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**COMMITTEE ON EMPOWERMENT OF WOMEN
(2003-2004)**

(THIRTEENTH LOK SABHA)

VIOLENCE AGAINST WOMEN DURING RIOTS

MINISTRY OF HOME AFFAIRS

AND

**MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT)**

*[Action Taken on Ninth Report of Committee on Empowerment of Women
(Thirteenth Lok Sabha)]*

SEVENTEENTH REPORT

**Presented in Lok Sabha 22.12.2003
Laid in Rajya Sabha 22.12.2003**

**LOK SABHA SECRETARIAT
NEW DELHI**

December, 2003/ Agrahayana, 1925 (Saka)

**COMPOSITION OF THE COMMITTEE ON EMPOWERMENT OF WOMEN
(2003-2004)**

Smt. Margaret Alva

- **CHAIRPERSON**

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SECRETARIAT

1. Shri P.D.T. Achary - Additional Secretary
2. Shri Ashok Sarin - Director
3. Smt. Veena Sharma - Under Secretary

INTRODUCTION

I, the Chairperson of Committee on Empowerment of Women, having been authorised by the Committee to present the Report on their behalf, present the Seventeenth Report (Thirteenth Lok Sabha) on the Action Taken by the Government on the recommendations contained in the Ninth Report of the Committee on Empowerment of Women (Thirteenth Lok Sabha) on ‘Violence Against Women During Riots’ relating to the Ministry of Home Affairs and Ministry of Human Resource Development (Department of Women and Child Development).

2. The Ninth Report (Thirteenth Lok Sabha) of the Committee on Empowerment of Women was laid in Rajya Sabha on 12th August, 2002 and presented to Lok Sabha on 22nd November, 2002. Replies of the Government to all the Observations/Recommendations contained in the Report have been received.

3. The Draft Report was considered and adopted by the Committee on Empowerment of Women (2003-2004) at their sitting held on 15th December, 2003. The Minutes of the Sitting form Part II of the Report.

4. For facility of reference and convenience, the Observations/Recommendations of the Committee have been printed in thick type in the body of the Report and have also been reproduced in a consolidated form in Appendix – I of the Report.

5. An Analysis of the Action Taken by the Government on the recommendations contained in the Ninth Report (Thirteenth Lok Sabha) of the Committee is given at Appendix II.

NEW DELHI;

December, 2003

Agrahayana, 1925 (Saka)

**MARGARET ALVA,
CHAIRPERSON,**

COMMITTEE ON EMPOWERMENT OF WOMEN.

CHAPTER – I

REPORT

1.1 This Report of the Committee deals with the Action Taken by the Government on the recommendations contained in Ninth Report (Thirteenth Lok Sabha) of the Committee on Empowerment of Women on ‘Violence Against Women During Riots’ relating to the Ministry of Home Affairs and the Ministry of Human Resource Development (Department of Women and Child Development).

1.2 The Ninth Report was presented to Lok Sabha on 22nd November, 2002. Replies of Government in respect of all recommendations have been received and are categorised as under:-

- (i) Observations/Recommendations which have been accepted by the Government:
Para Nos. 29, 30, 31, 32, 34, 35, 36, 37, 41(i), 41(iii), 41(iv), 41(v), 41(vi), 41(vii), 41(viii), 41(x), 42, 43, 44
- (ii) Observations/Recommendations which the Committee do not desire to pursue in view of the replies of the Government:
Para Nos. 38, 39, 40, 41 (ix)
- (iii) Observations/Recommendations, replies to which have not been accepted by the Committee and which require reiteration.
33, 41(ii), 45
- (iv) Observations/Recommendations in respect of which final replies have not been received.

Nil

1.3 The Committee desire that the replies in respect of recommendations contained in Chapter I should be furnished to the

Committee expeditiously. The Committee will now deal with those Action Taken

replies of the Government, which need reiteration or merit comments.

Steps to prevent spread of violence

Recommendation (Para No. 35)

1.4 Referring to the large scale disturbances which started on 27th February, 2002, the Committee, in paragraph 35 of the Original Report had opined that “effective and preventive steps ought to have been taken to ensure that riots of such intensity did not spread. When such a situation arises, necessary effective measures should always be taken to contain the situation and prevent the spread of violence. It is in this context that immediate action ought to have been taken to organize meetings of political and religious leaders of all the communities and prominent NGOs to sort out problems/issues amicably. But, this did not happen. Instead the violence was sought to be explained as a fall out of Godhra.”

1.5 In their reply, the Ministry of Home Affairs have stated that the State Government is reported to have taken pre-emptive as well as timely steps for bringing the violence to an end quickly. These measures include: (a) analysis of information, (b) pro-active role in anticipating communal disturbances and taking concerted efforts in a sustained manner to contain the violence, (c) limiting the extent of communal divide in the State through elaborate instructions to the Police authorities well in advance of the Kar Sevak Programme, (d) defusing minor incidents at the budding stage itself, (e) effecting large scale preventive arrests from 27th February itself, (f) organizing a lot of Peace Committee meetings (5406) & Peace Marches (1067) in the affected areas and (g) organizing Sadbhavna meetings and Yatras involving political and religious leaders of all communities and Non-Government Organizations (55 in June, 71 in July & 55 in August, 2002).

1.6 Further, according to the Ministry of Home Affairs, the Union Government has all along been taking comprehensive steps to ensure that the intensity of violence was brought down quickly and such violence did not spread to other parts of the country. These measures include constant review of the over-all situation as well as the emerging

trends in the region on the basis of various inputs, sending Central Para Military Forces as well as Army Columns at short notice (which rose to a peak figure of 35 companies of CPMF and 26 Columns of Army to supplement the 65 companies of S.R.P.) sharing of information and sending alert messages to the State Governments, issuing special advisories etc. The Guidelines to promote communal harmony have also been issued by the Union Government which contain various suggestions for intelligence gathering at the ground level.

1.7 In this connection, the Department of Women and Child Development in their reply have stated that the measures taken by the State Government in this regard, *inter-alia*, included the following:-

“Immediately after the Godhra incident on the morning of 27th February, the whole State machinery was put on full scale alert and this was communicated to all District Authorities and Commissioners of Police. The first alert message of 27th February from the Home Department covered the need to take precautionary measures including adequate police bandobast and preventive measures including issuance of prohibitory orders depending upon the local situation. It was instructed that anti-social and hard core communal elements should be dealt with firmly.

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This alert message of 27th February, 2002 was followed by another message from Home Department on 28th February, 2002 to all concerned to round up anti social and known communal elements under the preventive laws. It was instructed that mobile patrolling should be intensified and adequate protection should also be provided at places of worship and that effective action should be taken to disperse unruly mobs and unlawful assembly, using whatever force was necessary. It was also made clear that anti social elements indulging in violence and bent upon jeopardizing communal harmony must be controlled firmly. Another message dated 28.2.02, impressed upon all concerned officers to maintain adequate bandobast for 1st March being Friday and a day of prayer for the Muslims.

Adequate bandobast was directed to be provided to all sensitive areas with curfew to be implemented wherever ordered. On 28th February.2002 another message was sent to the Addl. DGP (Int.) to maintain adequate bandobast for the security of returning Haj pilgrims at their point of entry.

On the first day of March, 2002 the Chief Secretary in a message to all Commissioners of Police, District Magistrates and Superintendents of Police directed that effective action should be taken including implementation of communal riot scheme. The district administration and the police were required to act in a decisive, prompt and effective manner to bring the situation under control. He personally directed that there should be no hesitation to use whatever force was necessary for bringing the situation under control. When the life and properties of citizens are threatened in a communal situation necessary force including firing has to be resorted to for bringing the situation under control. If the situation deteriorates beyond a point, besides imposing curfew, even 'shoot at sight' orders should be given to ensure that unruly mobs do not collect in a public place.

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As such, time and again, several alert messages were issued directing the District Police Authorities and Magistracy for keeping close watch over the situation as instances of attack on life and properties in villages and towns came to notice. They were also directed for taking all necessary precautionary measures under messages dated 2.3.2002 and 4.3.2002.

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The Chief Secretary and Additional Chief Secretary (Home) had arranged two Video conferences with C.Ps, D.Ms., S.Ps. and other concerned officers

on 4.3.02 and 11.3.02. In these two Video conferences important items on the agenda for discussion were:

1. Review of law and order and the current violence in the State.
2. Effective deployment of various forces optimally.
3. Instructions for holding Peace Committee meetings and Peace marches.
4. Focus on various alert messages issued regarding law and order, ensuing festivals, Haj Pilgrims etc.
5. Instructions regarding Curbing violence and protecting places of worship.
6. Preventive measures and other actions against criminals, including preventive detention under PASA.
7. Incidents of 15.3.02 at Ayodhya and Ram Mandir issue.
8. Bandobast for S.S.C./ HS.C. examinations.”

1.8 The Department of Women and Child Development have added that the State Government has further stated in this regard as under:-

“From the 27th February, 2002, itself i.e. the day on which the incident of Godhra massacre occurred, the district administration took steps to arrest the anti social and communal minded elements under preventive laws with a view to curbing and containing the violence. A total of 47079 preventive arrests were made all over the State from 27th February up to 9th August, 2002.

In accordance with the State Government’s directions and the instructions contained in the revised guidelines issued by the Government of India for maintaining communal harmony, the district administration including district magistrates, police, revenue and developmental functionaries organized 5406 peace committee meetings and 1067 peace marches in affected districts.

It is pertinent to mention that a number of rallies and processions including mammoth Sadbhavana meetings and Yatras have been taken out by

political and religious leaders of all the communities and Non Government Organizations in June, July and August (55 in June, 71 in July and 55 in August) so far. However, no untoward incident has taken place as a result of these rallies and processions.

It transpires from the above facts that all possible action and preventive measures were immediately taken to contain the situation and prevent the spread of violence.”

1.9 In response to the recommendation of the Committee that necessary effective measures should have been taken to contain the situation and prevent the spread of violence, the Ministry of Home Affairs and the Department of Women and Child have stated that the State Government of Gujarat have explained that they had taken pre-emptive as well as timely steps such as issue of necessary instructions to Commissioners of Police, District Magistrates and Superintendents of Police to curb violence and maintain law and order in the State; resorting to 47079 preventive arrests of anti-social and communal minded elements; organisation of 5406 peace committee meetings and 1067 peace marches in affected districts. Apparently, these stated measures according to the Committee, proved insignificant and insufficient considering the fact that the State was engulfed in continuous violence for quite sometime after the Godhra incident of 27th February, 2002. Either the instructions issued to District authorities and Commissioners of Police were not properly communicated or there was laxity on their part to take effective measures to contain the spread of violence. The Committee are of the opinion that the failure of the concerned authorities to prevent the large scale violence should be taken seriously and needs to be investigated with a view to analysing the reasons therefor and for taking suitable remedial steps to ensure that destruction of the magnitude that was witnessed in Gujarat does not recur. For this, it is also essential that intelligence services are revamped so that they always remain vigilant and cautious in case of perceived danger so as to nip in the bud any potential dangers of violence.

Non-Registration of FIRs in the cases of crime against women

Recommendation [Para No. 41(ii)]

1.10 In the aforesaid paragraph, the Committee had observed that there were complaints that Police had not registered several FIRs in cases of crimes against women, and the progress of investigations where the cases had been registered, was too slow. Women were asked to identify the attackers or produce witnesses when they were in camps, while on the other hand, they were under threats/pressure to withdraw their complaints. Free legal aid and assistance to those women who had so far not been able to register their FIRs was an urgent need. For this the concerned Police officials were needed to be instructed to visit relief camps which were still operating and also the riot affected areas. While women in general did not complain of sexual harassment at Lunawada and Dariakhan Ghummat camps, women in Shah Alam Camp complained of sexual harassment and attack during riots. A list of 58 women who had allegedly been sexually assaulted was given by the organizers of the Shah Alam Camp to the Committee, a copy of which was handed over to the State Police for investigation. The Committee had desired that all cases of sexual harassment which had been reported and these 58 cases, should be properly investigated so as to do justice to the affected women, and the follow up report sent to the Committee.

1.11 In this connection, the action taken notes have been received from the Ministry of Home Affairs as well as from the Department of Women and Child Development. It has been brought out in the replies that the State Government has stated that appropriate instructions had been issued directing all the Senior Superintendents of Police and Commissioners of Police to depute responsible officers to the relief camps and other places where the victims and witnesses were being lodged and record their complaints/statements under the direct supervision of senior officers. Besides, a team of three women police personnel was raised in almost all the affected districts for contacting the affected women in the relief camps so that the latter could lodge complaints/FIRs with the teams. During this drive to reach the victims and witnesses in the camps 283 new offences were registered and 3532 statements were recorded. As per available information, 4252 offences have been registered, charge sheets have been filed in different courts of law in 2014 cases and 23777 accused have been arrested in

substantive offences. Six rape cases have been registered (one each in Dahod, Anand and Ahmedabad city districts and three in Panchmahal District).

1.12 The State Government has also stated that no complaint was received from the women at the relief camps that they were asked to produce witnesses or identify the attackers or that they were under pressure to withdraw their complaints. A State level Women's Cell consisting of (i) Kum. Hemangini Zaveri, Member, State Law Commission, Gandhinagar, Kum. Manoramaben Bhagat, Managing Director, Gujarat Women Economic Development Corporation, Gandhinagar and Mrs. R.I. Hakim, Deputy Secretary, Gujarat Legislative Secretariat was also constituted to take initiative to instil confidence among the riot affected women and record complaints and grievances in person. The Cell visited Dariyakhan Ghummat and Shah Alam Roza and 856 women were heard by this Cell and 1116 statements recorded. The State Government has further stated that not a single complaint of sexual harassment of women was received by this Cell. As regards the 58 cases of women allegedly sexually assaulted, the DG and the IGP, Gujarat State, Gandhinagar have been directed to ensure that the investigation into the said cases is fair, impartial and vigorously carried out so that justice is done to the affected women.

1.13 The Committee note that a State level Women Cell visited Dariyakhan Ghummat and Shah Alam Roza Camps and 856 women were heard by this Cell and 1116 statements recorded. The State Government has further stated that not a single complaint of sexual harassment of women was received by this Cell. However, when the Committee had visited Shah Alam Camp, a list of 58 women was given to them who had allegedly been sexually assaulted. The Committee are inclined to conclude that the State level Women's Cell failed in their duty to gauge the extent of sufferings of the harassed women in the Shah Alam Camp. According to the State Government, the Director General of Police and the Inspector General of Police, Gujarat State, Gandhinagar have now been directed to investigate into these 58 cases of women allegedly sexually assaulted. The Committee hope that impartial, proper and speedy investigation in these 58 cases would be held so that justice is done to the affected women.

Rehabilitation Package announced by the Prime Minister

Recommendation (Para No. 42)

1.14 The Committee had observed that as a part of the Rs. 150 crore rehabilitation package announced by the Prime Minister, the Department of Women and Child Development was said to be providing assistance in various forms to the Government of Gujarat. The State Government was stated to be working with NGOs to prepare livelihood proposals under the NORAD and STEP programmes for submission to the Government of India. The Committee had desired that all the schemes for rehabilitation of the affected women, should be formulated and expeditiously implemented with the involvement of banks, donor agencies, NGOs and Voluntary Organisations.

