

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

GODHRA MASS ARSON

Subject	Investigation	Sections	Cross Referencing to TS Statement and Annexures Submitted on 9.5.2002
Absence of Central Intelligence; Lack of Precautionary Measures by Centre;	<p>IB has a nationwide network. Whenever Inter state Movements of Controversial/Provocative Religio-Political activists has been reported 'agents' or 'spies' from IB have been inducted for prompt reporting of Mood and Temper. What were the Central IB reports at the Time?</p> <p>No warnings were sent to States though Gujarat IB had from mid February 2002 warned of possible Violence.</p>		
Failure of Gujarat Government to Respond to SIB, Gujarat warnings	<p>State Intelligence Bureau had from its district field officers sent repeated warnings to the State Government of the unruly behaviour of kar sevaks and their communal mobilizations including slogans like " <i>Yeh Andar ki baat hai, Police Hamaari Saath Hai</i>" (this is our secret, police is with us)</p> <p>SIT needs therefore to examine the detailed IB Anenxures to the First affidavit of Shri RB</p>		<p>The Four Affidavits of Shri RB Sreekumar submitted before the Nanavati Shah Commission now the Nanavati Akshay Mehta Commission with all Annexures can be made available to SIT if required.</p>

	Sreekumar former AdGP Intelligence that annexe all these field reports from SIB		
<p>Provocation by Kar Sevaks, at Rudauli station, other similar incidents, such as forcing the Muslims to shout 'Jai Sri Ram'; pulling the beards of some of them including stabbing with <i>trishuls</i>. Despite the severity of these incidents, there was no prompt action taken either by the railway authorities or the police nor were those seriously injured rushed to the hospitals.....”</p> <p>Report in <i>Jan Morcha, Faizabad</i> published in Faizabad on February 25, 2002, two days before the Godhra incident on the return journey of the same Sabarmati Express</p>	<p>Editor of Jan Morcha Sheetla Singh and writer of article on behaviour of kar sevaks at Rudauli also need to be examined by SIT.</p> <p>Those persons of the Minority Community (Uttar Pradesh) injured by behaviour of Kar Sevaks need to be examined by SIT</p>	No accused arrested for provocation; none questioned.	Annexure 2- Page 12, Volume II, CCT, Crimes Against Humanity— Gujarat 2002, para 1.1: also see annexure 7, Volume 1, CCT
<p>“It appears that some <i>kar sevaks</i>, identified by their saffron headbands and <i>trishuls</i> had climbed on to the roof of coaches of the Sabarmati Express as it stopped at the Godhra Railway station, stripped themselves and made obscene gestures at Muslim women residing just opposite the station who had come out to perform morning chores. There was also some stone throwing both from within and outside the compartments.”</p> <p>“The train reached Godhra station at 7.30 a.m. (three hours late) on February 27, 2002. There were certain incidents on the platform. There were some reports to</p>	<p>SIT need to examine Sophia her sister and mother were waiting to travel back to Vadodara at the platform. Her statement needs to be recorded by SIT.</p> <p>Also Muslim women residents living opposite Signal Falia need to be examined by SIT.</p> <p>Also Vendor at the Godhra Railway station who witnesses attempts by Kar sevaks to drag Sophia inside train need to be examined by SIT.</p> <p>Superior Officers and IOs involved in the Godhra Investigation from the Start need to be Examined by SIT. These are:</p>		Annexure 2-Page 13, Volume II, CCT, Crimes Against Humanity— Gujarat 2002, para 1.5 & Annexure 2Page 13, Volume II, CCT, Crimes Against Humanity— Gujarat 2002, para 1.6

<p>the effect that a Muslim Girl was molested by the <i>kar sevaks</i> who attempted to pull her into the train was averted due to the intervention by Muslim vendors at the Godhra Railway Station.</p>	<p>IG Range Godhra PP Agia who was summarily removed after the Ahmedabad based FSLR report (May 2002) stated that the fire was likely to have started from Inside; Raju Bhargava, SP Panchmahals; Later IG Range Panchmahals Deepak Swaroop when allegations of doctoring of Investigations have been made; PSI Jhala (27-2-2002) under IG `PP Agja DYSP Simpi (28-2-2002) KC Bawa (From 28 Feb evening filed 1st chargesheet); Vipul Vijay (IPs, 1983 Batch) Now IGP Border Range BHUJ was associated with the Godhra Fire Investigation in the initial stages. SIT needs to examine him and Relevant Documents like Tour Diary, Log Book of Vehicles used by him, Reports made to Higher authorities need to be examined. Rakesh Asthana and Noel Parmar also need to be questioned on their alleged role in doctoring.</p>		
