

[Tabular Presentation by Teesta Setalvad, Secretary Citizens for Justice and Peace before the Special Investigation Team \(SIT\) appointed by the Hon'ble Supreme Court through its Order dated 26.3.2008 following Part I, II and III Statements submitted at Gandhinagar on May 9, 2008](#)

Date of Tabular Presentation May 29, 2008

GULBERG MASSACRE

Subject	Investigation	Sections	Cross Referencing to TS Statement and Annexures Submitted on 9.5.2002
<p>Gulberg: Faulty Investigation from the Recording of the Crime, i.e. the Deliberate Wrongful recording of FIRs and thereafter in four years deliberate subversion of evidence by superior officers and unlawful supervision of the investigators in this case.</p> <p>Gulberg: Statements of Witnesses are Recorded with Scant Regard to Thoroughness and Detail and hence are not substantive. SIT should compare earlier Police Statements with Statements Recorded Now and List and Enumerate Crucial Details Deliberately Omitted Earlier as also record motive behind protection of officers of the law who had committed unlawful and criminal acts</p> <p>Gulberg (Chamanpura) Massacre: Details of Incident & Trial Summary & List of Dates Date and Time of Massacre 7.30 a.m. – 7.30 p.m. 28-02-2002 Date of FIR 28.02.2002 Numbers of lives lost: (Gulberg Chargesheet does not mention there are 31 missing bodies only alludes to some; this is finally admitted by the state of Gujarat in the SC rejoinders in 2007 four years</p>	<p>How did the Police on the Spot Behave at the Time?</p> <p>Did they come to the rescue of those under attack?</p> <p>What do Police Records Say? Station Diaries, Case Diaried, Control room records, Hospital records, Post Mortem records. Already we see below how Panchnamas have been Doctored</p> <p>Role of Fire Brigade: Was it summoned and when? Fire Brigade register and Notings need to be examined by SIT Who were the Officers? All need to be</p>	<p>Violation of 154 CrPC (procedure of registration of FIR) and worse the Suppression and Destruction of Evidence. This includes the fabricating of documents and causing disappearance of evidence immediately after the registration of the case and the continued the illegal act of causing disappearance of evidence till the dead bodies were buried. Further protecting the names of influential accused and arraigning wrong accused also amounts to a crime.</p>	<p>Samples of Earlier Police Statements at Page 199-203 of Paper-Book 'A' March-June 2002 More statements at Pages 207-216 of Paper Book 'A' – ANNEXURE F COLLY to Part I of TS Statement to SIT, May 9, 2008</p> <p>Please Refer to Annexure I to Part III of TS Statement to SIT (FIR Copy by Zakia Jaffri dated 8.6.2006)</p> <p>Paras 17-25 of the FIR Annexed to this FIR were 2,000 pages of certified copies of Affidavits by ALL these Police Officers which we would be happy to provide SIT were it to be deemed necessary.</p> <p>SIT should treat the affidavits made on oath by Police officers of the Gujarat State as affirmed statements and on that basis interrogate them for the purposes of arriving at a conclusion. Please also look at</p>

