

Reward and punishment

Subversion of Bureaucracy and Modiphobia

The Modi Government in Gujarat has ensured the support and collaboration of bureaucrats and police personnel by the effective employment of carrot and stick policy; by penalizing those who defied illegal orders and adhered to the Indian Constitution and rewarding the others who collaborated in illegal activities, mass crimes, destruction of evidence and overall subversion of the criminal justice system. The instruments of transfer, promotion, placements, post retirement assignments, disciplinary action (which includes serving of charge sheets, suspension etc), super session etc.

The conspiracy of the anti-minority, post Godhra arson carnage was made possible through the series of acts of omission and commission by the bureaucrats and police officers at the decisive rungs of the state administration. Simple procedural rules of conduct for officers and policemen in violent situations were not enforced or followed. As visible in the overall conspiracy was the consistent policy followed by the state government to punish those few officers who deviated from this norm and performed their duties according to the law and to reward those who promoted killings, rape and arson by going along with the unlawful plans of the chief minister and his party during and after the 2002 genocide.

The active collaborators were rewarded by even post retirement assignments.

A few illustrations are:

Ø G. Subharao (IAS, 1965): The then chief secretary (2002) was given a three-month extension in his post and also appointed chairman of the Gujarat Electricity Regulatory Commission with a fixed tenure for six years from May 2003. Occupying the senior-most position within the state bureaucracy in 2002, Subbarao coerced officials to support the unlawful policies of the Modi government and even instructed officers to 'eliminate' minorities. His position enabled him to enforce instructions to subvert evidence in crucial cases. The Chief Secretary is the bridge and link between the political echelon of the Govt. and the bureaucracy, including the police. **But the then Chief Secretary, Shri G.Subba Rao, (1965 Batch) did not care to file any Affidavit so far.**

Shri Ashok Narayanan, IAS (1966) The then additional chief secretary (home) (2002) was given a two-year post-retirement position as Gujarat state vigilance commissioner. This post and privilege was extended for six years. He was selected for this sensitive post despite the fact that his conduct and performance as former additional chief secretary is currently under scrutiny at the Nanavati-Shah Commission. Narayan helped the Modi government to carry out its anti-

minority policies during and after the 2002 violence. He further demonstrated his allegiance to the chief minister by not revealing anything adverse in his affidavit before the commission and during his cross-examination before the commission in August 2004. Moreover, he did not file a second affidavit under the commission's second term of reference (probing the chief minister's role in the violence).

Dr.P.K.Mishra, IAS (1972) Principal Secretary to the CM Modi during the critical days. He was instrumental in giving illegal verbal instructions to Govt. functionaries.

The former principal secretary to the chief minister and chief executive officer, Gujarat State Disaster Management Authority (GSDMA), was later appointed to the important post of additional secretary, ministry of home affairs, Gujarat. He was also sent on several foreign jaunts in his capacity as chief of the GSDMA. Mishra was rewarded for his services to political masters as dedicated collaborator in the chief minister's anti-minority drive. PK Mishra was posted to the post of principal secretary in the department of agriculture and cooperation of the union ministry of agriculture under the Nationalist Congress Party's Sharad Pawar. On his retirement last year he has been posted as Chairman of the Gujarat Electricity Regulatory Commission with a fixed tenure for six years. Moreover, he did not file a second affidavit under the

commission's second term of reference (probing the chief minister's role in the violence).

PK Laheri (IAS,) Chief Secretary Gujarat state between the years 2003-2005 who played an active role in the subversion of the criminal justice system that had led to a severe indictment by the Apex Court ("modern day Neros") was also rewarded on his retirement by being appointed to the post of Chairman, Narmada Project.

Sudhir Mankad (IAS, 1971) The Chief Secretary from 2005-2007 he played an active role in the continuing subversion of the criminal justice system and was rewarded by being appointed Chairman and Managing Director of GIFT –

Manjula Subramaniam (IAS, 1972 ?) The Chief Secretary from 2007- 2009 continued to subvert the criminal justice system and was rewarded by being appointed as Chairman State Vigilance Commission.