<p>Mystery of Fire</p> <p>“It is also not clear whether the train was stopped because of the fire in the coach or the coach was set on fire after the train stopped. If it was the latter, why was the train stopped at</p>			<p>Annexure 2Page 14, Volume II, <i>CCT, Crimes Against Humanity – Gujarat 2002</i>, Paras 2.1-2.4.6</p> <p>Annexure</p>

<p>al? It is reasonable to presume that because of the fire in the coach someone must have pulled the chain and the train was stopped by the engine driver.”</p> <p>A close examination of the Coach, and the manner in which caught fire established (a fact that the FSLR report thereafter confirmed) that the “fire came from inside. We have seen an inner side of the coach. The intensity of the fire was such that even the iron rods, the seats, the fans were all burnt to such an extent that we found them twisted and molten out of shape.....”</p>			<p>2Forensic Science Laboratory Report, State of Gujarat, Page 289, Volume I, CCT</p>
<p>Was Godhra allowed to happen? Interviews with ARMY and PARAMILITARY personnel show that while all the time when there is a communal build up Army is brought to Godhra, conspicuously this time this was avoided. Was it deliberate inaction?</p>	<p>“It is clear from the evidence recorded by us that on February 27, 2002, after the Godhra tragedy through the Rapid Action Force (RAF) was called in, no adequate powers were given to it. Though curfew was declared in Godhra the RAF men were made to sit in the officers mess, helpless, unable to do anything. It appears that though the fire brigade station is only five minutes away from the railway station, it took a while for the fire brigade to reach the torched coach. That day, there were only three SRP men on duty; of the 111 GRP (Government Railway Police) stationed</p>		<p>Annexure 2Page 20, Volume II, CCT, Crimes Against Humanity – Gujarat 2002, Para 6.5</p>

	<p>at Godhra, only two or three were on duty. Two GRP Jawans reached the spot within minutes; it is a matter of a serious conjecture why they did not fire shots to disperse the mob.”</p> <p>Deposition of Smt Jayanti Ravi (IAS) Collector of Godhra on February 27, 2002 before the Commission on May 7, 2002</p> <p>SIT needs to examine Smt Ravi former DM and Collector of Godhra at the time.</p>		
<p>Statements of Railway Police officials, the Guard, the Conductor and the Lobbyman before the Shah-Nanavati Commission</p>	<p>Rajendra Rao Raghunath Rao Jadhav, Railway driver (residing at Ratlam Madhya Pradesh); Satyanaram Pachuram, Guard on the Sabarmati Express Gulab Singh Laxmansinh, parcel clerk, Railways Akhil Kumar Gulzarilal Sharma, Assistant Station Master, Godhra Railway Station Vinodbhai Ganpatbhai Chauhan, larry owner, Godhra Railway station Rajendra Prasad Mistrilal Meena, Assistant Station Master, Godhra Railway Station Hari Mohan Phulsingh Meena, Assistant Station Master, Godhra Railway Station Lalan Prasad Kishorilal Chaurasiya, provision store owner, near Vastral Octroi Gate, Godhra</p>		<p>Annexure 1- Compilation on Godhra for CCT annexed here &</p> <p>Annexure 1- Documents Tendered to Concerned Citizens Tribunal being submitted to SIT</p>

	Virpal Chhedilal Pal, traveler on the Sabarmati Express Suleiman alias Sublin Mohhedbhai Batuk, resident of Godhra SIT needs to record all these Statements again		
Conclusions of Justice UC Banerjee Committee Report need to be considered by SIT	Statements of Hari Prasad Joshi railway employee who appeared before the Banerjee Commission needs to be recorded		Annexure 4 Justice UC Banerjee Committee Report
Truth Behind Godhra	Statements of Kakul Pathak, Murli Mulchandani, Gopal Singh Solanki, Prabhatsinh Chauhan and Jagdish Taral (from VHP and BJP) need to be Recorded and their Roles Investigated. Taral is a VHP Sabarkantha member who got a <i>trishul</i> from the train and also played another role.		
