

NO EVIDENCE OF TAMPERING

CBI Authentication of Tehelka Tapes Pursuant to the NHRC Order dated March 5, 2008

1. NHRC had directed CBI to submit its report by 09.12.2008 (refer to NHRC Order txt)
2. CBI had submitted an interim request to the NHRC on 10.12.2008 for extension of the time. The NHRC extended time up to 10.04.2009 which was further extended up to 10.05.209 on the second request of the CBI.

CBI REPORT ON AUTHENTICATION

The Following Steps were taken by the CBI in order to check the authenticity and genuineness of the recordings in the sting operation, the CBI collected following items used in the sting operation.

- i. Unedited raw recordings of the Sting Operation on 15 DVDs were examined after obtaining them from Tehelka, New Delhi.
- ii. CDs of Operation Kalank from M/s T. V. Today Network, New Delhi.
- iii. One spy camera Lens fitted in a black colour India Today Planner 2007, One Spy Button Camera Lens fitted with a Mike, One recorder and the HARD DISC DRIVE of the laptop of Shri Ashish Khetan, used for transferring the recording of the Sting Operation form the Camera Recorder to the computer, from Tehelka, New Delhi.

4. Further, the CBI had initially forwarded the above mentioned items to the Central Forensic Science Laboratory, Chandigarh, for examination and Opinion on the authenticate of the recordings. But the CFSL Chandigarh was already overburdened with the time bound cases from different High Courts and had informed the CBI that it may take one year for them to examine and opine. As such the items were forwarded to Sate Forensic Laboratory Jaipur Rajasthan.

5. The examination of the exhibits was carried out by Dr. Shailendra Jha. Asstt. Director of FSL, Jaipur and his team members viz. Dr. Biswas Bhardwaj and Dr. Mukesh Sharma both Sr. Scientific Offices vide report No. FSL/I230I/Phys-505/2008 dated 09.02.2009, FSL Jaipur (Annexure – 2) has opined the following with regard to the authenticity of the recordings in the sting operation and “Operation Kalank”.

- (i) Video signals in the footage of the DVDs P-V/D-1 to P-v/D-15 match in respect of speech, utterances, laughter, stray ringing tones of mobile hand sets, movements of body parts and body language of the persons appearing in the recorded events.
- (ii) **No Evidence of editing, alteration and tempering has been detected in the audio video recordings and their respective voice track recorded in the DVDs, exhibits P-V/D 1 to P-V/D-15**
- (ii) Cameras exhibits P-I/I and P-II/I are in working order.
- (iii) The camera characteristics of the video clips, their signals, frame co-ordinates and number of frames per second of the video footage and the time lag of audio track recorded I the DVD exhibits P-V/D-I to P-V/D-15 are similar to the camera signals, frame co-coordinators, number of frames per second and th time lag of audio track recordings of cameras P-I/I and P-II/I and hence the DVDs could have been recorded with the camera exhibit P-I/I and the camera exhibit P-II/I.
- (iv) A large number of video clips produced in the video CDs exhibis P-V/C-I to P-V/C-5 have been taken from the video footages of DVDs exhibits P-V/D-I to P-V/D-15 on the CDs. However, in some of the clips of CDs, the voice (audio signals) in the recording of DVDs have not been produced.

6. In addition, the CBI recorded the statements of Dr. Shailendra Jha, Asstt. Director, Dr. Biswas Bhardwaj and Dr. Mukesh Shama both Sr. Scientific Offices of FSL Jaipur. They have stated that on the basis of the result of the examination of the exhibits by them, it is clear that the recordings in the Sting Operation are authentic.

7. Further in “Operation Kalank” the following 18 persons belonging to different Hindu outfits like VHP, Bajrang Dal, RSS and Gujarat Police have been shown making revelations :

1	Sh. Babu Bhai @ Babu Bajrangi, S/o Shri Rajabhai Patel R/o BF-6, Bhagyoday Society, Behind Devi Cinema, Naroda, Ahmedabad.
2	Sh. Arvind Pandya S/o Sh. Himmatlal Pandya Advocate, 402, Ashirwad Flats, Opp. Saraswati Primary School, Near Maninagar Cross Road, Ahmedabad.
3	Sh. Haresh Bhatt S/o Shri Indu Prasad Bhattt, R/o 402, Shivalaya Apts, Amarkunj Society, Nehru Nagar, Ahmedabad.
4	Sh. Rajendra Vyas S/o Shri Laxmi Shankar Vyas, R/o 525 Vadigam Dariapur, Ahmedabad.
5	Sh. Ramesh Chandra Nandkishore Dave S/o Shri Nand Kishore Dave R/o 1913, Ranachodji Temple, Kadmapole, Dariapur, Ahmedabad.
6	Sh. Mangi Lal Jain S/o Sh. Dhoolchand Jain R/o 127/990, Kalapinagar, Gujarat Housing Board, Asarawa, Ahmedabad.
7	Sh. Madan Dhanraj Rawal S/o Shri Dhanraj Lalaji Rawal R/o Chamanpura, Mohanlal Vakil Ki chali, Asarwa, Ahmedabad.
8	Sh. Prahlad Raju Aseri S/o Rajuji Viramji Aseri R/o 56/12, Kamtilal Hiralal Chokis-ki-chawl, Chamanpura, Asarawa, Ahmedabad.
9	Sh. Dhaval Kumar Jayantibai Patel S/o Sh. Jayantibai Shomabhai patel R/o Badagaon, Taluka-Dhansura, Dist Sabarkantha Gujarat