1.15 In their reply, the Ministry of Home Affairs have stated that the Prime Minister announced in Lok Sabha on 30th April, 2002 an economic rehabilitation package of Rs. 150.00 crore for the riot victims of Gujarat. Out of this, an amount of Rs.121.19 crore has been sanctioned against various schemes.

1.16 As per this package the active involvement of HUDCO and the National Housing Bank for building and reconstruction of houses and shops would be enlisted. Similarly, financial institutions would be asked to catalyze industrial and economic activities. In this endeavour, the National Minorities Finance and Development Corporation would be enabled to play a supportive role. Further, convergence of employment and welfare schemes like Prime Minister's Rozgar Yojana and Sampurna Gramin Rozgar Yojana, would be promoted, wherever necessary by suitably augmenting the provisions under them. Also it will be ensured that no one affected by the communal riots is left out of this relief and rehabilitation.

1.17 According to the Ministry of Home Affairs, the Cabinet Secretariat is monitoring implementation of this package. As per available information received from the Cabinet Secretariat, the sanctions have been issued for Rs.121.19 crores as detailed below:-

	Rs./crores
1. Earning assets to 14510 beneficiaries @ Rs.10,000 per beneficiary.	14.51
2. Grant of 20%, subject to a ceiling of Rs.10,000 for recommencing business to about 8000 beneficiaries, as outright grants.	6.80
3. Grant @ of 20% subject to a maximum	

of Rs.50,000for rehabilitation of larger business establishments.	-	32.05
The above three measures are under		
(a) Swarna Jayanti Sahkari Rojgar Yojana (SJSRY) of the Department of Urban Development and Poverty Alleviation for urban areas and (b) Prime Minister's Rojgar Yojana (PMRY) of the Deptt.of Small Scale Industries for rural areas.		
4. Household kits to victims @ Rs.2,500 for 30000 beneficiaries, under P.M.'s Relief Fund	-	7.50
5. Special schemes for rehabilitation of widows/ orphans:		
a) Women's livelihood restoration	-	4.00
b) Establishment of widow homes	-	1.00
c) Anganwadi relief centers & Trauma Counseling.	-	0.89
6. Detailed rehabilitation package by SEWA for skill upgradation	-	7.78
7. Valmiki Ambedkar Yojana	-	26.37
8. Indira Awas Yojana	-	20.29

Total	-	121.19

1.18 The Committee are informed that the Department of Women and Child Development is also involved in the implementation of various schemes. An outline of the schemes being implemented through the State Government is as under:

(i) **Swadhar Homes** for widows and their children have been set up by the Department of Women and Child Development, Govt. of Gujarat. These homes provide shelter, food, clothing and livelihood training to widows and education for their minor children.

(ii) **Shanta Project** has also been formulated to support riot affected widows and children, who have lost one parent in the communal violence. This scheme provides for housing, livelihood training and assets, comprehensive insurance cover for whole life and earning assets for every widow, education for minor children and health insurance for minor children. This scheme is entrusted to the Ahmedabad-based voluntary organization 'SEWA'.

(iii) The Department has also provided training, assets and seeds as well as money for livelihood to support the affected women through NGOs under the NORAD scheme. So far 4531 women have benefited under the Scheme. 66 organisations were involved and out of the total project cost of Rs. 189.78 lakhs, grants to the tune of Rs. 128.99 lakhs have already been disbursed.

The progress in the above mentioned projects is as under:

i) Total number of organizations involved	-	66
ii) Number of trainees	-	4531
iii) Training classes in progress	-	21
iv) Training classes completed	-	37
v) Training classes yet to start	-	8
vi) Total Project cost	-	Rs.1,89,78,039/-
vii) Grant disbursed	-	Rs.1,28,99,721/-

1.19 The Committee have been given to understand that out of the economic Rehabilitation Package of Rs. 150 crore announced by the Prime Minister for the riot victims of Gujarat, an amount of Rs. 121.19 crore has been sanctioned against various schemes such as grants for lost earning assets, for re-commencing business and for rehabilitation of larger business establishments, household kits and special schemes for rehabilitation of widows and orphans. This package includes various schemes for women and are being implemented with the involvement of banks, donor agencies, NGOs etc. The Department of Women and Child Development is also stated to be involved in the implementation of various schemes. The schemes and programmes being implemented through the State Government are: Swadhar Homes for widows and their children; Shanta project to support the riot affected widows and children who have lost one parent in the communal violence; and programme of training, assets and seed money for livelihood support to affected women through local NGOs.

1.20 Although more than a year has elapsed since the announcement of the Rs. 150 crore package by the Prime Minister, it is incomprehensible as to why only Rs. 121.19 crore has been sanctioned against the various schemes so far. The Committee would like to be informed as to how much of the sanctioned amount of Rs. 121.19 crore has been spent. The Committee can only hope that the various assistance schemes for women as explained by the Ministry and the State Government will be implemented expeditiously and properly with the involvement of different agencies so that the affected women are provided the much needed relief. The Committee desire that no one affected during the riots should be left out of the relief and rehabilitation programmes. The Committee would also emphasise that proper monitoring of the Rs. 150 crore Rehabilitation Package announced by the Prime Minister must be ensured so that these funds are not misused and diverted for any other purposes.

Registration and Investigation of cases

Recommendations (Para Nos. 33 & 45)

1.21 The Committee in their Original Report had observed that in any type of riots, women are the most affected. In the disturbance in Gujarat which started on 27th February, 2002, many women lost their husbands, children, their kith and kin and in many cases the only earning member of the family, leaving them destitute and vulnerable. Destruction or damage to households or earning assets compound their woes

and sufferings. The Committee in para 33 of the Original Report had noted that 185 cases of attacks on women had been registered of which 100 were in Ahmedabad City. A total of 57 attacks on children had also been registered of which 33 were registered in Ahmedabad city. 11 cases of Rape had also been registered. Of these 3 cases were from Dahod, 1 from Anand, 4 from Panchmahal and 3 from Ahmedabad City.

1.22 In their reply, the Ministry of Home Affairs have stated that the State Government have been advised to pay adequate and prompt attention in this regard. As per information received from the State Govt., they are making maximum efforts to ensure speedy investigation and trial of the accused. As per available information, 4252 offences have been registered, charge sheets have been filed in different courts of law in 2014 cases and 23777 accused have been arrested in substantive offences. Six rape cases (in which number of women victims was eleven) have been registered (one each in Dahod, Anand and Ahmedabad city districts and three in Panchmahal District).

1.23 In para 45 of the Original Report, the Committee had noted that several Commissions and panels of important citizens including the National Commission for Women had made recommendations many of which had not been implemented like for instance, the establishment of Special Courts and impartial inquiry by an agency from outside the State to investigate the acts of violence during the riots, especially against women. The Committee had expressed the hope that the investigations would be impartial and fair, so that the faith of the people in the police and the Government machinery could be restored.

1.24 In their reply, the Department of Women and Child Development have *inter-alia* stated as follows:-

“Under the Constitution, law and order is a State subject and investigations are to be conducted by the State police and not by an agency from outside the State. An investigation conducted by the State police cannot be discredited, cannot be put into disrepute and its fairness questioned merely on the basis of hostile propaganda. In case, any specific complaint against any

investigation has been made before any commission including the National Commission for Women, the same has not been communicated to the State Government for suitable remedial action. Further, a transfer of investigation particularly when a number of days have elapsed would have indefinitely delayed the investigations and it could have rendered it difficult to file charge sheets within 90 days as stipulated under the Provisions of the CrPC. Further, it would have been against public interest to transfer the investigation to an agency from outside the State at a later stage because the transfer of investigations would only have helped the accused persons to get bail, if the chargesheet were not filed in 90 days. In addition a change in the investigating officers would have resulted in important links being broken, since an agency from outside the State would have taken some time for studying and digesting the relevant case papers before initiating investigation in the cases from the point where the State police had left them. It would also appear a little incongruous, if only a few cases of violence during the riots especially against women were transferred to an agency outside the State while for the other 4200 cases the State police is considered to be impartial and fair for conducting investigations.”

1.25 In this regard, the Ministry of Home Affairs in their reply *inter-alia* have stated that so far as establishing the Special Courts is concerned, the State Government has stated that Special Courts are required to be created wherever there is a grave case involving many accused at one place only and since the offences against women were sporadic and few in number, it was considered that establishment of Special Courts for the offences against women registered during the riots would not be advisable. Further, as the offences against women are sporadic and have occurred at different places, the affected women would not be benefited by establishing a Special Court and they would have to attend the Court at far away places and consequently undue inconvenience would have been caused to them.

1.26 Further according to the Ministry of Home Affairs, the State Govt. has appointed a Commission of Inquiry headed by Justice G.T. Nanavati, a retired judge of the

Supreme Court of India as Chairman and Justice K.G. Shah, retired judge of the Gujarat High Court as member to inquire into various aspects of the recent communal riots in Gujarat.

1.27 Although in 2014 cases, charge-sheets are stated to have been filed in different courts of law and 23777 accused arrested in substantive offences after the violence in Gujarat which started on 27th February, 2002, it has not been made clear whether the investigation has since been completed in all the 4252 registered offences and, if so, the fate of the offences in respect of which cases have not yet been fully investigated and filed. The Committee would like to be informed of the latest position in respect of the number of cases which have been investigated, number of cases filed in the courts, steps taken for their speedy trial and the outcome, if any, of the trials conducted so far.

1.28 From the Action Taken Note, it is clear that the State Government has not accepted the recommendation made by several Commissions and panels of important citizens including the National Commission for Women for establishment of Special Courts and an impartial inquiry by an agency from outside the State to investigate the acts of violence, especially, against women. According to the State Government, an investigation conducted by the State Police cannot be discredited, cannot be put to dis-repute and its fairness questioned merely on the basis of hostile propaganda. Further, according to them, it would also appear a little incongruous, if only a few cases of violence during the riots especially against the women, are transferred to an agency outside the State while for the remaining cases the State Police is considered to be impartial and fair for conducting investigation.

1.29 In this connection, the Committee note that in a case filed in the Supreme Court by the National Human Rights Commission, Citizens for Justice and Peace, an NGO and other individuals seeking the transfer of sensitive cases out of Gujarat on the ground that fair trials were not possible there the Supreme Court has issued certain instructions to the State Government in this regard. The fact, that the Supreme Court intervened in the matter, indicates that there were apparently some shortcomings in the trial of cases, especially, the sensitive ones, by the State

Government. The Committee feel that in order to assuage the feelings of the innocent people who had suffered immensely due to the violence that erupted in Gujarat in February-March, 2002 and to discourage the recurrence of such instances, it is imperative that proper investigation of all the cases registered and their speedy trial in the courts is ensured. The Committee desire that the State Government should take prompt and proper action to see that the guilty are punished and whatever impediments are faced in the delivery of justice are removed expeditiously and effectively.

CHAPTER-II

Recommendation

Gujarat seems to have been unfortunately singled out for a series of calamities and disasters. Hardly had it managed to recover from the devastating earthquake of 2001, when it was shaken by another upheaval, this time a man-made calamity. The Committee note that the disturbances in Gujarat started on 27th February, 2002 after the Sabarmati Express was set on fire resulting in 58 passengers burning to death and 46 persons receiving injuries.

(Para No. 29)

Reply of Ministry of Home Affairs

Government shares the concern expressed by the Committee. It may however be stated that as per latest information, the number of passengers of Sabarmati Express who were burnt to death is actually 59.

[Ministry of Home Affairs O.M. No.14014/1/(0)/2/2002-US(DV) dated 14th May, 2003]

Reply of Department of Women and Child Development

The State Government does not offer any comments on the same

[Department of Women and Child Development O.M. No. 2-14/2002-WW dated 28th March, 2003].

Recommendation

In the course of the riots, the National Human Rights Commission, the Minority Commission, Independent Commission of Eminent persons, National Commission for Women and various NGOs/Women Activists visited Gujarat and brought out their reports indicating *inter-alia* the situation prevailing in the State and detailed the sufferings and neglect of affected persons. Instances of violence and willful destruction perpetrated by uncontrolled mobs on minorities in particular innocent and helpless people in general and due to the indifference and apathy of the administration were

highlighted both by the print and electronic media. The continuing disturbances in Gujarat prompted the Committee on Empowerment of Women to visit some of the relief camps and see for themselves the conditions of women and children, the extent of their sufferings and to assess the relief and rehabilitation measures provided by the State Government. The Committee visited three camps from 2nd to 4th July, 2002; and interacted with the affected women, the NGOs and voluntary organizations working in these camps and listened to their grievances and suggestions. The Committee also held discussions with officials of the State Government and frankly presented their observations gathered during these visits. The State Government officials gave a presentation to the Committee about the measures taken by them to maintain law and order, the rehabilitation package of the State and Central Government and the efforts being made for the security and rehabilitation of those affected.

(Para No. 30)

Reply of Ministry of Home Affairs

The observation is noted.

[Ministry of Home Affairs O.M. No.14014/1/(0)/2/2002-US(DV) dated 14th May, 2003]

Reply of Department of Women and Child Development

The State Government does not offer any comments on the same

[Department of Women and Child Development O.M. No. 2-14/2002-WW dated 28th March, 2003].

Recommendation

From the material placed before the Committee and as a result of interactions held with affected women, supervisors of the camps, NGOs and State Government officials, the Committee are constrained to make the following observations:

In any type of riots, women are the most affected. They lost their husbands, children, their kith and kin and in many cases the only earning member of the family leaving them destitute and vulnerable. Destruction or damage to households or earning assets compound their woes and sufferings. They have to bear not only the burden of managing the physical needs of the dependents but also bringing up their traumatized children.

(Para No. 31 & 32)

Reply of Ministry of Home Affairs

The observations made by the Committee have been noted. In so far as the Union Government is concerned, the Prime Minister announced in Lok Sabha on 30th April, 2002 an economic rehabilitation package of Rs. 150 crore for the riot victims of Gujarat.

. This package of assistance primarily includes:-

- reconstruction and repair of damaged houses and shops, both in rural and urban areas;
- provision of assistance to all the self-employed categories who lost their earning assets;
- financial support for recommencing business, commercial and industrial activities;
- revival of educational, medical and other institutions in the affected areas and special programmes to benefit widows and children.

This package is to be fully supplemented by loans and assistance from banks and financial institutions on liberal and concessional terms.

As per this package the active involvement of HUDCO and the National Housing Bank for building and reconstruction of houses and shops would be enlisted. Similarly, financial institutions would be asked to catalyze industrial and economic activities. In this endeavour, the National Minorities Finance and Development Corporation would be enabled to play a supportive role. Further, convergence of employment and welfare schemes like Prime Minister's Rozgar Yojana and Sampurna Gramin Rozgar Yojana,

would be promoted, wherever necessary by suitably augmenting the provisions under them. Also it will be ensured that no one affected by the communal riots is left out of this relief and rehabilitation. The Cabinet Secretariat is monitoring implementation of this package.

