

"... after he fell down, kerosene or petrol was sprinkled on him and he was burnt alive while the crowd was clapping and dancing around the body."

"... Two Muslim passengers in a taxi within a distance of 100 yards from Kherwadi police station were pulled out and stoned ... kerosene was poured on them and they were set on fire."

"Her house was broken into by a gang, including policemen, at about midnight. She was kicked and mercilessly assaulted. The lady was thereafter gang raped. After the shameful act was over, they pinned a paper with some Marathi writing on her chest ... she reached the police station but the police literally drove her out."

"... efforts were made by responsible people from the locality including the Kathiawadi-Dalits, Muslims and one Gopal Manjrekar to restore peace ... the victims who took refuge in his temple included Hindus and Muslims and Gopal Manjrekar made no distinction in giving relief and succour."

"The Shiv Sena admitted that they were involved in the riots. Bal Thackeray said, 'I want to teach Muslims a lesson' (Time Magazine, 25.1.1993)."

"... the police acted either with indifference towards the victims or actively colluded with the rioters. The Railway Protection Force, on the other hand, covered themselves with glory by helping the fleeing people to escape ..."

"Madhukar Sarpotdar was arrested just outside the New M.I.G. Buildings; he was later released by the police ... he addressed a public meeting outside Nirmal Nagar police station and told the mob that not a single Muslim house should be left intact. The police who heard the speech applauded."

"There have been instances when Muslim anti-socials attacked Hindus ... thus giving opportunity to the Shiv Sena to gain the support of the hitherto neutral Tamilian Hindus to join them in their anti-Muslim activities. The imposition of curfew had little or no effect, for the enforcement was one sided i.e. in the Muslim areas ..."



INDIAN PEOPLE'S HUMAN RIGHTS COMMISSION

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THE PEOPLE'S VERDICT



An inquiry into the Dec '92 & Jan '93 riots in Bombay
by The Indian People's Human Rights Tribunal
Conducted by Justice S.M. Daud & Justice H. Suresh

THE INDIAN PEOPLE'S HUMAN RIGHTS COMMISSION



'THE PEOPLE'S VERDICT'

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First Edition, August 1993
Second Edition, January 1994

The December '92 and January '93 Bombay Riots
An Inquiry conducted by Justice S.M. Daud and Justice H. Suresh,
retired Judges of the Bombay High Court

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Cover: Jamaluddin Khan, a soldier in the Indian Army, assaulted by a mob and looted of his home and army certificates (seen here with his mother)
Photographs: Soumitra Ghosh

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FOREWORD

Our Constitutional order sustains itself on the peaceful co-existence of different communities and active fellowship of faiths. Religious pluralism is a pervasive feature of our demography and secular perspective is a basic doctrine of our democracy. Our founding fathers have wisely made it a categorical imperative of our polity that every citizen, be he/she of any religion or denomination or none, shall have full title to all the fundamental rights in abundant equality and easy accessibility. But it is terrible to think that communal tension, confrontation and conflagration have more than once marred the orderly process of national life. And when communal clashes go up in flames somewhere, they spread like wildfire everywhere, because the State and those in the administration entrusted with the responsibility of societal welfare and law and order, fail in their official duty and betray political bankruptcy.

This prefatory observation is too moderate a caution or criticism when we recall the utter collapse of the State apparatus in its foremost responsibility of keeping the peace of the Republic in the recent past. The Mandir-Masjid controversy, without going into the merits of this pathological issue, has been aggravating social frictions and fomenting frequent explosions between two communities, viz. Hindus and Muslims. On the 6th of December, the Babri Masjid was demolished by politico-communal miscreants of the Hindu fold, inevitably igniting a burst of pent-up emotions from the Muslim sector in many places. Bombay and Surat, among other cities, towns and villages of India, lost their tranquillity. Scenes of trauma ensued, leaving trails of blood and burning and streams of tears, the like of which Bombay and Surat had never seen before. Immediately after the 6th of December and the destruction of the Masjid, terror stalked tense streets in Bombay. The administration failed in its first obligation of giving people the right to life, which is the foremost human right. I do no autopsy of the flaws and flops of any instrumentalities, party or community here, as it is unfolded in the report that follows.

The second episode happened in January and wreaked more havoc than the first and the inaction of the administration was more indefensible as the circumstances on inquiry revealed. The lives lost,

The administration failed in its first obligation of giving people the right to life, which is the foremost human right.

he damage to property done, the scare spread and the refugee trek triggered, made megapolitan Bombay a scenario of blood, sweat, toil and tears. Victims of this man-made malediction were large in number. Movement within parts of the city, without risk to life, became paralysed. The spectre of assassination and crime stalked the streets. Goons of a particular political brood took over and the mafiosi were at large and to our shock and shame, Bombay's shining streets and slimy slums went through battle like episodes. The criminal gangs and the communal cliques generally go into action in such a situation of total breakdown of law and order. The police must be at their best and the government must govern most, in such critical moments when the common people are helpless and communal frenzy consumes collective sanity. However, in Bombay, at the relevant time the governing rule appeared to be quite the contrary. That police is best which polices the least, is a dangerous doctrine of abdication of constitutional power, but this was unfortunately what

That police is best which polices the least, is a dangerous doctrine of abdication of constitutional power.

happened when Bombay was set on fire. There were however, people who had a deep sense of brotherhood and amity, courage to venture out and save sisters, whatever their community, enter the theatre of action and restore calm where passion would otherwise have prevailed. The soul of this super-city has not been stifled. Slowly, Bombay is coming back to life and

it is our fundamental duty to heal the wounds and hasten the rehabilitation process.

The first task is to do justice which is the foremost human right. However, the legal process lost its locomotion and objective investigation of the crimes, looked like having fallen casualty to political acrimony. At a certain stage, belatedly, the Maharashtra Government announced a Judicial Inquiry by a sitting judge, into events which led to the riots and other relevant matters. The precise terms of reference are not before me, but Shri Justice Srikrishna was appointed as a Commission to inquire and report about the macabre happenings. The Indian People's Human Rights Commission and Tribunal found the overall inaction on the part of the administration so insouciant and unconscionable and so persuaded two distinguished, retired Judges of the Bombay High Court, Shri Justice M.Daud and Shri Justice Suresh, to undertake a quick and comprehensive inquiry into the tragic events that bled Bombay, spread

destruction and incinerated structures. The two learned Judges did not confine themselves to fixed places to hold court with formalities, legalities and inhibitions of rules and procedures. They visited places where injustice had been inflicted, met broken men, sobbing women and wailing children, gathered their tales of woe and did a patriotic job of compassionately collecting from the aggrieved people, all available materials. Public notice was given to all, co-operation was sought from all and an open mind was kept throughout. All documents and affidavits as could be gathered or were offered, were received and the government and officials were contacted for co-operation and information. Natural justice was fully complied with, within the limits of time, conditions and resources the Judges could afford.

The right to know is a citizen's right. The freedom of information is fundamental to all fundamental rights. A People's Tribunal gathering information, collecting relevant materials on an event of public importance, sorting them out judicially, marshalling the evidence and conveying the whole testimony so gathered, in the shape of a report, is the discharge of public duty of the highest order. No one can, under the laws of India, stop the right to give or receive information, except where it is mischievously intended to interfere with or skew the course of judicial justice. Here the two Judges, at great personal sacrifice

The right to know is a citizen's right. The freedom of information is fundamental to all fundamental rights.

and without remuneration whatsoever except the gratitude of the public, did discharge a noble responsibility and produced an impartial, painstaking report. I was the Chairman of the Indian People's Human Rights Tribunal (a voluntary body doing gratuitous service when nationally important events call for an inquiry from the people's angle). I persuaded the two Judges to make the inquiry and produce a report. The sole and whole purpose was to inform the people of the facts; all the facts that could be readily garnered and presented to the public. The goal was to give the people the truth, the whole truth and nothing but the truth, of course, subject to the serious limitations of an informal inquiry without powers except that of persuasion, without resources, except the good offices of well-meaning volunteers. "Know ye the truth and the truth shall make you free". That is the foundation of our freedom.

The inquiry has been completed, the Report is being communicated to the nation. Personally, I am profoundly grateful to

Justices Daud and Suresh, who have taken great pains, undergone infinite inconvenience, and received not a rupee by way of reward, nor a facility in return. Words cannot adequately express my profound gratitude to them. The perennial goodwill of the common people is all they seek and that feeling will surely flow towards them in abundance. I release the Report to the Indian people. Bombay belongs to India and the people of India have a right to know what did take place in those distressing days of December 1992 and January 1993.

I cannot stop with offering the Report to my countrymen. I must emphasise the great importance and the grave implications of the pregnant observations as well as the short term and long term recommendations made by the People's Bench, as it were. There has been some measure of dereliction, inaction and occasional collaboration on the sly by the police, as is seen from the report. A government where the police is dubious or devious cannot last. The top echelons might have tirelessly striven to do their duty. The

"Whoever fights monsters should see that in the process he does not become a monster."

- Nietzsche

limitations they laboured under may be many. The inner reserves and moral fibre of the forces might have been under stress and further polluted by politickers. The untold story may be the iceberg hidden from view. But no alibi avails when justice fails and relief is remote. The people lose confidence in the security they expect, if the administration does not police the police. The significance of the people's participation, even in the maintenance of peace and tranquillity, must be taken serious note of. Democracy wins only where the people's faith is won. A wealth of recommendations, which I need not repeat here, is really addressed to the Governments(State and Central). These proposals are made, not in the spirit of carping criticism, nor with a view to discredit any department or authority or minister. The object is benign, and geared to the good of the people. Police brutality is sometimes defended by the Establishment as an inevitable evil. It begins as inevitable but ends as evil. The State should never believe that excess is the easy way to success. Nietzsche once said, "Whoever fights monsters should see that in the process he does not become a monster. And when you look long into an abyss, the abyss also looks long into you."

Communalism, with fascist facets and engineered by criminalised and politicised groups will destroy our democracy and overthrow our Republic. Therefore, every constructive suggestion

made, must be taken seriously by the State. The minority community, which in an overall view, suffered terribly, deserves better protection. That is the measure of our culture.

"To wipe every tear from every eye" is the tryst we made at the birth of our nation as a sovereign Bharat. Irresistibly, there is a moral and even legal obligation to make compensation and rehabilitation a reality for the victims of the Bombay tragedies. Humanist compensation must be liberal and must not wait for legal proceedings and procedural formalities. The jurisprudence of mass casualties must be evolved and put into action through the involvement of voluntary social action groups or other popular methodologies.

Justice is what justice does. I hope the State of Maharashtra will do justice to its people and not defeat it by official or judicial delays and other blockages.

Justice V.R.Krishna Iyer

Chairman

Indian People's Human Rights Tribunal

July 7, 1993

PREFACE

The Chairman of the Indian People's Human Rights Tribunal, Justice V.R.Krishna Iyer, requested us (Justice S.M.Daud and Justice H.Suresh) to serve as members of the Tribunal, to probe the December 1992 and January 1993 riots which rocked Bombay. A copy of the said reference is annexed hereto and marked as Annexure I. The Tribunal had its sittings in almost all the affected areas, on different days, a schedule of which is annexed hereto and marked as Annexure II.

The Tribunal collected in all about 2046 statements, both individual and joint, from persons who were affected by the riots. The Tribunal also recorded evidence of several persons in all the places where the Tribunal had its sittings. Besides, we have received various reports from journalists, social activists and various organisations. We have also collected video tapes, audio tapes, as also newspaper analyses and reports. The literature on the subject is immense and we have benefited a great deal by poring over the same. Still, we realise the likelihood of deficiencies in the report. Perhaps, it is not as complete as it should be. All that we can plead in extenuation, is the urgent need to complete the probe as also the report, lest delay push the riots and its lessons to a forgotten niche of the history of recent times.

We acknowledge our great debt to the activists who brought the victims and the knowledgeable ones to us. Their assistance has proved invaluable. The state government and its agencies, though served notices and requested to render assistance, have stubbornly refused to even acknowledge the communications addressed to them. We could not have expected anything different, seeing that even their own appointed Commissions receive step-motherly treatment.

We would be remiss if we did not dedicate this report to the victims of the riots, as also those who brought them succour and helped expose the guilty ones.

Justice S.M.Daud (Retd)
Bombay High Court

Justice H.Suresh (Retd)
Bombay High Court

THE PROCEDURE

We adopted a simple procedure. Wherever we had our sittings, the victims came in large numbers and volunteered to give their statements. Obviously, it was not possible to examine each and every person ourselves. Therefore, we adopted the procedure of recording depositions of a few persons from each area, who would give a general account of how they were all attacked; the incident being common to all of them. As regards the others, the social activists who had accompanied us, would record the victims' statements and the same would be tendered before us.

In addition to the above, we ourselves had asked several questions to elicit correct information. It is true that the witnesses have not been cross-examined. But our sittings were open to the public and all those interested were welcome. We would have been happy if the police had attended our sittings. But just because there has been no challenge to the evidence before us, it cannot be said that the evidence is not reliable. Most of the victims have suffered injuries and have lost everything; their livelihood, their belongings and their place of living. They have not been able to get justice, so far. In the case of some, their earlier statements, in the form of complaints, FIRs and Panchamas, are all on record and they have tendered copies of those documents. Therefore, *prima facie*, there is no reason why evidence so received, cannot be accepted.

Moreover, the evidence came to be recorded in an atmosphere where there was no fear or favour. Ours is a friendly tribunal, where the victims could give vent to their feelings of the trauma they had undergone. In this sense, as compared to government-appointed enquiry commissions, a tribunal like ours has a better chance at arriving at the truth. In fact, many victims who were nervous about giving out the names of their assailants to the partisan police, had the confidence to disclose them to us.

Many of the journalists and social activists who had visited the scenes of the riots, had their contemporaneous reports which supported their statements before us. Besides, the audio and video tapes, vindicated the veracity of the version given by the victims.

THE EVIDENCE

We will now briefly summarise the evidence that has come before us.

SECTOR REPORTS

AGRIPADA

The tribunal has received about 297 statements from Agripada.

Saat Rasta / Dhobi Ghat Area:

The Saat Rasta area of Agripada covers a number of small sectors known as Adarsh Nagar, Sane Guruji Nagar 'B' committee, Ganesh Nagar 'C' Committee, Ganesh Nagar 'D' Committee, Indira Nagar, Sanjay Gandhi Nagar, Saibaba Nagar, Bhim Nagar, Ram Deo Nagar, Shanti Nagar, Ambedkar Nagar, Shastri Nagar, Vijay Nagar, Jai Bhawani Nagar and Shiv Shakti Nagar. The first three localities have a majority of Muslims, the rest are mixed, with a predominance of Hindus in most of them.

Prior to the riots, there was no apparent discord between the members of the two communities. Even during the December 1992 riots, peace was maintained. One of the deponents has credited this to the timely action of PSI Ghanwat who prevented the Shiv Sainiks of the neighbouring Pathan Chawl from creating tension in the area. However, a few days prior to the January 1993 riots, Muslims of Adarsh Nagar had received threats of violence and looting from the local goondas. In view of the increasing tension in the city from 6.1.1993, Muslims and Hindu elders of the area got together and resolved that trouble makers would not be allowed to create any mischief in their area. Infiltration from outside was to be checked and able-bodied males would take turns at keeping a vigil at night. Despite these precautions, various incidents took place which sparked off a riot on 9.1.1993.

A big mob started attacking the Madina Masjid, compelling the police to resort to firing. The death of a Maharashtra youth in the firing provoked further acts of violence. That evening, a poultry shop owned by a Muslim was broken into and its contents looted. Both Hindus and Muslims participated in the looting. Three other shops, two belonging to Muslims and one to a Hindu, met with the same fate. All the four shops were burnt after the looting was over. The police

deployed in the vicinity were reported to have opened fire, resulting in the instantaneous death of two persons.

That evening, a *maha-arti* was performed near the local Sai Baba temple. Communal elements used the occasion to launch a tirade against Muslims and to instigate the mob to burn, loot and drive out Muslims from the area. At about 9.00 pm, the power supply in some homes was disrupted, further contributing to the prevalent tension. The atmosphere was already surcharged by the conclusion of the *maha-arti*, when devotees shouted slogans and beat drums as they dispersed. The devotees according to witnesses, were armed with all manner of deadly weapons. All the rioters were wearing saffron headbands. Roofs of Muslim houses were smashed with bricks and stones, petrol bombs were flung at these structures due to which the houses caught fire. The attempts of the residents to stamp out the fire were not very successful. The police arrived belatedly and opened fire, resulting in several injuries. Quite a number of victims were Muslims and one of them, Sayyed Mohammed, who was taken to the Kasturba Hospital, was refused admission there. His relatives had to shift the unfortunate victim to the Nair Hospital.

The police left soon after, encouraging the mob to resume their deadly looting and burning spree. A majority of the sufferers were Muslims, with a fair sprinkling of Hindus. A number of persons were victims of knife and chopper attacks. Most of the Muslims in the affected area fled their homes.

It must be mentioned that a number of instances of Hindus coming to the assistance of their Muslim neighbours have come to light. One S___ gave refuge to her Muslim neighbours and was beaten up when she refused to disclose their whereabouts. So menacing had the situation become for her, that she was forced to leave her home and take refuge with her sister. On returning she saw that her home had been completely looted, the miscreants having taken away every single article in her home. Another, S.B___ gave shelter to a couple and their four children. A third woman rescued a female friend from the neighbourhood along with the friend's family and sheltered the rescued persons for quite a few days. One I___ not only hid her Muslim tenant but assisted that tenant in delivering a baby in her home. When this act of charity came to the ears of the local Shiv Sainiks, they warned her to refrain from these 'good samaritan' acts. Another woman, a Maharashtra Hindu, helped a Muslim woman to escape from an unsafe area by disguising her as a Maharashtra. A milk vendor rescued a Muslim woman from a mob

of armed hoodlums. Several other incidents of this nature have been narrated by the witnesses.

So fierce was the violence and destruction let loose against the Muslims, that the majority of them had fled their homes by 10.1.1993. Taxis belonging to Muslims were not spared and one of the major sufferers in the area was an ex-MLA, Hassnein by name. He gave a graphic description of the damage done to his property, his efforts to get assistance and his failure in obtaining any. Not only did he try to contact the police, but also ministers of the state government. However, all his efforts were in vain.

The police emerged in a clearly unfavourable light; their action if any, was belated, and hardly effective against the Shiv Sainik rioters and was definitely not helpful to the victims. In fact, two of them, identified as Havalgars Ashok Naik and Raja were said to have taken an active part in the rioting and looting. In their interaction with the Muslims, they minced no words to display their prejudices against Muslims or in favour of the Shiv Sena. If compelled to arrest Shiv Sainiks, they did so most reluctantly and were very prompt in releasing the criminals at the earliest possible opportunity. Small wonder then, that a large number of witnesses have described the police as being hand-in-glove with the Shiv Sainiks.

The Muslims who began returning to their damaged homes are still extremely insecure due to police apathy and the ill-concealed threats of the Shiv Sainiks. The Shiv Sainiks also resorted to all kinds of harassment, including the cutting off of the water and power supply in order to discourage the return of Muslims to the area.

The compensation received by the victims is meagre while several have not even received the compensation doled out by the Government.

BIT Chawls

There are a sprinkling of Muslims in the BIT Chawls in Agripada who have suffered the same fate as other members of their community residing elsewhere in Bombay, during the January 1993 bout of rioting. Prior to this, both the communities had been living in peace and amity for decades. The gymnasium in Agripada had been frequented by boys of both the communities. On 8.1.1993 a big mob of Shiv Sainiks went about the area burning Muslim homes. It was eventually with the help of the fire brigade that some families could leave their burning homes. The looting was completed on 9.1.1993, after the besieged-families had moved out. Some three rioters were

arrested though many others continued to move about freely. The rioting received an impetus on account of a *maha-arti* which took place in the area on 7.1.1993. The police did little or nothing to help the victims. A detailed report of the doings of the police and the rioters have been sent to the Government on behalf of Abdul Aziz Ansari by his advocate on 2.2.1993. It does not appear that much has been done to bring the culprits to book or any genuine efforts made to recover the looted property.

One of the victims had stated that, when the fire brigade was contacted, fire brigade personnel callously replied that fires in Agripada should continue to rage! On its part, the police replied that Muslims were to be allowed to burn or be killed. Telephones of Muslim homes had been disconnected, the water supply cut off and rations not allowed to come in. Even a convoy provided by the Agripada Relief Committee bringing material for the sufferers was stoned by the rioters.

It has also been stated by the witnesses that the rioters were assisted substantially by the muscle power provided by the infamous criminal gangs of Amar Naik and Arun Gavli. The majority of the rioters were local people while a few were outsiders.

ANDHERI

The Tribunal has received statements of about 161 witnesses from Andheri (East) and also Andheri (West). Both the areas are predominantly Hindu in composition, with a sprinkling of Muslims here and there. The areas affected in the riots were Sambhaji Nagar, Shivaji Nagar, Sahar Road, Mograpada, Kol Dongri, Gundavali, P.P. Dias Compound, Saiwadi, Yagni Nagar, Amboli and Amboli Phatak. In the December 1992 bout of rioting there were a few incidents of rioting against Muslims, but these were of a minor character.

In the January 1993 bout of rioting, trouble started even before 9.1.1993. Threats were given to Muslims to leave the place and when some Muslim moved out, their homes and shops were destroyed. The slogans uttered by the mob made their affinity with the Shiv Sena clear. The party appears to have a strong presence in the area and its notables include Ramesh Prabhoo and Sitaram Salvi. But even the Congress I legislator Ramesh Dubey who has won election after election with Muslim support in particular, was with the rioters who were pitted against the Muslims.

On 10.1.1993 fire balls were flung at Muslim homes and the raging fires destroyed the structures as also the goods stored therein. A maha-arti was performed and so frightening were the acts of the rampaging mobs that not only Muslims but even Hindus fled the areas.

On 11.1.1993 a mosque was destroyed. Police inaction had so emboldened the rioters that even the Hindus residing in the area became uncertain of their security. A joint procession of persons from both the communities marched to the police station demanding protection. The police made no commitment and the result was that some of the victims were compelled to spend the night right outside the police station, which saved their lives.

On 15.1.93 a garage belonging to a Muslim was looted. Several Muslims were beaten up, their homes were wrecked, looted and burnt down. In some cases the arrested rioters were released as a result of the mediation of Sitaram Salvi, Ramesh Prabhoo and Ramesh Dubey. The victims complain of not being allowed to return to their areas. The Shiv Sena had put up notice boards threatening the returnees. Having undergone such trauma, the Muslims are now desirous of shifting to the predominantly Muslim areas. Loss of earnings, the means of livelihood and disruption of children's education has resulted in increasing the misery of the sufferers. Ration cards lost in the course of the rioting are not being replaced easily by the current administration. The victims of the riots do not have the money to grease itching palms, or to get this or that piece of paper which is considered a must for possessing a ration card. The police have refused to register reports by the victims, delayed making of panchnamas showing losses sustained by victims, mislaid panchnamas, declined to give copies of panchnamas, destroyed reports when given in writing and even warned victims against returning to the area for they were not in a position to ensure protection. It was only after the change of the police Commissioner that the situation improved to some extent. Inspectors Subhash Patil, Kiran More and Ramesh Koriya and P.S.I. Panhale have all been accused of incivility, rudeness, inaction and hostility towards the Muslims.

That the Shiv Sena was staging the riots is indisputable. The slogans shouted by the rioters, the flags carried by them and the presence of a number of known Shiv Sainiks like Sadanand Vichare, Sitaram Salvi, Narain Mistry, Ramesh More and others amongst the rioters has been testified against by several persons. However, witnesses also speak of Congress I party supporters in the riots and these include Ramesh Dubey.

The compensation received by the victims is limited to those whose houses were burnt. Damaged houses reduced to sand and gravel have not been considered eligible for compensation. Dependents of five persons who lost their lives in the riots were given little or no compensation. In a number of cases the victims received far less than the official entitlement and this makes it clear that the Collector's staff has pocketed sizable sums meant for the victims.

ANTOP HILL

The Tribunal has received 223 statements from Antop Hill.

(a) The area serviced by the police station at Antop Hill covers a wide territory. This territory covers small pockets bearing names like Mahatma Gandhi Nagar, Indira Seva Mandal, Shastri Nagar, Sangam Nagar, Shanta Nagar, Naik Nagar, Sardar Nagar, Santoshi Mata Nagar and Mariamma Temple Nagar, as also Pratiksha Nagar (which will be dealt with separately).

In December 1992 there was trouble in these areas but not to the extent found in other affected areas of Bombay. However, on 27.12.1992 a large mob of Shiv Sainiks attacked the Muslim homes in the area. The house of one Shehzada Sheikh Ahmed was attacked. His wife received injuries on her hands and legs. She was taken for treatment to Sion Hospital. The compounder there remarked that the wounded person was not in Pakistan and would not be given any treatment. Later on, a fresh attack took place. The police resorted to firing and one of those injured was Mr. Ahmed's son. A little later, the house belonging to Mr. Ahmed was completely destroyed by the mob. Mr. Ahmed was unfortunate in that whatever little remained with him was looted when he was again attacked on 9.1.1993 or 10.1.1993. The rioters were led by Ramchandra Mishra and Ramdev Varma, both Shiv Sainiks. The first is a slum-lord who has made it his business to sell land belonging to the government and frighten people into doing his bidding.

Abdul Latif speaks of an incident dated 8.12.1992 when he was struck by a bullet fired by the police. At that time he had gone out to collect his children as he had heard about the police resorting to firing.

In the January 1993 bout of rioting a large number of persons belonging to the Muslim community in different pockets suffered in person and property. On the night of 6.1.1993 Mohamed Safdar of Sardar Nagar was threatened into leaving his house, or else his entire

family would be killed. The threat worked and Mohamed Safdar and his family fled. When he returned on 21.1.93, he found his house bereft of articles. His neighbours told him that his house had been looted and some of the articles burnt outside his house, immediately after he had fled on 7.1.1993. Mohammed Safdar has not been given any compensation.

Karima Banu speaks of two young men from the area in which she lives, namely Shastri Nagar, who called upon her to give up crying for Allah and turn instead to Ram. The boys named Nanu and Bhagwan threatened to burn down the Muslim huts, together with the Muslims therein. The police arrived at the spot with great difficulty and shifted the Muslims under attack to Sunder Hotel, where no food or water was provided to the victims, although they remained there for quite a few days. Eventually the military provided an escort and the refugees were shifted to the Relief Camp at Musafirkhana. Karima says that the Antop Hill police station is totally uncooperative, and is driving people from pillar to post in order to lodge complaints or demanding copies of different documents.

Shiraz Sheikh's house was looted on 10.1.1993 and 11.1.1993. All that he could take with him when the family moved out was a box of clothes. Another witness, Sayed Wali Ahmed, came with ten others, all of whose establishments on S.M. Road had been burnt down and looted. The man behind all this was one Bhonsale said to be in the Water Department. The victims suffered a loss of Rs. 30,00,000/- but no compensation has been given to them. The Shiv Sainiks in the neighbourhood have warned the victims not to return and set up new businesses.

Feroze Khan of Indira Nagar had his house and factory looted and burnt down on 10.1.1993 by local persons including children. The police did not respond in time. In spite of the detailed complaint of Feroze Khan, no action was taken by the police.

Inayatullah of Indira Seva Mandal speaks of his shop being surrounded by a mob of 1,000 people on 11.1.1993. He and his family resided in a room above his shop. Both the premises were looted and destroyed. No compensation has been paid and the police have not taken any action against the miscreants. Abdul Salam had a shoe shop on S.M. Road. The stock-in-trade and furniture worth about Rs.4,50,000/- was looted and burnt. When the victim learnt of this he sought the assistance of the Antop Hill police. The reply given was that he was welcome to do something on his own as they did not have the requisite force to deal with the rioters.

Zameerunnissa speaks of her husband having died in police firing on the night of 11.1.1993. Her house had also been burnt down. Akbar Ali's house in Santoshi Mata Nagar was attacked and destroyed on 11.1.1993 by South Indians and Dalits. No compensation was received. Similar is the testimony of Khursheedbi. The police had few rioters on the report of Khursheedbi but the arrested persons were released soon after.

Hafeeza was living in Mahatma Gandhi Nagar hutment colony. Her hut was targeted by rioters on 11.1.1993. Everyone started running about in a panic and the witness has since lost touch with a son of hers and her husband. The rioters were from her area but she was not willing to reveal their names as they had threatened to kill her and the remaining members of the family if she disclosed their names.

Bansi Lokhande's house was burnt down on 11.1.1993. No compensation has been given except for the paltry sum of Rs. 5,000/-. Several witnesses from Mahatma Gandhi Nagar spoke of the burning of their huts, the unwillingness of the police to take action against the miscreants and their either getting a pittance or nothing, by way of compensation.

Mohamed Subbar who lives in Mahatma Gandhi Nagar suffered two attacks. On 9.1.1993 his shop was looted and destroyed and on 14.1.1993 his house was targeted. When approached, the police pleaded their inability to help. Begumbi of Mahatma Gandhi Nagar testified along with three other women. Their huts were set on fire on the night of 11.1.93. Some of the victims received Rs. 250/- each by way of immediate relief, two of the victims received Rs. 5,000/- each and nothing was received by the others. Zubeda, Amina and Shamshuda speak of their huts situated near the railway station being set on fire on the evening of 12.1.1993. Three attacks were launched on these hutments, but no compensation has been paid to these victims.

Some of the affected persons were Hindus. Goribi says that on 13.1.1993, several huts in the area were set on fire. The fire affected Hindus as also Muslims and all of them had to flee the area. A paltry compensation was given to the victims, if at all.

Ahmed Khan of Naik Nagar says that his shop was looted on 12.1.1993 and later his house was also attacked. He and his family were given shelter by a non-Muslim neighbour. No compensation has been paid to the victim who had been compelled to leave his family at Bangalore. Saira Banu of Muzzawar Chawl spoke of her husband Riaz Ahmed having been killed on 8.12.92. The killing took place at Kurla

and Saira Banu has received a cheque for Rs. 30,000/-. The corpse of the murdered man was recovered days later. Residents of Muzzawar Chawl testified to people from the area being picked up and held incommunicado for long periods by the police.

Mohamed Naeem, a taxi driver of Shastri Nagar had his house stoned by a mob of Shiv Sainiks which included one Darshana. The masjid behind his house was set on fire. A Christian and a Telugu-speaking Hindu neighbour on either side of Mohamed Naeem's home persuaded the mob not to set fire to Mohamed Naeem's house as the same would destroy their homes also. The attacks increased in frequency as also intensity and eventually at night Mohamed Naeem was forced to leave the area with his family. Though a number of taxis were burnt down Mohamed Naeem's was miraculously untouched as it was parked between taxis belonging to Hindus.

The Muslims of the area were not allowed to return to their homes because of the threats issued by the Shiv Sena. The police gave no practical assistance.

(b) Pratiksha Nagar

Pratiksha Nagar is a transit camp maintained by the Housing Board for the purpose of accommodating dishoused persons from buildings in different localities, which are to be repaired or reconstructed under the Housing Board Act. There are about 400 structures in this camp. A majority of the population (approx. 85%) consists of Hindus and the remaining are Muslims and other minority communities. They had been living in peace without any communal tension for the last several years. 184 persons from Pratiksha Nagar deposed before us.

In December 1992, Pratiksha Nagar was trouble free. On 6.12.1992 about 200 Shiv Sainiks had collected near the BEST bus depot at midnight. Nizamuddin Siddiqui, a Special Executive Magistrate of that area, who himself had to flee from that place later on, reported the matter to the police who immediately dispersed the crowd. On the next day the police gave protection to the two mosques which were situated in the area. No untoward incident took place thereafter.

On 2.1.1993 and 3.1.1993 certain persons claiming to be employees of the Bombay Housing Board went round the tenements on the pretext of checking the names of the occupants. But they only verified and checked the tenements occupied by the Muslims. All such tenements were marked with chalk from the outside.

The first incident took place in the area on 7.1.1993 when two taxis were burnt at around 4.00 a.m. Sub-Inspector Paul of Antop Hill police station arrested some boys. One was the son of Sub-Inspector Vinayak Patil who had a sword in his hand. It appears that the arrested boys were released the next morning. It has also come on record that Sub-Inspector Paul was thereafter transferred from that police station.

On 8.1.1993, it was rumoured that weapons had been collected and stored at the Shiv Sena Shakha. On that day, the wife of Pramod Thakur (Shiv Sena leader) had gone around and collected protection money from the Muslims at the rate of Rs.500/- per family. Soon thereafter, a number of Muslim-owned shops, taxis and bakeries were attacked. This created panic in the area. Quite a number of Muslims came out in the open and were appealing to the police to make arrangements for their protection or to take them out of the area. However, at about 6.00 p.m., the police informed the people that curfew time had begun and all the Muslims who had come out in the open were asked to go back and hide themselves wherever they could. In spite of the curfew, the whole area was tense and the Muslim occupants were threatened that their houses would be set on fire.

Thereafter, the attacks began from 9.1.1993 and continued till about 12.1.1993. The masjid was stoned, shops were looted, taxis, autorickshaws, cars and tempos belonging to Muslims were set on fire. A *maha-arti* took place in the evening. The Shiv Sainiks went around all the chawls and told the Muslim occupants not to move about. Thereafter, the Muslim houses were attacked, their belongings looted and the occupants beaten up. We have evidence to show that on 9.1.1993, about 40 persons, mostly young Shiv Sainiks, had attacked the masjid with swords, daggers, choppers, sticks etc. The police only stood by and watched the entire incident. Sub-Inspector Patil and the constables under him paid no heed to the protests and complaints from the victims.

On the next day, the rioters returned in large numbers and there was wide-spread arson. The rioters were shouting out that Muslims should be killed. Instead of giving protection to the victims, the police drove them away with the butts of their guns. Throughout the night the area was lit with spotlights which enabled the rioters to identify the rooms occupied by the Muslims and to continue their attacks. Many eye-witnesses have deposed before us as to how several of them were attacked and others killed. They had gone to the police station to lodge complaints but the police gave them no protection. They

have also given us the names of several assailants. Sub-Inspector Patil lives in Pratiksha Nagar and knows these assailants. No action has been taken against them.

Instead of being given protection, the Muslims were ordered by the police to gather in an open space near Sunder Vihar Hindu Hotel, where they remained for about 3 days. During this time, bricks, bottles and other missiles were thrown at them from the surrounding buildings. This crowd, which steadily increased in number, was under siege by the surrounding Hindus for 3 days during which time they were under constant threat of being massacred. The trauma of this prolonged and torturous anxiety is evident from the testimony of scores of witnesses who deposed before us.

The nearby Hindu residents were told by Shiv Sainiks not to give even a drop of water to the Muslims. When they wanted to cook food for their babies and for the disabled, the police stopped them from doing so on the pretext that preparation for cooking would invite a fresh attack from the rioters. They were even told that instead of drinking water they should drink human urine and that the proper place for them was Pakistan or kabrastan. One witness has said that for a glass of water they had to pay Rs.10/- . When they wanted to leave the place, the Shiv Sainik women staged a rasta roko agitation. The police even collected Rs.20/- per family to allow them to leave the area, but they were still not allowed to leave the place. On 12.1.1993, when one tempo-load of Muslims tried to escape, the tyres of the tempo were slashed with swords by Shiv Sainiks. Open threats were being given to victims that they would all be killed and would not be allowed to leave the place. All the while the police did nothing.

One Mohammed Mukarram Khan, a member of the Bombay Aman Committee, was asked to transport food and water to Pratiksha Nagar and to help evacuate the people. He has given a detailed statement as to what transpired when he visited the place. Before he visited the place, he had contacted Mr. Pasricha (Additional Commissioner of Police) who had directed the Antop Hill police station to give him the necessary escort. On the way, his jeep was attacked. Finally, when he went to the police station, Sub-Inspector Patil abused him. Whilst he was at the police station, a mob arrived there and demanded that his jeep be checked and that he should not be allowed to go. The jeep was searched but nothing was found. The police on their own did not take any

initiative. It was only when the local Shakha Pramukh came there that the mob was made to disperse and it was thereafter that he was allowed out and could make arrangements to shift the victims to the relief camps.

The evidence shows that thereafter, about 3,000 persons were removed from the area with the assistance of a military convoy. Even when the military was escorting them out, the mob obstructed the convoy by throwing stones, shouting abusive slogans and by throwing burning objects. The military could not fire at the mob as no such order was given to them by D.C.P.Rane, who had arrived there subsequently. It appears that the jeep in which Mohammed Mukarram Khan had gone to Pratiksha Nagar was retained by Sub-Inspector Patil for no apparent reason and could only be retrieved eight days later.

The evidence shows that the Aman Committee had complained to the Chief Minister but he had done very little to protect the victims. The evidence also shows that most of the persons who had fled Pratiksha Nagar have not gone back. Most of the houses are destroyed or damaged and they are not in a position to reconstruct and occupy the same. The witnesses have reported the losses suffered by them, but the compensation received is meagre. The government has not granted any compensation in respect of losses suffered due to looting. Most of the victims have lodged complaints at the police station but there is no evidence as to what action the police have taken, though the names of the assailants have been given. However, some victims have stated that their erstwhile neighbours have treated them well. But in the most part, they are not confident of returning to reside in the same area.

BANDRA

Fifty-six persons have given their statements in respect of this area. For the purpose of the present report, Bandra has been divided into 5 areas:-

1. Kherwadi & Nirmal Nagar,
2. Bharat Nagar,
3. Behrampada
4. Garib Nagar
5. Bandra (West).

Kherwadi & Nirmal Nagar

We have evidence of only one incident that occurred on 7.12.92 when rioting took place in the area and one or two houses were burnt and looted. The names of the rioters that have come on record are Daulat Sudham, Dinesh Rudhal and certain others associated with them. When complaints were lodged, some other innocent persons were arrested but the real culprits were not apprehended.

In the month of January 1993 the area was tense, the incidents started from 10.1.93 and continued upto 13.1.93. On 10.1.93 there were certain incidents of bottle and stone throwing and the police dragged innocent persons from their homes and mercilessly beat them up. On 12.1.93 at about 4.00 p.m. Madhukar Sarpotdar of the Shiv Sena gave a speech outside the Nirmal Nagar police station, for which a huge crowd of Maharashtrian boys had gathered. The speech incited the mob. The police were watching and were clapping along with the mob. Soon thereafter, several houses were looted, burnt down and damaged by the rioters. The police took no action to stop the rioting; instead they supported the rioters.

As the riots subsided thereafter all over Bombay, there should not have been any trouble in the area. However, on 23.1.93, a wall was built by the residents of Shiv Sagar Building which literally blocked the access of 14 Muslim families preventing them from returning to their homes. A complaint was lodged at the police station, but the police were not very helpful. In the meanwhile, the residents of Shiv Sagar Building moved the court and obtained an injunction restraining the BMC or any other person from demolishing the wall. Though the BMC wanted to pull down the wall, they could not do so because of a court injunction. Thus these 14 families have lost their residence, although according to them they have been residing in the area since the year 1952. The Shiv Sagar Building came up only in the year 1986.

