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Suggestions to the Special Investigation Team (SIT) for
further action on the enquiry / investigation on Mrs. Jafri's
complaint and other riots cases.

Respected Sir,

I belong to 1971 batch of IPS in Gujarat State Cadre. I retired from service on 28.02.2007. I had submitted my statement with documents on 9.5.2008 to the SIT, detailing information relevant to the investigation of 9 riots cases entrusted for probe by the Apex Court, to SIT, as per its order dated 26.03.2008. However, no clarification was sought by SIT on my statement and documents till July 2009.

2. Nevertheless a team of offices consisting of Shri Paramveer Singh, Shri A.K. Malhotra (both retired from CBI), Shri V.V. Chaudhary , Supdt. of Police, Gujarat State Intelligence Branch and Shri J. M. Suthar, Dy.S.P., Gujarat Police, recorded my statement (39 Pages), from 11.07.2009 onwards. SIT Officers informed that my statement was in relation to the complaint made by Mrs. Jafri, regarding conspiracy and execution of mass crimes against the Muslim minority during the protracted communal violence in Gujarat in 2002. My statement was recorded before Shri V.V. Chaudhary, SP, Gujarat Police. Many important documents and records in support of my testimony had also been submitted to SIT by me along with my statement.

3. I had formerly requested for copy of my statement but Shri Paramveer Singh informed me that it will be supplied to me in due course.

Further action on inputs presented by me to the SIT:-

- 1) There is a need for collection of additional data on communalization of Gujarat Society through multifarious efforts by exclusivist, fundamentalist, and sectarian pseudo-religious groups in Hindu and Muslim population, to bring out the back ground of 2002 riots. Information since 1992, the year of demolition of Babri Masjid could be useful. Relevant material on A) Ghettoisation with data on location of ghettos, law and order scenario therein, interface of the residents and governmental agencies etc. B) Saffronisation in Hindu Community through introduction of new festivals, creation of numerous institutions, induction of religious customs, symbols and signs in public places/activities etc. C) Arabisation of local Muslim population by steady rejection of customs and conventions not approved by the exponents of Mahadudism, Wahabism and Quitabism. D) Stamping of community identification in houses, commercial social and cultural institutions, (area-wise details are available). E) Renaming places as part of Hindu Rashtra and erection of Boards to that effect . F) Pro Sangh Pariwar leanings of the police and other departments (See details of the enquiry by ADGP Intelligence dated 03.09.2001 quoted in Appendix-24 of my First Affidavit dated 15.07.2002) be procured.
- 2) Examination of participants in the crucial meeting chaired by the CM Narendra Modi i.e. besides the CM, 1) Smt. Swaran Kantha Verma, IAS, the acting Chief Secretary, 2) Shri Ashok Narayan, IAS, ACS Home, 3) Dr. P.K. Misra, IAS, Principal: Secretary to the CM, 4) Shri Anil Mukim, IAS, Secretary to the CM 5) Shri A.K. Sharma, IAS, Secretary to the CM 6) Shri K. Chakravarthi, IPS, DGP, Gujarat State, 7) Shri P.C. Pande, IPS, Commissioner of the Police, Ahmedabad City 8) Shri G.C. Raiger, IPS, Addl. D.G. of Police, (Intelligence) and 9) Shri K. Nityanandam, IPS, Secretary, Home Department.
- 3) Examine Shri Rajendrakumar, Joint Director, Central IB, Incharge of Ahmedabad Unit, on his insistence to DGP about ISI conspiracy behind

Godhra Train fire tragedy on 27.02.2002. Attach relevant reports send by him along with tapes, intercepts and supporting evidence about his conspiracy theory.

- 4) Examine the Ministers of Modi Government about the details of the CM's 27th February 2002 evening meeting with the government officers. MOS, Home Shri Goverdan Jadafiya, admitted in the Assembly about the above meeting. The question as to whether the CM directed the officers to permit a free play of Hindu revengefulness on Muslims be clarified.
- 5) Examine as to whether there was any delay in requisitioning army and Central Para military forces, with the unholy objective of giving a free hand to the Anti Muslim rioters.
- 6) Examine the minutes of Law and Order review meetings chaired by the CM, Chief Secretary and DGP, jointly or otherwise and subsequent follow-up action by the subordinate officers in the police department and executive magistracy from District Magistrate to Mamaldar.
- 7) Examine as to how the monitoring of the implementation of decisions in the review meetings was done by the CM to DGP without minutes of these meetings.
- 8) Conduct deeper probe into the source of media reports about the meeting chaired by CM on 27th February, 2002 evening when the CM directed the officials to be soft on Hindu rioters. There is a possibility of getting evidence on extra judicial confessions.
- 9) Examination of documents on the communication between and among the CM office, CS office, Home Department, DGP Office, Offices of CsP of Ahmedabad City, Vadodara City and Supdts. of Police of major riot affected districts, in the period of riots from 27.02.2002 to 31.05.2002. The similar correspondence from the relevant police stations to districts / commissionerate level offices be examined to find out whether there were acts of omission and commission to facilitate pogrom against the Muslims.

