate will be the investigation. Conversely an imprecise and vague FIR makes it more difficult to bring any perpetrator to book. It becomes more difficult for the complainant to track whether the investigations followed a reasoned route or have been undertaken with any level of competence or adherence to norms. Because the police have a wide discretion about which paths of inquiry to follow, the law requires that the FIR be taken down in writing, read over to the person making the complaint and be confirmed as an accurate account of the person's statement.

¹⁰ FIR No. 36/02 dated March 2, 2002. A separate charge sheet has been filed in this case.

In Dehlol on the 1st of March alone there were five separate sites where crimes were committed and 36 bodies in all. But no FIR was filed for these murders until 657 days later.

It was not that no one tried. Along with other Muslims of Dehlol Yakubbbhai, Firdosbhai, Sirajbhai and a few others had also taken refuge in the Godhra relief camp. At the very first opportunity after they had reached safety and recovered enough from their appalling experiences, eye witnesses sought to provide the police their story. They sought out the police. The police did not come to them to seek out the truth of what had taken place during the Dehlol Massacre. Yakubbbhai, Firdosbhai, Sirajbhai, Sharifbhai, Abdul Rahim, Sattarbhai and others visited the Kalol Police Station several times. However each time

We'll make you run in circles.....

From the Godhra relief camp a total of 422 complaints of murder, rape, loot or arson were sent by registered acknowledgement to the concerned police stations, the DSP, DM, DGP, Spl IGP and NHRC. These incidents had occurred at different villages and towns of Panchmahals and Dahod districts. Despatch of the complaint by Regd. Post to the DSP is a legally accepted procedure. When the DSP receives such complaints he is required to inquire into the case, direct the local/concerned police station to investigate the matter and the local police station in turn is meant to send a report of the same back to him listing all the details of the case.

A complete record of such complaints received, their status and the action taken is available in the DSP's office. In the month of April 2002 the authors of this report visited the offices of the Deputy Superintendent of Police (DySP) and the DSP apart from the office of the DM in Godhra in order to ascertain the fate of these 422 complaints. The then DM, Ms Jayanti Ravi placed the responsibility for the matter at the door of the police saying that it lay within their domain and she did not have any comprehensive report of the same. The next visit was to the office of the DySP, Mr Nanavati (Godhra Headquarters). After four hours of discussing and arguing with Mr Nanavati, he verbally agreed to provide data about the status of complaints and copies of FIRs wherever they had been filed. This was brought to nought by the concerned record keeper who insisted that the DySP issue written orders directing release of the required information.

With the arrival of the then DSP Raju Bhargava, even this ray of hope was lost as he bluntly refused to give the team members any information citing absence of *locus standi*. The argument that as citizens of free India the team members were trying to assist their brothers and sisters access justice did not cut much ice with him. Instead he held the team to fault for not worrying about the fate of the 59 individuals who died in the Sabarmati train incident. Furthermore, he refused to treat the 'complaints' received by

they were simply turned away by either PSI Patil or other staff on duty. PSI Patil demanded that they show proof of the deaths. Their statements provided strong eye witness accounts of the murders. They all went armed with names of people who had murdered 17 of their relatives and neighbours. Everything was fresh in their minds. Each contemporaneous statement had the ability to corroborate accounts and every statement would have taken the police even at that late stage to the place of the murders and would have allowed for the preservation of vital evidence. But no one would record their complaint. Furthermore the witnesses allege, they were asked on more than one occasion to remove all names of accused from their complaints. When the three refused the police told them that it was too late for the FIR to be registered as over a month has passed. The police it

Regd. Post as official complaints of crimes committed. Instead he described them as 'applications' sent by 'some' individuals requesting his office to investigate certain incidents of violence that had occurred during the riots.

When activists persisted in their requests for action the DSP verbally agreed that he would honour all legal rights of complainants provided they or their representatives approached him with a written request. The CHRI team persuaded a local lawyer belonging to the minority community to submit a written application for release of copies of FIRs pertaining to the 422 complaints. A list of names of complainants was also attached to this application and submitted to the DSP's office. Copies of the application were handed over to the Additional District Magistrate - Mr Damore in person and the Collector's office as the DM was out of town that day.

