

Shalini Gera
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March 23, 2002

To:

Justice J.S. Verma, Chairperson
National Human Rights Commission
Sardar Patel Bhavan
Sansad Marg
New Delhi 110 001
Fax: 011 91 11 334 0016
Email: chairnhrc@nic.in

Re: Update on the Petition Protesting the Gujarat Government's Behaviour During the Recent Communal Riots

Honourable Justice Verma,

This letter is to provide you with an updated list of signatories to the petition protesting the behavior of the Gujarat Government during the recent carnage and in its aftermath. This petition has been available at <http://www.petitiononline.com/nhrc> since March 6th for signing. As you will recall, I had emailed you this petition with the first 1098 signatures on March 11th. The petition currently has more than 4200 signatures and continues to gather more signatures at the rate of over two hundred a day. A copy of the petition, along with the list of signatories to date, is appended. You may wish to visit the above website to check on the current status of signatures. I will be providing the NHRC with regular updates on the status of the petition.

The signatories to the petition come from all over the world, from within India as well as without, from different religions and different walks of life, **all united in their aim to support India as a unified, secular and democratic nation.** We are all deeply disturbed by the partisan nature of law enforcement by the Gujarat Government during the recent communal disturbances which goes against the secular nature of the Indian constitution, and request the National Human Rights Commission to ensure justice for all victims of these riots.

- We support NHRC's decision to reject the Gujarat government's report and agree with its assessment that there is still a state of insecurity among the minority communities in Gujarat. We also applaud the NHRC's decision to visit the relief camps in Gujarat in order to inform itself of the conditions. We wish to register our total dissatisfaction with the Gujarat government's lack of effort to provide relief or succor to the survivors of the carnage. Some points with respect to its insensitivity particularly stand out:
 1. The government was very slow to provide relief to the camps. While the displaced people started reaching the relief camps on the 1st of March, the government aid was only made available to the camps after the 6th of March, and in some cases, not until the 8th of March. We request that the NHRC also look into the reasons for this unforgivable dereliction of duty by the state.
 2. The NGOs who are carrying out relief operations in these camps have complained that when government supplies do reach the camps, the material is substandard and not fit for consumption, such as torn clothes that were rejected from the earthquake relief operations. The NGO workers are also facing continual harassment and are operating at great personal risk.
 3. We note with disgust that the Gujarat Civil Supplies Minister, Bharat Barot, has recommended to the State Minister for Home Gordhan Zadaphia that some relief camps be dismantled as the

- (Hindu) communities around the relief camps feel threatened. We would like to remind the ministers involved that maintaining law and order, and providing relief to victims of violence, are both non-negotiable duties of the State, and they are not mutually exclusive. We fear that steps such as dismantling relief camps and moving them to Muslim majority areas will further fracture the already ruptured society in Gujarat, and lend credence to the baseless suggestions that any concentrated community of Muslims is a potential threat to security.
4. We are also appalled at the insensitivity of the government towards students who have been displaced and are now forced to take their examinations under totally unacceptable conditions. Instead of making any effort to alleviate the conditions of those who have been forced to flee the ashes of their homes and take refuge in crowded relief camps, the government has even withdrawn the reprieve it granted the students on March 15th, forcing all those outside of Ahmedabad and Vadodara to appear for these exams, even in curfew bound areas. In Bharuch, the extension was granted only after a 12-year old student was killed while trying to make it to the examination center.
- While recognizing that the Government has set up a judicial enquiry to investigate the causes of the communal violence, we wish to point out that the appointment of Justice K.G. Shah to this one-person enquiry is not appropriate if the enquiry into the riots is to be free and fair. Justice Shah has worked closely with the state government which is directly implicated in these riots, and there are reasonable doubts about his independence. **We therefore second the demand of Gujarat NGOs that the judicial panel be composed of sitting Supreme Court Justices, appointed by the Chief Justice and not by the State Government, who will be less prone to influences exerted by the State apparatus of Gujarat and can ensure the independence and impartiality of the commission.**
 - We are heartened that the Government has decided to adhere to the advice of the Advocate General and not use the provisions of POTO in prosecuting the Godhra accused. We hope that the NHRC will ensure that the draconian provisions of the POTO are not used in any situation where the Indian Penal Code can serve fully well.

The petition and the signatures are attached. The petition-hosting website has a policy of confirming each signature through an email address, and we have also made efforts to eliminate duplicate and spurious signatures. Many of the signatories have taken the initiative to write personal, thoughtful comments along with their signatures on the petition. We have appended a separate document to highlight some of these comments.

