

## **ZAHIRA SPEAK**

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### **1. March 2, 2002: Statement before Vadodara Police**

#### **(Translated Texts of Statements Below)**

Statements to the Police on several dates in March 2002 after the Best Bakery incidence in Gujarat on 1<sup>st</sup> and 2<sup>nd</sup> March, 2002. (pages 38 to 47, Volume II)

My name is Jahira, D/o. Habibulla Abdul Raheman Shaikh, aged 18 years, occupation household work, residing at Best Bakery, Near Dudhiya Talav, Hanuman Tekri, Dabhoi Road, Vadodara, originally resident of Village Bhagobar, Thana Dumriyaganj, Dist. Blsti, U.P.

Upon being asked in person, I state and give my complaint at S.S.G. Hospital that I am residing at the aforesaid address since last 6 months. We were residing at Slum Quarters, Navapura before that. My father was doing business of bakery. Name of that Bakery is Best Bakery. My father was running this Bakery since last 5 to 6 years at the said place. My father has expired recently before 9 days due to heart attack. I have two brothers and three sisters. Out of them my eldest sister is Sayra, thereafter Nafitulla and then Sabera, thereafter I and younger than me is brother Nafitulla alias Rajubhai. My elder brother Nafitulla has been married. Name of my Bhabhi (brother's wife) is Yasmin. She has gone to her parental house at Chhota Udepur. Name of my mother is Saherunisa. My both brothers are working in the Bakery and we are residing near the bakery in a pakka constructed house of two floors. There are 12 servants in our bakery. House of Jenabbibi Aslambhai Is situated near my house. This Aslambhai is also working in another bakery. In our area, there are two houses of Muslim community and others are of Hindus. Since the curfew is imposed since last 2-3 days, we have kept our bakery closed. My maternal uncle Kousharbhai is also residing with us and he is working in bakery.

On last 1/3/2002, because of the present communal riots, we had gone to the first floor after taking our meal and sitted there vigilantly. And we had off the light and closed the door at about 9.00 at night. At that time one crowd/mob of about 1000 to 1200 persons of Hindu community was coming from Ganeshnagar hutment shouting "put Bakery to fire" and we all stared them from the window. Hence, my maternal uncle had gone down to convince them. But they were not convinced and since they had driven my maternal uncle out from there, he had come to upper floor. And since the crowd had brought petrol with them, the store of woods of Kallubhai situated opposite our bakery was put to fire and started pelting of stones at our house and were also throwing bottles and bulbs filled with petrol, kerosene, etc. and were saying that these are the Muslims set them ablaze. At that time in the room

situated at down floor there were my maternal uncle Kausharbai, my sister Shabera, my aunt Jenab and my aunt Shabnam and twin daughters - Shabnam and Babil of my aunt Jenab and one son and one daughter of aunt Shabnam. And I, my mother, my elder sister Shayra and my elder brother Nafitulla and Nasibbulla and my grand mother Jarina and other servants were on the terrace. At that time the persons of crowd had poured kerosene, petrol, etc. in the room of our first floor and put to fire and made disruptive activities in our house. They had also attacked on the house of Janabbibi residing near us and put it to fire. And the crowd had surrounded us from all the sides and moving there and putting fire to the room at lower floor by taking the woods from the store room situated at ground floor. They were shouting us to get down and were saying that come to the ground floor, otherwise we will demolish your house and were using very abusive language for us.

Till today morning the people of the crowd has surrounded us from all the sides and in the morning we tendered our apology to them and requested them to let us go and we will go to our native place. However, they had not acceded to our request and ultimately when we had got down, the persons of the crowd had tied hands and legs of my both sisters, my both brothers and the servants working in our bakery and told that they will relieve them after beating to some extent. After saying so, they started beating them with deadly weapons like sword, knife, iron rod, etc. to my both brothers and servants. And some of them were trying to drag the ladies towards the shrubs of trees/forest. At that time the police vans had come and on seeing the police, the people started running helter skelter and police saved us and they had taken my brothers and other burnt persons in this hospital by ambulance.

Upon fire being put to our room which is situated on down floor and neary house, the following persons have died - (1) Jenabbibi Hasanbai, (2) Shabera Habibulla, (3) Sabnambibi Firoj Aslam, (4) son of Firoj Aslam, aged 5 years, (5) Sipli – daughter of Aslam, (6) Babli - another daughter of Aslam, twin sisters, aged about 4 years and (7) daughter of Firoj Aslam, aged about 3 years and servants of our bakery (8) Baliram Harijan. Whereas the injured persons who are under treatment are (1) Sajidmiya alias Shahejad, (2) Rajubhai alias Nasimulla Habibulla, (3) Tofil Ahmed Pathlan and (4) Nafitulla Habibulla Shaikh, (5) Rajesh, (6) Prakash. Whereas I do not know the whereabouts of my maternal uncle Kausharbai Abdulrab Shaikh and, brother-in-law of Jenab, who is known as Lula. I received stone injury on my head in the pelting of stones. And our servant Salirn has also received injury on head. We had seen that Jayanti having tea stall at Gajravadi and residing behind our hutment and pond and his nephew Mahesh, who is known as Mafatio and Munno nephew of Jayanti and Pratap and son of Jayanti, whose name is not known and Thakkar, who is leader of our hutment and Kiran, friend of Mafatiya and Jitu, residing in line opposite to our house and Lalo, friend of Mafatiya and Painter, residing opposite us and in the line of shop of Sindhi, etc. were present whereas I do not know others. But I can identify some of the persons of the crowd on seeing them. Therefore,

I state that as an aftermath of the Godhra communal incident took place on 27/2/2002, the riots spread in the Vadodara city and the crowd of people of about 1000 to 1200 surrounded us from all the sides from 9.00 at night of 1/3/2002 till today early morning i.e. till the police arrived there and the persons as aforesaid have attacked our bakery-and houses and poured petrol and kerosene and put them to fire and given blows with deadly weapons and

caused death of the persons stated In the complaint and also caused injuries and put our two rickshaw, tempo and two scooters and one Hero Honda, etc. to fire and burnt them and thus caused damage. Therefore, this is my complaint for proceeding against them legally. My witnesses are the members of my family and others that may be found in the investigation.

The facts stated by me as aforesaid are true.

Before me,  
Sd/- in English  
Police Inspector  
Panigate Police Station  
Vadodara City.

## **2. March 4, 2002: Statement before Vadodara Police**

### **(Translated Texts of Statements Below)**

My name is Jahira, D/o. Habibulla Abdul Raheman Shaikh, aged 18 years, occupation household work, resi. Hanuman Tekri, Dudhia Talav, Dabhoi Road, Vadodara.