Bharat Nagar

The rioting started on 7.12.92. On that day all the shops in the area had been closed as a protest against the demolition of the Babri Masjid. The children who had gone to school in the morning returned home early, as also several persons who had set out for their offices. In the meanwhile, people from the government colony and Shiv Sena started pelting stones. BEST buses were attacked and destroyed and the police were also attacked. The police then resorted to firing, as a result of which two persons died and several persons were injured.

The police fired directly at the mob, aiming mostly above the waist. Finally the women from the locality came out and requested the police to stop firing. On the next day at about 9.00 a.m., a mob of about 500 to 600 persons were seen rushing towards Bharat Nagar Colony. The residents came out in fear to defend themselves. The evidence indicates that the police, who had come with Madhukar Sarpotdar and Ashok Shinde (a Shiv Sena Shakha Pramukh), instead of dispersing the mob, only fired in the direction of Bharat Nagar. The result was that several innocent persons suffered injuries. Two or three persons died in the firing. The police also forcibly entered several homes and beat up men and women. There were instances of the police firing even inside homes and at old and young persons. The police did not permit the injured to be taken to hospital. Even women cooking in their homes received bullet injuries. The police destroyed property and threatened the victims with dire consequences if they dared to file complaints. One woman witness said that the police told her that if she were to complain, they would kill her. Finally, the womenfolk came out and requested the police to stop killing innocent persons. There were about 1000 to 2000 women. It was only after repeated appeals that the police stopped attacking innocent persons. It was at this time that several persons suffered injuries and several lost their lives, all due to police firing and beating. The witnesses have mentioned the names of the officers who indulged in this kind of mindless shooting. Their names are Inspector Desai, Inspector Prabhakar Borde, Inspector Babar, Mr. Rane, Mr. Saiba, Mr. Mohite, Mr. Verghese and Mr. Suryavanshi.

There was one more incident on 15.1.93 at the 315 bus stop, mentioned in Ms. Flavia Agnes' report, which we will deal with hereunder.

Behrampada

Behrampada is a slum area situated over 10 acres of land parallel to the railway tracks between Bandra and Khar stations, on the eastern side of the railway tracks. On the southern end of the *basti* runs the Anant Kanekar Marg, which is the main access road from Bandra station to the government offices and housing complexes situated at Bandra (East). On the northern end of the *basti* there are four storied L.I.G. buildings and on the eastern side are the six storied New M.I.G. colonies. This is predominantly a Muslim *basti*. This area falls under the Nirmal Nagar police station's jurisdiction. The jurisdiction of Kherwadi police station is across the highway on the eastern side. This is a more affluent residential area. The Maharashtrian intelligentsia, artists, writers,

journalists and architects, live in high rise housing complexes which are known as Kala Nagar, Sahitya Sahavas, Patrakar Nagar and Artec respectively.

Except for pockets like Behrampada, Navpada and Bharat Nagar, the remaining are residential areas, predominantly populated by Hindus with a strong Shiv Sena influence. Mr. Bal Thackeray lives in Kala Nagar. Mr. Madhukar Sarpotdar, who was arrested for inciting communal passions during the 1984 riots, wields a strong influence over the Maharashtrian youth in this area. In the same complex there are government offices such as MSEB, ONGC, Indian Oil and recently the Court Complex. The trade unions of these government offices are also dominated by the Shiv Sena.

Originally Behrampada was marshy land but during the last 40 years several Muslim artisans came and settled in this area. They have their traditional crafts of block printing, zari, embroidery work, readymade garments, costume jewellery and carpentry. Today the area has electricity, water taps, common latrines, a ration shop and telephone connections. It has a population of about 50,000 persons out of which about 12,000 are Hindus.

It appears that during each election promises were made to develop Behrampada under the Slum Improvement Scheme, but these promises have not been fulfilled. By and large, Behrampada has remained a strong Congress I supporter.

As the surrounding area developed into well planned residential and commercial complexes, Behrampada has come under a lot of pressure to evict the occupants. The Railways wanted the *basti* to be vacated but the residents claimed that the land belongs to the Collector. The people are united in saving Behrampada. There has been no communal tension within Behrampada.

The incidents in this area started on 7.12.92 due to a rumour that the residents of Behrampada, on the previous night, had beheaded an idol of Ganesh from the Ganesh Mandir situated on Anant Kanekar Marg. So, at about 7.00 a.m. a large number of persons collected outside the Ganesh Mandir. Thereafter, the crowd started throwing stones. There were 3 constables in the Bandra Court situated opposite the Ganesh Mandir. The constables tried to intervene but the crowd would not heed them. The police then resorted to firing not at the crowd but into the Behrampada colony. Several boys died in the police firing. Here again, the police acted in a brutal manner by entering houses, beating up residents and arresting innocent victims, but the rioters were not apprehended. On the next day the police

again attacked the area and several persons were beaten up and also fired at indiscriminately. The womenfolk once again gathered and appealed to the police not to fire at children and innocent persons. The police kept on firing and one of the bullets struck one Neelam, wife of Imtiaz, who was only appealing to the police not to fire. She died on the spot.

As far as Behrampada is concerned, we have a detailed report from Ms. Flavia Agnes, an advocate and social activist who has also deposed before the Tribunal. She screened a video film entitled "I live in Behrampada", produced by herself and Madhushree Dutta, a film maker. The film is a compilation of interview excerpts. Ms. Agnes also submitted a report which was prepared with the help of the following persons from MASHWARA Legal Aid Centre of MAJLIS; Madhushree Dutta, Lavina Fernandes, Audrey D'Mello, Aruna Burte, Neera Adarkar and the students of Nirmala Niketan College of Social Work. The report sets out in detail the incidents that took place at Behrampada and Kherwadi. Flavia Agnes has recorded statements of eye-witnesses to various incidents. The statements recorded by her support the evidence before us. One of the eye-witnesses whose statement is recorded by Flavia Agnes states that the police agreed not to come inside Behrampada if they handed over the body of a person, killed in police firing, peacefully without causing any commotion. The women agreed and 4 of them, 3 Muslims and 1 Hindu, carried the body to the police van at the gate. Thereafter, on the night of 10.12.92 the police entered the *basti* and started a combing operation. Newspapers reported that the police had recovered knives, choppers, chemicals, crude guns and petrol bombs. Significantly though, no such combing was done in the LIG and MIG colonies from where much of the attack on the *basti* was initiated.

In retaliation, the police kidnapped 10 persons on 8.12.1992 and 12 were injured. Some of the witnesses have stated that the police were accompanied by Madhukar Sarpotdar, the local MLA and Ashok Shinde, a Shakhya Pramukh of that area. Flavia Agnes says that there was no attack on the police on 8.12.92 and there was no justification for firing on that day.

After 10.12.92 peace efforts were initiated. Some Muslim leaders in the area volunteered to donate a Ganesh statue to ease communal tensions and ensure peace and harmony in the area; this was rejected by the Shiv Sena leaders. On 27.12.92, although curfew was in force, a huge procession was taken out to install a new statue. Provocative and abusive slogans against Behrampada were raised during the

procession. Thereafter, speakers were placed near the Behrampada entrance and *maha-artis* came to be conducted twice a day, once in the afternoon, which were organised by the Shiv Sena dominated undertakings of ONGC, MSEB and Indian Oil during their lunch break and once in the evening. Madhukar Sarpotdar himself would attend these *maha-artis* and make provocative and abusive speeches against Behrampada.

Ms. Agnes' report has collected evidence to show how during that period the police and Shiv Sena had assembled on the terrace of Building No.30 of LIG Colony and how petrol bombs were hurled over the *basti*. During this period 2 or 3 incidents took place which enabled the tension to continue; one was the killing of an old Muslim man by the name of Gulab Sheikh, a member of the Peace Committee. This incident did not take place in Behrampada but at Navpada and the culprit was shot dead by the police. Madhukar Sarpotdar began saying that the residents of Behrampada did not want peace in the area, whilst several others stated that the incident occurred out of personal rivalry. The other incident was the discovery of 3 bodies from the sanitary tank of a public toilet at the edge of Behrampada on Anant Kanekar Marg. One of the bodies was identified as that of a Muslim constable from Nasik who was in Bombay on official duty; the other 2 bodies were of Hindus. Nobody knows how these persons died but these incidents provided the fuel for Shiv Sainiks to unleash a campaign against Behrampada, saying that it is a threat to Hindu safety and it must be evacuated. The vernacular press came out with negative reports of Behrampada being a den of criminals, anti-nationals and harbouring illegal immigrants from Bangladesh and Pakistan and stated that there was a factory in it which produces arms and that dead bodies were strewn in the by-lanes of Behrampada. All these were deliberately spread rumours but they had the desired effect. The trade unions of O.N.G.C., M.S.E.B. and Indian Oil wrote to the home minister to evict the *basti* and widen the road so that the white collared office goers are secure. The middle and upper class housing complexes, schools, colleges and hostels of Bandra (East) signed a memorandum against Behrampada. A door to door signature campaign was carried out demanding evacuation of the *basti*. In the meanwhile there was a threat of social boycott - the milk man would not deliver milk, the gas company would not deliver gas, the BMC workers would not clear the garbage. People in the *basti* would not venture out, not even to the banks or to the main vegetable market. Children could not attend schools situated in the L.I.G. area.

It was during this period that Nirmala Niketan assigned young students to carry out a survey to assess the damage. MASHWARA co-ordinated this activity along with other agencies working in the area. These activists entered this area around 15.12.92. They met several injured persons who were hiding in their homes. They also noted that there was no Hindu-Muslim tension in the area and that there was hardly any damage to property within the *basti*. There was a meeting on 30.12.92 at the Collector's office at Bandra (East) to discuss the problems of relief work. The meeting was attended by the Minister Vijay Sinh Mohite Patil, Muslim leaders, Shabana Azmi, Flavia Agnes and others from MASHWARA. The Muslim leaders questioned how permission for provocative processions could have been given on 27.12.92. Madhukar Sarpotdar then raised his voice and threateningly told the persons who were present not to interfere with local politics and he said that outsiders like social workers incited communal violence and that they had no business to enter his area. The Minister, of course, did not protest against Madhukar Sarpotdar.

On 11.1.93 Madhukar Sarpotdar was arrested just outside the New M.I.G. Buildings; he was later released by the police. On 12.1.93 he addressed a public meeting outside Nirmal Nagar police station and told the mob that not a single Muslim house should be left intact in the area. The police who heard the speech applauded. The mobs thereafter entered the housing complex and looted and burnt property and stabbed many people. On 14.1.93 Madhukar Sarpotdar was arrested again; Shiv Sena party workers, especially women supporters, protested. Finally the police released him and his supporters took out a victory procession. On the next day i.e. 15.1.93 there were several attacks on the Muslims.

Flavia Agnes has recorded 1 or 2 most gruesome incidents in this area. One such incident relates to how 2 Muslim passengers in a taxi within a distance of 100 yards from Kherwadi police station were pulled out and stoned. As they fainted and fell down, kerosene was poured on them and they were set on fire. One person died on the spot and the other died subsequently. The incident occurred on a road parallel to the highway at 2.00 p.m. Between the highway and the road is a government complex of gazetted officers, yet nobody intervened. At the same time, 50 yards away, buses were stoned and as one of the buses stopped, 6 Muslim passengers were dragged out and stoned. One person who was hurt on the head fell down and fainted. The mob poured kerosene on him and burnt him alive. Whilst the man was burning women activists of the Shiv Sena threw stones at

the body. A local corporator, Sunanda Patil, telephoned the police but they did not come till after the body was burnt; the excuse was that they were busy in Bharat Nagar, when in fact there was no incident on that day in Bharat Nagar.

Another incident relates to the attacks on the *namaazis*. Different newspapers have given different versions. The incident took place on 15.1.93. The police fired into Behrampada from all sides. There was firing even at a distance of 500 feet from the Masjid which was the scene of the incident. At the time of the firing only women and children were in the *basti* as the men had gone for *namaaz*. The women came out and appealed to the police not to fire but the police did not comply. Shabana, a 10 year old girl, received bullet injuries on her shoulder and thigh and Bablu, a 10 year old boy received an injury on his leg and is still in hospital with a steel rod in his leg. A bullet pierced the abdomen of a 55 year old lady, Zeenatunnissa. Abida, who was breast feeding her 10 month old baby, received a bullet injury on her thigh. According to the police, 3 persons died and 14 were injured. Amongst the dead was a 60 year old man who was shot while climbing the staircase to his house. The injured were rushed to Bhabha Hospital where they were refused admission till Sunil Dutt intervened.

Some of the journalists reported that the *namaazis* had attacked the people. Flavia Agnes has the evidence of eye-witnesses. One eye-witness is a Hindu resident of Building No.28, he stated that boys were throwing petrol bombs from his building at the *namaazis*. Immediately the *namaazis* scattered and started running helter-skelter. Soon afterwards, a group of 20 - 25 Muslim boys came with bottles and tube lights and one had a crude gun in his hand. On the L.I.G. side a hundred boys gathered with sticks, bottles, tube lights and some had revolvers in their hands. The police version is that they opened fire when the Muslims attacked them. It appears that the following day the police control room reported that a huge haul of fire arms, petrol bombs and ammunition was recovered from Behrampada. But the pictures released to the press shows that the arms were kitchen knives, hockey sticks, bottles filled with petrol and there was only one crude gun. The police admitted that no firing could be done with the said gun.

When the riots in the rest of Bombay were cooling down, Bandra (East) was still simmering. So the local leaders decided to celebrate Republic Day by inviting prominent social workers for the function. Amongst the dignitaries who attended the function were

Baba Amte, Satyadev Dubey, Rohini Hattangadi, Arun Naik and Dr. Jamkhedkar, President of M.I.G. Colony. Following this programme the residents approached the police station to ensure children's safety for their schooling. The social workers assured persons that they would take part in restoring confidence. It appears that on one Sunday evening, Dr. Jamkhedkar was told that there would be no peace in the area without the consent of Madhukar Sarpotdar. Unmindful of this warning, about 500 children were escorted to school on 1.2.93 by a group of Maharashtra volunteers from Old M.I.G. Colony. That night bombs were thrown on the *basti*. Shiv Sainiks had gathered near the Ganesh mandir and rags soaked in petrol were hurled at the huts. There is a small Ganesh mandir inside the *basti* which also caught fire. A 25 year old youth who ran to the roof to put out the fire was shot by the police from the terrace of the L.I.G. building. Immediately the electricity was cut off. Petrol bombs were continued to be thrown till about midnight which resulted in a huge fire. 54 huts were destroyed. The fire brigade came only after the huts were destroyed. The newspapers came out with different versions. Four days later Madhukar Sarpotdar was arrested under the National Securities Act. Since then, the Shiv Sena campaign has cooled down. The police force has since been overhauled.

We also have evidence from the residents of MIG Colony which surrounds Behrampada. The witnesses who actually reside in the M.I.G. Colony and hold responsible positions have stated how the police had resorted to firing at Behrampada on 8.12.92. They could see the firing from their building. It has been stated that the attitude of the police was one of hatred against innocent victims rather than a sincere attempt to control the riots. It appears that in some of the buildings of M.I.G. Colony inflammable material had been collected on the terraces for the purpose of setting fire to the Behrampada houses. But before any action could be taken the military was brought in and Madhukar Sarpotdar was arrested and Behrampada thus escaped being set on fire. The residents of M.I.G. Colony have also seen how on 15.1.93 some boys from the terraces of one of the buildings start flinging stones and petrol bombs against the Muslims who had gathered for *namaaz*.

Garib Nagar

In this area the incident occurred on 15.1.93 which was a Friday. The police started firing at *namaazis* at about 1.45 p.m. The women of Garib Nagar requested the police to stop firing but the police paid no

heed, with the result that several women received injuries and even children who were playing outside their houses were injured in police firing. There seems to be no justification whatsoever for the police firing, and that too, at women and children.

Bandra (West)

We have only one statement showing how certain huts situated along the pipe line were destroyed between 6.12.92 and 18.12.92.

BHANDUP

The Tribunal has received about 16 statements from Bhandup.

This area was affected in both the bouts of rioting. On 10.12.1992 the Muslim residents of the area were subjected to a sustained attack by miscreants. When the police were asked for help, the reply was that they could do nothing. However, when the victims tried to ward off the attacks or retaliate the police came down upon them with a heavy hand.

A number of young men from the Muslim community were lined up by the police on the afternoon of 12.12.1992. These boys were publicly beaten. The elected representative to the B.M.C. from the area, whom one witness describes as Manoramatai, was approached for help, but to no effect. A witness speaks of this very woman being sugary sweet before the elections in order to get Muslim votes and then making frivolous excuses when asked to visit the affected area.

The same observation is made of one Sunil Chitnis who described himself as a leader of the Janata Dal. Mr. Chitnis led a mob which looted a footwear shop, the home of the owner of the shop and several other homes in the area. The same mob was responsible for killing one Gaffarbhai and setting his home on fire. Gaffarbhai's body was hacked to pieces and flung into a burning fire. A report of the occurrence was given to the Bhandup police. Sunil Chitnis was identified and even remanded to custody till 21.12.1992. It is said that the then minister of state for home, Babanrao Pachpute intervened and had him released on 16.12.1992. After his release Sunil instigated the tenants of one of the victims to refuse to pay rent to the landlady. The tenants complied with his direction with the result that whilst the lessor was deprived of the rental income, her son was robbed of his footwear business, as also his home.

BHOIWADA

The Tribunal has received 5 statements from Bhoiwada.

In the December 1992 bout of rioting, a mob consisting of Shiv Sainiks and Dalits stoned a Muslim occupied building known as Dadabhoy Chawl on Dr. Ambedkar Road. This was on the night of 8.12.1992. The occupants of the chawl retaliated in kind. The police arrived quite late and did no more than arrest innocent residents of the chawl.

Dadhabhoy Chawl was again attacked on 8.1.1993 by a mob of about a hundred persons armed with deadly weapons like petrol bombs, acid bottles, swords and choppers. All night long the rioters looted, damaged and destroyed the homes and property of Muslims. The police stood by doing nothing. The next day, i.e. on 9.1.93 a person returning from the local durgah was chased by shawl-covered boys. These boys again stoned the Dadhabhoy Chawl. When the police came on the scene they rounded up 26 boys, aged between 12 and 14 years, from the chawl. A witness stated that the boys were beaten and abused by the police in the presence of the armed Shiv Sainiks, who according to the police were carrying arms not for use as weapons of offence, but only for self defense! The boys were kept in custody for five days. The occupants left behind in the chawl, mostly women and children, took refuge in a nearby mosque. From the mosque they witnessed the looting and destruction of their homes by Shiv Sainiks as also by some of their own neighbours. The victims claim to be in a position to identify both the groups, though not the guilty policemen.

At Abhyudaya Nagar, Muslims returning from prayers were assaulted by Shiv Sainik goons armed with guptis and choppers. One of the victims died whilst being carried to the hospital. By mid-day Muslim homes in Abhyudaya Nagar were being looted and articles found in them burnt. In the Elphinstone Road area, in the very presence of the police, a Hindu mob looted a biscuit shop. The police in fact participated in the consumption of the looted goods. On 9.1.93 an intoxicated mob, about 600 strong, armed to the teeth, invaded the railway quarters of Currey Road. A Muslim family which had been given shelter by Sindhi neighbours was brought out, stripped and beaten up. One Mohammed Wasim's brother was stabbed and his corpse flung into a gutter. In another gory incident, a Muslim home in Karupatil Chawl was broken into. All the inmates of the chawl were injured and the aged mother's fingers were chopped off. The looting

and burning continued at T.B.Kadam Marg, Parshuram Nagar and Lal Bagh durgah area. From the last named area, the victims fled and took refuge in a nearby non-Muslim colony. The police, on being informed of this, made it clear that they could not guarantee the safety of the refugees. In fact, their advice was that the refugees leave the area as soon as possible.

At Ganpatrao Kadam Marg and Kalachowky Housing Board, attacks on Muslims and the looting of their property continued. On 10.1.93 about 50 rioters stormed into the BEST staff quarters. Muslim families in the area were attacked with choppers and swords. An injured person seeking help from the nearby Rafi Ahmed Kidwai Marg police station was turned away on the plea that they did not have a sufficient number of men to ensure the defence of those being attacked. The inmates of Qazi Chawl were attacked on 10.1.93. When one of the victims returned one week later to the spot, he was surprised to find a temple standing right against his house. The Ali Sheth Patra Chawl was attacked on 10.1.93 by Shiv Sainiks numbering about 200. A Muslim family living nearby was given shelter by his Hindu neighbours but the home of the family was completely looted.

BORIVALI

The Tribunal has received 4 statements from Borivali.

In December 1992 there was virtually no violence or arson, motivated by communal animosity in the area, at least on a large scale.

The position, however, was different in the January 1993 bout of rioting. An unruly mob of Shiv Sainiks which threatened to get out of hand, had to be fired upon. In the firing a Shiv Sainik died. The death was attributed by the Shiv Sena to Inspector Khan. The Shiv Sainiks went about the area threatening revenge. The timing of the revenge was planned at the return of the funeral processionists, after the cremation of the dead man. This was enough to frighten the handful of Muslims residing in Borivali East. They left their homes and shops. In their absence, their homes and shops were broken into. The looting, sometimes culminating in burning, entailed heavy losses. The refugees had lodged reports at the police station concerned, after verifying the losses incurred. No effective steps have been taken by the police to trace the lost property, or the culprits.

BYCULLA/MAZGAON

The Tribunal has received 39 statements from Byculla/Mazgaon.

These localities have a mixed population of Hindus, Christians and Muslims. The Maharashtrian Hindus, are mostly inclined towards the Shiv Sena. However, communal and political feelings did not intrude into the day to day life of the people. Prior to 6.12.1992, there was no significant communal animosity.

Trouble began with a slogan led by Ram Naik and Praful Desai of the BJP in December 1992. For no rhyme or reason the slogan uttered by the processionists was, "Jo humse takrayega, woh mitti mein mil jayega." The idea was to provoke the Muslims and, as expected, the area became tense.

Tension erupted into violence on 7.12.1992. Stones were pelted at the car of one Sayyed Mehmood Hussein. The next day his confectionary shop and motorcycle were set on fire. Leading the arsonists was Prabhakar, a resident of the locality. Repeated calls to the police for help not having been responded to, the victim and his family were compelled to flee from the scene. His shop and residence were destroyed and the articles therein looted. The looting of other Muslim shops in the area also continued on 8.12.1992.

The rioting took a serious turn in January when looting, arson and violence against Muslims continued virtually unchecked from 8.1.1993 to 11.1.1993. Hindu mobs took to the streets destroying and damaging Muslim residences and commercial establishments. On 9.1.1993, a huge mob of Shiv Sainiks went on the rampage, looting and burning the property of Muslims. On this day a Maha-Arti had taken place and the rioters were loudly encouraged by women Shiv Sainiks named Mrs. Parab and Mrs. Rane.

On 10.1.1993, a truck belonging to one Rehman Sheikh was burnt at Mazgaon. Also burnt that day, was a timber mart, by a mob led by one Ashok and S. Palkar of the Shiv Sena. At Kopergaon, fifty to sixty taxis, belonging to members of all communities, that had been parked in various garages, were burnt on the same day. Some oil and drum factories were also destroyed. Some of the witnesses have attributed this destruction to the builders. A nearby mosque was attacked. Four persons died during the riots, one due to police firing.

The Tribunal has received 16 statements from this area.

The area was rocked by trouble in both the bouts of rioting. In December 1992 there was not much trouble. Threats were given by goons belonging to the BJP and the Shiv Sena. The persons threatened were Muslims. Muslims were asked to get out of the area.

On 8.12.1992, Fakir Mohammed Sheikh who resides at Mohammed Noor Chawl on the R.C.Road at Chembur Naka, found his autorickshaw being damaged and his home being stoned. When Fakir Mohammed went to complain, he was asked to come in the evening by Inspector Karkare of the Chembur police station. He was called to the police station later and arrested. Fakir Mohammed was prevented from contacting anyone and sent to the Ghatkopar lock-up. The next day he was produced before a Magistrate at Kurla Court who remanded Fakir Mohammed to custody till 16.12.1992. People from his sect got him released on bail on 10.12.1992 by arranging for a cash deposit of Rs. 2,000/-. On the night of 15.12.1992 Fakir Mohammed came back to reside at his home. The police took him to the police station on the pretext that they would record his report. He was however arrested and once again people from his sect got him released on bail. Realising that there was no remedy against repeated arrests, Fakir Mohammed left for Bhavnagar. He returned from that city on 2.2.1993 to find his home reduced to ashes. The municipal councillor Ravindra Pawar advised him to lodge a complaint at the police station. His complaint was taken down. However, immediately thereafter the police took his finger prints and locked him up. He was sent to the Arthur Road Jail and he had to arrange for fresh bail to secure his release. On 25.2.1993 the police had come again to his house. Fakir Mohammed did not pursue his report, for whenever he went to the police station he was arrested. He could not go back to his house and had to dispose of his autorickshaw to raise money. In the end he had lost his home, his autorickshaw and whatever little money he had. His complaint addressed to the commissioner of police sent on 4.2.1993 does not appear to have yielded any result.

In the January 1993 bout of rioting tension began right from 6.1.1993. The encouragement given by the Shiv Sena and the Sangh Parivar to the looting, burning and damaging of Muslim property infected the anti-socials and on 10.1.1993 a mob looted shops of Hindus as also Muslims. Horror stricken, the Muslims fled the area.

Particularly vicious was the treatment meted out to one Salim

Kapur who was working as a builder in Chembur and residing in Bhandup village. Salim got married to a Hindu Brahmin woman and the couple had a daughter. He lived in an area which had a large number of Marathi speaking Hindus. Right from 6.1.1993 the Marathi speaking Hindus started threatening Salim. On 10.1.1993, the Marathi speaking mobs attacked his home. Scared, Salim moved his wife and children to a friend's place. On the night of 11.1.1993 his house was damaged from the outside. On 12.1.1993 he shifted some valuable articles from his house to the home of his Hindu neighbours. The same night Navina, Ravi, Chandu Wadekar, Mane and Achrekar residing in the Watandar Chawl, a nearby area, managed to effect an entry into his house. Costly items kept in the house were damaged beyond repair. The vandals did not even spare idols of deities that his Hindu wife used for worship. The Kanjurmarg police were informed by telephone, of what had happened. A hint was given to Salim not to return to his home as a plan had been hatched to physically eliminate his entire family. On 15.1.1993 Salim approached and narrated his woes to D.C.P. Zone VI Mr. Ninglova. The officer directed his subordinates of Kanjur Marg police station to take action. Six culprits were arrested. By 9.00 p.m. the local Shiv Sena leaders had managed to collect a big mob outside the police station loudly demanding the release of the arrested persons.

Further information was received of a large mob heading towards the police station. Salim, fearing for his safety, left the police station. The mobs forced the police to release the culprits and they, together with their friends, caused damage to Salim's home and belongings and also inflicted a beating on a Hindu neighbour in whose house Salim had shifted some of his valuables. Salim left for Kerala to start his life anew. During his absence, his office in Chembur was visited by toughs wanting to know where he had gone. The staff was told that they were going to settle scores with Salim. Salim received information that a plan had been hatched to abduct him and his family as soon as they were sighted. Privy to this conspiracy were members of the Autorickshaw Union controlled by the Shiv Sena, whose members were immediately to rush to the help of the abductors so as to remove the victims to a secluded place where they could be safely eliminated. The authorities of the school where Salim's daughter was taking education were told to inform the intimidators as soon as the child came to school. They were further warned against issuing a transfer certificate to the child. Detailed communications addressed by Salim to several authorities yielded no result.

Baba Saheb residing at Gajanand Raivashi, Kardev Nagar fled the area heeding the advice of his neighbours. He learnt that his house had been broken into and his valuables destroyed or stolen. No compensation was given to him. This in fact, appears to be the fate of all the victims barring a few who received meagre sums.

The police, as usual, acted partially. In fact, Mehmood Majeed residing at New Sayaji Nagar, Cheetah Camp complains of his cousin being picked up by Inspector Kapse from Bhoiwada police station on 10.1.1993 and thereafter not being traceable. The policemen contacted gave no information. Several such disappearances have taken place of persons picked up by the police.

In Ekta Nagar, the residents comprising members of both the communities decided to stand united and put up a fight against mobs coming from outside. On 10.1.1993 a battle took place in which several residents of Ekta Nagar were injured and a number of houses completely destroyed. The victims had to flee. It was not possible to return as there were no structures left to accommodate the returnees.

DADAR/NAIGAON

In Naigaon, which falls under the Kalachowky police station, the Dhonpoda Masjid was being guarded by a police party comprising amongst other officers, Sub-Inspector Ghosalkar. A large mob including prominent Shiv Sainiks like Ravi Chavan, Ramakant Rahate, Bhai Shringare, Shridhar Kadam and Anil Gaikwad launched the assault on the mosque. Repeated appeals by the police to the mob to disperse peacefully had no effect. Equally ineffective was the lathi charge and the bursting of tear gas. On the other hand the mob started attacking the police with soda water bottles and burning missiles. By this time, a bigger mob of about 12,000 persons had come from the direction of Dattaram Lad Marg. On the way it had set fire to vehicles and shops belonging to Muslims. A third mob from Garamkhada Maidan started towards the masjid. Hemmed in from three sides by determined mobs, the police party had no alternative but to take recourse to firing. The police saw a Muslim being set ablaze and others being assaulted. The whole incident forms the subject of a report lodged by Sub-Inspector Mane. The same evening, a mob wended its way towards the police station shouting slogans against the police and demanding that those arrested earlier for the violence be released. Shiv Sena leaders Devidas Kalsekar, Ravi

Chavan, Deepak Patkar and Sanjay Naik made fiery speeches inciting the mob against the police. A lathi charge by the police proved inadequate and the mob caused damage to the police station and damaged their vehicles. Eventually the DCP was forced to order his men to fire and this had the desired effect.

The rioting had spread to Reay Road, Barrister Nath Pai Marg, Shravan Yeshwant Chowk, Swan Mills and Jijamata Nagar. At the last named place a durgah was damaged. Rioting had spread to such an extent that the police and the fire brigade were unable to cope with the situation. To make things more difficult for the law enforcing agencies, the rioters had placed hurdles all along the way. It should not be difficult to bring some of the prominent offenders to book because Mane claims that he knew quite a number of them and could identify a fair number of participants instigating the mob and participating in the riot.

Anand Patwardhan, the eminent film-maker who lives in Dadar, has stated that only Muslims were targeted for the attacks. When he enquired about his own safety, he was assured that he would not be attacked because he is a Hindu.

DHARAVI

The Tribunal has received 53 statements from Dharavi.

The biggest slum of Asia has been surprisingly free of communal disharmony, at least until December 1992. The beginning of communal animosity in this region can be traced to a meeting held in the last week of November 1992 by one of the Dharavi units of the Sangh Parivar, and chaired by R.S.Mehta. The Muslims were roundly abused as being "bigoted, pampered by the government and criminal-minded." The next incident was sponsored by the Sangh Parivar and the Shiv Sena on 6.12.1992, to celebrate the demolition of the Babri Masjid. Leading the procession was Baburao Mane of the Shiv Sena. There were the usual anti-Muslim slogans, bordering on abuse and vulgarity. The police, who were present in the procession, did nothing to check the brazen display of bigotry.

On 7th December 1992 the Muslims of the area took out a procession, in protest against the earlier one. The procession was stoned from the direction of Kumbharwada, a locality which is almost entirely Hindu. Chaos ensued as a result of the stoning. The police started firing at the processionists and not in the direction of

Kumbharwada. Homes and shops of Muslims were looted and burnt. The rioting continued the next day also, when Muslim homes were set on fire. The police, instead of checking the rioters, fired at the Muslims who included one group which was trying to put off the fire that had engulfed a temple. As a result of the incidents of 6.12.92 to 8.12.92, relations between the communities took a turn for the worse. This was the background in which the January 1993 riots have to be viewed.

On 6.1.1993 the area exploded into violence with Muslims being singled out for attack, loot and arson. As before, the police were indifferent to the plight of the victims. Rioting continued right upto 15.1.1993 when the armed Shiv Sainiks and the BJP rioters went about openly beating and intimidating Muslims, burning and looting their property.

There have been instances when Muslim anti-socials attacked Hindus. A Muslim taxi owner damaged an idol and a temple, thus giving opportunity to the Shiv Sena to gain the support of the hitherto neutral Tamilian Hindus to join them in their anti-Muslim activities. The imposition of curfew had little or no effect, for the enforcement was one sided i.e. in the Muslim areas, which were mostly at the receiving end. The police, when approached by the Muslims, came out with proclamations of being Shiv Sainiks at heart.

The Muslims who specially suffered were those in the leather and garments industries. From this it appears that the idea of the rioters was to so destroy the Muslims economically, that it would take years for them to re-establish themselves.

A pattern followed here as elsewhere, was to save structures occupied by Muslims but owned by Hindus. Here the practice was to bring out moveables of such occupants, burn or damage those moveables which were identifiable and pilfer and remove un-identifiable valuables like ornaments and currency notes. This shows meticulous directions given to the rioters by those who had planned and executed the tasks entrusted to them. These included the corporator of the area, M.Y.Shinde who had been fielded by the RPI which was a coalition partner of the Congress I. He led mobs who were looting, burning, maiming and killing Muslims. But Shinde had influential supporters like Gaikwad, now a minister and Javed Khan, then a minister. One of the allegations made before us was that these two men had prevailed upon the energetic and impartial deputy commissioner of police, Sanjay Pande to let off Shinde for a few hours. Taking advantage of the breather, Shinde decamped and was never found!

DCP Pande was highly spoken of by the witnesses. As against this applause were the critical comments made against Senior Inspector In-charge Ahire, Inspector Bilase and almost the entire police force attached to the Dharavi police station.

The victims of the rioting suffered tremendously in terms of property loss, morale and their future. Education of children was disrupted, in some cases permanently, as their victimised parents were in no position to pay their fees.

The witnesses have given the names of about 37 rioters, including M.Y.Shinde and Pramod Thakur (Shiv Sena leader).

Dependents of those killed received the prescribed compensation of Rs. 1,00,000/- in two parts i.e. in cash and bonds. Those injured and hospitalised got Rs. 5000/-. Those who did not go to hospitals out of fear did not receive any compensation. Persons whose houses had been destroyed but not burnt, were not compensated. Victims whose houses were burnt, if compensated, received meagre sums. This was the plight of Muslim victims.

Some from the majority community who had not suffered in the riots at all, managed to get compensation awarded to them and their friends. Their names and other particulars have been given to us by social workers belonging to the majority community in the area.

The Muslims were not entirely blameless, to quote from an excellent report prepared by Gurbir Singh, entitled "The Dharavi Holocaust",

"... this time there was a counter attack by the well prepared Muslims. Groups rained stones and kerosene-dipped fire balls on the Hindu section and the attackers. An inspection of the Hindu chawls in Bagicha area, showed widespread damage to roof tiles and the use of kerosene balls. The houses on the border of Chamda Bazar like those of Vithal Prakash Tikre and Laxman Khandare, bore the brunt of the damage. But two significant facts were glaring. One, the damage to the Hindu section was not due to arson and was small in proportion to the destruction wrought on the Muslim side. Second, both communities had fought a war, but it was fought on the "Muslim territory" of Chamda Bazar. "

"The explanation as to why Muslim fatalities only took place at Chamda Bazar, was convoluted and unconvincing, to say the least. "Since the rioting was in the Muslim areas, where Muslims predominate, firing there will naturally claim Muslim lives," argued DCP Pande.

Mr. Singh's report showed that 40 garment and other small scale units had been wiped out in Rajabally Compound on 7.12.1992. The

mob was reportedly led by one Joseph, said to be a chowkidar at the Prime Minister's Grant Project (PMGP) building complex on the northern side of the Rajabally compound. A Congress worker, Malsa was also seen in the attacking mob. The report also showed how on the same day, a Muslim mob had attempted to burn a temple in the Social Nagar side, and also burnt and looted several Hindu shops. So also, a whole row of 'kutchra' huts of pavement dwellers along the Social Nagar lane had been gutted. The next day, waves of Hindu mobs attacked Muslim property. Shaikh Ibrahim's garment unit was looted on the Laxmi Baug side. The mob made an attempt to burn the place down, but failed. A Shiv Sena Shakh Pramukh, one Vithal Pawar was leading the crowd. The baharwalla (waiter who serves clients outside the hotel) of Gulshani Hotel was stabbed to death by this mob. Gulshan Bakery was looted of cash amounting to Rs. 50,000/-. It appears that the sensitive Social Nagar - Laxmi Baug corner had only a posse of one police officer and 4 constables, who promptly fled the scene when trouble started.

The report mentions that near the Social Nagar Mosque, two massive godowns belonging to a Hindu proprietor had been reduced to rubble by fire. The fire quickly spread, causing the burning down of about 25 residential tenements.

A total number of 32 persons died, of whom 8 were Hindu, 1 Christian and the rest Muslims. Most of the deaths were due to police firing though an appreciable number were victims of stabbings.

The victims had spoken with praise of individuals and groups belonging to the Rashtriya Ekta Samiti, the CPI and the CPM, as compared to the so-called centrist parties like the Congress I and the Janata Dal who seem to have been divided on communal lines.

GHATKOPAR

The Tribunal has received 93 statements from Ghatkopar.

This suburb has a number of sectors. The January 1993 riots affected areas like Altaf Nagar, Gangawadi, Sainath Nagar, Indira Nagar, Golibar, Ganesh Maidan, Asalfa, Barve Nagar, Jayantilal Vaishnav Marg, Bhat Wadi, Kajupada, Kothodipada etc. Even in December 1992 incidents of arson, looting and intimidation had taken place against Muslims of the aforementioned areas. The police had then not taken effective steps to curb the miscreants who belonged to the Shiv Sena and units of the Sangh Parivar. On the contrary the



Ghatkopar police indiscriminately picked up a number of Muslims for no particular rhyme or reason, gave them a beating and locked them up.

In Asalfa village the same drama was enacted. On 6.12.1992 a few Muslim homes had been broken into and looted. Instead of helping the victims, the police went on the rampage, recklessly arresting Muslims, beating up Muslim boys and inflicting severe casualties on them. It is said that in the January 1993 round of rioting as many as 22 people were killed and almost all of them were Muslims. These deaths were caused by swords, choppers and knives. The rioters belonged, in the main to the Shiv Sena and BJP, members of Amar Kreedha Mandal, Seven Star and Shivling Mitra Mandal. Repeated phone calls to the area police station yielded no results.

