

# Citizens for Justice and Peace

## Backgrounder

### Encounter Killings in Gujarat and State Complicity

#### Series of Encounters in Gujarat since October 2002

- **December 28, 2006:** Just days after Vanzara is posted as DIG, Border Range, **Tulsiram Gangarm Prajapati is killed in Banaskantha** -- one of the three districts that falls under the Border Range -- by the Special Operations Group of the Gujarat Police and Banaskantha Police. They said he was a member of the Sharif Pathan gang. Incidentally, an investigation by the CID (Crime) into Sohrabuddin's case had said that Prajapati was the third person whom the ATS and Rajasthan STF had picked up along with Sohrabuddin and his wife in November 2005. He is believed to have been let off later.
- **November 26, 2005:** Sohrabuddin Sheikh is killed by the Gujarat ATS and Rajasthan STF, reportedly in Vishala, Ahmedabad. Vanzara, who heads the ATS at the time, holds a post-encounter press conference, attended by the entire media and TV news channels, and says Sohrabuddin was an LeT operative who had come to Gujarat to kill Chief Minister Narendra Modi, at the behest of Dawood Ibrahim and Sharif Pathan. He also says that four days before the encounter, Sohrabuddin had gone to Hyderabad to establish ties with an LeT cell there. Sohrabuddin's wife Kauser Bi has not been seen since the encounter.
- **June 15, 2004:** Four persons, including 19-year-old college student Ishrat Jehan of Mumbra, are shot dead on the outskirts of Ahmedabad. Vanzara, who is Deputy Commissioner, Crime Branch, at the time, claims they were terrorists, planning to target Modi.
- **January 13, 2003:** Sadiq Jemal Mehtar, a native of Bhavnagar, is shot dead in Naroda. According to the Crime Branch, with which Vanzara is posted at the time, Sadiq was in the city to target Modi, apart from L K Advani and the VHP's Pravin Togadia.
- **October 22, 2002 :** 30-year-old Samirkhan Pathan, who had been picked up by the Crime Branch on September 27 that year for allegedly hatching a plot to kill Modi, is shot dead by police near Usmanpura Garden in an early morning encounter.

## SIX encounters, a common thread

- ✓ On April 24 , 2007 Rajnish Rai DIG Gujarat arrested Vanzara, Pandian and Dinesh MN (case was handed over to him from Geeta Johri on March 30, 2007) . Vanzara when arrested Deputy Inspector General, Border Range, Vanzara was either Crime Branch chief/SP or STF SP whenever these encounters happened. NK Amin, DSP Gujarat was arrested on June 18, 2007 by the Gujarat CID in connection with the murder of Kauserbi, Sohrabuddin's wife.
- ✓ In each of these cases the theory dished out by the Gujarat police was that either *Shri Modi*, or *Shri Advani* or *Shri Togadia* were going to be arrested.

## Questions that need to be Probed

- ✓ Vanzara's Personal Assets and Wealth as he is supposed to have benefited monitorily with each death
- ✓ Were requisite police procedures followed when so called 'warnings' of assassination of three top leaders came in. Where are these records
- ✓ The original Petition of Rubabuddin pending before the Hon'ble SC demands the production of Kauserbi's body *and a CBI probe into the same*. These demands should be pressed not withdrawn. The recent arrest by the Gujarat police should not become an excuse to scuttle incriminating evidence that has come up

## What is the Incriminating Evidence on Hand ?

- ✓ These batches of encounters shows a brutalisation of a section of the Gujarat police under a political dispensation that has no respect for the rule of law.
- ✓ The trajectory of this case is relevant here. It was under the SC directive that Rubabuddin's letter was sent to the DGP Gujarat who ordered an Investigation by IGP (State) CID Crime and the Inquiry handed over to Smt Geeta Johri, IGP State CID Crime. The said letter was registered as an Enquiry Nos 66/2006.