<p>after the stay and aversions making this out by the CJP over four years in court that have been provided with this statement as annexures)</p> <p>Statements of Witnesses are Recorded with Scant Regard to Thoroughness and Detail and hence are not substantive</p>	<p>examined. Did they reach the spot on time or at all? When did they reach? Why did they reach so late? SIT needs to look at this as part of the Collusion and Complicity allegations against the State Government and Administrative Machinery in Gujarat.</p> <p>Interrogation of IOs and Superior Officers Involved from 2002-2008:K. G. Erda - PI Meghaninagar Police Stn (now promoted to ACP; he has suffered no punitive action!) 2.R. R. Pathak - Sr. PSI Meghaninagar Pol. Stn 3.P. M. Barot - then ACP 'B' Division (Crime) 4. S. S. Chudasma then ACP Crime Branch; 5. BS Jebaliya 6. MK Tandon 7. Then CP PC Pandey now DGP state of Gujarat 8. Surulia 9. PP Pandey 10. Kaushik later CP Ahmedabad 11. Rahul</p>	<p>Sections 120-B r/w 143, 147, 148, 149, 302, 376 (2) (e) and (g), 201, 217 and 218 IPC and substantive offences u/s 143, 147, 148, 149, 302, 376 (2) (e) and (g) and 201, 217, 218 IPC are attracted in the commission of all these offences.</p>	<p>Annexure A of the Gulberg Analysis of Accused to Part I of TS Statement before SIT and Annexure G Colly to Part I of TS Statement</p>
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	<p>Sharma, then additional CP (Control) now with the CBI. KG Erda has been involved in registering the first FIR and then accused of suppression and destruction of evidence (dead bodies that were massacred were still unidentifiable were found burnt to disintegrated ashes when they were mass buried on 3.3.2002) and MK Tandon was also present at Gulberg Society when bodies were okay and others rescued. Moreover Tandon has admitted in cross examination before the then Nanavati Shah Commission that he was informed telephonically at about 2 p.m. that Ahsan Jaffri was in mortal danger (he had not surrendered himself to be butchered then) and yet this senior officer did nothing; PC Pandey visited Gulberg Society at 10.30 am promised protection and reinforcements; in fact the attack</p>		
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	doubled after he left.		
<p>Gulberg: Defects in Chargesheets Three Chargesheets 1. Session Case No. 152/02 - Kailash Dhobhi v/s state of Gujarat dated 01/06/02 2. Session Case No.167/03 - Sandip & Others (2) v/s State of Gujarat 25/06/02 Suppl. 18.00 hrs 3. Session Case No. 279/03 - Sankerlal & Others Suppl. Dated 29/08/02 1.As a possibly Deliberate Ploy, the name of three-four witnesses deliberately appears more than once in the list of witnesses to deliberately lengthen the list. 2. The deliberate changing and shifting of both IOs and agencies within the police, i.e. from Meghaninagar Police Station to Crime Branch to Addl CP (Control Room) Rahul Sharma further succeeded in not a single line and consistent method of questioning taking place 3. Seventy persons (39 dead and 31 missing) were massacred in broad daylight in the heart of Ahmedabad city at the Gulberg Society, Chamanpura, Meghaninagar Police Station. At least 15 cases of brute sexual violence took place on girls and women belonging to the minority community. The chargesheet does not mention missing persons and does not include rape and brute sexual violence as an ingredient of the crime. The state of Gujarat for the first time admits 31 persons are missing after dogged legal action its response to our submissions in March April 2007.</p>	<p>Interrogation of above named officers culpable of crimes listed above. Questions that need to be Interrogated by SIT: 1. Why this over zealous desire to not just underplay the magnitude of the crime but the components of acts of violence including gross acts of sexual violence by the mob all actions that were enabled by a complicit and mute police force? 2. Gulberg Society is within Ahmedabad City and the Inaction by Top Echelons of the Police Brass especially after almost 200 phone calls were made by Ahsan Jaffri himself is beyond comprehension</p> <p>Following Senior IAS/IPS Officers Need to be Questioned by the highest echelons of SIT on the issues of Failure to Investigate and Punish the</p>	<p>Violation of 154 CrPC (procedure of registration of FIR) and worse the Suppression and Destruction of Evidence. This includes the fabricating of documents and causing disappearance of evidence immediately after the registration of the case and the continued the illegal act of causing disappearance of evidence till the dead bodies were buried. Further protecting the names of influential accused and arraigning wrong accused also amounts to a crime. Sections 120-B r/w 143, 147, 148, 149, 302, 376 (2) (e) and (g), 201, 217 and 218 IPC and substantive offences u/s 143, 147, 148, 149, 302, 376 (2) (e) and (g) and 201, 217, 218 IPC</p>	<p>please see attached Comparative Tables of Witnesses annexed as Annexure C Colly to Part I of TS Statement before SIT</p> <p>(see annexure of Official List of Missing Persons from All Over Gujarat as Annexure D and Crimes Against Women and Children -Annexure E)</p>