- 10) Examination of documents on communication between DGP's State Control Room in Gandhinagar with Commissionerates, SP offices, Addl. DGP Intelligence etc.
- 11) Examination of entry in the Registers and Log Books of the regular Patrol Vehicles in cities and important towns.
- 12) Examination of the documents on incidents and follow-up action on riots send by DGP, CP Ahmedabad and riot affected districts to their higher officers.
- 13) Examination of the reports by the DGP, Home Department, Chief Secretary, ADGP Intelligence etc. to Central Government to find out the veracity of reports and efforts, if any, to suppress truth.
- 14) ADGP Intelligence of Gujarat State Intelligence Branch had send A) daily reports to Shri B. K. Halder, Joint Secretary, MHA, New Delhi from 13.03.2002 to 31.05.2002 on the riots and B) a daily statement was also prepared on "Details of the incidents occurred after the incident, at Godhra Railway Station in Gujarat State from 27.02.2002 to 31.05.2002" A study of the report send by ADGP Intelligence to Shri B.K. Halder, Joint Secretary, MHA, New Delhi will indicate that there was anti minority prejudice explicit in action of police authority, in the form of avoidance of prompt arrest of the Hindu accused as against instant arrest of Muslim rioters, inadequate and ineffective police action against the Hindu assailants etc.
- 15) An analysis of the statistics on violence prepared by ADGP Intelligence (the daily statement noted in para 14) will reveal that casualties in police action and riots were heavily weighed against the Muslims and also the destruction and damage to property. Was it an out come of conspiracy by the accused in the Mrs. Jafri complaint ?
- 16) Action to procure all data regarding representations from the riot affected and general public through phone calls, written complaints, personal presentation etc. from 27.02.2002 to 31.05.2002 to DGP, CP

Ahmedabad and other senior offices of affected areas and examination of the quality and character of response to these by the law enforcing officers. In case the response was found to be inadequate and unprofessional an adverse inference has to be drawn against the concerned officers.

- 17) Examination of documents on meetings held by CP, Ahmedabad and other Senior Officers of Commissionerates / Districts from 27.02.2002 to 31.05.2002 to find out the nature of instructions given and decisions taken therein and extent of their implementation.
- 18) Examination of officers on their failure to implement instructions which were to be compulsorily enforced viz (a) Gujarat Police Manual – Vol-III, Rule – 53 – “Measures to be taken during communal disturbances”. (b) Rules from 22 to 31. “ Duties of police officers of different ranks”. (c) Booklet on communal riots (Instructions to deal with communal riots – strategy and approach) forwarded to all Commissioners of Police, Range in-charges etc for “immediate necessary action” by the then DGP K.V. Joseph vide letter No. SB/49/105D/1175 dt.19.11.1997 (d) Compilation of Govt Instructions- “Communal Peace”, provided to all District SP and above (e) Plethora of circulars by the DGP and Home Department on handling communal riots. (f) recommendations of the Reddy Commission and Dave Commission reports regarding the 1969 and 1984-85 riots in Gujarat etc.
- 19) Examine the officers incharge of cities and districts, where major communal crimes occurred, about their grave dereliction of duties, in violation of provisions of Gujarat Police Mannual Vol. III Rule 24, 134, 135, 136 and it was well known that this culpable omission facilitated subversion of the Criminal Justice System (CJS) against the victims. This had only prompted the Apex Court to call Gujarat bureaucracy as “Neros” and resulted in ordering 1) Transfer of investigation of Bilkis Banu case to CBI (April 2004), 2) Transfer of trial of Bilkis Banu and Best Bakery cases to Maharashtra (April 2004), 3) Review of 2000 odd closed riot cases (in these Sangh Pariwar supporters were the accused) by Gujarat Police to be

reinvestigated, (in August 2004), 4) Creation of the SIT to reinvestigate nine major carnage cases (in March 2008) and 5) Order to SIT to investigate on charges of conspiracy and execution of genocidal crimes against the Muslims (in April 2009).

- 20) Examine Shri P.C. Pande, CP Ahmedabad as to why curfew was not imposed in the city on the bandh day till 1 PM on 28.02.2002, though anti minority violence and murders had commenced from 27.02.2000 evening. In case of shortage of man power also the imposition of curfew selectively in super sensitive areas could have been done. But curfew was not imposed to facilitate free congregation of rioters, a collaborative omission giving free hand to the rioters, in compliance with the CM's instruction in the meeting on 27th late evening. In fact in many least communally volatile areas in Saurashtra curfew was imposed by 10 PM.
- 21) Examine Ahmedabad City Police Officers as to whether any redeployment of SRP forces was done in Ahmedabad City on 28.02.2002 in the light of alert messages about Hindu retaliatory violence against the Muslims. A comparative study of SRP deployment chart on 28.02.2002 and earlier days would throw light on this point.
- 22) Examine the prognostic intelligence reports containing advance real time actionable intelligence provided by Ahmedabad City Special Branch, having a staff of 1 DIG , 3 Dy. SPs, 8 PIs, 32 SIs and 222 other ranks, to find out as whether reports were in favour of the Sangh Pariwar. Similar analysis be done on the Intelligence reports of concerned branch in Vadodara City and other severe riot affected districts.
- 23) Examine as to whether deployment was made as per the intelligence reports of the Special Branches in riot effected areas.
- 24) Examine documents in Police Station and higher offices about the preventive actions and other measures taken during the riot period from 27.02.2002 forenoon. Documents like the station diary, the periodical situation reports, messages to district and state control rooms, instruction to