10	Sh. Anilbhai Shankarbhai Patel S/o Shri Shankarbhai Virambai Patel R/o Badagaon, Taluka-Dhansura, Dist Sabarkantha.
11	Sh. Bharat Rajanikant Bhatt S/o Shri Rajanikanth Bhatt R/o Behind Shri Triveni Vidyalaya, Mehta Pura, Himmatt Nagar, Sabarrkantha Gujarat.
12	Sh. Dhimant V. Bhatt S/o Sh. Vishnu Prasad Bhatt R/o B/40, Manorath Society, New Sama Road, Vadodara.
13	Sh. Deepak N Shah S/o Sh Navneet Lal Shah R/o 3, Mahavir Colony, Kirti Sthal, Raj Mahal Road, Vadodara.
14	Sh. Dilipbhai R. Trivedi S/o Sh.Raman Lal Trivedi 1, Anand Park Society, TB Hospital Road, Mehsana, Gujarat President VHP Gujarat.
15	Sh. S. J. Gadvi, SP (Rural) Vadodara and then DSP Ahmedabad I 2002
16	Sh. K. G. Erda, Dy. S. P. Valsad and then Police Inspector, Gulbarga in 2002 Ahmedabad.
17	Sh. Suresh Richard, accused in Naroda Patia case, Ahmedabad.
18	Sh. Prakash Rathod, accused in Gulbarga Society case, Ahmedabad.

8. Further the CBI could examine 14 out of the above mentioned 18 persons in order to verify whether the Sting Operation, as shown I “Operation Kalank”, was carried out. Two police officers Sh. S. J. Gadvi and Sh. K. G. Erda (at Sr. No. 15 and 16 above) refused to give any statement, the other two accused in Gulbarga (actually Naroda Patiya case) Society case namely Sh. Suresh Richard and Sh. Prakash Rathod (at Sr. No. 17 and 18 above) could not be traced despite repeated efforts.

9. Most of the above mentioned persons have stated that they were approached by some persons / persons and that they have talked on the subject of Gujarat Riots which is the subject matter of the sting operation. They have given their own explanation regarding the circumstances in which they spoke what has been secretly recorded.

10. CONCLUSIONS

On the basis of the above said CBI Inquiry, following conclusions can be drawn :

- I. The recordings in the “sting operation” are found to be authentic as per Forensic Science Laboratory Report.
- II. Most of the concerned persons appearing in the sting operation have admitted that they were contacted and that they have talked on the subject of Gujarat Riots which has been recorded during the sting operation.

CBI Personnel Conducting Investigations

Shri Nirmalsinh Savaisinh Raju, police inspector, C.B.I. Mumbai carried out investigation about Operation Kalank and Tehalka which was demanded by the N.H.R.C. from the C.B.I.

Dr. Shailendra Ramkishore Jha, Assistant Director, Physical Department, Jaipur, Dr. Vishwas Umeshchandra Bhardwaj, Senior Scientific Officer, F.S.L. Jaipur and Dr. Mukesh Gopallal Sharma, Senior Scientific Officer, F.S.L. Jaipur examined the CD seized by the C.B.I. Mumbai for investigation of the present case and sent their report.

Shri Bhagirath Pandya, Director, Akashwani, All India Radio, authenticated details of specific sample of spectrographic of accused Mangilal Dhupchand and other accused prepared by Shri Tilok Sanghvi and Shri K.G. Johnson.

Ends

Note:

Failure by the Special Investigation Team (SIT) appointed by the Supreme Court

The SIT headed by Dr RK Raghavan and in which Gujarat cadre officers like Shivanand Jha, Geeta Johri and Ashish Bhatia played a key part, failed to even consider the Tehelka Tapes for the Gulberg Society Carnage Case despite their

being startling revelations by the Gulberg accused who had indulged in the slaughter.

Witness Survivors supported by the Citizens for Justice and Peace (CJP) approached the Trial court on 7.9.2009 with an application for further investigation under section 173(8) of the CrPC that was allowed. One of the prayers was for the authentication of the Tekelka's Operation Kalank and inclusion of Ashish Khaitan as witness. The first set of papers after further investigation (submitted to the Trial Court on 7.10.2009) did not contain the requisite Authentication. This was pointed out to the Court by special PP RK Shah and witness advocate too.

Only thereafter was the above detailed CBI Preliminary Investigation Report made public.

Even today the Trial Court hearing the Naroda Gaam massacre case has not allowed the request for voice test sampling (voice spectorgraphy of the accused).

Witnesses and CJP have also demanded further investigation in the Sardarpura massacre case (Mehsana) as evidence of trishul distribution before the Godhra incident on February 27, 2002 has been brought on the records of the Trial Court. Though the Trial Court has turned down the application, this is pending before the Gujarat High Court.

Thereafter SIT officials have summoned Ashish Khaitan for his statement to be recorded in the Sardarpura Massacre case.

It is appalling to what extent the SIT --- even with the Supreme Court monitoring the cases -- has gone to ensure that the valuable evidence provided by tehelka's Operation Kalank—that amount to extra judicial confessions are not brought into the ambit of the Trial Courts considering the henous crimes committed in 2002.