In the Barve Nagar area the Muslims were targeted in December 1992 and January 1993. The intensity of the riots was higher in January 1993. The Shiv Sainiks indulged in looting, burning and destroying Muslim homes. In fact, in the Asalfa area the Shiv Sainiks had put up a notice announcing a reward of Rs.50,000/- to anyone who pointed out a Muslim home in the area. As to redress, the victims were made to run from pillar to post even for the lodging of reports at the police station and getting compensation panchnamas drawn up or getting copies of these documents. In the Golibar area about 200 tenements had been destroyed by rioters belonging to the Shiv Sena and the RPI. The police gave no protection. Those who took a prominent part in the looting were Manda Ringe, Shanker Ringe, Vilas Salekar, Raju Katker etc., all from the Golibar locality and belonging to the Shiv Sena. Even the murderers of one Bahadur were left scot free and were found roaming about freely without any hindrance. The rioters have been named in a number of reports lodged with the Ghatkopar police station.

In Indira Nagar there was rioting in December 1992 and January 1993. Here it was not only the Muslims who suffered. Nineteen homes of Hindus and two of Christians were destroyed along with twenty-one of Muslims. The victims who included Muslims as also Hindus and Christians have wrested permission to rebuild their homes from the government. With help given by the Y.M.C.A. some homes have been reconstructed.

In Hiat Mohammed Chawl, Parsiwadi, five shops of Muslims were gutted by fire on 12.12.1992. The miscreants were unknown and four charred bodies were found. All these bodies were of Muslims. On 11.1.1993 a plumber's shop on Agra Road was broken open, looted

and set on fire. Articles of value were carted away in a lorry. This was the work of Ghanshyam Rajput and his gang. After the demolition and burning a Shiv Sena flag was planted on the vacant site. On 13.1.1993, a Hanuman temple came up overnight at that place. Five more shops of Muslims were burnt the same night. The victims had pointed out some of the things they had lost to Inspector Suresh Marathe of Ghatkopar police station but no action has been taken and in fact there have been complaints that the Inspector has driven out some of the complainants from the police station when they came to lodge complaints and behaved rudely with the victims.

In Bhat Wadi there are 77 Muslim families out of a total of 1088 families. The colony is surrounded by localities known as Kajupada, Kamchi Pitamber Nagar and Kathoripada. In the December 1992 riots, though 13 shops of Muslims were looted, the rioting was not very severe. The picture changed in January 1993. Large mobs of Shiv Sainiks attacked, burnt and destroyed Muslim residences and commercial establishments. None of the rioters has been arrested, nor has the lost property been recovered. Only a few of the affected families have been compensated and that too, to the meagre extent of Rs.4,000/-. Two police officers who have come in for favourable mention by a victim are P.S.I. Rane and police constable Shivaji Dangle. The former is said to have helped injured persons and it was the help given by the latter which saved the lives of 12 Muslim families.

In the Bhat Wadi Muslim Colony some 101 persons have suffered and they belong to different walks of life. The loss suffered by each victim ranges from Rs.50,000/- to lakhs of rupees. In Kajupada a large number of huts were demolished and most of these belonged to Muslims but the sufferers included also non-Muslims whose houses were ringed in by those of the Muslims from different sides. The vandals who indulged in this act were led by Manji Bhanushali and Shivaji Kadam of the BJP and the Shiv Sena respectively.

In Altaf Nagar, the worst attack was on 10.1.1993. The mobsters included people from the locality as also from outside. The vandalism and looting went on nearly for three days. The police force seen in the area was scanty and almost inert. Nothing was being done by them. The Muslims of Altaf Nagar had been reduced to beggary, for the losses they suffered were immense and the compensation received by the lucky few was grossly inadequate. Even after the worst was over and near normalcy had returned, the victims were not being

allowed to return to their homes. In fact the influential Shiv Sainiks in the area had made it clear that they did not want any Muslims in the area. In the Golibar area of Altaf Nagar the rioters who belonged to the Shiv Sena, proclaimed that this was being done to make way for a club of theirs. The police stood by indifferently when the vandalism and looting was in progress. Assistant police Inspector Zendekar on receipt of complaints expressed his opinion that the complaints were patently false as he refused to believe that persons with small homes could have so much of property and so valuable, as claimed by the victims.

In Gangawadi the Muslim residents living in the vicinity of Husseina Masjid were attacked on 10.1.1993 and the victims had the same experience as those from Altaf Nagar. The frightened victims fled their homes and took shelter in the durgah of Pankeshah Baba. The masjid in the area had to suffer the desecration of a Shiv Sainik flag being put over it. This flag was not allowed to be removed even as late as the last days of February 1993.

In Yakubwalla Chawl the Muslims were attacked by Congress I workers numbering about 50. This was on 10.1.1993, and the mob destroyed shops belonging to Muslims. One of the victims who was doing business in vegetables, betel leaves and groceries explains the action of some of these persons as being due to her refusal to give goods on credit to the sons of one Shinde.

GOREGAON

The Tribunal has received 22 statements from Goregaon.

Rioting affected areas in the eastern as well as the western sides of Goregaon. Azad Nagar, which is in Goregaon (east), was affected from 8.1.1993. Isolated incidents took place on 8.1.1993 and 9.1.1993 at the Ghas Bazaar.

The next day another incident took place at the Jay Coach Transit Camp. On 10.1.1993, a well-known and much respected social worker of the area, Abbas Retiwala was killed by a mob of 50 persons. The next day, on 11.1.1993, a godown belonging to a Muslim was looted and destroyed.

On 13.1.1993, a mob came from the Santosh Nagar side, armed with weapons and shouting provocative slogans; their target was the Muslims in Azad Nagar. The mob was joined by police personnel who arrived in a van and fired in the direction of the victims, rather than at

the rioters. Muslim boys from Azad Nagar were beaten up, whereafter the mob went on the rampage, looting and destroying Muslim homes and property. The police arbitrarily picked up some Muslim boys and gave them a merciless beating.

Similar attacks took place at Santosh Nagar on the 12.1.1993 and 14.1.1993. The attack was masterminded by one Vishnu and five others, all belonging to the Shiv Sena.

In the western part of Goregaon, the affected areas were Jawahar Nagar, Motilal Nagar and Prem Nagar. In Jawahar Nagar, a mob of about 200 people shouting slogans like "Har Har Mahadeo", "Jai Maharashtra" and "Jai Shri Ram", attacked the area's mosque and imitating the Babri Masjid demolition, completely destroyed it. With this as a prelude, the next targets were vehicles, homes and shops of Muslims. These were burnt, destroyed or looted. One of the sufferers was a Hindu whose shop on the Aarey Road got burnt along with four other shops of Muslims.

In Prem Nagar, the attack began on 11.1.1993 and in Motilal Nagar on 12.1.1993. The rioters named are Kannan Shetty, Linga, Raja, Balesh, Uppal, Viren and police Inspector Dhoble, who is attached to the Goregaon (West) police station.

The victims have received meagre compensation and the sense of fear experienced by them has still not disappeared. Communal prejudice seems to have infected even medical personnel attached to public hospitals, like the Bhagwati Hospital and the Nanavati Hospital. Muslim victims of the violence were either prevented from entering these hospitals, told to get lost, or if treated, were attended to in a manner clearly indicating that they were unwelcome.

GOVANDI

The Tribunal has received 52 statements from Govandi.

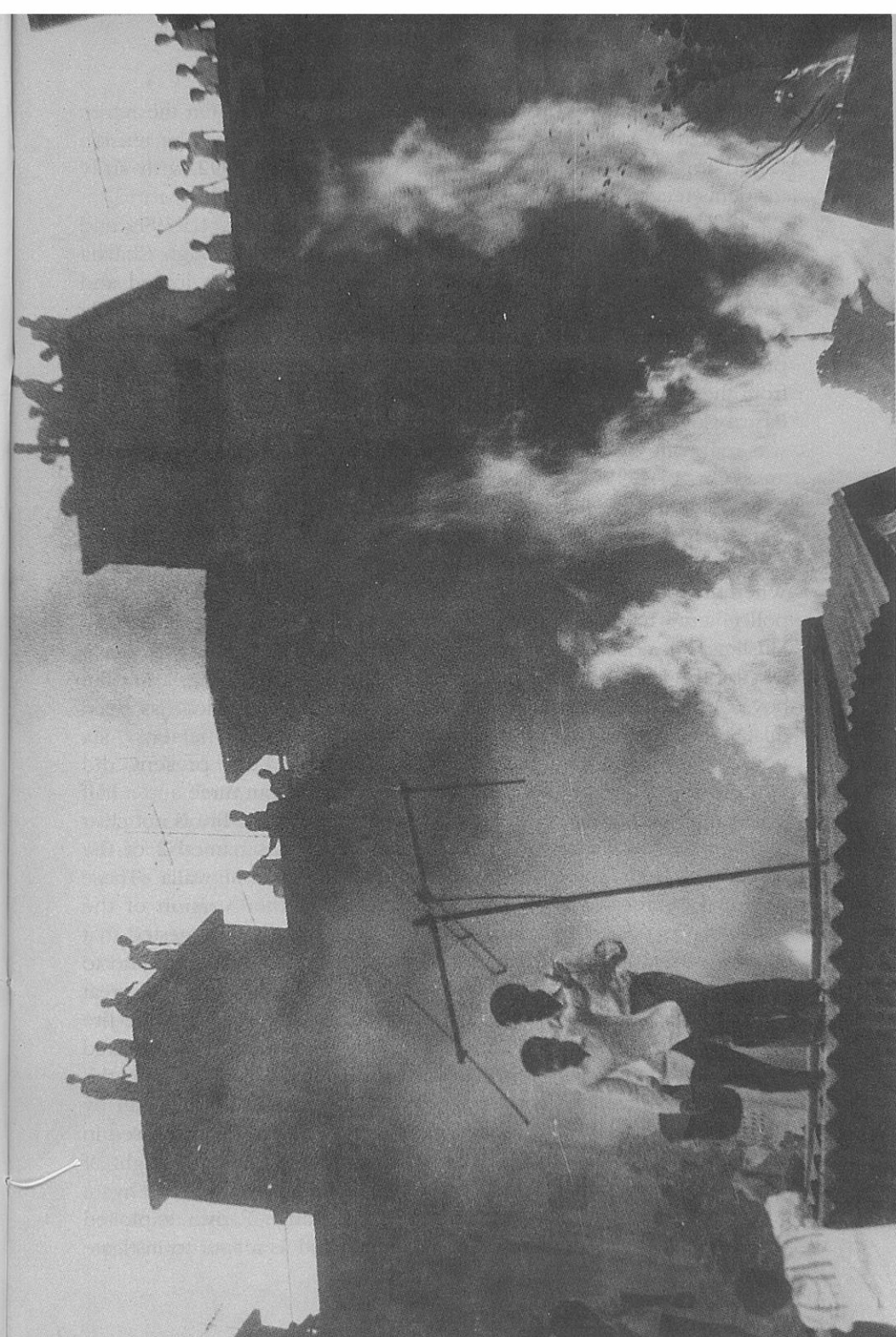
The major colonies in the area are Lotus Colony, Rafiq Nagar, Bainganwadi and Chikalwadi and the police had attacked all these colonies. Roughly 70% of the total population is Muslim. The living conditions in some areas of these colonies are appalling, with people literally living in filth with no housing or basic amenities whatsoever.

This is one area which was severely affected in December 1992 but was not affected by the riots of January 1993. Even in December 1992 the Hindu-Muslim rioting appeared to have occurred on a comparatively minor scale. The major attacks, arson, looting and

in the police force. With the weakening of police authority, there has been a rise of the growth and influence of communal politicians and plain thugs and slumlords. In the 1990-1991 communal riots, Jogeshwari was affected. Despite this, there has been no significant improvement in the policing of the area. In fact, the residents of the area classify the police and the BMC staff as part of the oppressors they face, who are little better than the hoodlums and slumlords who have made life difficult for them.

This is one area where the Muslims have acted as deplorably as their tormentors -the Shiv Sainiks, the Sangh Parivar and the police. There was an increase in communal tension after the destruction of the Babri Masjid. On 6.12.1992 itself, a meeting was said to have taken place between Senior Inspector Deshmukh of the Jogeshwari police station and the Shiv Sainiks of the area. The secretive nature of the meeting induced suspicion in Muslim minds and on 7.12.1992, Muslim young men put up placards and notice boards condemning the demolition of the Babri Masjid. Muslim youngsters went about the streets threatening shopkeepers to close their establishments and observe a bandh. The atmosphere worsened and very soon the godown of a Muslim scrap-dealer was burnt; the arsonists were Shiv Sainiks of Shankarwadi and Dias Compound. Shankarwadi residents hurled stones at the Pascal Colony, and according to one witness, the mob was led by Head Constable Wadekar. This officer was described as playing an unusually prominent role whenever tension arose in the area. The Muslims retaliated but were fired upon by the police. In the resultant firing, four Muslims were killed and a number of them were injured. Not one Hindu was killed or injured. Several houses were burnt, destroyed or looted. Hari Nagar was attacked by a big mob of Shiv Sainiks. The police were said to have supported the rioters. They entered the houses of Muslims and beat up the men. Muslim houses in Amina Nagar were also targeted by Shiv Sainiks. On 8.12.1992, the local mosque at Chacha Nagar was attacked. Police reaction to this attack was to arrest and beat up 13 Muslims. People from both the communities came together and had the boys released.

In the Income Tax Colony, several Muslim homes were looted and destroyed. Hindus from the Prem Nagar and Amina Nagar Colonies spoke of being harassed by Muslims since 6.12.1992. In fact, they spoke of threats having been given as early as the Dassera of 1992. The threats, though vague or abusive, carried the implication that the victims were to leave the area. Some Hindu doors were mysteriously knocked upon at odd hours of the night in Sarvodaya



Nagar. The frightened residents deserted their homes. On the return of peace they found that their homes had been looted. The tension lasted for almost the entire month of December 1992 with stray incidents recurring, thus preventing a return to full normalcy.

The Maha-Arti took place almost daily between 1.1.1993 and 5.1.1993. In the 9.1.1993 procession which passed through Chacha Nagar, even the police participated. The processionists looted and destroyed a number of Muslim shops while on its way. Practically every Maha-arti was followed by violence and arson. That there was pre-planning to the increase in the violence and arson was evident from the actions of one Shankar Solanki who was running a factory in Pascal Colony. On 7.1. 1993, Solanki, when questioned as to why he was removing his machinery, said that he was not getting work in the area. On 8.1.1993, Solanki made it clear that Muslims in the Pascal Colony should be leaving the area as huge mobs of outsiders who were on their way, were bent upon evicting them.

In Hari Nagar, the Shiv Sainiks burnt and looted Muslim homes. When the Muslims tried to defend themselves, they were fired upon by policemen. In the Colaba Plot, Hindu homes were targeted by the Muslims, but not the local Muslims. Firing took place, but whether it was by the police or was private is not clear. In the firing, a Muslim boy, Abdul Aziz was killed. In the Gandhi Chawl (which has been mistakenly referred to as Radhabai Chawl by several persons), six persons died, the police who are said to have been present, did nothing to put out the fire. The fire brigade came, but three and a half hours after the fire had begun. Who exactly caused the fire is not clear and one of the witnesses examined before us has named 2 of the arsonists as Fakir, son of Mohammed and Qazi, son of Mitwalla. These persons are residents of Bodhibai Chawl. Another version of the incident was related by one Muslim woman who has suggested that the fire was caused by a Hindu lady with a view to putting an end to her mentally demented daughter whose doings were a source of great worry to her. We have come across accounts suggesting that the fire was meant to frighten the Hindus. Such an excuse has been repeated every time that fire has been used to exterminate people from the attacked community in communal riots. No one can be taken in by these excuses and the truth is that barbarism at its worst is witnessed in communal riots. The fire in Bane's room led to large scale flight of Hindus from the area. They took shelter in the Sarvodaya or Shyam Nagar relief camps. The Shiv Sena and the Sangh Parivar exploited this incident to its maximum. The incident acted as a spur to instigate

riots in other areas. In fact, the setting on fire of Bane's house resulting in the death of four Hindus, along with two other incidents have been described as the main events that intensified the rioting against Muslims, if they did not give rise to the rioting itself. The Hindu victims were well helped by the police who escorted them out of troubled areas and allowed them to stay overnight at the police station.

The Amina Nagar Muslims say that on the night of 7.1.1993 they were subjected to repeated attacks by truckloads of rioters brought from outside. A large number of huts, whether of Hindus or Muslims, were burnt and destroyed. This went on for about 15 days and peace returned to the area only after the military had been inducted. Two Muslim boys were burnt alive. In Shivaji Nagar, the Shiv Sainiks were accompanied by police officers Bhambre and Sanjay Sawant when they entered Muslim homes. The occupants were driven out, thereafter their homes were looted and destroyed. The rioting reached its peak on 8.1.1993 - several people said that this was a reaction to passions aroused by the magnified accounts of the burning of Bane's room and its occupants. The burning of Muslim property, whether huts or vehicles, spread to Bandra Plot and Pascal Colony. The victims were fired at by the police when they tried to stamp out the fire. This is ascribed to builders Chotubhai, Solanki and his brother.

In Prem Nagar, Muslims were massacred on 8.1.1993. The police reaction was to beat up Muslims and to arrest them from their homes. There are a number of Muslim shops in Gandhi Nagar, which is a predominantly Hindu area. The shops were broken open, looted and burnt. According to the victims the looting and burning had taken place during the curfew period.

In the Income-Tax Colony the same inaction on the part of the police has been referred to. In Seetawadi the police fired on people trying to douse the burning homes and huts of both the communities. The Meghwadi Muslims complain of the police abusing them when approached for help and assisting the rioters by firing in the direction of the victims.

On 8.1.1993, a meeting had taken place in the Shiv Sena office in Meghwadi. Truckloads of outsiders had been brought in and local residents identified Muslim homes. Very soon these homes were targeted and it was only after the arrival of the military that peace was restored. In Chacha Nagar on the same day, several homes of Muslims were attacked. A.C.P. Suryavanshi who was then present, broke open a cupboard in the Rehman Masjid and took away money from there.

Inspector Patil shot a boy in the chest. Several Muslim boys were arrested even before the outbreak of the riot. In the Andheri Plot, a timber mart owned by a Muslim kept burning for six hours. The police turned a deaf ear to the repeated calls for help. In fact, the owner of the timber mart was threatened with guns by the police for venturing out during curfew hours.

Even in the latter part of January there were several incidents of stabbing or assaults upon Muslims. Far from giving Muslims any protection, the police arrested and beat them up in lockups.

The dishoused victims have received no compensation. In fact, the residents of Seetawadi, with the help of the Nivara Hakk Suraksha Samiti, managed to get some of their damaged huts reconstructed. These reconstructed huts were demolished by the BMC under police protection at the instigation of Ravi Waiker of the Shiv Sena, MLA Ramesh Dube, Ward Officer V.B. Pawar, and Councillor Noorjehan Afzalkhan Pathan. The politicians did not want any reconstruction to take place without their intervention and also without their getting 'cuts' to which their high office entitles them.

In the Pascal Colony, the rioting was stoked by builder Chotubhai and independent corporator Purshottam Solanki, who have purchased large areas of land and are desirous of acquiring more. One Seetaram Dalvi has even asked residents to join his scheme for reconstruction or leave the area. Those not prepared to do so are being threatened by his henchmen and are thus being prevented from re-building their houses.

The hospitals of the area which have come in for adverse comments are the Cooper Hospital. The hospital authorities were warned by Shiv Sainiks against admitting Muslim patients. Where some Muslim did get admitted, they were not given proper treatment.

The compensation received by the victims ranges from Rs.500/- to Rs.5,000/-. In some cases of death, the next of kin have not even received compensation. Too much red tape is involved in the collection of compensation, with the victims and dependants being asked to produce all kinds of documents.

KALBADEVI/LOHAR CHAWL

The Tribunal has received 19 statements from Kalbadevi/Lohar Chawl.

Kalbadevi is a predominantly Hindu area with isolated pockets of commercial establishments and residences of Muslims. There were

no riots in December 1992. However, after the murder of two 'mathadi' workers, the area was rocked by violence in January 1993. Muslims, their establishments and homes, became the targets of Shiv Sainiks. The rioting went on from 7.1.1993 to 10.1.1993.

On 7.1.1993, Amirullah's house was forced open and all articles from there were looted. The family took shelter in a nearby mosque and went later to the V.T. railway station. Having seen the violence and looting, Amirullah had no courage to continue residing at Bombay; he left for his native place.

On 8.1.1993, Muslims residing in Chira Bazaar were forced out of their homes. They hid themselves in a graveyard in the area. The rioting Shiv Sainiks were allowed by the police to attack Muslim homes and loot them.

On 9.1.1993, the situation worsened. The L.T. Marg police station, when approached by the victims, frankly told them that they could not help them. Muslim homes and shops were looted and burnt. A shop dealing in textiles and ready made garments was looted. The participants included Mafatia of the BJP, and Prakash Khandelwal, a member of the Home Guards. The Muslims had taken refuge in a mosque as the streets had been taken over by the Shiv Sainiks assembled there to participate in a Maha-Arti. After the Maha-Arti was over the Muslims were attacked and the police, far from defending them, advised the Muslims not even to defend themselves.

Pramod Navalkar's deputy was approached and he gave a false assurance that he would pacify the Shiv Sainiks. The assurance was not honoured and was in fact, not seriously given.

On 10.1.1993, a Muslim home was burnt in the presence of the police. When help was sought from a constable standing there, he declined to do anything. The victims have not received compensation and they have been reduced to penury.

In the Lohar Chawl area, twenty-two shops owned by Muslims were looted and destroyed. This was on 9.1.1993 after a Maha-Arti in the area. These shops, though near the police Commissioner's office, received no protection.

The Shiv Sena Pramukh, Narayan by name, extorted money out of Muslim residents and shop owners, by compelling them to buy tickets of Rs.100/- each. Inspector Niralkar Swatra, Sub-Inspector Desai and Constables Tambe and Kale have come in for adverse comments by the witnesses. The Inspector and the constables led and assisted the raid on Muslim homes, while PSI Desai is said to be guilty of not drawing up panchnamas of losses suffered by Muslims.

KANDIVLI

The Tribunal has received 25 statements from Kandivli.

This is a Housing Board Colony constructed by MHADA. The tenants are from the lower middle class and are predominantly Hindus. The colony is a vast one with several sectors. It does not seem to have been affected by the December 1992 bout of rioting except to the limited extent that the alleged excesses of Muslims in that phase of rioting was utilised by the Sangh Parivar and the Shiv Sena to propagate the myth of the Muslims having committed grave excesses in the aftermath of the demolition of the Babri Masjid. The poisoning of minds succeeded to a considerable extent as is evident from the happenings in January 1993.

On or about 10.1.1993, Shiv Sena people pretending to be officials of the State Government or MHADA went about ascertaining the faith of the occupants. It later transpired that these persons were part of the Hindutva brigade wanting to earmark Muslim pockets. The attack began on 11.1.1993, Muslim homes were targeted and the rioters went about their task shouting the provocative slogan "Jai Shree Ram". To add to people's frenzy a Maha-Arti was staged in the area and this ritual went on till late in the night. Muslim homes were looted and belongings brought out and burnt. The looting and burning went on for a number of days. No police force was stationed anywhere in the area to check the mobsters. On 14.1.1993 one S.H. was gang raped after the killing of her husband. She was paraded in a naked condition on the streets by the rioters. The ornaments on her person were forcibly removed. With great difficulty she reached the police outpost. An officer named Kumbhar when appealed to for help by S.H., replied that he could do nothing and that she had better leave the place as early as possible. S.H. went to the Kandivli police station. She asked for a glass of water to which the Head constable replied that Muslims had become too arrogant, demanding all sorts of favours. Needless to say, the plea for water was not heeded. Nonetheless, she was placed in a police vehicle. One of the constables misbehaved with her there, taking liberties with her person. The van reached Bhagwati Hospital where S.H. was admitted and where she learnt of her husband having passed away. On 16.1.1993 she was discharged from the hospital, whereafter she moved to the Holy Family Hospital at Bandra. At neither hospital did S.H. get much attention or solace. On 21.1.1993 she came to the home of a friend of hers. Here, Shaila Satpute from the organisation SWADHAR contacted her. The objective

of Swadhar is to help women in distress. Mrs. Satpute took up the case of S.H. and compelled the police to have her examined at the Byculla Police Hospital. Mrs. Satpute's insistence and the medical examination which S.H. had undergone, frightened the Kandivli police. Inspector Hargude of the said police station tried to pressurise S.H. into withdrawing her allegations against the policemen. At one stage he even managed to obtain her signature on some paper bearing Marathi writing, a language which S.H. is not conversant with. Some constables were lined up before her to enable her to identify her tormentor. Care had been taken to see that the guilty policeman was not amongst them. Inspector Hargude and Kumbhar went about saying that S.H.'s complaint was baseless. In the face of this attitude of the police, S.H., despite the support of SWADHAR could do nothing. In addition, Shaila Satpute found that the police had made no reference in the recorded statement to the fact that S.H. had been paraded naked and that some policemen had misbehaved with her. Therefore this witness told the police that this statement was not genuine and would not be accepted. She has stated that the police are still not investigating the case properly even though the culprits can easily be identified and arrested. The police are repeating that the complaint of S.H. was false. This shows how the police are acting in collusion with the rioters.

Afzal Hussein is a Sub-Editor of the Navbharat Times. Till 10.1.1993 Mr. Hussein was staying at Sector 34, Charkop Housing Society, Kandivli (West). His house was attacked on that day by some miscreants and so he took shelter with his next door neighbour Mr. Rajesh. The crowd damaged several articles lying in his apartment and several belongings were set on fire. This took place at about 9.00 p.m. The police arrived at about 9.35 p.m. The police took down the statement of this witness and others. The next morning he went to the police station and lodged a regular complaint. Thereafter some police protection was given but all the victims were advised to shift from that place. The police finally arrested about 390 rioters. A message was received by the Muslims who had left Charkop that they could return to their homes provided they stated in their police statements that none of them could recognise any of the 390 persons as being the rioters. This is the reason why many Muslim victims have not yet returned to Charkop.

In the meanwhile the witness noticed that on the morning of 10.1.1993 there was a rumour of milk supply to Bombay being poisoned. There was also another rumour that 3 truck loads of

Muslims were coming from Jogeshwari and Behrampada and they were spoken of as 'shaheedis', i.e. Muslims ready to riot and lay down their lives. He says that these rumours had been deliberately spread to compel the Muslims to vacate so that the rioters could loot, burn and murder the Muslims remaining behind. He also suspects that Inspector Kumbhar was partial to the Hindus.

On 13.1.1993 DCP Thorat who had arrested 390 rioters earlier was transferred. It appears that in the rioting on the night of 10.1.1993, the police had fired at a mob of Shiv Sainiks and the younger brother of the Shiv Sena Pramukh of the area was killed. The witness suspects that because of the pressure from the Shiv Sena, the officer was transferred. However he is not sure whether the said DCP was transferred during the course of the riots or later on.

The other residents of the Housing Board Colony belonging to the Muslim community had similar stories to tell - the Maha-Artis began on 9.1.1993 fomenting tension, and a mosque was set on fire. As late as 25.1.93 the Shiv Sena had the audacity to put up a notice board proclaiming that no Muslim would be allowed to stay in the area. This naturally added to the sense of terror from which the Muslim residents of the Housing Board Colony were already suffering. The police's negligence in taking preventive measures, and in the naming and arresting of culprits, has been criminal.

KHAR

The Tribunal has received 16 statements from Khar.

The Khar suburb is predominantly Hindu with a sprinkling of Muslims in various areas. The situation in this area became tense on receipt of the news of the demolition of the Babri Masjid. The tension erupted into violence on 7.12.1992. Shiv Sena activists damaged a mosque in the area and planted their party flag on the top of the mosque's dome. This mob then went about looting, damaging and destroying Muslim homes in the area. Muslims found on the road and in their homes were beaten up with swords and choppers. Panic stricken, the victims called up the police who arrived late and did very little. As a result, the Shiv Sainiks were emboldened to continue with their activities till 9.12.1992.

On 2.1.1993, the rioting recommenced and Muslim homes were attacked. The rioting became more intense on 6.1.1993. Muslim homes were broken into, looted, damaged and/or destroyed. Where

the structures belonged to non-Muslims and had Muslim occupants, the rioters, obviously acting on instructions, spared the structures. On 11.1.1993, armed hoodlums belonging to the Shiv Sena went about the area and forced Muslims living there to leave their homes. The violence and arson received an impetus from the speech delivered by Madhukar Sarpotdar on 12.1.1993. This speech was delivered outside the Nirmal Nagar police station at 4.00 p.m. Sarpotdar exhorted his audience not to leave a single Muslim home intact. Members of the police force present at the spot, far from taking any action against the speaker, applauded his speech. The aftermath of the speech was a further bout of violence, arson and vandalism. The situation continued thus till as late as 25.1.1993.

The police attached to the Nirmal Nagar police station have been accused by the victims not merely of inaction and covert support to the Shiv Sena but, what is worse, is their open admission that their sympathies lay with the Shiv Sainiks. In fact, a particularly shameless act ascribed to policemen is made by one Muslim woman whose husband was hacked to death in her presence and who was raped not only by the Shiv Sainiks but was also subjected to physical molestation by the police belonging to the Nirmal Nagar police station. This woman has named the guilty persons and her grievance is that the police have deliberately dragged their feet in the matter of recording her report. The victim is being assisted by a social group and individuals belonging to that group has not made any difference to the response of the police. They continue to state that she is lying or is confused or that the persons named by her are the result of mistaken identity. As we understand the situation, it is no part of the investigating agency's duty to think up the possible defences open to an offender when booking and investigating a crime.

The victims have named some of the criminals (Annexure IV).

Significantly, three of those identified are Muslims. The victims have not been able to go back and start living in their area. This is primarily on account of fear instilled by the rioters or their supporters, the covert assistance received by rioters from the police and the financial inability of the victims to rebuild their structures. In some cases the neighbours of these victims have usurped, wholly or in part, the areas on which their structures stood. Efforts to rebuild have been blocked by the police or B.M.C. who want the victims to provide documentary evidence that their structures existed at certain spots, that they measured so much and that these structures were authorised, even though everything had been destroyed.

The Nirmal Nagar police station has come out in a very bad light and the names of those who have acted improperly are Sub-Inspector Desai, Sub-Inspector Ghosalkar, Inspector Ingle, Inspector Gaikwad, Inspector Chibe, Inspector Gausagar and Inspector Sindhukar. The only redeeming feature appears to have been Inspector Wagh, who not only had a kind word to say to a victimised family, but who also gave them financial assistance to leave the area.

The dependants of those who died in the rioting have been given the prescribed compensation of Rs.1,00,000/- (Rs.30,000/- in cash and Rs.70,000/- in bonds maturing after 5 years). Those whose homes have been destroyed by fire have been granted a pittance of Rs.5,000/- as compensation. This compensation is incongruously not given to those whose houses were looted or demolished. The discrimination is inexplicable. Some families have received Rs.250/- per person. Having regard to the magnitude of the loss suffered by the victims, the sum of Rs.250/- per individual is adding insult to injury. Small as the compensation is, officers of the Collectorate have not missed the opportunity to roll out red tape in profusion so as to create hurdles in the path of those entitled to receive compensation.

KURLA

The Tribunal has received 27 statements from Kurla.

Areas in this suburb in which the Muslims were in a minority, were rocked by violence and arson in December 1992, as also in January 1993. The first bout of rioting took place as early as in the morning of 6.12.1992. A mob of Shiv Sainiks and Dalits trespassed into and set on fire one Yunus Seth's Chawl. Whilst the burning was in progress, the police stood by watching.

A big mob assembled at Tanaji Chowk on 7.12.1992 shouting provocative slogans against Muslims. A bakery was looted and its workers beaten up. For nearly two and a half hours the mob threw stones at and looted Muslim houses. That night, around 9.30 p.m., two boys, Mohammed Salim and Irfan, were assaulted with swords and choppers, both died. Sonabai Chawl at Takiawadi was attacked by a Hindu mob armed with swords, guptis and choppers. On 8.12.1992 the Shiv Sena gave directions to shopkeepers to down shutters. The frightened shopkeepers complied and taking advantage of the absence of the shopkeepers, mobs led by Shiv Sainik broke into and looted the shops. Far from the police putting a stop to this, on occasions they

joined in the looting. Names of the culprits were given to the police who made a show of arresting them. However, very soon afterwards the culprits were released. Between 8.12.1992 and 14.12.1992 a number of shops and establishments of Muslims in different parts of Kurla were targeted and looted. Similarly affected were residences of certain Muslims.

A mosque was attacked by a Hindu mob on 25.12.1992. The police reaction was to go into Muslim homes, drag out able-bodied Muslims and arrest them on trumped up charges. The same day two Muslims were attacked and injured. On 30.12.1992, the Amirbaksh Chawl was raided by the police. The inmates were beaten up with whatever instruments the police could lay their hands on. Frightened, the victims put up no resistance. A constable is said to have remarked that the non-resistance had deprived the police of target practice! police Inspector Wadge and Sabe were present when a constable jumped on a man's throat. Some 70 Muslims were rounded up and beaten up by constables. Some of the arrested persons were shifted to the Bhoiwada police station. A large number of innocent Muslims some of them youngsters, were arrested on false charges. These persons could arrange for their release on bail fairly late.

In January 1993, Hindu mobs destroyed Muslim homes in Qureshi Nagar. Quite a number of the affected persons have not yet received compensation. On 7.1.1993 Muslim homes near Kurla station were looted in the presence of the police, who did nothing to prevent the crime. In fact, the Tilak Nagar police station which was approached to record the victims' complaints, declined to do so. On 8.1.1993, Ramdev Panday Chawl was targeted. Muslim homes were damaged and their occupants subjected to physical torture. On 9.1.1993 the police started combing operations in Qureshi Nagar. Severe beatings were inflicted on Muslims. One of the victims was a polio patient. Excessive force was used on men and women. policemen freely helped themselves to jewellery and other valuables in the raided homes.

In Ambedkar Nagar, an Urdu school, shops and houses of Muslims were damaged and looted. On 16.1.1993, huts of Muslims in Indira Nagar were torched, but the flames did not spare Hindu homes and a large number of persons were dishoused. The local goons, including one Barkiya, went on a stabbing spree. Between 13.1.1993 and 15.1.1993, stalls near the "L" Ward office were burnt. The harassment of Muslims continued even in February 1993. At midnight of 9.2.1993, police officer Raghuwanshi Singh and 25 policemen,

armed with lathis, raided a Muslim residence. The husband was not at home and the police inflicted so severe a beating on the lady of the house, that she had to be treated for cerebral concussion at the Hospital.

On 10.2.1993 the police entered Budhan Seth ki Chawl and indiscriminately attacked its residents, male and female. According to the police, their mandate was to turn the chawl into another Govandi, Behrampada or Surat before daybreak. In the forefront of the looting and abusing was PSI Vijay Raghuwanshi. Some of the victims were taken to Chunabhatti, where the assembled Shiv Sainiks were informed that the Muslims of the area had been taught a lesson. Those seriously injured were offered hospitalisation by the police, only if they stated that they had accidentally fallen down a hillock. One Mohammed Amin, whose son was amongst those killed and who is associated with the Kurla Welfare Association, has drawn up a chart showing that fifteen persons were killed and nearly about a hundred injured or otherwise affected. The chart gives particulars of the compensation received, etc.

LALBAUG

In the Lalbaug area, shops and stalls of Muslims on the Dr. B.Ambedkar Road and below the Gnyaneshwar Bridge were looted and burnt. Marathi-speaking mobs attacked the Hassnabad School building. The police and the rioters, raided the building, trespassed into Muslim houses, picked up the able bodied young men, gave them a severe beating and locked them up. In the BIT Chawl, a dyer's shop and a bakery were set on fire. The victims who tried to douse the flames were fired upon by the police. The anti-socials had gone beyond the control of the leaders, for that reason they burnt a battery shop owned by a Hindu along with his papers.

The victim believes that the arson was engineered by builders and he has named them. Kuber Builders and Jayantilal Shah of Raheja Centre, Nariman Point, Jain Kerliwalla of Kopergaon Estate, Ashok Jain, Solanki, Mandiwalla and Sohan Jain as having arranged for the arson and being personally present when the burning took place. The Khatau, Shivneri and Parijat buildings in the vicinity of Khatau Mills, occupied by Hindus, were used for stoning and flinging burning missiles at Muslims in the Patra chawl. The police joined these arsonists by firing at the Muslims from the terrace of Khatau building.

A thousand strong mob of Shiv Sainiks proclaiming victory to Bal Thackeray set fire to the Muslim settlements. After the residents of the settlement had fled, their homes were looted and destroyed.

MAHIM

Twenty-seven statements were collected from this area. Most of the witnesses came from Magdumiya Nagar and Cadell Road. Though this area is predominantly a Muslim area, there are a number of Hindu pockets. Significantly, there is no evidence of Hindus having been attacked by Muslims either in December 1992 or in January 1993.

In December 1992, there were incidents mostly between 6.12.1992 and 10.12.1992. There were large-scale incidents of stone-throwing and burning of property like vehicles, timber depots, etc. There were also certain incidents of stabbing by rioters. Some of the Muslims had to leave their homes and take shelter in relief camps during this period. The rioters mostly came from Mori Road and Macchimaar Colony. Though the police tried to control the situation, they were not very successful in as much as there were a large number of incidents of looting, arson and stabbing in this area.

The real trouble started on 6.1.1993, particularly after a Maha-arti was held on that day. On that day, after the maha-arti was over a gang set fire to four trucks parked in that area and also to four other vehicles, out of which two belonged to Hindus. Petrol bombs and burning rags were thrown at shops. Complaints were lodged at the police station, but the police did nothing. Several Muslims were beaten up and some of them subsequently died. The rioting continued for the next two days without any serious action on the part of the police. There is evidence to show that on 10.1.1993 and 11.1.1993, though curfew was in force, the rioters were moving around freely setting fire to property in the presence of the police.

The rioters were Hindu Tamils (Makadiwallas), residents of Macchimaar Colony, Mori Road, Bhandar Gully, police Quarters and Squatter's Colony. Some of the names of rioters have come on record (see Annexure IV). Most of these are Shiv Sena members. The evidence further shows that these persons are still moving freely in the locality and the victims are afraid to initiate action against them, either with the help of the police or otherwise. The general trend of evidence is that the police only supported the rioters. Instead of helping the victims, the police fired at and killed and injured the

victims. The people have lost confidence in the police. The evidence indicates that amongst the police personnel Inspector Thorat, DCP Korade and Sub-Inspector Rathod were not helpful to the victims. They say that DCP Rakesh Maria was one of the few who tried to help the victims. In particular, there was an incident when a mob set fire to timber depots at Reti Bunder and when some persons tried to stamp out the fire, the police fired at them and two persons died. The firing came from the police Colony terrace. It was DCP Rakesh Maria who came on the scene later and directed the police to fire at the rioters. It appears that these firms lost property worth Rs. 2 crores.

From the statements recorded by us we find that they have lost property worth Rs.3,14,07,900/-. Several persons have not quantified their losses. As against this, the government has given meagre compensation to only some of them.