the field officers from DGP to Police Station should be closely scrutinized. This is relevant in view of the admission by Shri Shivanand Jha, the then Joint CP of Ahmedabad City during the cross examination by the Nanavati Commission on 03.08.2004 (Page 14) that only one Hindu and six Muslims were arrested as preventive action. This grossly inadequate action is indicative of the approach of Ahmedabad City Police to neglect their statutory duties, to comply with CM's illegal instructions on 27.02.2002 evening.

- 25) Examine as to why funeral processions of dead bodies of Godhra fire victims (of these 22 were unidentified on 28.02.2002) were taken out through Ahmedabad City. Please refer to para 5.11 of Shri P.C. Pande's Affidavit to the commission about funeral procession.
- 26) Examine as to why processions were taken out of dead bodies belonging to areas outside Ahmedabad City in Ahmedabad City. Who had permitted this ? Whether this action had approval of the relatives of the deceased, as this act is violative of religious procedure about dead body laid down in Agnipurana of Hinduism ? Why dead bodies were released to the leaders of Sangh Pariwar instead of relatives ? Was the parading of the dead body part of a strategy of the CM and his collaborators to whip up communal passions of the Hindus to a state of frenzy ? Shri Ashok Narayan, ACS, Home admitted in his cross examination that the procession of dead bodies was organized on the instruction of higher authorities. Examine Ashok Narayan to find out the details of these higher authorities.
- 27) Examine the details of telephone calls, (Mobile and Land) callers, duration of calls, location of officers, like CP Ahmedabad and other accused figuring in the complaint of Mrs. Jafri. Similar details of outgoing calls from Mobile and land line phones be examined. Concerned officers using these phones be examined about the contents of conversation to assess about the nature and character of police response to the distress calls from the riot affected.

- 28) Examine the criminal back ground of 54 persons arrested under PASA in Ahmedabad City on 28.02.2002 (as per para 5.8 of P.C. Pande's Affidavit). In case the arrested were not figuring in the list of communal minded people to be detained on the eve of communal disturbances, the above action was quite directionless and meant for mere statistical display. Did these arrested persons, under PASA, belong to any communal organization ?
- 29) Examine as to whether the arrested persons in Ahmedabad City (as per para 6.5 to 6.43 of P.C. Pande's Affidavit) were belonging to any communal organization as per police records
- 30) Examine the minutes of Law and Order review meetings held by Commissioners of Police and SsP of riot affected districts and assess the relevance and validity of these instructions and the extent of their implementation. In case the minutes were not kept it should be examined as to how the implementation of decisions in the review meetings were monitored.
- 31) Examine as to why Ahmedabad City and Vadodara City Police authorities failed to Videograph rioters on the spot by ignoring departmental instructions, while the electronic media succeeded to record and stock lot of visual data on communal violence. Was this omission aimed at avoidance of identification of rioters ?
- 32) Procure and examine the videographs and photographs from media and private sources, relating to riots and this would throw light on the identity of rioters and the nature of police response.
- 33) Examine all Sangh Pariwar activists who freely confessed their role (these are actually extra judicial confessions) in riots, support and encouragement from the CM Modi, other Ministers, Bureaucrats, Police Officers etc. in their conversation with Shri Ashish Khetan, as narrated in Tehelka Magazine, special issue dated 03.11.2007, volume IV issue 43.

- 34) Conduct deeper probe on each point of extra judicial confession made by the Sangh Pariwar activists to A Khetan . These revelations were the tip of iceberg and so additional and relevant collateral, corroborative and circumstantial data should be brought out to serve the ends of justice. Forensic Test (Narco Analysis etc.) of all relevant persons will also be imperative.
- 35) Examine Major General Zahrudin, the then incharge of Army Units deployed for law and order duties in Ahmedabad City during 2002 riots (he is the brother of the famous film star Nassruddin Shah) to bring out information regarding misleading of army units in the initial days of riots (by guiding army to peaceful localities so that the rioters could go ahead with their anti minority violence unchecked) by local police and about Major General's action of responding directly to the public calls and sending army to disturbed areas, in the later period of riots.
- 36) Examine CP P. C. Pande, Ahmedabad City on the follow up action taken on SIB reports (see Appendix 22 and 23) of my First Affidavit dated 15.07.2002.
- 37) Examine Shri Ashok Narayan, ACS Home, and DGP Shri K. Chakravarthy on the followup action taken by them on the specific suggestions for stablising the situation as per the reports send by the SIB. Their reluctance to implement the recommendations of these reports resulted in denial of justice to riot victims and subversion of the CJS against the riot affected, as confirmed by the Apex Court also. Examine Shri Ashok Narayan and Shri Chakravarthy about any followup action on SIB report dated 24.04.2002, 15.06.2002, 20.08.2002 and 28.02.2002 (Copies of these report were appended in my 2nd Affidavit, as Appendix – II, IV, V VII
- 38) Examine ACS, Home Shri Ashok Narayan and DGP Shri Chakravarthy as to whether they had made any independent inquiry on four assessment reports on law and order situation and thereafter initiated action