Upon being asked in person, I state that my complaint dated 2/3/2002 was read over to me by you, which is true and correct as stated by me. I further states that I have shown the place of incident to you Sir before the panchas yesterday. I have identified the injured persons and the dead bodies of the persons because of burns. And by taking possession of the dead bodies of Muslim people out of the persons died with the help of Iqbalbhai, residing in the society and after death ceremony has been performed. And we are making arrangements for performing after death ceremony of the dead bodies of Firoj Pathan and Nashru Pathan received subsequently. The injured persons, viz. my both brothers and servants of bakery Rahish Amin Mohmed Pathan and Tufel Shaikh and Sahejadjkhan Hasankhan Pathan and Sailun Hasankhan Pathan are admitted in the S.S.G. Hospital for treatment. And in this incident, she and members of her family have receive some injuries. My mother has received injury on head by stone and my elder sister Shaherabanu received injury on head by stone and bottle and my Bhabhi Yasminbanu has received injury on thigh by stone. I have stated in my complaint that my Bhabhi (brother's wife) has gone to her Parental house. But I was not knowing that she has returned on that day and hence it has been stated so. There is no whereabouts of my maternal uncle Kausharbhai and Lula, brother-in-law of Jenabbibi till today.

But during this incident the persons of the stormy crowd were dragging them to ground floor. Therefore, it is my doubt that the persons of the crowd might have thrown them in the wooden store of the bakery situated on the ground and which was on fire and might be burnt them. And it is my belief. Since the marriage of my elder sister is likely to be fixed, we had collected Rs. 1 lac and kept them in a box made from iron sheet, which all he currency notes have been totally burnt.

The facts stated by me as aforesaid are true.

Before me  
Sd/- in English  
Police Inspector  
Panigate Police Station  
Vadodara City

### **3. March 9, 2002: Statement before Vadodara Police**

#### **(Translated Texts of Statements Below)**

My name is Jahira, D/o. Habibulla Abdul Raheman Shaikh, aged 18 years, occupation household work, resi. Hanuman Tekri, Dudhia Talav, Dabhoi Road, Vadodara, original resident of village Bhogobar, Thana Dumriyaganj, Dist. Basti (U.P.).

Upon further being asked in person, I state that I have given my complaint dated 2/3/2002 before you and also given my statement on 4/3/2002 and with reference thereto, I further state that my complaint and statement are true and correct. But because of death of servants of our bakery and of my whole family caused by the persons of the crowd by giving blows with the weapons and by setting them ablaze and putting our bakery house to fire, I was very frightened, because my both brothers, Bhabhi,, my mother, etc. were in the hospital and my father expired before about one month due to heart attack and since I could not suffer such a heavy sad incident, I was frightened and hence at the time of identifying the dead bodies, I identified the dead body of Shabnambibi, residing near my house and also identified dead bodies of her both daughters Babli ana Shipli. I have given the name of Firoj Aslam as the husband of Shabnambibi. But in fact the name of husband of Shabnambibi is Aslambhai. Whereas Firojbhai Shaikh and his wife Jenabbibi and their two children - one son and one daughter, whose names are not known, had come to reside at the place of Aslambhai before one month and were staying towards Gajravadi in rental premises. But feeling that the communal riot would spread and continue for long time, Firojbhai and his wife and children had come to the place of Aslambhai on the earlier day of the incident from Gajravadi. And on the night of the incident wife of Aslambhai, her children, Firojbhai, his wife and their children had come at our house; whereas Aslambhai was not at home.

As I was frightened, I had stated the name of wife of Aslambhai as Jennabbibi instead of Shabnam. But in fact the name of his wife is Shjbnambibi; whereas the name of Firoj is Jenabbibi.

I have stated at the time of giving my complaint that the people of the crowd took away my maternal uncle Kausharbhai and real brother of Aslambhai Harubhai Shaikh, who is known as :Lula. But at present I am absolutely well and I now state that I have seen properly that the people of the crowd had dragged the said two persons and thrown them in the oven which was on fire, of our bakery.

The facts stated by me as aforesaid are true.

Before me  
Sd/- in English  
Police Inspector  
Panigate Police Station  
Vadodara City.

#### **4. April 1, 2002: Statement before Vadodara Police**

**(Translated Texts of Statements Below)**

My name is Jahira Habibulla Abdul Raheman Shaikh, aged 18 years, occupation household work, resi. Hanuman Tekri, Dudhia Talav, Dabhoi Road, Vadodara, at present at B-96, Sahar Colony, in the house of Iqbalbhai Bakeriwala, Ajwa Road, Vadodara.

Upon further being asked in person, I state that I have given my complaint before Shri Baria, Police Inspector, Panigate Police Station and upon the same has been read over to me by you today, I state that it is true and correct, The signature put therein is of mine. The name of Thakkar, social worker of Hanuman Tekri are has been given in my complaint. But the person recording my complaint has committed mistake in understanding it. As per my information, this Thakkar, social worker has expired. There were two sons of this Thakkar, namely Sanjay and Santosh, who is also known as Bharat. I have stated the names of Kiran and Lala, friends of Mafat out of the people of the crowd. The persons of crowd were shouting names of Kiran, Mafat and Lala and therefore, I have given names of both presuming that they might be friends of Mafat. But do not know both the persons or I have not seen them any time. I do not know the person named Vinas. The persons named by me in my complaint were standing with the weapons for the whole night surrounding my house from all sides and they brought down us and my brothers and by keeping us one side, they tied hands and legs of my brothers and servants and started beating them mercilessly and p[ut them to fire and tried to drag us towards the shrubs of trees and during his time since the police arrived there, the persons of the crowd ran away.

He facts stated by me as aforesaid are true.

Before me,  
Sd/- in English  
Police Inspector  
Panigate Police Station  
Vadodara city.

- 5 March 21, 2002 – Zahira Sheikh submitted a memo to the NHRC Commission at Vadodara Circuit House during the visit of the then Chairperson, Justice J.S Verma.

**STATEMENT OF ZAHIRA SHAIKH before NATIONAL HUMAN RIGHTS COMMISSION**

**July 11, 2003**

I had made a statement before the Chairperson, National Human Rights Commission when the NHRC team visited Gujarat soon after the Gujarat riots. It was probably on 21 March, 2002. I have also made statements before the Police and certain other agencies. I made a statement in the court also. I made a request to appear before the Commission and the Commission has granted my request. I wish to make a statement and I am doing so voluntarily.

Statement of SHAIKH ZAHIRA BIBI HABEEBULLAH daughter of Habeebulla Shaikh, at present staying in Bombay on solemn affirmation.

When my sister, Saira received summons for appearance in the court she asked me who our lawyer was. I told her that I do not know the name of the lawyer. Ever since she received the summons we also started receiving threats. One gentleman by the name of Lal Mohd., who also had his business opposite the Best Bakery which had also been burnt and who had also come to live in Ekta Nagar where we were living. He came to our house even before the summons were received on many occasions and kept threatening us not to depose in the court against the accused. He was saying that you should resile from your earlier statement or otherwise even the four of my surviving family members would be killed. He repeated these threats every time he came to the house but we did not believe in what he was saying.