Two days later when the team approached the DSP in the company of representatives from the relief camp, he refused to provide copies of FIRs citing the sheer volume of documentation involved and shortage of infrastructure and personnel. Instead he suggested that the applicant visit the concerned police stations and pick up copies of the FIRs. In case of difficulty he advised the lawyer or the team to call him up from the concerned police station itself. He refused to part even with information regarding the FIR numbers and dates of recording related to the 422 complaints. The team went to the police stations concerned but were obstructed in getting the information because at the Kalol police station they refused to confirm or deny receipt of complaints from victims. This effectively prevented the witnesses, victims and their legal counsel from getting access to records to move the legal machinery of the state. Instead the standard response of "*tehkeekaati jaari hai*" (investigations are on) was offered. However, now more than two years down the line it is evident that no action was taken either at the DSP's end or at the local police station on the basis of these complaints and FIRs were never filed in support of the complaints. Hence no investigations were in fact undertaken by the concerned police stations in most cases and certainly not in the Dehlol cases.

would appear did much to mislead people who were in an extremely vulnerable position and who had little understanding of the technicalities of the law and could be easily intimidated into believing they had lost all their remedies.

Finally on the 16th of March 2002 after losing all hope that the Kalol police would lodge their complaint Yakubbbhai, Firdosbhai, Sirajbhai and a few others decided write down the details of their complaint and send it to the concerned authorities. In their complaints Yakubbbhai and Firdosbhai listed the 17 murders that took place at Goma river and Futewaad Talaav and Sirajbhai and others listed the six murders that took place in Sabhay's fields and at Usar ni Muwadi. As required by law they dispatched a registered and acknowledgment due letter of complaint to the District Superintendent of Police (DSP) in Godhra.¹¹ Copies of the same were sent to the DM, Director General of Police (DGP), Spl. Inspector General of Police(IGP) Vadodara Range and the National Human Rights Commission (NHRC). In that they gave an account of all that they saw. They mentioned the names of the murderers and the names of family and neighbours that they saw being murdered. All these statements provide strong proof of the murders and there is no other version of events on record. However no FIR was filed on the basis of these written complaints. No inquiries were initiated. No proofs were sought or protected. No witnesses were questioned, though they sought to tell their story.

These two separate complaints, which contained names of 23 deceased, accused and the witnesses deserved to be registered immediately and investigated separately as it contained information about the commission of heinous crimes.

The Police Manual recognises that late registration is as good as non-registration because the culprit may be far away, evidence may be lost and memories and factual accuracies become clouded. But the police manual is meant as a warning to investigators themselves about the need to file FIRs soonest after any incident, so as to capture the most contemporaneous accounts and gather evidence which is yet fresh in an investigation. Late registration may in some instances indeed reduce the weight attached to the complaint but it does not reduce an iota, the duty of the police to investigate the matter. Indeed it requires that the police act even more urgently to ensure that the perpetrator has little leeway for flight and the trail does not grow cold. From the circumstances it was obvious that there was every excuse for some delay in approaching the police considering the danger that the eyewitnesses were in. However, when they did so on several occasions, despite being in extremely difficult circumstances, they were further victimised by concerned officials.

The NHRC in its subsequent reports on the Gujarat violence has recognised the fact that it would be difficult for victims to move out of the safety of camps and venture into police stations to lodge their complaints. After visiting the riot affected areas and relief camps in Gujarat in March 2002, the NHRC recommended that police desks be set up in relief camps for receiving complaints, recording FIRs and forwarding the same to police

¹¹ Sec. 154(3), *Code of Criminal Procedure, 1973*.

stations having jurisdiction. The authors of this report constantly visited the Godhra camp during the initial months of the riots. The lack of police personnel in the camp was obvious to them. It is common knowledge that these desks were set up but functioned for only a few hours during the day and for two days in the week.

A FIR by its very name is the first step in the process of investigation of a crime. It is the duty of the police to look into the veracity of the complaint and collect proof of the commission of the crime. Without even commencing investigation the police concluded that Yakubbbhai was falsely accusing the culprits mentioned in his complaint. Firdosbhai and Yakubbbhai even offered to take the police to the scene of the crime but the police refused saying that would were aware of their duties.

The police have a duty to investigate, seal off the scene of the crime so as to secure evidence and prevent its destruction; collect physical evidence from the spot; collect statements from witnesses; conduct searches if necessary; prepare the *panchnama* with the help of 2-4 '*panchas*', to make a record of the findings at the scene of the crime, fix the position of bodies and state the condition of the area. This is the time when photographs are taken and these are then presented as exhibits in court in support of the Prosecution's case against those accused of committing the crimes. The investigation also demands that medical examination be conducted in case of injury and post mortem and visceral examination be done in case of suspected murder. Experts maybe called in if necessary so that all evidence pertaining to the offence about which information has been received is gathered and do all that must reasonably and in duty be done to ensure that the victim does not lose his/her remedy at law. The role of the police is primary and fundamental to ensuring an effective investigation. Carefully doing all of the above and in that logical sequence lays down the best groundwork for a trial that can safeguard both the interest of the accused and the victim.