Thank you for your consideration,

Respectfully,

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- Encl:
1. Petition to the NHRC, drafted March 6th, 2002
 2. Appendix
 3. List of 4233 signatures to the petition

PETITION TO THE NATIONAL HUMAN RIGHTS COMMISSION

To:

National Human Rights Commission
Sardar Patel Bhavan
Sansad Marg
New Delhi 110 001
Fax: 011 91 11 334 0016
Email: chairnhrc@nic.in

Re: GUJARAT GOVERNMENT'S BEHAVIOR DURING COMMUNAL RIOTS

We, the undersigned, strongly condemn the recent spate of violence in Gujarat and the Gujarat government's shameful behavior during these riots. Having lost confidence in the capacity of the Gujarat government to deal with the current crisis, we call upon the National Human Rights Commission to safeguard human rights and ensure justice for all residents of Gujarat.

The horrendous massacre of the passengers of the Sabarmati Express at Godhra is a reprehensible act and should be condemned in the strongest possible terms. It should be dealt with under the purview of the Indian constitutional law, which has provisions for dealing with such matters of gross criminality.

Instead of apprehending and bringing to trial the perpetrators of this criminal act, the Gujarat state machinery has decided to punish an entire community by letting loose reign of terror on the minority community. It has been deliberately feeble in its response to the marauding, organized gangs of rioters, and in some cases has actively encouraged this violence by stating that it is understandable and justified (*Soldiers 'held back to allow Hindus revenge,'* The Telegraph, London, March 4, 2002). We strongly condemn the Gujarat State Government for failing to act responsibly on this issue, which has resulted in the loss of more than 500 innocent lives.

We also condemn strongly the delay on the part of the Central and the State government in calling for Army deployments in the riot-affected areas, days after it had been abundantly clear to the national and international community that the state police was ineffectual in containing the violence. (*Where Had All the Soldiers Gone?* The Telegraph, Calcutta, India, March 2, 2002)

We strongly condemn the role of the various religious factions in escalating the violence in Gujarat, for vitiating the communal milieu in the entire nation and creating the polarized atmosphere where such large scale riots are possible. We note with disapproval that several of these groups have close connections to the State Government. (*VHP, BJP workers named in FIR on riots,* The Times of India, March 3, 2002)

OUR DEMANDS:

*** We call for the immediate setting up of an independent and impartial judicial enquiry into the cause of these riots and the government's inability to maintain law and order.** We further demand that the commission's findings be publicly disclosed as soon as possible and its suggestions be made binding upon the state government.

*** We call for immediate assistance, both material and psychological, to people affected by the riots.** We are shocked and dismayed that the state has so far done little to provide relief or succor to those who have lost family members, homes or businesses in the recent riots, or have been forced to move out of their homes because of security concerns. We demand that the state immediately rush medical and food aid to those who have been affected, besides making arrangements to shelter those displaced. We also urge the government to extend monetary assistance for rebuilding homes and businesses of those who have been affected by the riots. The government should take up the rebuilding of the riot-affected communities and businesses as its top priority.

* **We demand that the equal compensation be given to all victims.** All lives are equally precious, and giving smaller amounts of compensation to people of one community over another ([Debate rages over bias in victims' compensation](#), The Times of India, March 6, 2002) makes a mockery of the principles upon which India was founded. We demand that the amount of money accorded to the families of the dead in the riots should be equal to that granted for the victims of the Sabarmati Express fire, and this compensation should be disbursed immediately, impartially, and with complete transparency.

* **We call upon the Gujarat State Government to immediately issue a strong condemnation of those responsible for the violence in the state,** including those belonging to the cadres of the leading political party and its allies.

* **We call for the immediate dismissal of the police commissioners in the cities worst affected by violence,** including Mr. P.C. Pande (Ahmedabad) and Mr. Upendra Singh (Rajkot) who displayed remarkable inefficiency in maintaining law and order, and under whose 'leadership', the police forces turned a blind eye to the rampaging mobs creating havoc in these cities, and carrying out systematic massacres. Mr Pande has gone on record justifying the police inaction as that reflecting the sentiments of the larger community ([Avenging Hindu Mobs Attack Muslims in India](#), Washington Post, Mar 1, 2002). Mr. Singh is reported to have turned off his state-issued mobile phone as soon as rioting started in Rajkot ([Police chief vanishes as Rajkot burns](#), Times Of India, March 1, 2002).