My brother, Nafitullah has acquired a mobile phone. That phone is of Nokia brand. Chandrakant @ Bhattoo Srivastava made threatening calls on the mobile and told my brother that unless we resile from our statement, those who are surviving would also be killed. Madhu Srivastava, a BJP MLA was also giving threats on the mobile phone of my brother. We know that it was Madhu Srivastava because his name and telephone number used to come on the screen of the mobile phone. I have made a note of that number. Threats were also being received by us from Bharat Thakkar. He is also an accused in the case. My brother got afraid after receiving all these threats. My brother Nafitullah told me that I care for my life and

because of these threats now, I will not depose in the court. The day my sister Saira was to appear in the court, Madhu Srivastava also obtained the summons for appearance of my brother, Nafitullah in the court. Our servant, Rais was not staying with us at that time. He had already left for U.P. and had been away ever since his discharge from the Sayaji hospital within 4 or 5 days after the occurrence. Rais had suffered injuries on his two hands, back and other parts of the body. Those were burn and sword injuries. Rais did not appear in the court because he was in UP but my sister, Saira and brother, Nafitullah appeared in the court on 7 May, 2003. After they came back from the court they told me that in the court, people belonging to the accused group and their supporters were there in the court. My brother told me that even the counsel representing the State was taking the side of the accused and other counsel also were only supporting the accused. He also said that the police was supporting the accused. He, therefore, advised me to resile from my statement. My brother told me that Madhu Srivastava was likely to produce somebody posing as Rais in the court. Four days before 17 May, 2003 I received summons for my appearance in the court. The appearance in the court was fixed for 17 May, 2003.

After I received summons I also started receiving threats. The threats were also received on the mobile by my brother. He was told that he should advise me that if I resile from my statement it could save the life of the family and if I do not do so the rest of the family members may also be killed. I told him that I do not have any faith in these political people and that I shall go to the court and make my statement. I was waiting for a Human Rights Group or Relief Committee people to come to my house to take me to the court and give legal assistance but nobody turned up. After I had received the summons I had approached the Relief Committee and enquired the name of our Counsel and also the name of the Counsel representing the State. Relief Committee had a Counsel of the name Sheikhjiwala and I went to him also and enquired from him as to who was my lawyer but he expressed ignorance about it. Daima Kumar and his wife, Tahira are also advocates. I went to them also to make enquiries. They told me that my Counsel was the State Counsel but that they did not know his name. I had requested the Relief Committee and other social worker groups to engage a lawyer for me as I did not have trust in the State Counsel. They enquired if I was able to pay Rs. 4 lakhs for engaging the Counsel and legal assistance because it was a big case. I told them that I have received no help and, therefore, where can I raise this four lakhs rupees from?

On the date when I had appeared in the Court I expected that some fellow Muslim would come to take me from my house to the court but nobody turned up. At 11.00 AM I had to appear in the court along with my mother and younger brother, Naseebullah and we went to

the court in a Rickshaw. When I reached the court premises, then in the room on the ground floor of the court complex I met Chandrakant Bhattoo. He told me that I should again think about it whether I wanted to give evidence in their favour or stick to my earlier statement. He threatened that in case I stuck to the earlier statement the remaining four members of my family would be killed. But in case I resile from it then they would spare all members of my family. He advised me that in the court when I appear as a witness, I should reply in the negative to every question and only state that there was a mob of about 15,000 people and lot of smoke was coming because of the property burning and I could not identify anybody. He told me that all the 12 Defence Counsel, the police, the Judge and the State Counsel had all been bought by them. When my name was called, I went into the witness box. I was administered oath by the Judge. The Counsel asked me if I knew who was the State Counsel. I told him that I do not know. He actually was the State Counsel himself. He told me that his name was Raghuvir Pandya and that was the State Counsel and was fighting the case on my behalf. When I was in the witness box, I noted that in the court room members of the Bajrang Dal and residents of Hanuman Tekri, who were participants in the burning and killing of our people, were present. They were all staring at me. There was one another person who had menacing looks. I did not know his name and did not know who he was. There was no Muslim person in the court room. People only from Hanuman Tekri were there and the man with menacing looks was giving me dirty looks. At that time, two thoughts crossed my mind whether I should get the accused, who had committed crime, punished or save my surviving family members. I decided in favour of my family members. When the State Counsel asked me as to where I was on 1 March, 2002, I told him that I was observing 'roza' and was present at the terrace of our house. The he asked me if I saw the mob and how big the mob was. I replied that the mob was of about 15,000 strong people. Then he asked me if my sister, Sabira was also burnt alive and I replied in positive. He asked me if I had gone to the police station and made a statement and if so, how many times I made statements before the police. I told him that I had been to the Police Station for once because there was a statement which was signed by me. I said so, even though Bhattoo had told me to reply every question in the negative. Actually, I was taken to the police station about 5 to 10 times to identify the accused. Actually, the accused had not been arrested for about a month. The Relief Committee from Ahmedabad had brought me to Delhi where I met Mrs. Sonia Gandhi, Shri Lal Basha, M.B. Reddy, Chairman and told them that though I have also named some of the persons who were responsible for killing my family members but no action was being taken to arrest them. It was, thereafter, that the accused were arrested. The State Counsel asked me 3-4 times if I could identify the accused whom I had named in the statement. I said no because I was under pressure. After the State Counsel finished taking the statement from me the Defence Counsel, Shri Pravin Thakkar asked me that why I had signed in Gujarati on the

statement which had been recorded in the first point of time at the Sayaji Hospital. I told him that I had signed in Gujarati because I know both Hindi and Gujarati. Then he asked me no further questions and I was allowed to leave the court. Thereafter, I went to the room of Shri Raghuvir Pandya and waited for my mother, whose statement was to be recorded after me. The man with the menacing looks whom I had seen in the court room was present in that room. A press reporter by name of Sachin Sharma came up to me and told me that he wanted to ask why I had resiled from my statement. He wanted to tape record my statement and when I was about to tell him that I was under pressure, the press reporter was made to leave the room by Madhu Srivastava, who told him that Zahira would make no statement. Sachin requested him to allow him to ask me a question but Madhu Srivastava threatened him and asked him whether he knew who he was and when Sachin replied in negative. He told him that he was Madhu Srivastava, MLA. Then Sachin shook hands with him. Sachin told Madhu Srivastava that he only wanted to ask me why I had resiled from my statement but Madhu Srivastava made him leave the place without asking the question. I then realized that the man with the menacing looks was Madhu Srivastava. My brother, Nafitullah was then called by Madhu Srivastava. He told him to take me away as media was approaching them. My brother had also come back and my brother Nafitullah then took me along with my mother and younger brother to a car of red colour and made us sit in that car. I enquired from him whose car it was and he replied that he would tell me later. My brother told me later on that he had been promised that if I would resile from my statement, then they would sell the property of the Bakery and the house which had been burned and give him the proceeds. He had told my brother that since the persons of both the communities, Hindus and Muslims had been burnt in that property nobody would buy that property unless he intervened to sell it. I, thereafter, went to my house and three days later left for the village. While, leaving for the village even my conscience was bothering me as to why I had saved those who had killed my family members. I was not even able to take my meals properly. I regretted having resiled from my statement and cursed myself for saving the criminals. It was for this reason that I told my mother that I want to get away from here and I went to the village in UP. I went there with my sister-in-law. I stayed there for about 1 ½ months. Everybody there was accusing me of having taken money to resile from my statement. They said that I should have got the accused punished instead. I told them that I resiled from my statement under pressure. Everybody was telling me that I had done something wrong and that I should have got the accused punished. I, therefore, did not like to continue to stay in the village. I then wanted to come back to Baroda. I had a desire to make clean breast of the whole thing before the media.

