

Date:28-08-2009

Statement of Mr. Justice P.B. Sawant, Retd. Judge, Supreme Court of India r/o, 13-B, Samata Aptt., Jaganath Bhosle Marg, Mumbai.

I retired as a Judge of Hon'ble Supreme Court of India in the year 1995.

Concerned Citizens Tribunal – Gujarat 2002 was conceived in response to the carnage that followed the burning of a train incident at Godhra on 27th February 2002. The Tribunal had eight Members namely Mr. Justice V. R. Krishna Iyer, Mr. Justice P. B. Savant, both retired Judges of Supreme Court of India, Mr. Justice Hosbet Suresh, retired Judge of Bombay High Court, Shri K. G. Kannabiran, President PUCL, Ms. Aruna Roy of Mazdoor Kissan Shakthi Sanghatan, Dr. K. S. Subramanian, IPS (retired) former DGP Tripura, Prof. Ghanshyam Shah, Professor of Social Sciences in Community Health, JNU and Prof. Tanika Sarkar, Professor of History, JNU. Smt. Teesta Setalvad was the Convener of the said Tribunal. This eight Members Tribunal was constituted in consultation with large number of groups from within Gujarat and rest of the country. The terms of reference included investigation into the cause of violence from 27.02.2002 in Gujarat including detailed investigation through examination of evidence of some of the worst massacres that took place in Gujarat in 2002, role played by media, pattern of mobilisations and arms training by groups, the role of State executives, government administration in following the law of land, role of law and order machinery, State police in controlling damage to life and property and ensuring the maintenance of law and order, the extent of damage to lives and dignity of persons and the extent of destruction of culture symbols and places of worship. Further an investigation was to be conducted whether the events after 27.02.2002 to till date were evidence of grave and complete break down in constitutional machinery.


The Tribunal recorded oral and written testimonies of 2094 persons, both individual and collective from the victim-survivors, independent Human Rights groups, women groups, NGOs and academics. The Tribunal also collected photographs, copies of FIRs, audio and video tapes as evidence. Many senior government officials and police officers agreed to meet the Tribunal responded to its queries, shared insightful observations and presented some valuable evidence to the Tribunal. The Tribunal visited Gujarat between 02-05-2002 to 13-05-2002 and held sittings at Karnavati Club, Ahmedabad, Godhra, Vadodara, Bharuch and Valsad. Late Haren Pandya a sitting Minister of Gujarat Govt. appeared and deposed before the Tribunal on 13-05-2002 and was assured that his anonymity would be protected. In view of this assurance his evidence was included in the findings but he had not been identified. Late Haren Pandya deposed before the Tribunal comprising of me, Mr. Justice Hosbet Suresh, Shri Kannabiran and Smt. Teesta Setalvad at another place. He stated that he had attended a meeting on 27-2-2002 night at the residence of Shri Narendra Modi,

Chief Minister which was attended to by various bureaucrats and police officers, who were not named by him. Late Haren Pandya further deposed that in the meeting Shri Narendra Modi, CM made it clear that there would be a backlash from the Hindus on the next day i.e. 28-02-2002 and that the police should not come in their way. Shri Modi also instructed the police officers and the civil administrators that a Hindu reaction was expected and that the same must not be curtailed or controlled. I did not record his deposition anywhere. Several serving IPS officers namely Shri Vinod Mal, Shri Himanshu Bhatt and Shri Sami Ullah Ansari also met us secretly and made oral statements but their names had not been mentioned in our report because of the fear of reprisal from political bosses, if their names became known. All of them confirmed that the instructions were given, to the police by the political bosses not to stop the Hindus in their retaliation to the Godhra incident. They also stated that two sitting ministers namely Shri I.K. Jadeja and Shri Ashok Bhatt sat in the police control rooms at Ahmedabad and Gandhinagar respectively and controlled the police. No record of their depositions had been kept.

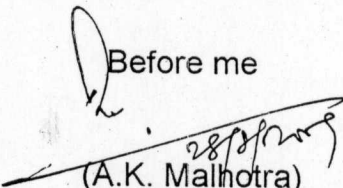
After recording evidence visiting sites and collecting other relevant material, the Tribunal arrived at some prime-facie conclusion. These conclusions were forwarded along with the Tribunals recommendations to both Central and State governments but it is regretted that neither the State government nor the Central government or individual Ministers responded. The report of the Tribunal was published in two volumes in which short term and long term recommendations were made.

Read over and admitted to be correct.

Typed by me


(A.K. Parmar)
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Before me


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