As per available information received from the Cabinet Secretariat, the sanctions have been issued for Rs.121.19 crores as detailed below:-

	Rs./crores
1. Earning assets to 14510 beneficiaries @ Rs.10,000 per beneficiary.	14.51
2. Grant of 20%, subject to a ceiling of Rs.10,000 for recommencing business to about 8000 beneficiaries, as outright grants.	6.80
3. Grant @ of 20% subject to a maximum of Rs.50,000for rehabilitation of larger business establishments.	32.05
The above three measures are under	
(a) Swarna Jayanti Sahkari Rojgar Yojana (SJSRY) of the Department of Urban Development and Poverty Alleviation for urban areas and (b) Prime Minister's Rojgar Yojana (PMRY) of the Deptt.of Small Scale Industries for rural areas.	
4. Household kits to victims @ Rs.2,500 for 30000 beneficiaries, under P.M. 's Relief Fund	7.50
5. Special schemes for rehabilitation of widows /orphans:	
d) Women's livelihood restoration	4.00
e) Establishment of widow homes	1.00
f) Anganwadi relief centers & Trauma Counseling.	0.89
6. Detailed rehabilitation package by SEWA for skill upgradation	7.78
7. Valmiki Ambedkar Yojana	26.37

8. Indira Awas Yojana	-	20.29

Total	-	121.19

Thus, while special provisions have been made for the relief and rehabilitation of affected women through various schemes as indicated above, more information in this regard would be furnished by the Department of Women and Child Development of the Union Ministry of Human Resource Development in their Action Taken Report.

[Ministry of Home Affairs O.M. No.14014/1/(0)/2/2002-US(DV)dated 14th May, 2003]

Reply of Department of Women and Child Development

The State Government does not offer any comments on the same

[Department of Women and Child Development O.M. No. 2-14/2002-WW dated 28th March, 2003].

Recommendation

The Committee feels that it is the bounden duty of every State machinery to take pre-emptive steps to prevent spread of violence. For this purpose, the intelligence services have to always remain vigilant and cautious. In case of perceived danger, the causes must be nipped in the bud. The Committee regret to note that the failure to anticipate the potential dangers of the situation by the Intelligence services was responsible for the violence, death and destruction of the magnitude that was witnessed in Gujarat.

(Para No. 34)

Reply of Ministry of Home Affairs

The State Government reported to have taken the pre-emptive as well as timely steps for bringing the violence to an end quickly. These measures include: (a) analysis of information, (b) pro-active role in anticipating communal disturbances and taking concerted efforts in a sustained manner to contain the violence, (c) limiting the extent of communal divide in the State through elaborate instructions to the Police authorities well

in advance of the Kar Sevak Programme, (d) defusing minor incidents at the budding stage itself, (e) effecting large scale preventive arrests from 27th February itself, (f) organizing a lot of Peace Committee meetings (5406) & Peace Marches (1067) in the affected areas and (g) organizing Sadbhavna meetings and Yatras involving political and religious leaders of all communities and Non-Government Organizations (55 in June, 71 in July & 55 in August, 2002).

The Union Government has also all along been taking comprehensive steps to ensure that the intensity of violence was brought down quickly and such violence did not spread to other parts of the country. These measures include constant review of the over-all situation as well as the emerging trends in the region on the basis of various inputs, sending Central Para Military Forces as well as Army Columns at short notice (which rose to a peak figure of 35 companies of CPMF and 26 Columns of Army to supplement the 65 companies of S.R.P.) sharing of information and sending alert messages to the State Governments, issuing special advisories etc. The Guidelines to promote communal harmony have also been issued by the Union Government which contain various suggestions for intelligence gathering at the ground level.

[Ministry of Home Affairs O.M. No.14014/1/(0)/2/2002-US(DV) dated 14th May, 2003]

Reply of Department of Women and Child Development

Inputs on the communal situation in the State are periodically received from the State Intelligence department and Central intelligence bureau under Ministry of Home Affairs. Information is collected, collated, disseminated to the relevant authorities for initiating appropriate preventive and remedial measures. Actionable information is always analyzed and communicated to the D.G.& IGP and various field formations in the state for necessary action. It may be said that over the last five years the communal situation in the state has been very satisfactory.

Though isolated incidents have been reported in various parts of the state, effective police intervention and anticipatory responses have led to marginalization of the

situation. The proactive role of the state administration in anticipating communal disturbances has led to containing and preventing the spread of communal violence. Not only these efforts but concerted efforts were also made and sustained to see that communal disharmony does not pervade the psyche of members of both the communities. Efforts were constantly made to limit the extent of communal divide, if any, among members of the majority and minority communities. This involved organizing Peace committee meetings and involving members of both the communities in creating an atmosphere of communal amity. Besides, minor incidents of communal nature were always nipped in the bud.

It can be seen from the above that the communal atmosphere in the state was not surcharged or volatile prior to 27th February, 2002.

However, it is relevant to mention at this stage that the programme of Shilanyas at Ayodhya on 15th March, 2002 which was announced quite a few months back was arousing some passions across the length and breadth of the country. But as far as Gujarat was concerned, the only intelligence inputs available to the State Government was in respect of the movement of Karsevaks to Ayodhya. This also did not generate any passion or communal frenzy within the State. Hence, there was total absence of tension which would vitiate the communal atmosphere in the State. The communal disturbances in the state were not preceded by any type of surcharged atmosphere. The likelihood of communal disturbances at that point of time was also very remote. It was, however, the brutal killing of 59 innocent passengers in the Sabarmati Express Train at Godhra which aroused unprecedented communal passions in the minds of the people, considering the fact that the perpetrators of the heinous crime were members of the local Muslim community .

Gujarat State Intelligence had alerted all SPs/CPs well in advance on 7.2.02 about the movements of Karsevaks from the State by train on 22.2.02 to Ayodhya. Besides, the State Intelligence Bureau had also intimated UP State Police authorities on

12th, 21st, 23rd, 25th and 26th February, 2002 about the number of Karsevaks who had left the State for Ayodhya by train.

However, specific intimation about the return journey of Karsevaks by Sabarmati Express starting from Ayodhya was received only on 28.2.02 at 0122 hrs. i.e. after the incident had taken place on 27.2.02 morning. It may be appreciated that Sabarmati Express is a daily train. There was no specific intimation about the return journey of the Karsevaks by this particular train.

As has been already mentioned above, a general alert had already been issued by the Home Department and the Director General of Police to field officers about the movements of Karsevaks. As far as the specific movement of Karsevaks from Ayodhya to Gujarat are concerned, the information could not have been available with the State Intelligence Bureau because the State IB can know only about possible movements within the State or from the State to places outside the State. The specific information of movements of Karsevaks from Ayodhya could only have been known through the U.P. Government or through the Central IB. Hence it cannot be said to be a failure of the State IB if specific movements of Karsevaks on 27th February by Sabarmati Express was not known. Moreover, the matter falls within the purview of the terms of reference of the Commission of Inquiry appointed by the State Government. Appropriate action will be taken once that Commission comes to specific conclusions in this matter.

[Department of Women and Child Development O.M. No. 2-14/2002-WW dated 28th March, 2003].

Recommendation

The Committee feel that effective and preventive steps ought to have been taken to ensure that riots of such intensity did not spread. When such a situation arises, necessary effective measures should always be taken to contain the situation and prevent the spread of violence. It is in this context that immediate action ought to have been taken to organize meetings of political and religious leaders of all the communities and

prominent NGOs to sort out problems/issues amicably. But, this did not happen. Instead the violence was sought to be explained as a fall out of Godhra.

(Para No. 35)

Reply of Ministry of Home Affairs

The State Government reported to have taken the pre-emptive as well as timely steps for bringing the violence to an end quickly. These measures include: (a) analysis of information, (b) pro-active role in anticipating communal disturbances and taking concerted efforts in a sustained manner to contain the violence, (c) limiting the extent of communal divide in the State through elaborate instructions to the Police authorities well in advance of the Kar Sevak Programme, (d) defusing minor incidents at the budding stage itself, (e) effecting large scale preventive arrests from 27th February itself, (f) organizing a lot of Peace Committee meetings (5406) & Peace Marches (1067) in the affected areas and (g) organizing Sadbhavna meetings and Yatras involving political and religious leaders of all communities and Non-Government Organizations (55 in June, 71 in July & 55 in August, 2002).

The Union Government has also all along been taking comprehensive steps to ensure that the intensity of violence was brought down quickly and such violence did not spread to other parts of the country. These measures include constant review of the over-all situation as well as the emerging trends in the region on the basis of various inputs, sending Central Para Military Forces as well as Army Columns at short notice (which rose to a peak figure of 35 companies of CPMF and 26 Columns of Army to supplement the 65 companies of S.R.P.) sharing of information and sending alert messages to the State Governments, issuing special advisories etc. The Guidelines to promote communal harmony have also been issued by the Union Government which contain various suggestions for intelligence gathering at the ground level.

[Ministry of Home Affairs O.M. No.14014/1/(0)/2/2002-US(DV) dated 14th May, 2003]

Reply of Department of Women and Child Development

Immediately after the Godhra incident on the morning of 27th February, the whole State machinery was put on full scale alert and this was communicated to all District Authorities and Commissioners of Police. The first alert message of 27th February from the Home Department covered the need to take precautionary measures including adequate police bandobast and preventive measures including issuance of prohibitory orders depending upon the local situation. It was instructed that anti-social and hard core communal elements should be dealt with firmly.

It was also impressed upon the district administration that when the dead bodies arrive in the respective native places, there was a likelihood of heightened communal tension and hence bandobast should be arranged, especially for the funeral procession. All Commissioners of Police, D.Ms and S.Ps should remain in H.Q. and closely monitor the situation. This alert message of 27th was followed by another message from Home Department on 28th to all concerned to round up anti social and known communal elements under the preventive laws. It was instructed that mobile patrolling should be intensified and adequate protection should also be provided at places of worship and that effective action should be taken to disperse unruly mobs and unlawful assembly, using whatever force was necessary. It was also made clear that anti social elements indulging in violence and bent upon jeopardizing communal harmony must be controlled firmly. Another message dated 28.2.02, impressed upon all concerned officers to maintain adequate bandobast for 1st March being Friday and a day of prayer for the Muslims. Adequate bandobast was directed to be provided to all sensitive areas and curfew should be implemented wherever ordered. On 28th February.2002 another message was sent to the Addl. DGP (Int.) to maintain adequate bandobast for the security of returning Haj pilgrims at their point of entry.

On the first day of March, 2002 the Chief Secretary in a message to all commissioners of Police, DMs and SPs directed that effective action should be taken including implementation of communal riot scheme. The district administration and the police were required to act in a decisive, prompt and effective manner to bring the

situation under control. He personally directed that there should be no hesitation to use whatever force was necessary for bringing the situation under control. When the life and properties of citizens are threatened in a communal situation necessary force including firing has to be resorted to for bringing the situation under control. If the situation deteriorates beyond a point, besides imposing curfew, even 'shoot at sight' orders should be given to ensure that unruly mobs do not collect in a public place.

On 1.3.02, another message was communicated to all concerned to maintain public order, peace and tranquility. This included putting into force:

1. Communal riot scheme for the respective districts /cities .
2. Revised guidelines given by the Government of India to promote communal harmony to be implemented strictly and effectively.
3. Close vigil to be kept on the activities of anti social and communal minded elements and their rounding up under preventive laws.
4. Prompt and effective action to be taken against hard core communal elements bent upon jeopardizing communal harmony.
5. Special attention to be paid to communally sensitive areas especially the places which have witnessed communal violence.
6. Bandobust to be tightened and mobile as well as foot patrolling to be intensified especially in affected areas.
7. Any attempt to jeopardize tranquility, peace and public order to be nipped in the bud.
8. All necessary precautionary as well as preventive measures to be taken depending upon the local situation.
9. Effective action to be taken to disperse unruly mobs and unlawful assemblies.
10. Meeting of peace committees/ Ekta Committees and Mohalla committees also to be held.
11. Tense situation, if any, to be defused by taking appropriate measures and involving prominent members of both communality as well as social leaders.
12. Last but not least, curfew imposed in the cities/towns concerned to be strictly implemented.

As such, time and again, several alert messages were issued directing the District Police Authorities and Magistracy for keeping close watch over the situation as instances of attack on life and properties in villages and towns came to notice. They were also directed for taking all necessary precautionary measures under messages dated 2.3.2002 and 4.3.2002.

It was also impressed upon the district officials to utilize the provisions of the Bombay Police Act for imposition of punitive tax on villages and curtailment of development scheme grant facilities to the villages as a whole, which had failed to maintain communal harmony.

In addition to the above messages, the Home Department had issued 14 messages thereafter also. These messages included measures to be taken for ensuing festivals, arrival of Haj pilgrims and their security, Friday Jumma Namaz, issues related to Ramsevaks etc. from time to time.(Copies enclosed)

The Chief Secretary and Additional Chief Secretary (Home) had arranged two Video conferences with C.Ps, D.Ms., S.Ps. and other concerned officers on 4.3.02 and 11.3.02. In these two Video conferences important items on the agenda for discussion were as mentioned below:

9. Review of law and order and the current violence in the State.
10. Effective deployment of various forces optimally.
11. Instructions for holding Peace Committee meetings and Peace marches.
12. Focus on various alert messages issued regarding law and order, ensuing festivals, Haj Pilgrims etc.
13. Instructions regarding Curbing violence and protecting places of worship.
14. Preventive measures and other actions against criminals, including preventive detention under PASA.
15. Incidents of 15.3.02 at Ayodhya and Ram Mandir issue.
16. Bandobast for S.S.C./ HS.C. examinations.

From the 27th February, 2002, itself i.e. the day on which the incident of Godhra massacre occurred, the district administration took steps to arrest the anti social and

communal minded elements under preventive laws with a view to curbing and containing the violence. A total of 47079 preventive arrests were made all over the state from 27th February up to 9th August, 2002.

In accordance with the State Government's directions and the instructions contained in the revised guidelines issued by the Government of India for maintaining communal harmony, the district administration including district magistrates, police, revenue and developmental functionaries organized 5406 peace committee meetings and 1067 peace marches in affected districts.

It is pertinent to mention that a number of rallies and processions including mammoth Sadbhavana meetings and Yatras have been taken out by political and religious leaders of all the communities and Non Government Organizations in June, July and August (55 in June, 71 in July and 55 in August) so far. However, no untoward incident has taken place as a result of these rallies and processions.

It transpires from the above facts that all possible action and preventive measures were immediately taken to contain the situation and prevent the spread of violence.

[Department of Women and Child Development O.M. No. 2-14/2002-WW dated 28th March, 2003].

Recommendation

The Committee note that large numbers of men, women and children who fled from homes in the wake of the riots took shelter at various centers which they perceived as safe places. The community leaders, NGOs and voluntary agencies immediately responded and organized relief camps. The Committee are of the view that in situations of natural or man-made disasters including riots, the State Government is the primary agency responsible to provide relief, succour, security and rehabilitation to the victims which they were slow in doing.