I had met a group from Bombay earlier also. I had met them in the circuit house as well as in the Bawari Hall in Baroda. I learnt that they were fighting a number of cases and

were also getting justice rendered to the people, I decided to approach them. I wanted the case to be reopened. After the bakery was burnt in which my sister, Sabira was also burnt, the 'Government gave a cheque of Rs. 40,000/- as compensation. Later on, the Government gave another cheque of Rs. 50,000/- and some other money was kept by the Government in a bond for us. This was in respect of the death of my sister. The total amount for loss of life was Rs. one lakh fifty thousand only. So far as, the loss of property is concerned, we received a cheque of Rs. 25,000/- in the first instance followed by another cheque of Rs. 25,000/- from the Government.

After the burning of the bakery I was living in Bahar Colony with the owner of Lazeez Bakery. My maternal grand mother and myself used to live there. My mother, sister, brothers and other three servants were in the hospital during that period. After my mother and others were discharged from the hospital, we shifted to a Relief Camp run by Ghani Qureshi. I was there for about one month. Later Islamic Relief Committee people met us in the camp and told us that they were going to build dwelling unit for the affected people to live in. The Relief Committee also told me that why I should continue to stay in the camp and that I should move out and hire a place for which they would bear the rent for the next six months. We did not rent out any place because when I went to the Committee to ask for the rental they refused to pay. In the first month, of course, they gave me Rs. 1,000/-. Next time, when I went they said that 'you have picked up the habit of asking charity and we will not give charity'. From the Camp we had shifted to Madar Mohalla where we had a place, where the rent of the first month was paid by them. In the second month, the Relief Committee gave me Rs. 700/- towards rent and they repeated this in the third month also and thereafter stopped giving any relief.

I approached the Relief Committee and asked them to honour their promise of giving a dwelling unit free of cost to me to which they refused and said I should pay Rs. 55,000/- towards it. I told them that I do not have that much money. They told me I could pay the amount out of the money received from the Government for loss of life and property. I then paid them Rs. 55,000/-. They gave a receipt for it. They took Rs. 1500/- extra for electricity. Besides this, I did not get any relief from the Committee. My maternal aunt who had lost her husband was, however, given some relief by the Relief Committee. They had given her Rs. 20,000/- because the State had not given any money to her. The Relief Committee then started saying that they had given lot of money to me but that was all false.

I want the case to be reopened so that the criminals can be punished. I have full faith in the Group from Bombay and I am confident that they would get me justice. I do not want

this case after being reopened to be tried in Gujarat. It should be tried outside Gujarat. I would be very grateful if the Commission can also help me in this behalf.

**The statement was read over to Shaikh Zahira Bibi Habeebullah and explained to her in the presence of Teesta Setalvad. Citizens for Justice and Peace which she had admitted to be correct.**

(Shaikh Zahira Bibi Habeebullah)

(Teesta Setalvad)

July 11, 2003

6. May 11, 2002 – Zahira Sheikh and her mother Seharunissa Sheikh depose before the Concerned Citizens Tribunal headed by Justice V.R Krishna Iyer, Justice P.B.Sawant and Justice H. Suresh. This is in a video tape. The transcript is filed at pages 24-25 of CrI.M.P. No. 12515-18 of 2004.

#### Transcribed Text of Statement

#### CONCERNED CITIZENS TRIBUNAL

CRIMES AGAINST HUMANITY, NOVEMBER 2002

20-5-2002

**FROM THE VIDEO RECORDINGS AT BAWAHIR HALL ACCOMPANIED BY HER WRITTEN STATEMENT (CCT)**

#### **ZAHIDA HABIBULLAH SHAIKH (JOINED BY HER MOTHER TOWARDS THE END)**

I was saying my prayers when suddenly a boy came and beat me up. I came out and I saw a mob. Everyone had swords in their hands and stones—everyone had weapons in their hands and they said we are going to torch your house. They started pelting stones and then..... No, there were no police with them only people from the mohalla—about 100-200. They set fire to the ? below and they broke the door of the gallery which is at the back. In the room my sister was there and my aunt who has 4 children and my 2 (paternal) uncles were there and my (maternal) uncle was also there. ? got a heart attack right there and they set him on fire. My aunt's children were in her arms. They pulled them away, cut them up and threw them in to the fire. My sister was set on fire and my uncle was also set on fire right in front of my eyes. They said the ? who are upstairs..... For fifteen hours we stayed in the house and at night when the police came in their van, we showed them how we could get out from the back and ....., but they just went away. We did not get any help or anything from them. The small children who were there were cut up and thrown in to the fire. They caught my uncle and they started hitting him with swords—they cut him up in to three pieces and threw him in to the fire. Whenever we find bones and go to the DCP, they say this is an animal's bone, not a human being's. How do you know? I said I know because all this happened in front of my eyes. He said I was lying. The mob was continuously shouting, 'catch this girl and kill her'. There are 17 accused and not one has been arrested. They are roaming around openly and one was sitting in his shop. In the morning they tricked us: they said come down we won't do

anything to you. They swore by god and by the children and they said there is no need to call the police for help. When we came down, they started..... There were Hindu boys with us and when they said they were Hindus and they should be spared they asked them why they were working in a Muslim's bakery, and that they would not be spared. They were cut up also and the Muslim servants were torched. My brother was also hit with a sword, the wound is there around the neck. My sister is just three months old and they burned her legs. We have not got any justice and no relief. We are just living in the camp. When we go there they say what damage and what case? My father passed away just a month ago. When we ask them to arrest those people, they say that when we go to arrest them they run away. We have seen them right there, they have not run away. We can't go back there because they say they will kill us if we do.

Five of us survived: my brother, my mother and I and two people from my uncle's family. My uncle and ? ran away but the mob was saying where will they run to, we are going to catch them. They caught them and burned them in front of the police. They have given us only thousand rupees so far and we had 40000 cash in the bakery. He himself said to my mother, 'I did not burn your daughter'. What right does he have to talk like this.

**7 May 20, 2002**– Affidavit filed before Shah – Nanavati Commission by Zahira Sheikh.

#### **Translated Text of Affidavit**

Translated Text of Zahira Shaikh's Affidavit before the Nanavaty-Shah Commission  
**May 20, 2002**

|               |
|---------------|
| Reg. No. 1574 |
| Date 20-05-02 |

#### **Affidavit**

I, Zahira Habibullah Shaikh, aged 18 years, occupation housekeeping, resident of Vadodra, address Dabhoy Road, Hanuman Tekri, Dudhiya Talao, hereby swear by my religion that

1. I was living in a 1-storeyed house owned by my father since 6 months prior to the incident at the address mentioned above. My father owned a bakery, Best Bakery, which was next to the house and he had been working there for 5-6 years. Before we moved here, my family was living in Navapura Mohalla.
2. My family consists of my father, my mother, brother Nafisullah, sister Saira, sister Sabira, I, brother Nasibullah and maternal uncle Qausarali— all of us were staying there. My father had expired a month before the incident.
3. The incident began at 8 o'clock on the night of Friday 1-03-02. The men of the family were on the ground floor and the women were on the first floor. A mob of approximately 500-700 rushed towards our house, screaming, cursing and bearing arms. On seeing the mob, Shabnam, the wife of our paternal uncle Aslam, and two children aged three years and five ran to our house. Moreover, since afternoon, our acquaintance Feroze had brought his wife and two children aged 5 and 3 years to our house. On the day of the incident, 7 servants were present in our bakery.
4. In this mob, the closest to us were Jayanti Chavla, his son Mafat alias Mahesh, Munna, Sanjay Thakkar, Santosh Thakkar, Jagdish Discwala, Dinesh Bakerywala, painter etc. bearing arms. I know them well. They

and the mob had first attacked our bakery, stolen all the goods inside, destroyed the rest and set fire to it. Then they took the wood from the room on the ground floor of our house and after spraying petrol and kerosene, set fire to it; they swore at us and asked us to come down. The mob had swelled to 1000 to 1200 people and they surrounded the house all night. We begged of them and apologized to them but they did not allow us to come out of the house so we could leave. We called the police station control but nobody came. From amongst us, the mob had killed Zainabbibi, Feroze, Sabira Habibullah, Shabnam who was Aslam's wife, both Feroze's minor children, Aslam's two minor daughters (twins) and bakery servants Prakash and Rajesh Baliram.