- ✓ **Four Reports were submitted by the investigating team headed by IGP State Crime Geeta Johri under the Investigating charge of Shri VL Solanki, Police Inspector dated 1-9-2006, 7-12-2006, 15/16-12-2006 and 22-1-2007. These four reports are incriminating.**
- ✓ **It is significant that once (as stated below and quoted on page 18 of Geeta Johri's report) the Investigation reached the farmhouse of one Shri Girish Patel, none less than Gujarat's Home Minister Shri Amit Shah started tampering with the evidence and the case. He influenced (as the report says) GC Raiger Commandant Home Guards to take the case away from Geeta Johri. Hence the demand for CBI Investigation must be kept alive. It was after the Investigation was taken away from the Geeta Johri on 18-12-2006 that Tulsiram Prajapati was killed in a false encounter on 28-12-2006.**
- ✓ **The Fourth Report Dated 22-1-2007 submitted in sealed cover before the Supreme Court states**

**" From all the aforesaid statements of witnesses recorded during the course of the inquiry which is part of the aforesaid four interim reports of the Enquiry Officer, following facts are prima-facie established:**

- 1. That Shri Sohrabuddin and his wife Smt. Kausarbi on 22-23/11/2005 were traveling in a bus bearing number KA-05-AF-5051 from Hyderabad to Sangli.**
- 2. Shri Rajkumar Pandiyan SP, ATS, Shri N. H. Dabhi, PI, ATS, Shri Santram Sharma, Police Constable, ATS, Shri Jadeja, Driver ATS and Shri Gurudayal Singh, Driver ATS were present at Hyderabad on 21-22-23/11/2005.**
- 3. Shri N.H. Dabhi, PI, ATS, Shri Santram Sharma, Police Constable, ATS, Shir Jadeja, Driver ATs and Shri Gurudayal Singh, Driver ATS started from Ahmedabad at around 1900 Hrs. on 20/11/2005 in a private Qualis car and reached Hyderabad at around 20.00 Hrs. on 21/11/2005.**
- 4. On 22/11/2005 Shri Dabhi instructed Shri Ajay Parmar to make two fake number plates for Qualis car. On instruction Shri Ajay Parmar got made two fake number plates whose number started AP-II, which were fitted in the Qualis car.**
- 5. That on 21/11/2005, Shri Rajkumar Pandiyan met Shri Radhakirshnan, an IPS officer of Gujarat cadre, who was on deputation to CISF Hyderabad at his residence at Hyderabad.**

- 6. That on 22/11/2005 Shri Rajkumar Pandiyan was present in the IPS mess, Hyderabad along with two Sub Inspectors and five Policemen of Andhra Police and other ATS police personal named above.**
- 7. That on 22/11/2005 Shri Rajkumar Pandiyan, Shri Santram Sharma and Shri Dabhi started from IPS mess Hyderabad in the same Qualis with fake number plates followed by two Tata Sumo cars, wherein one car the Andhra Pradesh Police were sitting and in the other car two police personnel of Andhra Pradesh Police along with Shri Gurudayal Singh were sitting.**
- 8. That on 22-23/11/2005 in the night hours the Qualis car of Shri Rajkumar Pandiyan intercepted the bus bearing number KA-05-AF-5051 on Hyderabad Bombay High was and stopped it. Thereafter Policemen entered from the Qualis entered the bus and picked up three persons including Shri Sohrabuddin and his wife Smt. Kausarbi and at that time Tata Sumo cars also came to the same place.**
- 9. That on 23/11/2005 Shri Ajay Parmar traveled by Indian Airlines flight from Hyderabad to Ahmedabad and reached Ahmedabad at around 2230 Hrs.**
- 10. That on 25/11/2005 Shri Dabhi, Shri Santram Sharma, Shri Jadeja and two Police Sub-Inspectors, and five Policemen of Andhra Pradesh Police were present in ATS office, Ahmedabad.**
- 11. That on 24/11/2005 Rajasthan Police Officials named Shri Dinesh M.N, SP, Udaipur, Shri Abdul Rehman Police Inspector, Udaipur, Shri Himanshu Singh, Sub-Inspector Udaipur. Shri Shyam Singh Sub Inspector Udaipur met Shri D.G. Vanzara, DIG, ATS and other Police personnel and discussed the activities of Shri Sohrabuddin.**
- 12. That on 23/11/2005 Shri M.L. Parmar, Dy. S.P. ATS arranged a farm house named Disha-Farm House, Jamiyatpura village, Near Adalaj, Gandhinagar to keep Shri Sohrabuddin and his wife Smt. Kausarbi.**
- 13. That on 24/11/2005 at around 1900 Hrs. Shri Parmar along with Shri Chaube and other Police personnel in a Qualis followed by a Maruti car brought Shri Sohrabuddin and Smt. Kausarbi and kept them in the office room of the farmhouse guarded by policemen.**
- 14. That on 25/11/2005 in the evening, Shri Sohrabuddin was taken away by the ATS officers. Also on 26/11/2005 at around 1000 Hrs. Smt. Kausarbi was taken by some Policemen in a Maruti car.**
- 15. That the motorcycle allegedly recovered from the scene of encounter was actually a stolen property, the latter misdemeanor having been committed by the ATS officers themselves.**