accordingly. They did not perform the duty of arbitration of different intelligence reports. , lest this would impede the criminal agenda of the CM Modi to perpetrate mass violence against the Muslims (see para 2 & 5 of my deposition to the commission during the cross examination on 31.08.2004 submitted to the SIT with my 1st Affidavit)

- 39) Examine Shri K.P.S. Gill, Advisor to the Gujarat CM on non implementation of most of the suggestions in the “Actionable Points” submitted by me to him and appended as Appendix – 3 of my 2nd Affidavit.
- 40) Examine Shri Maniram, ADGP (L & O), during the 2002 riots period on his assessment about demoralization of police force, political interference etc, as mentioned in my 2nd Affidavit para 5.
- 41) Examine relevant senior police officers on the follow up action taken by them on SIB Intelligence reports detailed in para 8 of my 2nd Affidavit.
- 42) Do deeper probe into the two presentations by the state government, one on law and order situation and another on rehabilitation, for submitting to the Central Election Commission on 9.8.2002 in the Full Commission Meeting. The Commission did not accept the appraisal of the state government and in its his order dated 16.02.2002 (copy submitted to SIT) opined that ADGP Sreekumar’s presentation had falsified state government assessment. Please examine as to whether the falsification of the data was part of conspiracy to subvert the investigation of riot cases and rehabilitation of riot victims.
- 43) Examine Shri Deepakswaroop ADGP (1976 batch) and Shri Mahapatra the then ADGP Intelligence as to who had directed them to cajole me not to depose against the government interests during my cross examination by the commission on 31.08.2004.
- 44) Examine Shri Dinesh Kapadiya, the then Under Secretary, Home Department as to why he had persuaded me to speak in favour of the CM and advised me for not providing additional information to the commission

during the cross examination and as to who had deputed him for briefing me.

- 45) Examine Shri G.C. Murmmu, the Home Secretary and Shri Arvind Pandya, Government Pleader as to why they had summoned me on 25.08.2004 in a private guest house at Paldi, Ahmedabad (GNFC Guest House) and held a clandestine meeting during which they intimidated me to speak in favour of the government during the cross examination at the Nanavathy Commission. They should clarify as to whether the excise was legal and who had authorized them to do this, which was punishable u/s. 186, 193, 116, 153A and 506 of IPC (the full version of the intimidatory tutoring with the CD are submitted to SIT and the details were included in my 3rd Affidavit also).
- 46) Examine Shri Ashish Khetan to whom Shri Arvind Pandya, Govt. Pleader admitted about his threatening me (see Tehelka Magazine dated 03.11.2007)
- 47) Examine Shri A.K. Bhargava, the DGP as to why he had not implemented his own written instruction to officers to file their 2nd Affidavit related to the 2nd terms of reference to the commission by the government issued on 20.07.2004. He tasked all officers who filed the Ist Affidavit to file the 2nd Affidavit and also directed the incumbents of important posts to see that 2nd Affidavits were filed by the relevant officers. Significantly he himself did not ensure filing of 2nd Affidavit by his predecessor DGP Shri Chakravarthy (see annexure D & E) of my 4th Affidavit). He did not take any action on non compliance by many of his junior officers for not filing the 2nd Affidavit.
- 48) Examine Shri G.C. Murmmu and Shri Arvind Pandya as to why they did not report against me when I did not depose before the commission on 31.08.2004, as per their tutoring and totally differing from their instructions 1) to conceal facts to the commission 2) accept conspiracy theory on Godhra Train Fire 3) not to reveal acts of omission and commission by Government servants during riots 4) to avoid comments on

inaction of the government on reports send by ADGP Intelligence 5) not to give more facts resulting in the commission summoning more government servants for deposition etc.