5. While Rahelul and Shahed, Tufail Pathan were injured by the mob, my maternal uncle Qausarbhai and Hasmal alias Lula have been finished but they cannot be traced. I, my mother and my servant Salim have been injured with stones. Apart from the mischief makers mentioned above, I know others amongst the mob by sight. Finally they allowed us to come down from the terrace, but while coming down, the people from the mob tied up the arms and legs of both my brothers and seven of our servants, beat them up and said they would release them later. But they were beaten with the knives, swords and rods which they were carrying and we women were taken towards some bushes with evil intentions. Just then on seeing police cars they ran away. The police came in 3-4 jeeps, 2 ambulances, and fire engine in the afternoon and took my brothers and all those who had been burned to the hospital and we were saved. As stated above, all the three Hindu servants were killed.

A few days later the named miscreants were arrested and put in jail. At 9:30 at night a police jeep had come but it went away without doing anything. If the policemen in the jeep had done something, the whole incident could have been avoided and damages of approximately Rs. 30,00,000/- and some cash would not have been incurred. The entire narrative is true as per my knowledge and as witnessed by me.

Place:

Sd/-

Date: 20-05-2002  
of the attester

Signature

The following papers are attached herewith:

1. Xerox of a copy of the FIR
2. Xerox of a copy of the panchnama

Dt. 2/3/2002

My name is Zahira d/o Habibullah Abdul Rahman Shaikh, aged 18 years, occupation housekeeping, address Hanuman Tekri, Dudhiya Talao, Best Bakery, Dabhoy Road, Vadodra; originally from village Dumriyaganj, zilla Basti (G.S.).

On being asked personally, I am declaring publicly I am recording my complaint that I am living with my family at the address mentioned above since the last six months. Before that we were living at Navapura. My father ran a bakery by name Best Bakery that is at the above address since the last five years. My father Habibullah Shaikh passed away nine days ago. I have two brothers and we are three sisters. My eldest sister is Saira,

then my brother Nafitullah, then my sister Sabira, then I followed by my brother Nasibullah alias Rajubhai. My eldest brother Nafitullah is married and my sister-in-law's name is Yasmin who has gone to her parents' home in Chhota Udepur. My mother's name is Saherunissa. My brothers work in the bakery and right next to the bakery is a permanent house where we live. We employ a total of 12 persons in the bakery. Jainabbibi Aslambhai's house is next to mine. Aslambhai works in another bakery. In our neighbourhood we are the only two Muslim houses all the others are Hindus. Our bakery was closed for two days because of the curfew. My maternal uncle Qausarbai lives with us and works in our bakery.

Yesterday on 1/3/2002 because of the ongoing riots all of us had our dinner and were sitting on the first floor awake. We had switched off the lights and locked the doors at 9 o'clock and were about to go to bed when a mob of about 1000 to 1200 came from the direction of Ganeshnagar slum yelling to burn my bakery. We were watching from the window and saw our maternal uncle going down and trying to calm the mob. They did not pay heed and he came upstairs to save himself. The mob had brought petrol with them and they first set fire to the wood stock opposite us belonging to Dhabubhai while continuing to throw stones at our house. Then they started throwing bags of petrol, kerosene, etc. on our house. They were shouting: these are Muslims and we should burn them. At this time, in the room on the ground floor were our maternal uncle Qausarbai, my sister Saira, my aunt Jainab with her twin daughters Shipli and Babli, and my aunt Shabnam's son and daughter. I and my mother, my elder sister Saira and elder brother Nafitullah and Nasimullah and my grandmother Zarina with the servants were on the terrace. It was then that the mob sprayed kerosene and petrol in the room downstairs and set fire while the mob circled us and taking the wood from the room downstairs set it on fire. They were yelling at us to come down and threatened that if we did not go down they will destroy our house. They were using foul language at the same time.

The mob had surrounded us till this morning and as soon as the day started we had apologised to them and had requested them that we will go away to our hometown but they did not listen to us, and we finally came down. Immediately the mob tied the hands and feet of my brothers and the servants working in the bakery saying that they would release them after beating them up a little bit. Saying this, they started hitting both my brothers and the servants with the swords, knives and rods they were carrying with them. They had started dragging the women towards the bushes when the police vans came and the miscreants ran away. The arrival of the police saved us and they took my brothers and all those who had been burned to the hospital in the ambulances.

These Hindus had set fire to the downstairs room and the house next to ours and in this the following had died: (1) Jainabbibi Hasnambhai, (2) Sabira Habibullah, (3) Shabnambibi Pheroze Aslam, (4) Pheroze Aslam's son approximately 5 years, (5) Aslam's daughter Sipli, (6) Shabnam's daughter Babli and the two are twins aged approximately 4 years and (7) Feroze's daughter approximately 3 years as well as the servant of our bakery, Baliram Harijan died. The names of the injured are (1) Sajidmiyan alias Rajendra (2) Rajubhai alias Nasimullah Habibullah (3) Vofilahmed Pathan and (4) Nafitullah Habibullah Shaikh, (5) Rajesh (6) Prakash and are under treatment. My maternal uncle Qausarbai Abdulrab Shaikh and Jainab's brother-in-law whom we know have disappeared. In the stone throwing I was also injured in the head by a stone. Our servant Salim has also been injured in the head. In this melee we had seen Jyeti who lives in the slum behind us near the pond and who has a tea stall in Gajriwada, his nephew Mahesh who is known as Mafatio and Jyeti's nephews Munno and Pratap and his son whose name I don't know and Thakkar who is the representative of our slum; Mafatia's friend Kiran; Jitu who lives in the lane opposite, Mafatia's friend Lalo and Painter who lives opposite the Sindhi's shop and others were there. I don't know the names of the others but I know some of the people in the mob by face.

As a result of the communal riots which flared up in Godhra on 27/2/2002 there were riots in Vadodra city, and on 1/3/2002 from 9 o'clock at night till early morning till the police arrived, a mob of about 1000 to 1200 Hindus including the ones mentioned above attacked our bakery and our house and having sprayed petrol and kerosene set fire and with sharp instruments beat up as I have mentioned in my complaint and the men I have

named were responsible for death and injury. They also set fire to 2 of our rickshaws, 2 scooters and one Hero Honda. I therefore request you to set up a legal inquiry and my witnesses and the members of my family.....

