

**ENQUIRY
REPORT
IN
SLP (CrI.)
NO. 1088/2008**

ENQUIRY REPORT BY THE SPECIAL INVESTIGATION TEAM IN
THE MATTER RELATING TO SLP (CRL.) NO. 1088/2008 OF
SMT. JAKIA NASIM AHESAN & ANR. Vs. STATE OF GUJARAT
& ORS AS ORDERED BY THE HON'BLE SUPREME COURT
OF INDIA VIDE ORDER DATED 27TH APRIL, 2009.

1. INTRODUCTORY:

Smt. Jakia Nasim Ahesan Jafri, widow of Late Ali Ahesan Jafri formerly R/o, Gulberg Society, Meghaninagar, Ahmedabad City and now residing at 25, Alvi Raw-house, Rander Road, Surat City, Gujarat submitted a complaint dated 08-06-2006 to Shri P.C. Pande, Director General of Police, Gujarat State, Police Bhavan, Gandhinagar for the registration of FIR u/s, 302 r/w 120(B) IPC & sec. 193 read with 114 IPC, 186 & 153-A, 186, 187 IPC & u/s 6 of Commission of Inquiry Act, The Gujarat Police Act & The Protection of Human Rights Act, 1951. On receipt of the complaint, the DGP, entrusted the matter to Shri J. Mahapatra, Addl. DG (Int.), Gujarat to inquire into the same. Shri J. Mahapatra sent a letter dated 18-8-2006 to Smt. Jakia Nasim to appear before him on 28-08-2006 at Sarkhej P.S., Ahmedabad for the purpose of recording her statement, to which Shri Tanveer A. Jafri S/o Late Ahesan Jafri responded and requested that her examination be arranged on 18-09-2006. Further, on 29-08-2006, Shri Tanveer A. Jafri sent another letter to Shri J. Mahapatra that he and his mother would not be able to come to Ahmedabad on 25-08-2006, due to the flood situation in Surat and that her mother's examination be posted for 18-09-2006. In response to this request Shri J. Mahapatra sent another letter dated 30-8-2006 requesting Smt. Jakia Nasim to remain present on 18-09-2006 at Circuit House, Annexe, Ahmedabad for her statement. Subsequently, Shri S.M. Sheikh, Superintendent of Police of the office of the ADG (Int.) informed Smt. Jakia Nasim that Shri Mahapatra had proceeded on earned leave and that another date would be fixed for her examination on his return from leave. On 8-9-2006, Shri Tanveer A. Jafri sent another letter to Shri J. Mahapatra for a change of venue from Circuit House, Shahibaug, Ahmedabad to Police Bhavan, Gandhinagar for the purpose of recording his mother's statement. This was acknowledged by Shri N.B. Shah, PS to Addl. DG (Int.) with the remarks that her request would be placed before Shri J. Mahapatra on his return from leave after 2-10-2006. Shri J. Mahapatra sent another letter dated 7-10-2006 to Smt. Jakia Nasim to appear before him on 16-10-2006 at 1500 hrs at Circuit House, Annexe at Ahmedabad. Again, on 12-10-2006, Smt. Jakia Nasim was informed by Shri N.V. Patel, Dy.

Commissioner (C) of the office of Addl. DG (Int.) that the venue for recording her statement had been changed at her demand from Circuit House, Ahmedabad to the office of Addl. DG (Int.), 11nd floor, Police Bhavan, Gandhinagar and she was requested to remain present at the changed venue on 16-10-2006 at 1500 hrs. Finally, on 16-10-2006, Smt. Jakia Nasim appeared before Shri J. Mahapatra and stated that till an offence on the basis of her complaint was registered, she was not ready to make any statement and that the complaint given by her may be treated as an FIR. Shri Mahapatra informed Smt. Jakia Nasim vide his letter dated 02-11-2006, that in respect of the offences that took place at different places and time specified in her application, offences had been registered in the police stations having jurisdiction and were being investigated. He further mentioned that an impartial and transparent inquiry was being conducted by him to examine, as to whether any legal action could be taken in respect of the additional accused persons and additional allegations raised by her, and that for this purpose, she was requested to make a statement and give any other evidence available with her.

On 01-03-2007, Smt. Jakia Nasim Ahesan Jafri filed an application in the Hon'ble Gujarat High Court bearing Spl. Criminal Application No. 421 of 2007 Vs. State of Gujarat, DGP, Gujarat and CBI under Articles 226/227 of the Constitution of India r/w sec.482 Cr.PC with a prayer to pass an order of Writ of mandamus and or appropriate Writ, direction an order and direct the DGP to register a FIR and further direct the same to be investigated by an independent agency, i.e. CBI. She further prayed that pending admission and or final disposal of this petition, DGP be directed to register the FIR and directions issued to CBI for investigation in the interest of justice and grant such other and further relief as deemed fit in the interest of justice. The Hon'ble Gujarat High Court vide its order dated 2-11-2007, dismissed the petition on the ground that the petitioner had not adopted the procedure to file the complaint u/s 190 r/w 200 Cr.PC and the petitioner was directed to file appropriate private complaint and that the same shall be considered in accordance with law and on merits after following due procedure under Criminal Procedure Code.

Aggrieved by said order, Smt. Jakia Nasim Ahesan Jafri and Citizens for Justice & Peace through its Secretary Ms. Teesta Setalvad filed a Special Leave Petition (Crl.) No. 1088 of 2008 on 18-12-2007, in the Hon'ble Supreme Court of India. The Hon'ble Supreme Court of India passed an order dated 27-4-2009 as follows:

"Having heard learned Counsel for the parties we direct that complaint dated 08.06.2006 which the petitioners herein claim to have sent to the DGP of Gujarat shall be examined by the Special Investigation Team (in short 'SIT') constituted pursuant to the orders of this Court. The SIT shall look into the matter and take

steps as required in law and give its report to this Court within three months”

“Call this matter after three months”

“This case shall be heard along with Writ Petition (Crl.) No. 109 of 2003 and connected cases.”

2. RECONSTITUTION OF SIT :

The Hon'ble Supreme Court of India, in their order dated 15-5-2009 in Writ Petition (Crl.) No. 109/2003, reconstituted the SIT by inducting two new Members, namely, Shri Paramvir Singh, Ex-DGP/Special Director, CBI and Shri A.K. Malhotra, former DIG, CBI and by relieving Shri C.B. Satpathy, Ex-DGP, as per his request. The Govt. of Gujarat issued a Notification regarding the reconstituted SIT on 27-05-2009. It is recalled that the SIT was originally constituted vide order dated 26-03-2008 of the Hon'ble Supreme Court of India whereby 9 Godhra related cases were ordered to be further investigated by the SIT, which was to consist of Dr. R.K. Raghavan, Ex-Director, CBI (Chairman), Shri C.B. Satpathy, Ex-DGP, Ms. Geetha Johri, then IGP (now Addl. DGP) (Convener), Shri Shivanand Jha, then IGP (now Addl. DGP) and Shri Ashish Bhatia, IGP. In their order dated 01-05-2009 in Writ Petition (Crl.) No. 109 of 2003, the Hon'ble Supreme Court of India had directed that the SIT would continue to function and the Court entrusted to the SIT a larger role in the supervision of trials/prosecutions, witness protection, etc. and to carry out any investigations that were yet to be completed or any further investigation that may arise in the course of the trials.

As the allegations in the complaint dated 08-06-2006 of Smt. Jakia Nasim in the matter relating to SLP (Crl.) No. 1088 of 2008 were of an extremely sensitive nature and were against the present Chief Minister of Gujarat, several Ministers and top IPS and IAS officers etc., it was decided that the matter would be dealt with in a highly confidential manner by Shri A.K. Malhotra, former DIG, CBI and Member, SIT, Shri Paramvir Singh, former Special Director, CBI and Member, SIT and Dr. R.K. Raghavan, Chairman, SIT. However, Shri Paramvir Singh, Member, SIT resigned in the last week of February, 2010.

3. GIST OF COMPLAINT :

Broadly speaking, the following is the gist of the allegations made in the SLP and the aforesaid complaint dated 08-06-2006 of Smt. Jakia Nasim Ahesan Jafri, who, on 28-02-2002, was allegedly pulled out of his house by a riotous mob, brutally hacked to death, and his dismembered and mutilated limbs set on fire:

(1) The matter relates to post-Godhra riots which were State sponsored and orchestrated and unprecedented in their magnitude, spread, gruesomeness and brutality of the violence inflicted on a minority community. Besides the spread and permeation of the violence throughout the State, as an indicator of the State's orchestration of complicity in the riots, there are other such pointers as well. For one thing, majority of the complaints were lodged by the police themselves which gave them the leverage to choose the accused and thereby hide and exculpate the real perpetrators of the violence, who did so pursuant to the protection given and licence allowed by the police themselves, obviously on instructions from their superiors, i.e. the political and executive authorities of the State.

(2) In regard to episodes where there were numerous private complaints lodged by the victim survivors, the police authorities clubbed together such complaints so as to reduce them to one or two complaints, thereby eliminating from reckoning the real perpetrators of the violence and also truncating the magnitude, intensity and horrendous character of the killings of the minority community.

(3) FIRs were thus registered, charge-sheets filed and cases committed to Sessions for trial but this was all for record. In substance, however, these criminal prosecutions were a charade calculated to shield and exculpate the Chief Minister and certain other Cabinet Ministers and high-ranking Police officers and bureaucrats through whose command the riots were reinforced and fanned.

(4) Petitioner No.1 (Mrs. Jazia Nasim Ahasan Jafri) has lost her husband who happened to be ex-Member of Parliament Mr. Ahsan Jafri in the 'conspiracy offence' that occurred atleast between 27th February 2002 and September, 2002, specifically in February, 2002. The husband of Petitioner No.1 was brutally killed along with atleast 68 others on 28th February 2002, by miscreants by surrounding the Gulberg Society where Petitioner No.1 lived along with her family at that time. The incident was one of the three dozen mass carnage cases that occurred over 19 districts of Gujarat. In the space of five days, 2500 lives were lost, 300 women were victims of brute sexual violence, more than 18,000 houses burnt down and broken and property and businesses worth Rs.4,000 crores destroyed. Over 270 Masjids and Dargahs, associated with the worship and culture of the minority community also fell victim in this genocidal carnage. The Police registered a FIR in Cr. No. I. 67 of 2002 with Meghaninagar Police Station, Ahmedabad related to the specific incident where 70 of the 2500 persons were slaughtered at Gulberg Society but there is no composite FIR relating to the vast extent and serious crimes

committed by State functionaries in Gujarat. Petitioner No.1 is not the complainant of the aforesaid FIR (Gulberg Society case).

(5) Petitioner No.2 is an "Association of Persons from Gujarat and Mumbai constituted to lead and support the struggle for justice and peace." (a Non-Governmental Organisation), and has been instrumental in the struggle for justice for the victims including the Petitioner No.1 and several other victims. In 2006, on the strength of revelations made before the Nanavati Shah Commission, and facilitated in that behalf by Petitioner No.2, Petitioner No.1 lodged a complaint running to 128 pages supported by documentation running to over 2000 pages with the Director General of Police, Gujarat. The complaint knit together the seemingly disparate though contemporaneous incidents and locates of the riots throughout the State of Gujarat and brought out a clearly discernable pattern that showed the State Government's complicity in the riots as much as its duplicity in launching ostensible criminal prosecutions. Petitioner No.1's complaint was made possible only because of the said documentation being compiled and afforded to her by Petitioner No.2.

(6) Within the State of Gujarat, since 2002, there have been continued and consistent attempts to further this unlawful and unconstitutional mandate by using State Terror and Pressure to intimidate victim survivors, marginalise, socially and economically, the community they hail from, destroy and/or manipulate evidence to influence the course of justice for victims of Mass Crimes when criminal trials or other such legal procedures have been initiated.

(7) The Petitioners have obtained certain documented material to show that the aforesaid offences were aided, abetted and conspired to by the co-accused persons involved in the mass carnage and master-minded by the Chief Minister of the State Shri Narendra Modi himself. Over 1,68,000 people were turned by a cynical regime into refugees in their own land, overnight.

(8) The following is the summary of allegations narrated in the proposed FIR (i.e., the complaint dated 08.06.2006) and the major evidence in brief in support of the charges about commission of offences u/s 302 r/w 120-B IPC, Sections 193 r/w 114, 186 & 153-A, 186, 187 IPC, Section 6 of Commission of Inquiry Act, The Gujarat Police Act and the Protection of Human Rights Act, 1991 :

(i) Instruction by Shri Narendra D. Modi, Chief Minister to DGP, the Chief Secretary and other senior officials to (allow to) give vent to the Hindu anger on the minority muslims in the wake of Godhra incident during the Meeting held on 27.02.2002 evening in Gandhinagar, as testified in Affidavit No.4 of R. B. Sreekumar. —

(ii) The CM's decision to bring dead bodies of those killed in Godhra train fire in Ahmedabad and parade them in Ahmedabad City as testified by Shri Ashok Narayan in his cross-examination before the Nanavati Commission.

(iii) Numerous illegal instructions given verbally (by the CM) to officials as detailed in third affidavit dated 09.04.2004 by R.B. Sreekumar to the Nanavati Commission.

(iv) Data in the 'Concerned Citizens Tribunal' Report by panel of Judges, Justice Sawant and Justice V. R. Krishna Iyer as in para 10 of the complaint dated 08.06.2006 wherein it was mentioned, inter-alia, as : What transpired in the days that followed the Godhra incident began with the Chief Minister of the State announcing on 27.02.2002 through Akashvani Radio that there was an ISI conspiracy, and deciding against the advice of the Godhra Collector, Smt. Jayanti Ravi, to take the bodies of the burnt Kar sevaks in a ceremonial procession by road to Ahmedabad. The tragic Godhra killings were used and manipulated to justify pre-orchestrated mass carnage that enjoyed the political sanction of the constitutionally elected Government. Top level meetings were held between the Chief Minister, some of his Cabinet and top level bureaucrats at which illegal instructions were issued to perform illegal acts. Proof of this was documented by a Citizens Tribunal constituted and headed by a former Judge of the Hon'ble Supreme Court, when a former Minister (Late Shri Haren Pandya) testified about the details.

(v) Cabinet Ministers I. K. Jadeja and Ashok Bhatt were positioned in the DGP office and Ahmedabad City Control Room respectively by the CM. DGP Chakravarthi was critical of the Minister I. K. Jadeja remaining in his chamber, as testified by R. B. Sreekumar in his fourth affidavit.

(vi) Officers from field executive posts were transferred (by the CM), in the thick of riots in 2002, despite DGP's objection so as to facilitate placement of those who were willing to subvert the system for political and electoral benefits as narrated in para 67 of the complaint dated 08.06.2006, wherein instances of punishment, ill-treatment etc. are listed in respect of the following officers : (1) Shri Rahul Sharma, IPS, (2) Shri Vivek Shrivastava, IPS, (3) Shri Himanshu Bhatt, IPS, (4) Shri M. D. Antani, IPS, (4) Shri R. B. Sreekumar, IPS and (6) Shri Satishchandra Verma, IPS.

(vii) Senior officials were rewarded with undue benefits, even while their conduct was under the scrutiny of Nanavati Commission, as narrated in Para 68 of the complaint dated 08.06.2006, wherein "Rewards" for collaborating with the illegal plans of CM/BJP during 2002 riots and afterwards are listed in respect of the following officers : (1) Shri G. Subba Rao, IAS, the then Chief Secretary, (2) Shri Ashok Narayan, IAS, the then ACS (Home), (3) Dr. P. K.

Mishra, IAS, the then PS to CM, (4) Shri A. K. Bhargava, IPS, (5) Shri P. C. Pandey, IPS (6) Shri Kuldeep Sharma, IPS, (7) Shri M. K. Tandon, IPS, (8) Shri Deepak Swaroop, IPS, (9) Shri K. Nityanandam, IPS, (9) Shri Rakesh Asthana, IPS, (10) Shri A. K. Sharma, IPS, (11) Shri Shivanand Jha, IPS, (12) Shri S. K. Sinha, IPS, (13) Shri D. G. Vanzara, IPS.

(viii) No follow up action was taken (by the Gujarat Government/CM) on the reports sent by R. B. Sreekumar on 24.04.2002, 15.06.2002, 20.08.2002 and 28.08.2002 about anti-minority stance of the Administration. Copies of these reports are appended in second Affidavit dated 06.10.2004 of R. B. Sreekumar to the Nanavati Commission.

(ix) Indictment by the Hon'ble Supreme Court about injustice done to minority community and riot victims in the investigation of riot cases in respect of (1) Bilkis Bano case and (2) Best Bakery case, as narrated in paras 13 and 14 of the complaint dated 08.06.2006.

(x) Partisan investigations were conducted betraying prejudice against riot victims, as indicated by Rahul Sharma, then SP, Bhavnagar District during his cross-examination before the Nanavati Commission, as noted in Para 18 of the complaint dated 08.06.2006.

(xi) The CM Shri Narendra Modi did not visit the riot affected areas in the initial days, though he visited Godhra Railway Station on 27.02.2002 itself.

(xii) A press statement was made by Shri Narendra Modi that the reaction against the Muslim community was the operation of Newton's law of reaction.

(xiii) No direction was given by Shri Narendra Modi to Hindu organisations against the observance of Bandh on 28.02.2002. Bandhs had been declared illegal by Kerala High Court.

(xiv) There was undue delay in requisition and deployment of army, though anti-minority violence had broken out on 27.02.2002 afternoon itself in cities of Vadodara, Ahmedabad etc.

(xv) Pro-VHP advocates were appointed as Public Prosecutors in riot cases as noted in Para 4 under the caption 'Present Situation' in the complaint dated 08.06.2006, wherein appointments of advocates Shri Chetan Shah (as District Government Pleader), Shri V.P. Atre (as Special PP in the Gulberg case), Shri Raghuvir Pandya (as Special PP in the Best Bakery case), Shri Dilip Trivedi (as Special PP in the Sardarpura case), Shri Rajendra Darji (as Special PP in the Dipda Darwaja case), Shri Piyush Gandhi (PP in Panchmahal District), have been questioned.

(xvi) Officers at grass-root level were not transferred as per State Intelligence Bureau's recommendation till the arrival of Shri K.P.S. Gill as Advisor to CM, as

indicated by Sreekumar in his second affidavit dated 06.10.2004 to the Nanavati Commission.

(xvii) Failure to take action against the print media making communally inciting reports though State Intelligence Bureau and some field officers had recommended for action, as noted in the first Affidavit dated 06.07.2002 of R.

B. Sreekumar during his cross-examination before the Nanavati-Shah Commission on 31.08.2004.

(xviii) State Home Department gave misleading reports about normalcy in the State to Central Election Commission for ensuring early Assembly Elections. The assessment of the Home Department was adjudged as false by the Election Commission in its order dated 16-08-2002. As per the Register for recording verbal instructions from higher formations kept by ADGP (Shri R.B. Sreekumar), as noted in his third Affidavit, he was directed by the Home Department officials to give favourable reports about law and order for facilitating holding of early elections.

(xix) The State Home Secretary Shri G.C. Murmu was presumably detailed for tutoring, cajoling and even intimidating officials deposing before the Nanavati Commission so that they do not tell the truth and harm the interests of the CM and ruling party, as narrated in third Affidavit of Shri R.B. Sreekumar.

(xx) Shri G.C. Murmu's exercise was for ensuring that officials will not file affidavits relating to the second terms of reference to the Nanavati Commission about the role of the CM and other Ministers in the riots as narrated in Para 52 of the the complaint dated 08.06.2006 wherein gross dereliction of duty has been alleged in not filing Affidavits relating to second terms of reference to the Commission on the part of 16 specifically named officials including top ranking IAS/IPS officers.