MALAD

The Tribunal has received 120 statements from Malad.

Malad (East)

This area has several pockets of habitation going under different names like Ambedkar Nagar, Appapada, Matang Gadh, Azad Nagar, Kurar, Pushpa Park, Pathan Wadi and Tanaji Nagar. The inhabitants include caste Hindus, Muslims and Dalits. Occupationally speaking, the majority are migrant labourers from different states. Amongst these migrants, the majority are from Uttar Pradesh and Andhra Pradesh. A thousand families were affected by the riots, the majority being Muslims. However, a fair number of Hindu families were also driven away as they lived in predominantly Muslim areas.

With the demolition of Babri Masjid on 6.12.1992 there commenced a particularly virulent campaign not only against the Muslims, but also people hailing from the Hindi speaking states. The latter, in the popular parlance of Bombay, go by the label of "bhaiyyas". The leader of this vicious campaign was Appa Patil, a member of the Home Guards. He and his followers kept up the tempo of the campaign and on 8.1.1993 a large mob shouting the slogan "Jai Shree Ram" attacked the house of one Shri Pandit whose only fault lay in his refusal to identify the houses of Muslims. The police to whom a report was made of this incident, took some four young persons into custody, only to let them off without framing any charges.

On 10.1.1993, a poultry farm owned by a Muslim was looted and destroyed. The rioting continued and about 63 huts of Muslims were looted and destroyed. Despite this, no proper precautions were taken and on 6.3.1993, Four hundred huts were set on fire. After this incident the Muslim inhabitants found their dwellings occupied by Hindus.

In Kurar there was comparative peace during the December 1992 riots. On 14.12.1992, only one shop was burnt. In January 1993 the riots began on 10.1.1993 with the mob shouting "Jai Shri Ram". Houses and shops of Muslims were targeted. The criminals at one stage burnt down the shop of one Umesh Pappu. The police present at the spot did nothing. In fact they helped themselves to cold drinks and edibles looted from shops. No effort was made by the police to protect the Muslims. In fact the police warned the Muslims against taking steps to protect themselves. It was only the arrival and posting of the Central Reserve Police Force after 15.1.1993 that put a curb on the rioters.

In Matang Gadh and Appapada the attacking started on 8.1.1993 and was its peak on 12.1.1993. That night, a mob returning from the Maha-Arti burnt the shops and homes of Muslims. In fact a victim who had gone to the police station to lodge a report was pounced upon by a mob at Appapada. The mob caught hold of a woman and her husband, both of whom were chopped to death. The pieces of their flesh were flung into a burning fire. This incident has been reported to the police but they have done nothing in the matter. About 118 huts in Appapada were reduced to ashes by Dileep Singh Thakur as late as 4.2.1993. This person is said to be on the wanted list of the Worli police station. One of the victims complained that her signature was obtained on a paper showing payment of Rs. 4,000/- to her, whereas she in reality had received only Rs. 400/- as compensation. Trouble broke out in Azad Nagar on 11.1.1993 and continued till 14.1.1993. The mob went on the rampage, shouting the slogan "Jai Shree Ram". The rioters had muffled their faces, obviously to make difficult their identification by the victims. Homes of Muslims, their shops and establishments were torched, destroyed and looted.

The Squatters Colony has an unusual topography. On the upper side, the residents are mostly Hindus being Gujarati as also Marathi speaking. The majority of the residents of the lower portion of the colony are Muslims. On the western side of the colony is a Western Railway track and on the northern side is a railway level crossing known as the Chincholi phatak. People residing in the Squatters

Colony cannot avoid using the Govind Nagar area as that is the path to the bazaar, shops, hospital and schools. At one time, after the demolition of the Babri Masjid the Muslims had decided to take out a procession on 10.12.1992. Due to fear of violence the idea was given up. Yet on 11.12.1992 at about 11.00 p.m. Babu, Mathu and Vinod Singh of the RSS joined by Sandip, Subhash and Vinod, all bootleggers, complained of stones having been thrown at the homes of those residing in Govind Nagar. This Nagar is in the top portion of the Squatters Colony. Within half an hour, a police team led by police Inspector Solomon came to the area. They started firing on the residents of the lower portion of Squatters Colony. They also damaged the vehicles parked in the area and set them on fire. In order to drive the residents of the Muslim area towards the Gandhi Nagar area, the police fired on them from the Chincholi phatak side. Sixty-two autorickshaws, two taxis and five private vehicles all owned by Muslims were destroyed by the police. Three vandals included three to four Inspectors from the Dindoshi police station. PSI Takle of the S.R.P. reportedly acted in an impartial manner and he and his men helped the victims to leave for safer places.

On 11.1.1993, Vinod Nair and his brother, both RSS activists, had stones and petrol bombs flung at residences of Muslims. This was done during curfew hours and 5 houses of Muslims were completely burnt down. Policemen present at the scene prevented the Muslim residents from trying to put out the fires which were destroying their homes. Nagin Rathod arranged for the supply of kerosene from the nearby Ambika Building ration shop. This kerosene was used by the arsonists.

As late as 26.1.1993 there was a fresh riot after the Maha-Arti in which the residents of the lower portion of Squatters Colony were again attacked. The police fired on the victims, killing two and injuring twelve. This firing was the work of P.S.I. Patil and Shinde. One Abdul Latif was injured in the firing while he was in his house. Sayed Majid aged 60 years was burnt on 12.1.1993 or 13.1.1993.

Malad (West)

In Malad (West) the affected areas were Chincholi, Bunder Road, Linking Road, Somwari Bazaar and N.L. Road. Rioting began here on the night of 10.1.1993. The first attacks were by stones and soda water bottles thrown at Muslims. Mobs roaming the area went on looting and destroying homes, shops and business establishments of Muslims. The slogans being shouted were "Mandir vahin banayenge",

"Mussalman ko Hindustan se bhaga do" and "Jai Shri Ram". As to the police, they were escorting cars and jeeps flying saffron flags from their bonnets. As a result, the mobs were encouraged to double their violence and vandalism. The mobs were led by persons belonging to the BJP, RSS and Shiv Sena. Those named as having taken a prominent part in the rioting were Madhukar Rao of Shiv Sena and Jayprakash Thakur of BJP. The victims, if at all compensated, received meagre amounts. In fact, Shamshad Mushtaq Khan, whose taxi was burnt, had not received any compensation. Azinabi lost not only her belongings but also one son. He was killed by the rioters, whilst his brother was seriously injured.

Malwani

Malwani is a mixed locality, having a predominantly working class population. The Babri Masjid demolition agitated the Muslims and on 7.12.1992 some young Muslims took out a procession marching towards the police station. The police followed behind. Some of those in the procession called upon the shopkeepers to down their shutters. The processionists were stoned when near gate no. 6 and this led to chaos. The lathi-wielding constables following the procession beat up the leaders of the procession and resorted to indiscriminate firing. A number of Muslims were injured. Muslim shops were looted. Having tasted blood, the rioters looted shops of Marwaris also. Curfew was imposed in the area and the police began arresting Muslims indiscriminately.

On 8.12.1992, residents of plot no. 25 attacked the house of one G.V. Kumar Mittal. The attack was led by Sarwani, Rayeesa and others. 10.12.1992, homes of Muslims near gate no. 6 were looted and destroyed by a mob of 300 persons.

In January 1993, the riots began on 9.1.1993. Mobs roamed the streets freely and damaged vehicles. The rioting continued till 11.1.1993, when Muslim homes and shops were looted and damaged. Young Muslims trying to resist the rioters and arsonists were arrested by police. Senior Inspector Ramchandra Mirokhe took an active part in getting the house of Naheeda Begum looted. Naheeda Begum gave a written complaint to the Police Commissioner on 12.2.1993. Naheeda Begum runs a registered society known as "Mahila Jagruti Mandal" at Malad. On 7.12.1992 there was an instance of stones being thrown at her house. Thereafter, there was a peace committee meeting to which she was also invited. In the meeting she mentioned the names of Baban Surve, Mathe, Shivaji Rao, Savant and Bhosle, all of

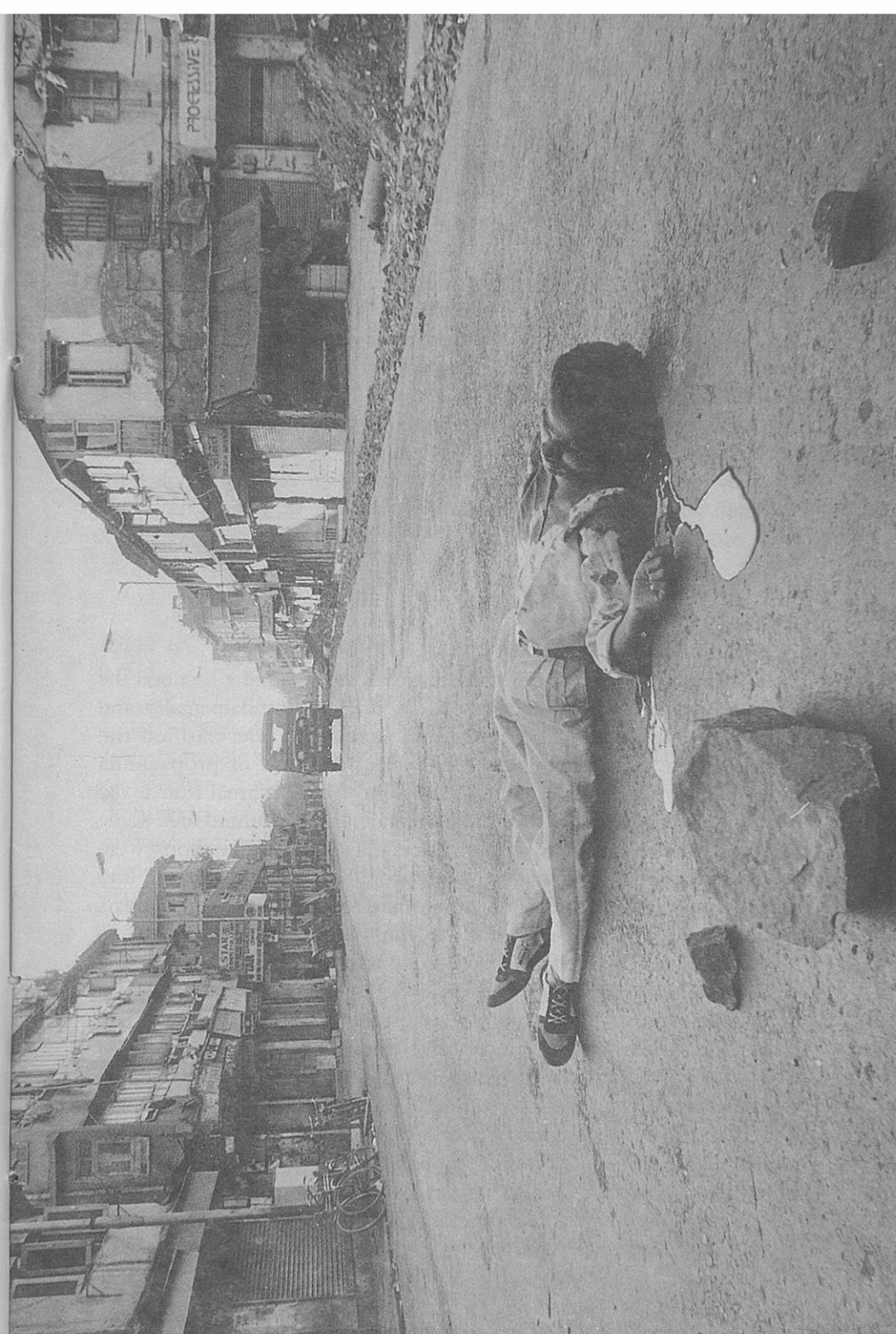
them being members of the Shiv Sena and BJP who were said to be responsible for generating tension in the area. The police inspector accused this witness of using harsh language, so she had to walk out of the meeting. Thereafter, she received threats on the phone. On 11.1.1993, at midnight, a mob entered her house and in the presence of the police inspector, the rioters took away her ornaments and other valuables. She had, therefore, complained to the chief minister. After about a month or so, on 20.3.1993, nine of the rioters were arrested but all released on 26.3.1993. Those accused are threatening the witness with dire consequences.

MASJID/MOHAMMED ALI ROAD

The Tribunal has received 33 statements from this area.

The earliest incident was on the midnight of 6.12.1992, after the demolition of the Babri Masjid. A police wireless van was attacked near Minara Masjid and the police opened fire. The next incident, as narrated by Naresh Fernandes and Clarence Fernandez, was at Shaukat Ali Road, opposite J.J. Hospital, on the morning of 7.12.92. The mob had attacked the police chowki and a policeman's motorbike had been burnt. One of the policemen had fired into the crowd; the crowd was so incensed that it would have killed the policeman but for the intervention of the local people. At this time, the rioters as well as the rescuers were Muslims. The next incident which they witnessed was of the death of a lady named Naseem Khan who was near the clothes-line on a second floor balcony when she was hit by a bullet. She died instantaneously. By this time, the riots had spread and the mob had started attacking Hindu shops. The police had to eventually resort to firing and at the end of the day, the J.J. Hospital had 18 casualties and 70 people with bullet injuries.

In January 93, two 'mathadi' workers operating in the Masjid Bunder area were killed in the early hours of 6.1.93. This incident resulted in a strike called by the union; a protest meeting was called. It was said that the murder of these workers was due to inter-union rivalry. On that day at 4pm., a Muslim mob attacked a Hindu taxi driver at Shaukat Ali Road. It appears that the mob wanted him to drop his trousers to ascertain if he was Hindu or Muslim. This incident came to be reported in the next day's 'The Times of India', accompanied by a picture of the taxi driver running to a policeman. By that evening, several Hindu taxi drivers were stabbed at Duncan



Road. On the next day, ie. 8.1.93, these reporters saw some Muslims flinging petrol bombs at the Firemen's Colony at Imamwada, which is predominantly occupied by Hindus. The police tried to control the mob, but was not effective. In retaliation, the Hindu mob set fire to the Pehelevi Bakery at Dongri. Several other shops were also set on fire.

Thereafter, there were incidents at different places such as Kalbadevi, Girgaum and Thakurdwar. The victims were mostly Muslims. In the riot that occurred near the Suleiman Bakery at Mohammed Ali Road, a number of persons died. One of the killings involved the police escorting a fair complexioned man to a nearby lane. The press photographers attempted to follow the policemen, but were stopped. A little later that fair complexioned man was shot and his body left lying on the ground. The excuse given by the police for his death was that they had been fired at with an AK 47 gun, for which there was no sufficient proof.

MULUND

Nirmal Kumar, a social worker of this area, roundly ascribed the riots of Bombay as being the handiwork of Hindu fundamentalist and the attitudes generated by their fundemantalism. He clarified the phrase by saying that the attitudes were the result of propaganda unleashed by the Sangh Parivar and the Shiv Sena. Nirmal Kumar did not exclude the BJP from the Sangh Parivar. In the Mulund area some 40 to 50 incidents of rioting took place. Sixteen Muslim shops were looted or burnt down. In the majority of the cases the looting and burning took place immediately after Maha-Artis. Nirmal Kumar bears witness to the fact that not only was the Mulund police unwilling to check the rioters but they had even gone to the extent of denying that any such incident had taken place.

The social activist working amongst the riot-affected persons had found the police totally unresponsive to the cry for information or assistance. A victim who suffered in the rioting at Mulund was examined before us - that victim was Munanwar a rickshaw driver, who Nirmal Kumar describes as "so mixed up with the Hindus that he is almost one of them". This absorption did not save Munnawar from being looted and reduced to penury on the night of 12.1.1993. He lives in an area which is overwhelmingly Hindu in composition, there being only six to seven Muslim homes. A mob of about 250 persons

suddenly arrived, proclaiming that the lights in all homes had to be put off as Muslims rioters had come. The directive was obeyed and in fact the Muslim men of the area came out with sticks in their hands to battle with those given out to be Muslims invaders. Taking advantage of these Muslim men going out of their homes, the mob consisting of Shiv Sainiks ransacked their homes, looting every bit of property. It was small comfort to victims like Munnawar to be called to the Shiv Sena office the next morning where an insincere apology was made to him about a mistake having been made. A report has been given to the police by Munnawar but nothing has been done. In fact, the police had refused to draw up a panchnama of the damage suffered, maintaining that Munnawar had not suffered any damage. The miscreants named by Munnawar are Rajendra Mishra, Sanjay Dhani, Takkiya and Ramdas Gajre. The first two were arrested by the police but released on the intervention of one K.K. Mishra, now said to be with the Congress I. Every Muslim family of the area has suffered damage in the range of Rs. 50,000/- to Rs. 1,55,000/-.

REAY ROAD / COTTON GREEN

The Tribunal has received 15 statements from this area.

At Reay Road and at Cotton Green, there were riots in January 1993 between 8.1.93 and 10.1.93. At Cotton Green certain hutments and houses belonging to both Muslims and Hindus have been destroyed. Some witnesses state that they had been assaulted by the rioters, who were said to be from the neighbouring Godapdeo area. Some felt that these were mostly affiliated to the Shiv Sena. Many witnesses expressed total surprise at the attack, as they had been living in the area for about 25 years without experiencing any such untoward incidents.

On 9.1.93, one Shamsuddin's house was attacked by a mob shouting "Jai Shree Ram". He had a collection of over a thousand books and various other articles in his house, all of which were destroyed, burnt or damaged by the mob. The articles were of the value of Rs. 3,00,000/-. That very night he and his mother went to Kala Chowky police station but no complaint was recorded on that date. The complaint was finally recorded after 20 days - no action had been taken so far. In this area there were about 28 Muslim families. All the Muslim homes had been attacked and the occupants suffered the same fate as this witness. None of the victims have received any

compensation. The victims have not been able to return and reside in the same locality.

10.1.1993 was the day on which the greatest amount of violence and destruction took place. Newspaper reporters saw the Reay Road timber market being burnt down; for two hours neither the police nor the fire brigade were present to help put out the fire. Several burning cars and trucks were sighted all along the P. D'Mello road. They also saw several dead bodies lying on the road. At one place a crowd of about 20 Hindus were seen dancing around a dead body.

SANTA CRUZ/VAKOLA

The Tribunal has received 11 statements from this area.

Here again, the allegations are the same - between 9.1.1993 and 11.1.1993, mobs of Shiv Sainiks aided by policemen, beat up people, looted homes and damaged and burnt belongings. One of the victims R.B____ was stripped naked, beaten on the legs and stomach and when she went to the police station, the police refused help. She then came to the relief camp at Prem Nagar, where her statement was taken down by an activist. So far the police have taken no action. Most of the victims have left the area and have not returned from the relief camps.

At Jawahar Nagar, again only the Muslim houses were attacked and the culprits are Vijay Ingle, who is the Shiv Sena Shakha Pramukh and others. Here also, witnesses have seen persons being hacked to death and the police doing nothing.

At the Jaku Club area, Muslims were arrested by Senior Inspector Majumdar on 8.12.1992. Thereafter, on 8.1.1993, Shiv Sainiks, particularly one Sitaram Gurau, complained to the police that the Muslims were harbouring people from Behrampada. On this, the Shiv Sainiks assisted by the police attacked the Muslims. Inspector Majumdar, instead of stopping the assailants, arrested seven Muslims and beat them mercilessly. When the ladies went to the police station to complain, he abused them also. On 12.1.1993, a row of six shops were burnt and no action seems to have been taken by the police.

At Golibar, several houses were set on fire on 8.1.1993. When the Muslims were trying to put out the fire, the police resorted to indiscriminate firing.

Four Hindu women residing at Asha Nagar, Prabhat Colony, deposed before us; they said that on 10.1.1993 fifteen Muslim and ten Hindu huts were burnt by goondas.

SEWRI

The Tribunal has received 9 statements from Sewri.

In the Sewri area, rioting broke out on about 8.1.1993. Most of the Muslim residents of the area had arranged to send their children and women to safer areas. This did not save those remaining behind. One such unfortunate was Ms.F.S____, aged about 30 years, a widow with two children. She had sent the children earlier to Parel. Her house was broken into by a gang, including policemen, at about midnight. She was kicked and mercilessly assaulted. The lady was thereafter gang raped. After the shameful act was over, they pinned a paper with some Marathi writing on her chest. She was driven out of her house after being deprived of her clothes. Covering her person with a bedsheet, F.S____ reached the police station but the police literally drove her out and even took away the bedsheet. The victim then thought of going to her Christian friend's house at Parel. No one would help her as they thought that she was mad. However a kind-hearted Sikh truck driver, seeing her condition, took off his kurta and offered it to her and also gave her Rs. 5/-. She reached Parel at about 2.00 a.m. and was in such a condition that she had to be taken to a doctor. Her friend then dressed her up to look like a Christian and took her to a doctor. The next day, she was taken to Bhabha Hospital for treatment. When the hospital realised that hers was a medico-legal case, they sent word to the concerned police station. When the constable came to record her statement, she identified him as one of her assailants. She became so panicky that she refused to make any statement, whereupon the constable wrote down some statement and finally obtained her signature.

After three or four days, a police officer approached her and told her that if she did not pursue the matter any further, she would be allowed to return home and live there. When she went there, she found that her house had been completely damaged. Moreover, she could not stay where her attackers were still moving about freely. Finally, she was taken to a relief camp at Andheri, where the social activists were able to secure a room for her to live in.

She gave her evidence, with tears in her eyes, saying that she would have committed suicide but for her two children who would otherwise be destitute. When we questioned her as to whether she would go to court and file a case, she plainly said that she had suffered so much that she had neither the strength nor the courage to proceed against her assailants.

TARDEO

The Tribunal has received 63 statements from Tardeo.

Tulsiwadi

The rioting at Tulsiwadi in Tardeo has been the subject of much comment and controversy. The areas involved were Tulsiwadi proper, which is a predominantly Muslim slum, with a Kathiawadi-Dalit slum on one side and the Arya Nagar cluster of buildings, a middle class colony of Marathi speaking people on the other. The municipal councillor from the area, was Shanta Baria elected on the RPI ticket, with the support of the Congress I.

The Babri Masjid demolition generated tension, but this was not allowed to get out of hand by the influential people from the Kathiawadi-Dalit and Muslim slums. However, the Shiv Sainik rumour-mongers were at work.

A Maha-arti was scheduled for 9.1.1993 at the Tardeo Circle. Shanta Baria was bribed or lured or persuaded to attend the function much against the wishes of her close supporters in the area, particularly the Muslims. She also succeeded in taking with her a large number of Kathiawadi-Dalits to the function. She got over their reluctance or disinclination by pointing out that Maha-artis were a counter-blast to the Muslims being allowed to offer prayers on the streets.

The atmosphere at the *maha-artis* generated a great deal of tension and was a backdrop to the circulation of a false rumour about the raping of three Kathiawadi-Dalit women by Muslims in Bhendi Bazaar, Imamwada. The women allegedly raped were the wife and two sisters of Bhanjibhai Babaria, a musical performer of some standing amongst the Kathiawadi-Dalits. The rumour must have been set afloat by the Shiv Sainiks or their hirelings amongst the Kathiawadi-Dalits. It gained currency on 10.1.93 and the result was that the Kathiawadi-Dalits resorted to looting and arson of Muslim homes located in isolated spots. Time and again, efforts were made by responsible people from the locality including the Kathiawadi-Dalits, Muslims and one Gopal Manjrekar to restore peace and normalcy. The last named person is a Special Executive Magistrate and is also connected with the Dutta Mandir in the area. He played a prominent role in endeavouring to preserve and restore peace in the area. The victims who took refuge in his temple included Hindus and Muslims and Gopal Manjrekar made no distinction in giving relief and succour

to all of them, irrespective of caste and creed.

Shanta Baria led attacks from the Kathiawadi-Dalit slum side in concert with the Shiv Sainik forces who were attacking from the Arya Nagar side. In the course of one of her forays she was hit by a police bullet and that is how she died. Some witnesses from the Kathiawadi-Dalit slum have tried to wash out the stigma against Shanta Baria by pleading that she was a peace loving and compassionate person. The truth seems to be otherwise for it was she who generated hostility against the Muslims in the minds of the Kathiawadi-Dalits. The relations of the slum-dwellers amongst themselves are quite cordial. In fact, witnesses have spoken of quite a few of the residents of the two slums being partners in various trades, not excluding those bordering on the illegal eg. receiving and disposing of stolen goods, drug peddling, illicit distillation and sale of liquor, gambling, etc.

The Muslims of Tulsiwadi were compelled to flee the area and suffered immense losses in that nearly 250 to 275 Muslim huts along with their belongings were reduced to ashes. The Kathiawadi-Dalits did not escape totally unscathed, 17 to 18 huts of Kathiawadi-Dalits were burnt. Including Shanta Baria, four died in the police firing and 11 received gun shot wounds in such firing. Four to five persons were seriously injured due to the throwing of stones and soda water bottles.

As in other areas, the police acted either with indifference towards the victims or actively colluded with the rioters. The Railway Protection Force, on the other hand, covered themselves with glory in helping the fleeing people to escape via the premises of the Bombay Central Railway station. The two police officers well spoken of, are Inspector/PSI Vijay Kadam and PSI Mujawar.

M.P. Mill Road

The other area affected by the riots in the Tardeo area was the M.P. Mill Compound. In this area the most intense rioting began on 10.1.93. The rioters broke into Muslim houses, forced the inmates to go out and looted their belongings. Some of the Muslims took refuge in the houses of their Hindu neighbours and when there was a let up in the rioting, fled the area. The rioters were Shiv Sainiks. The police not only took no action against them but, what is more reprehensible, joined in the looting and vandalism. The rioting in the M.P. Mill Compound went on and on, commencing on 5.1.1993 and going on well into the last week of January 1993. The victims expressed

apprehension on being asked to return to their original homes. This was not only a reaction to the suffering they had undergone but also a fear generated by threats given by the rioters and their cohorts, who included the colluding and conniving police personnel from the area. Several complaints were sought to be made, and only a few of these were taken down by the police. Needless to say, no effective action has been taken even on these complaints.

VIKHROLI

The Tribunal has received 154 statements from Vikhroli.

The Muslims have a small presence in this suburb. Trouble began here immediately after news of the demolition of the Babri Masjid was received. Shiv Sainiks and anti-socials owing allegiance to communal Hindu outfits, threw stones at Muslim residences. The police were alerted and PSI Hirve of the Vikhroli police station was requested to convene a meeting of the leading citizens of the communities. The peace committee met and resolved to maintain the peace. This was a pious resolve but, as normally happens with such resolutions, it was not honoured. Armed mobs carrying swords and choppers went about storming shops and abusing Muslims. The police were grossly outnumbered, heightening the insecurity felt by the Muslims.

Hariyali Village and Tagore Nagar witnessed a large number of incidents. On 9.12.1992, there was a BJP sponsored Bandh; Datta Dalvi, the Shiv Sena corporator had returned from his trip to Ayodhya and in a speech, called upon his Hindu audience not to leave unaffected a single Muslim shop or residence. Hindu mobs went on the rampage and looted Muslim residences and shops in the Kannammawar Nagar area. A fresh meeting of the peace committee was convened on 12.12.92. From the next day, peace slowly returned. Hindu mobs were instigated by the aforementioned Datta Dalvi and Padmakar Kangutkar, the President of the BJP's Vikhroli unit.

The January 1993 riots began right from 6.1.1993. The Shiv Sena office was in Group no. 5 Hariyali Village and it was from here that stones were thrown at the homes of Muslims living in the area. Shops of Muslims were burnt. On 7.1.1993, a large mob of hundreds of Shiv Sainiks gathered on the rail track. This mob attacked two chawls in the area, known as Zariwalla Chawl and Deluxe Chawl, both occupied by Muslims. The Vikhroli police were informed of what had happened;

they came two hours later and instead of doing something to the rioters and arsonists, dragged out Muslim residents from the beleaguered chawls and gave them a beating. Fourteen residents of the chawl were arrested under Section 307, read with Section 49 of the Indian Penal Code. Not one of the Hindu rioters was arrested.

Over the next two days, there was a spate of stabbings of Muslims, all of which proved fatal. For nearly about 20 days, Muslims were not allowed to make use of the Ganesh Marg at all. On 11.1.93, a hundred families in Kannammawar Nagar were forced to leave their locality as their homes had been subjected to repeated assaults by those indulging in looting, destroying and burning. About 25 shops of Muslims in Kannammawar Nagar were totally burnt. The number of houses looted, burnt and damaged in Hariyali Village came to about 150. PSI Hirve and PSI Gadre, heading the Vikhroli police station, were either indifferent or guilty of making no secret of their anti-Muslim bias.

ACP Pasricha and DCP Niglova did a good job, and it was their effort that restored confidence in the minds of the minority and brought back normalcy to the area. But the good work done by these officers was nullified by the likes of Hirve. DCP Niglova had arrested a number of criminals known to belong to the Raigad gang. Hirve released them on the very same day and no action was taken against the criminals. Hirve's blatant disregard of the orders given by his superiors led to his being transferred. His successor Sajjan was reported to be doing a better job.

Engineer Nasir Ahmed Sheikh was rudely told by the police Control Room that there would be no difference if three more houses were burnt when he complained of his sister's house having been set on fire. He, his brothers and sister have lost property worth about Rs. 5,00,000 and given the pittance of Rs. 4,000 each as compensation.

One Mainuddin Ahmed Khan witnessing the mayhem created by the thugs in the vicinity of his home, decided to leave his house with his children. Coincidentally, as he was about to leave, a gas cylinder in a house opposite to his, burst. The police thought it was a bomb blast. Mainuddin Khan corrected their misconception, but he was dealing with persons who were not willing to listen to reason. He was severely beaten up and taken to the police station where he was subjected to one more round of beating. The victim was a diabetic and the beating had left gaping injuries which resulted in gangrene. Mainuddin Khan had to be hospitalised and his leg had to be amputated.

One Mehmood Mukhim was shot in the stomach and given Rs.

5,000 as compensation when he had spent nearly about Rs. 25,000 on his treatment. The police did not even spare K.U.Khan, the president of the Kurla Taluka Congress Committee and another Congress worker who were severely beaten up and abused by senior police inspector Ghosale.

The suffering Muslims have somehow returned, but are not very confident of being able to continue as before, in view of the open threats given by the criminals who appear to have the backing of the police and politicians.

The January bout of rioting went on till about 14.1.1993. The affected areas were Hariyali Village, Kannammawar Nagar, Sanjay Gandhi Nagar, Anandgadh, Vikhroli Parksite etc. The police took no steps against the rioters, in fact they vented their anger against the Muslims by accusing them of anti-social activities.

VILE PARLE

The incidents are all of January 1993. Mostly Muslim houses and shops were looted and destroyed. The names of the rioters (Shiv Sainiks) have come on record and may be found in Annexure IV.

One of the victims is a doctor who has a clinic at Bamanwada. His clinic was looted and destroyed by a mob of local people; he suffered loss of Rupees two lakhs but has received no compensation.

One other victim is a Hindu, a young man of 19 years who is a shoe salesman. He was assaulted by a mob after a *maha-arti*; he was taken to Cooper Hospital, but not being satisfied by the treatment, he went to a private clinic. He has not been given compensation because he did not stay in the hospital for more than 24 hours.

WADALA

The Tribunal has received 10 statements from Wadala.

We have no evidence of any incident in the month of December 1992. But in January 1993 there have been certain incidents between 8.1.1993 and 14.1.1993. The major incidents relate to the atrocities inflicted by Sub-Inspector Nikhil V. Kapse of R.A. Kidwai Marg police station. On the midnight of 9.1.1993 a group of 500 - 600 Shiv Sainiks were approaching Kidwai Nagar Colony armed with swords, tube-lights etc. It appears the local residents were vigilant about the

impending attacks and they could resist the attack by the Shiv Sainik boys. However, a petrol bomb was thrown on the premises of a textile dyeing factory. The fire broke out in the factory premises which was extinguished by the local people. On the next day, at about 11.30 a.m., an elderly man with a white beard was beaten mercilessly by some unknown persons. Sub-Inspector Nikhil V. Kapse came there and dispersed the crowd. In the process they took away a boy named Mohammed Khalid Hussein aged 15 years, all the way from Kidwai Road to Bhoiwada.

It appears that at the junction of Naigaum Road and R.A. Kidwai Road there were 5,000 persons armed with swords, choppers etc. Instead of dispersing the said mob the police ran towards an open playground and started shooting the Muslim boys who were defending the attack of the Shiv Sainiks. Several persons received bullet injuries. One was Farooque; he was taken to K.E.M. Hospital but he was treated as an out-patient on the basis that there was no bullet. After 25.1.93 he was operated upon in a private hospital and the bullet was removed from his body. It is stated that in the K.E.M. Hospital compound Shiv Sainiks were waiting and if a Muslim was found to be waiting for treatment he would be driven away.

There is also a statement to the effect that Sub-Inspector Kapse entered Hilal Masjid and started firing on the people in the masjid. A blind man (70 years of age) was hit with rifle butts injuring him and he was bleeding. There is also a statement to the effect that Sub-Inspector Kapse had beaten others with rifle butts and one Shamsheed of Pratap Nagar was shot in his chest from a point-blank range. It is reported that he had also held a pistol to the temple of one Anwar alias Subbu of Kidwai Nagar and pulled the trigger but luckily the revolver was empty. He then took a bayonet from the gun of one of the S.R.P. and pierced the same into the chest and belly of one Nathu. In the Masjid there was one Shankar Vithal Pawar, who was spared because he was a Hindu. One other person by the name of Asfaq Khatri was injured in his foot and as he was screaming for help one Naushad tried to help him. As soon as Naushad bent down to lift Asfaq, Kapse shot him in his hip. The bullet is still lodged in the hip joint of Naushad and cannot be removed as per the doctor's advice in Sion Hospital, as the removal may handicap him forever. Kapse thereafter entered the textile dyeing factory by breaking down the door. He even damaged the microphone of the Masjid. One Adam Syed Hussein was thereafter asked to lift and put the dead bodies in the police van. Adam was also taken in the same van. Since then

there is no news of Adam. Adam has a family of six children, a wife and a mother. It appears that in the 'Jansatta' dated 11.1.93 there was a news item about this incident stating that some persons were caught firing from inside the Masjid and were arrested by the police. This news item is totally false. In fact in Kidwai Nagar there was no untoward incident at all. Not a single shop had been damaged.

An attempt was made to have peace in the area and the local Shiv Sena MLA one Mr. Kalidas Kolambekar was approached. A written agreement was entered into in that behalf, but that very night the Prabhudh Nagar hutment colony was attacked and the colony was set on fire. The fire bombs had been thrown from the Hindu cemetery and Spring Hill compound on Naigaum Road. The police arrived there but again fired at the hutment people who were on the defensive. The police arrested a large number of persons from this area and they were detained for a considerable number of days. The members of the R.A. Kidwai Road Relief Committee made written complaints about Sub-Inspector Kapse to the Chief Minister, the Commissioner of Police etc. but we do not know whether any suitable action has been taken against the officer.

We have on record a number of photographs in respect of the brutality inflicted in the Masjid. We have also been told that some of the riot-affected persons have given their statements before the commission of enquiry appointed by the Government.

WORLI

The Tribunal has received 64 statements from Worli.

This area was affected by the communal rioting in December 1992 as also January 1993. The first round of rioting broke out on 8.1.1992. Facing the Sacred Heart Church and High School at Worli was a timber mart owned by a Muslim. A group of Hindu boys numbering about 20 set fire to the mart, endangering nearby residential huts, a large number of which were occupied by Hindu families. The fire was put out by the Church staff. A report of the arson was made to the police and they rushed to the spot as early as they could.

It was in the January bout of rioting that great excesses and atrocities were committed. Attacks on Muslim shops, business establishments and residences began with special ferocity on 8.1.1993 January 1993. The Muslims driven out their homes went running out for shelter to the Sacred Heart Church. Initially,

they concealed themselves in an attic. On the morning of 9.1.1993 the police came on the scene. The rioters had taken control of the area on 9.1.1993; looting, burning and stabbing. A number of Muslim homes and taxis were set on fire. The entire Muslim population of this area had left their homes and taken refuge in the Sacred Heart School. The giving of shelter to Muslims by the Pastor and Principal of the school, infuriated the Shiv Sainik rioters. They voiced their objections loudly. In fact, the refugees themselves felt insecure for, from the ventilators of the place where they had taken refuge, they could see their homes being broken into, their belongings brought out and burnt on the streets. The victims could see that some of their own neighbours were involved in the looting, burning and vandalism.

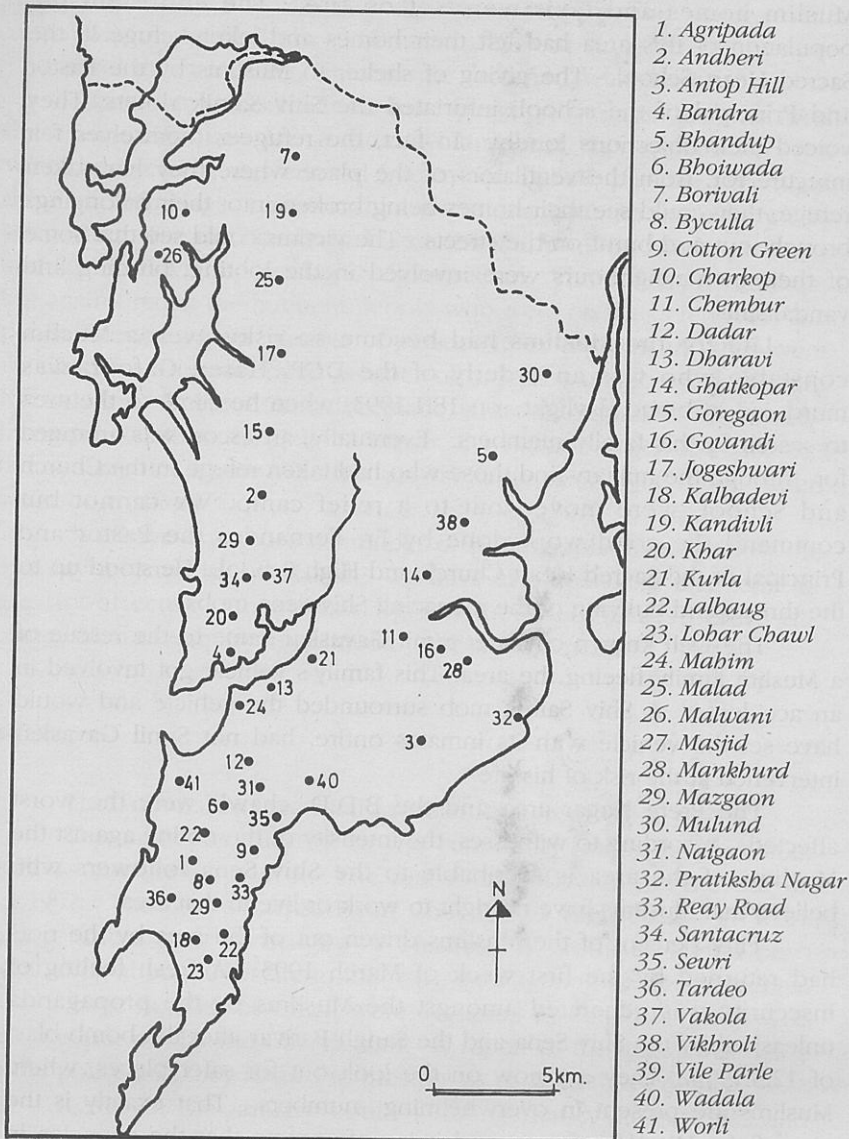
Life for the Muslims had become so risky even a Muslim constable who was an orderly of the DCP, Hasan Gafoor, was murdered in broad daylight on 18.1.1993, when he came to the area to search for his family members. Eventually, an escort was arranged for, through the military and those who had taken refuge in the Church and School, were moved out to a relief camp. We cannot but commend the good work done by Fr. Fernandes the Pastor and Principal of the Sacred Heart Church and High School. He stood up to the threats and bullying of the menacing Shiv Sena mobs.