	<p>Guilty and thereby Obstruct the Deliverance of Justice SIT Must Interrogate Shri K Chakravarthi at the crucial moments in 2002 the DGP Gujarat needs to be Questioned by SIT; Shri K Nityananandam (IPS, 1977) who was Home Secretary from 2001-2005 needs also to be questioned; DR P.K. Mishra (IAS, 1972) then PS to the Chief Minister needs to be Questioned on the Overall Supervision of the Violence and Steps Taken (or Not) to Contain It; SIT needs to Question also Shri Subha Rao (IAS, 1965) then Chief secretary on the same issues; Shri Ashok Narayanan (IAS, 1966) Batch who was in 2002 ACS home also needs to be questioned on these Critical Issues; Then CP and today DGP Gujarat PC Pandey on his personal Failure as a Commissioner of</p>	<p>are attracted in the commission of all these offences, and these offences get compounded again and again at various stages.</p>	
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	<p>Police and also on possible Instructions he received from top political brass to shield the guilty and not contain violence; Then Cabinet Ministers Ashok Bhatt (formerly minister for Health now for Law and Judiciary?) and IK Jadeja (Then and now minister) for sitting in the Ahmedabad City, Shahibaug and State, Gandhinagar Control Rooms to Assist/Obstruct the Constitutional Role of the Police; Gordhan Zadaphiya (former Minister for Home) on all these critical issues related to 2002; Amit Shah presently Home Minister of Gujarat State on Issues of Subversion of Justice; Dr Kaushik Mehta, Jt. Sec, Vishwa Hindu Parishad who has filed an affidavit before the Commission; Rajendra Singh Rana, spokesperson of the ruling BJP;</p>		
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	<p>Shri K Srinivasan, former Collector of Ahmedabad; Shri KK Shastri Chairman of the Gujarat Unit of the VHP who claimed that they had detailed lists of Muslim areas to attack.</p> <p>SIT also needs to question Shri Maniram, IPS, then ADGP in charge of law and order; Gc Raiger, IPS, 1972, then ADGP Intelligence; Nalin Bhatt, in 2002 General Secretary Bharatiya Janata Party</p>		
<p>Analysis of Inquest Panchnamas Attached to Gulberg Chargesheet: Shocking revelations show a) same time recordings on Inquest Panchnama; b) Deliberate Non-Recovery of Burning Bodies from Shri Jaffri's house; c) Deliberate Non-Investigation into Debris inside Shri Jaffri's house where most of the deaths occurred; d) Fires Were Burning in the home of Shri Jaffri Until the afternoon of the next day; Why was the Fire Brigade Not Called? Was there a deliberate attempt to char and burn bodies beyond recognition?</p>	<p>Interrogation of IOs and Superior Officers Involved from 2002-2008:K. G. Erda - PI Meghaniniagar Pol. Stn (now promoted to ACP; he has suffered no punitive action!) 2.R. R. Pathak - Sr. PSI Meghaninagar Pol. Stn 3.P. M. Barot - then ACP 'B' Division (Crime) 4. S. S. Chudasma then ACP Crime Branch; 5. BS Jebaliya 6. MK Tandon 7. Then CP PC</p>	Ibid. (Ditto from above)	<p>Please Peruse Annexure 1 to this Tabular Presentation – Analysis of Inquest Panchnamas</p>

	<p>Pandey now DGP state of Gujarat 8. Surulia 9. PP Pandey 10. Kaushik later CP Ahmedabad 11. Rahul Sharma, then additional CP (Control) now with the CBI. KG Erda has been involved in registering the first FIR and then accused of suppression and destruction of evidence (dead bodies that were massacred were still unidentifiable were found burnt to disintegrated ashes when they were mass buried on 3.3.2002) and MK Tandon was also present at Gulberg Society when bodies were okay and others rescued. All these officers need to be asked about the Non calling of the Fire Brigade etc.</p> <p>Station Diary Entries; Control Room Phone Records and the Phone Records of all these officers and the Residents of Gulberg Society need to be seized and Examined;</p>		
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	<p>Dying Declarations and records of the Civil Sola Hospital and VS Hospital also need to be scrutinized closely.</p> <p>We have tried to obtain phone records of Shri Jaffri but that have vanished from the phone company due to interference by the highest levels of government; Who Interfered? Fire Brigade Records of Calls from Gulberg Need to Be scrutinized and the Fire Brigade Officers also need to be examined.</p>		
<p>Gulberg: Powerful accused protected</p>	<p>The officers of the investigating agency surreptitiously removed from the array of accused all those offenders who held official or political positions of influence and whose being implicated would reveal the deep rooted and wide spread involvement of the State's political and executive machinery as prime movers of the riots. In the</p>	<p>Ibid. (Ditto as above)</p>	<p>Samples of Earlier Police Statements at Page 199-203 of Paper-Book 'A' March-June 2002 More statements at Pages 207-216 of Paper Book 'A' – ANNEXURE F COLLY to Part I of TS Statement to SIT, May 9, 2008</p> <p>Please Refer to Annexure I to Part III of TS Statement to SIT (FIR Copy by Zakia Jaffri dated 8.6.2006)</p> <p>Paras 17-25 of the FIR Annexed to this FIR were 2,000 pages of certified copies of Affidavits by ALL these Police Officers which we would be</p>

	<p>course of investigation and even after the filing of charge sheets, the police sedulously avoided arresting persons who were members of the political party or of a private army owing allegiance to that political party which held the reins of government in the State. So much so, that the charge sheets conveniently failed to mention those of such persons whose names and roles in the commission of the offences figured in the statements of witnesses recorded under Section 161 Cr.PC.</p>		<p>happy to provide SIT were it to be deemed necessary. SIT should treat the affidavits made on oath by Police officers of the Gujarat State as affirmed statements and on that basis interrogate them for the purposes of arriving at a conclusion. Please also look at Annxure A of the Gulberg Analysis of Accused to Part I of TS Statement before SIT and Annxure G Colly to Part I of TS Statement dated 9.5.2002</p>
<p>Gulberg: Applications made by Witnesses and Victims under section 173(8) of the CrPC on Issues of Wrongful arrest of Accused, Faulty Investigation, Destruction of Evidence, Threats and Intimidation dated 25.11.2002, 16.4.2003, 18.7.2003 and 4.11.2003</p>	<p>Why were these not Investigated? The IOs involved in failing to rectify the Investigation? The Supervisory Officers (senior echelons) not sending Supervisory notes to their higher ups in the administration; Motive and facts behind the failure to rectify faulty invest-</p>	<p>Violation of 154 CrPC (procedure of registration of FIR) and worse the Suppression and Destruction of Evidence. This includes the fabricating of documents and causing disappearance of evidence immediately after the</p>	<p>Annexure G Colly to Part I of TS Statement to SIT dated 9.5.2002 contains five PaperBooks prepared for the Hon'ble SC that contains from pages 119-254 of Paperbook A all the 173(8) applications filed by witnesses.</p>