(xxi) No action was initiated against senior police officers by the Home Department for their grave dereliction of duty in supervision of investigation of serious offences as noted in fourth Affidavit (Para 94) of Shri R.B. Sreekumar

(xxii) No departmental action was taken against Shri Jadeja, the then Superintendent of Police, Dahod District for his misconduct despite recommendation by CBI, who investigated the Bilkis Bano case as per the direction of Hon'ble Supreme Court.

(xxiii) The CD regarding telephone calls by BJP leaders and police officers during riots was not probed into by the Investigating Officers of the Naroda Patia and Gulberg Society cases. The CD was produced by Rahul Sharma, SP, CBI before the Nanavati Commission.

(xxiv) Conducive situation was not created for rehabilitation of riot victims, though a contrary claim is made by the State Administration in its report to NHRC. Instead, the riot victims were pressurized for compromising with the perpetrators of violence, as a condition precedent for their safe return as rehabilitation.

(xxv) Police inaction facilitated riots as part of conspiracy, as detailed in paras 13, 14, 61 and 62 of the complaint dated 08.06.2006. In Para 13 of the complaint, some of the 'glaring examples of State sponsored events' are given. In para 61 of the complaint, it is alleged that over two dozen survivors of the Naroda Patiya massacre case have confirmed that they made over a hundred distress calls to Shri P.C. Pande, then Commissioner of Police but that his mobile was permanently switched off. There was a similar callous response from most of the DCPs and Addl.CPs (of Ahmedabad City) as also by the Commissioner of Police, Baroda, Shri Tuteja. In para 60 of the complaint, telephone calls made from Gulberg Society to Shri P. C. Pande and the DGP are alleged but no police action despite presence of three mobile vans near the spot. It is also alleged in Para 61 of the complaint that police was aiding mobs who were attacking Muslims and that on 28th February, of the 40 persons shot dead by police in Ahmedabad City, 36 were Muslims. In Para 62 of the complaint, it is alleged that police acted as mute spectators to acts of lawlessness, offences were not investigated properly, real culprits were not arrested and no timely preventive action was taken etc.

(xxvi) No minutes of the meetings held by the CM and senior bureaucrats were maintained and instructions were mostly conveyed through phone which served the twin objective of (1) field officers carrying out the conspiracy of pogrom against the minorities and (2) avoidance of the subsequent monitoring of actions by jurisdictional officers.

(xxvii) No action was taken against officers like K. Chakravarthi, then DGP, P.C. Pandey, then Commissioner of Police, Ahmedabad City, Ashok Narayan, then Additional Chief Secretary and a large number of senior functionaries in Government who filed incomplete, inaccurate, vague and inadequate affidavits to the Nanavati Commission, as narrated in Paras 54, 55, 56 of the complaint dated 08.06.2006.

(xxviii) Slack review of post riot cases as ordered by the Hon'ble Supreme Court in 2004. This was achieved by entrusting this work to those senior officers who are willing to act according to political interests of BJP and the CM, as narrated in Para 84 of the complaint dated 08.06.2006.

(xxix) Nepotism practiced in postings, transfers, promotions etc., as narrated in Para 85 of the complaint for facilitating the on-going subversion of the criminal justice system.

(xxx) The fact that victims of riots and police firings were predominantly of the Muslim community, will establish that rioters, the administration, cohorts of the ruling party (BJP) were moving in collaboration for achieving the satanic objectives of the CM. Statistics in this regard are given in the second Affidavit dated 06.10.2004 (Para 3 / Appendix V) of Sreekumar to the Nanavati Commission.

4. COMMENTS ON THE COMPLAINT :

Smt. Jakia Nasim was first examined by the local police on 06-03-2002 and her statement recorded u/s 161 Cr.PC, but she never came up with all the details now mentioned by her in her complaint. In her statement before the local police she had stated that while they were being shifted from the Gulberg Society in jail vans, the mob assembled there would have lynched all of them to death, but for the timely action taken by the police. Smt. Jakia Nasim subsequently appeared before the Nanavati Commission of Inquiry on 29-08-2003, but did not disclose these facts. In September, 2003, Smt. Jakia Nasim filed an affidavit in the Hon'ble Supreme Court of India, but failed to mention these facts. It was for the first time on 08-06-2006, i.e. after a lapse of more than four years of the incident, that she came up with the lengthy complaint in question. Smt. Jakia Nasim was examined by the SIT on 07-11-2008, but she failed to state any of these facts as mentioned in her complaint dated 08-06-2006. She does not have any personal knowledge about the facts mentioned in the affidavits filed by Shri R.B. Sreekumar during the years 2002, 2004 and 2005 on his own. In this complaint the following glaring discrepancies/errors have been noticed:

a. The allegations are vague, general and stereotyped and nothing specific had been mentioned in respect of the following accused persons as specifically stated and illustrated thereafter:

• Accused Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 & 16 :-

".....Then and Now Cabinet Minister/elected member of the Gujarat Government, under oath of the Indian Constitution to defend the Fundamental Rights, the Right to Life and Property of every citizen regardless of caste, creed of (or) gender, accused of using political influence to prevent the administration and the law and order machinery from carrying out their constitutionally bound duty to prevent violence and protect the citizen."

- Accused nos. 25, 26, 29, 32, 33, 35, 36, 40 :-

".....In the pyramid of authority the man from the police administration responsible for ensuring that the rule of law is preserved in the state, that Constitutional requisite of protection of life and property, as well as the IPS/IAS Rules that every officer abide by the Constitution and hence, in some sense answerable for the utter collapse of constitutional governance. The affidavit and deposition filed before the Nanavati-Shah Commission not conducive to transparency and exposure of what went thoroughly wrong in 2002 violating the Commission of Inquiry Act.."

- Accused Nos. 27, 28, 31,34,37, :-

".....The top/senior man of the Gujarat bureaucracy and responsible through the Constitution, Criminal Law and the IAS/IPS Service Rules to scotch any political attempts to subvert the Constitution and the Fundamental Rights of every Citizen. He is alleged to have participated in a meeting with then chief minister Narendra Modi where illegal instructions were issued by the constitutionally elected chief minister. Not filed any say before the Nanavati-Shah Commission not conducive to transparency and exposure of what went thoroughly wrong in 2002 violating the Commission of Inquiry Act."

- Accused No. 43, 45, 46, 48, & 63:-

".....An officer who has been privy to breakout of unimaginable violence in Anand district, especially in Ode village and is witness to continuing subversion of the justice process by a brazen connivance between the alleged accused and the prominent members of the political class. An IPS officer who was in a responsible position in 2002 and thereafter and who abetted the breakdown of constitutional governance in the state of Gujarat."

- Accused Nos. 26, 27, 28, 31 & 34:-

".....He is alleged to have participated in a meeting with then chief minister Narendra Modi where illegal instructions were issued by the constitutionally elected chief minister."

- Accused Nos. 30,31,32,34,37, 47, 49, 51 & 53 :-

".....Not filed any say before the Nanavati-Shah Commission not conducive to transparency and exposure of what went thoroughly wrong in 2002 violating the Commission of Inquiry Act."

- Accused Nos. 57, 58 & 59 :-

".....An officer of the Gujarat police who has been involved in many of the controversial mass carnage investigations that have serious allegations of subversion of justice and tampering of evidence."

- Accused Nos. 50 & 52 :-

".....An officer who has been privy to breakout of unimaginable violence in parts of Gujarat and under his jurisdiction. An IPS officer who was in a responsible position in 2002 and thereafter and who aided and abetted the breakdown of constitutional governance in the state of Gujarat."

- b. Paras 29 to 57, 77, 79, 80, 81, 82 & 86 of the complaint have been copied out verbatim from the Affidavits No. I, II, III & IV filed by Shri R.B. Sreekumar, formerly Addl. DG (Int.), before Nanavati-Shah Commission of Inquiry. The complainant Smt. Jakia Nasim has no personal knowledge of the allegations levelled by Shri R.B. Sreekumar in his affidavits.
- c. No specific allegations have been mentioned against Accused Nos. 17, 18, 19 & 60.
- d. Accused No. 24 Babubhai Rajput is not traceable at the given address and it has come to light that no such person was ever in existence at the relevant point of time.
- e. Accused No. 11 Anil Tribhovandas Patel was not in public life at the time of riots and had joined Bharatiya Janta Party only towards the end of 2002. He was elected as a MLA only in December, 2002 and as such he has been wrongly implicated as an accused in the complaint.
- f. Accused No. 45 Shri Rahul Sharma and Accused No. 63 Shri Satish Verma have been listed as witnesses as well as accused persons. Smt. Jakia Nasim, Complainant and Ms. Teesta Setalvad, Co-complainant have stated that they are witnesses and have been inadvertently listed as accused persons.
- g. Accused No. 23 Keshavram Kashiram Shastri, Chairman, VHP, Gujarat Unit and Editor Vishwa Hindu Samachar, Ahmedabad has since expired.
- h. Four of the accused No.16- Dr. Mayaben Kodnani, Accused No.21- Jaydeep Patel, Accused No.22- Babu Bajrangji Patel and Accused No.55- K.G. Erda have since been chargesheeted by SIT and are now facing trial.

5. PROCEDURE ADOPTED BY THE ENQUIRY OFFICER :

This is purely a Preliminary Enquiry and not an investigation contemplated by the Cr.P.C. The statements recorded during the enquiry therefore do not amount to statements u/s 161 Cr.PC. However, despite this limitation, efforts were made by the Enquiry Officer to get hold of the relevant documents from the Govt. of Gujarat and also to examine the serving public servants, retired public servants, retired politicians as well as those in power and the public men. Some of them co-operated but took considerable time to respond to the notice sent by SIT. As a result, enquiries were delayed. Some of the public servants are abroad and could not therefore be examined.

Though, this enquiry had the mandate of the Hon'ble Supreme Court of India, several difficulties/constraints were experienced in the enquiry, some of which are given below:

(1) The police wireless messages for the year 2002 were not made available by the Govt. of Gujarat as the same had been reportedly destroyed.

(2) No record/documentation/minutes of the crucial law & order meetings held by Govt. during the riots had been kept.

(3) Some of the public servants, who had retired long back, claimed loss of memory as they did not want to get involved in any controversy.

(4) The other category of public servants, who have recently retired and provided with good post-retirement assignments, felt obliged to the State government and the present Chief Minister and therefore their testimony lacks credibility.

(5) The serving public servants, who have been empanelled for the higher posts, did not want to come into conflict with the politicians in power and incurred their wrath which affected their frank response.

(6) Those public servants considered upright by the complainants and cited as a witness in their support, confirmed various controversial incidents/events, yet they did not attribute the same to their transfers/postings to insignificant posts.

In view of the aforesaid difficulties, mostly eyewitness account of the witnesses has been recorded and taken into consideration during the inquiry.

6. RESULT OF ENQUIRIES IN RESPECT OF ALLEGATIONS IN THE COMPLAINT:-

> ALLEGATION No. I :

Instructions by Shri Narendra D. Modi, Chief Minister to DGP, the Chief Secretary and other senior officials to (allow to) give vent to the Hindu anger on the minority Muslims in the wake of Godhra incident during the Meeting held on 27.02.2002 evening in Gandhinagar, as testified in Affidavit No.4 of Shri R. B. Sreekumar.

&

> ALLEGATION No. IV :

Data in the 'Concerned Citizens Tribunal' Report by panel of Judges, Justice Sawant and Justice V. R. Krishna Iyer as in Para 10 of the complaint dated 08.06.2006) wherein it was mentioned, inter-alia, as : What transpired in the days that followed the Godhra incident began with the Chief Minister of the State announcing on 27.02.2002 through Akashvani Radio that there was an ISI conspiracy, and deciding against the advice of the Godhra Collector, Smt. Jayanti Ravi, to take the bodies of the burnt Kar sevaks in a ceremonial procession by road to Ahmedabad. The tragic Godhra killings were used and manipulated to justify pre-orchestrated mass carnage that enjoyed the political sanction of the constitutionally elected Government. Top level meetings were held between the Chief Minister, some of his Cabinet and top level bureaucrats at which illegal instructions were issued to perform illegal acts. Proof of this was documented by a Citizens Tribunal constituted and headed by a former Judge of the Hon'ble Supreme Court, when a former Minister (Late Shri Haren Pandya) testified about the details.

Enquiries conducted into the aforesaid two allegations revealed that on 27-02-2002, information about the burning of a railway coach of Sabarmati Express near Godhra Railway Station was received by the Chief Minister Shri Narendra Modi around 0900 hrs from Shri Ashok Narayan, the then ACS (Home). Shri Narendra Modi called a meeting at his residence at about 1030 hrs and discussed the matter with Shri Gordhan Zadafia, the then MoS (Home), Shri Ashok Narayan, the then ACS (Home), Shri K. Chakravarthi, the then DGP, Shri P.C. Pande, the then CP, Ahmedabad City and other staff of CM secretariat. Shri Ashok Narayan stated that till then no news had been received about the exact number of casualties and the information was being received piecemeal. In this meeting, Shri Narendra Modi, Chief Minister emphasized that the miscreants should be apprehended and not allowed to escape. The Chief Minister was also concerned about the number of casualties

in the incident. However, no minutes of the meeting were prepared. Under the instructions of the Chief Minister Shri Ashok Narayan had prepared a note about the incident on the basis of information provided by the DGP and submitted the same to the Chief Minister for his approval, as the issue was going to be raised in the Assembly. The Chief Minister had also given directions that necessary steps be taken so that surviving passengers are not delayed, which may lead to tension. The Chief Minister had also said that Godhra being a communally sensitive place and necessary steps like imposition of curfew etc. should be taken immediately to avoid any untoward incident and that senior police officers and extra force, if required, should reach the spot without any delay. It has further come to light that the Assembly started at 1300 hrs. A call attention motion relating to Godhra incident moved by Shri Punjabhai Vansh, MLA came up for discussions at 1300 hrs, but the Hon'ble member was not present in the house and as such Dr. Mayaben Kodnani, MLA from Naroda was allowed to speak on the issue. Shri Gordhan Zadafia read out a statement prepared by the Home Department based on the available information at that point of time. In this session Shri Rajendrasinh Patel, Congress MLA from Godhra had made a demand for a compensation of Rs. 2 lakh each to the victims of Godhra incident. Shri Narendra Modi, Chief Minister informed the Assembly that the incident was serious and that the Govt. was considering a proposal for an ex-gratia payment of Rs. 2 lakh to each victim. It has further come to light that it was a budget day in the Assembly and thereafter, the budget was presented by Shri Nifinbhai Ratibhai Patel, Finance Minister in the afternoon. Shri Gordhan Zadafia, MoS left for Godhra by road at about 1400 hrs and reached there at about 1630 hrs. Shri Ashok Bhatt, Health Minister had reached Godhra sometime between 1200 to 1230 hrs. Shri Bhupendra Lakhawala, in charge Minister, Godhra District had already arrived. After the Assembly proceedings were completed Shri Narendra Modi left for Baroda by a Govt. chartered plane. At Baroda, a helicopter had been requisitioned from ONGC to go to Godhra. Since, the helicopter had limited seats, Shri Anil Mukim, PS to CM and Shri Jagdish Thakker, PRO accompanied the Chief Minister to Godhra and reached there around 1700 hrs. The Chief Minister was received by Smt. Jayanti Ravi, Collector & District Magistrate and some other Govt. officials and politicians. The Chief Minister straightaway drove to the Godhra Railway Station. By that time, two burnt bogies had been detached from the train and parked in the railway yard and the dead bodies of the victims were lying covered in the railway yard. The Chief Minister climbed up and inspected the burnt coach. By that time, the crowd present over there was agitated and demanded from the Govt. that the culprit should be punished at the earliest. The Chief Minister assured the crowd of

action against the culprit and asked them to maintain the peace. Thereafter, the Chief Minister visited Civil Hospital, Godhra, saw the injured admitted there and assured them all help and best treatment. He then went to Collectorate and had a meeting with the Government and Police officials. In this meeting Shri Ashok Bhatt and Shri Gordhan Zadafia were also present. Shri Narendra Modi, Chief Minister left Godhra by road around 1930 hrs along with his personal staff and came to Baroda. From Baroda he came to Ahmedabad by the same chartered aircraft. He reached his Gandhinagar residence at about 2230 hrs.

On his return, he called for a Law & Order meeting, which was attended by the top officials of Administration, Home and Police Department. The meeting lasted for about half an hour. Smt. Swarna Kanta Varma, acting Chief Secretary, Shri Ashok Narayan, ACS (Home), Shri K. Chakravarthi, DGP, Shri P.C. Pande, CP, Ahmedabad City, Shri K. Nityanandam, Secretary, Home Department, Dr. P.K. Mishra, Principal Secretary to CM and Shri Anil Mukim, Secretary to CM were present in the said meeting. However, Shri G.C. Raiger, Addl. DG (Int.) was not present in the said meeting. No Cabinet Minister was present in the said meeting. Shri Gordhan Zadafia, MoS (Home) also did not attend the meeting, as he had stayed back at Godhra. Smt. Swarna Kanta Varma, acting Chief Secretary stated to the SIT that the CM addressed the meeting and said that such things can not be allowed to last long and the police/executive officers should deal with it firmly without wasting any time. She has further stated that she does not recollect as to whether CM instructed the police officers that the police should not come in the way of the Hindu backlash as the justice for Godhra was to be done on the next day during the Gujarat bandh called by VHP. She has pleaded loss of memory due to passage of time. Shri Ashok Narayan has confirmed to have attended this meeting, but has stated that he does not recollect as to whether Shri K. Nityanandam and Shri Sanjiv Bhatt, the then DC (Int.) attended the said meeting or not. He does not recall having seen any of the Ministers or Cabinet colleagues of the Chief Minister in the said meeting. According Shri Ashok Narayan, the Chief Minister said that the people were outraged by the heinous incident of Godhra and therefore, effective steps must be taken to control the communal riots, if any. He does not recollect any other words uttered by the Chief Minister. Shri K. Chakravarthi has confirmed to have attended the said meeting. Shri K. Chakravarthi has further stated that the CM had mentioned that Godhra incident was very serious and bound to affect the people at large and hence, adequate arrangements should be made. He has denied to have told Shri R.B. Sreekumar, on 28-2-2002, that the CM had said in the meeting held on 27-02-2002 night that in communal riots police takes action against Hindus and

Muslims on one to one basis and that this will not do now and allow Hindus to give vent to their anger. He has also stated that as per his recollection, Shri Sanjiv Bhatt did not attend this meeting. Shri P.C. Pande has confirmed to have attended this meeting. However, he has denied that the Chief Minister said in this meeting that in the communal riots police take actions against Hindus and Muslims on one to one basis, but this will not do now and that the Hindus be allowed to vent their anger. Dr. P.K. Mishra, Principal Secretary to the Chief Minister has also confirmed to have attended the said meeting, but he has denied that the Chief Minister had given any instructions to either the officials of the Home Department or the police in this meeting. He has denied that the Chief Minister had said in the meeting that in communal riots police takes action against Hindus and Muslims on one to one basis and that this will not do now and Hindus be allowed to vent their anger. He does not recollect as to whether Shri Sanjiv Bhatt attended the said meeting. However, he has stated that Shri A.K. Sharma was away on leave. He has also stated that none of the Ministers were present in the said meeting. Shri K. Nityanandam has confirmed to have attended the same meeting, but does not recollect as to whether any Cabinet Minister attended the said meeting or not. He has denied that the Chief Minister instructed the participants that there would be retaliation from the Hindus with regard to the Godhra incident and that police should not stop them. Shri Anil Mukim denied to have attended this meeting, but all other participants have confirmed his presence in the meeting. Shri G.C. Raiger has denied having attended the said meeting being on casual leave from 26-02-2002 to 28-02-2002. It may be added here that though Shri Sanjiv Bhatt has claimed to have attended the said meeting, yet none of the aforesaid participants of the meeting have confirmed this fact. Shri Narendra Modi, Chief Minister has out rightly denied during SIT examination that Shri Sanjiv Bhatt had participated in the said meeting as this was a high level meeting and that none of his cabinet colleagues were present in the said meeting. Shri Narendra Modi has denied during SIT examination having stated in the said meeting that in communal riots police takes action against Hindus and Muslims on one to one basis and this will not do now, but allow Hindus to give vent to their anger. On the contrary, he claimed to have given categorical and clear cut instructions to maintain peace and communal harmony at any cost. He has further stated during examination by SIT that a similar appeal had earlier been made to the people at Godhra through media.