(Para No. 36)

Reply of Ministry of Home Affairs

Action on this recommendation lies with the State Govt. The State Govt. has intimated that various measures were taken by them to mitigate the hardships arising out of natural or man made disasters including riots in the State. These measures include (a) water supply, (b) sanitation, (c) rations, (d) medicare and (e) welfare of women and children. The State Govt. has further pointed out that Gujarat has established a healthy tradition of working shoulder to shoulder with the NGOs through the Director of Voluntary Agencies and that a total expenditure of Rs.114.00 crores has been spent on relief and rehabilitation by the State Government. The State Govt. has further observed that it is with the State Government's active assistance that 1.32 lakhs inmates could have been maintained in the camps.

It may be added that to supplement the State Govt's efforts the Prime Minister announced on 30.4.2002 an economic rehabilitation package of Rs. 150 crore for the riot victims of Gujarat. Details of the measures taken have been given in the action taken notes on recommendation paras 31 & 32 above. The implementation of this package is being monitored by the Cabinet Secretariat at the Central level and by the Senior officers at the State level.

It may further be added that as on date all the relief camps operating in the State have been closed and all the inmates have left the camps for their homes.

[Ministry of Home Affairs O.M. No.14014/1/(0)/2/2002-US(DV) dated 14th May, 2003]

Reply of Department of Women and Child Development

It is true that the Relief Camps were started mostly by community leaders and to an extent by NGO's and Voluntary Agencies. This is because, during the initial period, the affected persons sought shelter in areas which were perceived as safe. But it would be wrong to imply that the State Govt. was only a passive spectator. All the Relief Camps were actively assisted by the State Govt. Without this help it is doubtful if 1.32 lakhs inmates could have been maintained in the Camps. The State Govt. took over the

responsibility for (a) Water-supply (b) Sanitation (c) Rations (d) Medicare (e) Welfare of Women & Children, from the very inception of the Camps.

The State Govt. has always responded promptly to provide relief, succour, security and rehabilitation to the victims of natural or man-made calamities. Gujarat has established a healthy tradition of working shoulder to shoulder with NGO's. The Director of Voluntary Agencies has been working as a bridge between NGO's & State Govt. The concept of community participation in disaster management has provided good results to cope with any crisis. The State Govt. also took proactive action by supplying food items, and additional support at the rate of Rs. 7 per head per day to organizers of Relief Camps for miscellaneous expenditure. Also sanitation, hygiene, water supply, health care facilities and ICDS angadwadis were provided in all relief camps. The total expenditure incurred on rations & miscellaneous expenditure is Rs.1397.59 lakhs. Even for those persons who left the Relief Camps for their homes, two months free rations in existing scale were provided. The State Govt. has incurred a total expenditure of Rs. 114 Crores for relief and rehabilitation.

[Department of Women and Child Development O.M. No. 2-14/2002-WW dated 28th March, 2003].

Recommendation

The Committee note that the number of relief camps in the State of Gujarat during the peak of the riots was 121, out of which 58 were in Ahmedabad city alone. These relief camps accommodated 1,32,532 persons. The State Administration has stated that it made adequate arrangements through the Collectors, for a) additional shade/mandaps/pandals alongwith carpeting material (b) additional safe drinking water facilities (c) additional toilets/bathrooms (d) medical/health check up facilities (e) adequate ration/foodgrains and other essential commodities (f) grants in cash (Rs. 7/- per head per day) to meet miscellaneous expenditure.

(Para No. 37)

Reply of Ministry of Home Affairs

As per available information, the State Govt has made extensive arrangements for immediate relief, shelter, food, water supply, sanitation and medicare as well as rehabilitation measures like housing, livelihood assistance, etc. The State Government had also undertaken a lot of confidence building measures like providing additional security, involving the village elders and local leaders in the peace process, convening Peace Committee meetings etc and as a result thereof normalcy has now been restored and as per the last report received from the State Govt. all the 1.32 lakh inmates of the 121 relief camps, have left the camps with the restoration of the normalcy in the State and at present there is no relief camp in the State.

[Ministry of Home Affairs O.M. No.14014/1/(0)/2/2002-US(DV) dated 14th May, 2003]

Reply of Department of Women and Child Development

The Committee has made factual observations regarding arrangements made by State Govt. No comments are given. However as mentioned elsewhere in the report, the State Government has made extensive and full arrangements for immediate relief, shelter, food, water supply, sanitation and medicare. Adequate arrangements have also been made for housing, livelihood and rehabilitation. (Annexure - I).

[Department of Women and Child Development O.M. No. 2-14/2002-WW dated 28th March, 2003].

Recommendation

The Committee are of the opinion that though a number of measures have been taken by the State Government to provide basic necessities in the relief camps and to ensure rehabilitation of affected persons especially women, in association with NGOs and voluntary organizations, much more needs to be done. The Committee would urge upon the Department of Women and Child Development, the Ministry of Home affairs Government of India to impress upon the State Government the need to take appropriate steps to provide much needed relief, security and rehabilitation to the affected women and their families.

- The Committee are of the view that :

(i) Majority of the women have seen/experienced violence and are still to recover from the trauma experienced by them. They continue to feel insecure and need trauma counseling for longer periods. For this, Government ought to get assistance of trained counselors and professionals from TISS, Mumbai and NIMHANS, Bangalore.

(iii) Though ex-gratia death relief amounting to Rs. 1.5 lakh is claimed to have been paid in respect of 767 cases, most of the women the Committee met in the Ahmedabad Camps did not know anything about it. Out of 983 death cases, the payment has not been made in the balance of 216 cases, (the Committee were told) for various technical reasons like lack of proof of death, failure to identify the bodies in morgues etc. The Committee hope that efforts would be made to complete the process of payment for the remaining cases including the cases of unidentified dead bodies.

(iv) It has been brought to the notice of the Committee by the affected women that no ex-gratia payment has been made in respect of missing persons. The Committee feel that a sympathetic attitude needs to be taken in respect of these cases and after necessary affidavits are obtained from the dependents/near relatives of the victims, the compensation to them must be paid at the earliest.

(v) Another fact which was brought to the notice of the Committee was the inadequate compensation that has been paid for damaged/destroyed houses by the State Government, the upper limits of which is Rs. 50,000/-. Further, earning assets of many families had

been destroyed during the riots and very few of them have received the compensation and those who got it said it was absolutely inadequate. Moreover, the surveys were made in an ad-hoc manner when the affected families were in camps. They also complained of discrimination based on the community they belonged to. In many cases the landlords had claimed the compensation and were now refusing to let the tenants return. The Committee were informed that fresh surveys are being conducted to ascertain the exact extent of damage to the houses of the victims and their earning assets.

The Committee hope that the fresh surveys in this connection would be completed soon and fair compensation to the victims paid. If the victims need more financial help over and above the compensation they are paid as per the revised surveys, the help of agencies such as Banks, HUDCO, and other Financial Institutions should be taken to extend loans on easy terms to them.

(vi) The houses of the majority of the affected persons have not yet been repaired/reconstructed so far. With the monsoon season on and the camps being closed they have no shelter and nowhere to go. The Committee hope that the camps which are still operating would be closed only after the monsoons so that the affected persons are able to get their houses repaired/reconstructed.

(vii) Another matter of concern was that though they are eager to go back to their villages/areas, the security aspect still haunts them. Though the State Government claimed that it had taken steps to provide security to the affected persons when they move back to their localities, the Committee are of the view that the confidence building process in the affected areas has not been seriously initiated. Women complained of threats meted out to them when they returned, forcing them to take shelter in the camps again. It is necessary to ensure that victims who have left the camps and returned to their localities are provided proper security.

(viii) Many NGOs pleaded for a separate rehabilitation colony for the affected families. If the Government gave the land they are prepared to build it. The Committee feel this should be considered where there is real danger to their lives.

(x) Having suffered immensely, the major problem confronting the affected people especially women, is to work out livelihood measures for the rest of their lives. The

relief operations undertaken for the riot victims require provision for not only relief but also for rehabilitation, with the objective of enabling the affected women regain the courage to achieve sustainable long term earning capacity. Programmes for meaningful resettlement of these women and their families have, therefore, to be worked out. The Committee note that Red Cross, SEWA and some NGOs have offered support to run such programmes in camps by giving sewing machines and ensuring wages for women to earn. Some NGOs have also offered help to women to upgrade their skills under NORAD with market tie ups so that they may earn their livelihood, despite the economic boycott call against them, by some religious groups.

(Para No. 41)

Reply of Ministry of Home Affairs

The observations have been brought to the notice of the State Govt for appropriate action. At the Union level the Department of Women and Child Development is the nodal authority and the Cabinet Secretariat is monitoring the economic rehabilitation package of Rs.150 crore announced by the Prime Minister in Lok Sabha on 30.04.2002.

Reply to (i)

The State Government has reported that the Department of Women and Child Development with the support of the Central Social Welfare Board mobilized 40 Counselors with long experience in the Family Counseling Centres. These Counselors were given two rounds of training in the Department of Psychiatry, B.J. Medical College based on a module developed by the NIMHANS. These Counselors visited all major camps regularly and worked with a total of 3824 children, 3107 adolescents, 4305 adult women and 4635 aged persons. The State Govt. Health Deptt. also made efforts to restore a sense of security to women and children by making arrangements for trauma counseling.

On every Monday and Friday two teams of professionals from the Medical College and Health Department were designated to visit the relief camps to identify and nurse the trauma cases of riot affected women and children. Further, with the

help of the Red Cross, local NGOs and Relief Camps Organizers, some volunteers within the camps were also selected, trained and mobilized to counsel and identify patients suffering from stress and strain, insomnia, anxiety and other kinds of mental distress including epilepsy. A mental health awareness training programme for the State Government officers/staff, NGOs and staff of private Nursing Homes was also organized by the State Government with the help of experts from NIMHANS. A total of 17285 persons were covered in trauma counseling and treatment.

Reply to (iii)

The State Government has informed that wide publicity was given relating to relief package and a very large number of NGOs have also helped to disseminate information in this regard. As the relief camps were run by the NGOs, the organizers were fully aware of the compensation details. As indicated in the ATR in respect of paras 38 and 39, 1080 death relief cases, which includes 227 missing cases also, have been settled and an amount of Rs. 1,620 lakhs has been disbursed so far.

Reply to (iv)

As regards missing persons the State Government has set up a Committee under the Chairmanship of the Collector to decide these cases on the basis of available evidence. As per the report received from the State Government out of the 298 applications received, 242 cases have been cleared for payment. 38 applications were rejected and only 18 remained pending.

Reply to (v & vi)

The State Government has informed that survey work was carried out in the presence of affected persons and without discrimination of caste, creed or religion. The State Government has also stated that they protected the interest of the tenants and provided assistance accordingly and no case of landlords having claimed compensation and refusing the tenants had come to their notice.

The State Government had further informed that special advertisements were published for riot-affected people of Ahmedabad city to submit their applications for assistance under package of earning assets also. As per available information, 28,947 cases of Housing Assistance and 16,919 cases of Earning Assistance were settled and Rs.2953.60 lakhs and Rs.893.42 lakhs, respectively have been disbursed.

The State Government has further informed that no relief camp was closed forcibly and alternate pucca building arrangements were made by the State Govt. for inmates in monsoon season. At present no relief camp is operating in the State.

Reply to (vii)

As regards security aspects of the affected persons the State Government has informed that various measures were taken to instil feelings of confidence amongst the people. These measures include repeated appeals for peace made through print and electronic media, visits by senior Secretaries/I.Gs. as well as District officials to review the situation, activating Peace/Mohalla Committee in Cities/Towns, adequate protection for the inmates of relief camps as well as enhanced *Bandobast* for those who returned to their localities. As regards the complaints of threats to those who returned to their homes the State Govt. has stated that barring two such instances no complaints have been received in this regard. So far as measures for the protection of affected women and children are concerned, several steps were taken by the State Administration and Police which include the following:-

- (i) prompt registration of FIRs under section 154 of the Cr.P.C. whenever information of cognizable crime is received regarding women/children.
- (ii) A special procedure was also evolved to speed up the recording of FIRs and investigation.
- (iii) A High Level three members Women's Cell has also been constituted as explained at item No.(ii) above.

- (iv) Police have also been directed to post women Police personnel wherever possible.

Reply to (viii)

According to the State Government no specific proposal from any NGO has been received in this regard.

Reply to (x)

The Prime Minister's package of Rs. 150 crore provides for relief and for rehabilitation of Gujarat riot victims through the Department of Women and Child Development. The implementation of the above relief/rehabilitation package is being monitored by the Cabinet Sectt. An outline of the schemes being implemented through the State Government is given below:

- (i) **Swadhar Homes** for widows and their children have been set up by the Department of Women and Child Development, Govt. of Gujarat. These homes provide shelter, food, clothing and livelihood training to widows and education for their minor children.
- (ii) **Shanta Project** has also been formulated to support riot affected widows and children, who have lost one parent in the communal violence. This scheme provides for housing, livelihood training and assets, comprehensive insurance cover for whole life and earning assets for every widow, education for minor children and health insurance for minor children. This scheme is entrusted to the Ahmedabad-based voluntary organization 'SEWA'.
- (iii) The Department has also provided training, assets and seeds as well as money for livelihood to support the affected women through NGOs under the

NORAD scheme. So far 4531 women have benefited under the Scheme. 66 organisations were involved and out of the total project cost of Rs. 189.78 lakhs, grants to the tune of Rs. 128.99 lakhs have already been disbursed.

The progress in above mentioned projects is as under:

i) Total number of organizations involve	-	66
ii) Number of trainees	-	4531
iii) Training classes in progress	-	21
iv) Training classes completed	-	37
v) Training classes yet to start	-	8
vi) Total Project cost	-	Rs.1,89,78,039/-
vii) Grant disbursed	-	Rs.1,28,99,721/-

[Ministry of Home Affairs O.M.No.14014/1/(0)/2/2002-US(DV) dated 14th May, 2003]

Reply of Department of Women and Child Development

Reply to (i)

1. Since the task of reaching all the affected persons was very large the Department of Women and Child Development with support from the Central Social Welfare Board mobilised a total of 40 counselors with long experience in the Family Counseling Centres. These counsellors were given two rounds of training by the Department of Psychiatry, BJ Medical College based on a module developed by the college and NIMHANS. The 40 counsellors visited all major camps regularly from May to August (approx. 4 months) and worked with a total of 3824 children, 3107 adolescents, 4305 adult women and 4635 aged persons.

2. The State Government's Health Department has also made efforts to restore a sense of security to women and children by making arrangements for trauma counselling. On every Monday and Friday two teams of professionals from the Medical college and Health Department were designated to attend the relief camps to identify and nurse the

trauma cases of riot affected women and children. With the help of the Red Cross, local NGOs and Relief Camp Organizers some volunteers within the camps were selected, trained and mobilised to counsel and identify patients suffering from stress and strain, insomnia, anxiety and other kinds of mental distress including epilepsy. In this connection a consolidated report (as on 31st July 2002) is shown below which is self-explanatory. As indicated in this report a total of 1414 women and children were given group trauma counselling. Besides, another 145 women and 41 children were also under treatment for trauma as on 31st July, 2002. Further, the Government of Gujarat has initiated a Mental health awareness training programme for the State Government's officers/staff; for concerned NGOs and for the staff of private psychiatric Nursing Homes with the help of experts from NIMHANS, Bangalore which will create a pool of trained manpower to support riots victims. Thus between the counsellors of the women and Child Welfare Department and the Health Department trauma counselling was provided to a total of 17285 persons.