- 49) Examine as to why Shri A.K. Bhargava, DGP, Shri Mahapatra, ADGP Intelligence, Shri Deepakswaroop, ADGP (L & O), persuaded me to avoid filing my 2nd Affidavit in September, 2004 as, according to them, this would annoy the government and result in my supersession (I filed my 2nd Affidavit on 06.10.2004)
- 50) Examine Shri K.C. Kapoor, Principal Secretary, Home, as to why he asked my explanation for not reporting about an enquiry against me while I was on Central deputation from 1987 to 2000, though as per Government of India orders vide letter no. DPAR/5/21/72/AIS3 dated 04.12.1972, the deputationist officers were debarred from reporting service matters to the state government. (I was exonerated from the charge sheet unconditionally in 2005) Was this action an unwarranted move to punish me for refusing to accept the advice of DGP and other officers for not filing the 2nd Affidavit.
- 51) Examine Shri Ashok Naryanan, ACS Home as to what action he had taken on the report about the communally inciting speech of CM Modi on 09.09.2002, send by me, as this report was send to Home Department in response to a message from National Commission of minority.
- 52) Examine the following persons relating to various illegal verbal instructions given to me, as recorded in annexure – F to my 3rd Affidavit. These unlawful directives fall under the heads of 1) submission of report regarding alleged involvement of an opposition party in fomenting communal trouble in Ahmedabad City, without any basis, 2) illegal direction to tap telephone of a senior Congress leader, 3) not closely cover activities of the ruling party and its sister bodies, 4) consider even elimination of those who try to disturb Ahmedabad Ratha Yatra etc. These persons are to be examined for the entries in my register as given below : 1) Shri Narendra Modi, CM (entries dated 16.04.2002, 17.04.2002, 30.04.2002, 07.05.2002 and 26.07.2002), 2) Dr. P.K. Mishra, PS to CM. (16.04.2002, 17.04.2002,

07.06.2002 and 12.06.2002), 3) Shri A.K. Sharma, Secretary to CM (16.04.2002 and 17.04.2002), 4) Shri G. Subbrao, the Chief Secretary, (17.04.2002, 22.04.2002, 01.05.2002, 28.06.2002, 09.08.2002, 15.09.2002, 19.09.2002) 5) Shri Ashok Naryan, ACS, Home (22.04.2002, 05.08.2002, 09.08.2002), 6) Dr. Varesh Sinha, Secretary, (1977 IAS) Education, (22.04.2002), 7) Shri Paneervel, Secretary, (1978 IAS) (22.04.2002) 8) Shri Maheshver Sanhu, Secretary, (1980 IAS) (22.04.2002) 9) Shri R. K. Rao, Secretary, (1980 IAS) (22.04.2002) 10) Shri K. Chakravarthy, DGP (17.04.2002, 30.04.2002, 01.05.2002, 04.05.2002, 08.05.2002, 06.08.2002, 08.08.2002, 09.08.2002, 12.09.2002 and 15.09.2002), 11) Shri Maniram , ADGP (L & O) – 04.05.2002, 12) Shri P.C. Pande - 04.05.2002, 13) Shri M.K. Tandon, Joint CP, Ahmedabad – 04.05.2002, 14) Shri O.P. Mathur, IGP Intelligence – 12.06.2002, 15) Shri Prahlad Patel, SP Intelligence, (10.09.2002, 12.09.2002 and 13.09.2002), 16) Shri Himanshu Bhatt, SP Intelligence, - 13.09.2002 17) Shri Bhava – Dy. SP State Intelligence, Gandhingar Region - 30.08.2002 18) Shri K. Nityanandam, Home Secretary, - 30.08.2002, 19) Shri K.P.S. Gill, Advisor to CM – (04.05.2002, 08.05.2002 10.05.2002, and 11.07.2002)

- 53) Examine Shri K. Chakravarthy, DGP as to whether he had received any written orders from Home Department directing him to inform ADGP Intelligence (myself) for not sending verbatim of CM speech dated 09.09.2002 containing anti minority remarks. In fact Shri Chakravarthy had send a noting on the National Minority Commission message thus “ACS Home told me on 11th that we do not have to send any report in this regard. ADGP Intelligence be informed accordingly”. This was contrary to his earlier order. Is it not an instance of subverting the legally structured system of reporting by the state intelligence to facilitate the CM Modi and others to pursue their anti minority agenda unhindered ? (Copies of these orders are submitted to the SIT)
- 54) Examine the District Magistrate of the major riots affected districts, as narrated in para 16 of my 3rd Affidavit as to 1) why they failed to discharge

their statutory duties, as per CRPF and Police Acts 2) Why they recommended the names of office bearers and supporters of Sangh Pariwar for appointment as public prosecutors to present cases against Hindu accused. (see pages 90 – 92 of Mrs. Jafri complaint) 3) Why did they forcibly close relief camps of riots victims in June - July 2002 to portray a misleading picture of normalcy to Central Election Commission so that the Commission would hold Assembly Election soon for reaping electoral dividends of the communal situation before total normalization by BJP.

