

## JUSTICE FOR ALL- COMPENSATING DEATH

- By Navaz Kotwal

The police station was true to every conceivable typecast: a bawdy, pot-bellied inspector, uniformed henchmen and hapless, pleading villagers waiting in vain for their complaints to be recorded. Yakubbbhai sat there waiting to be heard. He forgets the number of times he has visited this place in the last month. It was end of April 2002 -- two months since his life had taken a turn for the worse. Every time he had returned empty handed. His patience and determination fading. He wondered if he would be lucky today. Did he say lucky? The policeman called his name. He jumped up in surprise. He could not believe his chance had come so fast. His legs wobbled as he walked towards the desk.

An ugly circus of intimidation unfolded. The officer was shouting at the villagers. He wanted them to go back as he had other work. He sipped his tea. Yakubbbhai had come with the names of people who had murdered eight members of his family. He was witness to eighteen murders. They were all killed and burnt. But how could he prove that when evidence was meticulously obliterated and even ashes swept away. He asked the officer to at least record his complaint. He was asked to remove all names of accused. Yakubbbhai refused. The police asked Yakubbbhai to produce the remains. He said he could not find any. Arguing with the providers of law proved futile. Reason is a stranger in this part of the world. Yakubbbhai tried hard. In an emotionally exhausted voice he repeated his story again.

Terror broke loose in Yakubbbhai's village Dehlol on 28<sup>th</sup> March- the day after the Godhra carnage. Muslims from the village fled. There was little they owned but had to leave all behind. Yakubbbhai had probably lost a little more than others...his house, his source of livelihood, and eight members of his family. He had fled the village with his family and others hoping that somehow they would escape the mobs. They hid in the nearby fields. The standing crops provided some refuge but not for long. Armed mobs with saffron headbands scouted the area for any surviving Muslims. Some hid in the crops. Few of them ran but were overpowered in a few seconds. At Futewad Talaav eight of them were caught, slashed with swords, doused with petrol and set ablaze. The attackers seemed at ease with the killing as if it was something they did everyday. As for Yakubbbhai he found a spot where the crops completely covered him. But he could see through the undergrowth. He watched his father, his mother, his brother, his sister, his niece, and his nephew all being killed. Yakubbbhai was frozen. He could not move from where he was hiding. For two long hours the carnival of blood continued. The mob left. No help came in. The police were nowhere in sight. Considering the fact that the police station was less than 6 Km away, their absence seemed strange. The foul odour of burnt flesh was repulsive. The smoke rising from the burning bodies was choking. No one to attend to the bodies or perform the last rites. They departed in isolation.

Those that survived came out of their hiding. Firdos, Sattar, Javed, Ezzaz, Yasmin, Ayyub, Hasina and others moved in search of a safe haven. What they had seen stunned them. Children failed to understand why their mothers and fathers were being killed. They remained silent. This was not the time to ask. Could there ever be one? They were walking for almost two hours now moving from one field to another each one praying for no more. But prayers went unanswered. They realized that they were only moving in circles. As they

reached Goma River they were tracked down by the mob. The act was repeated. Nine were killed. One by one each one was slashed with swords and sticks and every imaginable weapon. Yakubbhai, Firdosbhai, Ezzaz and Javed hid behind a tree and watched. Yasmin a young 13-year-old girl was stripped naked and gang raped. Then they tore her apart. They caught hold of Ezzaz's mother and slashed her neck. Ezzaz screamed and darted forward to save his mother. But the mob was ruthless. They caught him but spared him for a macabre ritual. They piled ten bodies, set them ablaze, made Ezzaz walk around the pyre and finally threw him in the fire as well. Benumbed -- all that the other children and Yakub, could do was hold on to each other and watch.

Yakubbhai walked for 2 days before he reached the nearest relief camp. It took him days before he got hold of his senses. He sent a written complaint to the district superintendent of police by post two weeks later. His complaint was not recorded. When he asked for information he wasn't given any. They refused to say where the complaint was. Slowly Yakubbhai gathered enough courage to visit the police station to ask again. He has now been there at least 20 times, he has asked, pleaded, begged; he has wept and screamed for his dead family. The police say he is a liar. They ask him for evidence; for the ashes; he asks them for his family. Why would he lie? He wiped his tears. The policeman had left.

Yakubbhai does not know why the police won't record his complaint. He wants justice. Yakubbhai is eligible for ex gratia payments for the lives that have been lost. For himself and for the children who saw their parents murdered. The rules have fixed the price of murder as Rs. 1,50,000. But if the body or remains were not found then the State is freed from its responsibility of paying that sum. Unless proof positive can be produced for the charred and mutilated killed in fields no compensation is given. Yakubbhai's predicament is that he can't find the remains of his family. If he has the patience and energy to pursue the matter his family's names might just reach the 'missing' list. Compensation is provided for missing family members. But not without a price. An already pauperized Yakubbhai has to produce Rs 4.5 lakhs in collateral for each dead member-- just in case they turn up alive in the future.

Today an 'omnibus' FIR remains filed in relation to the incidents in Yakubbhai's village. This FIR talks of nameless and faceless mobs responsible for violence. It does not account for the eighteen murders that Yakubbhai was a witness to. Javed's eyewitness account has also been ignored. The remains have nowhere been found. There is no evidence strong enough to prove the murders. So in all probability the police have concluded that the murders did not take place.

Yakubbhai, a tailor by profession, owned a tiny little shop. He earned enough to feed and clothe his family. Savings was a luxury. The little that he owned was also gone now. The State had paid him Rs 2500 as compensation. He is living in the camp. He has no business to support him. He is caught in a vicious cycle. To prove the deaths he has to produce the collateral. If he does not produce the collateral then maybe the deaths did not take place. In reality he wishes with all his heart that his loved ones would just reappear and he would be spared from the life long trauma he was to live with.

Next morning Yakubbhai wakes up. Gets ready for his ritual. Leaves for the police station. The cops toss him around. But he refuses to give up. He has faith that the system has to work some day and justice will be done. Another report is released. The words capture the

facts. Yakubhai's pain goes unrecorded. I write my piece. I worry about the day when Yakubhai's faith will be shattered.