KC Kapoor (IAS, 1972 ??) Principal Secretary Home between 2004-2007 was an active collaborator in subversion of the criminal justice system and for the same has been rewarded by being appointed as State Election Commissioner.

AK Bhargava (IPS, 1967) Appointed DGP, Gujarat, in February 2004, Bhargava was allowed to hold the additional charge of MD, Gujarat State Police Housing Corporation Ltd., controlling an annual budget of Rs 200 crore. As DGP, he readily cooperated with the government in protecting the BJP's political interests in the matter of review of about 2,000 riot related cases, the Pandharwada mass graves case, the harassment of upright officers, compliance with the government's illegal directives, and so on. Moreover, he did not any affidavit before the Nanavati Shah Mehta Commission.

PC Pande (IPS, 1970): The former CP, Ahmedabad city, was inducted into the central government by the NDA in March 2004, to the prestigious post of additional director, CBI. Pande's appointment to the CBI was challenged by Citizens for Justice and Peace (CJP) in the Supreme Court and he was directed by the apex court not to have anything to do with the Gujarat cases. Pande was then transferred to the post of additional director-general of the Indo-Tibetan Border Security Force in October 2004. In April 2006 Pande was appointed to the post of DGP, Gujarat, after which a second approach to the Supreme Court by CJP has once again led the court to direct him not to be involved in the investigation of riot related cases. It is relevant to note that Pande's appointments to these influential posts are rewards for his services in facilitating the massacre of

nearly 1,000 persons in Ahmedabad city during the 2002 riots, 95 per cent of them Muslim, and for shielding the Hindu perpetrators from arrest during the investigation of riot cases. After retirement in 2009, he has been given a lucrative posting of Chairman Gujarat State Police Housing Corporation with an annual budget of Rs 250 crores. Moreover, he did not file a second affidavit under the commission's second term of reference (probing the chief minister's role in the violence).

G.C.Raiger, (IPS 1972) the then ADGP – Intelligence, during the crucial period of riots viz. from 27th February, 2002 to 9th April, 2002. He attended meetings convened by the CM, the Chief Secretary and Addl. CS. But, there are no notes or records about the proceedings in these meetings, nor there is any minutes issued. Later as ADGP Crime also h had been helpful in covering up the cases of extra judicial killings (“encounters”) in favour of the Gujarat police officers. He too did not file any affidavit before the Nanavati Shah Mehta Commission though he was ADGP Intelligence during the most significant period of the violence, under scrutiny by the Commisison. In 2009 he was given the post retirement posting appointing him as member of a Judicial Commission inquiring into the illicit liquor tragedy,

MK Tandon (IPS, 1976) : The former Joint CP, Ahmedabad city, was transferred to the "lucrative" Surat Range post in May 2002 and later promoted to the post of ADGP, Gandhinagar. In July 2005 Tandon was appointed to the post of ADGP (law & order) at the state police headquarters, a position with statewide jurisdiction. Tandon was rewarded for his services in facilitating the carnages at Gulberg Society, Naroda Patiya and elsewhere in Ahmedabad city where hundreds of Muslims were killed during the riots in 2002. Moreover, he did not file a second affidavit under the commission's second term of reference (probing the chief minister's role in the violence).

Deepak Swaroop (IPS, 1976) The former Range Officer, Vadodara Range (covering the districts of Vadodara Rural, Godhra, Dahod and Narmada), was appointed CP, Vadodara, in February 2005. In charge of an area that witnessed ghastly incidents of violence in 2002, Swaroop is noted for his sustained inaction in the face of marauding mobs. He also narrowly escaped reprimand for concealing facts vis-à-vis investigation into the Best Bakery case by sessions judge, Abhay Thipsay, during the retrial of the case in Mumbai. Later he was posted as Commissioner of Police Surat (prestigious appointment) and currently is ADGP in Charge of 13 armed battalions.