This is my true complaint.

Signed Shaikh Zahira Banu

in presence of  
Police  
Panigate Police station  
Vadodra City.

Panchnama

| S.No. | Name             | Age | Occupation | Address       |
|-------|------------------|-----|------------|---------------|
| 1     | ? Ahmedbhai      | 32  | Business   | ?vadi Vadodra |
| 2     | Kalumiyan ?miyan | 32  | Business   | ? Vadodra     |

Thus, the police have this day called the above-mentioned witnesses to Panigate police station from Hanuman tekri, Dudhiya Talao, Dabhoy Road where the Best Bakery is situated.

Thus, you the police have informed us witnesses that at the Panigate Police Station (G.S.) under IPC clauses 143, 147, 148, 149, 302, 307, 323, 324, 504, 506(1), 436, 342, 427, 452, 188, BPA135, ? Zahira d/o Habibullah Abdul Rahman Shaikh has named the people involved in the crime and she is present here. She has shown the place where the crime occurred and the place has been checked after which you the police ? us witnesses to ? voluntarily examine and check the details and note the complaint.

The above-mentioned crime scene is located at Hanuman Tekri, Dudhiya Talao on Dabhoy Road. At the crime scene ? the house located there bears the number 200 in front. Its main entrance faces northeast. It has two big iron doors each 15' wide and 15' high, both of which are open at present. Looking through the open doors, even now the embers of the fire are smouldering. This room is 16'x20' and the smouldering embers fill the entire room. The complainant has informed us that this room was used to store wood for the bakery and it was filled with the wood for the bakery all of which has been burnt. The northwest wall of the same room and the rafters of the ceiling are still hot to touch. We entered by the ?gallery on the east wall and went towards the northwest wall where there is a staircase of 14 steps going to the upper floor. We took the steps up to a ? and when we entered the room we saw that the TV, showcase, etc. were burned to ashes.

?---?---? To take ? informs us. In the said room all household goods have been burnt to ashes. Similarly, all the four walls are blackened and cracks have appeared. Also, in the room are the charred remains of the furniture. This room is approximately 15'x25'—towards the north is a gallery leading to a similar room which is 10'x8' where there are iron safes along the west wall of which one is open and appears to contain clothes while the others are locked. This room has shelves on all sides on which are arranged utensils etc. and there are remnants of burned goods. All four walls and the ceiling appear to have caught fire and are burnt and there are cracks which appear to be recent. The room has an iron door to the north which is 2' wide and leads to a gallery and in its south corner is an iron ?. this leads to another room 10'x12' which also has shelves on all four sides on which are copper and brass utensils and other things which are all burnt to ashes. These ? walls and ? show signs of being burnt or singed. All the goods in the room have been burnt to ashes. In the room, a clothes ? machine and

telephone have been partially burnt. On the north side of this room, there is an iron door and beyond it there is a gallery at the back, which is 2' wide and 30' long ? common gallery. There is an iron threshold—all the goods have been burnt to ashes and the coal-like remains are lying around. The threshold and walls show signs of being charred by the flames. In the south-east corner of the room there is an iron door leading to the kitchen which is 10'x10' where a gas stove is burnt to ashes, the refrigerator and other things found in kitchens are destroyed by the fire. All the walls and rafters are blackened because of the fire. The east wall of the room has a window.

From this first floor room on its north side, there is an iron staircase with 14 steps leading to the terrace. It goes up to the roof of the building. On the terrace, right in the middle is an iron swing and the terrace is covered with broken bricks, stones, etc. as well as half-burnt pieces of wood, broken bits of bottles and bulbs. On one side mattresses lie scattered. In the front of the main entrance, 2 iron beds, 2 cycles, one handcart, etc. are lying around—all broken.

Adjoining the building on its north side is the complainant's bakery known as 'Best Bakery' which appears to be in 2 completely separate parts with a connecting door between them. Both bakeries were measured and found to be 50'x40' and have two rooms each. There are tin sheets on the roofs of both bakeries which have been broken and pulled down and are blackened by the fire. All the goods in the bakery have been burnt. All the four ? of the bakery are blackened. To the east of the bakery one ? car is also burnt and its body and engine have been ?. To its east, adjoining the road one burnt scooter is lying having RTO no. GJ 6 C 8057. To the east of the bakery is an open plot in which 2 tempos with closed bodies are lying burnt. Their RTO numbers are GR? 964 & GJ 6 U 6514.

On the west side after the grocer's shop but touching it is another tin shed with a wooden door and on its east side there is a ? meter box with 14407/09486/5 written in English. The wooden door of this house is burnt. On entering, the first room is 25'x15'. Its tin roof is broken and the pieces are lying in the room. The whole room together with the walls is blackened by fire. Its goods are burnt to ashes. Inside the 4 burned rings of the handcart are lying. To its north, the open door leads to the back room which is 10'x15' where is seen one Hero? Company's car burnt to ashes. Its RTO number is GCV 5004. A little away (?) from this house there is a lane going north (?-----?) there is a door. Entering it on the west side is a steel cupboard. All the things in this room have been burnt to ashes. One Hero Honda ? is lying in burnt condition and its number cannot be deciphered. To the west there is a door through which there is a small room containing equipment for the bakery, which is burnt to ashes. There is an iron door leading to the front of the house, which is closed. From the back ? first floor and roof—all are blackened by fire. A rough road of about 10' runs a the back beyond which there are several houses which are all closed at present. Behind the row of houses is Dudhiya Talao. In front of the house, beyond the rough road there are residential houses and to the east there is an electric streetlight and after a few more houses, there is a wild growth of thorns.

Thus the damages to the house, bakery and household goods which were burnt together with the wood which was worth Rs. 30,000/-; the house and the goods in it cost about Rs. 200,000/-; ? home Rs. 300,000/-; both bakery buildings about Rs. 200,000/-; the bakery's (?)equipment Rs.

150,000/-; utility vehicles: ? 500/-, scooter 7,000/-, Hero Honda 30,000/-, 2 rickshaws 50,000/-, 2 cycles 1,000/-, and one handcart 1,000/-. In the house there was a cash box with Rs. 100,000/- in notes and coins. Thus, according to us a total of Rs. 1,074,000/- is the value of damages.

Those living next to the bakery and having died: Pheroze Alam and his wife and children; his house was also burnt. The home of the deceased cost approximately Rs. 100,000/- with household goods valued at about Rs. 50,000/-. Also the ? of the deceased Rs. ?, ? being burnt down worth Rs. 500/- and ? approximately Rs. 155,500/- damages. In this way both buildings together cost Rs. 1,229,500/- in damages. We the witnesses believe the police have not removed anything from the crime scene for investigations.

The above record we witnesses have signed after checking ourselves and have read and understood everything before signing.

Started 11:15

Finished 13:15

Dt. 03-03-2002

Signed and attested.