	<p>igation even when pointed out by victims and witnesses. Seems to suggest collusion and complicit in protecting and shielding the guilty at the highest level.</p> <p>How high does high go? Police Officers? IAS administration? All internal records related to Gulberg Society Investigation – DGP files, CP files, Home Secretary, Chief Secretary, Home Minister and Chief Minister Files need to be Examined by SIT.</p> <p>(The one weak excuse is that the crime branch summoned witnesses in 2004 but they refused to come)</p>	<p>registration of the case and the continued the illegal act of causing disappearance of evidence till the dead bodies were buried. Further protecting the names of influential accused and arraigning wrong accused also amounts to a crime. Sections 120-B r/w 143, 147, 148, 149, 302, 376 (2) (e) and (g), 201, 217 and 218 IPC and substantive offences u/s 143, 147, 148, 149, 302, 376 (2) (e) and (g) and 201, 217, 218 IPC are attracted in the commission of all these offences.</p>	
<p>Gulberg: Swift Bail sought by accused and not opposed by PPs and police are a shocking reality related to the Gulberg massacre. Seven persons are still shown as absconding and no attempts have been made to try and arrest them.</p>	<p>Ibid. (ditto as above)</p> <p>Bail not given to Godhra accused but given swiftly to post Godhra carnage accused. Is this part of a wider motive and mind of the current state government and political dispensation? Discrepancies (Godhra trial v/s</p>	<p>Violation of 154 CrPC (procedure of registration of FIR) and worse the Suppression and Destruction of Evidence. This includes the fabricating of documents and causing disappearance of evidence</p>	<p>Please refer Annexure Compilation B of All Bail Orders with Summary Bail Orders to Part 1 of TS Statement dated 9.5.2008 made before SIT that also gives an idea of the bail conditions, some of which are being violated.</p> <p>The State of Gujarat admits that as many as 25 persons named by</p>

	<p>post Godhra trial cases) – bail in post Godhra cases, no bail for accused in Godhra; properties of Godhra accused attached; not only are the properties of post-Godhra carnage accused not attached, they roam free, commit further crimes</p> <p>Example: (Babu Bajrangi accused No 1 in Naroda Patiya indicted for kidnapping of Patel Girls and by <i>Tehelka</i>) and even go abroad; rigorous investigation and further investigation in Godhra trial even after the SC stay; nothing in post Godhra carnage cases.</p>	<p>immediately after the registration of the case and the continued the illegal act of causing disappearance of evidence till the dead bodies were buried. Further protecting the names of influential accused and arraigning wrong accused also amounts to a crime. Sections 120-B r/w 143, 147, 148, 149, 302, 376 (2) (e) and (g), 201, 217 and 218 IPC and substantive offences u/s 143, 147, 148, 149, 302, 376 (2) (e) and (g) and 201, 217, 218 IPC are attracted in the commission of all these offences, and these offences get compounded again and again at various stages.</p>	<p>witnesses and victims in affidavits before the Supreme Court, in 173(8) applications and in police statements have been left out of the chargesheet and not arrested (14-3-2007 and April 2007)</p>
<p>Gulberg: Subversion of the Deliverance of Justice Process through the appointment of Compromised Public Prosecutors that continues until this day. The appointment of PP Chetan Shah (who had appeared for the</p>	<p>SIT needs to Interrogate the Situation today and whether or not he Administration of Justice, in terms of Fair</p>	<p>Ibid.</p>	<p>Please refer Annexure E Colly to Part One of Statement, Paperbook 'A'</p> <p>2. Subsequent Affidavit of Impleadors/Intervenor following Mehta</p>