K. Nityanandam (IPS,): The former home secretary was promoted to the post of CP, Rajkot city, in February 2005, a promotion effected by upgrading the post by two levels, from DIG to ADGP. Nityanandam was rewarded for his services as home secretary from 2001 to 2005, in particular for manipulating statistics and fabricating and drafting pro-government reports that were submitted to the NHRC and the courts. Presently he holds the post of Managing Director Gujarat Police Housing Corporation, a lucrative post.

Rakesh Asthana (IPS,): Although a junior IG, Asthana was appointed to the post of IGP of the important Vadodara Range in April 2003. He was rewarded for zealously pursuing the government's conspiracy theory with regard to the Godhra incident in his capacity as head of the Special Investigation Team probing the Godhra train arson. He is currently posted as Commissioner of Police, Vadodara city.

AK Sharma (IPS) The former SP, Mehsana, was appointed to the post of IGP, Ahmedabad Range, an important jurisdiction, an appointment that was achieved by downgrading the post. In early December 2002, prior to the Gujarat assembly elections, AK Sharma was removed from the post of SP, Mehsana, under instructions from the election commission who believed his presence would not be conducive to the conduct of free and fair

elections in the district. He was however reinstated as SP later that month. Sharma was rewarded for his services during the riots of 2002. It was under Sharma's jurisdiction that Mehsana district witnessed gruesome incidents of mass carnage, including the massacre at Sardarpura. Though a junior DIG, he is posted as DIG Range in charge of Gandhinagar range (Sabarkantha, Mehsana and Gandhinagar districts).

Shivanand Jha (IPS,)The former Addl. CP, Ahmedabad city, was appointed home secretary in February 2005. As Addl. CP, Jha headed the team that assaulted representatives of the media and social activists – including Narmada Bachao Andolan leader, Medha Patkar – at a peace meeting in Ahmedabad in April 2002. He was then transferred to the post of DIG (armed units), Rajkot, an appointment achieved by downgrading the post. Jha was rewarded in view of his services during the 2002 riots and for making no adverse revelations about the government before the Nanavati-Shah Commission. As home secretary, Jha was handling the preparation of reports defending the government in all matters relating to the 2002 riots and subsequent developments, to be presented to the courts and other bodies. The state government got him inducted into the Supreme Court appointed SIT though he was figuring in Zakia Ahsan Jafri's complaint (dated June 8, 2006) and he was removed by an order of April 2010. For all his services

rendered he was posted as Range In Charge of Surat (a lucrative posting) and later promoted as ADGP and posted as Commissioner of Police, Surat City.

Sudhir K. Sinha (IPS,) The former CP, Vadodara city, from June 2003, was appointed CP, Surat city, in February 2005, a post that many consider the most "profitable" one in the Gujarat police. Sinha was rewarded for his services in turning the key prosecution witness in the Best Bakery case, Zahira Shaikh, hostile, an event that occurred during his tenure as CP, Vadodara city. Presently he is posted as ADGP(Law and Order).

DG Vanzara (IPS) Appointed DIG, Anti-Terrorism Squad, in July 2005, Vanzara's appointment was effected by downgrading the post from the level of IGP to DIGP. He was rewarded for 'eliminating' several Muslims in so-called police encounters during his tenure as DCP, Ahmedabad Crime Branch, from May 2002 to July 2005. Vanzara is currently in jail for his involvement in the Sohrabuddin Sheikh encounter case. He has enjoyed extra Constitutional powers much beyond his rank due to his close proximity to the chief minister.

SS Khandwawala (IPS, 1973) Here is an officer who was convicted in a criminal case a Court in 2004 in a case of human rights violations but was promoted to the senior most

post of DGP Gujarat in 2009 and thereby given the charge of the entire Gujarat police force, brazenly ensuring compliance from an officer who has been convicted under law. He has been particularly helpful to the state by ensuring that the reopening of 2,000 cases ordered by the Supreme Court in August 2004 was neutralized. This was done through the intimidation of complainants and witnesses.