16. That on 26/11/2005 at around 0330 Hrs in the night Shri Vanzara, Shri Rajkumar Pandiyan, Shri Dabhi and police officers of Rajasthan Police left the ATS office. At around 0400 Hrs. in the night Shri Dabhi called Shri Parmar and instructed him to bring to Hero Honda Splendor motorcycle lying in the backyard of the ATS office to Narol circle. In about 25 minutes Shri Parmar reached the Narol circle and at that to time and place the vehicles of ATS including the vehicles of DIGP Shri Vanzara and SP Shri Rajkumar Pandiyan were parked and all the aforesaid officers were present there. At that place i.e. between Ahmedabad circle and Vishala circle toll naka, near main feeder GEB line, DIG Shri Vanzara, SP Shri Rajkummar Pandiyan Rajasthan SP Shri Dinesh M.N. were discussing something and at that time in a white Maruti car, Shri M.L. Parmar Dy. S.P. ATS and PSI Shri Chaube brought Shri Sohrabuddin there. At that time a Sub Inspector of Rajasthan police took away the above mentioned motorcycle brought by Shri Parmar, drove it for a short distance and jumped from the motor cycle, and the motorcycle fell down. At that time Shri Sohrabuddin was pulled out of the Maruti car by Shri Chaube and was thrown on the road. And Police Inspector Shri Abdul Rehman from his service pistol fired two rounds, ASI Shri Ramsingh one round, ASI Shri Himanshusingh two rounds and PI Shri. Ramsingh one round on Sohrabuddin. And Shri Sohrabuddin was lying in a pool of blood. Thereafter Shri Vanzara instructed Shri Parmar to take Sohrabuddin to the civil hospital. During this Operation Shri Sohrabuddin did not fire any round from any weapon.

...The report continues (at pages 16, 17 and 18

“ As per the version published in *The Times of India* of 29-12-2006 (enclosed by the Petitioner) Supt of Police, Banaskanta Dist. Vipul Agrawal is quoted as saying that at 10. 30 p.m. on Wednesay (27-12-2006) he received a call from the Supdt. Police, Shri Dineshkumar (Resp No 6) who told him that Praful a most wanted criminal in Gujarat and Rajasthan had escaped from the Police Custody while being taken from Ahmedabad to to Udaipur by train. He was being escorted by Rajasthan police having been brought to Ahmedabad for a Court hearing on a complaint of attempted murder registered against him at Navrangpura police station of Ahmedabad City. It may be noted that it is the same Superintendent of Police, Shri Dineshkumar, who arrived in Ahmedabad on 24.11.2005 and met Shri D.G. Vanzara, DIG of Police, who was part of the police team which ultimately killed Sohrabuddin and caused disappearance of Kausarbi on 26.11.2005. Thus the collusion of some officials of Gujarat and Rajasthan police in both the episodes makes the killing of Tulsiram Prajapati absolutely suspicious.

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*The relevance of Tulsiram Prajapati to the killing of Sohrabuddin and the Disappearance of Kausarbi.....*

- (2) **It is learnt that before Shri Tulsiram was killed in an encounter, he informed Shri Rubabuddin in that on 24.11.2005 he was called by ATS at Ahmedabad in a flat situated in Danilimda where Sohrabuddin and Kausarbi were present. The ATS got identified Shri Sohrabuddin and Kausarbi through Shri Tulsiram Prajapati. Hence Tulsiram was a material witness to the killing of Sohrabuddin and disappearance of Kausarbi.....**

#### **Other important facts**

1. **It has been learnt that after the enquiry was entrusted to the State CID (Crime and Railways) by the Director General of Police, the same was proceeding smoothly and properly as per established procedures till such time as the enquiry was confined to Hyderabad, Madhya Pradesh and Karnataka. The enquiry officer Shri V.L. Solanki Police Inspector and the Supervisory officer Smt. Geetha Johri, IG of Police, CID (Crime) faced no hurdle. However, as soon as the statements of witnesses pertaining to confinement of Sohrabuddin and Kausarbi at the Farm house of Shri Girish Patel at Ahmedabad came to be recorded, it came to the knowledge of Shri Vanzara and Shri Rajkumar Pandiyan, Respondent Nos. 4 and 5 It is further learnt that these officers brought the above facts to the notice of Respondent No. 2, Shri Amit Shah, Minister of State for Home, Government of Gujarat.**