<p>accused objected to in 2003; he was removed after BEST Bakery case came up in SC; thereafter Atre has been appointed PP; Atre was Chetan Shah's junior. Thereafter when the matter in SC was being heard the state of Gujarat appointed one Vinod Gajjar who has also appeared for the accused in Gulberg and Naroda Cases. This was in 2006 pointed out by us in 2006 and 2007. It figures in Amicus Curiae Harish Salve's report on Gulberg and all these facts have been admitted by the State of Gujarat.</p> <p>It was only after the sharp directions by the Honorable Supreme Court in the BEST Bakery Case on September 12, 2002 that Firoz Mohammed Gulzar Mohammed Pathan and another witness, Sairabehn Salimbhai sandhi received a letter from the Registrar of the City Civil Court Ahmedabad, Mr JH Champavat dated September 16, 2003 stating that Shri VP Atre has been appointed instead. Today Shri VP Atre who has been appointed PP in the Gulberg massacre has not, to date supported the witness 173[8] application for re-investigation and instead defends the police version [November 2003]</p>	<p>Trial and Atmosphere Free of Intimidation is likely to exist under the current dispensation and given the aggregate of the abovementioned instances of consistent attempts to destroy and fabricate evidence, and shield the accused, can justice be delivered within the state of Gujarat? Why is the legal department bent on appointing as PPs in sensitive and mass carnage cases, those lawyers who have appeared for the accused? SIT needs to Interrogate Legal Department, and Law Minister and Home Minister since this is Consistent and Common Pattern in all cases being Examined by SIT. Worse, there has been <i>no attempt at rectification</i> and appointing senior criminal lawyers with known integrity in <i>any of these cases. Why?</i> SIT needs to record statements of all</p>		<p>Report dated 20.9.2006 Relevant portions that point out hostile attitude of the State of Gujarat and failure to refute allegations of faulty investigation are at paras 6-9 at pages 2,3,4 and pages 6-7 (paras 17-18) and pages 9-10 (para 22), pages 10-14 at paras 23-24, paras 30-33 and page 15-16 at paras 37-39) that shows another advocate who had appeared for the accused appearing for the State of Gujarat Annexure B Colly of the affidavit contains portions of relevant affidavits/depositions etc of serving officers of the Gujarat police fled before the Shah-Nanavati Commission that point to the involvement of powerful political personages and policemen in the commitment of mass murder and ape. These persons continue in power today and hence are more than likely to adversely impact the administration of justice in this case. 3. Please refer Amicus Curiae note at paras 20-33. b (Annexure J to Part I of TS Statement to SIT dated 9.5.2008)</p>
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	<p>PPs apptd since inception into Gulberg cases, (Shah, Atre and Gajjar) and question them on instructions received from Legal department, Home Department and Police department on Bail Obtained Speedily for Politically Influential Accused and on 173(8) Re-Investigation Applications that were not acted upon by them</p>		
<p>Continued Intimidation of Witnesses and Lack of Protection Witnesses Still Threatened and cannot return home A key factor that is emerging from the affidavits and other evidence of witnesses is that in these nine major massacres the witness survivors <i>have not been able to return to their homes which were also tragically still the scene of the ghastly crime.</i> Gulberg society is located in the heart of Ahmedabad and witnesses cannot return, their society is like a ruin, is this law and order and normalcy in Gujarat? They are terrorized by not even being offered a proper price.</p>	<p>This state of affairs continues until today. Coercion by Investigating Officer KG Erda in the Gulberg trial. SIT needs to Interrogate this issue fairly as it has a bearing on the deliverance of justice and fair trial in Gujarat. The SIT needs also to inquire the quality of protection given to witnesses from these major carnage cases.</p>	<p>Intimidation and Coercion of witnesses is a criminal offence under the IPC and refusal to give adequate protection despite Supreme Court orders amounts to Contempt of the Supreme Court.</p>	<p>[Annexure E Colly to Part One of Statement, rejoinder of Teesta Setalvad, April 19, 2004] & (Annexure G and Gi to Part One of the Statement, Page 9 of affidavit of 20-9-2006) & Saiyyed Mohd Ali Sahajad Ali affidavit dated 5/9/2003 & Annexure E Colly, Page 92 of Paperbook 'A' Said Khan Pathan Annexure E Colly, Page 94 Paperbook 'A' Firoz Mohd Gulzar Mohd Annexure E Colly, Page 97 of Paperbook 'A' Zakia Jaffri Annexure E Colly,</p>

			<p>Page 103 of Paperbook 'A' Tanvir Jaffri</p> <p>Annexure E Colly, Page 110-113 of Paperbook 'A' Press Clippings of Threat to Witnesses in Gujarat</p> <p>Annexure E Colly, Page 77-81 of Paperbook 'A'</p>
<p>Revelations contained within Tehelka's Operation Kalank</p>	<p>This sting Operation has accused Mangilal Jain stating that PI Erda had stated that the mob had three hours to do what it wished; He says he was in the mob; he names Atul Vaid and Bharat Teli (still not arrested) and Meghsingh also. SIT should Verify the authenticity of the Tehelka Tapes as they amount o Extra Judicial Confessions and Confront the Accused with them: the SC did Voice analyses of Chandrakant Bhattu Srivastava after another such sting. Another accused Prahlad Raju has stated that the Police gave the Murderous Mob till 4.30 p.m. to slaughter</p>	<p>Criminal Conspiracy, Subversion and Destruction of Evidence, Collusion of Lawyers, Politicians, Policemen with Criminals all get suggested and established here.</p>	

