JUSTICE FOR ALL- INVESTIGATING MURDER

- By Navaz Kotwal

I remember the first day I met Bilkees. All of 18; she was sitting nervously in a refugee camp; trying to hide her pain behind a thin muslin dupatta. Her eyes had a vacant stare, as if pain had benumbed her sensitivity. Hand in a cast; back ridden with bruises, she sat silently looking at nothing. The women around her were noisy, almost clamouring for attention of the listener. Their stories poured out. I listen as they spoke of their experience in a manner that had the ring of a rehearsed narrative of agony and despair. This was my first visit to the Godhra refugee camp. Unconsciously my eyes kept turning to that huddled figure in a corner. Her vacant look scared me. She moved her body into another position. I saw that she was pregnant. I finally made my way to find a seat next to her.

We sat there in silence for a long time. I had heard so much in the day that **reality came to me with a fatigued chronology.** I was hardly able to decipher the layers of pain and hopelessness. She finally spoke. Asked me if I had also come to record her story. I was taken aback. There was a cold matter-of-factness in her voice. I lied. Said, no. I was here to be with her. Deep down in her eyes I could now sense something akin to anger and helplessness. The silence was deafening.

The next day I went back to her. She had gathered a level of comfort from my presence. I had learnt that she belonged to Randhikpur village. The village, situated in Limkheda taluka of Dahod district, had about 70-75 Muslims families and a few hundred Hindu families. Wrapped amidst craggy hills, a thin potholed strip of tarred road connected the village to the main town. Several adivasi homesteads dotted the landscape. A few years ago the village had witnessed communal riots when malicious rumours about the abduction of Hindu girls by Muslims were deliberately spread by some villagers. This time only a few had heard about the Godhra incident. But none of them had any idea of how the days ahead would unfold.

Muslim houses in Bilkees' village were attacked by Hindu mobs comprising people from her own village and some outsiders on the 1st of March 2002. She and several of her family members fled. She names them: "my baby Saleha, my mother, Halima, my sisters, Mumtaz and Munni, my brothers, Irfan and Aslam, my maternal uncle, Majeed, two of my father's sisters, Sugra and Amina, Amina's husband, Yusuf, Amina's son, and three daughters, Shamim, Mumtaz and Medina, and Shamim's son Hussein. Shamim was nearing her full term of pregnancy. Bilkees was four months pregnant. It was difficult for both of them to run.

At first, they went to Chundagi village, 5 - 6 kms away and took shelter with the local MLA, Bijal Damore. Then they were asked to leave, as the risk of being tracked down was high. They walked to Kuajher and took shelter in a mosque. Here Shamim delivered a baby girl. There was no time to rest. Mosques were a target of the rampaging mobs so they had to leave. It was two days since they had left home. They had gone without food or water. Shamim, barely able to walk, her infant carried by her sister, they somehow managed to reach village Kudra. Shamim's condition was worsening. As they walked on some adivasis provided shelter and kept them in their huts. They rested for a while, but had to move soon, so that those who helped them did not become targets of violence. The adivasis went with

them, escorting them to the next village -- Chhaparvad. From here they walked towards Panivela village. Consciously staying together- finding safety in numbers.

Panivela was a remote and hilly village. Walking now for almost three days they were on the verge of exhaustion. On the winding tracks of the hillock a bunch of hapless beings dragged themselves on in search of refuge pursued by fear. They hoped and prayed that the marauding mobs had given up their search. But the worst was yet to come. There was the sound of a vehicle. A truck came with people from their own village and outsiders. For a moment they thought help had arrived.

By now Bilkees' eyes were full of tears.*" They pulled my 2-year-old baby from my arms, beheaded her in front of my eyes and then threw her down. I saw them raping my sisters, my cousins, and my aunts. They did not even spare my mother. They raped and killed all of them; then set fire to eighteen members of my family. I was next. One after the other three of them were on me. I was screaming. My thoughts ran to my 2 year old who had been killed and to the one inside me. I lost my senses."*

Bilkees' voice sounded harsher. Words of agony stumbled out. I shut my ears. She started again. *"When I regained consciousness I found I was alone- perhaps left for dead. All around me were the dead bodies of my family, my baby girl, and Shamim's newborn baby. They were covered with stones. I lay in that state the whole night*." Terrified, and in pain, she did not move from the spot. The night passed. The next morning in extreme discomfort she realized she had to move out of here in order to survive. She started walking. Had no clue where she was going. She walked for at least six hours before she was found by a police squad from Limkheda police station. They took her to the police station, recorded her complaint and then treated her for her injuries. From here she was transported to the camp. In the camp she met her husband.

Injustice is often accompanied by irony. Coming from an extremely poor family, Bilkees had never stepped out of her house. She could not read or write and the policeman at the Limkheda police station had figured this out. Her complaint was recorded and truth was the casualty. Her rape was not even mentioned. She had named the rapists and murderers but the FIR recorded a nameless, faceless, mob. Her thumb impression had been taken on the document. It had not been read out to her as is required by the law. So how does Bilkees justify that this was not what she had said?

Interventions had been made in her case. An additional statement had been recorded and sent to the police station. A medical examination was done but only 2 weeks later. The report did not confirm rape. She passed those days in the camp squatting on threadbare gunnysacks, no roof over the head, the sun blazing mercilessly, no fans, little water and even lesser hope. Her discomfort was growing as the date of her delivery drew closer. In August she gave birth to a baby girl.

I went to see her. She asked me the stock question again- "what happened to my case?" I had no answer. I had no heart to tell her the truth. It is the usual story. The police were investigating the case. There is a final report. There is no chargesheet. The case is recorded

as *"True, Undetected"* - no evidence to justify the accused to be sent up to a Magistrate for trial. The mental condition of the complainant was "unstable" implying that Bilkees was lying all along. The case has been *closed*. So where are Shamim, Halima, Mumtaz, Munni, Irfan, Aslam, Majeed, Sugra, Amina, Yusuf, Amina's son, and three daughters, Shamim, Mumtaz, Medina and Hussein. Bilkees has an explanation the police don't. Where are they all?

Eighteen people were murdered; eight were raped and burnt. All the accused are known in the case. They are important people in the village. Some are lawyers, some doctors. Even today they live in the village. They did not let Bilkees come back to the village till she dropped all the charges or removed the names of the accused. Now that too does not matter. The case itself does not stand any longer.

I tell Bilkees the truth. She cries uncontrollably. For the first time I offer somebody hope. I tell her we will fight. We will not give up. We will get justice but it will be a long drawn out battle.

Today Bilkees lives in a rented room in a village far away from 'home'. Refuses to accept defeat. We are trying to re-open her case. Asking the court on what basis an investigation into a mass murder has been terminated without any logical explanation and without informing Bilkees. But the obstacles in the way are innumerable. The supposedly unsurmountable one is a government, which has been indicted for collusion and for standing on the sidelines as mad men, and women systematically destroyed life and property. Now it seems that government will leave no stone unturned to ensure the administration is not called to account.