

List of Dates

**Whistleblower RB Sreekumar
ADGP-Intelligence in 2002; Retired as DGP Gujarat in February 2007**

After 1971

After Sreekumar was appointed to the IPS, Gujarat cadre in 1971, he was, at various times, Assistant Superintendent of Police, Deputy Inspector General, Deputy Director General DIG (Central Investigation Bureau), Joint Director (IG), and Additional Director General of Police. In 1999, he was awarded the President's medal for meritorious service.

Career Graph

July 1971 R.B.Sreekumar, the applicant is appointed in Indian Police Service (IPS), Gujarat Cadre.

28th Feb. 2007 Date of Superannuation

Feb. 1972 to Aug. 1975 Asst. Supdt. of Police

Aug. 1975 to Feb. 1979 Supdt. of Police, on Promotion

Feb.1979 to Aug.1984 On deputation to Central Govt. as Commandant Central Industrial Security Force.

Aug.1984 to Aug.1986 On repatriation to Gujarat State - Supdt. of Police.

Aug.1986 to Aug.1987 On promotion as Deputy Inspector general – served as Director Security, Gujarat Electricity Board.

Aug.1987 to June 2000 On deputation to the Central Govt. in Central Intelligence Bureau as Deputy Director (DIG) and Joint Director (IG.)

Aug. 1990 Awarded President's Medal for meritorious service.

April, 1995 Promoted as Inspector General (Joint Director) in I.B.

Jan.1999 Awarded President's Medal for distinguished service.

Aug.2000 On repatriation to State Cadre, he was posted as Additional Director General of Police (Armed Units). RB Sreekumar was given deemed promotion to the rank of Additional DGP from April, 1999 when his junior was promoted in the State

Jan-Feb.2001 He was selected for supervising the relief and rescue work in earthquake affected Kutch.

March, 2002 Selected as a Member of Mehta Committee tasked to revamp the State Intelligence set up.

27.2.2002

Burning of Coach S-6 of the Sabarmati Express near Godhra railway station.

Feb.–Aug. 2002

Violence Engulfs and Spreads in the state of Gujarat

6.3.2002

The Justice K.G. Shah Commission (later the Nanavati–Shah Commission) was first appointed, with limited Terms of Reference.

**9.4. 2002 –
17.9.2002**

Sreekumar was the Additional Director General of Police (Intelligence), State Intelligence Bureau. He was required to report, *inter alia*, on matters of communal activities.

16.4.2002

On the seventh day of assuming charge as ADGP-Int, RB Sreekumar addressed a clear letter No. D-I/Pamphlets/688/2002, of Shri R.B. Sreekumar, Addl. DG (Int.) addressed to DGP with copy to ACS (Home) along

with along with enclosures containing Inflammatory Pamphlets being freely distributed by the VHP and allied communal Organisations

(Annexure III, File III, D-27 of the SIT Papers)

**April 2002 –
August 2002**

Sreekumar sent four Intelligence Reports regarding communal tensions in the State. These are dated 24.4.2002, 15.6.2002, 20.8.2002 and 28.8.2002

(Annexure III, File II, D-21, Pages 94-98 SIT Papers; D-22 Pgs 22-26 SIT Papers; D-22 Pgs 27-29 SIT Papers; D-22 Pgs 30-31; D-22 Pgs 35-37 SIT Papers)

April-September 2002

Powerful Politicians and Bureaucrats and Policemen senior to him give him several Illegal Instructions that he records in a Personal Register contemporaneously. This is made public only with his Third affidavit filed in 2005.

15.7.2002

As directed by the then Director-General of Police, K Chakravarthi, Sreekumar filed his first Affidavit before the Commission. *Annexed to this Affidavit was, inter alia, the first of the aforesaid IB Reports.* This Affidavit was filed with the Commission, and a copy forwarded to the DGP. **(Annexure III, File II D-21 is the Copy of First affidavit of Shri R.B. Sreekumar submitted to Nanavati Commission of Inquiry along with Annexures)**

Among several SIB Warnings about the Build Up of Communal Tension before 27.2.2002 and also Accumulation of Arms etc, the First Affidavit also contained several Communications by Field Level Officers of the SIB about the communal writings in mainstream Gujarati Newspapers like Sandesh that called for criminal prosecution (Rahul Sharma SP Bhavnagar's letter to DGP, Gujarat K Chakravarthi dated 9.3.2002, PB Upadhyaya, DCP-Communal, SIB to ACS Home Ashok Narayan on Rahul Sharma's letter etc. **(Annexure III, File II, D-21 in SIT papers)**

9.8. 2002

Sreekumar apprised the Central Election Commission about tension – ridden situation in the State disagreeing with others who gave a representation of 'normalcy' to the CEC.