CONSOLIDATED REPORT (AS ON 31/07/02)

INTERVENTIONS BY THE MENTAL HEALTH TEAM AHMEDABAD

1. TRAINING AND EDUCATIONAL ACTIVITIES	NO.OF COUNSELLORS
1. TRAINING GIVEN TO RELIEF WORKERS WORKING AT RELIEF CAMPS (27 TH MARCH)	40
2. DISTRIBUTION OF MANUAL FOR RELIEF WORKER (9 TH APRIL)	50
3. TWO DAYS WORKSHOP CONDUCTED FOR WOMEN AND CHILD DEVELOPMENT (20-21 APRIL)	15
4. ONE DAY WORKSHOP FOR COUNSELLING WORKERS CONDUCTED. (4 TH MAY	20
5. THREE DAY WORKSHOP FOR PSYCHOSOCIAL CARE OF RIOT AFFECTED PEOPLE ORGANISED BY “CENTRAL SOCIAL WELFARE BOARD & DEPT. OF WOMEN AND CHILD GOG. (30 TH MAY-1 ST JUN)	45

	170
2. INTERVENTIONS	
A) GROUP COUNSELING	1,414
B) UNDERTREATMENT 277 + 54 (Follow Up)=	331
M/F	236
Children	41
Total Attended for Care	1,745

Dates of visits to the relief camps		Mar. 18,23	April 22 & 29 th	May 6,17.20,24,27 & 31	June 3.7,14,17,19,20,21,24,28	July 1.5.8.12,15,19,22,26	Grand Total	
Male		75	126	109	27	33	370	
Female		95	129	153	161	96	634	
Children		-	119	157	35	99	410	
Counseling		170	374	419	223	228	1,414	
	Children	09	10	18	02	02	41	
Drug Treat + Individual Counseling	Male	38	10	21	15	07	91	27
	Female	59	06	42	30	08	145	7
	Male	97	16	63	45	15	236	
Follow up		-	-	13	12	29	54	
Total		276	400	513	282	274	1745	

# DIAGNOSIS	TOTAL NO. OF PATIENTS
DEPRESSION	81
ANXIETY	81
POST TRAUMATIC STRESS DISORDER (PTSD)	25
MANIC DEPRESSIVE PSYCHOSIS	04
EPILEPSY (14+3mr)	17
MENTAL RETARDATION	28
SCHIZOPHRENIA	02
OTHERS	39
TOTAL	277

Reply to (iii & iv)

The State Government has given wide publicity to its relief package. A very large number of NGOs have also helped to disseminate information regarding compensation for deaths. As relief camps were run by NGOs, the organisers were fully aware of the compensation and had helped in the distribution of the relief.

Details of the ex-gratia relief paid as death expenditure is as follows :

Out of 986 death reported, payment has been made in 897 cases 45 cases have been rejected and there are 44 cases remaining. Out of this 17 cases involve unidentified bodies, in 8 cases heirs belong to other states, in 18 cases no legal heirs are available and in one case there is a dispute about heirship.

As regards missing persons, Government has set up a Committee under the Chairmanship of the Collector to decide these cases on the basis of available evidence. Out of 298 applications received, 242 cases have been cleared for payment. 38 applications have been rejected and only 18 cases now remain pending.

Reply to (v)

It is submitted that the State Govt. has declared a package of providing assistance up to Rs. 50,000/- and Rs.10,000/- to those whose houses have been destroyed / damaged & earning assets have been lost respectively during riots. Survey work has been carried out in the presence of the affected persons and without discrimination of caste, creed or religion. The State Govt. has protected the interest of the tenants and provided assistance accordingly. No case of landlords having claimed compensation and refusing the tenants has come to notice.

It is stated that special advertisements were published for riot affected of Ahmedabad city to submit their applications for assistance under package of earning assets also. A total of 1927 applications were received which have been surveyed by special survey teams. Out of these 900 applications were found valid and were paid. Therefore as on today no case is pending for housing assistance as well as earning assets.

The State Government has provided housing assistance to the riot affected persons as under :

Particulars	No.of cases paid	Amount paid(in lakhs)
Partially damaged	22632	Rs.1947.31
Fully destroyed	5629	Rs. 908.67
Total	28261	Rs.2855.98

Reply to (vi)

As stated earlier, assistance for damaged/ destroyed houses have been provided. The inmates from Relief Camps have returned to their localities gradually. No Relief Camp was closed forcibly. Instead, alternate pucca building arrangements were done for inmates by Govt. in monsoon season. At present 1 Relief camp with 219 inmates running in Ahmedabad

Reply to (vii)

Necessary measures were taken by the State administration/ police at the relevant time to instill feelings of confidence amongst the people at large and especially the people staying at relief camps. Some of them are enumerated as under :

1. Repeated appeals to maintain peace were made through print and electronic media.
2. Senior Secretaries/ IGs were rushed to the districts to over-see the situation.
3. Peace/ mohalla committees were activated in cities and towns.
4. District level officials undertook visits to villages in the affected areas.
5. Adequate protection was provided to the inmates at relief camps.
6. Necessary medical help was rushed to persons who had temporary shelter in the camps.

Police has provided necessary protection to most of the people when they moved back to their localities. Barring two instances, no complaints have been received that the affected persons received any threats when they returned to their localities, forcing them to take shelter in the camps again. The said two instances, wherein people returning from the camps were assaulted by the mobs, took place because the said people (victims) did not inform the police while returning to their homes and had gone there of their own accord. Enhanced bandobast has been maintained especially in the localities where the victims have returned from the relief camps. Besides, adequate protection has been provided to the localities or victims whenever needed or demanded.

So far as affected women and children are concerned, several steps have been taken by state administration and police to provide security and build confidence amongst them. Salient features thereof are mentioned below.

All Police Officers have been directed to register FIR promptly under section 154 of the Cr.P.C. whenever information of cognizable crime is received regarding Women/Children.

In the case of affected women and children residing in the relief camps the concerned police officers were directed to visit the relief camp and record FIRs of the victim and proceed further as per the above direction.

1. A copy of the FIR is being given to the complainant.
2. Prompt investigation is being carried out under supervision of Senior Police Officers.
3. All relevant evidence including medical and scientific evidence are being collected promptly, so that real culprit are booked and sent to the concerned court for the trial.
4. The Investigating Officers have been directed to oppose bail application in the cases against women and children.
5. In the big cities like Ahmedabad, Baroda, Surat etc. where there are regular Mahila Police Stations, the women police officers are paying more attention towards the investigation of the women cases.
6. All Investigating Officers are directed to prepare proper statement of the witnesses u/s 162 of the Cr. P.C.
7. All Supervisory officers of the police units have been directed to view inaction seriously and take departmental action in cases where lapses are established with regards to investigation of the cases against women and children.
8. Free legal help is being given to the victim women and children.
9. Adequate measures are being taken to restore security and confidence in affected women and children.
10. Special security steps are taken to protect women, girls and children.

G.R.No. SBII/COM/102002/1691 dated 15.5.02, consisting of three women officers for redressal of women and children, who were affected in the recent violence was issued. The members of the cell are,

1. Kum. Hemangini Zaveri, Secretary, Legislative & Parliamentary Affairs Department, (Rtd.) at present Member, State Law Commission, Gandhinagar.

2. Kum. Manoramaben Bhagat. Managing Director, Gujarat Women Economic Development Corporation, Gandhinagar.

3. Mrs. R. I. Hakim, Deputy Secretary, Gujarat Legislative Secretariat.

This cell had seven sittings and had heard the grievances of affected women and children.

As per the directions given by the State Government to the DG and IGP, a team of 3 women police personnel has been constituted in almost all the affected districts.

All Commissioners of Police, Supdt of Police of the district have been instructed to take adequate measures for the re-habilitation and protection of women and children when they return from relief camp to their residential houses.

Police officers have also been directed to post women police wherever possible.

Reply to (viii)

No specific proposal from any NGO's has been received in this regard.

[Department of Women and Child Development O.M. No. 2-14/2002-WW dated 28th March, 2003].

Recommendation

As a part of Rs. 150 crore rehabilitation package announced by the Prime Minister, the Department of Women and Child Development is said to be providing assistance in various forms to the Government of Gujarat. The State Government is stated to be working with NGOs to prepare livelihood proposals under the NORAD and STEP programmes for submission to the Government of India. The Committee desire that all these schemes for rehabilitation of the affected women, should be formulated and expeditiously implemented with the involvement of banks, donor agencies, NGOs and Voluntary Organisations.

(Para No. 42)

Reply of Ministry of Home Affairs

As mentioned in action taken against paras 31, 32 and 41(x), the Prime Minister announced in Lok Sabha on 30th April, 2002 an economic rehabilitation package of Rs. 150.00 crore for the riot victims of Gujarat. An amount of Rs.121.19 crore has been sanctioned against various schemes. This package includes various assistance schemes for women as explained earlier and are being implemented expeditiously with the involvement of Banks, Donar agencies, NGOs, etc. as envisaged by the Committee. The Department of Women and Child Development is also involved in the implementation of various schemes. An outline of the schemes being implemented through the State Government is given below:

(i) **Swadhar Homes** for widows and their children have been set up by the Department of Women and Child Development, Govt. of Gujarat. These homes provide shelter, food, clothing and livelihood training to widows and education for their minor children.

(ii) **Shanta Project** has also been formulated to support riot affected widows and children, who have lost one parent in the communal violence. This scheme provides for housing, livelihood training and assets, comprehensive insurance cover for whole life and earning assets for every widow, education for minor children and health insurance for minor children. This scheme is entrusted to the Ahmedabad-based voluntary organization 'SEWA'.

(iii) The Department has also provided training, assets and seeds as well as money for livelihood to support the affected women through NGOs under the NORAD scheme. So far 4531 women have benefited under the Scheme. 66 organisations were involved and out of the total project cost of Rs. 189.78 lakhs, grants to the tune of Rs. 128.99 lakhs have already been disbursed.

The progress in above mentioned projects is as under:

i) Total number of organizations involve	-	66
ii) Number of trainees	-	4531
iii) Training classes in progress	-	21
iv) Training classes completed	-	37
v) Training classes yet to start	-	8

vi) Total Project cost

- Rs.1,89,78,039/-

vii) Grant disbursed

- Rs.1,28,99,721/-

[Ministry of Home Affairs O.M. No.14014/1/(0)/2/2002-US(DV) dated 14th May, 2003]

Reply of Department of Women and Child Development

In accordance with the Government of India's package of schemes for rehabilitation of riot affected women and children, the Department of Women & Child Development, Government of Gujarat has set up two Swadhar homes for widows and their children in need of shelter. These homes provide shelter, food, clothing and livelihood training to widows without social or economic support. Provision for care and education of their minor children is also part of the scheme.

Further, a new scheme has been formulated by the State Government to support riot widows and children who have lost one parent in the communal violence. This scheme which is called the 'Shanta' project has provision for housing, livelihood training and assets, and comprehensive insurance cover for health, life and earning assets of every widow. Children are being provided with education upto the age of 18 years and health insurance. The scheme has been approved by the Government of India and has been entrusted for implementation to SEWA, Ahmedabad by the Government of Gujarat. Work has been done on all project components and is monitored fortnightly by the State Government.

In addition the Department has provided training, assets and seed money for livelihood support to affected women through local NGO's .So far 4531 women in 6 districts have received assistance. The progress in above mentioned projects is depicted in following table.

No	District	Org	Trainees	Training Class in Progress	Classes completed	Classes yet to start	Total Project Cost	Grant disbursed
1	Gandhinagar	1	150	0	1	0	404272	395772
2	Mehsana	3	135	0	3	0	516912	456930
3	Sabarkantha	7	337	4	1	2	1309800	648578
4	Panchmahal	1	100	0	1	0	396500	376500
5	Ahmedabad	49	3631	14	31	4	15627745	10766441

6	Vadodara	5	178	3	0	2	722810	255500
	Total	66	4531	21	37	8	18978039	12899721

[Department of Women and Child Development O.M. No. 2-14/2002-WW dated 28th March, 2003].

Recommendation

The media has given vast coverage to the recent tragic events in Gujarat. The Government representatives, however, complained that print and electronic media have focused on the violence and arson and destruction and not reported sufficiently on the steps taken for relief and rehabilitation. At times, the issues (they felt) were projected in a way that instigated and provoked different communities against each other. The Committee are of the view that though people have a right to information and right of expression, yet keeping the national interest in view, the media can play a dual role in such situations by also acting as a moderator to calm passions. A positive role by the media by telecasting/arranging programmes and discussions of important political and religious leaders of both the communities appealing to the people to impose self-restraint and to renounce violence would help. The Committee hope that the media would respond to this urgent need and would play an effective role in preventing communal conflicts of such a nature in the future.

(Para No. 43)

Reply of Ministry of Home Affairs

The observations of the Committee have been brought to the notice of the Ministry of Information and Broadcasting and the Press Council of India for appropriate action. The Ministry of Information and Broadcasting has taken the following measures in this regard:

- i) Dissemination of information of policies and programmes of the Government are geared to this effect;
- ii) The All India Radio and Doordarshan under Prasar Bharti abide by the guidelines/code in broadcasting/telecasting of their programmes.
- iii) The Cable transmission organizations are also brought under this Code.
- iv) The Central Board of Films Certification are also brought under these guidelines while certifying films for public viewing.

- v) The Press Council of India has expressed full agreement with the Recommendation and taken steps in this regard like conducting of two seminars on the subject, issuance of appropriate Appeal (twice) to the Press by Mr. Justice K. Jayachandra Reddy, Chairman of the Council, prescribing 'Norms of conduct' in print media especially with regard to crimes against women and a Resolution to this effect in a Special Meeting of the Council held on May 16, 2002.
- (vi) The recommendation of the NHRC has also been brought to the notice of the Media Units functioning under the Ministry of Information & Broadcasting for compliance.

The State Government has also informed that from the beginning factual information was provided by the Information Deptt. of the State Government through day to day Press briefings in some of which the Chief Minister, the Chief Secretary and senior Police officials also attended. A formal request was made by the Information Deptt. to the Editors of the leading Newspapers to keep restraint and also to adhere to the norms prescribed by the Press Council of India. The Information Deptt. widely publicized through the media those incidents in which different communities helped each other to maintain peace and communal harmony. Whenever any incorrect news was reported, the attention of the concerned Editor of the Newspaper was drawn to the same and a request was made to clarify the issue in proper perspective.

[Ministry of Home Affairs No.14014/1/(0)/2/2002-US(DV) dated 14th May, 2003]

Reply of Department of Women and Child Development

The Information Department of the Government of Gujarat took appropriate care from the beginning to provide factual information to the media after the Godhra incident was reported. Along with print media, the electronic media was also provided with sufficient footage on regular basis. The following actions were taken by the information Department to feed media with adequate information.