* **We call for the resignation of the Gujarat Chief Minister, Mr. Narendra Modi,** who has shown himself to not just be completely incapable of leading the state in the time of crisis, but actively contributing to a worsening of the crisis by making insensitive statements suggesting that the victims brought the violence on themselves, and that the violence was a result of direct provocation. We, the citizens of a free world, find it particularly insulting that the chief minister should excuse his administration's failure to contain violence by stating the Newton's third law of motion, "Every action has an equal and opposite reaction" (['Newton' Modi has a lot to answer](#), Times of India, March2, 2002). It is no surprise, therefore, that Mr. Modi's constituency, Rajkot, which did not witness any violence even in the wake of the 1992 demolition of the Babri Masjid, has now seen some of the worst carnage.

* **We demand that the Prevention of Terrorism Ordinance (POTO) not be applied in the state.** We share the concerns of citizens of Gujarat about the inability of the current government to assure civic rights to all its citizens. In this light, we ask that POTO not be applied in the state as it allows the government to operate under a cloak of secrecy. We request that all state actions be taken in a transparent and public manner in order to assure the citizens of Gujarat of the sincerity of the government in combating communal violence, and ensuring public confidence in the state machinery.

* **We demand an immediate end to all measures to curb the freedom of press.** If India is to remain a vibrant democracy, it is extremely important that the media be allowed to operate freely. We urge the government to remove all restrictions on the screening of different television channels in Gujarat, and to provide full access and security to media-persons covering the current situation throughout the state.

CC:

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Indian Embassies and Consulates

PETITION TO THE NATIONAL HUMAN RIGHTS COMMISSION

Appendix

We wish to bring to your notice that the petition has been signed by people from around the globe. Even though the petition originated in the San Francisco Bay Area in California, USA, it has gathered signatures from all over India and the US. Signatories also include residents of Canada, UK, France, Italy, Switzerland, Abu Dhabi, Dubai, Saudi Arabia, Kuwait, Pakistan and Australia.

These petitioners reflect the diversity of the Indian diaspora—ranging from truck drivers to University Professors to housewives, from independent filmmakers to journalists to computer engineers and scientists.

Some of the better-known signatories include film-maker Anand Patwardhan, former Chief of Indian Navy, Admiral Ramdas, social activist Lalitha Ramdas, author Chitra Divakaruni, Magasaysay award winner Rajendra Singh, Narmada Bachao Andolan activist Shripad Dharmadhikary, former Pakistani ambassador Karamatullah K. Ghori, human rights activists Dr. Vineeta Gupta and Mukundan Menon, university professors Dr. D. N. Jha (Delhi University), Dr. Kamal Mitra Chenoy (Jawaharlal Nehru University), Dr. Raka Ray (University of California, Berkeley), Dr. Rafiq Dossani (Stanford University), Dr. Hari Sharma (Simon Fraser University), independent film maker Ali Kazimi, journalists Arundhati Parmar and Beena Sarwar, and leaders of Indo-American organizations Srikanth Nadhamuni (former President of Indians for Collective Action) and Pradeep Kashyap (Director of the Indian American Foundation).

Some of the comments below reflect the general mood of the petitioners:

“We trust at least the Human Rights Commission, New Delhi would not differentiate between the blood & religion of human beings, as all humans have similar emotions, similar needs, similar blood color. After Judiciary, Human Rights Commission is the last institution minorities can trust to protect their life, property and Fundamental Rights.”

--Tariq Siddiqui, Uttar Pradesh, India

“This is not just a Gujarat issue. This is not just an Indian issue. This is about upholding the constitution and law & order.”

--Raju Rajgopal, Berkeley, California, USA

“Indian muslims in Canada fully agree with every statement in this petition and we urge the commission to take full action against the chief minister of Gujrat and also the home minister Mr. Advani who are responsible for these atrocities and carnage against the muslims in India. The true face of this racist and communal govt. has been exposed to the whole world and they should be punished.”

--Mohammed Azeem, Toronto, Canada

“We must condemn crimes committed in our name, and plan for long term strategies toward secularizing India and Indians so we might honour the promises we have made to each other in the name of democracy, justice and freedom for all her citizens.”

--Prof. Angana Chatterji, California Instt. of Integral Studies, San Francisco, CA, USA

“I hope this petition will go some way towards shaking us out of our collective amnesia which befalls us every time such despicable and inhumane incidents as the one in Gujarat occur. Words can only offer cold comfort which is too late and too little for the hundreds who lost their lives in Gujarat. Only immediate action can prevent such barbaric incidents from being repeated. The Narendra Modi government must go, resignation is the alternative for people who are conscious of their duty and failure to undertake it ... Fanaticism is a curse, no matter if the color be the 'green' of people calling themselves Islamists or the 'bhagwa' of those who should be ashamed to call themselves Hindus.”