Shri R.B. Sreekumar has claimed that Shri K. Chakravarthi had told him on 28-2-2002 (A.N.) about a meeting convened by Shri Narendra Modi on 27-02-2002 late in the evening on his return from Godhra, in which the latter had said, "in communal riots police takes action against Hindus on one to one

basis. This will not do now... allow Hindus to give vent to their anger." However, Shri K. Chakravarthi has denied to have held any such talks with Shri R.B. Sreekumar.

Shri Sanjiv Bhatt has stated that as per his recollection Shri G.C. Raiger, the then Addl. DG (Int.) was on casual leave till 28-02-2002, but had curtailed his leave and returned on 27-02-2002 evening. He has claimed to have received a message on 27-02-2002 late in the night from the Control Room that the Chief Minister had called for a situation review meeting at his residence. Shri Sanjiv Bhatt has further stated that since, Addl. DG (Int.) was on leave, DGP had instructed him to attend the meeting along with the IB's assessment of the situation. He has claimed to have attended that meeting at CM's residence which was also attended by ACS (Home), DGP, CP Ahmedabad City and Secretary to CM. However, he does not recollect, as to who else attended the said meeting, but none of the Cabinet Ministers were present there. He has further stated that he attended this meeting in his capacity as an Intelligence Officer, and as per his belief, it would not be professionally appropriate on his part to divulge the exact nature of discussions that took place during the said meeting. However, he would be duty bound to disclose the same to the best of his recollection and ability, as and when he is required to do so under legal obligation.

Mr. Justice P.B. Sawant, Retired Judge of Hon'ble Supreme Court of India and Mr. Justice Hosbet Suresh, Retired Judge of Bombay High Court, members of the Concerned Citizens Tribunal- Gujarat 2002 that was conceived in response to the Godhra carnage on 27-02-2002, have stated that one Minister of the Gujarat Govt. namely Late Haren Pandya, appeared and deposed before the Tribunal on 13-05-2002, on condition of anonymity, that he had attended a meeting on 27-02-2002 night at the residence of Shri Narendra Modi, CM, in which the latter had made it clear that there would be a backlash from the Hindus on the next day and that the police should not come in their way. According to Late Haren Pandya, Shri Modi also instructed the police officers and Civil servants that a Hindu reaction was expected and the same must not be curtailed or controlled. However, his deposition had not been recorded anywhere by the Tribunal.

Enquiries have established that a meeting did take place at CM's residence at about 2230 hrs on 27-02-2002, which was attended to by Smt. Swarna Kanta Varma, the then acting Chief Secretary (Shri G. Subba Rao, the then Chief Secretary had gone abroad on 22-02-2002), Shri Ashok Narayan, the then ACS (Home), Shri K. Chakravarthi, the then DGP, Shri P.C. Pande, the then CP, Ahmedabad City, Shri K. Nityanandam, the then Secretary, Home

Department, Dr. P.K. Mishra, the then Principal Secretary to CM and Shri Anil Mukim, the then Secretary to CM. It has further been established that Shri G.C. Raiger, the then Addl. DG (Int.) was on leave and did not attend the said meeting. It has also been established that Shri A.K. Sharma, the then Secretary to CM was on earned leave between 19-02-2002 to 05-03-2002 in connection with his sister's marriage and was not present in the said meeting. None of the senior officers, who had attended the said meeting, have confirmed the utterances made by Shri Narendra Modi, Chief Minister. The statement made by Shri R.B. Sreekumar is hearsay, which has not been confirmed by Shri K. Chakravarthi. Shri R.B. Sreekumar has no personal knowledge, as he did not attend the said meeting. The participation of Shri Sanjiv Bhatt has not been confirmed by any of the participants of the said meeting. As regards the deposition of Late Haren Pandya before the Concerned Citizens Tribunal, enquiries have established that the meeting convened at CM's residence, was an essentially law and order situation review meeting that was held on 27-02-2002 and that none of the Cabinet Ministers attended the same. Late Haren Pandya was not even a Cabinet Minister at that time. Shri Gordhan Zadia also did not attend this meeting, as he had stayed back at Godhra. In view of the version of all the senior officials of the Home and Police Department the testimony of Late Haren Pandya before the Tribunal becomes unreliable. No minutes of the 27-02-2002 meeting were prepared.

In the light of the aforesaid discussions, it can be concluded that a Law & Order review meeting was in fact held by Shri Narendra Modi, Chief Minister at his residence late in the evening of 27-02-2002. However, the allegation that the Chief Minister instructed the Chief Secretary, DGP and other senior officials to allow the Hindu community to give vent to their anger on the minority Muslims in the wake of Godhra incident is not established.

➤ **ALLEGATION No. II :**

The CM's decision to bring dead bodies of those killed in Godhra train fire in Ahmedabad and parade them in Ahmedabad City.

Enquiries revealed that Smt. Jayanti Ravi, the then Collector & District Magistrate, Godhra Panchmahals District received a telephone call at about 0800 hrs from Shri Raju Bhargava, the then Superintendent of Police, Panchmahals District that there had been an incident of stone pelting as also torching of railway coach of the Sabarmati Express near Godhra Railway Station. Immediately, messages were conveyed to the concerned Municipal Authorities at Godhra, Lunawada and Kalol to send the fire tenders to the spot. According to Smt. Jayanti Ravi, she reached the spot near Godhra Railway

Station at about 0845 hrs. By that time, a crowd had assembled at Godhra Railway Station and the immediate problem was to take care of the transit passengers who had been stranded there, because of the fire and stone pelting incident. The injured passengers were given medical aid by the Civil Hospital, Godhra, whereas those, who had received severe burn injuries, were immediately admitted to the civil hospital, Godhra. Around 1200 hrs, the District Administrative officials could step into the S6 coach of Sabarmati Express with a view to assess the actual number of deaths in the incident. As the bodies in the coach were charred and in mutilated condition, it was virtually impossible to count the heads. In order to ensure that the stranded passengers were not put to any further inconvenience, the railway authorities detached the two affected/burnt bogies from the main train, parked them in the railway yard and joined the rest of the bogies together. Finally, the Sabarmati Express left Godhra around 1300 hrs for Ahmedabad, its destination.

Shri Narendra Modi, Chief Minister arrived at Godhra by helicopter sometime between 1600hrs to 1700 hrs and was accompanied by Shri Anil Mukim, the then Secretary to CM. He was received at the helipad by Smt. Jayanti Ravi and Shri Ashok Bhatt and he straightaway drove to the Godhra Railway Station. The CM inspected the spot and talked to some of the persons gathered there. Since, curfew had been imposed in the Godhra town, the Chief Minister decided to go to Collectorate and meet the people as well as press. At that time Shri Gordhan Zadafia and Shri Prabhasinh Chauhan, the then Minister of Civil Aviation & Pilgrimage and being a local MLA, had also come and they all went to the Collectorate. Smt. Jayanti Ravi has stated to SIT that in the meeting held at Collectorate, one Shri Jaydeep Patel, a VHP activist was also present. Smt. Jayanti Ravi has also stated that after holding discussions, a unanimous decision was taken that the dead bodies, which had been identified should be handed over to their relatives at Godhra itself and those bodies whose legal heirs or guardians had not come, could be sent to Sola Civil Hospital, Ahmedabad since, they belonged to Sabarmati Express heading towards Ahmedabad. Smt. Jayanti Ravi has categorically denied that decision was taken against her wishes. The decision to send the bodies to Sola Civil Hospital was taken in view of the fact that it was situated on the outskirts of Ahmedabad City and thus away from the crowded area for security reasons. It has further come to light that out of 58 burnt and dead bodies, 4 bodies belonging to Dahod, Vadodara, Panchmahal and Anand Districts were handed over to their legal heirs/guardians after identification at Godhra itself. The remaining 54 dead bodies were to be sent with police escort to Sola Civil Hospital, Ahmedabad. Further, Shri Jaydeep Patel of VHP was to accompany them.

Enquiries revealed that as per the call detail records of mobile phone no. 9825023887 of Shri Jaydeep Patel, he reached Godhra on 27-02-2002 around 1248 hrs and remained there till 2358 hrs. At Godhra, he had made/received calls to /from Shri Gordhan Zadafia at the latter's mobile phone no. 9825049145. All these calls had been made/ received between 2003 hrs and 2113 hrs. He had also received calls from Shri R.J. Savani, the then DCP, Zone-V, Ahmedabad City from his mobile phone no. 9825049198 between 1305 hrs and 2116 hrs. The aforesaid call detail records establish that Shri Jaydeep Patel remained at Godhra till about 2358 hrs on 27-02-2002.

Enquiries further revealed that Shri M.L. Nalvaya, the then Mamaldar & Executive Magistrate issued a letter addressed to Dr. Jaydeep Patel of VHP, in which he had mentioned that 54 dead bodies were being sent through five trucks as detailed below:

Sr. No.	Truck No.	No. of Dead bodies carried
1	GJ-17-5055	12
2	GJ-17-T-7557	15
3	GJ-17-X-3225	03
4	GJ-16-T-9253	12
5	GJ-17-T-7327 (TATA 608 tempo)	12

One Shri Hasmukh T. Patel of VHP had acknowledged the dead bodies. It may be mentioned here that the handing over of the dead bodies to their legal heirs/guardians was the duty of the railway police, who had registered a case in connection with this incident. Shri M.L. Nalvaya has stated that these dead bodies were handed over officially to Shri Jaydeep Patel and Shri Hasmukh T. Patel of VHP as per the instructions given by Smt. Jayanti S. Ravi, DM and Late B.M. Damor, ADM, Godhra. Shri M.L. Nalvaya has filed an affidavit before Nanavati Commission of Inquiry to this effect on 05-09-2009. However, Smt. Jayanti Ravi has stated that no such instructions were given to Shri Nalvaya to hand over the dead bodies to Shri Jaydeep Patel or Shri Hasmukh T. Patel of VHP and that Shri Jaydeep Patel was merely to accompany the dead bodies to Ahmedabad.

Shri Raju Bhargava, the then Superintendent of Police, Godhra has stated before the SIT that since, there was a curfew in the town, he had arranged for four (4) mini trucks, Tata-407 and one Tata-608 tempo for the transportation of the aforesaid dead bodies. He also arranged for the police escort with a pilot gypsy. Further, one Sub Inspector was sent in gypsy with some other staff and two armed guards each were made to sit in the aforesaid five vehicles. The convoy left Godhra around midnight intervening 27/28-02-2002 for Ahmedabad by road. On the way to Ahmedabad, the escorts from the concerned districts had replaced each other. The five trucks carrying dead

bodies reached Sola Civil Hospital, Ahmedabad between 0330 hrs to 0400 hrs on 28-02-2002. At Sola Civil Hospital, Dr. Pushpa Belani, Medical Superintendent, PI Lathiya of Sola P.S., Shri Prajapati, Deputy Collector, Shri K. Srinivas, Collector and several other Administrative and Police Officers were present. Shri Jaydeep Patel handed over the letter to Shri Prajapati, the then Dy. Collector and the police and the administrative officials got busy with the preparation of panchnama and other documentation. The relatives of the persons, who had died in the Godhra carnage, were also present in the hospital. Accordingly, 35 persons were identified and their dead bodies handed over to their relatives by about 1300 hrs on 28-02-2002 by the police after obtaining the receipts from them. It may be mentioned here that 25 dead bodies were claimed by the residents of Ahmedabad, two (2) by the residents of Kadi, Mehsana, five (5) by the residents of Anand, two (2) by the residents of Khedbrahma, Sabarkantha and one (1) from Rajkot. The photographs and DNA samples of the remaining unidentified 19 dead bodies were taken by the hospital authorities. These 19 unidentified dead bodies were cremated on 28-02-2002, at Gota cremation ground nearer to the Sola Civil Hospital by the District Administrative and Police officers with the help of Surpanch of Gota village. The cremation was completed by about 1830 hrs on 28-02-2002.

On 28-02-2002, twelve (12) charred dead bodies of Godhra carnage were brought to Ramol, Ahmedabad City from Sola Civil Hospital. All these deceased persons belonged to Ramol-Khokhra area. Shri M.K. Tandon, Jt. CP, Secor-II instructed Shri R.J. Savani, DCP, Zone-V to make efforts to ensure that the dead bodies were moved in vehicles and not by foot, as the same would have escalated the tension. It may be mentioned here that ten (10) kar-sevaks belonged to Ramol and two (2) kar-sevaks were from Khokhra. Shri R.J. Savani succeeded in persuading the relatives and the well wishers of the deceased to take each body in a vehicle and the funeral procession was guarded by the police up to Hatkeshwar cremation ground, about 4 kms away from Ramol-Khokhra. The funeral was over by about 1400 hrs and the crowd which had gathered on the highway dispersed thereafter.

It may thus be seen that the journey from Godhra to Ahmedabad started around midnight and the dead bodies reached Sola Civil Hospital sometime between 0330 to 0400 hrs and there was no one on the highway at that point of time in the night to see them. Further, though a letter had been addressed by Shri M.L. Nalvaya in the name of Shri Jaydeep Patel of VHP and the dead bodies were acknowledged by Shri Hasnmukh T. Patel of VHP, yet the dead bodies were escorted by the police upto Sola Civil Hospital, Ahmedabad situated on the outskirts of Ahmedabad City. At Sola Civil Hospital, Shri

Jaydeep Patel handed over the letter to the hospital authorities and the local police as well as the hospital authorities took charge of the dead bodies. Subsequently, 35 dead bodies were handed over to the legal heirs/guardians of the deceased by the police after completing the formalities and documentation. The 19 unidentified dead bodies were cremated on the same evening by the local administration and police authorities at Gota cremation ground nearby with the help of Sarpanch of Gota village after retaining their DNA samples. Subsequently, 12 dead bodies could be identified after conducting DNA tests, while the remaining seven (7) remained unidentified.

The above facts would go to establish that though a letter had been addressed by Mamlatdar, Godhra to Shri Jaydeep Patel of VHP, yet the dead bodies were escorted by the police from Godhra to Ahmedabad, where the same were taken charge of by the hospital authorities, District Administrative and Police Officers and handed over to the kith and kin of deceased persons after taking proper receipt. Further, the unidentified bodies were disposed of by the District Administrative and police officers. The fact that 25 deceased persons belonged to Ahmedabad, 2 to Mehsana, 1 to Rajkot and 2 to Sabarkantha - places accessible via Ahmedabad - and the same were claimed by their legal heirs/ guardians at Ahmedabad justifies the decision to transport the dead bodies from Godhra to Ahmedabad. Shri P.C. Pande has stated that there had been no parading of dead bodies inasmuch as the trucks carrying the dead bodies under police escort reached Ahmedabad City between 0330 hrs to 0400 hrs on 28-02-2002, which means they had started from Godhra at least three hours earlier and as such there was no one to see them on the highway at dead of the night. Shri Pande has also stated that in Ahmedabad City, the dead bodies were kept in Sola Civil Hospital situated on the outskirts of the City and that most of the dead bodies were handed over to their relations after proper documentation by 28-02-2002 morning.

In view of the aforesaid discussions, the allegation that the CM's decision to bring the dead bodies of those killed in "Godhra carnage to Ahmedabad was with a view to parade them in the City is not established. Further, the allegation that the dead bodies were handed over to Shri Jaydeep Patel, is also not established, inasmuch as he only accompanied the dead bodies from Godhra to Ahmedabad, and that the custody of the dead bodies remained with the police escort and thereafter with the Sola Civil Hospital Authorities, Administrative and Police authorities. The allegation that the dead bodies were transported to Ahmedabad against the wishes of Smt. Jayanti Ravi is proved to be incorrect. Shri M.L. Nalvaya Mamlatdar had acted in an irresponsible manner by issuing a letter in the name Shri Jaydeep Patel in

token of having handed over the dead bodies, which were case property, deserves to be dealt with through strong departmental action against him.

➤ **ALLEGATION NO.III :**

Numerous illegal instructions given verbally (by the CM) to officials as detailed in third affidavit dated 09.04.2004 by R.B. Sreekumar to the Nanavati Commission.

When examined by the SIT on 11-07-2009, 14-07-2009, 15-07-2009, 16-07-2009, 19-07-2009, 01-08-2009, 02-08-2009 & 04-08-2009, Shri R.B. Sreekumar stated that he took over as Addl. DG (Int.) on 09-04-2002 and that he had been given many verbal orders, of which many were illegal and against the spirit of constitution of India. He further stated that he has got issued a register from Shri O.P. Mathur, the then IGP (Admn. & Security) to record "verbal instruction from higher officers i.e. DGP and above". He has further stated that he had made entries about the verbal instructions in this register from 16-04-2002 to 19-09-2002. According to Shri R.B. Sreekumar, the illegal instructions from the Chief Minister, Chief Secretary, ACS (Home) etc. fell in the category of directives to commit criminal offences like illegal tapping of telephones, proposal to eliminate persons, submission of reports to suit the political interest of BJP etc. and that he did not comply with any of the illegal directives. Shri R.B. Sreekumar has also stated that the major doubtful legality and questionable propriety included submission of report regarding alleged involvement of an opposition party in fomenting communal trouble in Ahmedabad City without any basis, illegal directions for tapping of telephone of a very senior leader of opposition party, not to closely cover activities of the ruling party and its sister bodies, report about the activities of a State Minister with the call details of a friend's telephone, consider elimination of those trying to disturb Ahmedabad Rath-Yatra or planning to spoil same, to provide situation assessment report indicating normalcy in the State for facilitating early Assembly elections and general instructions to send intelligence estimation reports in tune with the political strategy and tactics of the ruling party i.e. BJP, etc. Shri R.B. Sreekumar has also stated that on 13/14-04-2002, Shri A.K. Sharma, Secretary to CM had called him to his office and informed him that the CM had information about Major General Zahiruddin Shah brother of Nasiruddin Shah, a film actor who had been assisting the police in maintaining the Law & Order, having illicit relations with a lady namely Ms. Prafulla K. Gohil of Bhavnagar and Shri Gurudayal Singh, the then Addl. DG was helping him. Shri Sharma wanted Shri R.B. Sreekumar to enquire discreetly and submit a report, to which Shri Sreekumar refused and asked that Central IB could be asked to look into the matter as the Major General was staying in the Army

campus. Shri A.K. Sharma has denied recollection of any such incident, meeting or interaction with Shri R.B. Sreekumar. After meeting Shri A.K. Sharma, Shri R.B. Sreekumar returned to his office and discussed the matter with Shri O.P. Mathur and suggested whether he could open a register to record such verbal instructions to which Shri Mathur agreed. Thereafter, at the request of Shri R.B. Sreekumar, Shri O.P. Mathur provided him a register on 18-04-2002, certifying the number of pages contained therein. Shri R.B. Sreekumar started making entries in the said register with effect from 16-04-2002, as per his memory and made entries uptill 19-09-2002 after he had handed over the charge to Shri J. Mahapatra, Addl. DG on 18-09-2002.