No response.....

There were reports of 23 murders committed in and around Dehlol in a single day. The police were provided all the information necessary in connection with these murders. Had the police been on their rounds, they would have investigated the emptying of the village. Had they inquired, they would have found the fleeing Muslims and taken them to safety. Or perhaps, they would have found the first evidences of violence and done more to preserve life and also to preserve evidence at sites of murder but as it is even when the scenes of the crime were pointed out to the police, they did little. Preservation of the scene of crime would have prevented the destruction of valuable evidence, which would have provided conclusive evidence and vital leads in the investigation. There was no *panchnama*, there were no post-mortems, there were no arrests and there was no investigation into the deaths and therefore no judicial proceedings. The bodies were never traced, the remains were never found and last rites were never performed.

It is common knowledge in police and forensic circles that all evidence of a crime cannot be completely wiped off from the scene. If on the very first complaint, the police had



merely sealed off the sites and requisitioned forensics experts from nearby Vadodara, it would have helped them collect a deal of evidence. All these constitute important elements of routine police duty and procedure in the investigation of crimes, none of which were observed in the 36 Dehlol killings.

Delayed Response.....

In December 2003, an additional investigator Ms Neerja Rao was brought into Kalol to investigate and reopen cases, which fell within the Kalol Police Station jurisdiction. Ms Rao in the course of her investigation opened the Dehlol murders case and began an examination of their circumstances. As a result two FIRs for the 17 murders at Goma River and Futewaad Talaav and the six murders at Sabhay's field and Usar ni Muwadi were filed 657 days after they occurred. Firdosbhai and Yakubbhai and Sirajbhai are mentioned as chief complainants.¹²

One cannot be sure of the reasons behind filing the FIR after such a long while but the developments in the Best Bakery case of Baroda and the indictment of the State government by the Supreme Court would appear to have had a salutary effect and could be a key reason for reopening this long shut case.



Firdosbhai, Yakubbhai and the others are hopeful that they will get justice. They hope that the investigation is done carefully and will take into account all the details of the murders. But they also feel that it took two years for the State to even acknowledge that their family members were killed in the most gruesome manner possible. With the passage of 657 days it is inevitable that a lot of the evidence has been lost. If the accused are not brought to justice, they feel, it will be the responsibility of the state that has denied them equal justice. All the pain and trauma that these victims had to go through was avoidable. It may be impossible to ever compensate these people for the suffering they had to endure over the last two years.

Conclusion.....

Taking all of the above into consideration it becomes impossible to escape the conclusion that there was a pattern of obstructive behaviour by agencies of the state, that amounts to a violation of a citizen's right to protection of the law and the right to equal justice before the law. There is ample evidence to show that the police have not taken cognizance of known incidents, refused to file FIRs, obstructed and discouraged their filing, deliberately misreported statements in the FIRs, obfuscated the incidents, removed names of alleged perpetrators, and clubbed several unrelated incidents together in a way that prevented logical investigation. Over the passage of two years such FIRs have ensured that the investigation would be no more than a mere exercise in futility.

¹² FIR Nos. 222/03 and 223/03 both dated December 17, 2003.





The repeated acts and omissions of individual policemen acting in the course of their duty as agents of the state amount to abuse of power, dereliction of duty and total disregard of the rule of law and must amount to a deliberate effort to deny citizens' access to justice. Their inaction does in no way indicate a lack of adequate personnel and resources as claimed by the state government in its press statements. Nor was a clear procedure for dealing with riots unavailable. What was lacking in most cases was the will to take prompt action to save lives and property belonging to the minority community. This trend seems to suggest a notion that the police were acting under instructions other than those contained in the rulebook. Even through the investigative process the recurring acts of obstruction, standing alone by themselves, establish a pattern of malfeasance, that has resulted in individual victims and victim communities being denied their remedies at law.

In the process of delivery of justice, the Kalol police primarily failed to perform their duties. The DSP and the DySP at Godhra who had powers to look into the deaths failed in their duties. The mechanism that ought to be set in motion simply refused to work for the survivors of Dehlol. Yakubbbhai, Firdosbhai, Sirajbhai, and scores of others were made to run from pillar to post in search of justice.