16.8.2002

Report of the Central Election Commission regarding the holding of Assembly elections in the State. The report notes that various officers of the State Administration attempted to portray a picture of normalcy, or near-normalcy, but this was belied by alternate data and reports given by Sreekumar (on 9.8.2002). Sreekumar and his reports are specifically mentioned in paras 20 and 32 of the Central Election Commission's report. This may be termed at the genesis of the systematic State-driven plan against Sreekumar, culminating in the impugned Charge-Sheet

(Annexure III, File III, D-39, SIT Papers/record is the Copy of the order No. 464/GJ-LA/2002, dated 16.08.2002 passed by Election Commission of India, New Delhi)

- 16.8.2002** Sreekumar was immediately confronted with a question as to why he had transmitted a certain 'secret' document by fax. Sreekumar answered this fully.
- 10.9.2002** Copy of letter dated 10.09.2002 from Joint Secretary, National Commission for Minorities, Govt. of India to Chief Secretary, Govt. of Gujarat (**Annexure III, File III, D-31 of the SIT Papers**)
- 12.9.2002** Copy of confidential letter No. J/2/BJP/Yatra/525/02, dated 12.09.2002 sent by Shri Prabhat N. Patel, DCP (P) on behalf of Addl. DG (Int.) to ACS (Home) with a copy to DGP, Gujarat regarding 'Gujarat Gaurav Yatra' along with enclosures (**Annexure III, File III, D-30 of the SIT Papers**)
- 13.9.2002** The DGP Chakravarthi forwarded a message from the National Commission on Minorities asking for a copy/transcript of the CM's speech at Becharaji. Sreekumar was orally told not to act on this message.
- 16.9.2002** Copy of letter No. J/2/BJP/Yatra/539/02, dated 16.09.2002 sent by Shri Himanshu Bhatt, DCI on behalf of Addl. DG (Int.) addressed to ACS (Home) with a copy to DGP, Gujarat along with a Gujarati verbatim of speech made by the Chief Minister on 09.09.2002 during Gaurav Yatra at Becharaji. (**Annexure III, File III, D-32 of the SIT Papers**)
- 16.9.2002** In effect, Sreekumar ignored the earlier oral instruction and forwarded a *verbatim* transcript of the speech.
- 17.9.2002** The very next day, Sreekumar was transferred as Additional Director-General of Police (Police Reforms). This was a post meant to humiliate and sideline him, without a stipulated charter or dedicated staff. Later, he was asked to 'supervise' the revived State Traffic Branch. Sreekumar retired in 2007 as DGP (Police Reforms).
- 30.10.2002** R.B Sreekumar's letter to the Home Department clarifying that while there was a clear-cut difference in perception between the SIB and Home Department, SIB had collected data from Police Sources only
(**Annexure III, File III, D-29 of the SIT Papers**)
- 15.7.2004** Sreekumar asked the then DGP (as also the Government Pleader before the Commission) to claim privilege in respect of the first Affidavit filed by him of 15.7.2002. No action was taken on Sreekumar's request. Copy of letter No. ADGP/PR/PS/69/2004, dated 15.07.2004 from Shri R.B. Sreekumar, ADGP (PRM) to DGP regarding his appearance before Nanavati Commission of Inquiry
(**Annexure III, File III, D-35 in SIT Papers**)
- 20.7.2004** Letter from then DGP AK Bhargava to RB Sreekumar responding to the above letter. Copy of letter No. G-2/1927/COM-Godhra/Panch/1263/04, dated 20.07.2004 of DGP, Gujarat to Shri R.B. Sreekumar, ADGP (PRM)
(**Annexure III, File III, D-36 in SIT Papers**)
- 20.7.2004** The Terms of Reference of the Commission were expanded and now included an enquiry into the role of the Chief Minister, other Ministers, police officers and other functionaries of the State.