J Mahapatra (IPS, 1974) He was ADGP Intelligence from September 2002 and fabricated reports in favour of the state government's position. He played an instrumental role in protecting then Gujarat cabinet minister Ashok Bhatt from prosecution by turning hostile to an FIR lodged by himself, an unheard of precedent among subservience. He was rewarded with promotion by superseding his senior HR Gehlot to the rank of DGP and also given the assignment of Commissioner of Police Ahmedabad city. On his retirement in 2008 he was given the post retirement placement of member in the State Administrative Tribunal, quasi-judicial status.

OP Mathur (IPS) As ADGP Crime he played an unholy role in destroying evidence relating to the Sohrabuddin Shaikh encounter case and other such cases against the pro government officials. After retirement at the rank of DGP he was posted as Director/Vice Chancellor Security University Gujarat

State. Perhaps this is the only case of a simple post graduate being appointed as Vice Chancellor.

A.I. Saiyed (IPS) He was instrumental in negotiating a support base for Modi among Muslims, misusing position and power and being a native of Modi's Mehsana district of Gujarat. He was promoted to the rank of ADGP and posted to ADGP Administration at the DGP's office. On his retirement he has joined the Bharatiya Janata Party(BJP) and is campaigning for the party at elections.

P.P. Pande (IPS) As the incharge of the Ahmedabad City Crime Branch soon after the 2002 carnage he played a vital role in manipulating investigations in favour of the accused in the major carnage cases like the Gulberg case, Naroda Patiya case etc, This fact has been brought out in the affidavit of Shri Rahul Sharma to the Nanavati Shah Mehta Commission. Many of the extra judicial killings ("fake encounters") had taken place during his tenure as chief of Ahmedabad City Crime Branch. As a reward he was posted as Range In Charge of the cash rich Vadodara range (Vadodara Rural, Godhra, Bharuch and Dahod) Later on he was promoted and posted as ADGP Intelligence. Currently he is holding charge of ADGP Crime.

Ashish Bhatia (IPS)

He headed the Ahmedabad City Crime Branch after the promotion of PP Pande and was also responsible for fake encounters conducted by DIG DG Vanzara. As member of the SIT appointed by the Apex Court he has failed to investigate any documentary evidence and has deliberately ignored charges of destruction of evidence and criminal conspiracy especially when it came to his Gujarat police superiors. There are still seriously documented charges against his immediate bosses.

Subservience of the IPS association

The terror instilled in the minds of the Gujarat bureaucracy is evident in the fact that the IPS association's Gujarat unit did not dare to convene a meeting until about three years after the genocide. A meeting of the IPS association's Gujarat unit was finally convened in August 2005 with an aim to install a pro-government group of officers as office bearers. A campaign was launched to install DG Vanzara as secretary (the main functionary in the association) without holding any elections at all. Fortunately, however, elections were held and DIGP Satish Verma defeated Vanzara by a margin of 13 votes (Verma won 31 votes while Vanzara won 18).

The Gujarat police force has about 8,000 vacancies at the constabulary level and about 950 vacancies at the level of police

sub-inspector (PSI). These vacancies are in crucial functional posts. The inadequacy of trained and skilled human resources has had damaging effects on the efficiency, dedication and professionalism of the Gujarat police even as it undermines the quality of service delivered to the people. Overworked and under tremendous stress, the policemen at the constabulary and PSI level take the line of least resistance in matters of policing vis-à-vis the interests of the ruling BJP. Submitting to illegal directives from leaders of the ruling party is the only way they can survive.

As part of a so-called economy measure, the state government has introduced a new cadre of "Lok Rakshaks" under which persons are hired for policing (eventually to replace the constabulary) at a meagre Rs 2,500 per month. A group of senior citizens headed by former DGP, PB Malia, has filed a petition in the Gujarat High Court asking that the scheme be declared illegal.

Punishment

The vast majority of the field officers and their seniors were actually complying with such illegal verbal directives, as narrated in my Register and this has impacted the quality, the integrity, and the speed of the justice delivery system.