During the SIT enquiry, Shri O.P. Mathur, retired DG and now appointed as Director General of Raksha-Shakti University set up by the Govt. of Gujarat, stated that on 18-04-2002, Shri R.B. Sreekumar had called him and informed him that he wanted to maintain a register for official purposes and asked him to certify the total number of pages contained in the blank register. Shri Mathur accordingly gave him a blank register, which was already numbered and gave a certificate at page no. 207 i.e. last page of the said register. Shri Mathur has further stated that the register was totally blank, as on 18-04-2002 and that Shri R.B. Sreekumar had not disclosed the purpose for which the said register was to be maintained. The register did not contain the stamps of "secret" on each page, which is now appearing in the register and also did not have any title and that in case it had been classified as secret on that day, he would have recorded his certificate accordingly. Shri Mathur has also stated that the register did not contain the circular stamp of the "Office of the Addl. Director General of Police, CID (Int.)", which is now appearing on all the pages. It may be mentioned here that Shri R.B. Sreekumar had recorded the first entry as on 16-04-2002, the second and third entry as on 17-04-2002 and the fourth entry on 18-04-2002. As per the testimony of Shri Mathur, he had certified the pages available in the register only on 18-04-2002 as per his signature and date available at page no. 207 and that the said register was totally blank at that time. The overall conclusion which can be drawn is that Shri R.B. Sreekumar antedated three entries no. (1) as on 16-04-2002, (2) & (3) on 17-04-2002. Obviously, Shri R.B. Sreekumar had put the secret stamp on each page and also given the title afterwards. The circular stamp of the office of the Addl. DG, CID (Int.) was also affixed subsequently. As regards the entry dated 12-06-2002 made by Shri R.B. Sreekumar about the handing over of call details of mobile phone no. 9824030629 to Dr. P.K. Mishra through Shri O.P. Mathur. Shri Mathur has stated that no such call details were handed over by him to Dr. P.K. Mishra in his office and that Shri Mishra never visited the office of State IB as stated in the said entry. All these factors of antedating, affixing "secret" and

"round office" stamps and the entry dated 12-06-2002, would create a strong suspicion about the genuineness of the entries made by Shri R.B. Sreekumar in the said register.

Shri P.K. Mishra, Principal Secretary to CM has stated before the SIT that he was not aware about the maintenance of a diary/register by Shri R.B. Sreekumar, in which he has claimed to have recorded many things. He has further stated that the so called diary/register maintained by Shri R.B. Sreekumar had no basis. He does not recollect as to whether he asked him to collect the mobile phone records of mobile no. 9824030629 belonging to Late Haren Pandya and that no phone call details were made available to him by either Shri Sreekumar or Shri O.P. Mathur. He has also stated that the diary/register claimed to have been maintained by Shri R.B. Sreekumar had no authenticity and was circulated for the first time after Shri Sreekumar was denied promotion. He has also stated that he would not like to comment further on the diary/register which had no basis or authenticity.

Shri G.Subba Rao, the then Chief Secretary, when confronted with the entries made by Shri R.B. Sreekumar in his diary/register, stated before the SIT that the so called diary/register was an unauthorized, illegal document without any validity under the law, as the same was not authorized under Govt. orders, not in the prescribed format and had not been submitted periodically to the superior officer for his perusal and comments. He has further stated that the so called diary/register consists of baseless, false and malicious statements, which are not only untrue, but also absurd and unethical. He has also stated that the publication of these details, which are untrue and purportedly made many years before and which attributes statement to the people, who had neither access nor any inkling of the so called diary is unwarranted, unethical, unfair and motivated.

Shri Ashok Narayan, the then ACS (Home) has stated before the SIT that the register had been maintained by Shri R.B. Sreekumar in his personal capacity and can not form the official record as the same had never been submitted to any of the senior officers. He has also stated that the said register can not be taken as an authentic document, because the entries had been made by him of his own will and at his convenience. He has claimed loss of memory about the certain entries made by Shri Sreekumar in said register and further denied certain entries.

Shri K. Chakravarthi, the then DGP stated before the SIT that Shri R.B. Sreekumar holding the rank of Addl. DG (Int.) was not required to maintain any such register in the normal course of duty and that he had neither taken his or

Home Department's prior approval to maintain any such register in the normal course of his duties to record verbal instructions from higher officers i.e. DGP and above. He has further stated that this register had never been put up to him or ACS (Home) or even the Govt. during the relevant period for information. Shri K. Chakravarthi has also stated that Shri R.B. Sreekumar was free to make entries as per his whims and fancies and bias. According to Shri K. Chakravarthi, he does not want to comment upon the entries made by Shri R.B. Sreekumar in a register which had been maintained in an unauthorized manner without their knowledge and the contents thereof are also questionable.

Shri Narendra Modi, Chief Minister, in his statement before the SIT, denied knowledge about such a personal diary/register maintained by Shri R.B. Sreekumar. He further stated that he came to know about this diary from media reports after a long time. He also stated that since this diary was not a Govt. record, he did not want to comment upon the authenticity or otherwise of the same.

Enquiries have established that Shri R.B. Sreekumar got the number of pages in a register certified from Shri O.P. Mathur, the then IGP (Admn. & Security) on 18-4-2002. However, his version that he discussed the matter with Shri O.P. Mathur and also apprised him about the purpose of opening the said register is denied by Shri Mathur, who has stated that Shri R.B. Sreekumar never told him about the subject and had also not mentioned the title on the said register. Shri Mathur also stated that the office stamp as well as "Secret" stamp had not been affixed on the pages of the said register at the time of certification of the pages by him. Obviously, these stamps were subsequently affixed by Shri R.B. Sreekumar without the knowledge of Shri Mathur. Further, the conduct of Shri R.B. Sreekumar, in antedating the said register by making the entries for 16-4-2002 & 17-4-2002, which were not available in the register at the time of certification by Shri Mathur create a serious doubt about the genuineness of the alleged entries made by him in the normal course. Also, the entry made by Shri R.B. Sreekumar at page-21 of the said register on 12-06-2002, states that the call details of the mobile phone no. 9824030629, were handed over to Shri P.K. Mishra through Shri Mathur in his office, whereas Shri Mathur has clarified that no such call details of the aforesaid mobile phone were handed over by him to Dr. P.K. Mishra in his office and that Principal Secretary to CM never visited the office of State IB as stated in the said entry made in the register. Shri S.M. Pathak, the then Dy. SP, State IB has confirmed to have conducted secret inquiry about one of the Ministers, who had met a forum of which Justice Krishna Iyer, a retired Judge of Supreme Court

and some others were the members, who had come to Ahmedabad to enquire into the riots in the State. Shri Pathak has also confirmed to have conducted secret inquiries, which revealed that Late Haren Pandya had met and deposed before them and that this fact was reported to Shri R.B. Sreekumar orally. However, Shri Pathak has stated that he does not recollect, as to whether he was asked to collect the mobile phone details of Late Haren Pandya or not, which again creates a doubt about the entry made by Shri R.B. Sreekumar in his register. Shri R.B. Sreekumar has stated that subsequently Late Haren Pandya had called him to his office and inquired as to whether he had given any report to CM regarding his deposition before a private inquiry commission, to which Shri Sreekumar confirmed that on an inquiry from CM's office through Dr. P.K. Mishra, he had not submitted any report in writing, but confirmed orally that Late Haren Pandya had deposed before the Commission. According to Shri Sreekumar, Late Haren Pandya had asked him whether he could confirm these facts to Shri Rajendrasinh Rana, the then State BJP President, to which he replied in the affirmative. Further, as per Shri Sreekumar, Late Haren Pandya had contacted Shri Rana over phone and that these facts were confirmed by him (Shri Sreekumar) to Shri Rana. Surprisingly, these facts were not mentioned by Shri R.B. Sreekumar in his register, and in my view, this is a very serious omission, which casts serious doubts about the genuineness of the entries made by Shri Sreekumar in the said register. None of the concerned persons, namely, Shri G. Subba Rao, Dr. P.K. Mishra, Shri Ashok Narayan, Shri K. Chakravarthi and Shri O.P. Mathur or even Shri Narendra Modi, Chief Minister have confirmed the genuineness of the entries made in the said register. No disclosure was made by Shri R.B. Sreekumar about the said register in his deposition before the Commission on 31-08-2004 or in any of the two affidavits filed by him on 15-07-2002 & 06-10-2004. It is rather amusing that this register saw the light of the day for the first time in the year 2005, when Shri R.B. Sreekumar filed a copy of the same along with his third affidavit filed before the Nanavati-Shah Commission of Inquiry on 09-04-2005. It may be mentioned here that this affidavit was filed by Shri R.B. Sreekumar after his super-session in promotion in February, 2005.

In view of the aforesaid discussions, the register maintained by Shri R.B. Sreekumar can not be considered to be a reliable document as the same appears motivated and no credence can be placed upon the same. Moreover, there is no corroboration to the oral version of Shri R.B. Sreekumar by any of the independent witnesses. The allegation is, therefore, not established.

➤ ALLEGATION NO. V :

Cabinet Ministers I. K. Jadeja and Ashok Bhatt were positioned in the DGP office and Ahmedabad City Control Room respectively by the CM.

During the course of enquiries into this allegation Shri R.B. Sreekumar has stated that either on 1st or 2nd March, 2002, Shri K. Chakravarthi, had criticised the Govt. about the positioning of Shri I.K. Jadeja in the DGP's office after the Godhra incident and was feeling depressed, as the presence of Minister in his chamber had adversely affected his supervision of the riot situation. He also stated to have personally seen Shri I.K. Jadeja, Cabinet Minister using the official telephone of the DGP in his chamber.

Shri Ashok Narayan, the then ACS (Home) has stated before the SIT that on 28-02-2002, two high level meetings were called by the Chief Minister, one in the early morning and other late in the evening, which were attended by him, acting Chief Secretary, DGP and ADGP (Int.). In the meeting held in the morning, the law & order situation was reviewed by the Chief Minister. According to Shri Ashok Narayan, he does not recall any instructions given by the Chief Minister to the DGP and CP, Ahmedabad that Shri Ashok Bhatt and Shri I.K. Jadeja would sit in the Ahmedabad City Police Control Room, Shahibaug and State Control Room, Gandhinagar respectively and assist/help the police in their operation. However, Shri K. Chakravarthi has stated that he was informed by Shri Ashok Narayan that it was decided by the Govt., that Shri I.K. Jadeja would sit in DGP's office on 28-02-2002 to get information about the Law & Order situation in the State, as the State Control Room was located in his office. Shri Ashok Narayan also informed him that Shri Ashok Bhatt would similarly sit in the Ahmedabad City Police Control Room situated in the office of the CP, Ahmedabad City. On this Shri K. Chakravarthi had told him that it would be better if the Ministers get the information through Control Room in the Home Department as he was bound to report all the information to the Home Department. Thereupon, Shri Ashok Narayan informed Shri Chakravarthi that no such facility was available in the Home Department and therefore the Ministers would visit their offices. Shri Chakravarthi has further stated that Shri I.K. Jadeja visited his office on 28-02-2002 (F.N.) and sat in his chamber for 15-20 minutes. According to Shri Chakravarthi, he could not have much conversation with him, as he remained extremely busy with the telephone calls being received by him from the various police officers. Shri Chakravarthi thereafter asked someone to shift the Minister to an empty chamber in his office and this was done. Shri Chakravarthi was not aware as to what Shri Jadeja did in that room as he himself remained awfully busy with the telephone messages and follow up actions with the prevailing bandh situation in the

State. Later, he came to know that Shri Jadeja had left his office. Enquiries conducted by Shri Chakravarthi with his Staff Officer and Officer of the State Control Room revealed that there was no interference from Shri Jadeja on the functioning of State Control Room on that day. Shri Chakravarthi has also stated that to the best of his knowledge Shri Jadeja did not visit his office subsequently. As regard the positioning of Shri Ashok Bhatt in Ahmedabad City Control Room, Shahibaug, Shri Chakravarthi denied personal knowledge and stated that CP, Ahmedabad City would be in a better position to clarify that matter.

Shri Sanjiv Bhatt, the then DC (Int.) has stated that he had attended a meeting at CM's residence on 28-02-2002 along with the DGP and ADGP (Int.). After the meeting, he returned to his chamber on the second floor of Police Bhavan at about 1100 hrs and shortly thereafter went to meet the DGP on the first floor of the same building. When he entered DGP's chamber he found that as instructed after the conclusion of the CM's meeting, two Cabinet Ministers of Gujarat, namely, Shri Ashok Bhatt and Shri I.K. Jadeja had already arrived and were sitting on a sofa-set in DGP's chamber. He further stated that Shri G.C. Raiger, the then Addl. DG (Int.) and Shri Maniram, the then ADG (Law & Order) were also present there. Shri Sanjiv Bhatt briefed the DGP and after taking tea, he returned to his chamber. Shortly thereafter, Shri Sanjiv Bhatt happened to go to State Control Room on first floor to collect some documents and saw Shri I.K. Jadeja and his supporting staff sitting in the chamber of Dy. SP, Control Room. Finding this a little odd, Shri Sanjiv Bhatt went to DGP and informed him that it would be improper to permit outsiders in the State Control Room and asked him whether the Minister and his supporting staff could be shifted from the State Control Room. DGP agreed with his decision and thereafter, Shri Sanjiv Bhatt again went to Control Room and requested Shri I.K. Jadeja to accompany him as his presence in the Control Room would hamper the smooth functioning of the State Control Room during such a critical period, whereupon the latter got up and followed him. According to Shri Sanjiv Bhatt, he took Shri Jadeja, Minister to an empty chamber of Shri P.C. Thakur, the then IGP and requested him to make himself comfortable and contact them for any assistance/requirement. Shri Chakravarthi was informed about it. Shri Sanjiv Bhatt has also stated that subsequently he learnt that Shri Jadeja left the Police Bhavan sometime in the afternoon, after having lunch. Shri Sanjiv Bhatt was not aware about presence of Shri Jadeja in the Police Bhavan on the subsequent days, but he recollects that some of the supporting staff of Shri Jadeja was seeking certain information from the State IB on that day and on subsequent two or three days.

Shri I.K. Jadeja, the then Minister of Urban Housing, Roads & Building and Capital projects has stated before the SIT that on 28-02-2002, Shri Gordhan Zadafia, the then MoS (Home) had requested him to remain present in the DGP's office in Police Bhavan, Gandhinagar to see that in case any information is received in the Control Room about any rioting incident or request is received for extra police force or any other issue of importance then the same should be passed on to the DGP, Home Minister etc. In view of this request, Shri Jadeja remained present in the office of DGP Shri K. Chakravarthi for 3-4 hours for next 3/4 days. However, he does not recollect as to what work was done by him, but in case some information was received about some incident from the party workers/common man, the same was passed on to the DGP for necessary action. He has denied to have contacted/instructed any of the police officers over telephone installed in the office of the DGP to take action in a particular manner. He has categorically stated that he did not interfere with the work of the DGP or disturb the police officers in the discharge of their official duties. He does not remember to have used the telephone installed in DGP's office and has stated that the DGP did not object to his presence in his office.

Shri P.C. Pande, the then CP, Ahmedabad City has stated before the SIT that it was incorrect to say that Shri Ashok Bhatt, the then Health Minister was stationed at Shahibaug Control Room on 28-02-2002 to guide the police force in controlling the Law & Order situation. He has further stated that Shri George Fernandes, the then Union Defence Minister arrived at Ahmedabad on 01-03-2002 and directly drove to CP office from the airport to find out as to whether Army had been deployed in the State or not. Shri Fernandes reached CP's office around 1000 or 1030 hrs and asked Shri Pande about the deployment of Army, to which latter said that they could check up from the Control Room. Both of them went to the Control Room downstairs. According to Shri Pande, Shri Ashok Bhatt, who had been waiting for Shri Fernandes in the Circuit House, also came to CP's office to meet Shri Fernandes and entered the Control Room. Shri Pande has also stated that Shri Fernandes and Shri Ashok Bhatt remained in the Control Room for about ten minutes and then left CP's office. According to Shri Pande, during this visit to the Control Room, some of the press and media persons were also present and as such it was somehow made to appear that Shri Ashok Bhatt had come to monitor the Control Room. Finally, Shri Pande has stated that Shri Ashok Bhatt was never deputed to Shahibaug Police Control Room to guide or advise the police.

Shri Ashok Bhatt stated before the SIT that he might have visited Ahmedabad City Control Room for about 5-10 minutes on 28-02-2002.

However, he has denied to have interfered with the police work, as being a senior minister he had to maintain his dignity and status. Again on 01-03-2002, he admitted to have visited the Shahibaug Control Room for about 10 minutes to meet Shri George Fernandes, who had gone to CP's office.

It may thus be seen that Shri K. Chakravarthi has categorically stated that Shri Ashok Narayan had conveyed to him that it was the Government's decision to place the aforesaid two Ministers in the Control Rooms. Some of the witnesses have partially denied, while others have confirmed the presence of Shri I.K. Jadeja and Shri Ashok Bhatt in the State Control Room and Shahibaug Control Room respectively. However, almost all the police officers have stated that they did not interfere with the working of the police in the Control Room. This was a very controversial decision taken by the Govt. to place two of its Ministers in the State Police Control Room as well Ahmedabad City Police Control Room. Though evidence is available to establish that both the Ministers visited the respective Control Rooms, yet there is no evidence to establish that they passed on instructions to the police officers to deal with the riots in a particular manner. In view of this, the allegation is only partially proved.

> ALLEGATION NO. VI :

Officers from field executive posts were transferred (by the CM), in the thick of riots in 2002, despite DGP's objection so as to facilitate placement of those who were willing to subvert the system for political and electoral benefits as narrated in Para 67 of the complaint dated 08.06.2006, wherein instances of punishment, ill-treatment etc. are listed in respect of the following officers : (1) Shri Rahul Sharma, IPS, (2) Shri Vivek Shrivastava, IPS, (3) Shri Himanshu Bhatt, IPS, (4) Shri M. D. Antani, IPS, (4) Shri R. B. Sreekumar, IPS and (6) Shri Satishchandra Verma, IPS.

This allegation relates to instances relating to punishment, ill-treatment etc. to the various police officers, who were transferred from the field executive posts in the thick of riots in 2002 so as to facilitate the placement of those, who were willing to subvert the system for political and electoral benefits.

Shri Rahul Sharma, who had been posted as SP, Bhavnagar on 16-02-2002, has stated before the SIT that on 27-02-2002, he was on leave and after having come to know about the Godhra train carnage, rushed to Bhavnagar and reached there in the evening of 27-02-2002. He has further stated that on 01-03-2002, permission was granted to Sadhu-Samaj by District Administration to take out a procession and after the rally started at 1710 hrs, the riot broke

out in Bhavnagar City and the mob had started gathering at different places in Bhavnagar City. Further, one Kishor Bhatt, President of Shiv-Sena, Bhavnagar Branch was arrested by the police and thereafter, some reports of stone pelting, arson and rioting had come in and curfew was imposed by the District Collector at his request. He has also stated that Bhavnagar police had succeeded in controlling the communal riots by the evening of 02-03-2002. Shri Rahul Sharma has stated that Shri Gordhan Zadafia spoke to him over phone on 16-03-2002 and informed him that he had done a good job in controlling the communal riots, but the ratio of deaths, as a result of police firing in the riots was not proper, i.e., more number of deaths of Hindus than Muslims. Shri Rahul Sharma has also stated that on 23-03-2002, a mosque was attacked by a riotous mob following which 21 persons were arrested and that he was pressurised by the local leaders to release them, to which he did not agree. As a result, of he had difference of opinion with the Collector, IGP, Junagadh Range and DGP. Shri Rahul Sharma was transferred as DCP, Control Room, Ahmedabad City and he was relieved from the charge of post of SP, Bhavnagar from 26-03-2002. However, Shri Rahul Sharma has stated that he would not be able to comment on the circumstances that led to his transfer from Bhavnagar to Ahmedabad City as transfer/posting is the prerogative of the Govt.