- 21.8.2004** Dinesh Kapadia, then Under-Secretary (Home), in a personal discussion, attempted to "persuade" Sreekumar to depose before the Commission on 31.8.2004 without harming the interests of the Government. Sreekumar made an audio recording of this conversation. Correspondence about attendance and deposition of RB Sreekumar & Rahul Sharma before Nanavati Commission (from government pleader Arvind Pandya)
- 25.8.2004** G. C. Murmu (then Secretary, Home) and Shri Arvind Pandya (Government Pleader to the Commission) summoned Sreekumar to a clandestine meeting, at which they attempted to tutor him regarding his forthcoming deposition before the Commission. The tenor of this 'tutorial' was that Sreekumar should say nothing adverse to the Government. Sreekumar made an audio recording of this conversation too.
- 31.8.2004** Sreekumar deposed before the Commission, and was cross-examined. He deposed, *inter alia*, in support of his first Affidavit (dated 15.7.2002) including the IB reports submitted therewith. **(Annexure III, File II D-21 also contains the Deposition of Shri R.B. Sreekumar before the Nanavati Commission)**
- 16.9.2004 & 21.9.2004** The then DGP instructed Sreekumar to file a *second* Affidavit before the Commission detailing therein complete information relevant to the expanded Terms of Reference of the Commission. It may be recalled that the first Affidavit was filed on 15.7.2002 *before* the Terms of Reference were expanded on 20.7.2004.
- 28.9.2004** The GOG asked an explanation of Sreekumar about his alleged omission of not reporting an enquiry pending against him while he was on Central deputation. The applicant sent his explanation on 3.11.2004
- 6.10.2004** Sreekumar filed his second Affidavit before the Commission. This also included the other Intelligence reports. **(Annexure III, File III, D-22 is the Copy of Second affidavit of Shri R.B. Sreekumar submitted to Nanavati Commission of Inquiry with annexures)**
- 3.11.2004** In the context of the authorities re-opening a dead issue regarding a D.O. (and on which the then DGP had held in favour of Sreekumar), Sreekumar wrote a letter in which he specifically drew attention (a) to the existence of a written record of illegal oral instructions and (b) the aforesaid audio recordings. Sreekumar clearly stated that, if compelled, he would have to disclose this information in the public interest.
- February 2005** Sreekumar was superceded for promotion following a sealed cover procedure.
- 9.4.2005** Sreekumar filed a third Affidavit before the Commission, this time setting out (a) transcripts of the aforesaid audio recordings and (b) a typed copy of a private register or diary kept by Sreekumar from April to September 2002 as an *aide-memoire* noting the various illegal oral instructions issued to him in that period. Transcript of A-1 Modi's

Becharaji, Mehsana speech dated 9.9.2002 also annexed.
(Annexure III, File III, D-23 is a Copy of Third affidavit of Shri R. B. Sreekumar submitted to Nanavati Commission of Inquiry with Annexures A to G)

- 13.4.2005** Sreekumar filed an Application before the Central Administrative Tribunal OA 213/2005 in this challenging the supercession.
- 14–15.4.2005** Various news reports appeared in different parts of the country regarding the contents of Sreekumar's third Affidavit.
- 14.7.2005** GOG had filed its reply to the OA 213/2005, disclosing for the first time that Sreekumar had not been superseded but that his case had been considered and then placed in sealed cover by the Departmental Promotional Committee, and contending therefore that the entire proceeding was premature.
- 5.8.2005** The Petitioner filed Miscellaneous Application No. 468 of 2005 in the said OA seeking amendment of the OA for challenging and impugning the resort by the DPC to the Sealed Cover Procedure in his case instead of promoting him to the grade of DGP.
- 16.8.2005** Copy of letter dated of Shri Arvind Pandya, Spl. Counsel and Coordinator, Gujarat State addressed to Shri Nikhil Bhatt, Home Department, Sachivalaya, Gandhinagar ***(Annexure III, File III, D-25 in the SIT Papers)***
 Copy of Another letter dated 16.08.2005 from Shri G.C. Murmu, Secretary (L&O) to Shri K. C. Kapoor, Principal Secretary, Home Department. ***(Annexure III, File III, D-26 in the SIT Papers)***
- 22.8.2005** M.A. No. 468 of 2005 was allowed by the CAT and Sreekumar was permitted to amend his OA.
- 6.9.2005** Meanwhile showing additional animus against this upright officer, the GOG opened another front of victimisation and Sreekumar was served with the impugned charge-sheet containing nine separate heads of charge. Many related to his disclosures in the public interest before the Nanavati Commission.
- 23.9.2005** Reply filed by the GOG to the amended OA (213/2005 with MA 468/2005) wherein for the first time the GOG took up a preliminary plea and objection to the maintainability of the said OA on the ground that Section 20 of the Administrative Tribunals Act 1985 was a jurisdictional bar to the said OA since the Petitioner had not exhausted the alternate remedy available to him by way of appeal to the Central Government against resort by the DPC of the Sealed Cover Procedure in his case. However, even in this reply the Respondents did not contend that the resort to the Sealed Cover Procedure constituted a supersession of Sreekumar.
- 27.10.2005** RB Sreekumar filed his Fourth Affidavit before the Nanavati Commission, dealing with Charge Sheet Against him.
(Annexure III, File III, D-24 in SIT Papers/Record is the Copy of Fourth affidavit of Shri R. B. Sreekumar submitted to Nanavati Commission of Inquiry)

**October 2005-
January 2006**

Sreekumar's response, a further Misc Application by the GOG to press its case on maintainability (MA 644/2005) and Sreekumar's reply to the same were filed and heard by the CAT.