Day-to-day press briefings were held in Ahmedabad to provide the latest information to the print and electronic media. The Chief Minister, the Chief Secretary and Senior Police Officials attended some of the press briefings and provided information

to the media and also replied to the queries raised by them on the spot. The Home Department has a system of an official spokesperson who is a senior officer in the Department and provided the necessary information to the media even before and after the press briefing whenever the media wanted a particular information.

A formal request was made by the Information Department to the editors of the leading newspapers to keep restraint in view of the conditions and also adhere to the norms prescribed by the Press Council of India.

The Information Department recorded the peace messages from leading opinion leaders and aired the same messages through Doordarshan and All India Radio. The Chief Minister's message was also recorded and released through electronic media.

During the period when the incidents of violence were reported from different parts of the State, there were also quite a few incidents reported that different communities had helped each other and thus maintained peace and communal harmony. Such incidents were widely publicized by the Information Department through the print media and electronic media.

Whenever an incident reported in a particular section of the media was found incorrect, the attention of the concerned editor of the newspaper was drawn to the same and a request was made to clarify the issue in proper perspective.

As mentioned above the Information Department of the state government took effective steps for the dissemination of proper and accurate information to the media. Some sections of media also positively responded to the State Govt.'s efforts.

[Department of Women and Child Development O.M. No. 2-14/2002-WW dated 28th March, 2003].

Recommendation

The Committee have noted with regret that no efforts have been made to confiscate the hate literature that has been widely circulated in the State or to identify those responsible for its preparation, printing and circulation. The Committee hope that the law enforcement machinery acts effectively in this regard.

(Para No. 44)

Reply of Ministry of Home Affairs

The State Government had issued instructions to the Police authorities for confiscating any provocative leaflets/material under circulation in the State and for taking legal action against the persons involved in such activities. As per the last report received from the State Govt., four offences have been registered and three accused have been arrested in this regard and investigations are in progress.

The Union Govt. has also been issuing specific advisories to all the States/UTs to make effective use of the provisions of the I.P.C. against the persons/organizations who are indulging in objectionable speeches/activities aimed at hurting the sentiments of different religious groups in a sustained manner to foment communal disturbances. The State Governments/Union Territories Administrations are also being advised from time to time to bring to the notice of the law enforcement agencies that it is the personal responsibility of the District Collectors and District Superintendents of Police to take appropriate action against the culprits and to look into each and every complaint of harassment being received from the members belonging to the minority communities in their respective areas.

[Ministry of Home Affairs No.14014/1/(0)/2/2002-US(DV) dated 14th May, 2003]

Reply of Department of Women and Child Development

Necessary instructions were given to the police authorities to take appropriate measures to confiscate any provocative leaflets / material under circulation in the state and take necessary action under the relevant provision of law against the persons involved in preparing , printing and circulating the same whenever circulation of hate literature has come to the notice vide Home Department's letters sent to DG & IGPs, G.S. and C.P., Ahmedabad in the months of April/May,2002.

In this regard 4 offences have also been registered at Vadodara city, Ankleshwar, Bharuch and Kadi town (District Mehsana), 3 accused have been arrested in these offences and investigations are in progress.

[Department of Women and Child Development O.M. No. 2-14/2002-WW dated 28th March, 2003].]

CHAPTER-III

OBSERVATIONS/RECOMMENDATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF REPLIES OF THE GOVERNMENT

Recommendation

The Committee were told that in cases of death, ex-gratia death relief of Rs. 1.50 lakh has been given to the dependents. Of this Rs. 1.50 lakh, Rs.90,000 has been paid in cash the rest of Rs. 60,000 is given in the form of Government Bonds. As per information made available to the Committee, out of 977 deaths reported so far, ex-gratia death relief has been paid in 758 cases. But the women in the camps seemed totally ignorant/unaware of this compensation package. In fact many complained that there had been discrimination in the processes used.

A number of houses are stated to be greatly damaged and in some cases totally destroyed. The Committee have been informed that as on 21st June, 2002 Rs. 7.62 crores have been disbursed in 4954 cases (2023 in urban areas and 2931 in rural areas) for completely destroyed residential houses, while Rs. 15.55 crores have been disbursed in 18294 cases (11199 in urban areas and 7095 in rural areas) for partial damages. The compensation paid on account of damage of houses, the Committee were told had been made from Rs. 1000/- to Rs. 50,000/- depending upon the extent of the damage. But several cheques ranging from Rs. 40/- to Rs. 200/- were produced before the Committee which showed that there was discrimination. Many complained that surveys had been conducted in their absence and in an arbitrary manner while others claimed that the landlords had been paid the compensation ignoring the real victims who had lost all their belongings.

(Para Nos. 38 & 39)

Reply of Ministry of Home Affairs

Action on these recommendations lies with the State Government. The observations made by the Committee have been brought to the notice of the State Government for appropriate action. As regards the observation that women in the camps seemed totally ignorant/unaware of the compensation package and there was discrimination in the processes used, the State Govt. has explained that the policy of relief and rehabilitation has been brought to the notice of the riot affected through the District and Taluka administration and that Camp Officers and Liaison Officers were posted in the relief camps to facilitate processing of cases for compensation. Besides senior Secretaries were appointed to supervise the District administration's measures in this regard. A Retired IAS officer was also appointed as the Chief Co-ordinator of the relief camp. Special advertisements were published in the daily newspapers and application were invited from the riot affected who remained left out. In this phase 10309 applications were received and all were surveyed by 20 special technical survey teams and 1643 applications were found eligible and compensation was paid to them. Thus, through various measures mass awareness of the schemes was created and compensation assistance was provided without discrimination.

Regarding the Committee's observation that cheques of small amounts were issued to the victims as compensation for damaged houses which showed that there was discrimination in this regard, the State Govt. has informed that the city of Ahmedabad experienced recurrent violence and hence assistance even for marginal damages were paid in the first phase and subsequently full amounts limited to the extent of damage were paid in all cases. Further, in the light of complaints of less compensation in Ahmedabad city, the District Administration launched a verification drive to rectify the situation and the independent team assigned for this purpose verified 7565 cases and upward revision in 2033 cases had been made.

As regards the complaint that the landlords had been paid compensation ignoring the real victims, the State Govt. has reported that the rights of the tenants have been protected while deciding the disbursement of housing assistance and that the survey of housing damage was conducted in the presence of affected persons and for the purpose

transportation facilities were provided to the inmates of the relief camps to be on site during survey.

The norms of payments etc. for the riot victims *inter alia* include:-

- (i) Legal heirs of those who lost their lives in communal violence will be given Rs.1.5 lakhs (inclusive of contribution of Rs.1.00 lakh from Prime Minister's Relief Fund);
- (ii) Financial aid of Rs.50,000/- for permanent incapacitation and upto Rs.25,000/- for incapacitation below 40% will be given out of P.M.'s Relief Fund;
- (iii) Cash assistance of Rs.7/- per head per day;
- (iv) Financial assistance upto Rs.50,000/- for the houses destroyed or damaged fully or partially;
- (v) Cash doles @ Rs.15/- per day per person for five persons per family for 15 days;
- (vi) House hold kits @ Rs.2500/- per family.

The latest position with regard to relief measures is as under:-

<u>S.No.</u>	<u>Particular</u>	<u>No. of cases</u>	<u>Amount paid</u> <u>(Rs. in lakhs)</u>
1.	Death Relief (includes 227 missing cases)	1080	1620.00
2.	Injury Assistance	2416	175.14
3.	Cash Doles	7696 families	63.90
4.	Household kits	41,646 families	1009.89
5.	Housing assistance	28,947	2953.60
6.	Earning Assets assistance	16,919	893.42
7.	Assistance to Small Business	3014 cases sanctioned	1008.65
8.	Assistance to Industries/Shops/ Hotels, etc.	2846 cases sanctioned	5768.00

[Ministry of Home Affairs O.M. No.14014/1/(0)/2/2002-US(DV) dated 14th May, 2003]

Reply of Department of Women and Child Development

The State Govt. has brought its policy of relief and rehabilitation to the knowledge of the riot affected through the District and Taluka administration. Camp officers and liaison officers were posted to look after each relief camp and facilitate processing of cases for compensation. In order to supervise the district administration senior Secretaries were appointed with special responsibilities for relief camps. Moreover, a retired IAS officer was appointed as the Chief Coordinator of the relief camps. Information was also shared with camp organizers and community leaders. Therefore, mass awareness has been created about the compensation package and compensation assistance has been provided without discrimination.

Out of total no. of 986 deaths reported, payment has been made in 897 cases, 45 cases have been rejected and 44 cases remain wherein 17 cases are of unidentified bodies, 18 cases are without legal heirs, 8 cases belong to other states and 1 case is disputed.

The State Govt. has simplified the procedure for death compensation. A District level Committee appointed under the Chairmanship of the Collector has been empowered to decide upon the cases of unidentified dead bodies and missing persons on the basis of circumstantial evidences.

The State Govt. has, through district authorities issued special advertisements inviting application regarding missing persons so as to enable their legal heirs to receive death compensation. In response, 298 application have been received, out of which 242 applications have been sanctioned and payment is in progress.

The State Govt. decided to provide assistance up to Rs. 50,000/- to the affected persons whose residential houses were damaged/ destroyed. Regarding the Committees observation of cheques of Rs. 40 & Rs. 200/- paid to riot affected towards housing damage, it is submitted that the city of Ahmedabad experienced recurrent violence and hence assistance even for marginal damages have been paid in the first phase. Subsequently full amount limited to the extent of damage have been paid in all cases. It is also submitted that complaints of less compensation were brought to the notice of the district administration in Ahmedabad city. In order to rectify the situation, a verification drive was launched for a large section of damaged houses. The independent team assigned for this purpose verified 7565 cases. As a result, upward revision in 2033 cases had been made.

It is also submitted that rights of the tenants have been protected while deciding the disbursement of housing assistance. The survey of housing damage was conducted in the presence of the affected persons and for this purpose transportation facilities were provided to the inmates of the relief camps to be on site during survey.

It is also submitted that special advertisements were published in the daily newspapers and applications were invited from the riot affected who remained left out. In this phase, a total no. of 10309 applications were received and all were surveyed by 20 special technical survey teams. As a result of house to house survey 1643 applications were found eligible and compensation was paid to all eligible persons.

[Department of Women and Child Development O.M. No. 2-14/2002-WW dated 28th March, 2003]

Recommendation

The Committee note that in comparison with the figures of numbers of Relief Camps and the inmates in the peak period in April, 2002, there is reduction of Relief Camps by 111 Camps and reduction in the number of inmates by 1,19,839. Relief Camps have been closed down in Anand, Kheda, Panchmahal, Sabarkantha, Vadodara and Mehsana. As on 2nd July, 2002, 10 Relief Camps were operating only in Ahmedabad city and even these were to close shortly. The Committee had reports from NGOs that the closure took place despite their protests and the unwillingness of the inmates to return to their localities, due to fear or totally destroyed habitations.

(Para No. 40)

Reply of Ministry of Home Affairs

As already explained in Action Taken in respect of recommendation No. 37 the State Government had undertaken many confidence building measures like providing additional security, involving the village elders and local leaders in the peace process, convening Peace Committee meetings, arranging shelters in *Pucca* buildings during monsoon period etc. and as a result thereof normalcy has now been restored and all the inmates of the relief camps have left the camps with the restoration of the normalcy in the State and at present no relief camp is operating in the State. The Government of Gujarat has denied that the relief camps were closed down by them.

[Ministry of Home Affairs O.M. No.14014/1/(0)/2/2002-US(DV) dated 14th May, 2003]

Reply of Department of Women and Child Development

It is submitted that Relief Camps were not closed down by the State Govt. As a result of confidence building measures and speedy disbursement of assistance under various rehabilitation packages, inmates have left the camps willingly to return to their original places.

The State Govt. had fully prepared alternate arrangement for camp inmates in pucca buildings to protect the inmates from monsoon.

As on 17-10-2002, 4 camps with 2530 inmates were still operating in Ahmedabad city. The inmates are staying in pucca buildings.

[Department of Women and Child Development O.M. No. 2-14/2002-WW dated 28th March, 2003]

Recommendation

At Shah Alam camp, the Committee noticed that there was lack of beddings especially for pregnant women and new born babies. There was also shortage of milk for children and lactating mothers. The Committee had pointed out this shortcoming during their discussion with State Government officials, and hope that suitable steps would have been taken to remedy this situation.

[Para No. 41 (ix)]

Reply of Ministry of Home Affairs

The State Government has informed that adequate arrangements were made in this regard, which included supply of essential food items, financial assistance for

miscellaneous expenditure, opening of Anganwadi centers in the relief camps, providing nutritive food items to children below six years and pregnant/lactating mothers, medical care, etc.

[Ministry of Home Affairs O.M. No.14014/1/(0)/2/2002-US(DV) dated 14th May, 2003]

Reply of Department of Women and Child Development

The State Govt. has provided adequate quantity of six essential food items including milk powder to the organizers of the camps and Rs. 7/-per head per day for miscellaneous expenditure. Anganwadi centres were opened in the Relief Camp providing nutritive food items to children below 6 years and pregnant & lactating mothers. Medical care was provided and in case of emergencies, patients were treated in Hospitals also. State Govt. has been taking efforts to provide all essential services.

[Department of Women and Child Development O.M. No. 2-14/2002-WW dated 28th March, 2003]

CHAPTER IV

OBSERVATIONS/RECOMMENDATIONS IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE AND WHICH REQUIRE REITERATION

Recommendation

The Committee note that 185 cases of attacks on women have been registered of which 100 are in Ahmedabad City. A total of 57 attacks on children have also been registered of which 33 are registered in Ahmedabad city. Rape cases of 11 women have also been registered. Of these 3 cases are from Dahod, 1 from Anand, 4 in Panchmahals and 3 in Ahmedabad City.

(Para No. 33)

Reply of Ministry of Home Affairs

Action on this recommendation lies with the State Govt, who have been advised to pay adequate and prompt attention in this regard. As per information received from the State Govt., they are making maximum efforts to ensure speedy investigation and trial of the accused. As per available information, 4252 offences have been registered, charge sheets have been filed in different courts of law in 2014 cases and 23777 accused have been arrested in substantive offences. Six rape cases have been registered (one each in Dahod, Anand and Ahmedabad city districts and three in Panchmahal District).

[Ministry of Home Affairs O.M. No.14014/1/(0)/2/2002-US(DV) Dated 14th May, 2003]

Reply of Department of Women and Child Development

The State Government does not offer any comments on the same

[Department of Women and Child Development O.M. No. 2-14/2002-WW dated 28th March, 2003]

Recommendation

There are complaints that Police have not registered several FIRs in cases of crimes against women, and the progress of investigations where the cases have been registered, is too slow. Women are asked to identify the attackers or produce witnesses when they are in camps while on the other hand they are under threats/pressure to withdraw their complaints. Free legal aid and assistance to those women who have so far not been able to register their FIRs is an urgent need. For this the concerned Police officials need to be instructed to visit relief camps which are still operating and also the riot affected areas. While women in general did not complain of sexual harassment at Lunawada and Dariakhan Ghummat camps, women in Shah Alam Camp complained of sexual harassment and attack during riots. A list of 58 women who have allegedly been sexually assaulted was given by the organizers of the Shah Alam Camp to the Committee, a copy of which was handed over to the State Police for investigation. The Committee desire that all cases of sexual harassment which have been reported and these 58 cases be properly investigated so as to do justice to the affected women, and to follow up report sent to the Committee.