Discrepancies in Chargesheets Pointed Out in the Supreme Court: 1. Eighteen chargesheets (17 Supplementary after the first one in May-2002.) All these need to be analysed carefully as the changing stances of the state of Gujarat which is the prosecution become clear. The first one alleged that the mob set fire to the train from outside. The state's own FSL report showed this to be near impossible. 2. The last charge-sheet alleges that someone kicked	All IOS and Superior Officers s mentioned above need to be examined.		Annexure 1- Compilation for Concerned Citizens Tribunal, 2002 on Godhra Documents

<p>the vaccum pipes of the moving train to a halt and picked holes in the metal thick partition between compartments, and thereafter entered the compartment to pour fuel inside the compartment.. Versions appear to have changed.</p> <p>Shri Noel Parmar who was in charge was erroneously included in the SIT team (despite allegations being made against his handling of the investigations in the Supreme Court has been given three-extensions after retirement. There seems to be an undue interest in keeping Parmar even now.</p> <p>3. The other issue which required examination is the assiduous and undue interest by the state of Gujarat to deny bail to the Godhra accused. 84 accused of contradictory roles under various chargesheets as POTA accused in custody have been in custody for over six years. Both the Trial Court and High Court have been petitioned several times to prune the accused but they have consistently refused to enter into the issue at this stage. No Bail application has been heard in the Gujarat courts after 2004. The matter is now pending before the Supreme Court.</p> <p>5. Role of the State of Gujarat in denying Bail to all the accused in the Godhra Case as compared to granting hasty bail to accused in post-Godhra cases needs to be</p>	<p>SIT needs to examine thoroughly and objectively the reasons behind the shifting prosecution stances in the chargesheets.</p>		
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<p>examined.</p> <p>6. In the police 161 statements: arrested on the spot with weapons, i.e. on the morning of 27-2-02. In the arrest memo and recovery memos: the arrest and recovery of weapons is shown as at the police station at 9-30 p.m. on 27-2-02. Were they standing obligingly in attention with weapons at the police station for over 12 hours before someone could recover them after being arrested on the spot?</p> <p>7. Accused No. 10 Inayat Juhara is said to have been arrested on the spot with a weapon. His office, a Government undertaking, Irrigation Department has however issued a duty certificate showing that he was on duty that morning upto 12 noon. How was he arrested around 9 a.m. on the spot? It appears that policemen who have given 161 statements to enable his arrest.</p> <p>8. 20 accused out of accused nos. 1-28 were arrested as members of the mob, 24 hours after the event without any statement or complaint naming them. 161 CrPC statements mentioning their names were recorded as late as two days after their arrest. These poor Muslims were arrested first and documents to implicate them were recorded afterwards. The trial court has consistently refused to enter into this glaring defect at this stage.</p> <p>(i) Five of the accused are</p>			
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<p>shown as identified by a witness Dileep Ujjambhai Dasariya. Dileep Ujjambhai Dasariya has stated on affidavit that he was not even on the spot, but on duty 25 kilometers away. The school where he teaches has certified this fact. The Prosecution has however refused to bring this fact on record. It is alleged that the said witness has named the accused nos. 53,63,64,65.</p> <p>(ii) Repeated applications by accused and their relatives for repairing of investigation have been rejected by the Trial Court.</p> <p>(iii) Default Bail applications are pending without decision since May 2003 in the Ahmedabad High Court. In fact bail applications were stayed by the Hon Gujarat HC because trial had been stayed and only after this was specifically brought to the notice of the Hon SC have procedures for seeking bail begun again.