Finally going by history, there would be justification for perpetrators of mass murder and negligent agencies of state to feel that they have escaped all accountability. But the arm of the law is long and while the victims continue their fight for justice, the Dehlol story won't come to an end yet. With the filing of the charge sheet recently, howsoever belated, the survivors of Dehlol see a ray of hope. Having experienced the apathy of the police they fear that getting justice in the courts is going to be a longer and more difficult battle. They have heard of the government appointing VHP members and sympathizers as Public Prosecutors (PP) in cases relating to communal violence elsewhere in the State. They do not want this to happen in their case. They want an impartial PP appointed for handling their cases. To make sure that court proceedings are not influenced or derailed by political sentiment they want court observers who will report on the goings on to the High Court. They have held fast to their faith in the law despite the long delay. They wait for justice to be done no matter how long it may take.

Annexure

Complaint regarding 17 murders, which occurred in Dehlol village on March 1, but not included in the incidents described in the omnibus FIR.

DATE OF INCIDENTS: 28.02.02 & 01.03.02

PLACE OF INCIDENTS: Dehlol Taluka Kalol, Panchmahals District

NAME OF COMPLAINANT: Sheikh Yakubbhai Adambhai Tailor

NAMES OF THE DECEASED (17):

- 1) Ibrahim Rasool Tekrawala
- 2) Adambhai Rasool Tekrawala
- 3) Mariamben Adambhai Tekrawala
- 4) Mohd Ismail Tekrawala
- 5) Yakubbhai Mohdbhai Tekrawala
- 6) Idrishbhai Yusufbhai Kotdawala
- 7) Yusufbhai Ismailbhai Kalu
- 8) Hasinaben Yusufbhai
- 9) Shariquebhai Yusufbhai
- 10) Ayubbhai Ismailbhai Kalu
- 11) Kulsumben Ayubbhai
- 12) Azizbhai Ayubbhai
- 13) Hamidbhai Ayubbhai
- 14) Bibiben Ibrahimbhai
- 15) Mohammedbhai Ibrahimbhai
- 16) Yasminbanu Mohammedbhai
- 17) Ibrahim Ismail Hazi Khetarwala

NAMES OF ACCUSED: (25)

- 1) Ashok Patel
- 2) Sureshbhai Gokulbhai Patel
- 3) Neeravbhai Gautambhai Patel
- 4) Vithalbhai Dahyabhai Patel
- 5) Dilip Vanraj Gohil
- 6) Lalabhai Gamirbhai
- 7) Yogesh Ramesh Desai
- 8) Vikram Solanki
- 9) Jitendra Shah
- 10) Killol Jani
- 11) Sureshbhai Shah
- 12) Dileepbhai Bhatt
- 13) D K Patel
- 14) Narendra Kashiya
- 15) Naseebdar Rathod

- 16) Prakash Shah
- 17) Alkesh Mukhyaji
- 18) Jegga Lohar
- 19) Akshay Shah
- 20) Vijay Manu
- 21) Vakhatsingh Rathod
- 22) Deepak Parekh
- 23) Shailesh Parekh
- 24) Ghabhai Kesari
- 25) Jiyabhai Rathod

NAMES OF WITNESSES:

- 1) Ghanchi Firdosbhai Yusufbhai
- 2) Sheikh Sharikhbhai Mohdbhai
- 3) Sheikh Abdulrahimbhai Ismail
- 4) Sattar Ibrahim Tekrawala

DESCRIPTION OF INCIDENTS:

In the course of the Gujarat Bandh declared after the Godhra carnage, muslims all over were killed, their property looted and then burnt.

On the 28th of February 2002 between 9:00-9:30 in the morning all the above named accused, along with a mob of approximately 100-150 armed with sharp weapons, kerosene and petrol cans entered our village. They began looting the houses and shops and then set everything on fire and. We ran away to save our lives and took refuge in whichever place we could. Our masjid and madrassa were also looted and destroyed.

On the 1st of March 2002 at 1000 hours this mob armed with sharp weapons entered our village shouting slogans “musalmano ne mari nakho, musulmano ne kapi nakho” (hit the Muslims, kill the Muslims). The villagers started running to save their lives and in the course the above mentioned deceased were caught by the mob killed and then their bodies were set on fire to eliminate all evidence. Four others and myself managed to escape and reached Godhra.

Thus in the incident 17 people were killed, property worth Rs. 3,500,000/- was looted and property worth Rs. 2,500,000/- was burnt.