This has been amply confirmed by numerous judicial decisions on the state of health of CJS in Gujarat. **The illustrative cases** are (1) the Hon'ble SC had ordered review of 2000 odd riot cases (August, 2004), in which largely Muslims are the complainants and victims. Such a decision was unprecedented in the judicial history of India, (2) the Hon'ble SC ordered reinvestigation of a mass rape case (Bilkisbanu case) and also transferred its trial along with that of another case (Best Bakery case) to Maharashtra, (the Hon'ble SC has passed severe strictures against Gujarat Govt. in its verdict of these cases) (3) In August, 2005, the Hon'ble Supreme Court scolded the Gujarat police for not arresting the main accused, who jumped the bail in a mass carnage case at Naroda patia, Ahmedabad city, during 2002 riots, (4) nearly a dozen petitions are pending in the Hon'ble SC from the victims of riots and public spirited citizens praying for CBI investigation of numerous mass carnage cases, in which minorities were butchered in large numbers, etc. It is also relevant to note that a few jurisdictional officers, who did not comply with illegal verbal orders, were reportedly transferred,

over - ruling even DGP's objection in March, 2002. The illustrative cases are

RB Sreekumar (IPS, 1971) The former ADGP (intelligence) was transferred to the insignificant post of ADGP (police reforms) in September 2002. The transfer was ordered following Sreekumar's determined efforts to uphold the law and expose the Modi administration's nefarious activities during and after the 2002 violence. Between July 2002 and October 2005 Sreekumar filed four affidavits before the Nanavati-Shah Commission that provided startling evidence of the chief minister and his administration's complicity in the genocide, their continuing anti-minority actions and their unrelenting efforts to obscure the truth. In early 2005 Sreekumar was superseded for promotion to the post of DGP, Gujarat, a decision that he challenged before the Central Administrative Tribunal. Although the tribunal ultimately ruled in his favour, the order was delivered on the day Sreekumar retired from service on February 28, 2007.

Rahul Sharma (IPS, 1992) The former SP, Bhavnagar, was transferred to the relatively unimportant post of DCP (control room) on March 24, 2002. Sharma's strong actions to quell rioting mobs in Bhavnagar helped bring a volatile situation under control. On March 1, 2002, he prevented an attack on a

madrassa that housed over 400 Muslim children by opening fire on the mob. Sharma refused to release the 21 persons/leaders belonging to the sangh parivar who were arrested for the attacks in Bhavnagar despite being under immense pressure to do so. In July 2002 Rahul Sharma was transferred to the post of SRPF commandant for opposing the anti-minority stance adopted by the Ahmedabad Crime Branch in the investigation of Ahmedabad city carnage cases. On July 1, 2002 Sharma filed an affidavit before the Nanavati-Shah Commission. In October 2004 during his deposition before the commission he produced extensive data in the form of mobile phone records that implicate both politicians and policemen in the rioting. Rahul Sharma was thereafter on deputation as SP, CBI. He is now posted as DIG Rajkot.

Vivek Srivastava (IPS, 1989): The former SP, Kutch, was transferred to the post of DCP (prohibition and excise) in March 2002. Srivastava had arrested a commandant of the Home Guard with known VHP links who was creating trouble in the border district. He carried out the arrest despite instructions to the contrary from the chief minister's office.

Himanshu Bhatt (IPS, 1989) The former SP, Banaskantha, was transferred to the Intelligence Bureau at Gandhinagar in March 2002. Bhatt initiated action against a sub-inspector who had

assisted a rioting mob. The sub-inspector concerned, who had important political connections, was reinstated from suspension and resumed his duties at the same police station.

MD Antani (IPS, 1990) The former SP, Bharuch, was transferred out of Bharuch to Narmada district in March 2002. Antani took action against some BJP/VHP supporters creating trouble in Bharuch. On account of harassment from the state government he was compelled to go on deputation to government of India. Since 2005 he is passport officer Ahmedabad city.