[Para No. 41(ii)]

Reply of Ministry of Home Affairs

The State Government has also stated that appropriate instructions had been issued directing all the Senior Superintendents of Police and Commissioners of Police to depute responsible officers to the relief camps and other places where the victims and witnesses were being lodged and record their complaints/statements under the direct supervision of senior officers. Besides, a team of three women police personnel was raised in almost all the affected districts for contacting the affected women in the relief camps so that the latter could lodge complaints/FIRs with the teams. During this drive to reach the victims and witnesses in the camps 283 new offences were registered and 3532 statements were recorded. As per available information, 4252 offences have been registered, charge sheets have been filed in different courts of law in 2014 cases and 23777 accused have been arrested in substantive offences. Six rape cases have been

registered (one each in Dahod, Anand and Ahmedabad city districts and three in Panchmahal District)

The State Government has also stated that no complaint was received from the women at the relief camps that they were asked to produce witnesses or identify the attackers or that they were under pressure to withdraw their complaints. A State level Women's Cell consisting of (i) Kum. Hemangini Zaveri, Member, State Law Commission, Gandhinagar, Kum. Manoramaben Bhagat, Managing Director, Gujarat Women Economic Development Corporation, Gandhinagar and Mrs. R.I. Hakim, Deputy Secretary, Gujarat Legislative Secretariat was also constituted to take initiative to instil confidence among the riot affected women and record complaints and grievances in person. The Cell visited Dariyakhan Ghummat and Shah Alam Roza and 856 women were heard by this Cell and 1116 statements recorded. The State Government has further stated that not a single complaint of sexual harassment of women was received by this Cell. Six instances of sexual harassment and attack on women were reported during the riots wherein 11 women were victims. Six FIRs have been registered. As regards the 58 cases of women allegedly sexually assaulted, the DG and the IGP, Gujarat State, Gandhinagar have been directed to ensure that the investigation into the said cases is fair, impartial and vigorously carried out so that justice is done to the affected women.

[Ministry of Home Affairs O.M. No.14014/1/(0)/2/2002-US(DV) Dated 14th May, 2003]

Reply of Department of Women and Child Development

In the affected areas wherever the complainants lodged their complaints with the police, due cognizance was taken by the police immediately. However, the first priority before the police officers was to restore public order in the affected areas. By the time the public order was restored, in several cases the victims had fled from the scene. The complainants were not readily available at a number of places. Under these circumstances, the police officers who dealt with the law and order situation had perforce to register the said offences on behalf of State. Even in respect of such offences, the investigating officers had subsequently recorded the statements of the victims in the relief camps and elsewhere.

In accordance with State Governments orders, the DG & IGP, Gujarat State, Gandhinagar issued fax messages dated 16.3.2002 and 24.3.2002 directing all SsP/ CsP to depute responsible officers to the relief camps and other places where victims and witnesses were being lodged and record their complaints/ statements under the direct supervision of senior officers. Besides a team of three women police personnel was raised in almost all the affected districts and asked to visit different relief camps. Accordingly such teams visited the camps and contacted the women at relief camps so that they could lodge their complaints/ FIRs, if there was a crime against a woman or any other crime. As a consequence, statements of several victims of violence and witnesses have been recorded and perpetrators of crime have been arrested whose names were revealed in such statements. During the drive so launched to reach the victims and witnesses at the relief camps, 283 new offences were registered which had gone unreported and 3532 statements were recorded. The above figures include the offences pertaining to violence against women, besides other offences. During the period from 27.2.02 to 8.8.02, 1349 offences were registered on behalf of the state with the names of 7648 accused mentioned. As the investigation of these offences were in progress and statements of witnesses were recorded, the names of another 6469 accused persons were revealed. Out of 14117 accused persons so identified, 12431 arrests have been made so far. Efforts are on to arrest the remaining absconding accused persons.

Out of a total of 4213 FIRs registered, 1487 cases have been chargesheeted. All these cases are pending trial. However, in 2 cases of Panchmahal District the courts have recently delivered the judgment & acquitted the accused.

In sum, the state machinery has made sincere efforts to ensure that FIRs were registered not only in the cases of crimes against women but in the cases of other crimes also, and proper, fair and impartial investigations are being carried out.

The State Police/ Administration have not received any complaint from the women at the relief camps that they were asked to produce witnesses or to identify the attackers. During the course of investigation the statements of victims and witnesses were recorded and it may be possible that as per the practice the investigating officers might have asked the victims / witnesses including women in the relief camps to give the names of the attackers/ accused if they had recognised / identified them or come to know about their involvement in the offences. This is required so that investigations can be carried out in respect of specific complaints and the culprits booked for the offence. No complaints have been received to the effect that women in relief camps were under threat / pressure to withdraw their complaints/ FIRs.

It is pertinent to mention that a State Level Women's Cell was also raised for redressal of grievances / complaints of the women and children affected during the violence followed by Godhra carnage. The women cell had to build confidence amongst the affected women and children so that they could make their complaints without fear or hesitation and FIRs could be lodged in the police stations. The following female officers were the members of the said Women's Cell :

1. Kum. Hemangini Zaveri, Secretary, Legislative & Parliamentary Affairs Department, (Rtd.) at present Member, State Law Commission, Gandhinagar.
2. Kum. Manoramaben Bhagat. Managing Director, Gujarat Women Economic Development Corporation, Gandhinagar.
3. Mrs. R. I. Hakim, Deputy Secretary, Gujarat Legislative Secretariat.

Wide publicity regarding the raising of the above State Level Women's Cell was given through mass media/ electronic media. The State level women cell took initiative to instill confidence amongst women and children who were affected during violence. The Women's Cell not only heard their complaints / grievances sympathetically and patiently in person but recorded their complaints/ submissions at Circuit House Annexe, Ahmedabad on different days in the month of June, 2002. The cell also visited the relief camps at Dariyakhan Ghummat and Shah Alam Roza on 2nd and 3rd July respectively. In all, the Women's Cell heard 856 women in person patiently and sympathetically and recorded 1116 complaints. Most of complaints (more than 1000) were related to relief / exgratia assistance for damage to household property and business, and assistance to widows and old/aged women. Not a single complaint of sexual harassment of women was received by the State Level Women Cell. Necessary follow up actions have already been initiated by the State Administration as far as the complaints / submissions made by the women before the above Cell are concerned.

Six instances of sexual harassment and attack on the women were reported during the riots wherein 11 women were the victims. Six FIRs have already been registered in this regard. A statement showing the details of these six episodes and progress made in the investigation thereof is enclosed herewith. Annexure - II.

So far as the list of 58 cases of the women who were allegedly sexually assaulted is concerned, the DG & IGP, Gujarat State, Gandhinagar has been directed to ensure that the investigation into the said cases is fairly, impartially and vigorously carried out so that justice is done to the affected women. The follow up report will be sent to the committee as soon as the same is received from the DG & IGP.

[Department of Women and Child Development O.M. No. 2-14/2002-WW dated 28th March, 2003]

Recommendation

There are recommendations made by several Commissions and Panels of important citizens including the National Commission for Women. Many of these have not yet been implemented like for instance, the establishment of Special Courts and an impartial inquiry by an agency from outside the State, to investigate the acts of violence during the riots, especially against women. The Committee hope that the investigations will be impartial and fair, so that the faith of the people in the police and the Government machinery can be restored and Gujarat can ensure peace and tranquility to all its citizens in the future.

(Para No. 45)

Reply of Ministry of Home Affairs

The position with regard to the action taken at the level of the Union Govt. on the reports of various Commissions etc. is as under:

(i) National Human Rights Commission (NHRC)

Most of the recommendations and observations made in their Report pertained to the Govt. of Gujarat. It is understood that the State Govt had since replied to these observations and recommendations. In so far as the Central Govt. is concerned there were only 6 recommendations which had to be acted upon. They are as under:

1. Entrusting of 5 criminal cases to CBI:

The Ministry of Home Affairs had explained to the NHRC that under the existing rules the CBI could take up investigation of cases in a State only if the State Govt. makes an appropriate request to the CBI. The Govt. of Gujarat had not made any such request for investigation of the above mentioned 5 cases by CBI. The Govt. of Gujarat

had further stated that those 5 cases were being investigated by experienced staff and as such CBI investigation into those cases was not required at this stage.

2. Implementation of the Police reforms as per the Report of the National Police Commission and National Human Rights Commission:

Since 'Police' is a State subject as per the Seventh Schedule to the Constitution of India it is for the State Governments/UT Administrations to act upon on this recommendation. At the Union level the Central Government has been persuading/motivating the States from time to time to undertake Police reforms and has also been giving necessary advice/guidelines/assistance from time to time. It may be added that the Ribeiro Committee Report on Police Reforms is before the Supreme Court of India and action with regard to its implementation would be as per the directives of the Apex Court.

3. Special facilities/camps should be set up for the processing of insurance and compensation claims. The Chief Minister of the State had requested the Commission to issue an appropriate request to insurance companies for the expeditious settlement of claims of those who had suffered in the riots. The Commission will readily do so and recommends that the State send to it the necessary details at an early date in order to facilitate such supportive action.

The Public Sector insurance companies have taken a pro-active role in the assessment of the loss as well as speedy settlement of the insurance claims. This includes various measures like (i) waiver of formalities like fire brigade report, FIR and final investigation report of the Police in certain cases of riot losses, (ii) delegation of financial authorities to field officers, (iii) appointment of nodal officers for coordinating with their State Government and the Industries Associations etc.

The Reserve Bank of India have issued standing guidelines on extension of relief measures to the riot affected people and extended various additional relief measures for the riot victims like 25% increase in the working capital limit, delegation of powers to the Branch Managers of Banks regarding loans and to extend the period of realization of bill purchase/discounted, re-scheduling of loan re-payment, waiver of margin

money for advances upto to Rs. One crore and non-insistence of collateral security/ third party guarantee upto Rs. 50,000/-, waiver of penal interest etc. The RBI's relief package was reiterated in the State-level Bankers Committee meeting held on 18th March, 2002.

4. Adequate compensation should be provided to those who have suffered. This will require an augmentation of the funds allocated thus far, through cooperative arrangements involving both the State and the Central Governments. Efforts should be made to involve HUDCO , HDFC and International financial and other agencies and programmes in this process.

The State Government is bringing out a housing scheme named '*Sant Kabir Awas Yojna*' for the affected persons at their old places of residence. The Chief Managing Director of HUDCO and his team of officers visited Gujarat on 14/15 April 2002 and the State Government has indicated their minimum requirement. The Union Ministry of Urban Development is examining the issue of liberalizing the Scheme for grant of funds for construction of destroyed houses by increasing the subsidy components substantially for the benefit of riot victims. As per available information a sum of Rs. 29.53 crores has been disbursed in 28,947 cases of Housing Assistance.

5. Special efforts will need to be made to identify and assist destitute women and orphans, and those subjected to rape. The Women and Child Development Department, Govt. of India and concerned international agencies/programmes should be requested to help. Particular care will need to be taken to mobilize psychiatrist and counseling services to help the traumatized victims. Special efforts will need to be made to identify and depute competent personnel for this purpose.

The recommendation of the NHRC has been conveyed to Central Social Welfare Board, which runs family counseling centers. The Department of Women and Child Development of the Govt. of India has taken the following measures in this regard:

- (a) Offered help to the State Government under the new scheme called *Swadhar* for the women victims.

- (b) In response to the State Government's Rs 100 crore proposal for training and development for women affected by the riots they have been advised to formulate appropriate proposals under the relevant schemes of the Department of Women and Child Development.
 - (c) Approval of the Department has been conveyed to the Govt. of Gujarat for utilization of the unspent balance out of the Rs. 2.63 cores released in Feb. 2001 for the earth-quack victims.
 - (d) The Women and Child Development Department is also in touch with the Ahmedabad-based NGO "SEWA" Schemes for rehabilitation of women and orphans.
6. The media should be requested to cooperate fully in this endeavour, including Radio, which is often under-utilized in such circumstances.

The Ministry of Information & Broadcasting has taken the following steps in this regard:

- i) Dissemination of information of policies and programmes of the Government are geared to this effect;
- ii) The All India Radio and Doordarshan under Prasar Bharti abide by the guidelines/code in broadcasting/telecasting of their programmes.
- iii) The Cable transmission organizations are also brought under this Code.
- iv) The Central Board of Films Certification are also brought under these guidelines while certifying films for public viewing.
- v) The Press Council of India has expressed full agreement with the Recommendation and taken steps in this regard like conducting of two seminars on the subject, issuance of appropriate Appeal (twice) to the Press by Mr. Justice K. Jayachandra Reddy, Chairman of the Council, prescribing 'Norms of conduct' in print media especially with regard to

crimes against women and a Resolution to this effect in a Special Meeting of the Council held on May 16, 2002.

- (vi) The recommendation of the NHRC has also been brought to the notice of the Media Units functioning under the Ministry of Information & Broadcasting for compliance.

(ii) Recommendations of the National Commission for Minorities (NCM):

The NCM has made certain recommendations on which action lies with the State Government and the Gujarat Government has, it is understood, already taken action. It may be added that the Commission had written a letter to the Prime Minister proposing certain recommendations which include (i) liberal grants from the Prime Minister's Relief Fund for the riot affected in addition to the adequate compensation to be paid by the State Government, (ii) assessment on the actual loss of life and property, (iii) appropriate Rehabilitation Package for the riot victims who were sheltered in relief camps, (iv) adequate protection and facilities for the inmates of relief camps, (v) starting of some economic activities for the inmates of relief camps, allotment of land for them, sending RBI teams for assessing damages to property and business and formulating financial package and issuing suitable instructions to Public Sector Banks regarding waiver of loans, giving soft loans etc. and (vi) rectifying damages caused to places of worship.

As regards liberal grants from the P.M.'s Relief Fund, it has already been explained in Recommendation para No. 31 & 32 regarding the Prime Minister's Rs.150 crore economic rehabilitation package for the riot victims of Gujarat.

As regards action by the Reserve Bank of India and Public Sector Banks, it has been explained in the preceding para pertaining to Action Taken on the Recommendations of the NHRC that the Reserve Bank of India has issued appropriate guidelines in this regard and public sector Insurance Companies as well as Banks have also taken appropriate measures as envisaged in the Recommendation.

The Chairman of the Commission also stated that he has received reports of targeting and transferring of police and civil officers for their exemplary work done during the riots and requested the Prime Minister that in the light of such reports, the Commission of Inquiry on the Godhra Train Carnage-related communal riots in Gujarat should be headed by a Judge of the Supreme Court. The State Govt. has already

appointed a Commission of Inquiry headed by Justice G.T. Nanavati, a retired Judge of the Supreme Court of India on this issue.

Other recommendations contained in the D.O. letter of the Chairman of the Commission mainly pertain to the State Govt. and the State Govt has already submitted their comments/ATR to the NCM.