</p> <p>(iv) Accused No. 54 Ishaq Mohammed Mamdu is completely blind. His bail application has been consistently rejected though the only allegation against him is that he was part of the mob.</p> <p>(v) All Police Witnesses are Serving officers at the Godhra Railway Police station under the same Investigating Officer. Out of 74 cases accused in all POTA cases, 36 accused persons have been acquitted in Godhra Town CR No 66/2002 -Incident near</p>	<p>SIT needs to examine how such glaring</p>		
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<p>Neelam Lodge on the very same day. Police witnesses are common witnesses for same accused in both cases.</p> <p>(vi) Siraj Jamtha one of the accused who is said to have been released and cited there as such had lung cancer because of which after a medical check up he was given one month's paraole and then given bail <i>purely on medical grounds</i>. He has thereafter passed away.</p> <p>(vii) Another accused, Salim Gaffar Shaikh who applied on a principle of parity was allegedly refused bail by Hon High Court in Gujarat that rejected his bail plea.</p> <p>(viii) Four accused have filed an application challenging the application of POTA in the month of July 2003 but until today no orders have been passed by the POTA Court. An application has also been moved before the division bench of Gujarat HC in which three accused -Inayad Abdul Sattar Jhujharia accused no 10 in chargesheet 1, POTA case 1, Ahmed Abdul Rahim Hatim, accused no 35 in POTA case Mohammad Mushtaq Khan Ashraf Khan, accused 30 in POTA case 1 – three accused have filed a petition on 17/6/2003 challenging the applicability of POTA. To Date this has not been heard or disposed of. Application Pending. Hence the Deputy Secretary contentions are incorrect.</p> <p>(ix) On the 27-2-2002, in Godhra 3 incidents occurred.</p>	<p>discrepancies and irregularities were committed, by whom, which officers, at the behest of which members of the Executive (what are reports to superiors on the issue and the motive behind such glaring discrepancies</p> <p>SIT needs to look at the Bail Issue, Godhra and Post Godhra in light of the Blatantly discriminatory stance of the Gujarat State which is the Prosecution in Both. Are different Yardsticks of Fairplay and Justice being used to Prosecute and Convict in One Crime as Opposed to a Series of others? If so at who's behest? Does this suit some Diabolical Political Plan?</p>		
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<p>Two offences were registered with the Godhra Railway police station by Cr. No 9/2002 and 10/2002. In Cr. 10/2002, there are 11 accused persons in all. In Godhra town police station, Cr. No. 66/2002, most of the same persons are named as accused. For e.g., the list of absconding accused are common. Therefore it can be said that short cuts methods have been followed in the entire investigation.</p> <p>(x) The witnesses of Cr. No. 66/2002 are common with those in Cr. No. 9/2002. (this is a gross discrepancy). In this case, evidence given in the statement of witnesses was of the kind on the basis of which the accused have been acquitted. These self same witness statements have been used as the evidence relied upon for the rejection of bail of certain accused under POTA. For e.g. the accused no 36, (Asif Alias Babu Siddiq Kader), the witnesses are PSI R.G. Parmar, Jaswant Singh Kalubhai; Accused No. 42 (Mohammed Hussain Abdul Rahim Kalota), the witnesses are R.G.Parmar, Chatur Walji, Jaswant Kalubhai and Sanabhai Ji bhai, Mangal Bhai Ramji Bhai, Jaswant Gulab, Babubhai, Baljibhai, Mansinghbhai, Kuojibhai are witnesses; for accused no. 48, (Bilal Haji) the witnesses are R.G.Parmar, Chatur Walji, Jaswant Kalra and Sanabhai Ji bhai, Mangal Bhai Ramji Bhai, Jaswant Gulab, Babubhai, Baljibhai,</p>			