Shri Vivek Srivastava has stated before the SIT that he remained posted as SP, Kutch during January, 2001 to March, 2002. He has further stated that as a mark of protest against the Godhra carnage, VHP had given a call for Gujarat Bandh and had taken out a rally in Bhuj town on 28-02-2002, for which adequate arrangements had been made, as a result of which there was no untoward incident in the entire District and no killings were reported from any where in the District. According to Shri Vivek Srivastava a few days after the Godhra incident, a Muslim family had been assaulted with sharp edged weapons at a durgah out side Nakhatrana town by some unknown miscreants, causing injury to two persons. Further, according to Shri Vivek Srivastava, a case u/s 307 IPC was registered and one Home-Guard Commandant with BJP leanings of Kutch District had been arrested and charge sheeted on completion of investigation. Shri Vivek Srivastava has also stated that he got a few phone calls from the office of Home Minister and Chief Minister asking him about the details of the case and also as to whether there was adequate evidence against all the accused to which he confirmed that sufficient evidence was available against all the accused persons for effecting their arrest. Shri Vivek Srivastava was transferred in the last week of March, 2002 and posted as Deputy Commissioner, Prohibition & Excise, Ahmedabad Zone. However, Shri

Vivek Srivastava was unwilling to comment upon the reasons, as according to him, as transfers were the prerogative of the Govt.

Shri Himansu Bhatt, an IPS officer, who has been cited as a victim in the complaint made by Smt. Jakia Nasim is not available in India and is reportedly abroad on unauthorized leave and therefore could not be examined.

Shri M.D. Antani, who remained posted as SP, Bharuch during 10-08-2000 to 26-03-2002, has stated before the SIT that keeping in view that Bharuch was a communally sensitive District with 27% Muslim population, adequate police arrangements were made pursuant to the Godhra carnage incident. According to Shri Antani, from 28-02-2002 onwards, incidents were reported only in respect of Bharuch town, Ankleshwar and Raj-Pardi areas, whereas Patej, Amod, Kavi, Vedach, Nabipur, Hansot and Bharuch Talukas were almost eventless. In all two Muslims had died during the riots, whereas three Muslims were killed in police firing on 19-03-2002. He was transferred on 26-03-2002, as SP, Namada (Raj-Pipla) and was relieved on the same day. However, Shri Antani has stated that he can not comment on the allegation that he had been transferred from Bharuch for taking action against the BJP supporters.

Shri Satish Chandra Verma was posted as DIG, Border Range with headquarters at Kutch-Bhuj during the period 2003-2005, which has three Districts including Patan. At that time one Shri Shankar Chaudhary was the sitting MLA of BJP from Radhanpur Assembly constituency. Shri Verma has stated before the SIT that a criminal case had been registered in Radhanpur P.S. in the context of rioting between Hindu and Muslim crowds after the Godhra carnage on 27-02-2002, in which two Muslims had reportedly died due to police firing. However, it was brought to his notice that the death of these two Muslims by police firing was not substantiated by available evidence and instead evidence was available against private individuals including Shri Shankar Chaudhary, MLA for committing acts, which led to the death of these persons. Shri S.C. Verma has further stated that he had issued a formal order for the arrest of Shri Shankar Chaudhary, MLA for murder and attempt to murder. Shri Verma has also stated that sometime later, he was transferred as Principal State Reserve Police Training Centre, Chawky, Junagadh. However, Shri Verma has stated that he can not say that this transfer was a consequence of this aforesaid order. He has also stated that he can not call the post of Principal of a training institution unimportant. Shri Verma has further clarified that the scrutiny of the evidence by him in the aforesaid criminal case was not a part of scrutiny of 2000 odd cases entrusted to the DGP by the Hon'ble Supreme Court of India. Shri Verma has further stated that it was not

true that the post of Principal, SRPTC had been upgraded from SP to DIG to post him there and that this post had been en-cadred before his posting there as a DIG level post.

Although, the aforesaid witnesses have stated that they can not comment on their transfers, yet the same appear to be of unusual and fishy.

Shri R.B. Sreekumar has stated before the SIT that he remained posted as Addl.DG (Int.) during 09-04-2002 to 18-09-2002. He has further stated that during this period, he had sent reports against Sangh-Pariwar supporters, about the prejudice of the Govt. officials against the Muslims and the general subversion of the Criminal Justice System to the Govt. and DGP. He has further stated that in his first affidavit filed before Nanavati-Shah Commission of Inquiry, he had pointed out that the State IB had informed the State Govt. about the likely repercussions of Godhra incident and measures to be initiated by the field officers, but on account of pressure from the ruling party and some higher officers, no steps were taken to control the emerging communal situation as detailed in Gujarat Police Manual and that this paved the way for the violence from the Hindu mob against the Muslims. He had also stated in his affidavit that the imposition of curfew was delayed on 28-02-2002, till 1300 & 1400 hrs in Ahmedabad City to facilitate the parading of dead bodies of Godhra victims. Shri R.B. Sreekumar had also submitted his second affidavit on 06-10-2004, covering the additional terms of Nanavati-Shah Commission, in which he had pointed out the subversion of criminal justice system against the Muslims and specific suggestions to remedy the situation, but the Govt. did not take follow up action on the suggestions made by him in his assessment reports dated 24-04-2002, 15-06-2002, 20-08-2002 & 28-08-2002. Shri R.B. Sreekumar has further stated that he had filed a third affidavit on 09-04-2005, presenting the data on his harassment and victimization on account of his non compliance of intimidatory briefing by State Home Department official, who had asked him to look after the political interests of the Govt. In his deposition before the Commission on 31-08-2004, Shri R.B. Sreekumar had also stated that after a charge sheet was served upon him on 06-09-2005, questioning his revelations before the Nanavati Commission, he filed a fourth affidavit before the Nanavati Commission on 27-10-2005. Shri R.B. Sreekumar had further contended that he was superseded in promotion because of the aforesaid acts and thus victimized by the Govt. He has also stated that he had been exonerated of all nine charges served upon him by the Central Administrative Tribunal, Ahmedabad on 28-09-2007 and that the State Govt. sought a stay on the operation of the CAT's order from Gujarat High Court, which was rejected and that the Hon'ble High Court had ordered for the expeditious release of

regular pension to him and also grant of promotion from the date of his supersession i.e. 23-02-2005. The State Govt. had complied with the High Court directive and issued orders on 02-05-2005.

The statements of Shri Rahul Sharma, the then SP, Bhavnagar, Shri Vivek Srivastava, the then SP, Kutch, Shri M.D. Antani, the then SP, Bharuch and Shri S.C. Verma, the then DIG, Border Range, Kutchch-Bhuj before the SIT would go to show that though their transfers were immediately after certain events in their jurisdiction, yet according to them postings/transfers being the prerogative of the Govt., the same can not be linked to certain events that took place immediately before their transfers. Shri S.C. Verma has pointed out that the post of Principal of a training institution could not be said to be unimportant. He has further clarified that the scrutiny of the allegation in a murder case of two Muslims was not a part of scrutiny of 2000 odd cases entrusted to the DGP by the Hon'ble Supreme Court of India. Shri Verma has also clarified that the post of Principal, SRPTC had been upgraded before his posting there.

The testimony of Shri R.B. Sreekumar is motivated inasmuch as he had started collecting data/evidence during posting as Addl. DG (Int.). Even subsequently, he clandestinely recorded his conversation with Shri G.C. Murmu, Home Secretary and Shri Arvind Pandya, Govt. Advocate before the Commission with a view to level the allegation of pressure tactics against him. He had also recorded his conversation with Shri Dinesh Kapadia, an under Secretary, Budget and Co-ordination in the Home Department to be utilized subsequently as evidence against the Govt. Surprisingly, he kept all these things a well guarded secret till he was superseded in promotion in February, 2005 and made it public in his third affidavit filed before the Commission on 09-04-2005. All these actions on the part of Shri R.B. Sreekumar therefore, appear to be motivated. In view of this, the credibility of his oral testimony has also been considerably reduced because the same stands uncorroborated. On account of the aforesaid factors, this allegation, therefore, not established.

➤ **ALLEGATION NO. VII :**

Senior officials were rewarded with undue benefits, even while their conduct was under the scrutiny of Nanavati Commission, as narrated in Para 68 of the complaint dated 08.06.2006, wherein "Rewards" for collaborating with the illegal plans of CM/BJP during 2002 riots and afterwards are listed in respect of the following officers : (1) Shri G. Subba Rao, IAS, the then Chief Secretary, (2) Shri Ashok Narayan, IAS, the then ACS (Home), (3) Dr. P. K. Mishra, IAS, the then PS to CM, (4) Shri A. K. Bhargava, IPS, (5) Shri P. C. Pandey, IPS (6) Shri Kuldeep Sharma,

IPS, (7) Shri M. K. Tandon, IPS, (8) Shri Deepak Swaroop, IPS, (9) Shri K. Nityanandam, IPS, (9) Shri Rakesh Asthana, IPS, (10) Shri A. K. Sharma, IPS, (11) Shri Shivanand Jha, IPS, (12) Shri S. K. Sinha, IPS, (13) Shri D. G. Vanzara, IPS.

Enquires conducted by the SIT revealed that Shri G. Subba Rao an IAS officer of 1965 batch, Gujarat cadre remained posted as Chief Secretary, Govt. of Gujarat from 2001 onwards and was due to retire on 31st January, 2003. However, he was granted extension for period of three months till April, 2003. After retirement, he was appointed as Chairman, Gujarat Electricity Regulatory Commission in May, 2003 and retired with effect from January, 2008 i.e. on attaining 65 years of age. It is incorrect to say that he had been appointed as Chairman of GERC for a period of six years.

As regards the entries dated 17-04-2002, 22-04-2002, 01-05-2002, 28-06-2002, 09-08-2002 and 19-09-2002 made by Shri R.B. Sreekumar in his so-called diary/register maintained by him. Shri G. Subba Rao has stated before the SIT that so-called diary/register was an unauthorised illegal document without any validity under the law and the same consists of baseless false and malicious statements. He has further stated that the details of these entries are not only untrue, but also baseless, absurd, unethical and publication of the said details, which are untrue and purportedly made before many years and which attributed statements to the people, who had no access to nor any ink-link clue of the so-called diary is unwarranted, unethical, unfair and motivated. According to Shri Subba Rao, Shri R.B. Sreekumar had filed four affidavits before Nanavati Commission of Inquiry on 06-07-2002, 06-10-2004, 09-04-2005 & 27-10-2005, but the details of this diary were filed along with the third affidavit, which itself shows that the diary was fabricated and an afterthought. Shri G. Subba Rao has added that it was significant that Sreekumar's promotion was withheld sometime in early 2005 and he was apparently trying to hit back at those in the State Govt. Finally, Shri Subba Rao has stated that this is a personal register of Shri Sreekumar and he was free to write anything he liked without the knowledge of the concerned persons and as such no reliance should be placed upon the same. Shri Subba Rao has denied the contents of the entries dated 17-04-2002, 22-04-2002, 28-06-2002, 09-07-2002, 15-09-2002 and 19-09-2002 made by Shri R.B. Sreekumar in his diary/register.

Enquiries further revealed that the Chairman/Members of Electricity Regulatory Commission are appointed by a Selection Committee comprising three members, namely, a Judge of the High Court designated by the Chief Justice (ex-officio Chairperson), Chief Secretary to the Govt. of Gujarat and the

Chairman of the Authority or Member thereof nominated by the Chairman ex-officio. The selection committee, after satisfying itself that the person being recommended possess the qualification mentioned in the Act, shall recommend within two months from the date on which the reference is received by it, a panel of names of two persons for each vacancies in the office of the Chairman or a Member. On receipt of the panel, the State Govt. shall within 15 days from the date of recommendation by the selection committee appoint one of the two persons recommended by the selection Committee for the vacancy. The term of office of member shall be for a period of five years from the date of his appointment or the day on which he attains the age of 65 years. However, no person shall be appointed as a Member of the Commission after he has attained the age of 62 years. It may thus be seen that there is a proper procedure laid down for the selection of Chairman/Member of GERC and that the same is not within the discretion of the State Government.

Enquiries revealed that there are several posts in the Govt. institutions, in which there is a provision for the employment of the retired officers. Some of these institutions are Gujarat Electricity Regulatory Commission, State Election Commission, State Service Tribunal, Gujarat Public Service Commission, RTI Commission, State Vigilance Commission, Sales Tax Tribunal, Departmental Inquiry Officer etc. There are many more departments, in which only retired persons are appointed. As far as the statutory bodies under the statues are concerned, there is a prescribed procedure provided in the corresponding Act for the appointment of the Chairman.

Shri G.Subba Rao retired as a Chief Secretary to the Govt. of Gujarat and had fulfilled the minimum qualifications for appointment as Chairman/Member of the GERC. He was appointed through a properly laid down procedure. Shri G.Subba Rao has denied to have put pressure on Govt. officials to support any illegal policy of the Modi Govt. Further, he has denied to have instructed Shri R.B. Sreekumar to eliminate the minorities. This is one person's word against another's and there are no grounds to disbelieve Shri G.Subba Rao. The authenticity of the entries made by Shri R.B. Sreekumar in a register maintained by him has not been established, as there is no independent corroboration of the same. Also, the manner in which such a register was being maintained outside to the existing rules makes it unnatural and suspicious. The register, therefore, can not be relied upon as a documentary evidence to support the version of Shri R.B. Sreekumar. In view of this the allegation that Shri Subba Rao coerced officials to support the illegal policies of the Modi Govt. and even instructed Shri R.B. Sreekumar to eliminate the minorities is not established. There are no grounds to disbelieve Shri

G.Subba Rao. The authenticities of the entries made by Shri R.B. Sreekumar in a register maintained by him has not been established, as there is no independent corroboration of the same. Also the manner in which such a register was being maintained made it unnatural and suspicious. The register, therefore, can not be relied upon as a documentary evidence to support the version of Shri R.B. Sreekumar.

Shri Ashok Narayan, the then ACS (Home) took over on 01-01-2002, and continued to function as Chief Secretary to the Govt. of Gujarat till 23-05-2003 and, thereafter, appointed as State Vigilance Commissioner. He attained the age of 60 years as on 31-07-2004, but as a State Vigilance Commissioner, he was granted an extension of two years till 30-06-2006. Subsequently, he was granted four extensions of six months each till 31-12-2008 or further orders. However, before his extension could be completed, Shri Ashok Narayan retired on 01-10-2008 after a suitable incumbent had been appointed. It has been alleged that he had supported the Modi Govt. to carry out its anti-minority policies. It is not understood that in what manner he supported the anti-minority policies. As regards the entries made by Shri R.B. Sreekumar, Shri Ashok Narayan has stated that the register had been maintained by Shri Sreekumar in his personal capacity and can not form the official record as the same had never been submitted to any of the senior officers for their perusal/information. He has further stated that the said register can not be taken as an authentic document, because the entries were made by him of his own will and at his convenience. Regarding the various entries Shri Ashok Narayan has stated that he does not recollect the various meetings pointed out by Shri R.B. Sreekumar. As regards the entry dated 08-08-2002 made by Shri Sreekumar, Shri Ashok Narayan has stated that he does not remember having informed the former to remain present in the Election Commission meeting to be held on 09-08-2002. However, he has denied to have given any instructions to Shri Sreekumar for not making any comments or any presentation, which would go against the formal presentation prepared by Shri K. Nityanandam. He has stated that the contents of the entry dated 09-08-2002 made by Shri Sreekumar in his register about the Election Commission meeting are broadly true, but he could not comment upon the aspects of shouting by the Chief Secretary at him. In view of the aforesaid position, the contents and the views expressed by Shri R.B. Sreekumar in his register can not be accepted as reliable evidence. Another allegation by Shri Sreekumar that Shri Ashok Narayan was selected and posted in the sensitive post of State Vigilance Commissioner at the time, when his conduct and performance of duty was under scrutiny by the Nanavati-Shah Commission, it has come to light that Shri Ashok Narayan was the senior most as on 23-05-2003 and was the only

Additional Chief Secretary in rank and as per rules eligible for promotion to the rank of Chief Secretary. However, the Govt. chose to promote one Shri P.K. Lahiri of 1969 batch IAS as Chief Secretary. It may be mentioned here that two other officers of 1968 batch namely Shri Sunil Sood and Shri C.K. Koshy were senior to him, but none of these three officers were holding the rank of Addl. Chief Secretary and thus, not eligible to be promoted as Chief Secretary. All these three officers were together promoted as Addl. Chief Secretary. Shri Sunil Sood was promoted and posted out as Chairman, Agro Industries Corporation and Shri C.K. Koshy was posted as Chairman, Gujarat State Power Corporation. Shri Ashok Narayan wanted to be posted out of the State Govt. and as such he was appointed as State Vigilance Commissioner, a post normally held by a person of the rank of retired Chief Secretary, as the conduct of the officers of the rank of the serving Chief Secretary also came under his purview. It may thus be seen that Shri Ashok Narayan was posted as State Vigilance Commissioner, as this was the only post equivalent to the rank of Chief Secretary, outside the Govt., where he could be posted, as he did not want to work under his junior Shri P.K. Lahiri, who had been appointed as Chief Secretary. As regards the allegation that he favoured Shri Narendra Modi, Chief Minister by not stating anything adverse in his affidavit to the Commission and during his cross examination in August, 2004, there is nothing on record to show that he omitted to mention certain things in his affidavit. As regards the cross examination the replies of the witness are restricted to the questions put to him by the counsel and it has not been observed by the Commission that he had evaded any of the issues or gave evasive replies. Coming to the allegation of not filing the second affidavit covering second terms of reference of the Commission, it may be mentioned that the second affidavit was to be filed only if one had knowledge about the involvement of the politician or the Chief Minister. In any case, if one is indicted by the Commission in any of the matter, suitable action as per law can be taken against him. In view of the aforesaid facts, the allegation that the senior officers were rewarded with undue benefits even while their conduct was under the scrutiny of Nanavati-Shah Commission of Inquiry does not stand against Shri Ashok Narayan.

As regards the allegation against Dr. P.K. Mishra, the then Principal Secretary to CM that he was given foreign trips by the Govt. as CEO, Gujarat State Disaster Management Authority as a favour for the services for remaining a total collaborator of the CM in his alleged minority drive, Dr. P.K. Mishra has stated before the SIT that the same was totally absurd and ridiculous. He has further stated that undoubtedly he made some visits abroad and most of the visits were as a part of Govt. of India delegation. Further, one of the visits was

to receive United Nations Award because of the reconstruction work of GSDMA, which was rated outstanding by the United Nations International Strategy for Disaster Reduction. He has also stated that all these foreign visits were on disaster management work, which had been widely acclaimed nationally and internationally. Dr. Mishra was also posted as Secretary, National Disaster Management Authority in order to set up the institution. While he was on Central deputation to Delhi, he had been invited to several international conferences because of the successful work of earth-quake, reconstruction and his expertise on the subject. Dr. Mishra has also written a book on the experiences of Gujarat Earth Quake Reconstruction, which was released in 2005, by the then Union Home Minister, who recommended it to be circulated to all Districts of the country. Dr. Mishra has also stated that he had been invited to the international conferences on Agricultural Insurance, in which he has done his Ph.D. and had also written two books. Even at present, he has been receiving invitations to participate in international consultations and workshops. In view of these facts, the allegation appears to be absurd.

As regards the entries made by Shri R.B. Sreekumar in his diary/register, Dr. P.K. Mishra has stated that he never held any formal/informal meeting with Shri R.B. Sreekumar. However, the latter came to GSDMA to present a paper prepared by him about the role of police in Natural Disaster Management. He has further stated that the entries made by Shri R.B. Sreekumar in the so-called diary/register maintained by him, had no basis. As regards the enquires about Late Haren Pandya and his mobile phone record, he does not have any recollection, but he has categorically stated that no phone call details were made available to him either by Shri R.B. Sreekumar or Shri O.P. Mathur. According to Dr. P.K. Mishra, Shri R.B. Sreekumar had claimed to have maintained the said diary/register on his own, which has no authenticity and seems to have been circulated for the first time after the latter, was denied promotion and therefore, he would not like to comment any further on the diary/register, which has no basis or authenticity. In view of the aforesaid explanation given by Dr. P.K. Mishra and discussion of facts, the allegations are not established against him.