(iii) National Commission for Women (NCW)

The NCW made many recommendations to ensure speedy justice, adequate compensation, appropriate law enforcing mechanism for the safety and security of women and speedy action against culprits involved in crimes against women. The Commission has also made many recommendations pertaining to relief and rehabilitation of women and children . Action on these recommendations lies with the State Govt. In so far as the Union Govt. is concerned, the Commission had recommended increased funding to the State Govt. so that the relief and rehabilitation measures were not held up for want of adequate funds.

Action taken

The position in this regard is explained at Recommendation para no.41(x)

(iv) Other reports by eminent personalities etc.

The Ministry of Home Affairs had received many representations from eminent personalities of different walks of life with regard to prompt relief and rehabilitation of the riot victims and punishing the guilty. All these representations have been forwarded to the State Govt. for appropriate action. A Six-Member delegation of CPI(M) headed by Shri Subodh Roy, MP, also visited the State on 11th March, 2002 and their observations have been forwarded to the State Govt. for appropriate action.

So far as establishing the Special Courts is concerned, the State Government has stated that Special Courts are required to be created wherever there is a grave case involving many accused at one place only and since the offences against women were

sporadic and few in number, it was considered that establishment of Special Courts for the offences against women registered during the riots would not be advisable. Further, as the offences against women are sporadic and have occurred at different places, the affected women would not be benefited by establishing a Special Court and they would have to attend the Court at far away places and consequently undue inconvenience would have been caused to them.

As per available information 4252 cases have been registered and chargesheets have been filed in 2014 cases and a total of 23777 accused have been arrested in substantive offences. The cases are in various stages investigation and trial.

It may be pertinent to mention that the State Govt. has appointed a Commission of Inquiry headed by Justice G.T. Navavati, a retired judge of the Supreme Court of India as Chairman and Justice K.G. Shah, retired judge of the Gujarat High Court as member to inquire into various aspects of the recent communal riots in Gujarat.

[Ministry of Home Affairs O.M.No.14014/1/(0)/2/2002-US(DV) dated 14th May, 2003]

Reply of Department of Women and Child Development

Under the Constitution, law and order is a State subject and investigations are to be conducted by the state police and not by an agency from outside the state. An investigation conducted by the state police cannot be discredited, cannot be put into disrepute and its fairness questioned merely on the basis of hostile propaganda. In case, any specific complaint against any investigation has been made before any commission including the National Commission for Women, the same has not been communicated to the State Government for suitable remedial action. Further, a transfer of investigation particularly when a number of days have elapsed would have indefinitely delayed the investigations and it could have rendered it difficult to file charge sheets within 90 days as stipulated under the Provisions of the CrPC. Further, it would have been against public interest to transfer the investigation to an agency from outside the state at a later stage because the transfer of investigations would only have helped the accused persons to get bail, if the chargesheet were not filed in 90 days. In addition, a change in the investigating officers would have resulted in important links being broken, since an agency from outside the state would have taken some time for studying and digesting the relevant case papers before initiating investigation in the cases from the point where the state police had left them. It would also appear a little incongruous, if only a few

cases of violence during the riots especially against women were transferred to an agency outside the state while for the other 4200 cases the state police is considered to be impartial and fair for conducting investigations.

As mentioned in response to para 41 (ii), 4213 FIRs have been lodged in the police stations immediately after the incidents. Investigations into these offences are carried out impartially and vigorously under the supervision of the senior police officers. A total of 4213 FIRs were registered from all the affected areas in the state and 20669 accused have been arrested in substantive offences. As a result, charge sheets in as many as 1487 cases have been filed in the courts concerned.

It may be mentioned that a total number of arrests numbering 66518 as on 9.8.02 have been made by the police both involving crime as well as under preventive laws irrespective of their caste, creed or religion. The above facts indicate that the investigations carried out by the local police are impartial and fair.

Special courts are required to be created wherever there is a grave case involving many accused at one place only. Since the offences against women were sporadic and few in number, it was considered that establishment of Special Courts for the offences against women registered during the riots would not be advisable. As the offences against women are sporadic and have occurred at different places, the affected women would not be benefited by establishing a special court. They would have to attend the court at far place and undue inconvenience would have been caused.

[Department of Women and Child Development O.M. No. 2-14/2002-WW dated 28th March, 2003]

CHAPTER V

**OBSERVATIONS/RECOMMENDATIONS IN RESPECT OF WHICH THE
GOVERNMENT HAVE FURNISHED INTERIM REPLIES**

- NIL -

NEW DELHI
December, 2003

Agrahayana, 1925 (Saka)

MARGARET ALVA
Chairperson,
Committee on Empowerment of Women

OBSERVATIONS/RECOMMENDATIONS

Sl No.	Para No.	Ministry/ Department	Observations/Recommendations
1	2	3	4
1.	1.9	<p>i) Ministry of Home Affairs</p> <p>ii) Ministry of Human Resource Development (Department of Women and Child Development)</p>	<p>In response to the recommendation of the Committee that necessary effective measures should have been taken to contain the situation and prevent the spread of violence, the Ministry of Home Affairs and the Department of Women and Child have stated that the State Government of Gujarat have explained that they had taken pre-emptive as well as timely steps such as issue of necessary instructions to Commissioners of Police, District Magistrates and Superintendents of Police to curb violence and maintain law and order in the State; resorting to 47079 preventive arrests of anti-social and communal minded elements; organisation of 5406 peace committee meetings and 1067 peace marches in affected districts. Apparently, these stated measures according to the Committee, proved insignificant and insufficient considering the fact that the State was engulfed in continuous violence for quite sometime after the Godhra incident of 27th February, 2002. Either the instructions issued to District authorities and Commissioners of Police were not properly communicated or there was laxity on their part to take effective measures to contain the spread of violence. The Committee are of the opinion that the failure of the concerned authorities to prevent the large scale violence should be taken seriously and needs to be investigated with a view to analysing the reasons therefor and for taking suitable remedial steps to ensure that destruction of the magnitude that was witnessed in Gujarat does not recur. For this, it is also essential that intelligence services are revamped so that they always remain vigilant and cautious in case of perceived danger so as to nip in the bud any potential dangers of violence.</p>
2.	1.13	i) Ministry of Home Affairs	<p>The Committee note that a State level Women Cell visited Dariyakhn Ghummat and Shah Alam Roza Camps and 856 women were heard by this Cell and 1116 statements recorded. The State Government has</p>

ii) Ministry of Human Resource Development (Department of Women and Child Development)

further stated that not a single complaint of sexual harassment of women was received by this Cell. However, when the Committee had visited Shah Alam Camp, a list of 58 women was given to them who had allegedly been sexually assaulted. The Committee are inclined to conclude that the State level Women's Cell failed in their duty to gauge the extent of sufferings of the harassed women in the Shah Alam Camp. According to the State Government, the Director General of Police and the Inspector General of Police, Gujarat State, Gandhinagar have now been directed to investigate into these 58 cases of women allegedly sexually assaulted. The Committee hope that impartial, proper and speedy investigation in these 58 cases would be held so that justice is done to the affected women.

3. 1.19 i) Ministry of Home Affairs
ii) Ministry of Human Resource Development (Department of Women and Child Development)

The Committee have been given to understand that out of the economic Rehabilitation Package of Rs. 150 crore announced by the Prime Minister for the riot victims of Gujarat, an amount of Rs. 121.19 crore has been sanctioned against various schemes such as grants for lost earning assets, for re-commencing business and for rehabilitation of larger business establishments, household kits and special schemes for rehabilitation of widows and orphans. This package includes various schemes for women and are being implemented with the involvement of banks, donor agencies, NGOs etc. The Department of Women and Child Development is also stated to be involved in the implementation of various schemes. The schemes and programmes being implemented through the State Government are: Swadhar Homes for widows and their children; Shanta project to support the riot affected widows and children who have lost one parent in the communal violence; and programme of training, assets and seed money for livelihood support to affected women through local NGOs.

4. 1.20 i) Ministry of Home Affairs
ii) Ministry of Human Resource Development (Department of

Although more than a year has elapsed since the announcement of the Rs. 150 crore package by the Prime Minister, it is incomprehensible as to why only Rs. 121.19 crore has been sanctioned against the various schemes so far. The Committee would like to be informed as to how much of the sanctioned amount of Rs. 121.19 crore has been spent. The Committee can

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Development)**

only hope that the various assistance schemes for women as explained by the Ministry and the State Government will be implemented expeditiously and properly with the involvement of different agencies so that the affected women are provided the much needed relief. The Committee desire that no one affected during the riots should be left out of the relief and rehabilitation programmes. The Committee would also emphasise that proper monitoring of the Rs. 150 crore Rehabilitation Package announced by the Prime Minister must be ensured so that these funds are not misused and diverted for any other purposes.

5. 1.27 i) **Ministry of Home Affairs**
- ii) **Ministry of Human Resource Development (Department of Women and Child Development)**

Although in 2014 cases, charge-sheets are stated to have been filed in different courts of law and 23777 accused arrested in substantive offences after the violence in Gujarat which started on 27th February, 2002, it has not been made clear whether the investigation has since been completed in all the 4252 registered offences and, if so, the fate of the offences in respect of which cases have not yet been fully investigated and filed. The Committee would like to be informed of the latest position in respect of the number of cases which have been investigated, number of cases filed in the courts, steps taken for their speedy trial and the outcome, if any, of the trials conducted so far.

6. 1.28 i) **Ministry of Home Affairs**
- ii) **Ministry of Human Resource Development (Department of Women and Child Development)**

From the Action Taken Note, it is clear that the State Government has not accepted the recommendation made by several Commissions and panels of important citizens including the National Commission for Women for establishment of Special Courts and an impartial inquiry by an agency from outside the State to investigate the acts of violence, especially, against women. According to the State Government, an investigation conducted by the State Police cannot be discredited, cannot be put to dis-repute and its fairness questioned merely on the basis of hostile propaganda. Further, according to them, it would also appear a little incongruous, if only a few cases of violence during the riots especially against the women, are transferred to an agency outside the State while for the remaining cases the State Police is considered to be impartial and fair for conducting investigation.

7. 1.29
- i) Ministry of Home Affairs
 - ii) Ministry of Human Resource Development (Department of Women and Child Development)
- In this connection, the Committee note that in a case filed in the Supreme Court by the National Human Rights Commission, Citizens for Justice and Peace, an NGO and other individuals seeking the transfer of sensitive cases out of Gujarat on the ground that fair trials were not possible there the Supreme Court has issued certain instructions to the State Government in this regard. The fact, that the Supreme Court intervened in the matter, indicates that there were apparently some shortcomings in the trial of cases, especially, the sensitive ones, by the State Government. The Committee feel that in order to assuage the feelings of the innocent people who had suffered immensely due to the violence that erupted in Gujarat in February-March, 2002 and to discourage the recurrence of such instances, it is imperative that proper investigation of all the cases registered and their speedy trial in the courts is ensured. The Committee desire that the State Government should take prompt and proper action to see that the guilty are punished and whatever impediments are faced in the delivery of justice are removed expeditiously and effectively.

[Vide Para 1.2 of the Report]

ANALYSIS OF ACTION TAKEN BY GOVERNMENT ON THE NINTH REPORT OF THE COMMITTEE ON EMPOWERMENT OF WOMEN (THIRTEENTH LOK SABHA)

I)	Total number of Recommendations	-	26
II)	Observations/Recommendations which have been accepted by the Government		
	Sl .Nos. 29, 30, 31, 32, 34, 35, 36, 37, 41(i), 41(iii), 41(iv), 41(v), 41(vi), 41(vii), 41(viii), 41(x), 42, 43, 44		
	Total		19
	Percentage		73.07%
(iii)	Observations/Recommendations which the Committee do not desire to pursue taking into consideration the replies of the Government:		
	Sl . Nos. 38, 39, 40, 40(ix)		
	Total		4
	Percentage		15.38%
(iv)	Observations/Recommendations in respect of which replies to the Government have not been accepted by Committee which required reiteration		
	Sl. No. 33, 41(ii), 45		
	Total		3
	Percentage		11.53%
v)	Observations/Recommendations in respect of which Final replies have not been received.		
	Total		Nil
	Percentage		

MINUTES OF THE SIXTH SITTING OF THE COMMITTEE ON
EMPOWERMENT OF WOMEN (2003-2004).

The Committee sat on Monday, the 15th December, 2003 from 1500 hours to 1545 hours in Committee Room 'E', Parliament House Annexe, New Delhi.

In Chair

Smt. Margaret Alva - **Chairperson**

PRESENT

LOK SABHA

2. Smt. Krishna Bose
3. Smt. Renuka Chowdhary
4. Smt. Abha Mahato
5. Dr. Ashok Patel
6. Shri E. Ponnuswamy
7. Dr. (Smt.) V. Saroja
8. Smt. Jayaben B. Thakkar

RAJYA SABHA

9. Miss Mabel Rebello
10. Smt. Savita Sharda

SECRETARIAT

1. **Shri Ashok Sarin** - **Director**
2. Smt. Veena Sharma - Under Secretary

2. At the outset, the Chairperson welcomed the Members to the Sitting. The Committee took note of the fact that three eminent women personalities had led their respective political parties to tremendous victory in the recently held

elections in the States of Madhya Pradesh, Rajasthan and Delhi and had been appointed the Chief Ministers of the respective States. The Committee expressed happiness over this achievement on the part of the women and decided to pass a Resolution to congratulate the new incumbents to the office of Chief Ministers of these States and to convey to them their sentiments.

3. The Chairperson then mentioned that at their Sitting held on 10th November, 2003, it was decided by the Committee that letters might be issued to (i) the Hon'ble Minister for Human Resource Development regarding proposal of the Central Government to rename the Women Studies Department in various Indian Universities as 'Women and Family Studies Centres' ; and (ii) The Chairman, National Human Rights Commission regarding investigation into the use of crude methods for laproscopy in the health centres across Uttar Pradesh.

The Chairperson informed that both the letters had since been issued. She was pleased to inform the Members that the proposal to rename Indian Universities had since been dropped. She further informed that in the letter to the Chairman, National Human Rights Commission, he was requested to constitute an independent Fact Finding Team comprising of some NGOs to examine the situation.

4. The Chairperson then mentioned that earlier a representation addressed to the Chairman, Committee on Petitions was endorsed to her by the Air Hostesses, Air India regarding non-implementation of the Government of India Directive dated 16th October, 1989 by the management of Air India. Chairperson informed the Committee that she along with some women Members of Parliament met the then Minister of Civil Aviation who had been very helpful and responsive and sought the opinion of the Attorney General in the matter. The Chairperson was happy to inform that Attorney General had conveyed his opinion to the Government and the Government had decided to amend the Rules to allow the Air Hostesses to fly till the age of 58 years.

5. The Committee then took up for consideration the draft Action Taken Report on the subject 'Violence Against Women During Riots'. After some deliberations, the Committee adopted the draft Action Taken Report and decided that the Hon'ble Members might furnish their suggestions, if any, to the Committee Secretariat by 16th December, 2003 upto 5 O'Clock. The Committee authorised the Chairperson to finalise the draft Report in the light of the suggestions, if any, received from the Members and present the same to Parliament.

The Committee then Adjourned.