The well known cricketer Sunil Gavaskar came to the rescue of a Muslim family fleeing the area. This family's vehicle got involved in an accident. A Shiv Sainik mob surrounded the vehicle and would have set the vehicle with its inmates on fire, had not Sunil Gavaskar intervened at the risk of his life.

The Prem Nagar area and the B.D.D. chawls were the worst affected. According to witnesses, the intensity of the rioting against the Muslims of the area is ascribable to the Shiv Sena followers who believe that Muslims have no right to work or live in that area.

Fifty percent of the Muslims driven out of the area by the riots had returned by the first week of March 1993. A fresh feeling of insecurity was generated amongst the Muslims by the propaganda unleashed by the Shiv Sena and the Sangh Parivar after the bomb blast of 12.3.1993. They are now on the look out for safer places, where Muslims are present in overwhelming numbers. That exactly is the aim of the Hindutva forces and it is unfortunate that the agencies in charge of law and order have done little to instil confidence in the minds of the Muslim population of Worli.

**MAP SHOWING
RIOT-AFFECTED AREAS**



JOURNALISTS, SOCIAL WORKERS, ETC.

Several journalists and social workers gave evidence before us. Some of them were eye witnesses to incidents of rioting. They have also gone around the city, during the riots and have several observations to make.

1) Haroon Rashid - Editor: Urdu Blitz (Journalist)

A journalist of 15 years standing, Mr. Rashid was born in Bombay and belongs to the third generation of his family who have settled in the city after migrating from Varanasi in 1952. The Urdu Blitz is a secular journal, and has projected the doings of the secularists - instances of one community helping the other have been highlighted in the said journal.

Mr. Rashid stays in a chawl at Thakurdwar. The first incident he witnessed, took place on 8.1.1993 at about 11.30 p.m., when a mob launched an attack upon the chawl. The chawl's ground floor apartments, comprising 18 residences, are occupied by about 250 Muslims. Since there was an apprehension of some trouble, the L.T. Marg police station had deputed two policemen to keep a watch at the front gate of the compound. But they disappeared when the mob came. The mob had started pelting bricks and soda water bottles at the chawl. Though the police control room was contacted, the police did not come immediately. The residents of the chawl resisted the attack. The mob subsequently dispersed, but only after smashing several taxis belonging to the Muslims parked in the compound. The police finally came at about 1.00 am. They appointed four additional persons to keep a watch, but they were not armed. When the witness commented on this, the police replied that they had no arms.

On the next day at 10.00 am, a mob came from the direction of the Queen's Road police station. They damaged several stalls and shops as they approached. The Good Luck Motor Driving School, owned by a Muslim situated opposite the Charni Road Railway station, was set on fire. Thereafter, the mob came to his chawl. As the mob attacked, the police along with one S.I. Kamat, who was also present, stood by as mute observers. The local Shiv Sena corporator, Vilas Avchat was contacted and the witness pleaded with him for help. The corporator assured that no harm would come to them, but he did nothing beyond this. Fearing further trouble, the women and children had to be shifted to a nearby bungalow known as Diamond Manzil. A bomb was thrown in the presence of Mr. Kamat, due to which a part

of the terrace was damaged. The women and children had to be shifted from that building. The State Reserve police (SRP) had come in by that time, but they too did nothing. The police were later found talking and laughing with the Shiv Sena leaders. By 5.00 p.m., it was feared that none of the chawl people would remain alive as the police were providing no help at all. All of them had to vacate the chawl after which, it was set on fire. Six rooms of the chawl, with 75 inhabitants of the Diamond Manzil were totally gutted. When the witness arrived on the morning of 10.1.1993, he found his flat reduced to ashes. He lost about 3000 books, diaries, records, T.V.set, VCR, radio, washing machine, all the clothes - virtually everything. Fearing for their safety, the witness had to send his family to his relatives in Varanasi on 11.1.1993. His complaint was registered on 12.1.1993. The witness said that the rioting and the crimes were all the handiwork of the Shiv Sena. The persons leading the mob were known faces, mostly boys who used to play cricket and other games with the boys of the chawl. Though the persons could be identified easily, the police have taken no action against the rioters.

The witness had also gone round the city of Bombay during the riots in December 1992. He felt that the police were in collusion with the Shiv Sena, and he had apprised the Chief Minister of it when he met him. He further observed that the government was not seriously interested in controlling or curbing the riots. He said that the rioting finally stopped, not because of any effort on the part of the administration or the police, but because the rioters had spent themselves and had no longer the energy to keep up the violence and burning. According to him, the relief and rehabilitation programme of the government was not clear. It was only unofficial agencies like the Aman Relief Committee headed by Manna of Bandra, the committee headed by Memon and the Rashtriya Ekta Samiti, that were doing a good job.

He observed that the Urdu press in Bombay has played a responsible role and has not been writing provocative articles. Marathi dailies like 'Saamna', 'Navakal' and the Hindi evening paper 'Sanj Jansatta', on the other hand, have played an incendiary role.

Mr. Rashid says that the only connection between the December 1992 and the January 1993 riots is the realisation by the rioters that the police force is anti-Muslim and that they could go to any extent in the second bout, without any fear of interference from the police. He does not feel that there was any foreign hand behind the instigation or continuance of the riots.

The witness further observed that effective action by the police started only after Mr. A.S.Samra took charge as Police Commissioner. He says that the infighting in the ruling party was one of the factors which contributed to the intensity and the duration of the riots. He blamed both the then chief minister, and the then defence minister as being responsible for this lapse.

Mr. Rashid further said that the majority amongst the Hindus were still secular and that, initially, they did not raise their voices in protest out of fear for their own lives. But once the riots subsided, they have come forward and the confidence of the minorities has been restored to a great extent. He further observed that in Bombay city, Imam Bukhari of the Jama Masjid, Delhi, did not have any following worth the name. The Imam's appeal to boycott the Republic Day celebration did not evoke much response in Bombay, or even in Delhi. Likewise, he said, the Islamic Sevak Sangh did not have any following in Bombay. He agreed with the contention that the Bombay underworld had a part to play in the riots.

2) Jatin Desai - Journalist: Janmabhoomi (Gujarati Daily)

Mr. Desai had witnessed one incident on the midnight of 6.12.1992 at Mohammed Ali Road. Thereafter, he worked with other members of the Bombay Union of Journalists (BUJ) as part of a fact-finding team. Mr Desai referred to an incident of police firing at Behrambaug, resulting in four deaths; all Muslims. They were, in fact, in their bathrooms and the police followed them and shot them dead. This news item appeared in the Daily and the Gujarat Samachar. The witness contacted officer Kamlakar, a Police Inspector at the Oshiwara police station, who stated that he had given instructions to his men to fire as the Muslims had tried to attack the nearby Shankar temple. The witness said, that on inquiry, he found that there was no Shankar temple at the specified site, but a Ganesh temple, which, in any case, had not been damaged.

(3) Vishwanath Jagannath Sachdev - Editor: Navbharat Times

The witness said that the December 1992 riots were an effect of the demolition of the Babri Masjid, whereas the January 1993 riots were a sort of Hindu-Muslim confrontation. The Shiv Sena and the BJP played a prominent part in the continuance of the riots and the police were not as active as they should have been in January 1993. Mr. Sachdev felt that the media had played a positive role as they had published the correct information. He did not think that there will be a

recurrence of riots in the near future. As regards the bomb blasts of 12.3.93, he felt that there might have been a remote connection with the riots. He did not think that Muslims had been arrested indiscriminately as most of the arrested persons were 'goondas' or anti-social elements. He felt that the Trade Unions have also failed in checking the communal divide within their ranks.

(4) Dinkar Vinayak Gokhale - Journalist (Retd.)

This witness was of the opinion that communal riots would continue because of the government policy of appeasement to the minority community. Elaborating, he pointed to the absence of a uniform civil code, the minorities being a vote-bank for the ruling party and the creation of a Minority Commission instead of a Human Rights Commission. Mr. Gokhale said that Muslims of this city should learn to behave as citizens of India and not as a minority.

As far as the actual incidents are concerned, Mr. Gokhale cited only one incident, on 6.1.1993, when the bus in which he was traveling was stopped by a Muslim mob at Bhendi Bazaar; the mob retreated when the police van arrived.

(5) Sarfraz Arzu - Editor: The Hindustan Daily (Urdu)

The witness was bitter about the police as he felt that they had acted lawlessly and that there was no hope of the government controlling the police. He was sorry that the government was defending the police instead of taking measures against the atrocities they had committed. He had seen policemen killing people for the fun of it right below his office at the Nagpada junction. He had also seen five persons being shot dead by the army at Morland Road, where no rioting had taken place; this was done at the instance of the police. Mr. Arzu also spoke bitterly about the police's behaviour after the bomb blasts. He complained of young students being put behind bars and not being allowed to appear for their examinations; these persons were not even produced before magistrates.

At the time Mr. Arzu gave evidence before us, he had stated that more than 600 persons from Mahim were still in the lockup after the bomb blasts. These lockups are so small that the persons did not have any room for sleeping or even sitting. He was of the opinion that the bomb blasts were a direct reaction of the two earlier bouts of rioting. He blamed the political parties for this situation, including the Congress(I). He also said that relief and rehabilitation measures are not satisfactory. Mr. Arzu did not think that there would be a recurrence

of riots because the miscreants who had participated in the earlier bouts of rioting were under the impression that the Muslims are now armed to the teeth and were prepared for an encounter.

(6) Hazel D'Lima-Principal, Nirmala Niketan College of Social Work

During the riots, from 12.12.1992 to 23.12.1992, teachers and students of Nirmala Niketan had gone about collecting information on the riot-affected from Bhandup, Ghatkopar, Kherwadi, Kurla, Dharavi, Mahim, Deonar and Byculla. They had also visited the Cooper, KEM and J.J. Hospitals. The team interviewed about 630 persons and compiled a report, a copy of which was submitted to this Tribunal.

Ms. D'Lima said that, trouble was anticipated after the demolition of the Babri Masjid. Muslims in the Govandi area had desecrated and damaged a few Hindu temples. Some policemen were attacked and two of them were killed. The Hindus feared that the Muslims would attack them. In order to prevent such an attack, the Hindus went on the offensive and that is how the riots began in December 1992.

The rioters mostly attacked those areas where the Muslims were small in number and scattered over the area. Most of the attackers were outsiders. According to this witness, though two months had passed since the riots, the feeling of anger and resentment among the Muslims still persisted. In Mahim, the Muslim youngsters were said to have proclaimed that they would not allow the injustice done to them to go unpunished and that they would teach their enemies a lesson which they would never forget. Another belief was that the Muslims should keep their grievances to themselves, as otherwise, they would face the wrath of the Hindus. Ms. D'Lima referred to an incident where a policeman allegedly threatened to urinate in the mouth of a man rounded up in Bhandup during the riots, if the latter refused to utter the words 'Jai Shri Ram'. In another incident, the police reportedly told Muslims who wanted permission to obtain their rations, that "they (the Muslims) had drunk and eaten enough in India, and that if they wanted any more, they should go to Pakistan". Thus, the victims felt that they would not get justice from official channels. They were also apprehensive of going back to live with their erstwhile neighbours who had killed and injured their near and dear ones.

Ms. D'Lima suggested that the law and order machinery must restore a sense of confidence and security. It was also important for victims to feel a sense of acceptance from their fellow citizens. She also condemned the fact that prominent rioters and arsonists were still

occupying positions of eminence in the political field, as for instance, a local corporator from Dharavi, M.Y.Shinde. The witness said that local goondas were in collusion with the Shiv Sainiks, while police remained inactive. Amongst her suggestions for restoring confidence, Ms. D'Lima recommended that social workers and counsellors have a heart to heart talk with the victims of the riots.

(7) Naresh Fernandes & Clarence Fernandez - Staff Reporter, The Times of India

The witnesses had moved about quite a lot during the riots. The first incident which they saw was at Shaukat Ali Road, opposite J.J. Hospital, on the morning of 7.12.1992. The mob had attacked the police chowki and a policeman's motorbike had been burnt. One of the policemen had fired into the crowd; the crowd was so incensed that it would have killed the policeman but for the intervention of the local people. At this time, the rioters as well as the rescuers were Muslims. The next incident which they witnessed was that of the death of a woman named Naseem Khan who was standing near the clothes-line on a second floor balcony when she was hit by a bullet; she died instantaneously. By this time, the riots had spread and the mob had started attacking Hindu shops. The police had to eventually resort to firing and at the end of the day, the J.J. Hospital records showed 18 deaths while 70 people were admitted with bullet injuries.

The other area which was affected was Bharat Nagar, behind Kherwadi. Here, a Muslim mob had set fire to a BEST bus and a motorbike belonging to a police officer. The police outpost was also attacked and five policemen were injured in the stone - throwing and had to be hospitalised. At the end of the day, at least three persons from the mob had died in the firing.

The duo had thereafter covered several areas, during both the riots, and several incidents came to be reported by them. These reports have been subsequently supported by the statements of the witnesses and victims who have deposed before us. The witnesses said that the riots of December 1992 and January 1993 were unprecedented. Never before had Bombay been so rocked by violence, arson, looting, destruction, killings, police inaction and police excesses, on such a large scale.

According to these reporters, the January riots started with the killing of the 'mathadi' workers. On the next day, there was a rumour that a mosque at Mahim had been demolished. The third factor that triggered off the riots was the burning down of certain rooms in

Gandhi Chawl (wrongly reported in newspapers as Radhabai Chawl), at Jogeshwari. The police were finally able to trace the culprit as one Fatima Bibi, at whose instance others, all said to be members of one Peeru's gang, were apprehended.

At Bandra, Madhukar Sarpotdar was responsible for certain incidents. He was detained on the night of 11.1.1993 by the army for being in possession of an unlicensed Spanish gun. The army handed Sarpotdar over to the police. However, that very night, ACP Kalpatrai released him on the plea that the army had not handed over the weapon found on him. Sarpotdar was again arrested on 13.1.1993, but released on bail on 14.1.1993, the very day on which 'namazees' at Behrampada were attacked. The next time that Muslims in Behrampada were attacked was on 1.2.1993.

They also reported that Shiv Sena leaders like Pramod Navalkar and others had boasted that the Shiv Sainiks were active participants in the riots. The reporters state that the Marathi press, in particular 'Navakal' and 'Saamna' were blatantly communal. Till January 1993, the Urdu press was taking a balanced view and would not say anything provocative or communal. So far as the English press is concerned, the 'Indian Express' and 'Mid-Day' carried hitherto unsubstantiated news reports about arms consignments coming from foreign countries.

The Pawar Naik feud also contributed to indecision and lack of effective action by the administration. The then Police Commissioner Bapat was also a failure to some extent. The total police force of about 30,000 was inadequate when compared to the total population of Bombay at 11 million. In the beginning, even industrialists and leaders of trade and commerce were unconcerned till the firing incident at Carmichael Road on 11.1.93. This was when they got worried and pleaded that the city be handed over to the army.

(8) Anand Patwardhan - Documentary Film Maker

As a member of the Ekta Samiti, he had visited areas like Mahim, Golibar, besides Dadar, where he resides. He said that during the December 1993 riots, he did not come across any case of Muslims targeting Hindus. In January 1993, he had witnessed violence in his neighbourhood. He saw that a number of Muslim owned shops were burning but there was no tension in the atmosphere. People were merely spectators. The police who were nearby told him that they did not have sufficient personnel to tackle the arsonists. When he contacted the police that night, he was assured that action was being taken.

One of the shops, named 'Kailash Lassiwalla', belonged to a Muslim, was attacked and burnt. After some days, the shop-keeper resumed his business with a signboard proclaiming "Kailash Mandir". It was inaugurated by a Shiv Sena leader. Apparently, the shop-keeper must have come to some 'understanding' with the Shiv Sena. He also noticed that, during the riots, well-dressed, middle-class people were carrying with them the loot from various shops.

In December 1992 and January 1993 Mr. Patwardhan visited the Mahim Dargah, where a refugee camp had been set up. In the camp, he found a Hindu family which was well looked after and their daughter was being escorted to school and back by Muslim neighbours. He also visited Behrampada and found that miscreants were using the neighbouring MIG buildings to throw petrol bombs into Behrampada. The Ekta Samiti has submitted a report in this regard.

The witness also talks of various rumours being spread at that time by mischievous elements. At Cadell Road, his friend told him that people had remained awake for nights together because there was a rumour that Muslims were bringing arms from Dubai. He also heard a rumour that 500 Muslims armed with AK47s were going to attack the Hindus. Another day, the rumour was that the milk supply was poisoned and later, that the bread sold had been contaminated. He submits that this sort of rumour-mongering is a classic fascist technique often used. He also refers to a xerox copy of a writing alleged to have been issued by the Imam of the Jama Masjid, Delhi, calling upon the Muslims to wage 'jehaad' against idolators who had to be killed by slitting their throats as they were 'kafirs'. It was obvious that it was a fake document, but the fake character did not worry the Hindu leaders. They treated it as a genuine as it helped their cause. When the Imam was contacted and requested to issue a denial, he answered that he had already done so.

Mr. Patwardhan regretted that the communal poison which has struck deep roots was an indication of the failure of secular forces. He also regretted that the political leadership of the country acted out of terrible cowardice and actually abetted the forces of communalism.

(9) Ms. Shaila R. Satpute - Social Worker & Retd Teacher

Ms Satpute is connected with SWADHAR, a social organisation which has been set up to help women in distress. The case of S.H.____ of Kandivli (refer to the Kandivli sector report) was taken up by Ms. Satpute and her organisation and it was only after their intervention

that a case was registered and three persons were arrested. Ms. Satpute regretted that in spite of the gruesome incident and story of S.H.____, the police were of the opinion that the victim has no case.

(10) Asghar Ali Engineer - Scholar & Social Activist

In his own way, Asghar Ali Engineer has been carrying on a crusade for reforms within his own religion. During the riots, Mr. Engineer along with other activists of Ekta went around the city of Bombay and has compiled a report. A copy of the report has been tendered to us.

Mr. Engineer referred to the growth of slums in Bombay, where more than half of the city's population live in miserable conditions. According to the report, "these slums are controlled by different slum-lords who impose their own rule. More often than not, the governmental authorities have no existence whatsoever in these slums. The police can also hardly make its presence felt there. So, either the police is in league with these "lords" or just look the other way when they enforce their authority. Much of the trouble in Dharavi and other slums can be ascribed to these slum-lords." Because of such forces, communal tensions take on a completely different complexion.

Also, the report pointed out, that the ever rising curve of unemployment and rising prices in the city boosts crime. The city's underworld is ever expanding, leading to gang rivalries and it is worse if the gangs are divided along communal lines which is not rare. These gangsters have, more often than not, their own political connections and they may be connected with different warring factions of the ruling party. Bhagalpur too, notorious for its criminal gangs, had several gangs aligned to the warring factions of the then ruling Congress and this was reflected in the communal riots of October 1989. In Bombay too, it is alleged, some notorious gangsters are aligned to the Sharad Pawar group which is at daggers drawn with groups owing allegiance to the then Chief Minister Sudhakarrao Naik group. This group rivalry is allegedly one of the contributing causes of perpetuation of communal violence, specially in the second phase. The edit of the 'Indian Express' published on 11th January 1993 also alleges that the Chief Minister was reluctant to call the army as then the credit of stopping the riots will go to his rival Sharad Pawar. This may or may not be true but certainly it is the perception of many political analysts.

The Shiv Sena was also playing a very active role in this conflagration. The reason is obvious; it has lost all its regional appeal,

even in Bombay. Now, it is the Hindutva platform which is being systematically exploited by it since 1984 Bombay-Bhiwandi riots. Though the BJP is exploiting communal sentiments in a very crude and raw form today, the Shiv Sena is even cruder in this respect. If the Shiv Sena has to prove its "worth" vis-a-vis the BJP, it must outdo it (the BJP) in promoting communalism and this is what precisely the Shiv Sena is doing. It otherwise cannot compete with the BJP which also has considerable presence today in Maharashtra. No wonder then that Bal Thackeray boasted that it is his Shiv Sainiks who demolished the Babri mosque though it was pointed out later that his men had never reached Ayodhya before the mosque was demolished. He also declared after the demolition that he was the happiest man after hearing that most awaited news.

It also has to be borne in mind that no chief minister in Maharashtra, however powerful, can touch Mr. Thackeray. He, on the other hand, must be placated. Sudhakar Naik first tried to break the Shiv Sena and weaned away Mr. Bhujbal along with few Shiv Sena MLAs. But soon Naik was pitted against pro-Pawar dissidents and instead of further breaking the party, as he had planned, he made his peace with Bal Thackeray. The Chief Minister's position became so weak that when communal trouble broke out on 6th December and the Shiv Sena paper 'Saamna' began writing highly provocative editorials and articles. The Chief Minister, instead of taking action against it, appealed to Bal Thackeray not to write such articles in the interest of peace. Obviously, it shows the dire straits to which the Naik administration was reduced. Also, this sends wrong signals to the police force, a section of which has covert sympathies with the Sena. Mr Engineer asked, "how can such an administration be at all relied on for effective action against the miscreants?"

(11) Rachna Adsule - Social Worker & Shama Dalwai, Lecturer

Both were witness to what transpired at Behrampada. Their findings support the other evidence that has come before us in respect of that area. (Refer to the sector report on Bandra). Both witnesses are educated persons but are yet hesitant to reveal the names of those who have indulged in various criminal acts in that area as they are afraid of those anti-socials.

(12) Leena Joshi - Social Worker, Apnalaya

Ms Joshi is Director of Apnalaya, a charitable institution which works in the field of education and community welfare. She has been

active at Govandi and has witnessed several incidents in that area, commencing from 7.12.1992. Though there were serious incidents in Govandi in December 1992, there was no incidence of looting or violence in the area in January 1993. One of the reasons for this, as stated by this witness, was that the personnel who were manning the police outpost during the December riots were all transferred and the newcomers made an effort to improve the image of the police. It is also because of the efforts made by the peace committee and individuals like Leena Joshi that the riots were averted.

Referring to the propaganda about the large number of Bangladeshis in Govandi, Ms Joshi said that they were barely five persons out of 2,000. She also said that there is no Pakistanis staying in the area. The political parties stoking the fire of communalism in the area were the Shiv Sena and possibly the Tabliqi Jamaat. Ms Joshi complained that politicians like Gurudas Kamath and Javed Khan had hardly visited the area once or twice.

(13) Flavia Agnes - Advocate & Social Activist

Flavia Agnes has not only presented an exhaustive report on Behrampada, but has also given evidence before us. The report is based on interviews with both Hindus and Muslims and also from relief workers and peace committee members. It is compiled with the help of Mashwara Legal-Aid Centre of MAJLIS. The information which she has received has been cross-checked with the police records and the same is supported by signed statements of eye-witnesses in some major incidents.

In our sector report on Bandra, we have already covered Behrampada. The evidence recorded by us tallies in several respects with the facts as mentioned in Ms. Agnes's report. In her report she has narrated in detail how attempts were made to demolish the 'basti'. The police, the Shiv Sainiks, the trade unionists of ONGC. and Indian Oil and the upper middle-class residents residing in the surrounding areas were all in league with one another to uproot the 'basti' in order to usurp the said land for developmental purposes.

However, the people of the 'basti' were united though they belonged to different communities and that is how the 'basti' was saved. She wondered whether the Hindu minority within the 'basti', who are safe today, would continue to remain safe if the majority within the 'basti' are perennially held at a ransom. She commended the efforts made by persons like Dr. Jamkhedkar, president of the neighbouring MIG colony, who came forward to organise social

functions and programmes for rehabilitation. She had also observed another factor, namely, that women had been used widely by both sides during the riots mainly as buffers between the police and the rioters and, in some cases, suffered the worst casualties.

Just as women in the 'basti' came forward to appeal to the police not to shoot, the Shiv Sena was able to mobilise a group of 500 women volunteers to demand the release of arrested Shiv Sainiks. She wondered whether this role on the part of the women has strengthened the women's movement as it has strengthened communalism. She regretted that during the peak of the riots, the efforts made by secular forces were meagre and fragmented and could not match the aggression of communalism.

(14) Naheed Begum - Social Worker

Ms Naheed Begum runs a registered society known as Mahila Jagruti Mandal at Malwani, Malad. She stayed opposite the hall of the Shiv Sena. Apparently, the local police inspector, Ramchandra Mirokhe arranged a peace meeting in which she also took part. At the meeting, she mentioned the part played by certain Shiv Sena and BJP members. The police inspector did not like these names being mentioned, so she had to walk out of the meeting. A fallout of the meeting was that, during the riots in January 1993, Shiv Sainiks pelted stones at her. She received several threats and when she complained to the police, the officer stated that if she implicated Shiv Sainiks, he would have her arrested and after stripping her, he would have her shot at the police station.

When she emerged from the police station, some Shiv Sainiks attacked her and later on, her house also. They looted her ornaments, her articles and also damaged her house. She made a complaint to the chief minister, a copy of which was given to us. After some time, the police came and recorded her statement and drew a panchnama, but for nearly a month, the police did nothing. It was only when she sent a reminder to the Police Commissioner, that nine rioters were arrested on 20.2.1993. However, she continued to receive threats, this time to force her to withdraw her complaint.

(15) Suma Josson - Film Maker

Suma Josson has produced a video tape covering the riots called "Bombay's Blood Yatra". We have seen the said video tape, the duration of which is about an hour. The horrifying scenes of rioting and of 65 highly decomposed bodies lying outside the Cooper

Hospital, as the morgue was already filled to capacity, moved Ms Josson to make the documentary. The underlying theme of the documentary is the futile suffering, pain and agony undergone by the riot-affected.

Ms Josson had met and recorded the statements of several persons, from different affected areas, in the course of her shooting for the film. They had narrated to her how they had lost their homes, their kith and kin and everything that was valuable. She had recorded statements of persons who were shot for no rhyme or reason. She had also met the then Commissioner of Police, Mr. Bapat and had asked him pointed questions. The Police Commissioner however, was not in a position to give satisfactory answers.

(16) Dr. Murlidhar & Dr. Nagral

Both are doctors working at the Sion Hospital and the KEM Hospital respectively. They had attended to a large number of victims brought to the two hospitals. In their deposition before the Tribunal, they said that many of the persons who had died or who died after being admitted to hospital were brought to the hospital after considerable delay. The delay was due to lack of transport and also the great fright that affected the persons who were bringing them to the hospitals.

They observed that, in several cases, the rioters did not stop at stabbing but went on to burn and inflict repeated injuries on the bodies of the victims. Some of the victims told them that this barbarous conduct was carried out in full view of hundreds of onlookers. The doctors have said that these stories had affected not only the minds of the sufferers but also of the doctors attending to them.

They also stated that that an ambulance of Saifee Hospital parked in the KEM campus was burnt for no other reason than that it belonged to the minority community. In the KEM Hospital, a victim waiting to be operated upon was surrounded by hundreds of rioters and stabbed right in front of the Operation Theatre. In another case, a relative of the victim was stoned in the KEM hospital campus.

The doctors stated that 75% of the people who had come for treatment in December 1992 were victims of bullet injuries. Most of the bullets were lodged in the abdomen, chest or skull. In the December 1992 riots, there were 408 patients who took treatment in the OPD of the Sion Hospital and 183 of these persons required hospitalisation. 120 to 122 of these hospitalised patients had bullet injuries. There were comparatively few patients during the December 1992 riots in the KEM Hospital. But in January 1993, 390 patients were

brought to KEM Hospital on 9.1.1993 and 10.1.1993. Out of these, 240 were admitted. 65 dead bodies were brought to the hospital and 28 died after admission. Most of the patients complained that the policemen had fired at them when they were merely watching out from their homes. In the January 1993 riots, those brought to the KEM Hospital included Hindus and Muslims. Most of the Hindus were affected by bullet injuries whilst Muslims were victims of stabbings or assaults. In the December 1992 riots, the victims brought to the Sion Hospital were mostly Muslims.

The KEM Hospital Psychiatric Department has come across a number of cases of post-traumatic stress after the riots. There is a steep rise in the percentage of such cases. The doctors have not noticed any incident of a patient being driven away by the hospital staff on account of his or her community.

(17) * Teesta Setalvad - Journalist

The witness covered both the December 1992 and January 1993 bouts of rioting for Business India magazine. She had travelled extensively all over the city and had visited virtually all the riot-affected areas. These included Kurla, Mahim, Dharavi, Govandi, Asalpha, Kherwadi and Behrampada. Ms. Setalvad spoke to many eyewitnesses and riot victims who gave accounts of terrible atrocities and rioting in these areas. Many such persons accused the police of being communally biased against the Muslims.

During the January bout of rioting, Ms. Setalvad and some others recorded the broadcasts from the police control room by using the FM channel. Transcripts of some of the conversations have been tendered to the commission.

In her opinion, *Maha-artis* were not a genuine religious observance and were responsible for keeping the city simmering. Ms. Setalvad also feels that although NGOs have been able to give immediate relief in the form of food, clothing, medicines, etc., but the amount needed for substantial rehabilitation required govt. funding on a large scale and for a substantial period of time.

* The above statement was inadvertently omitted in the first edition of the report.

THE FINDINGS

Having taken an overall view of the two bouts of rioting in different areas of Bombay, we have to now address ourselves to various questions listed in the terms of reference.

CAUSES

A Century Old Precedent

The December 1992 and the January 1993 riots came almost a century after the Bombay riots of 1893. An account of the last century's riots is to be found in the "Economic and Political Weekly" dated January 1993, pp. 182-187.

On that occasion also, rumours and incendiary writings had excited passions on both sides. This followed from a pamphlet entitled "The Dreadful Bombay Riots" ("Mumbeima thaelum bhavankar hoolad") published for the "Cow-Protection Society", which could well compare with the outpourings of the "Saamna" (the Shiv Sena mouthpiece), the "Navakal" (a Marathi daily), not to speak of the "Organiser" (the mouthpiece of the RSS). Published on August 24 1893, only 13 days after the first outbreak of the riots, the Gujarati pamphlet contained verses "praising the actions of (Marathi) camatees and ghaties for what they had done; the riots were not riots but brave fights undertaken by Shivaji's warriors; the participants not rioters but soldiers who had fought like men.

*Heroes! ye washed your bodies with blood
and retreated not:*

*Ye broke through files of rifles, Bravo,
Valiant men, ye were not daunted, ye
wearied the enemy out :*

Victory ye got forthwith, Bravo.

*Ye be relics of Peshwai, fortunate
descendants of Shri Shivaji;*

Ye be no women, aye, ye are men, Bravo.

*God grant you success, night and day
may He keep ye happy;*

*Fight again in your country's good,
Bravo."*

Incidents had taken place all over the city then, as they had in our present times. As in those days, there were numerous instances when members of one religion protected members of the other. Also, there is a surprising similarity between the slogans then uttered and now popular. Says the writer of the article, Jim Masselos, "Much of the rioting was done by coherent groups of men, attacking unsuspecting passers-by, or else making forays into rival territory to attack property or people or both....Essentially the forays drew upon the same kind of territorial base as was displayed in various religious and other festivals, insofar as the groups were often or usually reflections of neighbourhoods and used them as bases from which to make their sallies."

"...the forays into rival territory merely highlight the distinction. In some cases the forays became acts of conquest which gained territory. Geographically, confrontations occurred in the forays into rival territory, they also took place at points of intersection between rival territories at the margins where the distinctions blurred. It was at such points that individuals were often attacked, when walking along main thoroughfares, in territories that were as much theirs as of the opponent religion. Similarly individuals of a minority religion living in a locality were attacked by groups from the majority religion but originating outside their locality; minority members were often hidden by locality co-dwellers, even though they were of the opposite religion."

Historical Background : A Survey

Even prior to the departure of the British from India, communal polarisation has been used by individuals and groups as a means to attain a following amongst the masses and through such a route, attempt to gain power. The British policy of divide and rule enabled such groups to legitimise their aspirations and actions. In course of time, there arose political formations brazenly parading their parochial platforms. The Hindu Mahasabha the Muslim League, the Akalis - all these and many more splinters made no secret of their striving for the advancement of a section of the people to the exclusion of others. Thus the Hindu communalists advocated the supremacy of the Hindu faith, traditions and aspirations. The Muslim was seen as a polluting element in the polity and his subjugation if not elimination was openly advocated. In the same way the Muslim communalist spoke of a mythical past when Islam and its adherents had brought glory to various lands including India.

As to the Muslim leadership, now in its nascent stage, many of them were fanatics. The Aga Khan, the Ali brothers, Jinnah in the second phase of his political career and several others could not see a future for themselves unless as leaders of a separatist group based on religion.

Thus began a contest between the communalists of different faiths and even within the same faith. Die-hard communal formations like the RSS, the Khaksars, etc. were born. These developments, deftly manoeuvred by the British, led to the birth of Pakistan. Despite the migration of the regional Muslim leaders to Pakistan from India, those remaining behind could not wholly forget the rewards of communal consolidation. In the ex-provinces of Madras, Travancore, Cochin and elsewhere the Muslim League came to be revived; the revival of the party had only benefited a handful of politicians. Mullahs, Maulvis and irrepressible hotheads managed to seize leadership of sections of the Muslim community, not to speak of lesser notables who have dominated various pockets of Muslims in different parts of the country. As to the Hindus, but for the murder of Mahatma Gandhi, Hindu militancy would have established itself firmly in the early 1950s.

Meanwhile, the continued Congress rule (or misrule), created an impression in the minds of all opposition parties, that unless they formed a united front, they could never dislodge the Congress from power. This was buttressed by an allergy nursed by some against the Nehru-Gandhi family.

The imposition of emergency and the excesses committed then, became a sure platform to bring all sorts of parties, including communalists together. Thus, the Leftists, Socialists, Imam Bukhari, RSS and Jansangh, all spoke from the same platform. The Congress I was defeated and the Janata Party formed the government. As always happens, the disparate forces that had combined to defeat a common enemy, soon disintegrated. The only beneficiary in this experiment were the communalists who gained respect in national politics.

The protracted failure on the economic and political fronts, created frustration and resentment amongst the masses. The Indian State and the ruling elite have used two weapons to counteract this crisis: on the ideological front, they have jettisoned Nehruvian socialism and secularism. They are instead, seeking to promote Hindutva, whether it be Indira Gandhi's soft variety or L.K.Advani's more hardline approach. On the administrative front, the Indian State has given prime importance to expanding and strengthening the repressive State machinery.

Soon, the tentacles of the Sangh Parivar spread, invoking Savarkar's idea of Hinduising politics and militarising the Hindus. In this, Ayodhya became an easy symbol. The BJP, the Bajrang Dal, the VHP and the Shiv Sena became the votaries of Ram as against Rahim; the ultimate goal being not a Mandir or religion, but power at the centre. The strategy was to create a permanent divide between the Hindus and Muslims, the latter to be subjugated to the will of the majority. The means was to instil terror and panic in the vast, vulnerable section of the minority community. Unfortunately, both the Janata and the Congress government at the Centre, prompted by their own political compulsions, chose to play an ineffective role which aided the pernicious designs of the Sangh Parivar. V.P.Singh had no policy to check Advani's Rath Yatra. P.V.Narasimha Rao had no programme to stop the demolition of the Babri Masjid. The communal propaganda had gained an upper hand by this time and vitiated the atmosphere in the country.

The strategy was to create a permanent divide between the Hindus and Muslims, the latter to be subjugated to the will of the majority.

The December Riots in Bombay

The Muslim reaction in Bombay to the demolition of the mosque was violent and vociferous but unchannelised and unmeaningful. Mobs of youngsters, very agitated in spirit, words and gestures came out on the street to voice their anger at the demolition of the mosque. Despite severe

provocation by the writings and speeches of the Hindu communalists, the Muslims had maintained a dignified silence until 6.12.1992. The ravings and rantings of the known communalists amongst the Muslims like Imam Bukhari, Shahabuddin and the Babri Masjid Action Committee did not have the support of the large majority of the Muslims. Their attitude was to let the issue be decided by the Court where cases were pending and thus get the issue out of the way. But the brazen act of demolition left in the Muslim mind a sense of despair coupled with humiliation. He now knew that the Indian state would not come to his rescue, however legitimate his cause might be. He further knew that the Hindu communalists would not stop at the demolition of the Babri Masjid. The hotheads amongst the Hindu community had already proclaimed their designs on the mosques at Varanasi and Mathura. Some had even talked of a demolition of the Jama Masjid at Delhi. The Sangh Parivar, well versed in double speak, was doing or saying nothing to discourage the extremists. Bal

Thackery's speeches and the writings in "Saamna" openly gloated over the humiliation inflicted upon Muslims.

The Muslims in Bombay had no leader worth the name. There was no one to guide them or even to instigate them. That explains the sheer madness of the reaction amongst Muslims to the news of the demolition of the mosque. They were at a loss to know how to express themselves. What they did was typical of leaderless mobs; they started pelting stones and other missiles at BEST buses and police stations. Another favourite object of stoning were the offices of the BMC which had incurred the displeasure of a large number of struggling Muslims eking out a living by vending goods in unauthorised structures. Beginning with the stoning of structures and mobile objects, the mobs enlarged their sphere of targeting to include policemen.

At Shaukat Ali Road a Muslim mob attacked a police outpost and burnt the motor bike of a policeman. The Muslim mob, incensed by a policeman firing at them, were ready to lynch the entire police party were it not for the intervention of some well-meaning Muslims. This indiscriminate firing led to the death of one Naseem Khan who was on the second floor of Abbas Building. The infuriated Muslim mob vented its anger by damaging and looting three or four linoleum shops owned by Hindus.

The Muslims in Bombay had no leader worth the name. There was no one to guide them or even to instigate them.

In Govandi the Dutt Mandir was set afire by the Muslims and the temple was so badly affected that nothing but its shell remained. Opposite the temple was a BEST colony in which Hindus lived. It was their Muslim neighbours who had set fire to the Dutt Mandir and stabbed two policemen who were posted there to guard the same. The corpses of the policemen were dumped in a public toilet and a garbage heap.