2. **It transpires that Respondent No. 2, Shri Amit Shah, Minister of State for Home, brought to bear pressure on Shri G.C. Raigar (Respondent No. 7) Commandant General, Home Guards who was holding additional charge of State CID (Crime & Railways) for the last more than 1 1/2 years. Shri Raigar reportedly directed Smt. Geetha Johri, IG of Police, CID (Crime) to suspend the enquiry and took away the papers of enquiry under the guise of scrutiny. These instructions resulted in cancellation of tour of Shri V.L. Solanki, Police Inspector and Smt. Geetha Johri, IG of Police, CID (Crime) to Hyderabad on 18.12.2006 for further enquiries. In the meantime, the fact that State CID (Crime and Railways) wanted to record the statement of Tulsiram Prajapati seems to have become known to Respondent Nos. 4 and 5 and Police Inspector Shri Solanki presuming that Tulsiram Prajapati was lodged in Sabramati Central Jail at Ahmedabad in connection with offences registered vide Navrangpura Police Station I. CR No. 1124/04 referred to above, had proceeded to the Prison for the purpose. It also becomes clear that taking advantage of stalled enquiry, Tulsiram Prajapati's escape on 26.12.2006 on subsequent death in police encounter on 28.12.2006 happened.**

### **Backround on Attempt to Force Encounters Between February and May 2002:**

Former Additional Director General of Police, Gujarat State Intelligence Shri RB Sreekumar began maintaining a contemporary record of *illegal instructions issued by the chief minister Shri Modi in a Personal Register*. This is a contemporaneous document. It has been filed before the Nanavaty-Shah Commission of Inquiry.

Regarding *encounters* there is a significant entry in this Register dated June 28, 2002:

**28/06/2002The Chief Secretary Shri G.Subba Rao convened a meeting of officers to review situation arising / prevailing in Ahmedabad city in the context of the proposed Rathyatra on 12/7/2002. DGP, Shri Chakravarthi, CP Ahmedabad, Shri K.R.Kaushik, ACP Shri Pramodkumar, Home Secretary Shri Nityanandam, ACS Shri Ashok Narayan, Subsidiary Intelligence Bureau, Ahmedabad – JD, Shri Rajendra Kumar, Shri H.P.Singh, IGP, Junagadh range, Collector Ahmedabad Shri Sreenivas, officials from Ahmedabad Municipal Commissioner, etc. were present. During the discussion, I have proposed for cancellation of Rathayatra on 12/7/2002, in view of vitiated communal atmosphere, presence of a highly discontented Muslim youth, who are keen to under take retributive revengeful action for the inhuman atrocities perpetrated against Muslims by VHP and BD – lead Hindu mobs. I gave details of intelligence inputs received from Central agencies about plans of Pan – Islamic militants and Muslim terrorists to cause harm to Rathyatra and Hindus.**

**CP Ahmedabad had fully endorsed my views.**

**DGP and JD SIB suggested that a change of route of Rathyatra will be desirable.**

**CS Shri Subba Rao informed that there is no question of canceling Rathyatra as CM has taken a firm decision to permit Rathyatra through the traditional route.**

**CS wanted the officials to take all precautionary measures to provide effective security to the Rathyatra. Various suggestions were given by me, SIB, DGP, etc. about counter sabotage / access control measure, etc.**

**After the formal meeting the CS talked to me personally and suggested that if some one is trying to disturb Rathyatra or planning to spoil the same that PERSON BE ELIMINATED. He added that this is the policy and well considered decision of the Chief Minister, Narendra Modi.**

**I responded that such a totally illegal action can not be taken on legal unethical grounds.**

**I added that if somebody is found indulging in arson or killing of others only such an action of elimination can be resorted to by the police.**

**Thereafter, the CS observed that such action can be taken on the basis of SITUATIONAL LOGIC.**

**I replied that police is a creature of law and it can not take any action, which is not legally justified.**

**At the end he asked me to renew our efforts to get specific intelligence about plans of anti social elements to disturb peace.**

**I promised that all possible efforts are made to collect. Advance, Actionable, Preventive, Real Time Intelligence.**

Ends

(Backgrounder prepared by Teesta Setalvad, CJP)