- 55) Examine Shri Ashok Naryanan to find out the reasons for the untimely transfer of SsP Shri Rahul Sharma from Bhavnagar District after 38 days of posting, Himanshu Bhatt from Banaskantha after 3 months and Shri Vivek Srivastava from Kutch after 13 months, despite objection from DGP Chakravarthy, as admitted by him in his cross examination before the commission.
- 56) Examine as to why Shri G. Subbrao the CS did not file any Affidavit to the commission, though he is the main link between the civil bureaucracy and the political leadership in the state government. His Affidavit is essential for deciding on the points raised in second terms of reference to the Commission.
- 57) Examine the Officers whose names are listed in para 91 of 4th Affidavit for their failure to file their 2nd Affidavit.
- 58) Examine all relevant officers to get valid clarification on the question listed in para 95 A to Z of my 4th Affidavit.
- 59) Examine the contents of Affidavits and deposition in the cross examination before the commission by all witnesses and accused figuring in Mrs. Jafri's complaint to find out as to whether any perjury had been committed by them, in the light of evidence collected by SIT in the course of their inquiry/ investigation.
- 60) The ghastly Godhra Train Fire incident was the ignition for the state sponsored massive anti minority pogrom about which there are many theories. Serious doubts have been expressed about the theory of

conspiracy and the background and the course of the incident brought out by the Gujarat Police. The Banarjee Commission by the Railways had totally differed from the conclusions of Gujarat Police. Many eminent human rights champions had also come out with other theories. **In this context, it is quite imperative to conduct a reconstruction of the train burning incident, by fully simulating the fire incident, as portrayed by the police so far.** Will the fire by pouring so much amount of inflammable liquid result in such limited damages only ? A realistic mock drill in presence of forensic experts, scientists, seasoned police officers etc. would clear the doubts. So far the SIT had fully endorsed the line of investigation of Gujarat Police and this had evoked widespread criticism. **Therefore the SIT should immediately move for the above exercise, since the Godhra fire incident has been having national and international repercussions.**

Feedback from riots victims:-

Ever since the Media reported the contents of my 4 Affidavits uncovering the conspiracy and execution of the anti minority violence by the CM and his collaborators, numerous sufferers of 2002 communal riots have been meeting me and sharing their concern, discontentment and prognosis about the state of delivery of justice to them so far. I have always been assuring them to have astute faith on the integrity and impartiality of our CJS and keenness of our Judiciary to deliver speedy justice, lest they may get influenced by indoctrination drive of anti national, sectarian Jihadi groups. It will be germane to submit to SIT salient features of disillusionment, apprehensions and expectations voiced by the victims about the process of justice delivery since 2002 violence.

Kindly note that I am truly transmitting the feelings of riot victims and these do not represent my views or perception.

Disillusionment :-

- a) Despite assurances by the PM A B. Vajpayee about prompt investigation and prosecution of planners and perpetrators of anti minority crimes in April 2002, no decisive measures have been taken by the state government and consequently the Supreme Court intervened effectively and ordered 1) Transfer of investigation of Bilkis Banu case to CBI (April 2004), 2) Transfer of trial of Bilkis Banu and Best Bakery cases to Maharashtra (April 2004), 3) Review of 2000 odd closed riot cases (in these Sangh Pariwar supporters were the accused) by Gujarat Police to be reinvestigated, (in August 2004) 4) Creation of the SIT to reinvestigate nine major carnage cases (in March 2008) and 5) The SIT to investigate on charges of conspiracy and execution of genocidal crimes against the Muslims (in April 2009).
- b) Half hearted and tardy implementation of recommendations of by NHRC, NCM, NCW, and other National bodies, by the state government.

- c) In most cases of review of 2000 odd closed cases as per the Apex Court orders in August 2004, the reviewing officers from Gujarat Police have been persuading, cajoling and even intimidating the complainants, riot victims and witnesses to compromise with the accused and consequently the arrest and prosecution of accused did not take place even in 20% of cases under review.
- d) Many victims are found to go against their complaints and turn hostile in the courts, as part of a condition – precedent insisted by the police and BJP leaders, to ensure their rehabilitation in pre-riot areas, resettlement in former vocations and reoccupation of their abandoned lands.
- e) Inclusion of Gujarat Police officers in SIT under the convenership of Smt. Geetha Johri, ADGP and other members - Shri Shivanand Jha, and Shri Ashish Bhatia, was not liked by the victims. The reasons are :-
- (i) In their view Smt. Geetha Johri, had not done anything worthwhile in the investigation of Sohrabuddin fake encounter case after Shri Rajnish Rai (DIG) arrested three IPS officers. No name of any other accused has been disclosed after she has taken over the supervision of the case despite evidence having come up regarding other police officers in the crime through Forensic reports. There is no progress in the investigation of murder of Tulsi Prajapati. Consequently, being dissatisfied by her investigation, the Supreme Court had stayed the trial in October, 2008 and the case papers are now under the custody of Registrar of Gujarat High Court. There is an impression that government is pressurizing her by issuing a chargesheet against her husband a Senior Forest Officer. More over, it is whispered that she had been promoted to the rank of ADGP and given the important executive posting of CP, Rajkot, for the “services” by her to the government in the Sohrabuddin encounter case investigation and as the convener of the SIT. She was saved in an enquiry regarding her handling of the notorious Adalaj double murder

case by Shri P.C. Pande so it would be impossible for her to go against Shri Pande in the investigation of Gulberg Society, Naroda Pattiya and similar cases.