24.1.2006

MA No. 644 of 2005 along with OA 213 of 2005 were heard by the CAT.

8.2.2006

By its Judgement and Order the CAT rejected the MA No. 644 of 2005 holding that the OA was maintainable and that Section 20 did not constitute a bar to the entertaining by the CAT of the said OA. As the OA raised important and serious issues, the OA was admitted and placed for final hearing on 18.4.2006, which date was subsequently postponed to 2.5.2006.

18.3.2006

The Principal Secretary (Home Deptt.) wrote to Sreekumar directing him to submit his written defence statement within 30 days on the charge sheet against him.

15.4.2006

Sreekumar submitted a representation to the Principal Secretary (Home Deptt.), Respondent No. 4 denying the charges and imputation of misconduct and also informing that he would be approaching the Hon'ble CAT, Ahmedabad for redressal of various grievances. The applicant also informed that he reserved the right of filing a detailed and point wise written statement of defence subject to the orders of Hon'ble CAT, Ahmedabad.

15.4.2006

After some correspondence regarding furnishing of legible copies, etc., Sreekumar informed the authorities that he was approaching the Central Administrative Tribunal Court regarding the Charge Sheet.

21.4.2006

Original Application No 166 of 2006 was filed before the CAT. Ad-interim injunction granted by the CAT on 1.5.2006, no enquiry officer was even appointed.

28.4.2006

GOG filed Special Civil Application No. 9571 of 2006 in the High Court of Judicature of Gujarat at Ahmedabad challenging and impugning the Judgement and Order of the CAT dated 8.2.2006 whereby the CAT had held against the Gujarat Government's MA on the preliminary issue as to the maintainability of the OA No. 213 of 2005 and upheld the admission of the said OA.

2.5.2006

By its Order, a Division Bench of the High Court of Gujarat admitted the Special CA No. 9571 of 2006 and granted interim relief staying all further proceedings before the CAT in OA No. 213 of 2005.

May 2006

SLP 8905/2006 was filed in the Supreme Court.

12.5.2006

SC stayed the HC Order and directed that CAT may proceed with the matter subject to implementation of the final order.

6.9.2006

CAT passes its Order on Sreekumar's promotion; division within the two Judge bench on decision to resort to the 'sealed cover procedure' being arbitrary

27.2.2007

A day before his retirement he is promoted to the post of Director General of Police, Gujarat

- 28.2.2007** Vice Chairman Mohanty upholds Sreekumar's application/ contention stating that the sealed cover procedure within the DPC can be resorted to only on reaching the stage of framing of the charge.
- 14.9.2007** SLP finally disposed off
- 28.9.2007** In a substantive Order quashing the charge sheet made out against Sreekumar, the CAT recognises the substantive issue of adherence to Constitutional norms and principals by a public servant.
- 25.10.2007** Tehelka's Operation Kalank is telecast. It carries revealing Transcripts of Government Pleader Arvind Pandya's extra judicial confession boasting of him trying to intimidate RB Sreekumar and also casting aspersions on the impartiality of the Nanavati Commission. Following this expose Pandya is removed as Government Pleader. Pandya lodges an FIR ICR Nos 368/2007
- 9.4.2008** Gujarat HC refuses interim relief in the state government's appeal (SCA 4150/2008) and also ensures that the retiral dues of Sreekumar are met.
- 9.5.2008** RB Sreekumar (now retired) records his statement before the SIT in Nine Cases for which Investigation has been transferred to the SIT and Further Investigation ordered.
- 11.7.2009-
4.8.2009** Statements and Further Statements of RB Sreekumar (now retired) recorded before the SIT investigating the Zakia Jafri Complaint dated 8.6.2006.
(This and Other related statements of Others submitted in a Spiral Bound Compilation to this Court)
- 27.8.2009** Ashish Khetan. Correspondent Tehelka records his statement before the SIT.
- 9.5.2012** Gujarat High Court Quashes ICR Nos 368/2007 against Dhimant Purohit of Aajtak channel that had telecast the Sting Operation. The Order in SCA Nos 2195 of 2007 delivered on 9.5.2012. This Judgement was handed over to this Court on 4.7.2013 during the hearing of the Protest petition. **(Annexure III, File XIII, Pages 25-62, Transcripts of the Tehelka Tapes)**