--Rehan Zaidi, London, UK

“I am afraid for a nation that has lost its conscience.”

--Sunitha Rangaswami, Delhi, India

“Home Minister Advani is responsible for internal security and he should have ordered the Indian Army to take control of the situation before it got out of hand. Any one with common sense could have anticipated 'Reaction' from the Hindus in Gujarat (after the train attack in Godhra). I demand that Home Minister Advani, Gujarat CM Modi, Gujarat State Chief Secretary and senior police Officials directly responsible for maintenance of Law & Order be charged in this worst human tragedy perpetrated in the name of religion for dereliction of duty and failure to take appropriate action on time to prevent more deaths and property destruction. I also suggest the matter be referred to World Human Rights Organisation (Commission) in Geneva for a joint probe with Indian Federal Government and the report be made public to bring awareness on the calamity with a view to prevent such barbaric crimes against humanity.”

--Lt.Cdr. S.Venkataraman NM:IN (Ret'd), New Jersey, USA

“Safeguarding human rights is not an option for a state. It's an absolute necessity.”

--Farooq Khan, Toronto, Canada

“It seems like killing of minorities (Sikhs, Muslims, Christians, Dalits) is legal in India. In 1984, 10,000 Sikhs were burnt alive in New Delhi and others cities. If guilty of Delhi killings were punished by legal system (Indian Gov.), then what happened in Gujarat could have been avoided. VHP, Bagrang Dal, and Shiv Sena must be banned to protect secular India. Saheed Bhagat Singh, Saheed Uddam Singh, Saheed Kartar Singh Srabha did not make sacrifice for this kind of India. Mahatama Gandhi ji's soul must be crying today. Sabarmati express train fire responsible must be punish by law--not by burning innocent Indian Muslims. Since when is message of Marayada Pursh Ram ji became burning people alive? Every person (Hindu, Sikh, Muslim) must condemn these barbaric acts, and Indian Gov. must punish the guilty as soon as possible. Sikhs are still waiting for justice after 18 yrs.”

--Jasjit Singh, California, USA

“I hope that this petition is not going to be just filed away and ignored....as a citizen of India and one who's home is Gujarat, I hope my voice against the communal riots is heard.”

--Renu Desai, Berkeley, CA, USA

“I am a 'proud' graduate of IIM Ahmedabad; not unsurprisingly, I haven't heard a peep on the pragmatic IIM-A alumni networks. I am horrified to hear the stories of Government inaction; I was distracted by the impertinence of the Shankaracharya who has been irrelevant to the masses for generations; I am saddened to have to sign a petition against the deplorable destruction of all what I believed my country of birth to be, "the world's largest secular democracy". I do not mourn here a lost romantic notion but protest a failure to deliver on contract-- the promise of equal right to law and order and protection of life and property under the constitution.”

--Chitra Sundaram, London, UK

“I weep for India. The name of Buddha has been associated with a nuclear bomb test. The name of Ram, which was on Mahatma Gandhi's lips as he breathed his last, has become a vehicle for propagating violence.”

--Arjun Makhijani

“Khooon Ke Dhabbe Dhulenge Kitni Barasaaton Ke Baad--(How many monsoons will it take to wash away the stains of blood ?)--These shameful stains are an integral part of the collective guilt of this nation.I strongly condemn the Godhra massacre as well as state-supported massacre of Muslims in the entire state.”
--*Ravindra R. P., Mumbai, Maharashtra, India*

And finally, some comments from the victims of communal violence—current and past...

“Words are short to express the loss of a brother whose body has yet not been found.”
--*Irfan Mohammad Khan, Moradabad, Uttar Pradesh, India*

“They burnt my entire house...my dad’s 25 years of hard earned money and house and all that there was in the house and what had we done to them to have got this? He is broken and this damage is unrepairable...”
--*Miss. Noorie Hakim, Baroda, Gujarat, India*

“We need justice....my house has been turned to ashes and debris...and there is no account of the pain in my heart.”
--*Mrs.Maryam Hakim, Baroda, Gujarat, India*

“I and my parents were survivors of 1947 massacre in Godhra, Gujarat.”
--*Yaqoob I. Bhimla, San Jose, CA, USA*