- (ii) Similarly the victims complain that Shri Jha did not move out of his office in the CP office, where he was Addl. CP during the riots, till 10.45 am (as per Rahul Sharma CD) on the bandh day on 28.02.2002. He prepared the Affidavits for the government in all cases relating to the riots pending at the courts in his capacity as the Home Secretary. He was supervising the work of Ahmedabad City Police Control Room during the riots when the Minister Ashok Bhatt was camping there and “directing” the rioters. In his deposition to the commission, in the cross examination, he had admitted about the inadequate preventive action against the communal elements. Ahmedabad City Police Officers filed their Affidavits to the commission after clearance from him. He is figuring prominently as an accused in Ms. Jafri’s complaint. So his continuance in SIT is in violation of the ideal of natural justice on basis of “clash of interests”.
 - (iii) According to the victims Shri Ashish Bhtia as supervisor of the investigation of Naroda Patiya, Gulbarg Society etc. cases, while he was Joint CP, Ahmedabad City, did nothing for 3 years though evidence about involvement of senior political leaders in anti minority violence was available. He also ignored evidence against Shri P. C. Pande and Shri M.K. Tandon in the Rahul Sharma’s CD and gave them a clean chit.
- f) It is felt that the SIT has not taken cognizance of the question about existence of larger conspiracy angle involving the State Government, which includes the members of the political executive, bureaucrats and senior police officers, while investigating the major 9 riot cases. This was done by treating each case or incident of rioting in isolation. That is why a few junior police officers responsible for the limited geographical area in which

one incident or rioting took place have been held criminally liable. In contrast, senior officers like ACS (Home), DGP, CP, JCP, DCP, etc. have been, by self-imposed attitude of the SIT, got excluded from any criminal liability.

- g) The victims have a lurking feeling that the approach of the SIT seems to be to make the buck stop as low down as possible because the lower it stops, the farther is the top man suspected of engineering it from the responsibility.
- h) The victims lament that the SIT tasked to investigate 9 major 2002 Gujarat Riot Cases and the complaint of Mrs. Jafri against the CM Narendra Modi's complicity in the riots is generally pursuing the concept, line and direction taken by Gujarat Police in the investigation of cases, before SIT's induction. The Gujarat administrations collaborative role in the anti minority genocide has led to the Apex Court 1) calling Gujarat State officials, 'modern Neros' (April – 2004), 2) ordering reopening of 2000 odd riot cases for re-investigation (August – 2004 , 3) constitution of SIT (March 2008) 4) ordering investigation of the Mrs. Jafri complaint by SIT. (27 April 2009) etc.
- i) In the Godhra Train Fire Case, SIT had fully endorsed the theory of investigation by Gujarat Police and didn't probe into the revelations in the Tehelka Magazine organized Operation Kalak, in which witnesses admitted that they had been bribed by Gujarat Police, to speak in favour of conspiracy theory of Gujarat Police. Initially Shri Neol Parmar, IO of the case was continued by the SIT and only on serious protest from NGOs and Media criticism he was removed.
- j) In Naroda Patiya massacre case, though evidence was available from October 2008 against the State Minister Mayaben Kodnani, she was not shown as accused in the first charge sheet filed in the December 2008 and later she was arrested due to Media propaganda in March – 2009 only.
- k) Minister Kodnani, protected by dozen police men, was allowed to go underground and get anticipatory bail. The summons by the SIT warned

her while other accused were not issued with summons before arrests. The government did not take any action against her security personnel for permitting her go to underground.

- l) Two Corporaters of Ahmedabad Municipal Corporation was shown as absconders in riot cases for a long time, even though they were attending all public functions.
- m) A few persons shown as absconders in riot cases are still moving freely.
- n) No evidence was collected or incriminating material was recovered from the accused who were taken on remand. – A mere showmanship of remand. None of the accused was put through Forensic tests. Many loopholes in the investigation were left uncorrected, allegedly for the accused to take the advantage during the trial.
- o) The Apex Court criticized the SIT for not collecting proper evidence. Kindly refer to news paper reports of DNA and Times of India, Ahmedabad Editions dated 20.05.2009.
- p) The SIT arrested only upto Inspector for abetment of mass murders in Gulbarg Society (where the former Congress MP was killed) and saved the senior police officers.
- q) Though the Supreme Court had ordered SIT ‘to look into the complaint of Mrs. Jafri and take steps as per law’, on 27.04.2009 no FIR was registered so far and only on 19.06.2009 Mrs. Jafri’s statement was recorded and probe started.
- r) SIT did not move for the Forensic Tests of the accused or the witnesses of riot cases. i.e. Narco analysis, Brain mapping, Polygraph etc., despite a public outcry for the same.

Apprehensions :-

- 1) The victims are apprehensive that unless the Chairman SIT is alert, the CM Modi will succeed in his strategy to check registration of FIR against him by convincing SIT that the alleged collaborative action of government officers, facilitating the genocide, be treated as sheer administrative lapses without any criminal liabilities.

2) The victims feel that the CM Modi would succeed to save himself by sacrificing any body and every body by even neutralizing NGOs, Secular groups etc. by utilizing huge resources and by all fair and foul means. Already efforts are on to fix the responsibility for riots on Modi's political opponents like Gordhan Zadafia, the then MOS, Home.