The Muslims of Dharavi insisted upon and obtained permission to take out a retaliatory procession as against the one taken out by the Shiv Sainiks and the BJP to celebrate the demolition of the Babri Masjid. In the Hindutva procession some abusive slogans had been uttered against the Muslims, one of them being that the proper place for Muslims was either Pakistan or kabrastan. In the retaliatory procession the Muslims uttered the provocative slogan that they would not be cowed down and would avenge the insult to their religion. A common slogan popular with the processionists is, "Jo hum se

takrayega, woh mitti mein mil jayega" (Those who oppose us will be reduced to dust). This was an invitation to the Hindus to fight with the Muslims. In the course of the Hindutva procession, dung had been flung at two Muslim mosques; not to be outdone the Muslim procession stoned two Hindu temples. Hundreds of houses were destroyed in Dharavi during the course of the riots. Eighty percent of the victims were Muslims but ten to twenty percent of the victims were Hindus.

But thereafter, the police literally took over the riots. The riots had spread all over the city. The evidence recorded and summarised herein, will show the large scale atrocities indulged in by the police against Muslims, the majority of the dead and injured being Muslims. Most of the victims had received bullet injuries in police firing. Quite a number of them received bullet injuries in their own homes.

The January riots were an organised crime, perpetrated by the communalists and criminals in connivance with the police.

The January Riots and the connection between the two bouts of rioting

The January riots were an organised crime, perpetrated by the communalists and criminals in connivance with the police.

As the December riots subsided, the Shiv Sena, the BJP and the anti-social elements had realised that by and large, the police were anti-Muslim. They had also realised that at several places where Hindus and Muslims were residing as neighbours, there was no ill will or tension between them. In fact, in many chawls and buildings, Hindus had given protection to Muslims where the Muslims were in a minority and vice versa. This was not in consonance with their purported goal of a permanent divide, with the dominance of the majority over the minority.

Instead of joining in the efforts of certain forces to eliminate communal tension, these elements sought to build up tension in a systematic manner.

An attempt to rebuild a damaged temple by the Muslims at Bandra was spurned by their leader Madhukar Sarpotdar on the grounds that the day and hour for installation of a new idol had not arrived! The damaged temple was used as an exhibit by Madhukar Sarpotdar and his followers in the Khar - Bandra area to generate new tension whilst keeping alive the old ones. The so called banned organisation of the Sangh Parivar turned their energies towards the fashioning of a new instrument to create communal tension. This was

the *maha-arti*. Huge placards and blackboards proclaiming the staging of *maha-artis* were put up in different localities. The Hindus were invited to turn up for the ceremony in large numbers and join in an endeavour to put an end to the appeasement policies of the government which permitted Muslims to blare their azaan (call to prayer) five times a day through loud-speakers and also the use of public roads for offering of Friday afternoon prayers. The thoughtless Muslims refused to give up the practice under such pressure and this provided the Hindutva forces with a golden opportunity to deepen the suspicion between the communities already affected by the happenings of 6.12.1992 and the period thereafter.

Maha-arti was not a known religious practice of Hindus. In any event, it was never in vogue in Bombay. It was deliberately organised by the Shiv Sainiks and the BJP at this crucial period, only to build up tension. It is on record that after most *maha-artis*, there were incidents of attacks and abuse on Muslims. We cannot appreciate how the police and the government could have permitted such programmes, if they had any genuine regard for peace in this city. Between 26.12.1992 and 5.1.1993, there were 33 such *maha-artis* in various parts of the city. When Bal Thackeray wrote in the 9.1.1993 issue of the "Saamna", that, "...The next few days will be ours...", it was clear that the planning had commenced much earlier.

On Saturday, 2.1.1993 and Sunday, 3.1.1993, certain persons claiming to be officials from the Housing Board went about Pratiksha Nagar to identify the minority community houses. Outside every such tenement a mark was put, which enabled the attackers, later on, to loot and destroy the minority owned tenements. This exercise was repeated at Malwani. At other places spot-lights were fixed to focus on Muslim houses. By the time the riot began on 6.1.1993, the Shiv Sena and BJP had the entire list and particulars of Muslim houses, shops, taxis etc., which were later systematically attacked by the rioters.

The opportunity to launch such a major attack came to them, on account of two or three incidents. Two mathadi workers at Masjid Bunder were murdered on or about 5.1.1993. It is not clear who committed the offense. There was a report that this could have been due to inter-union rivalry. Another report was that it was not a communal killing but the result of personal enmity.

Maha-artis were deliberately organised by the Shiv Sainiks and the BJP at this crucial period, only to build up tension.

The other incident relates to the Jogeshwari killings, in a room in the Gandhi Chawls on 8.1.1993. There have been conflicting reports about this incident and no conclusive finding, can therefore be arrived at. It has also been claimed by the government and Hindutva forces that a large number of persons were stabbed to death around the J.J. Hospital area between 6.1.1993 and 8.1.1993. In Mahim it was rumoured that the Muslim Durgah was demolished by the Hindus. These incidents or rumours and a few others were sufficient reason for the Shiv Sena, the BJP and their associates to indulge in large scale rioting all over the city.

The Shiv Sena admitted that they were involved in the riots. Bal Thackeray said, "I want to teach Muslims a lesson" (Time Magazine, 25.1.1993). Mr. Manohar Joshi said, "I will not call them Shiv Sainiks. They were all anguished Hindus who were spontaneously reacting to what happened in Jogeshwari". Not mentioned is that *maha-arti* took place in Jogeshwari as early as 1.1.1993. On 6.1.1993 a bakery next to

The Shiv Sena admitted that they were involved in the riots. Bal Thackeray said, "I want to teach Muslims a lesson" - Time Magazine

the police station and some Muslim huts in Chachanagar were burnt. On 7.1.1993 a *maha-arti* was held in Shankarwadi, followed by stone throwing and the burning of a Muslim house in Pathan Chawl. The atmosphere of hatred and ill-will had been deliberately built up.

This demonstrates the meticulousness with which this crime against society was planned. The method employed had a two-fold objective. Firstly, to mobilise a large number of middle-class, passive Hindus to participate in the riots; this was done by spreading rumours of armed Muslims from Dubai coming from the sea to attack Hindus or 500 Muslims armed with AK 47s preparing to attack. Secondly, to create fear amongst Muslims who were residing in Hindu dominated areas. The fear would make them temporarily leave their homes, making it safe for the rioters to loot, destroy and burn their homes. Very few Hindu neighbours had the courage to repel such attacks.

The police did very little to prevent the riots. The government was totally ineffective. Bal Thackeray openly claimed that the mobs were under his control. It was he who finally said that, "A lesson had been taught" and that the Shiv Sainiks should now desist from indulging in violence.

Thus the connection between the two bouts of rioting was the deliberate cultivation of a mindset amongst the Hindus which made

them entertain the belief that the Muslims, not content with having insisted upon the location of Babri Masjid or Ram Janmabhoomi, had done the unspeakable by daring to protest against its demolition. Further, the only way the Hindu psyche could be assuaged would be by a bloodbath and razed homes and properties of Muslims. The excesses of the Muslims in some areas in the December 1992 bout of rioting gave the Hindu communalists the very opportunity they had been seeking all these years.

The Role of the Police

Witness after witness has stated before us that the police were not at all helpful to them. Very often the police remained bystanders. More often than not they were openly on the side of the Hindu aggressors.

Complaints of police excesses were not inquired into on the grounds that this would demoralise the police force. In fact, the minister of state for Home, Babanrao Pachpute, the director-general of police, Ramamurthi and the commissioner of police of Bombay, Bapat, came out with statements commending the police for their timely action, but for which, so they said, the havoc would have been much more. This lauding of the police was a major reason for the police openly vilifying Muslims and refusing to come to their assistance when they were targeted during the January 1993 riots. Time and again policemen and officers taunted Muslims about the concessions they had allegedly enjoyed in the past, their having been pampered beyond tolerance, their getting away with all sorts of things and so on and so forth. Even those requesting for a glass of water at police stations where they had been driven to take refuge were told that they had received enough and should go to Pakistan if they wanted more. Police officers and constables openly said that they were Shiv Sainiks at heart and policemen of a supposedly secular State by accident.

Police officers and constables openly said that they were Shiv Sainiks at heart and policemen of a supposedly secular State by accident.

Journalists, social activists, social workers and eye-witnesses have stated before us that the police were responsible for the death of a large number of innocent people. Women, children, old men, all of whom were unarmed, have been shot at close range, most of them within their homes. Many of them appealed to the police against indiscriminate firing but they themselves were killed. Many who

received bullet injuries were not involved in the rioting. The doctors (Dr. Murlidhar and Dr. Nagral) who gave evidence before us have stated that 75% of the people who had come for treatment to hospitals (KEM and Sion Hospital) were victims of bullet injuries. Most of the injuries were fatal or near fatal because the bullets were lodged in the abdomen, chest or skull.

Ms. Suma Josson who has produced a video film entitled "Bombay's Blood Yatra" covering the two bouts of riots, has recorded the statement of the Greater Bombay police DCP Bhiwandi (where there was no rioting), "When there is a morcha or riot, some people become violent. Then we resort to lathi charge to control them. If this fails to control the mob, we employ tear gas to disperse them. When even that measure fails, we have to make use of fire power. And firing should always be under the waist line, because our aim is not to kill them. Our aim is to disperse the violent mob." In Bombay these requisite guidelines were not observed, on a specious plea that

There is no provision in the Constitution or in any law, that the police can choose to kill in a communal riot.

communal riots cannot be controlled except with a strong enough deterrent - loss of human life. (Indian Express, 24.12.1992).

This is an untenable stand on the part of the police. The police have no right to kill. There is no provision in the Constitution or in any law, that the police can choose to kill in a communal riot. The police have only a right to defend and use

such power as may be necessary to avoid an injury to them. The suspension of Article 21 is not envisaged by the Constitution during the period of a riot or a communal riot. After the 44th Amendment, Article 21 does not stand suspended even during the period of proclamation of emergency. In the present case, many of the killings took place, not when the deceased were in the mob, but within their own homes. In our view, in law, all these police personnel who have indulged in such firing are liable for prosecution for causing injuries and death under the provisions of the Indian Penal Code. Prima facie all injured persons and the kith and kin of those who died in police firing, are entitled to have the police prosecuted for these offenses under the Indian Penal Code. It is for the police to defend their action as provided under the law.

Apart from this brutality, the police are also guilty of being partisan in these riots. Many witnesses have stated before us that they were attacked in the presence of the police and the police did nothing.

In many cases, the police openly supported the rioters and accompanied them in the attack. When the victims went to the police station they were driven away without recording their complaints. In some cases, the FIRs have been recorded but no further investigation has been undertaken. Several houses and shops were looted and the police could have prevented this or, in any case, have made efforts to recover the looted articles.

What is regrettable is that in their frenzy to support a particular community, as against the other, the police had become indifferent to human misery. In particular, we would like to mention the cases of molestation of women and of rape and gang-rape. S. H___ of Kandivili had her case reluctantly taken up by the police at the instance of SWADHAR. The police made no genuine attempt to investigate. Still worse is the case of Ms. F.S___ from Sewri, where the police were themselves involved in gang-rape. The victim now has no faith in the police and in the administration of justice.

In our view, whenever an ethnic or a communal riot takes place, the police have to be absolutely impartial. But if the police themselves support one group as against the other there will be no law and order left. This is exactly what happened in most areas of the city. It is in this sense, that the police themselves are responsible for the breakdown of law and order during the riots, particularly in January.

The police and the government gave permission to the Shiv Sena and the BJP to perform *maha-artis*.

This was evident from their behaviour. After the first bout of riots in December, the police ought to have seen that the riots did not erupt again. The police and the government should have taken care to see that no tension was allowed to be built up. Instead, the police and the government gave permission to the Shiv Sena and the BJP to perform *maha-artis*. The evidence clearly indicates that *maha-artis* were one of the main causes for building up of tension leading to a riot, as happened in January 1993. In our view, permitting such *maha-artis* in different parts of the city during the said interregnum and thereafter, was a gross dereliction of duty on the part of the police. Whoever had taken the decision to grant such permission should be answerable to the people of Bombay.

Since we found that many witnesses have mentioned the names of police officers and other personnel attached to different police stations as persons who have indulged in various acts of atrocities, ill-

treatment, collusion, connivance and inaction, we thought that we could obtain clarification from the police. Accordingly by our letter dated 3.6.1993, addressed to the commissioner of police, we annexed a list of police officers against whom allegations have been made and requested the commissioner to give us a suitable reply or explanation. There has been no reply from the commissioner of police to date. Though we are now free to draw an adverse inference, we do not propose to do so. But we can certainly assume that there is considerable truth in what the victims of acts of commission and omission by the police have stated before us.

Hence, we propose to name these police officers who are prima facie guilty of such acts of commission or omission as are alleged against them by the witnesses. They are all liable for prosecution as mentioned above. The names are as mentioned in the annexure marked "Annexure III". We do not want to create an impression that these are the only guilty officers. There could be several others whose names may not have been mentioned before us.

Many of the victims were nervous to reveal the names of the police and the rioters who had attacked them as they feared retaliation.

We may mention that many of the victims were nervous to reveal the names of the police and the rioters who had attacked them as they feared retaliation from these persons and their henchmen. Some gave out the names on our assurance that the witnesses names would not be divulged. In

the case of some of the officers, written complaints to the chief minister have already been filed, but with no response.

Rumours and Bigotry as instruments to provoke riots

Rumours triggered off a number of incidents during the recent Bombay riots. The false rumour of 9.12.92 about the arrest of Bal Thackeray was so well orchestrated as to provoke riots on a fairly large scale. No serious effort was made by the police to counter this rumour. The rumour that the firemen's colony had been reduced to ashes by Muslim mobs led to two Muslim women being burnt in their home and the destruction of a bakery. The Hindu rioters later admitted to having perpetrated this act on account of the rumour in respect of firemen's colony. The Suleman Bakery on Mohammed Ali Road was targeted by the police for no better reason than an unconfirmed rumour that the said bakery had been used to fire at a police posse posted in the vicinity. A number of persons working in the Bakery

were shot at, some of whom died. One worker who had the misfortune to be fair complexioned and therefore assumed to be a Kashmiri was shot dead in cold blood by the police right under the nose of the joint commissioner of police, Mr. Tyagi and with journalists in the vicinity.

In Tulsiwadi the Kathiawadi-Dalits were aroused to fury against their Muslim neighbours on the basis of a rumour about the raping of three Kathiawadi-Dalit women. The rapes had allegedly taken place in Bhendi Bazaar and the criminals were said to be Muslims. Passions ran high because the women happened to be the wife and two sisters of the notorious Prince Babaria, an influential figure amongst the Kathiawadi-Dalits.

Certain papers gave credence to the theory about the arrival of consignments of arms and ammunition to Bombay from foreign countries, meaning thereby from Pakistan or the Middle-East. In fact one of the police officers when asked by Muslims for assistance to check armed vans of Shiv Sainiks, countered by saying that this was the time for the Muslims to bring out the arms they had received from Pakistan. One of the journalists stated that even middle-class Maharashtrian Hindus had become so surcharged by the rumours circulated that they were bound to do something destructive. Anand Patwardhan, film maker, was told by his Hindu friends residing at Cadell Road that they had been keeping vigil at night because of an expected attack by Muslims from Dubai launching an offensive from the sea. A similar rumour was set afloat at Dadar (East); one day the rumour was that the Muslims had poisoned the milk supply to Bombay city, the next day the rumour was that the bread being sold in the city had been poisoned in Muslim bakeries. According to Mr. Patwardhan, "this sort of rumour-mongering is a classic Fascist technique used by them whenever they get the occasion. Indulgence in this method helps the Fascist to magnify a hapless minority into a dangerous monster against whom self-defense is necessary. Very soon the urge for self-defense gets formulated into an attack on the minority."

"Rumour-mongering helps Fascists to magnify the minority into a dangerous monster..."
- Anand Patwardhan

A fabricated message of the Imam of Jama Masjid, Delhi was set in motion by the Hindutva forces. The message was written in the Devnagri script and called upon Muslims to wage *jehaad* against the idolators as they were *kafirs*. That the Imam would not use Hindi to

communicate with his followers did not worry the Hindu leaders. Past masters at fabrication of incendiary news and insinuations, they have been having a free hand in concocting and circulating inflammatory rumours. This has been going on year after year without any check by the authorities supposed to be in charge of law and order.

The Role of Criminals and Anti-Social Elements

Every large-scale riot is an open invitation for the criminals and anti-social elements to join in and share the booty. The Bombay riots were no exception; it was a combination of criminals, communalists and the partisan police who were in the forefront of all the looting, killing and destruction. It is a well known fact that several Shiv Sainiks had criminal records, to name a few - late Khim Bahadur Thapa, late Vithal Chavan, Jaywant Parab, Chandrakant Padwal, Baburao Mane, Anand Dighe and Madhukar Sarpotdar, all of whom have criminal records. When Madhukar Sarpotdar was apprehended by the army, there were seven accomplices with him, carrying three revolvers, seven live cartridges, choppers, hockey sticks and stumps. One of the accomplices was named Anil Parab, who is said to be a hit-man of the dreaded Dawood Ibrahim.

Sarpotdar was apprehended by the army, with seven accomplices carrying revolvers, live cartridges, choppers, hockey sticks...

It is said that the Shiv Sena has about 220 Shakhas in Bombay, each Shakh having about 200 committed members.

Even on normal days the Shiv Sainiks behave as if they are a law unto themselves. During the riots almost all of these persons were active participants.

Such criminal elements have also entered other parties such as the Congress. Witnesses from certain areas said that known criminals associated with the Congress were seen to be taking part in the riots.

Many victims dared not mention the names of their assailants to the police, as they were not sure of protection from the police. In certain cases where victims returned to their erstwhile locality, they were told that they would be allowed to stay on condition that they did not pursue their complaints. At Charkop, Kandivili, 390 persons had been arrested by a particular police officer who was subsequently transferred. The victims were told that they would be allowed to live in peace, provided they did not identify any of those arrested.

However, when the witnesses appeared before us, quite a number of them were brave enough to mention the names of the

rioters. We have compiled the names area-wise and the same is annexed hereto and marked "Annexure IV". The list is not exhaustive as many witnesses have not given names. Most of these assailants are still moving about freely in the locality and threatening several innocent and helpless victims.

The Role of the Politicians and the Political Parties

In the past the Congress boss of Bombay S.K. Patil had encouraged the formation of a rabidly anti-social Indian grouping which called itself the Shiv Sena. Pandering to the Marathi-speaking population, it generated a lot of animosity against the hard-working South Indian migrants who had come to Bombay in search of a living. In course of time flogging South Indians went out of fashion and the Shiv Sena Pramukh Bal Thackeray latched on to the latent prejudice against Muslims. The path for playing on this prejudice had been cleared by the different units of the Sangh Parivar. They filched some pages from the history of the state and with suitable distortions tried to transform Shivaji, who was a progressive king for his time, into a bigoted Hindu bent on eradication of Muslim rule as also Muslims. This was a blatant falsehood. Far from being an enemy of Muslims or Islam, Shivaji had several Muslims in his army and navy, some of whom occupied positions of trust and honour. As to Islam as a faith, Shivaji was a true embodiment of a believer in the concept of "Sarva Dharma Sama Bhava". A lie repeated often and with due solemnity becomes in course of time the creed according to the Gospel. Bal Thackeray adjusted himself quite well to the path cleared for him by the Sangh Parivar. Finance did not seem to be a problem for him and a number of industrialists frightened by the militant trade unions, were supporting him. The Congress ministers ruling Maharashtra, finding the leftist trade unions difficult to handle, joined hands with Bal Thackeray to weaken the working-class by creating rifts of different kinds amongst them. Gradually the Shiv Sena came to acquire a stranglehold over the city of Bombay.

The Congress ministers finding the leftist trade unions difficult to handle, joined hands with Bal Thackeray to weaken the working-class

For the first time it seized the reins of power in the BMC in 1985. This was a gift to the party by the then chief minister, Vasant Dada Patil's calculated indiscretion about the Centre having designs to separate the city of Bombay from the rest of Maharashtra. This lie was given wide prominence by the Marathi press and the Marathi-speaking

supporters of the Shiv Sena turned out in full strength to vote for the Shiv Sena thereby insuring their victory. The BMC is the richest local body in the country. It awards contracts and works running into crores of rupees. All manner of characters bid for these lucrative contracts. Politicians in different committees of the Corporation are vested with immense power in the award of contracts. Malpractices in the tendering of and scrutiny of contracts is well known. The successful ones have to give their political masters the promised cuts. A sizable portion of the money thus earned went into the beefing up of Shakhwas of the Shiv Sena not only in the metropolis but also different parts of the state and even other states like Gujarat, Karnataka, Rajasthan, Madhya Pradesh and Uttar Pradesh. Soon, the Shakhwas became powerful centres in each ward for getting things done by threats and muscle power. Protection rackets had always existed in Bombay and the Shakhwa leaders absorbed the racketeers. The takings went into their own upkeep and also to the central treasury. From

The propaganda couched in Hindutva terms continued unabated, despite court verdicts.

time to time the Shiv Sena staged spectacular shows on occasions like Dassera, Shiv Jayanti, Ganpati festival and Navratri. These festivals gave a further chance for extraction of donations. The common folk were not averse to taking their problems like obtaining a water tap or privies in their areas to their Shakhwas. Public land was encroached upon and the

Shakhwa Pramukh often turned slumlord.

The followers of the Sangh Parivar were not averse to the growth of the Shiv Sena, for in one sense, the latter provided it with the cannon fodder required to fight battles with the leftists, the secularists, the Muslims and the administration. The inability to forge an alliance in later elections resulted in depletion of their strength. But the propaganda couched in Hindutva terms continued unabated, despite court verdicts against such propaganda.

The loss of control over the BMC and the incapacity of the party to capture power in the state led to a sharp reduction in the finances it could muster. With the fall from power, the protection racket also became more fragile. But those who remained were on the lookout for an opportunity and this opportunity they got in the aftermath of the demolition of the Mosque. The evidence shows that in and after January 1993, the Shiv Sena launched a concerted drive to extort protection money from the Muslims, on a massive scale.

There has been an open admission by the Shiv Sena that they were actively involved in the riots. But L.K. Advani, the BJP leader who came to Bombay to survey the loss, concentrated only on the Gandhi Chawl and refused to believe that the Shiv Sena was responsible for initiating or participating in the riots. The BJP went to the extent of saying that the rioting was the work of mobs and not of political workers. We have on the other hand, collected voluminous evidence to show that even BJP workers were involved in several incidents of rioting.

For that matter, even some of the Congress and RPI workers were involved in the riots. But more important is the fact that the state administration failed. At the ministerial level, Bombay city was left to be handled by the novice Babanrao Pachpute. Sudhakarrao Naik delayed his return from Nagpur where he had gone to attend the legislative session. Even after his return to Bombay, he chose to be secluded in his official residence instead of in the field directing operations. When he did come out it was in a motor cavalcade which added to the irony of politicians not giving up their perks and splendour even in the midst of a Bombay in flames.

Politically, the Congress politicians were more interested in their factional quarrels. All of them utilised the Shiv Sainik units at some point or the other to score ephemeral victories against their factional rivals. Opponents of Vasant Dada Patil had Rajeev Gandhi remove him from chief ministership and one of the grounds trotted out was his proximity to the Sena politicians. Vasant Dada Patil was of course in cahoots with the Shiv Sena, but then he was following the hoary traditions of his predecessors right from the times of Vasantrao Naik down to Sharad Pawar when he was leading the PDF government, not excluding A.R. Antulay. Even so, Vasant Dada Patil was ousted and S.B. Chavan installed in his place. S.B. Chavan's ministry was unparalleled in its ineptitude and unpopularity. The Shiv Sena was fast gaining ground and Sharad Pawar was brought to the helm to put the state in order. But in true Congress tradition, even before Sharad Pawar had got a grip on the administration, his rivals began sniping at him; to Congressmen their enemies in the organisation are far more repulsive than those in the opposition parties.

During the riots, it was common knowledge that the

The Congress politicians utilised the Shiv Sainik units to score ephemeral victories against their factional rivals.

continuance of the riots was due to the rift between Mr. Sharad Pawar and Mr. Sudhakar Rao Naik. At one stage, Mr. Naik even threatened to expose the various lobbies and the underworld connections in high places that had provoked the violence in Bombay, for he had dared to take them on. "The Times of India" dated 15.1.1993 wrote, "If what Mr. Naik says is even partly true, then it is of the utmost importance that he should be asked to divulge forthwith the details of this diabolical act of vengeance against him. The citizens of Bombay and indeed the people of India had every right to know who is behind the terrible happenings in the metropolis and the reasons that impelled them to act in the way they did. This, in turn, will facilitate the task of bringing to book the culprits for over 500 deaths, for the devastation suffered by the families of the victims and for mass migrations from the city, not to speak of the climate of intimidation and fear which has shattered the spirit of cosmopolitanism in Bombay." But Mr. Naik did not oblige thereafter.

When the Prime Minister visited the city, he absolved Mr. Naik of responsibility for failing to prevent the riots

When the Prime Minister visited the city, he absolved Mr. Naik of responsibility for failing to prevent the riots. Though he had not had enough time to console the victims, he had a leisurely meeting with Shiv Sena leaders including Madhukar Sarpotdar who was later detained under the National Securities Act.

The local politicians including the so called representatives of the Muslims in the legislature and elsewhere did a disappearing act. Several witnesses testified to having rung up ministers, MPs, MLAs and corporators only to find that they were not at home or unable to come to the rescue of the victims. There were exceptions like Sunil Dutt who worked day and night to douse the fires of hatred or save helpless people. As to the legislators, corporators and MPs of the Hindutva variety, they went about spouting venom when in the midst of their followers and making sweet talk and sounding reasonable when faced with other audiences. Muslims who believed their contacts with the communalist leaders amongst the Hindus would aid them in their hour of agony, were soon disillusioned. An example of this was the editor of the "Urdu Blitz" who was caught up in the midst of a rampaging mob and contacted his councillor friend from the Shiv Sena. The councillor kept on repeating assurances that no harm would come to the Editor. Yet, the very building in which the

councillor lived was used for targeting Muslim homes including that of the Muslim editor, all of whom lived opposite the building occupied by the arsonists.

The Role of the Press

By and large, the English press came out with a fairly true account of the events. Many journalists who have clearly done commendable work have deposed before us. "The Times of India" reporters, Naresh Fernandes and Clarence Fernandez covered several areas and reported the happenings accurately. The statements given by the witnesses in respect of several incidents before us almost tallies with the versions of the reports as they appeared in the said daily. The Bombay Union of Journalists (BUJ) had formed a committee to probe into the cause of the riots. Jatin Desai of the "Janmabhoomi", a Gujarati daily refers to an incident which happened at Behram Baug. The police had entered the bathroom of a certain house and shot dead four persons. This news item appeared in "The Daily" and "Gujarat Samachar", the next day. The committee members of the BUJ then met the concerned police inspector Kamlakar (Oshiwar), who admitted that he had given the instructions for the police to resort to firing because the Muslims had tried to attack the nearby Shankar Temple. Mr. Jatin Desai says that when they inquired further they found that there was no Shankar Temple there, but only a Ganesh Temple which was intact.

Mr. Asghar Ali Engineer has pointed out that those Hindi, Marathi and Urdu papers who wrote against the BJP - Shiv Sena, faced the wrath of the Shiv Sainiks. Urdu journalist Haroon Rashid escaped just in time before his house was looted.

The Marathi press, barring a few exceptions and some eveningers gave credence to several rumours, which appeared with bold print, perhaps to boost their sales, but with consequential damage to the general atmosphere of prevailing tension.

Much before the riots, the communal press had already orchestrated a campaign of lies and half-truths. The communal bias of the police force, exhibited during the riots, becomes easier to understand when one sees that the favourite reading material is the "Saamna", "Navakal" or "Tarun Bharat". Most of the Marathi papers,

Much before the riots, the communal press had already orchestrated a campaign of lies and half-truths.

barring some honourable exceptions pander to the Hindutva sentiments in different ways. They give an excessive and alarmist tilt to the doings of the Muslim communalists and Muslim politicians.

Bal Thackeray's venomous speeches against Muslims which he made no effort to camouflage were widely publicised. In the English press also, the spread of Hindutva elements has been on the increase. Gurumurthi, Arun Shourie and Prabhu Chawla made no secret of their links with the Sangh Parivar. Girilal Jain speaks of the Babri Masjid as the turning point in the history of the humiliated Hindus. M.V. Kamath must have written umpteen articles justifying the RSS-BJP creed as a natural reaction to the Hindus not attaining their aim of an "Akhand Bharat". Letters to the editor containing all manner of insinuations and allegations against Muslims are a prominent feature of several newspapers. Mr. Dileep Padgaonkar, editor of "The Times of India" and his team have brought out an anthology of reports on the riots and bomb blasts, together with comments and leading articles, under the title "When Bombay Burned".

It is not possible to believe that Pakistani and Bangladeshi agents instigated the riots where the major sufferers were Indian Muslims.

The Foreign Hand

We have found no evidence of a foreign hand or even the presence of any Pakistani or Bangladesh infiltrators initiating or participating in the riots. Leena Joshi, director of Apnalaya, a charitable institution functioning at Govandi who has close contacts with the residents of that area says that the proportions of Bangladeshis is hardly five in two thousand. There are no Pakistanis in that area. So also in other areas. In the vernacular press it was reported that Behrampada was a den of criminals, anti-nationals and illegal immigrants from Bangladesh and Pakistan and that there is a factory which produces arms. Ms. Flavia Agnes has made a detailed report on Behrampada which shows that there is no truth in these allegations. Pakistan might have been meddling in the internal affairs of India. Its role in fomenting militancy in Punjab and Jammu and Kashmir is too well known to need any comment. Clear as this may be, it is not possible to believe the theory that Pakistani and Bangladeshi agents and infiltrators instigated and/or participated in a riot in which the major sufferers were Indian Muslims residing in Bombay and whose aggressors were the followers of the Hindutva organisations. Credulity has its limits and the incredible cannot be accepted in the face of the damning evidence to the contrary.

Builders and Slumlords

We have no evidence of any known builder taking part in or instigating any incident during the riots. According to Asghar Ali Engineer, only at Malad was a local builder involved in the December riots. One other witness from Byculla implicates a local builder. But, it cannot be said that the builder's lobby was involved in these riots. Ms. Hazel D'Lima, Principal of Nirmala Niketan College of Social Work had sent a team of teachers and students to several areas during the period 12.12.1992 to 23.12.1992. She has also prepared a report on the basis of their survey. She says that they did not come across any evidence that builders or slumlords had a hand in the commencement, continuation or assistance of the riots. However, we must say that certain witnesses have referred to their assailants as local slumlords.

We must refer to the repeated attacks on Behrampada on a different footing. Significantly, there was no riot inter se amongst the residents of Behrampada. In spite of brutal attacks on Muslim residents by the police and outsiders, no Hindu resident was attacked. Equally significant is the fact that no one fled from Behrampada. Ms. Flavia Agnes has made a detailed report on Behrampada and has this observation to make, "The issue of Behrampada is not around a religious identity. The fight seems to be between a lower class basti which is on the verge of being wiped out on the pretext of ensuring middle-class safety and the Shiv Sena who wants to take the credit for achieving this laudable task and secure its own position. Once the basti is shifted, the land prices in the area will soar and the middle-class will gain. It cannot be too far-fetched to infer that Babri Masjid demolitions and the ensuing tensions in the city provided the right environment in which a campaign against the Muslim basti could be fanned with a vengeance."

Behrampada was a stinking marshland four decades ago. But gradually the landless and lower middle-class people who were mostly Muslims, settled in this area. The marshy land became solid ground. The temporary mud houses came to be converted into pucca structures. Several Muslim artisans came and started their traditional crafts of block-printing, zari and embroidery work, ready-made garments, costume jewellery and carpentry. During this period the surrounding areas have developed economically. The only eyesore was this basti. Whilst it was not possible to clear the basti lawfully, the

**"The issue of Behrampada is not around a religious identity."
- Flavia Agnes**

riot became a convenient excuse to raze the basti through goondagiri with the backing of the police, the middle-class residents, the parochial trade unions and the press. Fortunately, the basti survived. We are inclined to agree with Ms. Flavia Agnes' conclusions.

THE CONSEQUENCES

As to the consequences of the riots, the first and foremost is of course the loss of precious lives, damaged property, financial ruin of lakhs of families and loss of jobs, periods in school, mental trauma and psychological breakdowns. The communalists have however gained - huge funds could be collected by the Hindutva forces in the name of defending Hindus. Next, the services rendered by the Hindu stalwarts would be utilised to garner votes in the elections to come. Thirdly, there had been an ethnic cleansing of sorts in various areas by forcing out the Muslims.

The riots have increased the strength of protection rackets which were already doing a flourishing business

The riots have increased the strength of protection rackets which were already doing a flourishing business. These protection rackets are being run by Muslim as also Hindu gangsters, wherever their particular community is in an overwhelming majority.

The police had an opportunity to play fast and loose with alleged participants in the riots. Many people were illegally detained and tortured whilst in police custody. Money was often extracted from the "suspects". The Muslims became particularly vulnerable after the bomb blasts of 12.3.1993.

We have no complete statistical data of the number of persons dead, injured or dishoused. However a report prepared by the Lokshahi Hakk Sanghatana and CPDR entitled "The Bombay Riots, the Myths and Realities", refers to an extract contained in a note circulated by the chief minister to the Members of Parliament. According to the said note the total number of deaths in the riots came to 785, a figure which we believe is grossly underestimated. In our opinion, the total number of deaths could well be over a thousand. Many witnesses have stated that some of the cases of deaths had not been reported or recorded at the police station. So also, several injured persons who have deposed before us, did not go to the police station to report due to fear of the police or due to their preoccupation with survival after

the riots. Quite a large number are permanently handicapped. As to the number of persons that fled, it could be anywhere between one to two lakhs. Many have not been able to return and resettle in Bombay. Over 50,000 persons have been rendered homeless.

As regards the loss of property, Tata Services puts the figure at Rs. 4,000 crores (Times of India, 5.3.1993). In addition to this, the loss to trade and business could be about Rs. 1,000 crores and in foreign trade another Rs. 2,000 crores. The loss of gross value of goods and services produced in the city could be another Rs. 1,250 crores. We are referring to some of these figures only to indicate the magnitude of the problem of relief and rehabilitation which is on a low priority at the government level.

Ghettoisation

The residents of Behrampada believe that the basti was saved because of ghettoisation, whereas in Pratiksha Nagar, the Muslims were literally driven out because they were in the minority. Several Muslims who once lived in Hindu majority areas have expressed a desire to find out safer places for abodes. They apprehend efforts to block their return to their erstwhile residences and places of business. The goons who reduced them to penury are still at large and the police and the administration have, in concrete terms, done little to inspire real confidence in the minds of those who would like to return. This is bound to lead to ghettoisation or Beirutisation of Bombay. The trend, if unchecked will deprive Bombay of the status it today enjoys. It is known as the commercial and financial capital of the country and rightly so. No other city in the country whether on the coast or the interior has the locational advantages of Bombay. The people collected in this city have contributed their different skills to raise an erstwhile fishing village into a thriving metropolis. A major reason for the growth of Bombay has been the open door policy which has allowed people of different regions to contribute their mite and produce what may be constituting near about 25% of the GDP of India.

The police and the administration have done little to inspire real confidence in the minds of those who would like to return.

We know the fate of Beirut. It was the capital of Lebanon, a tiny country by itself. But Beirut became magnified because of its cosmopolitan culture and the sophistication and skill of its inhabitants who made of their city a combination of Paris, London and New York.

The Israeli attacks on Beirut, the battles between the warlords of Lebanon, the ungovernability of Palestinians who had taken refuge in Lebanon and the fanaticism of Sunni and Shia militias all combined to wreck a monument to human ingenuity and dedication. A green line divides Beirut today and it is a shadow of what it once was. There is talk of something like this happening to Bombay also. It is said that small industries are moving out to cities like Jaipur, Bikaner, Palanpur, Bangalore and Kandla. This may or may not be true but the emptying of streets by 10:00 p.m. and the general complaint of sluggishness in the market are portents of bad times to come.

Hazel D'Lima has stated that though two months had passed since the riots the Muslims feeling of resentment and anger persisted. She also says that the Muslims are still apprehensive that unless they keep their grievances to themselves, they will face the wrath of the Hindus and be subjected to the treatment meted out to

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Now they know
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to them during the December and January riots. A policeman is supposed to have told a victim in the Bhandup area, when the victim was in the lock-up, that unless the victim uttered the words "Jai Shree Ram" he would be subjected to urinating in the mouth. The victim can never forget this.

Saffronisation

The beneficiaries of the riots are the communalists and the religious heads on either side. The slum dwellers did not know Ayodhya. Now they know the grim reality. They are at the mercy of these communal elements if they want to survive. What is unfortunate is that during the riots and during the months preceding them, there was no organised secular social movement to counter these elements. Workers who were not divided along communal lines in the past were seen taking part in *maha-artis*. That is how, during the riots, the trade unions belonging to secular fronts were found playing a passive role. The only consolation is that at several places people came forward to form peace committees to thwart communal attacks. Soon after the riots, we could see several secular fronts coming forward in organising relief measures and restoring harmony and peace, indicating that there is still some resistance to saffronisation of this cosmopolitan city and that there is hope, yet.

Dehumanisation and Physical and Mental Trauma

Dr.Murlidhar and Dr.Nagral have stated that in several cases the rioters did not stop at stabbing but went on to burn and inflict repeated injuries on the person of the victims. Witnesses have also stated that there were several instances where a victim was stoned and after he fell down, kerosene or petrol was sprinkled on him and he was burnt alive while the crowd was clapping and dancing around the body. In KEM Hospital, a victim waiting to be operated upon was stabbed right outside the operation theatre. The evidence shows that several persons were cut into pieces and in certain cases even heads were severed from their bodies as in a war. After killing, bodies have been thrown into nullahs, only to be recovered after several days. All this shows the depths of dehumanisation and desensitisation that the killers and the community to which they belong have descended to in their frenzied moment of militarised communalism.

The majority of the Muslim victims came from amongst the slum-dwellers; these people led a hand-to-mouth existence and rarely had the time to ponder over political problems. Except for the fact that they were born as Muslims, had Muslim names, indulged in certain Muslim rituals like prayers and fasting, there was nothing to distinguish them from their kind amongst the Hindus, the Dalits or the Christians. The victims could not understand why they had been singled out for loot and torture when the Babri Masjid was a mere name to them. It was news to them that they had been appeased or formed part of an appeased community. Their poverty, their illiteracy, their backwardness in every sense of the word and the misery in which the riots had landed them was a strong refutation of the charge of their being a pampered minority.

