

Note on Incident of 27.2.2002 upto 1 p.m

Accused No. 1 Narendra Modi's mindset against the minority Muslim community can be traced out from his being and his supporting the demolition of the Babri Masjid. The State Intelligence (from the SIT documents) had been clearly and consistently informing the State Home Minister from 7.2.2002 onwards that members of the VHP, BD and BJP were preparing themselves armed with trishuls etc to go to Ayodhya to celebrate the Mahayagya. This Mahayagya was meant for building the Ram temple at the Babri Masjid site.

The Sabarmati express left Ahmedabad on 24.2.2002 (night) and the same train was returning from Ayodhya. The Sabarmati Express started from Faizabad-Ayodhya on 26th morning. Further reports of the state intelligence reveal that the provocative slogan shouting against Muslims was taking place throughout the train journey. In particular incidents took place at two places including Rudali where stabbing and attacks also followed.

Though the home department of the State headed by A-1 was aware of this fact and was also aware of the fact that the same provocative slogan shouting will take place at other railway stations including Godhra, no action was taken.

The Godhra incident that took place between on 27.2.2002. Information was sent to the DM to the state functionaries (CMO, HD and Revenue department). Another message was sent by DCP-Int (Communal) Sanjiv Bhatt about slogan shouting. The fax message specifically mentioned provocative slogan shouting by karsevaks. After receiving the fax, manifesting criminal intent and conspiracy, A-1 did two things:

a) He called the VHP Gujarat general secretary to go to Godhra. What Jaideep Patel did in Godhra was to instigate other VHP men and Hindus against the Muslims. Therefore, Modi conspired with Jaideep Patel to instigate negative and aggressive feelings of RSS, VHP workers against Muslims. Otherwise, there was no need for him to inform the VHP man (and be in close contact with him) knowing fully well that after the Godhra incident, tensions may escalate and what was required was restraint and specific measures to strengthen the law and order situation. He, therefore, commits an omission in not discharging his duty; he in fact by his conduct allowed communal tension to escalate. (Jaideep Patel is now facing trial for his direct involvement in the Naroda Gham carnage).

b) The other part of conspiracy is in suppressing the official intimation that karsevaks were shouting provocative slogans. He convened a meeting of MOS Home Zadaphiya and other state officials to prepare a joint statement where the provocative sloganeering by karsevaks was not mentioned. Zadaphiya read out this statement in the assembly. The background of Zadaphiya is that he was also a VHP member. His statement to the SIT (24.9.2009) states that a VHP activist Ashwinbhai Patel who was on the train had informed Zadaphiya of the incident at 7.30 a.m. This is in fact even before the time of the actual train burning.

An important fact is the statement given by a senior minister, Sureshbhai Mehta in Modi's cabinet to the SIT (15.08.2009) who was sitting next to A-1 in the Assembly when Modi said "*Hindus should wake up now.*" This shows the mindset of A-1 Modi against Muslims and that he wanted targeted violence against Muslims to commence and, moreover, that the karsevaks should not be blamed. He had also been elected through a by-election days before the Godhra incident when heavy voting by the Muslim minority at Rajkot gave another impetus to his motive. He, as political head of the Home Department deliberately suppressed the act of provocative sloganeering by them in the official statement prepared by the Home Department. It was on the basis of this statement that the official statement by Zadaphiya was made to the State Assembly at 1 p.m. on 27.2.2002.

c) Another important aspect is that when the statement was made in the State Assembly at 1 p.m. VHP had already announced a Gujarat bandh by about 12 noon which was supported by the ruling BJP. The state government did not oppose it. No statement is made in the Assembly that the state government is opposing the Bandh. A-1 was, therefore, aware that the Bandh would give further opportunities for provocation and give a free hand to the RSS, VHP and Bajrang Dal to lead violent mobs and vent of their ire on innocent Muslims, yet officially, neither as Home Minister, nor as Chief Minister, did he make any statement to ensure that strict preventive action is taken, arrests of communal miscreants are made etc, in spite of the State Intelligence field reports and warnings.

The Bandh Call was, therefore, part of the conspiracy as it served two purposes:

1. Allowing RSS/VHP/BD/BJP men to behave aggressively and indulge in unlawfully violent activities and

2. Using the police machinery to clear public places and ordinary movement so that aggressive mobs of these organisations could target minority populations and establishments (thereby neutralizing ordinary peoples and movements);

3. Not allowing the police and other state machinery to take action i.e. omission from discharging their lawful and statutory duties.

4. Deliberately no Curfew is declared in Ahmedabad, Vadodara and many parts of the state despite clearcut warning signals all through 27.2.2002 and no arrests are made.

No official communication was given to observe law and order and maintain peace and calm in Gujarat.