3) Another apprehension is that the Corporate world being quite keen to save Modi from prosecution for safeguarding their own commercial interests would use all tools to enfeeble the investigation against him. It is relevant that the Tata's Nano Project was allotted land and given long term benefits in taxation, etc. amounting to Rupees thousands of crores by the Modi Government. (Congress RTI Application and reply of the Government to it may be referred for more details). The terms and conditions on which the Nano Project came to Gujarat make no economic sense. It will be quite naïve to assume that the Tatas will not initiate appropriate action to save Modi, in view of huge commercial benefits of the Company through Modi, by utilizing tools under their command..

Expectations :-

The victims are optimistically nurturing the following action from the SIT.

A) Registration of FIR on Mrs. Jafri's complaint expeditiously by the SIT.

B) SIT to investigate every point of information in Jafri complaint, nugget by nugget.

C) Put all accused and witnesses of Jafri complaint to Forensic Tests.

D) Remove Gujarat Police Officers from SIT, particularly Shri Shivanand Jha, who is an accused in the Jafri's complainant. The victims feel that the officers like Shri Satish Verma (Guj-1986), Shri Rahul Sharma (Guj-1992), Shri Rajnish Rai (Guj-1992), Dr. Mrs. Neerja Gotru Rao (Guj-1993) and Shri Hasmukh N. Patel (Guj - 1993) could be quite competent and impartial and so be inducted in SIT for probing on Mrs. Jafri's complaint.

E) Upgrade the level and depth of supervision by the Chairman SIT on Gujarat Officers, by getting administrative control over them, on the pattern of the Election Commission, in order to contain and counter the pro-Modi manipulations of Gujarat officers.

F) The Chairman SIT should suggest penal action against Gujarat Police Officers who had done partisan investigation to favour the accused and are responsible for pro-riot accused action as delineated under the para captioned “Disillusionment” above.

G) The Chairman SIT should review the work of the Public Prosecutors and remove unreliable non-performers and induct advocates of integrity.

H) The Chairman SIT should intervene effectively to check the trend of Gujarat Police Officers to save senior police officers for their culpable role in the riots, as was done in the investigation of Gulbarg Society case.

I) The Chairman should kindly note that the CM Modi made the DGP Shri S.S. Khandwawala totally subservient by appointing him as DGP, in March 2009, though he was convicted by the Sessions Court in Junagadh for a private criminal case. The conviction is suspended and if DGP goes against the interests of Modi he can be dismissed by lifting the stay on conviction, under Article 311 of the constitution of India..

J) The Chairman should note about the fear complex in the Gujarat bureaucracy towards the CM Modi and consequently none of the 12 IAS/ IPS officers superceded in promotion during the last 3 years submitted even a representation to the State Government, or the Central Government and approached the court. Can one expect such a bureaucracy to go against its political bosses in any enquiry or investigation ?

K) For ensuring professionalism and impartiality in investigation the Chairman SIT should induct officers from outside Gujarat, at the operational level of investigation viz. at SP, DY.S.P, Inspector, Sub Inspector etc.

L) The Chairman should move for getting Gujarat police officers assisting him in investigations freed from routine police duties.

M) SIT may kindly move the Central Government to appoint Special Public Prosecutors u/s.24 Cr.P.C. to conduct cases entrusted to SIT.

N) SIT may kindly move the relevant courts to get permission for detailing Advocates by the complainants to present their cases along with the PPs.

O) Finally the victims humbly anticipate that bonafide investigation will be pursued by the SIT to collect, collate and analyse the data regarding inputs given to each senior functionary (e.g. the Chief Minister, DGP, CP, etc.) immediately after the Godhra incident and during the riots, from the citizens under threat, victims of riots and other governmental/non-governmental sources and responses that emanated from these functionaries. The data is scattered in the form of cell phone records, control room documents, official communications, orders as well as oral testimony of those in the know of it, to the judicial bodies etc. This exercise would establish the complicity or otherwise of the accused persons, in the alleged conspiracy and genocidal crimes. The SIT is yet to probe into these. The accused in Mrs. Jafri's complaint should be asked to give their point-wise comments on the above mentioned data, surrounding each one of them, for achieving genuine progress in the investigation of Mrs. Jafri's complaint / FIR.

Conclusion:-

Any failure to book the actual planners and perpetrators of the Gujarat Communal holocaust, that defamed our mother land globally, on account of system failure or otherwise, would bring limitless indefensible calumny to Indian Judicial System in the perception of the international jurist fraternity. The posterity would also hold adverse judgement on the whole affair. It is for us, the citizens of

India and institutions created by us, to prove as to whether we had failed the Constitution of India or the Constitution did fail us.

An exhortation from the Bible, the New Testament (Romans 12.2) is relevant. “Do not let the world around you squeeze you into its own mould but let God re-mould your minds from within”

Best wishes and prayers,

Yours faithfully,

(R. B. Sreekumar)
Retd. DGP

Dated: 3/8/2009.

To
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