	<p>innocents at Gulberg Society; Madan Chawal describes how Ahsan Jaffri was butchered bit by bit. SIT needs to go into these accusations and confessions meticulously as they are part of a horrific genocidal carnage. The revelations of accused, lawyers and PPs in Tehelka's Operation Kalank reveal the depth of the overall conspiracy behind various major instances of the Gujarat carnage of 2002.</p>		
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<p>Wider Conspiracy and Common Design related to Gulberg Society Massacre All accounts of the Gulberg Incident, the intensity and duration of the attack, the fact that Shri PC Pandey (then CP Ahmedabad visited the site, assured security but failed to deliver all suggest a particular conspiracy behind the two Ahmedabad located mass carnage incidents, both Gulberg Society and Naroda Patiya and Gaon.</p>	<p>The Investigation needs to Span the wider areas of Motive and Subversion and Suppression of Evidence. Interrogation of top echelons of the Police and the Political Brass in the State who are likely to have issued Executive Instructions, Relief Camp Organisers of Daria Khan ni Ghummat and Shah-e-Alm camps need to be questioned. (Inamul Irqui and Sharief Khan and Shaffi Mulla)</p>	<p>Violation of 154 CrPC (procedure of registration of FIR) and worse the Suppression and Destruction of Evidence. This includes the fabricating of documents and causing disappearance of evidence immediately after the registration of the case and the continued the illegal act of causing disappearance of evidence till the dead bodies were buried. Further protecting the names of influential</p>	<p>Hence it becomes relevant for the SIT to examine and investigate the following: A. Examine and Investigate in detail the affidavits filed by officers of the Gujarat Government before the Nanavati Shah Commission (now the Nanavati-Akshay Mehta Commission after the death of Justice Shah) <i>under its first terms of reference that did not include the examination of the conduct of the chief minister of the state and his cabinet colleagues;</i> B. Examine and Investigate in detail</p>
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<p>A. One reason for this is Shri Ahsan Jaffri, a trade unionist of renown and repute who made over 200 phone calls begging for help. Among the last phone calls was to the chief minister, Shri Modi. Witness accounts state that the abuse he heard when he called fatalistically convinced him that he had to give up his life, because he was the target. His phone records have vanished since that day. His telephone records need to be obtained and examined by SIT.</p> <p>B. On February 21-22, 2002, six to seven dates before the Gulberg incident, the Rajkot assembly bye-election was scheduled in which chief minister Modi was seeking election. One of the persons who actively campaigned there against him was Shri Jaffri accompanied by veteran supporters including Fakir Mohd Saiyed Ali and Kannubhai made speeches there which were widely reported in the media and during which he warned the people of Gujarat against a</p>	<p>SIT needs to examine these who were part of Jaffri's campaign team at Rajkot, press clips of the campaign and chief minister Modi's reaction to the same. Also Jagrup Singh and Shri Modi need to be questioned on the visit together to Gulberg and Naroda Gaon and Patiya on March 6, 2002.</p> <p>SIT needs to Examine Shri Rahul Sharma specifically on: Sharma, formerly SP Bhavnagar who was transferred out of Bhavnagar to Ahmedabad city, as DCP (control room) in March 2002 deposed before Nanavati Shah Commission and some portion of his deposition has a direct bearing on the Gulberg and Naroda Massacres. In his new post he was entrusted with the work of assisting in the investigations being conducted by the crime branch of the Ahmedabad police commissionerate. He was specifically asked by PC Pandey, then police commissioner (CP) of Ahmedabad, to assist in the investigation of Naroda Patiya and Gulberg Society</p>	<p>accused and arraigning wrong accused also amounts to a crime. Sections 120-B r/w 143, 147, 148, 149, 302, 376 (2) (e) and (g), 201, 217 and 218 IPC and substantive offences u/s 143, 147, 148, 149, 302, 376 (2) (e) and (g) and 201, 217, 218 IPC are attracted in the commission of all these offences, and these offences get compounded again and again at various stages.</p>	<p>the second affidavits of the same officers <i>after the second terms of reference revised in 2004 after the change of government at the Centre, if any;</i></p> <p>C. Examine and Investigate the depositions of these officers before the said Commission; and an examination of how and why, for instance senior officers directly implicated in the five major mass crimes cases being re-investigated by SIT (Godhra, Gulberg, Naroda Patiya, Naroda Gaon, Odh, Sardarpura and Deepla Darwaza) <i>did not file a first or second affidavit following the expansion of the terms of reference.</i></p> <p>D. Conclusions: These averments (affidavits and depositions) including the obvious questions put and not asked in both the examination in chief by the State Government and the cross examination by advocates of the Jamiat e Ulema Hind, NGO Jan Sangharsh Manch counsel, BJP-VHP counsel and Congress Party counsel are both revealing and indicting. (Copies of all these, acquired by us for Petitions in the High Court and Supreme Court can be made available to SIT if required)</p> <p>E. The deposition of former SP Rahul</p>
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<p>man like Modi. Those who went with Jafri to Rajkot need to be questioned. This is another indicator of Jaffri being a specific target and chief minister Modi having a specific vindictive motive I getting marauding mobs to target him. C. On March 6, 2002 the Times of India, Ahmedabad reported that chief minister visited both Gulberg Society and Naroda Patiya. He did not meet any survivors there or at the camps. He was accompanied by former deputy mayor Jagrup Singh named as an accused in the Gulberg Massacre by some. D. Post Mortem Reports of Bodies of the Gulberg Massacre are not being provided easily by Civil hospital. Many are erroneous. E. When many of the Gulberg society residents managed to escape around 7.30 p.m. in the evening of February 28 PI Erda, Jt. CP MK Tandon and CP, PC Pandey are responsible??) many of the massacred and mutated bodies (including the naked bodies of</p>	<p>cases which were being handled by SS Chudasama, then assistant commissioner of police (ACP) in the Ahmedabad crime branch. (Chudasama, incidentally, is one of the policemen who have been implicated in the Sohrabuddin Sheikh and Kausarbi encounter cases.) Sharma states that in all these sensitive cases, <i>“more and more political leaders were being involved”</i>. It was in the course of these investigations that the joint CP (JCP) (crime branch), PP Pandey, had ordered investigations into the telephone records. Sharma then told the commission that on the night