**8 Zahira Sheikh meets the then CEC James Lyngdoh which was reportedly taken by video. News reports in the Press on Aug 11, 2002 (pages 26-34 - Annexure C-Crl.M.P. No. 12515-18 of 2004)**

**Press Statement**

**Press Clips of Chief Election Commissioner Lyngdoh Visit  
August 11, 2002**

**LYNGDOH ATTACKS, ADVANI DEFENDS  
The Telegraph  
August 11 2002**

**BASANT RAWAT**

**Poll panel slams Gujarat untruths**

Chief election commissioner J.M. Lyngdoh today did what the Centre has failed to do — he called the Gujarat administration's bluff on the riots.

The poll panel chief, who is touring the state to see if it is ready for elections, lost his cool on finding that district collector Bhagyesh Jha had misled him on the extent of damage in Baroda. Calling Jha a "joker", Lyngdoh asked: "Are you not ashamed of yourself?"

Armed with electoral rolls to identify the victims, the chief election commissioner first went to Best Bakery in the Hanuman Tekri area, where 12 people were killed and two went missing on March 1 after a frenzied mob torched the building.

Finding Jha's information way off witness accounts, he turned to the official. "You had told me that Best Bakery was set up just two months before the riots, whereas the people here are telling me that it was at least 10 years old. Even the electoral rolls have the names of the

victims, and you say that it was set up just two months before the riots! Are you not ashamed of yourself?" he asked.

Earlier in the morning, Lyngdoh had met in-camera the only surviving member of the bakery owner's family, Zahida, in the circuit house. The family used to live on the floor above the workshop.

The entourage next went to Tarsali, a site not far from Best Bakery, where the team saw 185 burnt houses. Lyngdoh again lashed out at the collector. "You told me only sporadic violence had taken place. Are you a joker?"

Jha's humiliation began before the Election Commission team set out this morning on a tour of the district's worst affected areas. Lyngdoh refused to follow the route chalked out by the local administration. Instead, he went to the places that the non-government organisations working with riot victims wanted him to visit, inviting comparisons with predecessor T.N. Seshan, who won many admirers with his principled stand and tenacity.

Refusing to buckle under the pressure the BJP is piling for early polls in Gujarat, Lyngdoh brought the three-member Election Commission for a recce a week after a nine-member poll panel team toured the state. The first team submitted its report today, in which it is understood to have said that the situation is "not conducive" to immediate polls.

Everyone the commissioners spoke to in Baroda today, opposed early elections. "Rebuild our houses, you can hold elections tomorrow. Then we will have no objection. But not before each one of us is properly rehabilitated," Mullaiddin said.

Mohammed Hanif, who owned National Bakery and a four-storey building that was razed by a mob in Baranpur, said it would be gross injustice if polls are held before December.

The All India Milli Council told the commission that early elections would amount to a "murder of democracy" as 45 lakh Muslims would not be able to exercise their right to vote.

## **The Hindu**

**August 11 2002**

**'Give us a roof, then we will think of votes'**

**By Manas Dasgupta**

AHMEDABAD Aug.10. The Chief Election Commissioner, J. M. Lyngdoh, and his two Commissioners, T. S. Krishnamurthy and B. B. Tandon, on a visit to Gujarat to decide on early Assembly elections, today heard in Vadodara the same appeals they heard in Ahmedabad yesterday from the riot-hit people: "First give us roofs, then we will think of votes."

The CEC and his deputies visited some of the riot-affected areas in Vadodara and talked to various delegations to assess the situation. The team, which is scheduled to return to Delhi late tonight or tomorrow morning, declined to make any comment.

**The team visited Hanuman Tekri where Best Bakery, scene of the worst carnage in the city where 14 persons were burnt alive, is located. The Collector, who accompanied Mr. Lyngdoh and the team, was at the receiving end as he could not satisfactorily answer some queries on the background of the bakery.**

The ruling BJP, which is demanding early elections, created a commotion at the Circuit House — where the CEC and the team were receiving delegations — raising objections about their agreeing to meet the former Minister, Jaspal Singh. The BJP claimed that Mr. Singh was no longer connected with any political party or non-government organisations but its objections were brushed aside because the former BJP leader is now a member of the Samajwadi Party. The ruling party also expressed reservations that the CEC and the team were meeting only delegations of the Muslim minority, ignoring the Hindu-dominated areas hit by the riots.

Among the areas the team visited were Babamanpura, Kisanwadi, Panigate, Raja-Rani ki Talao and Marathe village on the outskirts from where many Muslim families had migrated during the riots. In fact, the sarpanch of the village may have ruined the BJP's case for early elections when he reportedly told Mr. Lyngdoh that only those Muslims who had land in the

village were welcome to return. The non-land owning families would not be allowed to return.

**Mr. Lyngdoh also held a one-to-one meeting with Zahira Sheikh, main complainant in the Best Bakery case, and her mother, who told the CEC that elections were not a priority for them. In many affected areas, the people raised banners with the slogan, "Give us roof and not elections."**

While the people in Hindu-dominated Kisanwadi locality told the Commission that there was no hurdle in holding the elections immediately, a delegation of the People's Union of Civil Liberties, led by Kirit Bhatt, suggested against it. The Congress delegation accused the BJP of attempting to sabotage a Congress rallies. In contrast, the BJP claimed that the situation was conducive for elections.

**Citizen Cane Lyngdoh hits Baroda; BJP livid**  
**Hindustan Times**  
**August 11 2002**

Vinay Menon

(Vadodara, August 10)

A day after he knocked politicians in Ahmedabad, Chief Election Commissioner (CEC) J.M. Lyngdoh tore into the bureaucrats of Gujarat - this time in Vadodara, and in far stronger language.

In New Delhi, the BJP high command was believed to have received a strong complaint from a peeved Narendra Modi administration in Gandhinagar, criticising Lyngdoh's "rude behaviour" with senior state officials in Ahmedabad on Friday.

**On Saturday in the course of a closed-door briefing, Vadodara Collector Bhagyesh Jha apparently told Lyngdoh and his two top colleagues that the city had seen only a "couple of sporadic events" during the March-April communal violence, and that the situation had now returned to normal.**

Soon afterward, the CEC went out to the site of the infamous Best Bakery carnage in which at least 14 people were murdered on March 1, and spoke with the victims. What they told him caused Lyngdoh to lose his temper completely.

"What kind of stories were you telling us," he shouted at Jha. "You said only sporadic incidents. Sporadic incidents? You are jokers. All of you. Aren't you ashamed of yourselves?" The red-faced collector listened in silence.

Lyngdoh next asked to meet with Zaira, a teenaged survivor of the massacre who saw her uncle, sister and relatives being set on fire and chopped up with knives. A meeting was arranged between the girl and the Election Commission team at the state guesthouse, where she recounted her horror to the CEC and election commissioners.

In its complaint to the BJP leadership, the Modi government is believed to have said the CEC refused to even shake hands with the chief secretary and other top officials. The information from Gandhinagar suggested the EC had pre-conceived ideas about the Modi government, BJP sources in Delhi said.

**<http://www.hindustantimes.com/news/printedition/100802/detFRO01.shtml>**

**Lyngdoh lends riot-hit an ear**

Vinay Menon

(Ahmedabad, August 9)

The purpose of the exercise was to feel the pulse of Gujarat before election dates are announced. But as chief election commissioner J. Lyngdoh and his two seniormost colleagues

went about doing that in Ahmedabad on Friday, they touched several raw nerves. Each instance is recorded in a little notebook Lyngdoh carried around.