The violence inflicted against them, possibly by outsiders but undoubtedly aided by their neighbours had traumatised the victims. For the adults, it was difficult to believe that people who lived in their neighbourhoods had betrayed them and thus prepared the path for their ruination. Several victims had developed ailments like speech disorders, stomach problems, nightmares, anxiety neuroses, fear psychosis and depression.

Children of affected families could not forget the fear generated in the faces and voices of the elders, or hearing cries indicative of the arrival of the rioters. They had to leave their looted and burning

**A victim was
stoned and burnt
alive. The crowd was
clapping and dancing
around his body.**

homes and spend time in relief camps. Where once these children were confident and trustful, they now became confused and lost. Several children had taken to weeping for no accountable reason. The slightest sound or noise of an unusual nature would arouse in the children the fear of a riot recurring. Several children have witnessed persons being stabbed or burnt right in front of them. The mental trauma which they have undergone will linger on for years to come with consequential psychiatric disturbances. Those whose schooling had been disrupted had lost immeasurably and quite a few had to permanently give up their schooling as their parents were no longer in a position to afford to send them to school after the losses they suffered due to the riots. On the other side were children of the majority; they had been fed on the belief that Muslims were criminals and pampered ones at that. Such is the emotional havoc caused by the riots in this city which will have its repercussions for generations to come.

The havoc wrought by the riots and the bomb blasts will require years of labour to undo the damage.

The Bomb Blasts

The bomb blasts of March 1993 were a direct reaction to the two bouts of rioting in December 1992 and January 1993; so say some of the witnesses. The targets chosen for the blasts show blind fury at work. The message seems to be that deaths and losses of innocents in the riots would be punished

by vigilantes who would seek out their own methods for revenge. But this round of violence and counter violence can never end and the first casualty will be the business and commerce of Bombay. The havoc wrought by the riots and the bomb blasts will require years of labour to undo the damage. The lives lost can never come back, the homes burnt and demolished will take years to rebuild, properties lost in the looting and arson have been lost forever; to restock the homes and shops of victims will take decades. More important than recouping the material losses, will be the restoration of that confidence and freedom from fear which is an essential part of civilised existence everywhere. How long this will take depends not only upon the business and commercial interests, the workers and the administration but also by all sections of the people. The message to be driven home to one and all is that communalism is poison and that communalists are the equivalent of moral lepers. This infamy has to go and the earlier it does so, the better it will be for Bombay.

RELIEF AND REHABILITATION MEASURES

The enormity of the havoc wrought by the riots compelled a callous administration to come out with proclamations of restitution to the sufferers. These proclamations were given fairly late in the day. In fact, as compensation was declared to be paid to the dependents whose bread - winners were killed, police commissioner Bapat made a comment that the announcement of compensation had inspired Muslims to make false complaints of excesses against his disciplined and innocent police force ! Rs. 1,00,000/- was sanctioned as compensation for the dependents of those killed; Rs. 30,000/- was to be paid instantly and the balance in bonds having a maturity period of five years. By itself, the amount sounds quite impressive, but there have been complaints of non-payment of compensation in several cases as also foot - dragging in making such payments.

Quite a number of persons had just disappeared, there being no trace of their corpses. In such cases, the presumption under the prevailing circumstances should be that they have been killed and their corpses dumped somewhere. That the police or the people have not been able to find the dead bodies is not a reason for inferring that the missing are still alive and absconding. There is no proof of the police having searched every nook and corner of Bombay for the missing persons. Quite a number of unidentified bodies did turn up and it is quite possible that the missing ones have got so decomposed as to be unidentifiable. One more suspicion is that quite a number of persons have been killed and their bodies spirited away by the killers, which does not necessarily exclude the trigger - happy police.

As to the wounded persons, there have been complaints that the compensation offered is a pittance and that it is far below the sums required by some of the victims for their treatment. A large number of wounded persons have not received any compensation as their complaints had not been recorded by the police.

For houses burnt down a compensation of Rs. 5,000/- has been fixed. We must express our astonishment at the inadequacy of this figure as a panacea for all those who had the misfortune of having their homes targeted by the arsonists. The amount is wholly inadequate, even with regard to a hutment which would cost more than Rs.5,000/-.

There have been complaints of non-payment of compensation in several cases as also foot - dragging

One does not understand what led to the choice of Rs. 5,000/- to compensate those whose residences have been reduced to ashes. Inexplicably, no such amount has been awarded to those whose houses have been destroyed. In this connection, many witnesses have complained that the refusal by the police to record panchnamas for the loss they had suffered, led to their not receiving even this meagre amount

The larger number of sufferers are those whose movables were brought out of their homes and shops and made bonfires of. These persons are, according to a recent announcement to receive compensation of up to Rs.4,000/-.The rioters brought out movables from Muslim shops and residences so as to avoid losses to the possibly Hindu owners of these structures, or the danger to Hindu structures in the vicinity. In some cases, after looting, the articles have been sold for a song, as in the case of Dawood shoes. The amount set as compensation will be nowhere near enough to make

good the losses that the victims have suffered.

**Official agencies
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engaged in
rehabilitation.**

Instantaneous relief was granted to help hospitalised victims at the rate of Rs. 250/- per person and this amount would not be enough for expenditure on first-aid. A large number of witnesses stated that for all the losses suffered by them, they received only Rs. 250/- and nothing else.

As compared to the apathy of the official agencies, in several localities, people on their own or with the help of various organisations, succeeded in staving off trouble, as well as providing the victims with relief. In the very midst of the riots they swung into action. Not only did they try to maintain peace and restore it when it had been broken in various areas, but they went further and did their utmost to bring relief to people in whatever way they could. Food packets, conveyance, medical treatment, milk, clothes, blankets, etc. were distributed by individuals and groups spontaneously. People going out in cars loaded with food and other material, stopping at clusters of refugees and distributing the material to the victims were a common sight in those troubled times. While official agencies haggled about their cuts and their red tape requirements, the people of Bombay and many of the NGOs gave freely and unhesitatingly.

Unfortunately, the government and the BMC, in cahoots with

the Hindutva forces and corrupt municipal councillors, have not hesitated to obstruct the NGOs engaged in rehabilitation work. Therefore the official agencies have been guilty not only of niggardliness but much worse of creating obstacles in the path of the NGOs engaged in rehabilitation. It is also regrettable that the government has not come out with any scheme for the rehabilitation of a large number of persons who have lost everything - their houses, their properties, their jobs and their means of livelihood.

RECOMMENDATIONS

SHORT TERM

(a) People's Committees

As the riots spread in Bombay, the police were, by and large, reluctant to prevent the same. In fact, as we have seen above, the police were in league with the rioters in several places. Similarly the politicians were mostly bystanders; they did very little to prevent the riots.

We have noticed that certain areas have experienced riots in December 1992 and yet witnessed no incidents of riots in January 1993 and vice versa. Govandi was worst hit in December 1992 but was mostly peaceful in January 1993. Pratiksha Nagar was the opposite, with no riots in December 1992 and witnessing the worst havoc in January 1993.

In several areas the riots did not take place because of the people's peace-keeping efforts.

We have also noticed that, in certain pockets no riots took place whilst the surrounding areas were severely affected by riots. For example, though Dharavi was one big slum, the riots were not all over the place. Mahatma Gandhi Nagar in Dharavi is one pocket where nothing happened in spite of a mixed population with Muslims being fewer in number. Similarly, in

Andheri (East), there were no incidents in areas like Trimbak Estate, a group of chawls. It is equally interesting to note that in certain riot prone areas of the past there were no incidents this time round. Bhiwandi, outside Bombay, and Kamathipura in Bombay, (where there were communal riots in 1984 and 1987) in Bombay were peaceful this time. In this connection we commend the work done by the Bharatiya Janwadi Aghadi in bringing out the booklet entitled "The Bombay which the Fascists could not Burn", which shows how in several areas the riots did not take place because of the people's peace-keeping efforts.

What happened was that in several areas the people themselves organised defence committees and undertook the responsibility of preventing the riots. Even when there were rumours of assault on one community by the other, the defence committee prevailed upon the people to maintain peace. The committee members patrolled the area under their protection. In Mahatma Gandhi Nagar, Dharavi when the

youth and men of the defence committee were rounded up by the police and taken to the police station, the women of the area then took a morcha to the police station and pleaded that without their menfolk, the lives of women and children were in jeopardy. This worked, and the defence committee continued its work. In most of these defence committees no politician was involved. Later on, in January 1993 even the residents of buildings at Cuffe Parade, Napean Sea Road, Bhulabhai Desai Road, Carmichael Road, etc. organised committees to safeguard their buildings against intrusion from outsiders.

Now that the riots are over, this mechanism can be conveniently used to prevent the recurrence of such communal riots in future. Such committees can as well be termed "People's Committees". We are of the view that such People's Committees should be organised in every ward in the city of Bombay. The committee should have a fair representation of members from each community. No active member or an office bearer of any political party should be included in such committees. Similarly, no person with a criminal history should be allowed to join. By and large the people themselves should be encouraged to constitute such committees. However if for any reason, such committees are not organised in any ward, the local inspector-in-charge of the police station should be directed to constitute such committees within the wards which fall under the jurisdiction of his police station.

Whenever there is any tense situation which may lead to communal riots, the People's Committee should take the initiative in preventing the same. Generally the police should be directed to act in aid of the People's Committee. The committee should meet at regular intervals and the inspector-in-charge should attend such meetings so as to ascertain the events and activities that go on within the area.

If in spite of the People's Committee's warning and its efforts communal riots do break out in any ward, the police must be held responsible for the same. In our opinion, if the police had not connived with the communal parties and anti-social elements, the riots could have been prevented in many areas. In any case, the January 1993 riots could have been wholly avoided. Therefore, when the People's Committees are constituted to sense the pulse of the people and to invoke a feeling of confidence in their pursuit of peaceful co-

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existence, the police cannot shirk its responsibility in the maintenance of law and order. In this sense people's power and police power must complement each other.

(b) Urgent Steps for Restoration of Normalcy

(i) The police must take effective steps to prosecute all the rioters without any reservation. It is our experience that many witnesses who have deposed before us and given the names of their assailants, are afraid to go to the police station to lodge or pursue their complaints. The victims have no confidence in the police. Many witnesses have stated that their assailants are still freely moving about in the locality, threatening the victims who dare not proceed further with their complaints. Witnesses have also stated that in many cases the police themselves have told the victims that they would be given protection and allowed to live in peace, on the condition that they do not insist on cases being filed against certain assailants. In our

This situation will lead to revenge on the basis of a suppressed feeling of injustice, and may once again lead to further riots.

opinion, this situation will ultimately lead to revenge and retaliation on the basis of a suppressed feeling of injustice, and may once again lead to further riots. It is therefore necessary that the police must not hesitate to prosecute every assailant, irrespective of his status either as a politician or otherwise. In this connection we would like to mention that in spite of inflammatory speeches and articles from Bal Thackeray, the government is reluctant to effectively and seriously prosecute him under Sections 153A and 153B of the Indian Penal Code. In the eyes of a large number of innocent and helpless victims whose suffering cannot be described in adequate words, he is directly responsible for their present plight. We find no justification, either moral or legal for the government's attitude in this behalf.

(ii) Many witnesses have deposed before us that their belongings looted by the assailants are still with the looters and that, if the police had genuinely tried, they could have recovered quite a large portion of the property. In most of these cases, the looting was done with a definite modus operandi of initially creating a scare thereby forcing them to leave their homes and thereafter looting these homes of its valuables and then damaging and/or setting fire to the same. The police could have stopped these anti-social activities if they so desired. In some cases the police only obliged after several days of the incident

with the making of the Panchnamas of the loss suffered, which Panchnamas have resulted in being of no use to the victims as the government has not offered, at any time, compensation commensurate with the loss suffered. Even now, the police can take effective steps to recover the goods lost by the victims and restore the same to them; this will go a long way in giving justice to the innocent victims of the riots. It is on principle that no rioter should be allowed to retain what he has acquired by loot and plunder.

(iii) We have said that the police have no right to kill. *Prima facie* in all cases of police firing resulting in death or injury, the police are answerable. In our opinion it is necessary that all such cases must be inquired into, and all such police personnel who have fired indiscriminately, should be prosecuted, under the provisions of the Indian Penal Code, for causing injury or death. We have come across several instances of the police firing at unarmed persons running away or women and children whilst in their own homes. Women who came out to the police with raised hands to plead with them, were also shot at. All such police personnel deserve to be prosecuted forthwith. We were given to understand that some of the police officers who had indulged in such acts have been transferred to other police stations. This is an eye-wash and not a punishment. In all cases where a police officer has killed any person, there is to be no difference between him and an ordinary person who has been charged with the same offence. The fact that he is a police officer cannot be a shield against prosecution.

Prima facie in all cases of police firing resulting in death or injury, the police are answerable.

(c) Immediate Programmes for Rehabilitation

(i) In order to enthruse the riot affected persons to come back and settle where they were living before, the government must come forth with schemes for rehabilitation. It is reported that over 50,000 person amongst a lakh and more who had left Bombay have not yet returned. The witnesses have stated before us that in many cases only the male earning members have ventured to come back, leaving the rest of the family at their native places. Even in the case of persons who have come back they find that they have no place to stay and no job to live on. It is therefore necessary that the government immediately consider various schemes for giving shelter to such persons. The government must also give them protection against

further assault. The government should also give these persons jobs such as providing them employment in public works like road making and/or give them self-employment opportunities. In the absence of such schemes the sense of injustice which they have been suffering will continue and lead to further unrest in society. It is regrettable that the government has not clearly spelt out any scheme for the rehabilitation of the refugees of these riots. We recommend that the government must infuse in the administration a sense of urgency in bringing about such schemes.

(ii) The government and the BMC should come out with a massive scheme to provide accommodation for persons who have lost their shelter in the riots. Since the government had not initiated any such scheme, in certain areas, the affected persons tried to rebuild or repair their homes of their own accord, or with the help of social organisations. We regret to say that in certain such cases, the BMC demolished the rebuilt structures, without taking into account the fact

that these presently homeless people had in any case been staying in such slums for years together, as they have never had land of their own to build on.

The government and the BMC should come out with a scheme to provide accommodation for persons who have lost their shelter

(d) Constitution of Tribunals for Payment of Compensation

Immediately on the riots coming under control, the government announced a payment of Rs. 250/- per riot-affected person. Mostly these amounts were given to the victims who went to the police station and complained about injuries either to themselves or their property. Later on it was announced that in the case of the death of any person in the riots, his heirs would be given a sum of Rs. 1,00,000/- as compensation. Here again the evidence shows that the government has given a sum of Rs. 30,000/- with a promise that the balance of Rs. 70,000/- would be given in the form of Bonds/Certificates which may be encashed after five years. Some of the witnesses have stated before us that they have received only Rs. 30,000/- and that they have no idea about the balance amount and how and when the same would be paid. When there is no record of the death of a person in the hospital, e.g. for persons who have been killed on the spot and their bodies not been taken to the hospital, no compensation has been paid. Further, it is not clear whether the bond would carry any interest and the impression is that the parties hope to get the balance of Rs. 70,000/- at

the end of five years. If in fact no interest is to be paid on the balance the government must at least be honest enough to confess that they have not paid at the rate of Rs. 1,00,000/- as claimed by them. Similarly in the case of injured persons the government has not given any compensation. There are a large number of cases where people have lost their limbs leading to permanent disability and there is no justification as to why compensation should not be given to them. Witnessed deposing before us say that some injured persons hesitated to go to the government hospitals either because they would be denied treatment or be accosted by the police there. In some cases after taking initial treatment at the government Hospital the injured persons had to shift to private medical care for lack of safety and security in government hospitals. All these persons have not received any compensation whatsoever.

In the case of houses which were destroyed during the riots, some of the persons have received compensation through the revenue officials. The amounts so distributed have no relation to the actual value of the house destroyed. In some cases where the value amounted to over Rs. 1,00,000/- a meagre compensation of Rs. 5,000/- was given by the revenue officials. The officers also have reluctantly given such meagre compensation, each time insisting on documentary evidence as proof of the existence of the house. In the case of several houses the occupants have lost their valuable documents such as ration cards and agreements which if insisted upon by the revenue officials is as good as denying the victims compensation.

The government had earlier not given any compensation whatsoever in respect of the destruction or loss of movables such as furniture, fixtures and other household articles precious or otherwise. The government has now announced that it would give compensation upto Rs.4,000/- in this respect.

It is our view that the government must approach the question of payment and compensation on the basis of sound guidelines. The proper solution is to constitute tribunals which should have at least twenty benches spread over the entire city. These tribunals should be given clear guidelines for assessment of compensation in respect of the loss suffered by every individual in the riots. The loss would include the house, the belongings, the injury sustained and the lives lost. In

The government must approach the question of payment and compensation on the basis of sound guidelines.

our view such tribunals should be set up without any delay so as to inculcate a feeling of justice being done for the victims of the riots. We have not been able to appreciate the government's silence in this respect unless the same be attributed to the tendency of the government to be utterly indifferent to human suffering and the violation of human rights.

(e) Constitution of Special Courts for the Trying of Offenses

If the government could bring in a special law for trying offenses relating to the security scam, there is no reason as to why the government cannot set up special courts for trying offenses committed during the riots. We have seen that in the riots that took place in Delhi in 1984 after the death of Mrs. Indira Gandhi, the government would not prosecute the offenders though a large number of them had been identified. After several agitations and appeals the government finally decided to prosecute the offenders,

If proper justice be done, the government should see to it that all these cases be disposed off within a year.

though after nearly six or seven years. We now know that most of such cases have failed on account of delay in registration and prosecution of the cases. We apprehend that in the present case also, apart from the reluctance on the part of the police to prosecute, the delay in the cases which are registered would ultimately result in no justice being

rendered to these riot-affected persons.

We therefore urge upon the government that if the government cannot bring in a special law in this behalf, it can at least earmark special courts for trying the offenses registered in connection with the cases which arose during the riots. We understand that the police have, in connection with the riots, registered about 1,500 cases so far. Several genuine cases and complaints though, have not been registered. Most of the cases are to be tried in the Sessions Court. However, at present, the Bombay City Civil and Sessions Court have cases pending for over seven or eight years. Therefore, the cases dealing with the riots will not ordinarily be tried for another ten years or thereabouts. This will be a total denial of justice to the victims, as also to the accused. In our view, it is necessary that if proper justice be done, the government should see to it that all these cases be disposed off within a year.

LONG TERM

(a) Overhauling the Administration, Particularly the Police Force

These riots have revealed that a large number of police personnel identify themselves with the majority community, as opposed to the minority one. We have evidence to show that in certain police stations, the police had insisted that the victims say "Jai Shree Ram" if they were expected to be shown any consideration, be it as simple as asking for and being given a glass of water. A slow but sure erosion of the administration by any communal element, will ultimately undermine the very secular foundation of this country.

As in politics, so also in administration, there should be no religion. It is therefore necessary that the administration be screened and all such elements who owe greater loyalty to communalism than to the Constitution be weeded out and dealt with severely.

(b) Revamping and Reorienting the Police Force

It has been argued that the Bombay police force, numbering about 30,000, is woefully understaffed and ill-equipped to tackle such social upheavals as communal riots. However, preventing such situations or combatting them are neither a numbers game nor a technocratic exercise. The fact of the matter is that the police failed to perform its duty of protecting the life and limbs of the Muslims. Merely adding a couple of thousand persons to the force, will not solve the problem - it might exacerbate it. It is imperative that Muslims be given a larger representation, along with other minorities, in the police force as well as the state reserve police. During the riots, officers from the minority communities, by and large, played a non-partisan role.

Furthermore, taking a leaf from international trends, the police should be compelled to use non-lethal methods (water hoses, rubber bullets, tear-gas, etc.), to tackle situations involving large groups of people. Society should move towards more humane, rather than barbaric forms of controlling crowds, even if they are on the rampage.

(c) The Centre's Responsibility

When the riots broke out in Bombay the army was sent for but

All such elements who owe greater loyalty to communalism than to the Constitution be weeded out and dealt with severely.

the army was not given orders to shoot. At some places the army was even prevented from maintaining law and order. A large number of persons belonging to the minority community fled when several of their own people were killed. There were allegations of the police having connived with these rioters, but surprisingly the Centre did not take any action. Even the Prime Minister who paid a visit to the city did nothing. We regret that the Centre should exhibit such indifference to human misery whereas the need of the hour was to come to the rescue of the minorities. We consider it the duty of the Central government to intervene when the state administration joins hands with the majority or refuses to intervene when the majority community attacks the minority. If such indifference is allowed to continue and if at every instance the state joins hands with a particular ethnic group which is in the majority, the minority will have no one to depend on. This would ultimately lead to the violation of fundamental rights of the minority group. It amounts to the negation of democracy itself.

It is the duty of the Central government to intervene when the state administration joins hands with the majority.

The Central government cannot consider this merely as a law and order problem. It is therefore necessary to consider, that whenever the majority community attacks a minority community (maybe of religious or linguistic denomination), and when the state administration sides with the majority it becomes a matter of Constitutional

breakdown. In all such cases it becomes the duty of the Central government to come to the rescue of the minority community, not only to restore law and order, but also to set right the balance between the two groups. If over two lakh people had to flee from their homes and thousands were injured or dead, all due to the failure of the state administration, it cannot be said that governance is being carried on in accordance with the provisions of the Constitution. Not that there should have been any declaration of emergency, but that the Centre could have intervened by exercising executive power, based on Article 355, read with Entry 2, 2A of List I and Entry 1 of List II and Entry 1 of List III of Schedule VII of the Constitution of India. We regret that the Central government failed to recognise the magnitude of the problem.

(d) Law to Penalise the Rioters

After the riots, several voluntary associations came forward to collect funds for relief work and to organise relief and rehabilitation

schemes. The government has also paid compensation, though ultimately at the cost of all tax payers and citizens. However, the rioters and the parties who have incited such rioting have gone scot-free, without any obligation to bear what society has lost in general and what the riot-affected have lost in particular. This is in our view, an intolerable situation. The persons or groups responsible for the looting and destruction must be compelled to make good the damages suffered by the victims of the riots.

For this purpose, the government must enact a suitable law, which must provide for the identification of such groups or organisations and find a means to recover compensation from them. In our view, it will not be difficult to identify such groups. For example, in the present riots, after nearly every *maha-arti*, there was large-scale rioting and destruction of property. It is an acknowledged fact that *maha-artis* were organised by the Shiv Sena and the BJP. Even otherwise, when any association or party stages a *morcha* which eventually results in stone-throwing, causing damage to people and property, the organisers of the said *morcha* must be held responsible for the consequences. If, they cannot control their own people, they have no right to incite them. In all ethnic or communal riots, it is the leaders who escape, whilst the individuals are left to face the music.

There should be no religion in politics, just as there should be no politics in religion (Articles 25 and 26).

(e) The Need to Resuscitate Secularism

"Secularism is dead; long live secularism." This could as well be the motto of several political parties in the country. When the BJP leader L.K. Advani, calls these parties "pseudo-secularists" he is not far from the truth. They have only paid lip service to secular principles. Thus, even now, we witness the sad spectacle of the Prime Minister trying to set up Shankaracharyas against the VHP and Bajrang Dal, in an attempt to contain the thrust of the Hindutva's goal of achieving power at the Centre. The Prime Minister does not seem to realise that in any such competition, secularism will be the ultimate casualty.

Our Constitution includes secularism and, that being one of its basic features, cannot be altered. In real terms, it means that there should be no religion in politics, just as there should be no politics in religion (Articles 25 and 26). But, unfortunately, during the last four decades, expediency became the rule and not Constitutional

principles. The ruling party, as also the Opposition, found it easier to exploit the people by catering to their primeval proclivities, rather than trying to reform the people by helping raise their economic and social standards. The aim of our Constitution is to have a society where there is justice - social, economic and political. This has still remained a distant dream for WE THE PEOPLE OF INDIA. The politicians still think that the continued exploitation of the people, on the basis of religion, caste or community, will make the people forget their Constitution and its objectives. The present campaign to subvert the Constitution on the basis of Hindutva and, the resultant riots all over the country is the most vulgar form of exploitation. It is not too late for the government to cry a halt against these diabolic forces of communal cleavage by taking speedy, effective and sustained steps based on secular principles.

This must involve a two-fold thrust; political and legal. The latter would include, apart from various administrative measures and executive actions, an amendment of the electoral Law so as to disqualify those parties as are contesting on the basis of communalism. This must be determined, not on the grounds of their declared aims and objectives, as found in their party's manifesto, which generally camouflages their real intent, but on the basis of their actual programmes and deliberations. If Bal Thackeray's repeated utterances in the "Saamna" and also his conversations, as reported in the "Time" magazine and elsewhere, are taken into account; it would be sufficient to disqualify his party from contesting the elections, for his party does not bear true allegiance to the oath that is taken on the Constitution of India.

ANNEXURE I

TERMS OF REFERENCE FOR INQUIRY INTO RIOTS IN BOMBAY. DECEMBER 1992 - JANUARY 1993

1. Were the riots an outburst of a section of the population provoked by sustained communal propaganda of different hues preceding and succeeding the demolition of the Babri Masjid at Ayodhya or whether the riots were a result of collusion between communal organisations and individuals, criminal elements and the State machinery such as the Police or a combination of both.

2. Was a "foreign hand" or alleged infiltrators responsible for provoking or participating in the riots? What was the socio-political-economic character of the rioters?

3. Were the politicians, the State Police and/or the civil administration at State and local levels guilty of excesses/inaction prior to and during the course of the rioting?

4. What event or events triggered off two bouts of rioting? Was there a connection between the two? Which forces contributed to the riots and in what manner? The consequences of the riots.

5. Were the riots engineered with a view to crippling a particular section of the population, both economically and socially? Will it lead to ghettoisation or beirutisation of Bombay?

6. Will the riots lead to saffronisation of the western and southern regions of India?

7. What will be the effect of these riots on the business and commerce of Bombay and what role these interests played in the riots?

8. Whether the relief and rehabilitation measures adopted by the State were adequate or not and what motivated the State to adopt such measures and how these compare with measures adopted by other agencies.

9. What preventive steps can be adopted both long-term and short-term, to avert such riots? The examination of various proposals put forward by organisations, individuals and other parties and agencies and what constitutional, legislative and political-administrative changes can be recommended?

ANNEXURE II**SCHEDULE OF SITTINGS**

DATE	LOCATION
22.02.93	Y.W.C.A., Colaba
23.02.93	Y.W.C.A., Colaba
24.02.93	Y.W.C.A., Colaba
25.02.93	Abdul Rehman Street
26.02.93	Abdul Rehman Street
27.02.93	Abdul Rehman Street
01.03.93	Sankli Street
02.03.93	Sankli Street
03.03.93	Sankli Street
05.03.93	Seva Niketan, Byculla
09.03.93	Malwani, Malad
10.03.93	Goregaon
11.03.93	Jogeshwari (East)
12.03.93	Jogeshwari (West)
15.03.93	Mahim
16.03.93	Mahim
17.03.93	Dharavi
19.03.93	Govandi
22.03.93	Kurla
30.03.93	Andheri
03.04.93	Vikhroli
04.04.93	Antop Hill
05.04.93	Nirmala Niketan, New Marine Lines
05.04.93	Reay Road
09.04.93	Y.W.C.A., Colaba
10.04.93	Y.W.C.A., Colaba

ANNEXURE III**LIST OF POLICE PERSONNEL AS NAMED BY WITNESSES****Agripada Police Station**

(1) Const. Ashok Naik (2) Const. Raja .

Andheri Police Station

(1) PI Subhash Patil (2) PI Kurain More (3) PI Ramesh Koriya (4) PSI Panhale.

Antop Hill Police Station

(1) PSI Vinayak Patil.

Bandra (East) Police Station

(1) PI Desai (2) PI Verghese (3) PI Prabhakar Borde (4) PI Suryavanshi (5) PI Babbar (6) PI Khanwalkar (7) Const. Rane (8) Const. Moite (9) Const. Wagh (10) Const. Saiba.

CID Branch

(1) Jt. Commissioner R.D. Tyagi.

Chembur Police Station

(1) PI Karkare.

Dharavi Police Station

(1) PI Ahire (2) PI Bilase.

Ghatkopar Police Station

(1) PI Suresh Marathe.

Goregaon Police Station

(1) PI Dhoble.

Govandi Police Station

(1) PI Bhagwatrao Patil (2) PI Dhangle (3) PI Deepak Gajul (4) PI Pandit (5) SI Arun Sakharkar (6) SI Bobde (7) SI Kadam (8) SI Anil Sakharkar.

Jogeshwari Police Station

(1) SI Deshmukh (2) SI Khambe (3) ACP Suryavanshi (4) DCP Dattaray Kurne (5) PI Bambre (6) PI Skule (7) PO Sanjay Sawant (8)

HC Wadekar (9) Havaladar Patel (Belt No. 25811) (10) Const. Patil (11) PI Siple (12) Const. Shinde (13) Const. Joshi (14) SPI Vijay Patil.

Kalbadevi Police Station

(1) PI Nivalkar Swatra (2) SI Desai (3) SI Tambe (4) SI Kale.

Kandivli Police Station

(1) PI Hargude (2) PI Kumbhar

Kurla Police Station

(1) PI Wagde (2) PI Sabe (3) PI Raghuwant Singh (4) PSI Vijay Raghuvanshi (5) PI Pawar.

Mabim Police Station

(1) PI Thorat (2) PSI Rathod (3) DCP Korade.

Malad Police Station

(1) PI Solomon (2) PSI Takle (3) PSI Patil (4) PSI Shinde (5) SPI Ramchandra Mirokeg.

Nirmal Nagar Police Station

(1) Sr. PI Zende (2) PI Ingle (3) PI Gaikwad (4) PI Chibe (5) PI Badgujar (6) PI Indulkar (7) PSI Desai (8) PSI Ghosalkar.

Pydhonie Police Station

(1) PSI Soratkar.

R.A. Kidwai Marg Police Station

(1) SI Nikhil V. Kapse .

Santacruz/Vakola Police Station

(1) Sr. Insp. Mazumdar.

Tardeo Police Station

(1) PSI Thakur (2) Havaladar Richard Pathare.

Vile Parle Police Station

(1) PI Tiwari.

Vikhroli Police Station

(1) PSI Hirve (2) PSI Gadre (3) SPI Ghosale.

ANNEXURE IV

LIST OF RIOTERS AS NAMED BY WITNESSES

Agripada

(1) Vijay Ahir (Municipal Corporator-Shiv Sena) (2) Ganpat Ganga Ram Mohite (Local Congress I leader) (3) Alka Mohite (4) Raju Mohite (5) Ashok Naik (Head Constable) (6) Raja (7) Dilip (brother of the President of the "B" Committee) (8) Vijay Lightwalla (9) Mohan Lightwalla (10) Rahunath More (11) Sabhil (12) Ismail (13) Deepak (14) Mangesh (15) Kashibai Amre (16) Ramya Amre (17) Baby Amre (18) Kailash Amre (19) Erabai Paniwali (20) Jaya Baidawali (21) Anji Daruwalli (22) Chhatise Dange (23) Satish Dange (24) Rajesh Dange (25) Das Dange (26) Asha Dange (27) Nanda Dange (28) Chanda Dange (29) Pappu (30) Anand (31) Ambaji (32) Dattya Rane (33) Vilas Manjrekar (34) Sitaram (35) Dasrath (36) Maruti (37) Babubhai (38) Komdi (39) Raju (40) Saliya (41) Dinesh Wadekar (42) Abhay Babbar (43) Babu (44) Umesh (45) Ramesh (46) Pakiya (47) Sampat (48) Sanjiv (49) Sandeep (50) Vishwas (51) Buva (52) Yadav (53) Tambar (54) Uttam (55) Sanjay (56) Haroon (57) Sunil (58) Dinesh Kathiawadi (59) Kaliya (60) Jaiswal Bhaiya (61) Ganesh Bhaiya (62) Hari Pandit (63) Balu (64) Shivaji (65) Pramod (66) Anya (67) Mammarr (68) Ravi (69) Martis (70) Ganya (71) Kasturbai (72) Rekhabei (73) Kala (74) Geeta (75) Dhondiya (76) Vyas (77) Michael (78) Ashok Ratthe and (79) Vijay.

Andheri

(1) Ramesh Dubey (Congress I) (2) Sadanand Vichare (Shakha Pramukh - Shiv Sena) (3) Anil (4) Gajya (5) Santosh (6) Rajeev (7) Babloo (8) Rakesh (9) Rane (10) Babu (11) Praveen (12) Mohan Dada (13) Nitin (14) Narayan Mestry (Local Corporator) (15) Seetaram Salvi (Shiv Sena) (16) Bhagwan (17) Gupta (18) Pappi (19) Babban (20) Sakaram (21) Sunil (22) Vikas (23) Krishna Surwant Shah (24) Towda (25) Dashrath (26) Yusuf (27) Ganpat (28) Ramia (29) Dex (30) Ranjit Bengali (31) Prakash Pathade (32) Sudhir Pathade (33) Gopi Pathade (34) Rajesh Sharma (35) Babu Chaggan Dhapse (36) Chandrakant (37) Suresh Yadav (38) Kishore Maniar Bhosle (39) Deepak Bhosle (40) Subhash Bhosle (41) Raju Uttam Jadhav (42) Ramesh More (Shiv Sena) (43) Lale Kandawala (44) Raju Sandip Gadekar (45) Raju Sawant (46) Sandeep (47) Pramod Murgi (48) Dattu Rickshawala (49) Balla (50) Manoj Pandey (51) Vikram (52) Vishwas (53) Shobha (54) Ramesh

Moriya (55) Raja Bhosle (56) Chandu Dhapse (57) Dattu Gajrenkar (58) Raju (59) Suresh Satalkar (60) Sudhir (61) Datta Patel (62) Jagdish Pandey (63) Vasaram Bhanji Patel (64) Vijay Mokal (65) Rajesh Mokal (66) Ramakant Suthar (67) Ava (68) Aba Desai (69) Raju (70) Umesh Satelkar (71) Suryakant Satelkar (72) Mani (73) Rakesh (74) Satyavan (75) Ramesh Bhorar (76) Raju Dhapse (77) Dilip Kumar and Brothers (78) Mangesh Tawde (79) Rajesh Tawde (80) Pappu Kumbhar (81) Avi Chavan (82) Vijay Chavan (83) Sanjay Chavan (84) Tannaji Kharat (85) Hari Phalke (86) Harish Rao (87) Baba Aherat (88) Bala Kharat (89) Ashok Barde (90) Mahesh Kumbhar (91) Baban Bhajwala (92) Kaliya Shinde (93) Vithoba Anerao (94) Prabhu Kale (95) Vishal Haldekant (96) Rajesh Upadhyaya (97) Prakash Dalvi (98) Suresh (99) Bhim (100) Ramesh Wagle (101) Suresh Jagtap (102) Prakash Kumbhar (103) Narayan (104) Nitin (105) Chintya (106) Pakya (107) Keshav Patil (108) Batanvale (109) Son of Patil (110) Tiku Bhai (111) Mana Bhai (112) Shorab.

Antop Hill

(1) Ramchandra Mishra (Shiv Sena) (2) Ramdev Verma (Shiv Sena) (3) Anil Pawar (4) Rokde (5) Shringarpure (6) Pramod Thakur (7) Wife of Pramod Thakur (8) Kanta (9) Sawant (10) Nanu Dada (11) Gyano Dhuri (12) Bhagwan Dhuri and brothers (13) Boys of Prabhat Mitra Mandal

Bandra

(1) Madhukar Sarpotdar (Shiv Sena) (2) Ashok Shinde (Shakha Pramukh - Shiv Sena) (3) Daulat Sudham (4) Dinesh Rudhal.

Bbandup

(1) Sunil Chitnis.

Bhoiwada

(1) Ravi Chavan (Shiv Sena) (2) Ramakant Rahate (3) Bhai Shingare (4) Shridhar Kadam (5) Anil Gaikwad (6) Devidas Kalsekar (7) Deepak Patkar (8) Suryakant (9) Yeshwant (10) Sawant.

Byculla/Mazgaon

(1) Ganpat Mohite (2) Mrs. Mohite (3) son and brother-in-law of Ashok More (4) Paleya (5) Vijay (6) Dev (7) Sohanlal (8) Haralal (9) Sunil (10) residents of Khatau Building (11) Shekhar (12) Vishnu (13) Rama (14) Raju Devlekar (15) Ravi Chavan (16) Ramakant Rahate (17)

Bhai Singare (18) Shridhar (19) Kadam (20) Anil Gaekwad (21) Aba Nankar (22) Prakash Vedamkar (23) Gangaram Sigarpurkar (24) Bhagwan Baidawala (25) Baban Medhiwala (26) Ulga (27) Nilosh (28) Anil Naikar (29) Parsha (30) Sunil (31) Raj Gure (32) Babu More (33) Vilas More (34) Bhakar Khalique (35) Baban Narkar (36) Shashi Bruva (37) Ramayya (38) Ravi (39) Vijay (40) Sanjay Sigarpurkar (41) Rao (42) Vinay (43) Popar (44) Ravi (45) Gautam (46) Maruti Kanya (47) Gurunath Parab (48) Deepak Parab (49) Dilip Vandrekar (50) Kishore Vandrekar (51) Raja Wagar (52) Mangesh (53) Bhosale (54) Satam (55) Hemant (56) Padya (57) Jiju (58) Sambhaji Angre (59) Dilip Vyapurkar (60) Ashok (61) Patkar (62) Raju Sarbatwala (63) Mohan Cablewalla (64) Raja (65) Mrs. Rane (66) Mrs. Parab (67) Ashok Patkar (68) Sobha Patkar (69) Bala Sawant (70) Sudhir Pednekar (71) Bharat Amre (72) Shekhar (73) Vishnu (74) Ramchanda (75) Vimala (76) Maruti (77) Pakia Sakalkar (78) Devidas Kalsekar (79) Deva (80) Sanjay Naik (81) Praful Desai (BJP Leader) (82) Ram Naik (83) Prabhakar and (84) Narain (Shakha Pramukh-Shiv Sena).

Chembur

(1) Navina (2) Ravi (3) Chandu Wadekar (4) Mane (5) Achrekar.

Dadar/Naigon

(1) Devidas Kalsekar (Shiv Sena) (2) Ravi Chavan (3) Deepak Patkar (4) Sanjay Naik.

Dharavi

(1) Pramod Thakur (local Shiv Sena leader) (2) Bada Ganesh (3) Sunil (4) Mahesh (5) Ganesh (6) Kamathis from Block No. 4, New Transit Camp (7) Mori (8) Ashok (9) Kanek Raj (10) Istriwala Mithailal (11) Sanjay Kambde (12) Rajiv Kambde (13) Raju Sakhra (14) M.Y. Shinde (RPI Corporator) (15) Murli (16) Gordhan Chavan (17) Vasant Pardase (18) Amir Radiowala (19) Subhash (20) Ashok Goviya (21) Pagliya (22) Ram Nigam (23) Vanraja (24) Sukhdev Gole (25) Ashok Kale (26) Devendran (27) Ramiya (28) Bhaniya (29) Prakash Vedkar (30) Naresh Video (31) Popiya (32) Limba (33) Dilip (34) Shankar .