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<p>Mansinghbhai, Kuojibhai are witnesses; For accused no. 49, 50 and 54 (includes the accused who is 100% blind) the witnesses are R.G.Parmar, Chatur Walji, Jaswant Kalubhai and Sanabhai Ji bhai, Mangal Bhai Ramji Bhai, Jaswant Gulab, Babubhai, Baljibhai, Mansinghbhai, Kuojibhai are witnesses.</p> <p>(xi) After filing of the first chargesheet by the police, the governments FSLR report came out in May 2002 when the Investigation was under [This report pointed fingers at the prosecution's own case] After this happened the entire team of police investigation officers were changed and Asthana and Noel Parmar were put in charge of the investigation. Ajay Kanubhai Baria, one of the chief witnesses whose statement have been used to arrest the accused, has been kept under the strict control of the Vadodara police station.</p> <p>(xii) The statements before the police as well as the 164 statements clearly indicate that the witnesses are active participants in the committance of the crime. The allegation is more serious against these persons (witnesses) than those accused who have been apprehended and given no bail for the last two years. Now the very magistrate who has recorded statements of these two witnesses (Baria and</p>			
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<p>Kalandar) under section 164, the very same magistrate after realizing the seriousness of this lapse and the role of the IO, he refused to record the statement of Jabil Binjamin Behra on 29-1-2003.</p> <p>(xiii) With regards to the statement under section 164, related to another witness, taken by CJM Godhra, two persons whose statements are recorded (Prabhat Singh Gulab Singh Patel and Ranjit Singh Dhudabhai Patel- servants of the owner of Kalabhai petrol pump), their statements have been recorded on 10-4-2002. In that statement there is not a single word about Razzak Kurku and other members of the core group who allegedly bought <i>Kerbas</i> of petrol for the crime. They are silent on this. Not only that, the police authorities along with the help of supplier authorities sealed two petrol pumps including Kalabhai's petrol pump and took samples of the petrol and diesel being sold there and also requisitioned the register of sale and purchase and the bill book immediately after the Godhra incident. Therefore it is reasonable to assume that during the progress of these steps taken on 27-2-2002 itself, they must have made detailed inquires on the critical question of supply of petrol or diesel to any parties, including these two accused, who allegedly took away the <i>kerbas</i> of</p>			
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<p>petrol in bulk, by a bike and the tempo. Besides the law is very clear that lose petrol cannot be supplied in <i>kerbas</i> or containers. The Petroleum Regulation Rules are very clear on this. The point to be noted here is that the very petrol pump that was sealed for a pretty long time was brought in the source of core group plan a whole year later. After the whole year when there was silence and no evidence supporting the prosecution case, and after the statement of Behra was recorded (which was also done not in accordance with law), Prabhat Singh and Ranjit Singh were again kidnapped and a confessional was attempted to be recorded. It must be noted that Ahmed Kalota the uncle of accused no. 42, Mohammed Hussain Kalota gave a written application to the CJM, additional sessions judge, expression apprehensions regarding the "kidnapping" of Prabhat Singh and Ranjit Singh and their illegal confession being recorded. The press and electronic media at the time had reported extensively on this matter.</p> <p>(Xiv) Thereafter, the statement of Prabhat Singh and Ranjit Singh was first recorded by the police authorities on 23-2-2003 and they were produce in the railway police van before the CJM. A very important but painful fact has to be note about the functioning of the judiciary</p>			
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Agjia who needs to be examined by SIT as does DR MS Dahiya Assistant Director SIT.