Shri A.K. Bhargava, formerly DGP Gujarat was posted as ADG (Admn.) at the time of riots. Subsequently, he was transferred as Addl. DG (Crime & Railways), Gujarat and during this period, he had an occasion to supervise the investigation of Godhra carnage case, which was earlier being supervised by his predecessor. The Godhra carnage case was partially charge sheeted during his tenure of about one year. The first allegation is that he was allowed to hold the additional charge of MD, Housing Corporation with a budget of Rs.

200 crores per year. This is factually incorrect, as Shri Bhargava held the additional charge of DGP and the main charge of MD, Police Housing Corporation. The budget allotted to Police Housing Corporation is a matter of record. As regards the allegation that he co-operated with the Govt. and looked after the political interests of the BJP in the matter of review of 2000 odd cases, harassed the officers and agreed with the illegal directives of the Govt., the same is vague and baseless. As regards the review of 2000 odd cases, Shri A.K. Bhargava has stated that he was directly responsible to the Hon'ble Supreme Court of India and had submitted quarterly progress reports to the Supreme Court, which were duly accepted and never adversely commented upon. According to Shri Bhargava this was a matter of record and could be verified. Other allegations relating to harassment of officers and agreeing to the illegal activities of the Govt. Shri Bhargava has denied, as the same are vague and no specific instance has been cited. The allegations are therefore, not proved against him.

Regarding the allegation against Shri P.C. Pande, the then CP, Ahmedabad City during the year 2002 that he had been inducted in the Central Govt. in the prestigious post of Addl. Director, CBI in March, 2004 by NDA Govt., Shri P.C. Pande has stated that it is preposterous to say that he was shown a favour as he had not asked for a Central Deputation and it was a Central Govt. decision to take him in the CBI, where appointment required merit, efficiency, integrity and previous experience of the CBI and no appointment is done without the approval of the CVC. According to Shri Pande, the panel invariably consists of empanelled officers duly cleared by a top level screening committee and he had previous experience of CBI from 1981 to 1986 having served as SP, CBI, Ahmedabad.

Shri Pande has further stated that in February, 2005, he was promoted to the rank of DGP and posted as Director, ACB, which he joined in April, 2005 only and along with him, Shri K.R. Kaushik, a two batches junior officer was also promoted. Shri Pande has further stated that in fact, he had already been empanelled to hold a DG level post in Govt. of India by an order issued in August, 2004 and the State Govt. had shown no favour by promoting him along with his junior. Shri Pande has further stated that Smt. Teesta Setalvad had filed a Writ Petition no. 147/2004 in the Hon'ble Supreme Court of India, in which the Supreme Court passed an order, which reads, "the learned Solicitor General states that it has been decided to laterally transfer Shri P.C. Pande from the post of Addl. Director, CBI to another assignment in MHA....". This submission was preceded by taking consent of the CVC for premature release from CBI as envisaged in the relevant Act. Shri Pande has stated that the

consent of the CVC was obtained after informing them that since, he was empanelled and due for promotion and there being no position in the CBI in that rank, he had to be shifted out of CBI. It may thus be seen that neither a favour had been shown to Shri Pande by induction in CBI nor was made to leave the CBI with a taint.

Shri Pande has clarified that he was appointed as Commissioner of Police, Ahmedabad City till 10th May, 2002 and that it was incorrect to say that 1000 people lost their lives in Ahmedabad City during the riots of 2002, whereas the actual number of deaths between 28-02-2002 to 30-04-2002 was 442, of whom 113 were Hindus and 329 Muslims. These figures included over 100 dead in police firing and over 33 in private firing. He has further stated that during this period 780 criminal cases were registered and 2862 persons arrested of whom 1755 were Hindus. According to Shri Pande, in police firing on 28-02-2002, 17 persons died of whom 11 persons were Hindus and all offences committed were duly and properly registered including by sending police officers to relief camps and therefore, no important crime remained unregistered. Over 2800 persons were arrested for various offences registered during the riots. As per Shri Pande, it was too premature for any prosecution to begin and therefore, there could be no question of favouring any party in the matter of criminal prosecution. Shri Pande had filed an affidavit before Nanavati-Shah Commission and also appeared before the Commission and subjected himself to cross examination. It is incorrect to say that he did not reveal basic facts about 2002 riots in his affidavit or cross examination. Shri Pande has stated that he had favoured Hindu communal elements in registration of cases, arrest, prosecution etc. and thus the Supreme Court ordered a review of 2000 odd riot cases is a preposterous and vague allegation and had been maliciously made against him. Further, as regards the review of 2000 odd cases ordered by the Supreme Court, it may be mentioned that a quarterly progress report was being submitted to the Hon'ble Supreme Court of India and also placed on the website created for the purpose and that the progress reports submitted to the Supreme Court had never been adversely commented upon and were accepted. The review of 2000 odd cases, by the Supreme Court included 349 cases pertaining to Ahmedabad City and after sustained investigation only 4/5 cases were charge sheeted in the Court. In view of the aforesaid position the connected allegations are not established.

As regards Shri Kuldeep Sharma, now Addl. DG, It may be mentioned here that though on one hand it has been alleged that he had been rewarded for facilitating riots in the rural areas of Ahmedabad Range as incharge IGP, yet on the other hand, it has been stated that in July, 2005, he was shifted to

the post of Addl. DG (Training) as he did not agree to book Mallika Sarabhai in a false case and also did not oblige to save Shri Prabhatsinh Chauhan, a Minister in Modi cabinet, who was involved in a case of criminal misappropriation. These averments are contradictory. Shri Kuldeep Sharma has stated before the SIT that these averments only go to prove the neutrality and impartiality of his action in the discharge of his duties and that he has nothing further to say in the matter. It may be mentioned here that in the book titled as Crime Against Humanity Volume-I (page 185) published by Concerned Citizens Tribunal- Gujarat 2002, it has been mentioned that one Shri S. Mansuri, a witness and others from Mehmabad had stated before the tribunal that tremendous pressure was put on the police and Revenue Department to let the mobs do their work unhampered, but he and others were full of praise for DIG (IGP Ahmedabad Rural Range) Shri Kuldeep Sharma, who resisted the pressure. In another, English monthly titled as "Communalism Combat" for March-April, 2002 of which Shri Javed Anand and Ms. Teesta Setalvad are the editors, it has been mentioned by Shafibhai Mansuri, Ex-President of the Municipal Corporation that the DIG of Memdabad Range Shri Kuldeep Sharma reached within an hour of the incident. This contradicts the allegation that Shri Kuldeep Sharma had been rewarded for facilitating the riots in the rural areas of Ahmedabad Range. As regards not filing an affidavit before Nanavati-Shah Commission of Inquiry Shri Kuldeep Sharma has explained that since, the SsP incharge of the Districts were to file affidavits in addition to the affidavits being filed by the police station incharge and the SDPO, it was not considered necessary to file an affidavit by the Range IGP. However, if Commission had considered it important as in the case of other officers, he could have been called upon to file an affidavit as well, but this was not done. In view of the aforesaid facts, the allegation levelled against Shri Kuldeep Sharma does not have any force.

Shri M.K. Tandon was Joint CP, Sector-II, Ahmedabad City during the riots, in whose jurisdiction the major incidents relating to Gulberg Society and Naroda Patiya took place in Ahmedabad City. During SIT enquiries, Shri M.K. Tandon stated that he reached Gulberg Society around 1130 hrs on 28-02-2002 and found small crowds pelting stone. He has claimed to have dispersed the mob with the help of his striking force and also ordered firing of teargas shells. The small crowd vanished into the street. He has claimed to have instructed Shri K.G. Erda, Sr. PI, Meghaninagar to pay main attention to it in view of the minority people living in the Gulberg Society. Simultaneously, he has stated to have given instructions to the Control Room to send some additional manpower to the Gulberg Society and proceeded to Naroda Patiya. He has stated to have reached Naroda Patiya within 4 to 5 kms from

Meghaninagar at about 1200 hrs after removing the obstacles and found huge a mob belonging to both communities assembled over there, who were armed with lathis and pipes. According to Shri Tandon, violence and arson had taken place and Masjid was also damaged. Keeping in mind the seriousness of the situation, he spoke to CP over mobile phone and got his approval for the instant imposition of the curfew and as such a curfew was imposed at 1220 hrs. However, Shri Tandon left Naroda Patiya around 1230 or 1235 hrs. Shri Tandon has further stated that during the day, while he was at Dariyapur (about 6 to 7 kms. from Meghaninagar), he came to know that the situation at Gulberg Society had worsened and informed the Control Room at 1405 hrs to send some man power to rescue Late Ahasan Jafri and others from the society to which he was informed that two Dy.SsP, one PI and a section of CISF had already been sent to Gulberg Society. He has also claimed to have directed PI Shri Patel of Sardamangar P.S. through Control Room to reach Gulberg Society. He has admitted to have received a message from K.G. Erda, Sr. PI, Meghaninagar P.S. at 1414 hrs that a mob of few thousand persons had surrounded the Gulberg Society and might set fire to it. He has claimed to have instructed PI Erda to resort to effective firing. Again at 1445 hrs another message had been received by him from PI Erda through Control Room that a mob of 10,000 persons had resorted to arson in Muslim area and was likely to set fire to the society and that the police personnel had also been surrounded by the mob. Shri Tandon has stated to have given instructions to Shri P.B. Gondia, DCP, Zone-IV to rush to the Gulberg Society. However, at about 1535 hrs, he came to know from a call on his mobile phone that the Gulberg Society had been set ablaze. Shri Tandon has claimed that at that time the situation in Dariyapur was also explosive inasmuch as one person had been killed in police firing, a Masjid heavily damaged and Quran-Sharif was lying on the road and police post Lunşawad set on fire. He has stated that due to confrontation between Hindus and Muslims at various places there was a huge loss of properties and a large number of rioters were injured. Shri Tandon reached Gulberg Society at about 1600 hrs only, when many houses had been set ablaze and many men, women and children were torched. Shri Tandon found that the mob had broken open the rear compound wall of the society at several places and was still pelting stones, throwing acid bulbs and burning rags to prevent the police from rescuing the inmates of the society. Shri Tandon ordered for firing by CISF personnel to disperse the mob, which resulted into casualties and also called for fire tenders, ambulances, hearse van and police buses, so that the survivors of the society could be shifted safely. Finally, 150 men, women and children including Smt. Jakia Nasim were safely shifted to Shahibaug P.S. Thereafter, he was informed that similar incident had taken

place at Naroda Paliya also and as such he proceeded to Naroda Paliya. He has further stated that at Naroda Paliya, he found dead bodies burning in a heap about half a kilometer inside near Hussain ni chali adjacent to ST workshop. Considering the seriousness of the situation Shri Tandon decided to shift the survivors to a safer place and had contacted one Shri Badruddin Shiekh, Chairman, Standing Committee, Ahmedabad Municipal Corporation for organising the same. Shri Badruddin Shiekh responded very well and accordingly, around 3000 Muslims were shifted to a relief camp and the operation continued through out the night.

During the course of enquiries copies of some of the wireless messages in Gujarati have been collected, got translated and the details of the same are given below:-

(1) Sr. PI K.G. Erda of Meghaninagar P.S. had sent a message to Ahmedabad City Police Control Room on 28-02-2002 at 1220 hrs to the effect that Gulberg Society in Meghaninagar area, which is a Muslim society, had been surrounded by a mob of 10,000, which pelted stones and also tried to set fire to shops nearby and rickshaws etc. Shri Erda requested for additional officers, police personnel and SRP immediately. The message was conveyed to mobile-I & II available with the other officers of Meghaninagar P.S at 1225 hrs.

(2) On receipt of the aforesaid message at 1225 hrs, Shri P.C. Pande, the then CP, Ahmedabad City immediately rushed three officers namely, Shri G.D. Solanki, Asst. Commandant, Group-vii, Shri Ajitkumar Gupta, Asst. Commandant, Group-xii and Shri A.B. Quresi, PI, CID Crime to Gulberg Society, Meghaninagar.

(3) Meghaninagar P.S. mobile-I patrol had sent another message to Ahmedabad City Police Control Room on 28-02-2002 at 1238 hrs to the effect that Gulberg Society had been cordoned and a mob of about 4000-5000 persons had gathered there. This message was conveyed by the Control Room to Meghaninagar mobile-I & II, Gallant (Shri M.T. Rana, ACP, 'G' division) and DCP, Zone-IV (Shri Pravin B. Gondia) at 1240 hrs on 28-02-2002.

(4) As per the orders of Shri P.C. Pande curfew was declared in the jurisdiction of Chamanpura Chawky, Meghaninagar P.S. and a section of CISF was immediately dispatched to Gulberg Society, Meghaninagar at 1345 hrs on 28-02-2002.

(5) Sr. PI K.G. Erda of Meghaninagar P.S. had sent another message to Ahmedabad City Police Control Room on 28-02-2002 at 1414 hrs to the effect that a mob of about 10,000 persons had gathered at Gulberg Society/Kalapinagar and they were about to set fire to the entire society and as

such ACP, DCP along with additional force be sent immediately. This message was conveyed by the Control Room to Meghaninagar mobile-II, Gallant (Shri M.T. Rana, ACP, G division), DCP, Zone-IV (Shri Pravin B. Gondia) and Tiger (Shri M.K. Tandon, Jt. CP, Sector-II) at 1405 hrs. (Should be 1415 hrs).

(6) Shri M.K. Tandon the then Jt. CP, Secor-II had sent a message to Ahmedabad City Police Control Room on 28-02-2002 at 1405 hrs to the effect that in Gulberg Society situated in Meghaninagar area, some persons and Late Ahesan Jafri, Ex-MP had been surrounded by a mob and that additional force be sent to shift them and that Sardarnagar P.S. mobile-I should be informed to reach there. This message was conveyed by the Control Room to Meghaninagar P.S. mobile-I, Tiger (Jt. CP, Sector-II) and Sardarnagar P.S. mobile-I.

(7) Sr. PI K.G. Erda of Meghaninagar P.S. had sent another message to Ahmedabad City Police Control Room on 28-02-2002 at 1445 hrs to the effect that in Gulberg Society in Meghaninagar area, the Muslims had been surrounded by a mob of 10,000 persons from all the sights and even the police force had also been surrounded and that the mob was about to set fire. He requested for additional SRP and police force to be sent as the situation was critical. This message was conveyed by the Control Room to Tiger (Shri M.K. Tandon, Jt. CP, Sector-II), DCP, Zone-IV (Shri Pravin B. Gondia) and ACP, 'F' division (Shri M.T. Rana, ACP, 'G' division held additional charge of ACP 'F' division, who was on leave.).

(8) Shri M.K. Tandon the then Jt. CP, Sector-II had sent another message to Ahmedabad City Police Control Room on 28-02-2002 at 1545 hrs asking as to whether there was any incident relating to loss of life at Gulberg Society, Meghaninagar and that a detailed report thereof be sent to him. This message was conveyed by the Control Room to Meghaninagar P.S. mobile-I at 1549 hrs.

(9) Shri M.K. Tandon had sent a message to Ahmedabad City Police Control Room on 28-02-2002 at 1634 hrs to the effect that two prisoner vans be sent to Gulberg Society, Meghaninagar area. This message was conveyed by the Control Room to MT at 1700 hrs.

(10) Shri M.K. Tandon had sent a message to Ahmedabad City Police Control Room on 28-02-2002 at 1700 hrs to the effect that four to five prisoner vans and ambulance/crematorium vans with escorts should be sent immediately to Gulberg Society. This message was conveyed by the Control Room to MT PI for prisoner vans and traffic-6 mobile and SRP PI for escorts with Gypsy and four SRP personnel.

Enquiries further revealed that Shri M.K. Tandon reached Gulberg Society only at about 1600 hrs. and Shri P.B. Gondia reached thereafter.

The call details records of mobile phone no. 9825048316 of Shri M.K. Tandon have been analysed and the same show that his location was at Gulberg Society nearer to Meghaninagar tower-3 at 11:34:39 hrs and remained there for about fifteen minutes till 11:58:38 hrs and subsequently went to Naroda Patiya. During this period, he talked to Shri P.C. Pande the then CP, Ahmedabad City, Shri P.B. Gondia, the then DCP, Zone-IV and Shri M.T. Rana, ACP, G division as well as Police Control Room. The location of his mobile phone shows that he had left for Naroda Patiya around 11:43:43 hrs and reached there at about 12:06:57 hrs and remained there till about 1225 hrs or so. During this period he spoke to Shri P.C. Pande, Shri R.J. Savani. He has obtained approval of Commissioner of Police Shri P.C. Pande to impose curfew in the jurisdiction of Naroda P.S. and thereafter, proceeded to Bapunagar.

It may thus be seen that situation was alarming at Gulberg Society as well as Naroda Patiya inasmuch as big crowd had assembled at both these locations and the immediate presence of Shri M.K. Tandon was required especially to enforce the curfew at Naroda Patiya. It would have been irresponsible on his part to move out of Naroda at that point of time. Further, Sr. PI Erda of Meghaninagar P.S. sent alarming messages at 1220 & 1238 hrs, which were duly received by him as acknowledged in his affidavit filed before Nanavati-Shah Commission of Inquiry, but no action was taken. It was only at 1405 hrs that he sent a message to the Control Room to send additional force for shifting of Late Ahesan Jafri, Ex-MP and others, who had been surrounded by a mob in the Gulberg Society. The next two messages sent by Sr. PI Erda at 1414 hrs & 1445 hrs were distress calls, which were duly received by Shri M.K. Tandon as acknowledged by him in his affidavit filed before the Nanavati-Shah Commission of Inquiry. However, Shri M.K. Tandon failed to respond to these distress calls made by Sr. PI Erda and did not bother to enquire about the latest position over there and also that whether the two Dy.SsP, one PI and one section of CISF sent by Shri P.C. Pande had reached there or not. It was highly irresponsible on his part to have inquired through a Control Room message sent at 1545 hrs enquiring as to whether, there was any incident relating to loss of life in Gulberg Society. Unfortunately, by that time Gulberg Society had been set ablaze and a number of lives including that of Late Ahesan Jafri, Ex-MP had been lost. Shri M.K. Tandon finally arrived at Gulberg Society at 1600 hrs only and arranged for the prisoner vans, ambulances and escorts for the safe shifting of 150 survivors of the Gulberg Society to

Shahibaug P.S. Shri Tandon has stated that while at Gulberg Society, he was informed that a similar incident had taken place at Naroda Patiya also and as such he proceeded to Naroda Patiya. Shri M.K. Tandon has taken the plea that situation at Dariyapur was very serious and that his presence was very much required there keeping in mind the history of Dariyapur and the expected casualties and extremely surcharged atmosphere. In view of this, he decided to remain at Dariyapur to control the situation. He has also stated that during that period the situation at Dariyapur was almost explosive inasmuch as one person had been killed in police firing, Masjid heavily damaged, Quran-Sharif, lying on the road and police post Lunsawad set on fire. According to Shri Tandon these incidents had taken place between 1215 hrs to 2100 hrs and that there was a huge loss of property and a large number of rioters had sustained injuries.