of May 27/28, 2002 some accused involved in the Naroda Patiya and Gulberg Society incidents were arrested. By now, KR Kaushik had been brought in as CP, Ahmedabad. Sharma was not kept informed of the arrests, to which he objected. Thereafter, Kaushik issued instructions to PP Pandey that Sharma should be kept informed. Neither Kaushik nor Sharma were happy with the</p>		<p>Sharma before the Nanavati Shah Commission and his affidavit accompanied by a CD that contained recordings of several thousand phone calls between February 27 and March 4, 2002 are extremely relevant and critical. SIT needs to independently investigate these and interrogate which politically influential person was calling which accused and which policemen when, where and whether this affected prompt action in the cases under re-investigation (Annexure G Colly to Part I of TS Statement dated 9.5.2008 and its annexures on internally numbered page 22 and 36) F. Indian Express Articles on Rahul Sharma CD dated 24/11/04 – 28/11/04 G. Shreekumar Personal Diary/Register submitted before the Nanavati-Shah Commission and also filed in the Supreme Court. This Diary/Register is a Contemporaneous Record Maintained by a senior serving officer of the Gujarat police who was Additional DGP (Intelligence) at the time. The diary/register was maintained between 16/04/02 and 19/09/02. It has been</p>
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<p>girls and women) lay within the society. After they left, a macabre dance of death was obviously allowed by the police as when the remains were buried on March 3, 2002 they were charged and decomposed pieces beyond recognition. This shows that after the committal of the offence, further offences were committed after policemen arrived at the spot and then bodies became unrecognizable. F. City and State Control Room records, Station Diary Entries, Case Diaries all need to be studied and verified for the happenings of these days. (Note: I have tried to access these records through RTI. They have been denied me under RTI, the Gujarat Police claiming that they have given privilege against disclosure to the City/State Crime Branch and My Appeal is pending before the Commissioner in some cases and lower officers) G. Was any videography carried out when mobs attacked Gulberg,</p>	<p>first charge sheet that was filed in the Gulberg Society case on June 3, 2002 and the CP communicated this to Pandey immediately. The very next day, on June 4, Pandey called Sharma for a meeting. He then called for the Naroda Patiya case papers. Sharma was shown all the investigation papers and the JCP asked him to assess whether the investigation was being conducted properly. Initially Sharma said he needed time to make an assessment but Pandey insisted he should do it right away. According to the charge sheet, the violence in Naroda took place “because one person ran over a person of another community by a truck, whole mob got provoked and thereafter serious incidents had happened”. This did not seem convincing to Rahul Sharma. The charge sheet filed in the Gulberg Society case claimed that the gruesome massacre was precipitated by Ahsan Jaffri’s firing on the mob that had collected outside the building.</p> <p>He stated on oath:</p>		<p>signed by his boss OP Mathur, IPS then IGP, (Administration & Security), that proves it was contemporaneous. (Annexure G and its annexures of internally numbered page 66) (7) List (Official) of Missing Persons.</p>
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<p>Naroda, Sardapura, Odh, Deepa Darwaza? The BEST Bakery re-trial revealed a state police CD..so are there such CDs related to these massacres? The SIT needs to find out.</p> <p>F. The victim survivors of the Gulberg Massacre were houses mainly in DaraiaKhan Ghumbat Camp (run by Inamul Iraqui) and those from Naroda at Shah e Alam (Sharif Khan and Shafi Mullah).</p> <p>G. Rahul Sharma Affidavit and Submission of Cds before the Nanavati Shah (Akshay Mehta Commission)</p>	<p>“There was serious difference of opinion between me and Mr Pandey and other investigating officers i.e. Mr Vanzara and Mr Chudasama and the discussion had lasted for about two hours... I had told them that since they were the investigating officers and Mr Pandey was superior, it was for them to decide what to do. Whatever difference I had was put in writing by me and handed over to Mr Kaushik by way of a letter dated June 4, 2002.” Sharma produced this letter before the commission.</p> <p>Police Commissioner Kaushik, who was not satisfied with the charge sheet that had been filed, called Sharma about 10 to15 days later. He told Sharma to scrutinise the case papers of both cases thoroughly and point out the discrepancies to him. Kaushik instructed Pandey to send the case papers of these two cases to his office. After Pandey had brought the case papers and produced them before Kaushik, photocopies were prepared and they were handed over to Sharma.</p>		
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	<p>Sharma then makes some startling assessments about the case papers. He says he noticed that <i>the FIR and the charge sheet were mutually inconsistent. This was true of both the Gulberg massacre case as well as the Naroda Patiya and Gaon carnage cases.</i> Sharma states on oath that in his assessment the firing by (Ahsan) Jaffri was not the cause for the subsequent attack on residents of Gulberg Society. In his assessment of the Naroda Patiya case, the incident with the truck was not the reason for the violence that followed. Sharma says that his assessment was based on a close reading of the FIRs and the case papers that were supplied to him.</p> <p>On July 5, 2002, Sharma was once again transferred because, no doubt, of his honesty and candour. He could not therefore communicate this assessment to the then CP, KR Kaushik. These aspects need to be investigated by SIT including recording the statement of</p>		
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	<p>Rahul Sharma.</p> <p>[Sharma's CDs submitted before the Commission with his affidavit have been annexed before the Supreme Court)</p>		
<p>Political Interference in Justice Process</p>	<p>SIT needs to examine the veracity of claims made by accused like Madan Chaval (Gulberg accused), Meghsingh and Mangilal Jain about their claims on video tape that PPs and Judges were won over by the Political Establishment to protect key accused. This is a serious allegation that has a direct bearing on the overall justice process and scenario in Gujarat even after SIT submits its report since the Political Dispensation is the same.</p> <p>Question: Under what circumstances can a full proof sense of security and vindication be accorded to those victim survivors who have emerged alive after mass attacks were made on them and their homes to enable them to believe that justice will be done to them if the trial is held within the state of Gujarat given the pointers to High Levels of Collusion? SIT needs to Interr-</p>	Ibid.	