Satishchandra Verma: The former Range DIG, Bhuj, was transferred in March 2005 to the post of officer in-charge, SRP Training Chowky, Sorath, Junagadh, a post usually occupied by officers at the level of SP. The transfer was effected by upgrading the post from the level of SP to DIGP. Verma was transferred after he ordered the arrest of a BJP MLA from Banaskantha for his involvement in the murder of two Muslim boys during the 2002 violence. He carried out the arrest after fresh investigation entrusted to him as part of the review of about 2,000 riot related cases initiated under orders from the Supreme Court in August 2004. Now he is placed at an unimportant of assistant MD at the Gujarat State Housing Corporation with not many powers.

Jayanti Ravi: The former collector, Godhra, was first forced on deputation to the central government. Ravi maintained that the Godhra burning was an accident and firmly advised the chief minister against taking the bodies of Godhra train victims to Ahmedabad on February 27/28, 2002. It was these interventions that compelled the cavalcade to go by road, the initial plan being to take the burnt coach further. Following the outbreak of violence, there had also been large-scale arrests of BJP/VHP workers on rioting charges in areas within her jurisdiction.

Neerja Gotru: The SP (prohibition), Ahmedabad, was appointed special investigating officer assigned to reopen investigations in some riot related cases after the Supreme Court's intervention in late 2003. Gotru reinvestigated riot related cases in Dahod and Panchmahal districts and managed to reopen some of them successfully. She was asked to wind up her probe in September 2004 soon after she ordered the arrest of a police sub-inspector who had burnt 13 bodies of the victims of the Ambika Society massacre at Kalol, all of them Muslim, in an attempt to destroy evidence. She was also instrumental in pursuing arrests in the Delol massacre case, which the same sub-inspector had closed "for want of evidence".

Jaswinder Singh Rana (IAS, 1975) has been penalized. When he was Managing Director Gujarat State Road Transport Corporation he refused to release buses for a BJP party rally (Gaurav Yatra, July September 2002 since it violated the norms and rules), he was served a chargesheet by fabricating documents and thereafter his request for voluntary retirement has been turned down.

HR Gehlot (IPS, 1974) He was superseded in promotion to the rank of DGP in 2008 since he did not extend undue favours as ADGP (In Charge of Prisons) to a BJP MLA from Morvi Rajkot district who was convicted and imprisoned in Sabarmati Jail. Shri Gehlot was awarded two medals and was having excellent service records. His supersession was also for facilitating the promotion of J Mahapatra who was just junior to him in IPS seniority.

PC Thakur (IPS) He was superseded in promotion to the rank of ADGP as he did not comply with the illegal directive of booking Smt Mallika Sarabhai famous danseuse in a false human trafficking case. His supersession continued.

Kuldeep N Sharma (IPS) The former Range In-charge, IGP, Ahmedabad Range, was promoted to the post of ADGP (crime), Gandhinagar. Sharma was first rewarded for facilitating

riots in the rural areas of Ahmedabad Range (the districts of Ahmedabad Rural, Kheda and Anand). He has also not filed any affidavits before the Nanavati-Shah Commission.

Punishment: Interestingly, in July 2005 Sharma was shifted to the post of ADGP (training) for failing to book danseuse and social activist, Mallika Sarabhai, accused in a false case of human trafficking and other offences while he held the post of ADGP Crime, and for failing to protect a minister in the Modi cabinet – Prabhatsinh Chauhan – involved in a case of criminal misappropriation. He is presently due for the promotion to the post of DGP since 2009 but for blocking his promotion he has now been served with a charge sheet. He has challenged this before the CAT.

AK Surolia (IPS) He was in charge of Ahmedabad city Crime Branch during the violence of 2002 and he did not cooperate with the state government to carry out the anti minority police action. He spoke against the breakdown of Constitutional Machinery at a meeting in 2002 in a formal conference. He was immediately removed and transferred with the government (Central under NDA) transferring him. He is with the BSF.