The plea/defence put forward by Shri M.K. Tandon is far from satisfactory. As per the call detail records of his mobile phone, his location remained in Bapunagar-Rakhial area between 1225 hrs to 1324 hrs. Further, he remained in Revdibazar, Relief road areas (Dariyapur P.S. & Kalupur P.S.) between 1351 hrs to 1542 hrs. His location was noticed at Megharinagar only at 1628 hrs. The FIRs of Cr. No. 23/02, 27/02, 28/02, 29/02 & 30/02 have been scrutinised. FIR no. 23/02 was registered on 28-02-2002 at 2130 hrs on the basis of complaint received from PSI in respect of the various incidents that had taken place between 1215 hrs to 2100 hrs. However, the FIRs of Cr. No. 27/02, 28/02, 29/02 & 30/02 pertain to incidents of 28-02-2002 of Dariyapur P.S. at different timings, but the FIRs were registered only on 15-03-2002, i.e. after a period of 15 days and as such the same had been manipulated by way of receiving complaints from three PSIs of Dariyapur P.S. with a view to match the timings of the incident of Gulberg Society on 28-02-2002 to enable Shri Tandon to explain his absence from Gulberg Society. The delay in the registration of these four cases needs explanation. After going through the FIRs, it is found that there is no mention about the presence of Jt. CP, Sector-II at the spot. It has further come to light that one person was hit in the police firing, but the mob carried him away and at the time of registration of FIR, his fate was not known. The explanation given by Shri M.K. Tandon for his absence from the Gulberg Society despite the distress messages received from PI Erda is totally unconvincing and will not cut any ground. Last but not the least Shri M.K. Tandon had received two calls on 01-03-2002 at 1137 hrs for 250 seconds and 1256 for 161 seconds from accused Jaydeep Patel and two calls on 01-03-2002 at 1458 hrs for 32 seconds and at 1904 hrs for 61 seconds from accused Smt. Mayaben Kodnani for which he has not been able to give any satisfactory reply.

Coming to the role played by Shri Pravin B. Gondia, the then DCP, Zone-IV under whose jurisdiction Meghaninagar and Naroda police stations were located, it is well established that he did not visit Gulberg Society before 1600 hrs. The call detail records of mobile phone no. 9825049197 allotted to Shri P.B. Gondia show that he reached Naroda Patiya at about 1100 hrs and remained there till about 1420 hrs and thereafter, went to Shahibaug area on receipt of an information that Hotel Moti-Manor owned by a Muslim and Rosary school both in Shahibaug area were being set on fire. He had reportedly gone to Prem-Darwaja near Dariyapur P.S., which had been set on fire. Shri Gondia has denied to have received any of the four messages sent by Shri K.G. Erda, whereas Shri M.K. Tandon and Shri P.C. Pande have categorically admitted to have received these messages. Shri M.K. Tandon in his affidavit before the Nanavati-Shah Commission of Inquiry had stated to have conveyed a message to Shri Gondia, either through control room or through mobile phone to rush to Gulberg Society. Shri Gondia has admitted to have received a telephone call on his mobile from Commissioner of Police, Shri P.C. Pande that the Muslims were being burnt in the Gulberg Society and that he should reach there immediately. Further, he denied having received any instructions from Shri M.K. Tandon to reach Gulberg Society as stated by the latter. Shri Gondia reached Gulberg Society only at about 1605 hrs. In my view, Shri Gondia virtually ran away from Naroda Patiya at 1420 hrs when the situation was very serious and virtually uncontrollable and also did not reach Gulberg society despite the distress calls made by Shri Erda, PI and instructions given by Shri M.K. Tandon and Shri P.C. Pande. Shri P.B. Gondia had also received three calls on his mobile phone from Dr. Mayaben Kodnani on 28-02-2002, 01-03-2002 & 02-03-2002 at 1039 hrs, 1339 hrs & 1249 hrs respectively. He had also received three calls on 28-02-2002 at 1140hrs, 1152 hrs & 1220 hrs, two calls on 01-03-2002 at 1004 hrs & 1135 hrs and two calls on 02-03-2002 at 1156 hrs & 1848 hrs from accused Jaydeep Patel, for which Shri Gondia has not been able to give any explanation.

In view of the aforesaid discussions, it is evident that PI Erda had sent messages to ACP, DCP and Joint CP at 1220 hrs, 1238 hrs, 1414 hrs & 1445 hrs on 28-02-2002 stating that a mob of about 10,000 persons had surrounded Gulberg Society and that it was about to set fire to the society. He also requested that ACP, DCP with additional SRP be sent to the spot immediately. Shri P.C. Pande had sent two Dy.SsP and one PI at 1225 hrs and a section of CISF at 1345 hrs on 28-02-2002, as per the entries available in Control Room records. However, the additional force could not reach in time, which resulted in a big carnage at Gulberg Society. It is evident that Shri M.K. Tandon and Shri P.B. Gondia did not visit Gulberg Society under various pretexts.

Moreover, both of them were in touch with the main accused persons, namely, Mayaben Kodnani and Jaydeep Patel. This is suspicious. Their role needs to be investigated by way of conducting further investigation in Gulberg Society case and Naroda Patiya case case u/s 173 (8) Cr.PC.

Shri Deepak Swaroop, remained posted as IGP, Vadodara Range during the period 2001 to April 2003. Vadodara Range consists of Vadodara Rural, Godhra, Dahod and Narmada Districts. Shri Deepak Swaroop has stated before the SIT that on the night intervening 2/3-03-2002 following large scale violence and arson, three convoys led by SP, Dahod, Dy.S.P. Limkheda and PI, LCB comprising of 6,5, and 2 vehicles respectively were formed and 2000 were shifted to Dungarwada in Banswada District of Rajasthan State. On the same night following large scale attack on Fatehpura P.S. in Dahod District, where 1500 Muslims had taken shelter during the last two days, they were shifted in a convoy led by Dy.S.P. Limkheda to Muslim dominated areas of Galiyakot and Salopad in Banswada District of Rajasthan. On the same night 20 Hindus were shifted from Randikpur in Dahod District to Limkheda. Shri Deepak Swaroop has further stated that his mobile no. 9825049187 had become very popular amongst the general public and he had received calls from Calcutta, Jaipur, Mumbai in addition to Dahod, Godhra, Devgadhi Baria, Chota Udaipur etc. which were responded promptly. Shri Deepak Swaroop has narrated an incident of prolonged police encounter with the tribals at Orson River Bridge, the only entry point to Bodeli town, in which two Hindu tribals were shot dead and Bodeli town could be saved. Shri Deepak Swaroop has denied any inaction or involvement of any policeman in the range during the riots in which 13 Hindus and 10 Muslims were killed in the effective police firing. Subsequently, he was transferred from Spl. IGP, Vadodara Range in April, 2003 and posted as IGP (Int.). Further, on his promotion, he remained posted as Addl. DG (Law & Order) till February, 2005, when he was posted as Commissioner of Police, Baroda City.

Shri K. Nityanandam had worked as Secretary in the Home Department during the year 2001 to 2005. It has been alleged that he was promoted and posted as Commissioner of Police, Rajkot City by upgrading that post by two level i.e from DIG to Addl. DG as a reward for his services rendered in manipulating the statistics, fabricating and drafting pro-Government reports for sending to NHRC, Courts and Higher bodies. The allegation is too general in nature and nothing specific has been alleged against him. As regards his posting, earlier this post was held by Shri Upendra Singh, the then IGP from 16-12-2001 to 08-07-2002, Shri S.K. Sinha, the then IGP from 08-07-2002 to 05-11-2002, Shri V.V. Rabari, the then IGP from 05-11-2002 to 26-04-2003

and Shri Sanjay Srivastava, the then DiG from 26-04-2003 to 28-02-2005. Shri K. Nityanandam remained posted as Commissioner of Police, Rajkot City from 28-02-2005 to 01-10-2007. Subsequently, this post was held by Shri S.K. Sinha, Addl. DG from 01-10-2007 to 20-02-2009. At present this post is held by Smt. Geetha Johri, Addl. DG with effect from 20-02-2009. It may thus be seen that the up gradation/down gradation is the discretion of the Govt. and there are no hard & fast rules governing the same.

Shri Rakesh Asthana, Spl. IGP at present Commissioner of Police, Baroda City remained on Central Deputation to CBI with effect from 04-05-1992 to 31-01-2002. On repatriation from CBI on 31-01-2002, he remained on leave for about two months and reported for duty in Gujarat on 04-04-2002. He was posted as DIG, CID Crime on 09-04-2002. He had taken over the supervision of investigation of Godhra Railway P.S. case No. 9/02. He was promoted as IGP on 25-04-2003 and was posted as Spl. IGP, Vadodara Range. He has stated before the SIT that the supervision of investigation of case relating to Godhra carnage was conducted in a most professional manner on the basis of available evidence and charge sheets filed in the concerned court of competent jurisdiction from time to time. He has also stated that since the trial of this case is going on and the matter is sub-judice, he would not like to comment upon the merits of the case. In view of the fact that the Godhra case is still under trial, nothing can be commented upon touching the merits of the case. However, it may be mentioned that he had taken over the case in April, 2002 and was promoted in April 2003 and therefore, in order to facilitate the smooth investigation/trial of this case, he was posted as IGP, Vadodara Range in whose jurisdiction the District Panchmahal lies.

Shri A.K. Sharma remained posted as DCP, Rajkot City during the period 29-12-2001 to 26-03-2002 and was transferred to Mehsana District on 26-03-2002. He took charge of SP, Mehsana District on 27-03-2002. He has stated before the SIT that after he took over as SP, Mehsana some incident took place in Kadi town on Holi festival. The police bandobast was made and Kadi town was put under curfew with effect from 2200 hrs onwards. In this incident, 12 rounds were fired and 97 teargas shells were burst. However, there were no casualties on account of firing or even otherwise, but one police jawan was injured. Several incidents of arson and rioting were reported on 30-03-2002, 31-03-2002, 01-04-2002, 02-04-2002, 03-04-2002 & 06-04-2002. Again on 21-04-2002, on the occasion of Ram-Navmi festival some arson and robbery incidents were reported at Kadi town. Some more incidents were reported from Kadi town on 24-05-2002 & 29-05-2002. He has stated that in all four persons died during the period 27-03-2002 to 29-05-2002. At the peak

time of riots i.e. from 28-02-2002 onwards, he remained posted in Rajkot City, where there were no incidents after 03-03-2002. The allegation that he was posted as DIG, Ahmedabad Rural Range by down grading the post of IGP for his services during the riots as SP, Mehsana, is not tenable inasmuch as DIG/IGP could be posted as in charge of Range and this is the prerogative of the Govt.

Shri Shivanand Jha was posted as Home Secretary in February, 2005. Enquiries revealed that he had been transferred from the post of Addl. Commissioner of Police, Sector-I, Ahmedabad City as a punishment with effect from 09-04-2002 and posted as DIG, Arms Unit, Rajkot. He was promoted as Spl. IGP on 17-07-2002 and remained posted as Spl. IGP, Arms Unit, Rajkot with effect from 18-07-2002 to 03-05-2003. Thereafter, he remained posted as Spl. IGP, Municipal Corporation, Ahmedabad City with effect from 04-05-2003 to 20-02-2004. Subsequently, he remained posted as Spl. IGP (SC/ST cell, Gandhinagar) with effect from 21-02-2004 to 25-02-2005 and then got posted as Home Secretary, Gandhinagar on 25-02-2005. The allegation that he was posted as Home Secretary in February, 2005 for not revealing anything adverse before the Nanavati-Shah Commission of Inquiry does not have any force. As a Home Secretary, he had filed affidavits on behalf of the Govt. in the various Courts as a part of his duty and it can not be said that he defended the Govt.

It has been alleged that Shri S.K. Sinha was posted as Commissioner of Police, Surat City in February, 2005, the most rewarding post in Gujarat Police for his services in turning Zahira Sheikh, the key prosecution witness of Best Bakery case hostile during his tenure as Commissioner of Police, Baroda City. In this connection, Shri S.K. Sinha has stated before the SIT that the allegation is absolutely false, absurd and without any basis. He has further stated that Ms. Zahira Sheikh was under the protection and custodianship of Ms. Teesta Setaivad and that her whereabouts had been kept secret for security reasons, as is clear from her letters dated 12-11-2003, 03-09-2004, 14-09-2004 & 20-10-2004. He has also stated that on 03-11-2004, a telephone call had been received by him at about 1215 hrs from Shri Unwala, Advocate of Ms. Zahira Sheikh that his client was going to address a press conference at Surya Palace hotel at 1300 hrs and that the police protection should be given to her. Shri Unwala wanted him to send a police force at the hotel opposite to the airport, where they were staying. Shri Sinha has stated to have given instructions to the concerned PI to provide the police protection, as ordered by the Hon'ble Supreme Court of India. A similar request had been received by Shri Sinha from Collector, Baroda City, to which he had informed that the police protection

had already been ordered to be given to Ms. Zahira Sheikh and her family members. According to Shri Sinha, Ms. Zahira Sheikh held a press conference on the same day at about 1345 hrs, which lasted for about half an hour. In view of the aforesaid position, the allegation that Shri Sinha was given the most rewarding post of Commissioner of Police, Surat City in lieu of his services rendered by him in turning Zahira Sheikh hostile is not established.

It is alleged that Shri D.G. Vanzara had been posted as DIG, Anti Terrorist Squad in July, 2005 by down grading the post from the rank of IGP to DIG for his services in killing many Muslims in police encounters during his tenure as DIG, Ahmedabad City Crime Branch from May, 2002 to July, 2005. Shri D.G. Vanzara has stated before the SIT that the said encounter killings happened in the course of cross firing in self defence of the police officers present on the site and they were in the normal course of discharge of the official duties of the concerned police officers. However, he has stated that all such cases are sub-judice in different courts and he would prefer not comment upon the same. In view of this, the allegation remained unproved.

> **ALLEGATION NO. VIII :**

No follow up action was taken (by the Gujarat Government/CM) on the reports sent by R. B. Sreekumar on 24.04.2002, 15.06.2002, 20.08.2002 and 28.08.2002 about anti-minority stance of the Administration. Copies of these reports are appended in second Affidavit dated 06.10.2004 of R. B. Sreekumar to the Nanavati Commission.

During enquiries by SIT, Shri R.B. Sreekumar has stated that he had sent his first analytical note on "Current Communal Scenario in Ahmedabad City" to Shri Ashok Narayan vide his DO letter dated 24-04-2002 with a copy to DGP. In brief, it has been mentioned in this report that of late the minority community was found to be taking an increasingly belligerent posture as they felt themselves, as a section of population left at the total mercy of the radical communal elements of Bajrang Dal and VHP. It was further mentioned that the loss of life and property was heavily weighted against Muslims inasmuch as 636 Muslims were killed (including 91 killed in police firing) as against 181 Hindus (76 killed in police firing), 329 Muslims injured as against 74 Hindus and loss of property of Muslims came to Rs. 600 crores as against 40 crores loss to Hindus. It was also mentioned that in Ahmedabad city 278 Muslims were killed in the riots (including 57 killed in police firing) as against 91 Hindus (including 30 persons killed in police action). Further, the figure amongst Muslims injured in Ahmedabad was 408, as against 329 Hindus victims of incidents of stabbing and arson. Shri Sreekumar had further observed that the

Muslim communities, being the major victims of the riots had developed a major grudge against the Criminal Justice System, which they felt was highly biased against them. In addition, it was mentioned that the Muslims alleged that the police officers were not fair in recording the FIRs lodged by them inasmuch as they had used pressure tactics to dissuade the complainants from giving complaints, reduced ingredients of an offence and some times the police officers themselves became the complainant and also omitted the names of specific accused persons with a view to favour them. Further, many different acts of crime pertaining to different transactions were clubbed together to register a single FIR, which affected the process of Insurance claims. Shri Sreekumar had further mentioned that the majority of Muslims complained that the police officers avoided the arrest of Hindu leaders, though they had been named in the FIR and made no efforts to recover the property. Further, on account of the partisan attitude adopted by the public prosecutors they were released on bail immediately even in non-bailable offences. Shri Sreekumar had also reported in the said note that certain VHP and Bajrang Dal leaders had started extorting protection money from the businessmen of both the communities and were pressurising the merchants and general public not to employ the members of the minority community, which found corroboration from the letter dated 15-4-2002 sent by Shri P.C.Pande, C.P. to the DGP. It was further reported that both Hindu and Muslim communalists had been inciting violence by way of distribution of pamphlets and handbills which did not contain the names of publisher/printer and that VHP had issued a pamphlet containing elements of communal instigation for which a proposal had been sent to DGP with a copy to ACS (Home) for examining the legal action against them. The material in the pamphlets was meant to generate anti Muslim feelings by resorting to selective reference to various books, newspapers, etc., referred to gang rapes, cutting of breast of Hindu women and similar provocative information, economic and social boycott of Muslims and exhorting the Hindus to take retaliatory action against Muslim violence in an organised manner. Shri Sreekumar had also reported that the inability of Ahmedabad police to control the violence by the communal mob had eroded the image of police as a law enforcing agency of the society and the media attacks on the police had a demoralising impact on the police personnel. It was also pointed out that the Inspectors in charge of the police stations had been ignoring the instructions given by the senior officers and complying with the direct verbal instructions from the political leaders of the ruling party who ensured their placement and continuance in their choice postings which found corroboration from the inquiry report dated 21-8-2001 of his predecessor in Vatwa police station Cr.No.398/2001. He had also suggested the remedial measures such

as restoration of faith amongst the minorities in Criminal Justice System, replacement of present incumbents from executive posts at the cutting edge level, the spiritual leaders of Hindus and Muslims should launch a state wide campaign to expose the politicised pseudo religious leaders; action at social level through non-political leaders, intellectuals and NGOs to restore mutual trust between the Hindus and Muslims, improvement of security in the riot affected areas to facilitate the rehabilitation of riot victims and purposeful legal action against publication and distribution of pamphlets inflaming communal passions etc. He had specifically pointed out that reports indicating that extremists of VHP and Bajrang Dal were planning mass action against Muslims in their strongholds and that the tactics of the assault would be generating fear psychosis in the Muslim population causing migration of the minorities from the riot hit areas. Lastly, it was mentioned that the trend towards ghettos formation would become source of recruitment of extremists/terrorists to the ranks of Pan-Islamic and Pro-Pakistani organisation.

Shri Ashok Narayan, the then ACS (Home) has stated before the SIT that he received the letter in question. He has further stated that this letter contained general observations and concrete details were missing. He discussed the matter with the DGP in the light of intelligence inputs received from Shri R.B. Sreekumar. Shri Ashok Narayan has stated to have been requested by him to take action at his level as far as possible. However, he does not recollect having shown or put up this letter to the Chief Minister. Shri Ashok Narayan has also stated that the subject matter in general was discussed with the Chief Minister a number of times and he agreed to do whatever was possible at his level. Shri K. Chakravarthi has stated that most of the points and issues raised by Shri R.B. Sreekumar had been effectively dealt with by him in the months of March & April, 2002. As regards the undesirable activities of Vishwa Hindu Parishad and Bajrang Dal in indulging in extortion of money and publishing/distributing pamphlets containing the elements of communal instigation, a report was sent earlier in point of time by GP, Ahmedabad and he had discussed with ACS (Home) who said that he would bring it to the notice of the Govt. As regards the loss of faith of the minority community in criminal justice system, adequate steps were taken by him to instruct the concerned police officers to be fair to ensure proper registration of FIRs, to name all the concerned accused persons, arrest them and to proceed ahead with the investigation, as per law. Subsequently, teams of police officers were sent to the relief camps for direct contact with the affected persons and to proceed with the investigation in a fair manner. Senior Officers were also instructed from time to time to closely supervise these cases to avoid any allegations of this kind. As regards the migration of the affected persons from

the riot hit areas, specific instructions had been given by him to all the police officers to provide suitable protection to those, who chose to return to their original residence/business. Shri Chakravarthi has also stated that the observations made by Shri R.B. Sreekumar were totally general in nature and no specific instance had been cited by him which would have called for an immediate action on his part. This matter was also discussed by him with Shri Ashok Narayan, who assured him that this would be brought to the notice of the Govt.