<p>in Gujarat. The CJM who had refused to recorded statements under section 164 earlier, upon a mandatory direction (order) of Additional Sessions Judge K C Kelra, passed an order stating that “as and when these witnesses come forward to record statements under section 164 in connection with Godhra Cr. No. 9/2002, these statements should be recorded”.</p> <p>(xv) These confessional statements and statements dated 10-4-2002 were not supplied to accused persons. The accused had to urge for a copy and thereafter the POTA court ordered the IO to supply copies. There is also a point to be noted regarding the holding of identification parades. In most cases all parades were held in the chamber of the Mamlatdar, Godhra whose office is located in the premises of Godhra town police station. The manner in which persons living 5 km away were brought in by the prosecution to identify the accused, when normally for the purposes of identification persons present on the spot of the crime are the genuine and natural choices for this, suggest that even this aspect of investigation was being conducted under the influence of the prosecution.</p> <p>(xvi) One of the persons, Sikander shown as an absconding person has not been arrested though in the narration of many of the</p>	<p>SIT needs to examine the veracity of this and conclude why then these witnesses are escaping so lightly? Is it because they are serving the purpose set out by the Prosecution (state of Gujarat) and its handpicked officers for the purpose?</p> <p>At the cost of repetition we need to record how Shri Noel Parmar an officer given three to four extensions after retirement wa sought to be slipped into SIT and only after Public protest was withdrawn from the presentTeam.</p>		
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<p>police witness and confessional statements his behaviour directly points whom to be an accused. Instead leaders of the minority community who have played a leadership role in giving relief to the victims of the post Godhra carnage have been targeted and arrested without evidence. Maulana Umerji, Harun Abid and Harun Rashid are some examples. (xvii) The state of the Godhra accused raises serious question marks as they have been denied their basic freedom and a fair hearing. While in the trials related to other incidents, powerful and influential accused have been let off, basic efforts to get bail have proved futile for the Godhra accused. There are a total of 135 accused persons and bail has been granted to 16. [This includes bail granted to 3 persons who were juvenile at the time of the incident.) Eighty four persons are still in judicial custody including two persons who were juveniles at the time of the incident. The last bail order was granted by the Gujarat high court on 30/10/2004 and there have been no hearings of bail applications since then. The prosecution has filed a report under section 169 of the CrPC against 12 accused persons and there are 22 absconding accused. One of them, a Maulvi was implicated by the accused/witness Sikandar by stating that he</p>			
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<p>was allegedly seen on the terrace of the Masjid at Godhra, whereas it was found that he was not there in Godhra at all but in Maharashtra on the said day. (xviii) There were serious discrepancies in the arrest laid out in the table below, that this has been pointed out to the state and yet they simply refuses to address these concerns.</p>	<p>Note: Both Prabhat Singh Gulab Singh Patel and Ranjit Singh Dhudabhai Patel need to be examined by SIT alone and not under the influence of the local police or their employers,</p>		
<p>Table to show that 20 of the accused 1-28 were arrested as members of the mob, 24 hours after the event without any statement or complaint naming them.</p>	<p>Iqbal Mamdu is nearly 100 per cent blind; other accused are innocent; why is the state of Gujarat intent on arraigning non guilty as accused?</p> <p>Can a fair investigation and trial ever happen in Gujarat given the political interest in keeping Godhra alive as the reason for the post Godhra genocide?</p>		<p>Annexure 4 to Tabular Presentation to show how clearly the shocking discrepancies in arrest of the Godhra accused lie...</p>
<p>Application of POTA in Godhra case in Feb-March 2003</p>	<p>SIT needs to examine the circumstances under which POTA was added to the crime, at what stage the chargesheets were. Our theory is that because nothing substantive was emerging from the Investigations including the government's own FSLR report, POTA was deliberately invoked.</p>		<p>Annexure 5 to Part II of TS Statement to SIT dated 9.5.3003 – the Central POTA Review Committee Report</p>
<p>PPs in Godhra and Fees Paid them to them as opposed to Post Godhra cases</p>	<p>Role of PPs in Godhra case also need to be scrutinized by SIT. The legal department and PPs need to be examined on this</p>		