Ghatkopar

(1) Vasant Atmaram Narvekar (2) Ringe (3) Mamshabai (4) Shakuntala (5) Ajay (6) Arun (7) Ram Palta (8) Rajnath (9) Ganpath (10) Bhuju (11) Prakash Kumbhar (12) Deepak (13) Krishna Pendarkar (Pramukh - Shiv Sena) (14) Chandrakant Majari (15) Eknath Patil (16) Srikant Gaikwad

(17) Gulab Singh (18) Members of Amar Krida Mandal, Seven Star and Shivaling Mandal (19) Manda Ringe (20) Shankar Ringe (21) Vilas Salekar (22) Raju Katkar (23) Ghanshyam Rajput and gang (24) Manji Bhanushali (BJP) (25) Shivaji Kadam (Shiv Sena) (26) Parvana (27) Vacheda (28) Haroon (29) Chandran (30) Chandu (31) Deepak (32) Sons of Chamba (33) Dhondur (34) Sudhan (35) Andrew (36) Two sons of M.V. Shinde (37) Appa Bansode (38) Mohan (39) Ramesh Kakre.

Goregaon

(1) Vishnu (2) Kannan Shetty (3) Linga (4) Raja (5) Balesh (6) Uppal (7) Viren .

Jogeshwari

(1) Sitaram Salvi (2) Ramesh More (3) Pratap Singh (BJP) (4) Ravi Waikar (5) Gajanan Kirtikar (6) Purshottam Solanki (7) Ramesh Dubey (8) Solanki (9) Dagado (10) Vittal Dallo (11) Sanjay (12) Shankar Solanki (13) Chotubhai Solanki (14) Dashrath (15) Channu Rickshaw Driver (16) Pakiya (17) Nimiya (18) Manjit (19) Satiram Phoolwala Bhैया (20) Babu Shankar Dange (21) Balkishan Dange (22) Uttam Dange (23) Umesh Patil (24) Vasanti Bibonekar (25) Mahatre Pattin (26) Shamiya (27) Prashant Bibonekar (28) Yashwant Kodake (29) Sanjeev Sonar (30) Sanjeev Mahatre (31) Surya Hingaonkar (32) Chotu Masurkar (33) Raju Masurkar (34) Amar (35) Keshav (36) Babu Hingaonekar (37) Kishan Shinde (38) Sons of Mohammed Sawant (39) Santan D'Souza (40) Dominic D'Souza (41) Two sons of Naresh Salwinke (42) Son of Kharate (43) Baba from Shankar Wadi (44) Son of Ram Lakhan (45) Kanhaiya (46) Brother of Babbal (47) Son of Mahatre (48) Son of Poojari (49) Zakir (50) Kazi (51) Baba Wadia (52) Baban Wadia (53) Cecy Dada (54) Ganesh Thakur (55) Chandrashekhar (56) Devidas Naik (57) Pandurang Panchal (58) Shanti Narayan (59) Prabhakar (60) Yalla (61) Rajan (62) Jeetu (63) Daji Ganpat Surve (64) Sharad Bina Kale (65) Ratan Kumar Kale (66) Ramesh (67) Nitin (68) Raghu Desai.

Kalbadevi/Lohar Chawl

(1) Narayan (Pramukh-Shiv Sena) (2) Mafatia (BJP) (3) Prakash Khandelwal (4) Ashok and (5) S.Patkar (Shiv Sena).

Kandivli

(1) Milan Sudhakar (Shiv Sena) (2) Bhalerao (Shiv Sena) (3) Katkar (Shiv Sena) (4) Vaity (Shiv Sena) (5) Ganesh (Shiv Sena) (6)

Bharat (Shiv Sena) (7) Shike (Shiv Sena) (8) Pannalal Gupta (RSS) (9) Raut (Shiv Sena) (10) Pappu (Shiv Sena) (11) Vilas (Shiv Sena) (12) Samat (Shiv Sena) (13) Land (Shiv Sena).

Kbar

(1) Raju Kakde (2) Babar More (3) Inderjit (4) Jasbir (5) Balkrishna (6) Pratap (7) Don (8) Sabhajeet (9) Rajan Mayakar (10) Sawak Goswami (11) Rajesh (12) Audesh (13) Chunna (14) Sadanand (15) Son and Wife of Khadpekar (16) K.P. Saheb (17) J.C. D'Souza (18) Antya (19) Deepak (20) Bansi (21) Prakash (22) Ravi Shetty (23) Bhanu (24) Suman Narayan Salvi (25) Bada Raju (26) Chote Raju (27) Ganesh (28) Sanjay Vishwanath (29) Gulab Badshah (30) Salma (31) Ashabee.

Kurla

(1) Barkiya .

Mahim

(1) Bhano (2) Khalima (3) Naseer Shaikh (4) Munna (5) Prakash Ahire (6) Vilas (7) Sudhir Dandekar (8) Vinu Dandekar (9) Raju (10) Kiran (11) Shahir (12) Geeta.

Malad

(1) Appa Patil (2) Ravi (3) Ramu Nepali (4) Rajesh (5) Vishnu Nepali (6) Vyayang Nepali (7) Marchandya (8) Popat Daruwala (9) Watchman Bhajanlal Gupta (10) Jube (11) Prabhadevi Thakur (12) Khutubon Khatoon (13) Rahimbi Chunnuniya Shaikh (14) Ammedi Begum (15) Mumtaz Begum Nizamuddin (16) Mehboobi Allauddin (17) Sofiabi Kasim Sahed (18) Anju (19) Dilip Singh Thakur (20) Bharat (21) Buwa (22) Raju (23) Mahendra (24) Gupta (25) Vishnu (26) Shyam (27) Vihari (28) Sirke (29) Hari Pawar (30) Anant Sarvatekar (31) G.G. Matkeri (32) Ramesh (33) Umesh (34) Pappu (35) Pramod (36) Pradip Anushadi (37) Jagan Shetty (38) Madhukar Rao (Shiv Sena) (39) Jaiprakash Thakur (40) Babu (41) Mathu (42) Pasco (43) Jeetu son of Veetu (44) Vinod Nair and brother (45) Nagin Rathod (46) Shantilal Bhavsar (47) Sangsen Singh (48) Vinod Nayak (49) Subhash Anita Tamkar (50) Kishore Nayak (51) Chandrakant Pandal (52) Sarwani (53) Rayeesa (54) Babban Surve (55) Mathe (56) Shivaji Rao (57) Sawant (58) Bhosle.

Masjid/Mohammedali Road

(1) Shama (2) Kishore (3) Prema Parmar (4) Jetha Parmar and his elder

brother (5) Lakhiya (6) Khodiya (7) Dihan (8) Kishore Solanki (9) Ramesh Solanki (10) Kalia and his wife (11) Vilas and (12) Girdhar and his 2 brothers.

Mulund

(1) Rajendra Mishra (2) Sanjay Dhani (3) Takkiya (4) Ramdas Gajre.

Santa Cruz

(1) Raut (Shakha Pramukh - Shiv Sena) (2) Suresh (3) Pakkya (4) Baba (5) Vijay (6) Tarabai (7) Hirabai (8) Pande and his wife (9) Vijay Ingle (Shakha Pramukh - Shiv Sena) (10) Pandhya (11) Daji.

Tardeo

(1) Mahesh Chavan (BJP) (2) Pravin Padaya.

Vile Parle

(1) Yeshwant (2) Babu Nivate (3) Pakya (4) Bhagya (5) Anil (6) Deepak Gharia (7) Dilip (8) Raju Shivgan (9) Shamu (10) Mahadev (11) Pradeep Vedak (Municipal Councillor - Shiv Sena) (12) Salvi and his two sons (13) Vasant (14) Anil (15) Prakash Gondhe (16) Vaman Velkar (17) Udhyia Parab (18) Madhu Sawant (19) Ruiya Khandekar and his sister (20) Sandeep Chavan.

Vikhroli

(1) Datta Dalvi (Municipal Corporator - Shiv Sena) (2) Padmakar Kangutkar (President of BJP's Vikhroli Unit) (3) Awate (4) Laloo Singh (5) Sudhir (6) Members of Guru Datta Mandal (7) Maruti Chellar (8) Pauniya (9) Mani (10) Pradeep (11) Papa Videowalla (12) Albert D'Souza (13) Babu Parab (14) Tauji Gorole (Shaka Pramukh - Shiv Sena) (15) Suryavanshi (16) Sunil Waghmare (17) Vinod Dalvi (18) Harchand (19) Sandeep Patil (20) Asha.

Wadala

(1) Kalimdas Kolamkar (Shiv Sena) (2) Leeladhar Kadam (3) Chandra Kadam (4) Viju Patil (5) Papa Patil (6) Balo Patil (7) Sudhakar Chavan (8) Kashinath Pandagagur (9) Sanjay Chaggare (10) Gharwadi (11) Madhu Kene Jadhav (12) Sanjay Gaimukh (13) Kohdiba Sherke (14) Kerosene Thakur (15) Chanawala Bhaiya (16) Milkwala (17) Michael (18) William Aerol (19) Ashok (20) Pandya (21) Shira (22) Bhaskar (23) Dēepak.

ANNEXURE V

This section relates to a statistical analysis of the statements made by deponents before the Tribunal. This analysis was not made in optimum conditions. Firstly, data was not collected in any controlled manner. Deponents spoke in an unstructured manner to volunteers. The volunteers themselves were varied and disparate in their methods of probing and recording. Lastly due to lack of statistical expertise full use may not have been made of the data collected. In spite of these handicaps several startling results were observed, which are reproduced below.

METHODOLOGY

Data Collection

The areas badly hit by the riots were identified and sittings in such areas were scheduled. There were either both or one Judge present at each sitting.

Statements were voluntarily given. In some areas though, the Hindu representation was actively pursued by making home visits. The Public Witness Statements were direct depositions before one or both the Judges. The Written Statements were recorded by volunteers. "In-depth interviews" were conducted. There was no fixed format of questions asked, deponents narrated what had happened to them with subtle probing. The disadvantage of this method was that there were a lot of gaps in the data fields. The advantage was the spontaneity with which the deponents spoke about their experience and feelings.

There were 26 sittings between 22.2.93 and 10.4.93. 234 Public Witness Statements and 1812 Written Statements were collected. Of these 1779 statements were transferred into data codes.

Transfer to Data Sheets

These loose unstructured statements were transferred to data sheets for data entry. Attached is a copy of the data sheet.

Below is a brief explanation of the fields used.

General Information

This includes name, permanent address, present address, sex, age, community, period of riot and occupation. The areas were coded in accordance with the police station under whose jurisdiction they fell.

CAUSE OF RIOTS

This was entered with multiple codes, as more than one cause could be given by a deponent. *Communal disharmony* was entered as the cause if the deponent had stated that tension persisted between the communities or communal slogans were shouted. Politicians or their associates making speeches or putting up Notice Boards was entered as *Political Parties* being the cause. Thus the cause of riots was based on the perception of the deponent. The other fields in this table were similarly coded.

EFFECT OF RIOTS

Loss to person

Most of the fields in this table are self-explanatory. *Threat to life* was entered when specific threats were made to the deponents to leave the area or be killed.

Damage to property

This was entered only when specifically mentioned. *Destruction* was entered when the structure was damaged, but when in doubt *partial destruction* was entered. *Burning* was entered when actual structures were burnt. *Loss of employment* was entered when a deponent lost his job due to absence from work during the riots or the work place being in an area predominated by members of a different community.

Loss to family/known

Most of the fields in this table are self-explanatory. "Known" denotes persons identified by name from the same area by the deponent. *Education disrupted* was entered when the child missed a year due to riots or was unable to secure admission in schools on moving to a new area. *Medical problems* was entered when there was prolonged physical ailments or mental trauma. *Earning member dislocated* was entered when the sole-earning member of a family was killed or permanently disabled.

LAW AND ORDER

Police (a) *inadequate* : not enough present (b) *inaction* :

present but inactive or called for help but did not come (c) *collusion* : seen talking to or otherwise supporting rioters (d) *participation* : active participation in the rioting e.g. killing, looting (e) *bias* : communal abuse or comments (f) *firing at victims* : when innocents and not rioters were fired at (g) *false arrests* : when deponents stated that the arrestee was innocent (h) *refusal to register complaints* : includes refusal to note names of miscreants (i) *no follow-up* : when no action was taken in respect of complaints filed and against the miscreants (j) *helpful* : when aided victims.

The rest of the fields in this table are self-explanatory.

Army - Whether present or absent and if so, whether satisfied or not.

RELIEF OPERATIONS

Government

Police help was entered when protection and escort was provided to the victims. *Certificates/bonds* were entered when compensation was paid and *part-payment* was entered when part compensation was paid to the legal heirs of the deceased. *Panchnama irregularities* was entered when the Police did not make the Panchnamas or did not give copies of the same to the victims or incorporated incorrect information.

It was assumed compensation had been applied for by the deponent if a copy of the Panchnama had been produced. "No" was entered when the deponent specifically stated he had not applied for compensation, otherwise it was assumed that the deponent was not aware of the proper method of applying for compensation. The amount of damages were entered where available.

The fields were mostly coded in the same manner as that of the Government. *Housing* was entered when the deponent received help from the N.G.O. in acquiring permanent housing.

Experience at Hospitals : This field is self-explanatory.

COMMENTS AND PERCEPTIONS

Pre-riot, Post-riot, Key Observations

This table reflected the feelings and perceptions of the deponents before, during and after the riots. Any other comment which could not be categorised in the above tables was added here.

ANALYSIS

Sample and Spread

Totally 1779 statements were analysed from over 50 different areas in Bombay. For analysis these areas were grouped together in 9 groups:

Eastern 1: 105 statements. Kurla, Chembur, Mankhurd, Govandi, Trombay and Tilaknagar.

Eastern 2: 267 statements. Bhandup, Kanjur, Ghatkopar, Vikhroli and Mulund.

Western 1: 101 statements. Bandra, Bharat Nagar, Khar, Kherwadi, Nirmal Nagar, Santa Cruz, V.P.Road and Vile Parle.

Western 2: 324 statements. Andheri and Jogeshwari.

Western 3: 171 statements. Borivili, Dindoshi, Kandivli, Malad(W), Malwani and Goregaon.

Southern 1: 301 statements. Agripada, Gamdevi and Lamington Road.

Southern 2: 158 statements. Dadar, Bhoiwada, Parel, Kalachowky, Worli and Tardeo.

Central 1: 93 statements. Mazagaon, Byculla, Dongri, Nagpada, N.M.Joshi Marg, Palton Road and Pydhonie.

Central 2: 259 statements. Antop Hill, Chuna Bhatti, Dharavi, Mahim, Matunga, Wadala, Sewri and R.A.Kidwai Marg.

For convenience these will hereafter be referred to as E1, E2, W1, W2, W3, S1, S2, C1 and C2. The highest response was from W2, S1, C2 and E2 and the lowest response was from E1, W1 and C1.

1779 statements spread across these regions in Bombay gives a good demographic spread. Further, there was an even spread between the male and female deponents. The age distribution also indicates an even distribution, concentrated between the ages 30-40. This indicates a proper representation of the population and along with the geographical spread shows that the sample is not skewed because of the above factors.

It has been observed that of the 33% who disclosed their occupation; over 50% were skilled workers or small traders. Thus, the sample is representative even on this score.

Migration

This section deals with migrations during and after the riots. The movements were studied by comparing the present address with the permanent address of the deponents. The results are as below.

Largest movements (away from) :

	Permanent address	Present address	% moved
1. Antop Hill	172	72	52.99
2. Kandivli	25	12	52.00
3. Ghatkopar	93	86	7.53

Largest movements (into) :

1. Bandra	10	14	40.00
2. Jogeshwari	138	190	37.68
3. Malwani	50	69	38.00
4. Byculla	39	44	12.82
5. Andheri	186	197	5.58

Antop Hill and Kandivli were the main areas where fear still persists.

The Bandra sample is too small to be of any significance. The movement into Jogeshwari, Malwani and Byculla, to a large extent was due to these areas being predominantly Muslim and also because several relief camps were set-up here. About 30% of the deponents stated that they were unable to return to their respective areas either due to destruction of their homes or due to fear or due to threats. It can be safely assumed that Muslims, who form over 90% of the deponents have moved out of areas like Antop Hill and Kandivli and into traditional Muslim pockets.

When and where

It was surprising to note that persons deposed about incidents of rioting taking place on various dates of December 1992 and such incidents extended right until 31-12-92. There also seem to have been some incidents of rioting on 4-1-93. However the largest concentration of rioting is from 6-12-92 to 8-12-92 and from 6-1-93 to 13-1-93. There were 201 entries for incidents of rioting in December 1992 and 1455 entries for January 1993. The remainder of the deponents were not present during the period of rioting and therefore do not know when the rioting occurred.

The December 1992 riots

In December 1992 the entries are concentrated between 6-12-92 and 8-12-92. Out of the 201 entries, 125 (62.5%) were between 6-12-92 and 8-12-92. In fact the graph of the December 1992 entries shows a sudden outburst on 6-12-92/7-12-92 which tapers away to almost total calm (See Graph I). This clearly shows that the December 1992 riots were a spontaneous outburst as a reaction to the destruction of the Babri Masjid and died away fairly quickly.

The January 1993 riots

The entries of the January 1993 riots tell a different story. Here too the entries are concentrated, but over a larger period. The riots appear to have been intense from 6-1-93 to 13-1-93. In fact, 95.6% of the entries are for this period. The graph for this period however, is not a tapering graph (an exponential curve) like the December 1992 graph (See Graph II). It is in the form of a "normal" distribution. This means that the rioting did not quickly subside and was not a sudden outburst. A "normal" distribution is the distribution of a random population around a norm. In fact, the graph deviates from a true normal on 6-1-93. This deviation is about enough to compensate for what would have been the left taper of a true normal. If the Shiv Sena Supremo were to give a call to all his shakhas to attack Muslims from 6-1-93 onwards, some would have been ready on 6-1-93 itself. Some shakhas might even have been ready earlier but might have held back till 6-1-93, hence the discrepancy for this date on the graph. Other shakhas, being not so efficient, would take upto 7 more days to answer the call. If the efficiency of the shakhas was distributed around a norm of 3 to 4 days after 6-1-93, (i.e. 9-1-93 to 10-1-93) then this is exactly the curve that we would expect to see. Further, the entries for 6-1-93 are mainly in areas C2, E2, W2 and S1. These 4 areas account for 79.17% of all entries for 6-1-93. This disproves the reasons being forwarded by the state and Hindutva forces that the causes of the riots were :

- i) stabbings in JJ Hospital area (C1 area), and
- ii) stabbing of Mathadi workers in Masjid area (C1 area)

It must be remembered that the so-called "Radhabai Chawl" incident of Jogeshwari, which is the third cause being advanced for the riots, occurred on 8-1-93.

Community

Overall there was a 93% representation by Muslims and 4.2% by Hindus. The overall figures of victims according to community are not available at present, but it seems amazing to believe that Hindus and Muslims were equally affected after studying these figures. The statements given were voluntary and if a very much higher percentage of Hindus were affected, it is strange that they did not volunteer information. In Bombay, where the Muslim community has about a 14% representation, it is astounding that the respondent victims were 93% Muslims. The S1 statements were collected in a Muslim area where Hindus may have feared to come forward. The Hindu representation here is only 1%. Effort was made to keep sittings in neutral territory. In fact, in some areas, volunteers went into Hindu homes to collect statements. These areas include Govandi and Reay Road.

Cause of Riots

Multiple choices were recorded under this heading. The major causes were communal disharmony, political parties and local thugs. An interesting fact is the correlation between local thugs and communal disharmony. Both these are high in S1 and S2. The rest of the figures for these two causes also follows the same pattern. There is also a correlation between political parties and local thugs. The figure for the entries which gave communal disharmony as the single cause for the riots was 9.44%, which is quite low. This indicates that communal disharmony could have been deliberately created by local thugs or politicians as the response of communal disharmony was often given along with these two responses. The response to the police being the cause for riots was also high being highest in E1 which includes Govandi and W1 which includes Behrampada. In these two regions, Communal disharmony was low. The percentage which showed land grabbing as a cause of riots was very low (0.7%) though this was one of the major arguments put forward by the press and the government as the cause of riots. The figure for entries which gave Maha-Aartis as a cause for the riots was only 3%, but this may be because people were not specifically questioned about them. The cause of riots, as previously mentioned, are based on perceptions and a good 44.2% of the deponents have not indicated any cause. The overall trend of feelings on the part of the victims is that political parties and "goondas" were responsible for causing disharmony as well as the actual rioting.

Loss to person

Overall assault is low at 9.4% whereas threats are high. Threat to life is particularly high at 20.3% overall. About 64.6% of the deponents have not indicated injury and hence it can be concluded that they were not physically hurt abused or threatened in any way.

Damage to property or business

Looting is the highest response in this section with 61.2% of the entries overall. Looting burning and destruction were evenly distributed across all the areas. The figure for looting is low in areas where the police as a cause of riots were indicated by a large number i.e. E1 Govandi and W1 Behrampada. Destruction of property was mentioned by 44.1% of the deponents while arson was mentioned by 12.2%. The figures for arson are higher in predominantly Muslim areas and not in mixed areas. This may be because in mixed areas fires would have spread to Hindu homes.

Loss of family or known

Out of 1779 deponents, 79 deaths of family members have been reported. This figure of 4.4% is high. If Bombay's population is assumed to be 10 million and 1% were affected by the riots the total death toll would be 4,400 at this rate!

Again, assault was low but even across the areas though peaking in C2, which includes Antop Hill and E2, which includes Govandi and W2, which includes Malwani. Similarly a trend can be seen on the responses which indicate assault of known persons. The assault figures for self, family member and "known" are highest in the above three regions. A surprising trend was noticed in that figures for looting and destruction of property varied inversely with the figures for assault and death, i.e. looting and destruction of property was high where assault was low and vice-versa. The figures for arson follow another pattern, as the figures for arson were high in areas where assault was high.

Disruption of education is high in C2 as also medical problems. C2 includes Antop Hill where very violent rioting took place. There were several incidents of gross atrocities reported. Fear to return to these areas persists and hence there is a large amount of medical trauma. Children were moved away from this area and parents have not been able to find schools for them or have not been able to afford the high fees demanded for transfer to a new school.

Status of permanent dwelling

This is one field where the loose form of questioning has led to a paucity of information. 76.8% of the deponents have not answered, but the high percentage of 9.3% who state that they cannot return due to fear and 3.2% who state they cannot return due to threats is still significant. This indicates continued fear and persecution. The C2 area (Antop Hill) indicates a higher percentage of this where in fact there has been a large move away. The W1 area (Behrampada) also is high in this, where again there have been large scale attacks on the population as also police firing into crowds of people putting out fires.

LAW AND ORDER

Police

A large number of the deponents have felt that the police did not provide any protection. The fact that the January riot continued unabated for so long till the army was deployed in many places also supports this view that the police have not taken adequate measures to stop the riots. The entries about the police were also given multiple fields, i.e. one deponent may have made many different comments or one or none. However, some fields i.e. inaction, collusion and participation were exclusive. A separate field viz. harassment by police was created to indicate any one of inaction, collusion, participation or firing on victims. The entries in this field were 53.6% overall. In W1 (which includes Behrampada) this is actually 95% and in E1 (which includes Govandi) it is 61.9%. False arrests are mentioned by 25.7% of the deponents in E1 and 15.8% in W3. Even assuming that inaction and collusion are perceptions of people, coupled with inadequate protection (where the number of police were not enough) the figures show a high degree of feeling that the police have hardly provided any protection during the riots. Only 2.8% of the deponents have indicated that the police were helpful.

Post riot follow up by police is also inadequate. This is borne out by the figures of 7.1% of the deponents indicating that complaints against miscreants were not recorded and 9.5% indicating that there has been no follow up i.e. the miscreants are still at large. The figure for deponents who mentioned participation by the police in the riots is particularly high at 17.1% in E1 where in fact, police have been indicated as the main cause of the riots. Overall, active participation of the police is alleged by 6.7% of the deponents. Low as this figure may

seem, it is yet too high to accept, that the police force was indeed attempting to maintain law and order.

Injuries by police

There is a high number of injuries and deaths due to police bullets. The total deaths recorded of family member and known persons (where there will be some overlap) are 183. Out of these 58 deaths have been caused by the police i.e. 31%. Similarly figures for deponents who mentioned assault to self (167), to family members (131) and to known persons (106) total to 404. On the other hand, 123 deponents have mentioned the police causing simple and grievous hurt. Thus, 30% of the total assault was due to the police. Besides these 116 deponents have indicated injuries due to police bullets. There were also 3 rapes recorded involving the police. A high number of deponents (7.6%) indicated verbal abuse and threats. Out of the 79 deaths of family members recorded, 21 are attributed to police i.e. 26.58%. Even if it is assumed that a very few people (10%) were actually on the streets during the riots to observe police behaviour, and what most of the deponents say is just hearsay, the overall feeling of the deponents shows a lack of faith in police protection. Most of the deponents feel the police will not help them and this is supported by the fact that 16.6% of the deponents have actually not been allowed to register complaints or have not had their complaints followed up. It is necessary to add here that most of the deponents have not even attempted to register their complaints due to fear of persecution by the police.

Army

Only 5% of the deponents have made any mention of the army. Out of these 75% have indicated that they were satisfied by the protection provided by the army. But, the sample size is too small to make any conclusive judgment.

RELIEF OPERATIONS

Government

the total number of deponents who have applied for compensation is 1073 and 993 of these have said they received inadequate compensation. This is a huge 92.54%. In fact, 729 (67.94%) deponents had not yet received any compensation



whatsoever. Another significant fact that emerged was the large number of deponents that said that they were not aware or the correct method of applying for compensation, this figure was 36.7%. This indicates a definite lack of govt. and non-govt. agencies to guide the victims of riot on the correct procedure to apply for compensation. E2, S2 and S1 record the highest figures, 81.3%, 78.4% and 61.4% respectively, for deponents who have applied for compensation. This may indicate that the relief committees in these areas are providing adequate assistance to the riot victims in these areas.

In E1, which includes Govandi, W1 which includes Behrampada and W2, which includes Jogeshwari a large number of deponents have not even been given panchnamas by the police. In fact in these 3 areas there has been a large degree of inaction and indifference by the police. The highest figure for non-awareness of the correct method for applying for compensation is also from E1 and W1.

79 deponents have said that a family member was killed during the riots. Out of this 54 (68.35%) have applied for compensation. The rest are probably not aware of the method to apply. 21 deponents out of the 53 that said they have applied have been allocated compensation of Rs. 30,000 in cash and Rs.70,000 in bonds maturing in 5 years. Thus the Percentage of deponents who have applied but not received compensation, 60.38%, for death of kin is also high. The tardiness of government agencies to distribute relief reflects in this.

Relief by N.G.O's

Surprisingly most of the deponents, 90.1% have not given any information on N.G.Os. This could be because no specific questions were asked as regards relief measures.

Experience at hospitals

123 deponents have reported visits to hospitals during the riots. If it is assumed that hospitals were only visited when a person was grievously hurt, then this figure is quite representative since totally 130 deponents have mentioned grievous hurt to self or to a family member. Overall 66.67% of these deponents have indicated adequate treatment in hospitals.

NOTE :

The above statistical analysis supports the findings of the qualitative analysis, to be found in the main report.

SAMPLE DATA COLLECTION SHEET

Statement No:
Name of Investigator:
Respondents Name:
Address (Present):
Address (Permanent):

Present Area:
Age:
Occupation:
Incident Code:

Permanent Area
Period of Riot - Start Date ----- End Date
Community

SECTION I CAUSE OF RIOTS

Communal Disharmony	1	Local Thugs	4	Police	7
Personal Vendetta	2	Crime Syndicate	5	Land Grabbing	8
Political Parties	3	Maha Artis	6	Other	9

Section II - Effect of Riots Loss to Person

Simple Hurt	1	Rape/Molestation	4	Verbal Abuse	7
Grievous Hurt	2	Threat to Life	5	Severe Burns	8
Harassment	3	Threat to Property	6		

DAMAGE TO PROPERTY/BUSINESS

House looted	1	Shop/Cart looted	5	Vehicle Burnt	9
House Burnt	2	Shop/Cart burnt	6	Vehicle Dest. Part	A
House Dest. Partial	3	Shop/Cart Dest. Part	7	Vehicle Dest. Comp	B
House Dest. Complete	4	Shop/Cart Dest. Complete	8	Loss of Employment	C

LOSS TO FAMILY/KNOWN

Death of Family Member	1	Death of Known	5	Disruption of Ed.	9
Simple Hurt-FM	2	Simple Hurt - Known	6	Harassment	A
Grievous Hurt -FM	3	Grievous Hurt - Known	7	Medical Problems	B
Rape/Molestation -FM	4	Rape/Molestation-Known	8	Earning member	
Family Member missing	-	Known missing	-	dislocated	C

STATUS OF PERMANENT DWELLING/AREA

Rebuilt	1	Illegally occupied	3	Unable to return	
Destroyed State	2	Unable to return		due to threat	5
		Due to fear	4		

SECTION III LAW AND ORDER FORCES

Role played by Police

Inadequate protection	1	Participation	4	False arrests	7
Inaction	2	Communal Bias	5	Refuse register complaint	8
Collusion	3	Firing at victims	6	No follow-up of complaint	9
				Helpful to victims	A
Bullet injuries	1	Threats	5	Police Station :	
Simple hurt	2	Sexual harassment	6	Police identified :	
Grievous hurt	3	Death	7		
Rape/Molestation	4	Verbal abuse	8		

COMPLAINT NO: _____

Contd/-.....

ROLE OF ARMY

Present 1
Absent 2

SECTION IV RELIEF OPERATIONS

Relief by Government

Police help 1
Bonds/Certs 2
Medical 3

Compensation Applied for Y N Compensation applied for Rs.
Estimated Damage Rs. Bribe Collected Rs.
Compensation Received Rs.

RELIEF BY SOCIAL WORKERS

Police Help 1 Food/Clothing 4 Name of NGO:
Volunteers Help 2 Vessels/Stoves 5
Medical Help 3 Housing 6

EXPERIENCE AT HOSPITALS

Name of Hospital
Refusal to admit 1 Trouble with Medical Certificate 3
Inadequate Treatment 2 Bad Treatment (rudeness etc.) 4

SECTION V COMMENTS AND PERCEPTIONS

PRE-RIOT

POST-RIOT

KEY INFORMATION

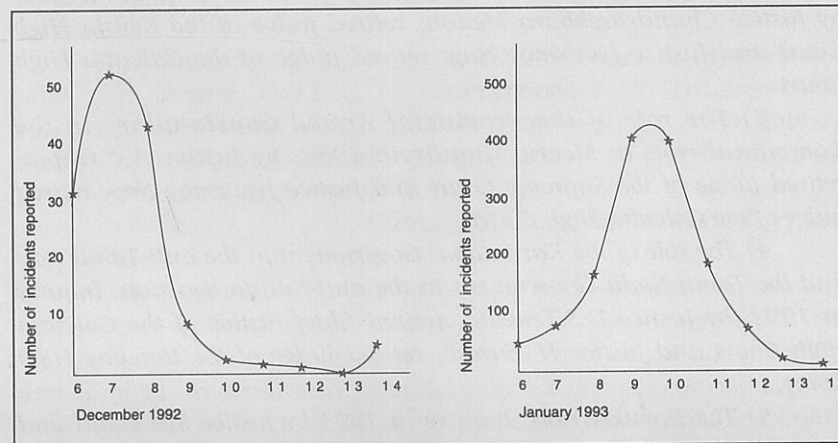
RIOTERS NAME AFFILIATION

PRESENT THREATS NAME AFFILIATION

KEY OBSERVATIONS

TABLE SHOWING NUMBER OF INCIDENTS REPORTED

X-axis Date	Y-axis Number of Incidents Reported	
	December 1992	January 1993
6	30	48
7	51	71
8	44	169
9	7	422
10	3	412
11	4	169
12	3	76
13	0	24
14	5	19



THE INDIAN PEOPLE'S HUMAN RIGHT'S COMMISSION

The IPHRC was formed on January 10, 1987, the first of its kind in India. The Commission consists of Human Right's activists from all over India. The President of the Commission is Mr Inder Mohan.

The IPHRC has set up the Indian People's Human Right's Tribunal, the members of which are former judges of the High Court and the Supreme Court. There are 14 judges on the panel of the Tribunal. The chairperson of the Tribunal is Justice V.R. Krishna Iyer, a former judge of the Supreme Court

The Tribunal investigates and reports on cases in which there are gross, systematic and/or significant violations of human rights by the State. The Tribunal tries the cases and passes judgements on them after processing and evaluating the accumulated evidence.

The issues which the Commission has taken up are.

1) *The firing at Arwal in Bihar, in which 23 people were massacred. Inquiry in 1987: by Justice P.S.Potti, retired Chief Justice of the Gujarat High Court and Justice T.U.Mehta, retired Chief Justice of the Himachal Pradesh High Court.*

2) *The burning of 646 huts of tribals in the district of Visakhapatnam by the Andhra Pradesh Government. Inquiry in 1988: by Justice Chandrasekhara Menon, retired judge of the Kerala High Court and Justice Jyotirmoy Nag, retired judge of the Calcutta High Court.*

3) *The role of the Provincial Armed Constabulary in the Communal riots at Meerut. Inquiry in 1988: by Justice A.C.Gupta, retired judge of the Supreme Court and Justice Jyotirmoy Nag, retired judge of the Calcutta High Court.*

4) *The role of the Karnataka Government in the anti-Tamil riots and the Tamil Nadu Government in the anti-Kannadiga riots. Inquiry in 1992: by Justice D.S.Tewatia, retired Chief Justice of the Calcutta High Court and Justice H. Suresh, retired judge of the Bombay High Court.*

5) *The Bombay riots: Inquiry in 1993 by Justice S.M.Daud and Justice H.Suresh both retired judges of the Bombay High Court.*

The Tribunal's main findings are being validated and confirmed in hearings of the official Srikrishna Commission now sitting in Bombay. Indeed, some extremely damaging evidence has emerged in the proceedings of Shiv-Sena-BJP-police collusion, the state's permissive attitude towards fascist propaganda, official tampering with primary police records, as well as the comprehensive failure of the government to protect that most basic of all fundamental rights, the right to life....

In an important statistical analysis, the tribunal's report nails yet another *Hindutva* lie. It graphically maps the violent incidents from January 6 to 13 and finds that the curve is almost "normal". This means that rioting did not suddenly erupt or subside. It followed a call on January 6 by Bal Thackeray to attack Muslims. The response-efficiency of the Senas different *shakbas* can be expected to be distributed around a norm of three to four days after January 6. The curve follows precisely this pattern.

This is not all. The areas that account for almost 80 per cent of all incidents on January 6 are located far away from the JJ Hospital and Masjid localities where stabbings of Hindus were alleged to have "provoked" retaliation. In other words, two of the three anti-Hindu incidents cited as the root-cause of the pogrom have no casual relationship with it. And the third, the Jogeshwari incident in which Hindus were burned alive, occurred in an even more remote location, on January 8.

The conclusion is inescapable: the riots were a pre-meditated affair that needed, and had, no provocation. If Mr. Thackeray still roams free - and holds talks at a health resort with Mr. Sharad Pawar - then in his freedom lies the unfreedom of millions of people whom the government seems to have no will to protect.

Praful Bidwai, *The Economic Times*

Despite the limitations in collecting evidence, the commissions macro-level findings appear mostly accurate. Its analysis that the January riots was an organised crime perpetrated by the communalists and criminals in connivance with the police has been corroborated by most accounts of the riots so far. In particular, the commission unlike an earlier state government report, has high-lighted the role played by *maha-artis* in building up communal tension.

The report has also helped to get rid of the grey area surrounding the ubiquitous "foreign hand" and the "builders lobby". During the riots, there had been much propaganda about how

Bangladeshi infiltrators and land-grabbers had sustained the violence. No evidence whatsoever of a foreign hand was found by the commission, while less than one per cent of the witnesses cited land-grabbing as a cause for the rioting.....

Of greater value, perhaps, are the short-term and long-term recommendations made by the commission to heal the wounds of the riots. Of these, the one which the government needs to consider immediately is the constitution of special courts for trying riot-related offences.

Rajdeep Sardesai, The Times of India

While the two sets of riots - in Bombay and Delhi - were different, certain common threads have emerged, the most important being the attitude of the police towards the minorities in their long-term recommendations, Mr. Justice Daud and Mr. Justice Suresh have urged that the police force be revamped and reoriented. This is not a new suggestion. Each time there is a communal or caste-based violence, and the partisan role of the police is on display, this issue is brought up. Yet, year after year, the situation seems to be getting worse.

The most important short-term recommendation by Mr. Justice Daud and Mr. Justice Suresh is that special courts be set up to try riot-related offences. Already, the Bombay police have registered 1500 cases in connection with the riots. These cases, which will be heard in the Sessions Court will drag on for years. There can be no justice if the victims have to face this kind of delay.

In Delhi, the delay in the riot cases, and the inexcusably indifferent attitude of the police, will further erode the confidence of the poor people and the minorities in the system of law and justice. In Bombay, given the evidence gathered by the IPHRC and the manner in which the Srikrishna Commission is progressing, there is some hope that things might be different. However, one will have to wait and see if the government will eventually act on these reports, or choose to bury them like so many others.

Kalpna Sharma, The Hindu

The enquiry of the IPHRC tribunal brought another important issue to the forefront: do citizens have a right to enquire into a matter of public importance once the government has appointed a commission of enquiry? Twice notices were served on Justice Daud and Justice Suresh to show cause why action should not be taken

against them for bringing the official commission into disrepute. This raised the basic democratic issue of whether the citizens lose their right to investigate and comment on matters of public importance once an official commission of enquiry is appointed. A commission normally takes five years to complete its investigation. This will mean that the freedom of expression will remain suspended for a long period regarding a momentous event such as the demolition of the Babri Masjid or the Bombay riots simply because an enquiry commission has been set up and this will apply to all public organisations, including political parties. Such a restriction is alien to the scheme of the Constitution. Even in an emergency the fundamental rights can be curbed only by a presidential proclamation.

A commission of enquiry is basically an executive body, the purpose of which is to enlighten the government on some issue or issues of public importance. The report of the commission may be published, may not be published, may be accepted, may not be accepted and may be acted upon or may not be acted upon. It is not necessary that the person appointed as a commission of enquiry be a judge. A ruling party politician or even a police official can be so appointed. Clearly, it is a travesty of a democratic system that such a commission should preclude all other enquiries and reports.

P.A. Sebastian, Economic and Political Weekly

The report must be read by every Bombayite to know what happened, why and where.

M.V. Kamath, Mid-Day,

NOTES