At the end of his eight-hour tour, talking to victims, visiting rehabilitation centres and shelters, the notebook was full.

It tells its own story:

'Farida Bano... Naroda Patia ... can't go back', Lyngdoh wrote. Farida Bano, a young widow, described to him how a mob killed her husband and her child. Last week, after nearly six months, when she returned to see the charred remains of her house, the same mob tried to kill her.

'Gave complaint... No FIR copy', Lyngdoh wrote on another page and moved on. At almost every stop, he specifically asked the victims if the police had registered cases and taken action. Anyone replying in the negative was asked to name the culprit. 'M-a-y-a-b-e-n K-o-d-n-a-n-i', he scribbled after talking to the victims of the Naroda Patia massacre. An aide whispered: "She's an MLA, sir." Lyngdoh continued, negotiating a relatively easier spelling: 'Dr Jaydeep Patel... VHP leader'.

By 6 in the evening, the CEC had close to a dozen names of alleged perpetrators on his list, and at least 27 more were promised by residents of Juhapura. But what took most of the space in the notebook were lists of all Muslim residential apartments gutted; of every slum cluster and colony attacked; compensation received; problems faced in rehabilitation; and, most important, the number of voters left in each of these settlements after the March riots.

In between, the EC team met the Chief Secretary, the State Intelligence Bureau Chief and several NGOs.

"The social fabric of the state will have to be rebuilt before any election is undertaken," said the Citizens Initiative, an NGO conglomerate. "It took 30,000 policemen to control a rath yatra of 40,000 persons. And people say normalcy has returned to Gujarat!" said Kirtee Shah for HOLSA, another NGO.

The CEC said nothing, just wrote on in his notebook. In fact, throughout the day, he said little. Except when a Hindu family at Behrampura showed him some suspiciously fresh-looking railway tickets to 'prove' they had been travelling on February 28, that they were away when their Muslim neighbours were burned alive. Lyngdoh scoffed: "Where did you pick these up from?"

Tomorrow, Lyngdoh will make another set of notes — in Baroda.

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Day 1 on the CEC's tour of Gujarat: Ahmedabad

At Naroda Patia:

A young widow describes the mob that killed her husband and child. Lyngdoh jots down the name of an MLA believed responsible

At Behrampur:

Some Hindus 'prove' they were travelling when Muslim neighbours were burned. Where did you get these, he scoffs at the tickets

At Shah Alam camp:

A relief worker asks why they are treated like aliens when they too are Indians. It's all the handiwork of politicians, he says

- 9 July 4, 2003 – Zahira - Hand written letter to Teesta Setalvad asking for help and legal assistance, translated copy of the original in Gujarati – (page 35- Annexure D-Crl.M.P. No. 12515-18 of 2004 in the Hon'ble SC).
- 10 July 6, 2003 Zahira and her brother Nafitulla arrive in Mumbai on July 06 2003.
- 11 July 7, 2003 Zahira Shaikh addresses a press conference under the aegis of the Citizens for Justice and Peace Mumbai in the presence of her mother and two brothers
- 12 July 11,2003 – Statement recorded before the NHRC in Delhi and relied upon in its petition being Writ Petition (Crl.) No. 109 of 2003.
- 13 September 9, 2003 Affidavit filed by Zahira Sheikh in SLP No, 3770 of 2003 (from the judgment of Judge Mahida (Trial Court) SLP.(crl) No.3770 of 2003 is a petition filed Zahira against the judgement of the trial court).
- 14 December 16, 2003 Statement before the Inspector Chavan of Santa Cruz Police Station by Zahira for protection as well as the threats she had received when she had to depose before the trial court in May 2003.(pages 175 to 177, Crl.M.P. No. 6658-61 of 2004)

#### **Translation of Statement**

##### **Statement before Mumbai Police 16.12.2003**

Zaheeraben Habibulla Shaikh female 19 years, occupation – blank. Staying in Gujarat : Hanuman Tekdi, 6 by (this word is not very clear – it reads as Dhabai road or 6 bai road), Vadodara. Address in Mumabi : C/o Teesta Setalvad, Nirant Bunglow, Juhu Tara Road, Mumabi.

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I mentioned above along with my mother and brother Nafitullah stayed on the addressed mentioned above in Mumbai. At present we are staying in a alternate place provided by the owner of this place Shrimati Teesta Setalvad with the instructions of not to give out the address to anybody. I do not work with any political party and I am not activist.

I do not own any weapon and have not applied for one.

On 1.3.2002 some men attacked our ancestral bakery and burnt it completely. In the carnage my maternal unclue and sister and other 12 people totalling 14 persons were burnt alive. I am witness to this event. After registering this crime, since I recognise the accused my witness became very important. I also testified the identities of those who died. I became the prime witness to this crime. Media also gave coverage to this fact and it became known to everybody.

I was asked to do identity parade in this crime several times at the police station. I had to take lead in seeking legal help and compensation in this case. Similarly I gave statement to National Human Rights Commission (NHRC) on 21.3.2002. Therefore I received a lot of publicity.

The Court issued summons on 7.5.2003 for the hearing of Best Bakery case to my sister Saira. Two- three days prior to this my brother Nafitullah was threatened to the effect that I should not go to court and depose, by Lal Mohamad staying in our locality. Otherwise they would endanger our lives. Lal Mohamad used to threaten my brother in this manner during October 2002 to May 2003. But a few days prior to 7.5.2003 the threats had increased. Rahimatullah staying in our locality also began threatening in the same manner to my brother.

The court issued summons to me on 17.5.2003. A few days prior to this my brother Nafitullah was taken to a certain place and Rahimatullah threatened him on behalf of Battu and Madhu. Battu and Madhu used to call on my brother's mobile. They used to threaten that I should not go to court to depose. If I go and depose I should not testify against the accused.

When I was going to the court on 17.5.03 to testify I met Battu at the entrance. He told me that I should identify my earlier statement given to the court and speak all the things that will go in favour of the accused. Otherwise my life and my family's life is in peril. After this I changed my statement for the sake of my family. On 27.6.2003 the Best Bakery case was disposed and all the accused declared free 'not guilty'.

After this I gave statement to NHRC on 12.7.2003 which received a lot of publicity in media. When I gave my truthful statement to NHRC they decided to go to Supreme Court against this judgement. I met Teesta Setalvad during this time. She assured me of help. I learnt that even she is going to the Supreme Court in this matter.

Accordingly, NHRC and the organisation of Teesta Setalvad have filed a case in Supreme Court against the judgement in this case. During this period the Supreme Court ordered protection to all the witnesses in this case on 23.8.2003.

For a few days I stayed with Shrimati Teesta Setalvad or in a place arranged by her. But for the past one month I am staying at place arranged by Shrimati Teesta Setalvad the address of which I am instructed not to make known to anybody.

I am the eye witness to this case. I have along with the organisation mentioned above have gone in appeal against the judgement in this case. There is threat to my life by the accused or the people acting on behalf of the accused. Therefore I request you to give me police protection.

I cannot pay for the protection provided. I was explained the statement in Hindi and it is correct.

In person  
Signed by  
Police Inspector  
Santacruz Police Station

Signed /- Shaikh Zaheera Bibi