	ogate Shri Arvind Pandya, lawyer for the Government before the Commission who has been indicted by Tehelka; GC Murmu, Home Secretary, Gujarat who is accused of attempting to intimidate officers to conceal the truth (RB Sreekumar's affidavit)		
Fair Trial	<p>One of the key issues since the BEST Bakery Retrial was Ordered out of Gujarat (that assured Convictions despite successful attempt to turn star witness hostile) and the Bilquees Bano case also transferred out of the state is whether under the continued self same vindictive and complicit political and administrative dispensation Justice can ever be assured within the State.</p> <p>SIT needs to Interrogate this issue fairly and squarely. The entire process in the SC has been contentitious and bitter. If this issue is not dealt with indepth and in detail by SIT, the purposes for which SIT was appointed will be defeated.</p> <p>Specifically please examine:</p> <p>The same IOS/the same PPs/the Criminal Justice System Thoroughly</p>	<p>The issues raised here are the issue of Chain Command Responsibility and Complicity at the Highest Level in Mass Murder.</p> <p>Sometimes existent sections of the Indian Penal Code seem wanting to describe the levels of connivance, premeditation and collusion that went into the Mass Murder and Mass Rape of Innocents.</p> <p>Hence this issue needs to be settled Fairly and Squarely.</p>	<p>Please Examine Annexure G Colly to Part I of TS Statement before SIT dated 9.5.2008 that examines the issue in detail in the FIR and the annexed Table Assigning Responsibility.</p>

	Exposes by Tehelka's Operation Kalank; a Vindictive Political Leadership – can Fair Trial be a Reality in the State of Gujarat? Officers who stand by the Constitution are Punished/sidelined; those who bow to illegal demands are rewarded.		
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