Shri R.B. Sreekumar has further stated that at the request of Shri P.S. Shah, the then Addl. Secretary (Law & Order), Home Department, a review of Law & Order situation was done and a report was sent by him on 15-06-2002. In this report, he had mentioned about an unprecedented degree of revengefulness of the majority community resulting in massive and ghastly violence against Muslims in a period of five days, since Godhra carnage mentioning that the communal violence was still continuing, Shri Sreekumar strongly recommended for the implementation of remedial measures to contain communal violence and neutralizing the fundamentalist elements in both majority and minority communities as suggested in his analytical note dated 24-04-2002.

Shri Ashok Narayan, the then ACS (Home) has stated before the SIT that this Law & Order assessment report was called for in view of the Rath-Yatra, which was likely to be held sometime in July, 2002. It may be mentioned here that Rath-Yatra is being held in Ahmedabad City for the last many years. Shri R.B. Sreekumar was of the view that on the various grounds mentioned by him in his report the Rath-Yatra should not be taken out in the near future till an atmosphere of durable peace and good will between majority and minority communities was established. On receipt of this report the matter was discussed by him with the Chief Minister, who was of the view that the Rath-Yatra could not be stopped on the grounds mentioned by Addl. DG (Int.) in his letter and that the police should make full proof bandobast, so that no untoward incident took place. As per Shri Ashok Narayan, the administration did not agree with the views of Shri R.B. Sreekumar and the Rath-Yatra was taken out on 12-07-2002, under police bandobast and no untoward incident took place anywhere.

Shri K. Chakravarthi, the then DGP has stated before the SIT that Shri R.B. Sreekumar had sent his assessment report vide his letter dated 15-06-2002, in which he had suggested that Rath-Yatra should not be taken out in the near future till an atmosphere of durable peace and good will between majority and minority communities was established. He has further stated that by that

time adequate steps had already been taken to bring normalcy in the State. According to Shri Chakravarthi these views were the personal views and perception of Shri R.B. Sreekumar, which were duly considered by the Govt. Shri Chakravarthi has also stated that after due consideration, it was decided by the Govt. to hold the Rath-Yatra as per original route and schedule and Rath-Yatra was held accordingly on 12-07-2002, and the event passed off peacefully without any incident. This would by itself go to show that the reports sent by Shri R.B. Sreekumar were not well thought of and not based on realities, but were his personal views and perception.

Shri R.B. Sreekumar has further stated that at the request of Shri P.S. Shah, the then Addl. Secretary (Law & Order), another report on the then prevailing Law & Order situation was sent through a letter dated 20-08-2002 signed _____ by _____ Shri E. Radhakrishna, DIG (Communal & Political) on his behalf to ACS (Home). In this report, Shri Sreekumar has stated to have included a gist of his presentation made before the Full Election Commission on 09-08-2002. According to Shri Sreekumar, even at the time this letter was sent the communal tension continued and the communal gap between Hindus and Muslims had widened to an unprecedented degree. It was further mentioned in this letter that there was latent communal tension in most of the places where incidents were reported and that any minor issue involving members of minority and majority community would reignite communal passions resulting in clashes, as had been witnessed in Dhoraji (Rajkot District) on 17-08-2002. It was further mentioned by Shri Sreekumar that large sections of the minorities being the major victims of the recent riots (117 Muslims killed in Police firing as against 83 Hindus and 587 Muslims killed by the rioters as against 177 Hindus killed, which included 59 Godhra train victims also) was still to develop adequate faith in Administration, Police Department and Criminal Justice System. Shri Sreekumar also mentioned that the minorities continued to complain that many rioters belonging to Hindu community were not arrested since they held important positions in Hindu organisation. It was also reported that the circumstances reported in his (Shri Sreekumar) letter dated 24-04-2002 continued and the minority community was feeling dejected due to non-implementation of the recommendations of NHRC and NCM.

The aforesaid letter dated 20-08-2002 was responded by Shri Ashok Narayan, the then ACS (Home) vide his DO letter dated 09-09-2002 addressed to Shri R.B. Sreekumar, in which he had clearly informed Shri Sreekumar that his assessment of Law & Order situation conveyed vide the aforesaid letter dated 20-08-2002 was not in tune with the feed back received from the other

agencies like Revenue and District Officials, where there was a grass root presence of the Govt. Shri Ashok Narayan further mentioned that some apprehension and a feeling of insecurity amongst the members of the minority community was understandable in isolated pockets, from where incidents were reported, but the same do not indicate the feelings of insecurity anymore. Shri Ashok Narayan has also mentioned that Dhoraji's incident was an isolated incident and that communal incidents had come down drastically during the last few months. Shri Ashok Narayan disagreed with the views of Shri Sreekumar on the ground that no broad based inputs were relied upon by him before arriving at a conclusion. Shri Sreekumar replied to the said letter dated 09-09-2002, in which he mentioned that there was a perceptual difference between the Home Department and the State IB in assessment of the Communal scenario at the relevant time in the State and that the Election Commission had observed that the appraisal of the communal situation by the State IB was in consonance with the inputs received by the Commission. No further correspondence was made with Shri Sreekumar as he had already been transferred. Shri K. Chakravarthi has stated to have brought these facts to the notice of ACS (Home). In view of the aforesaid position, it can be inferred that the Govt. differed with the views of Shri R.B. Sreekumar and as such did not act upon the intelligence inputs passed on by the latter.

Shri R.B. Sreekumar had sent another report regarding the emerging Law & Order trends in the light of ensuing Assembly polls to ACS (Home) with a copy to DGP vide his letter dated 28-08-2002. In this letter, he had assessed that the social relations between the Hindus and Muslims remained highly strained including the traditional communal pockets as well as new areas where the riots had taken place, due to various reasons. Shri Sreekumar had suggested that District Magistrates/Commissioners of Police/Superintendents of Police be suitably advised to ensure that the organizers of the public function/political campaign should avoid projecting communal issues that might widen the rift between the two communities and also to abide by the conditions of the licence/permission of the granted to them. Shri Ashok Narayan has stated that he can not recall the action taken by him on the said letter, but the suggestions made therein seem to be logical and in the normal course action must have been taken by the Home Department, but he was not in a position to comment, unless he went through the relevant file. Shri K. Chakravarthi has stated that Shri R.B. Sreekumar had given some suggestions and most of it pertained to the Revenue Department and other departments. As far as police department was concerned, he had given directions based on his suggestions.

The State Govt. has not made available the files in which the aforesaid references were dealt with. However, keeping in view the versions of Shri Ashok Narayan and Shri K. Chakravarthi, the facts about Rath-Yatra and discussions that took place between ACS (Home) as well as reply sent to Shri R.B. Sreekumar vide his DO letter 09-09-2002, it can not be said that no action had been taken on letters dated 22-04-2002, 15-06-2002, 20-08-2002 and 28-08-2002. The allegation is therefore not substantiated.

➤ **ALLEGATION NO. IX :**

Indictment by the Hon'ble Supreme Court about injustice done to minority community and riot victims in the investigation of riot cases in respect of (i) Bilkis Bano case and (ii) Best Bakery case, as narrated in paras 13 and 14 of the complaint dated 08.06.2006.

(i) BILKIS BANO CASE:

Pursuant to Godhra carnage incident on 27-02-2002, large scale communal riots erupted in the State of Gujarat following the call for Gujarat Bandh given by Vishwa Hindu Parishad on 28-02-2002, which was supported by the BJP. During these communal riots there were incidents of arson and looting in the village Randhikpur, Taluka- Limkheda, Distt. Dahod, Gujarat from 28-02-2002 onwards. Consequently, there was exodus of Muslims from Village Randhikpur in search of safety and Smt. Bilkis Yakub Rasul along with her family members also left Randhikpur in search of safety. After leaving Randhikpur, Smt. Bilkis Bano and her family members initially took refuge at the residence of Shri Kadlyabhai, Sarpanch of Village Randhikpur and stayed for about one or two hours and went to village Chunadi, where they stayed in a school for a couple of hours and then took refuge in a mosque in village Kuvajal, where her cousin Shamim delivered a baby girl. Next day i.e. on 01-03-2002 around noon, all of them went to Khudra and on the way one person from Nayak tribe took pity on them and arranged for their stay at his place for about two days in village Sarjumi after which they left. They passed through the fields of village Chhapanwad and then came on a kachcha road leading to village Pennivel. On this road, they were attacked by about 25-30 persons, who came in two white vehicles carrying weapons like swords, sickles and sticks. While some of them killed the minor daughter of Bilkis Bano by smashing her head on rocky ground, others caught Bilkis Bano and tore her clothes; others remained busy with the rape of Bilkis Bano and killed her family members after sexual assault and rape. Smt. Bilkis Bano fainted and after she regained consciousness, she put on her clothes and stayed at a hillock. Next morning, she came down the hillock and went to a hand pump, where she met a tribal

woman, who provided her some clothes. Thereafter, she saw a man in uniform near one vehicle on kachcha road and approached him, who took her to Limkheda P.S. in his vehicle. In Limkheda P.S., a police Head Constable on duty, registered a case against unknown person, but did not record the complaint of Bilkis Bano as per her narration. The investigation of this case changed hands. On completion of the investigation, Shri Ramsingh M. Bhabhor, CPI, Limkheda filed a closure report ('A' summary) on flimsy grounds and was recommended by Shri Ramabhai Bhagora, Dy. SP, Limkheda for acceptance in the court of Judicial Magistrate First Class, Limkheda.

Thereafter, a Writ Petition (Crl.) No. 118/2003 was filed by Smt. Bilkis Bano Yakub Rasul Vs State of Gujarat and others in the Hon'ble Supreme Court of India. The Hon'ble Supreme Court of India on 16-12-2003 passed the following order:

"Considering the nature of the allegations made, Shri Mukul Rohtagi learned Additional Solicitor General appearing for the respondent accepts that further investigation in this case may be done by the CBI, through he does not concede that the Gujarat Police is incompetent to investigate the matter. Hence, we direct the CBI to take over further investigation of this case and report to this Court from time to time".

As per the orders of the Supreme Court, CBI, SCB, Mumbai registered a case no. RCI/S/2004, SCB, Mumbai. On completion of investigation a charge sheet was filed in the court of Chief Metropolitan Magistrate, Ahmedabad Rural on 19-04-2004. The learned CMM, Ahmedabad committed the case to District & Sessions Judge, Panchmahal, Godhra vide his order dated 18-05-2004. Thereafter, a Transfer Petition (Crl.) No. 192 of 2004 was filed by Smt. Bilkis Yakub Rasul Vs. CBI & Ors. and the trial of this case was transferred to a competent court in Mumbai on 06-08-2004 by the Hon'ble Supreme Court of India for trial and disposal. The Chief Justice of India marked this case to Special Judge for Greater Mumbai at Mumbai. On completion of trial Shri U.D. Salvi, Special Judge, Greater Mumbai pronounced the Judgment on 21-01-2008 and convicted 11 accused persons under various sections of law and 8 persons were acquitted. One accused person had died and hence the case against him stood abated. The accused persons, who had been convicted, have filed appeals in the High Court against their conviction, which are pending.

(ii) BEST BAKERY CASE :

This case is also a fall out of the communal riots that took place in Baroda City and elsewhere also in the State of Gujarat pursuant to the incident of burning of a bogie Sabamati Express near Godhra Railway Station on 27-

02-2002, carrying kar-sevaks returning from Ayodhya. The belief that the Muslims had burnt the bogie carrying kar-sevaks was spread in Baroda City through various sources and media, which gave rise to the excitement and feelings of anger against the Muslims resulting in the atmosphere in Baroda City becoming tense and communally charged.

In brief, during the period between 2030 hrs on 01-03-2002 and 1100 hrs on 02-03-2002, a bakery known as Best Bakery belonging to a Muslim family on the ground floor and residential portion on first and second floors were set on fire and burnt by the members of an unlawful assembly, the object of which was to attack and kill the Muslims and to snatch, damage or destroy their properties. A number of persons were burnt to death due to the fire set on 01-03-2002 night. Those who survived till morning were made to get down from the terrace of the said building after which they were attacked with deadly weapons causing serious injuries to them and some of them succumbed to those injuries. In this ghastly incident 14 persons died. The movable properties such as vehicles had also been set on fire by the mob of rioters, whereas the other articles such as Ghee, Maida were looted.

After the fire was extinguished, the injured and dead bodies were sent to SSG hospital. PI Bariya, in charge of Panigate P.S. reached SSG hospital and recorded a complaint of Ms. Zahira Sheikh out side emergency treatment department. On the basis of said complaint I Cr. No. 82/2002 was registered at Panigate P.S. at 1515 hrs on 02-03-2002. On 10-03-2002, further investigation of this case was entrusted to PI Shri P.P. Kanani of DCB P.S. by the order of Commissioner of Police, Baroda City. On completion of investigation, a charge sheet in this case was filed by PI Kanani on 24-06-2002 against 21 arrested accused persons in the Court of Judicial Magistrate, 1st Court, Vadodara. However, the further investigation continued u/s 173 (8) Cr.PC. The trial of this case was held by the Fast Track Court Judge Shri H.U. Mahida. The prosecution of this case was conducted by Shri Raghuvir N. Pandya, Public Prosecutor. By judgement dated 27-06-2003 the trial court directed acquittal of all the accused persons. The complainant as well as Govt. of Gujarat filed appeals before the Gujarat High Court, but the same were dismissed by the Gujarat High Court. Ms. Zahira Habibulla Sheikh and another filed appeal before the Hon'ble Supreme Court of India and requested for a fresh trial on the following grounds:

- (i) A large number of witnesses turned hostile and it should have raised a reasonable suspicion that the witnesses were being threatened or coerced, but no steps were taken by the Public Prosecutor to protect the star witness Ms. Zahira Sheikh.

- (ii) The Public Prosecutor was not acting in a manner, defeating the position held by him.
- (iii) The Trial court should have recalled and re-examined witnesses u/s 311 Cr.PC as their evidence was essential to arrive at the truth and a Just decision in this case.
- (iv) The Public Prosecutor did not examine the injured witnesses that the summon on one eyewitness could not be served as very short dates were given by the Court and ultimately Public Prosecutor dropped him as a witness and the same was granted by the Court.
- (v) An important witness was not examined by the prosecutor on the ground that he was of unsound mind, but the police had not reported him to be an unsound mind.
- (vi) Several other witnesses were either not summoned or very little time given during which summons could not be served upon them and eventually dropped.
- (vii) Some of the relatives of the accused persons were examined as witnesses with a view to help the accused persons.

The Hon'ble Supreme Court of India after hearing all the parties pronounced the Judgment on 12-04-2004, and ordered for the retrial to be conducted by the Court under the jurisdiction of Bombay High Court. The Hon'ble Supreme Court of India passed strictures against the Public Prosecutor, Trial Court and the Gujarat High Court.

The retrial of this case was conducted by Shri A.M. Thipsay, Addl. Sessions Judge, Greater Bombay at Mazgaon, in which 17 accused persons were charged. On completion of trial, the judgment was pronounced on 24-02-2006, vide which 9 accused persons were convicted and 8 acquitted. The appeals filed in the High Court are still pending. It may be mentioned here that the learned Addl. Sessions Judge, Greater Bombay at Mazgaon has made adverse comments and passed strictures against Shri K. Kumaraswamy, the then Joint CP, Baroda City and Shri Ramjibhai Pargi, the then ACP, Baroda City. However, neither the Govt. of Gujarat nor Shri K. Kumaraswamy had filed any appeal or petition for expunction of adverse remarks/strictures passed by the Trial Court.

In view of the aforesaid position in both these cases, it would not be possible for the SIT to interfere in this matter. However, the Govt. of Gujarat may appoint a Committee to fix up the responsibility in the light of the Judgments of the Hon'ble Supreme Court of India as well as the two trial courts of Bombay and make necessary recommendations to the Govt. of Gujarat for further necessary action.

➤ ALLEGATION NO. X :

Partisan investigations were conducted betraying prejudice against riot victims, as indicated by Rahul Sharma, then SP, Bhavnagar District during his cross-examination before the Nanavati Commission, as noted in Para 18 of the complaint dated 08.06.2006.

Enquiries conducted by SIT revealed that Shri Rahul Sharma, the then SP, Bhavnagar was transferred as DCP, Control Room, Ahmedabad City and relieved on 26-03-2002 and joined duties as DCP, Control Room, Ahmedabad City on 08-04-2002. However, on 07-05-2002, he was instructed by Shri P.C. Pande to report to the Crime Branch, Ahmedabad City and assist the then Addl. CP, Crime Branch Shri A.K. Surolia in the investigation of serious riot related offences. Shri P.C. Pande had told him that there would be no formal written order in this regard. Shri Rahul Sharma has stated that later he came to know that he had been asked to assist the Crime Branch in the investigation of riot cases at the insistence of Shri Surolia, who wanted some officers to help him out with the investigation of the cases. Shri Surolia had subsequently written a letter to the DGP confirming that Shri Rahul Sharma had reported to assist him in the investigations. Shri Rahul Sharma has further stated that after Shri Surolia had been posted out of the Crime Branch, he had stopped visiting the Crime Branch as there was no formal order for his attachment to the aforesaid investigations and that he had also not been called to the Crime Branch for this purpose. Accordingly, he had not been associated with any arrest or any other investigative process in respect of these riot cases after Shri Surolia had left.

Shri Rahul Sharma has further stated that the filing of charge sheet in the Gulberg Society case had attracted a lot of criticism. The first charge sheet in this case was filed on 03-06-2002. As per Shri Rahul Sharma, on 04-06-2002, while going to his office from residence he was called by Shri P.P. Pandey, the then Jt. CP to his office in the Crime Branch. Accordingly, Shri Rahul Sharma reported to the Crime Branch. After a brief introductory conversation Shri P.P. Pandey called for the case papers of Naroda Patiya case and asked Shri Rahul Sharma to go through the draft charge sheet, which was proposed to be filed in the Court on the next day. Shri Rahul Sharma expressed his reluctance to give his comments in this case as he had not been a part of the investigation. However, at the insistence of Shri P.P. Pandey he perused the charge sheet.

Shri Rahul Sharma has further stated in the draft charge sheet, it had been mentioned that the mob at Naroda Patiya had got enraged and violent,

because some truck driver while fleeing had killed two persons. Shri Rahul Sharma did not agree with this line of argument. Shri Rahul Sharma raised a few questions, as to why did the truck driver try to flee and why did the mob gather there? Moreover, the conduct of the mob had not been found during investigation either friendly or benign. There was no indication in the charge sheet that the mob was not aggressive. Shri Rahul Sharma had a heated argument with Shri S.S. Chudasma, ACP and Shri D.G. Vanzara, DCP. However, Shri P.P. Pandey remained quite during the interaction. At the end, Shri Rahul Sharma left the Crime Branch with an expression of disagreement. On return to his office in Control Room, he wrote a DO letter to Shri K.R. Kaushik giving the details of the happenings in the Crime Branch on that day. Shri K.R. Kaushik had subsequently discussed the issue with Shri P.P. Pandey and issued a formal order directing the association of Shri Rahul Sharma with the investigation of the said cases.

Shri S.S. Chudasma has confirmed the meeting held on 04-06-2002 in the chamber of Shri P.P. Pandey, when he along with Shri D.G. Vanzara was also present. He has further stated that as per the orders of Shri P.P. Pandey the draft charge sheet in Naroda Patiya was shown to Shri Rahul Sharma, DCP and that after going through the charge sheet, Shri Rahul Sharma disagreed with the assessment that the mob got provoked in Naroda Patiya when one person ran over the person of another community by a truck and the serious incident happened thereafter. According to Shri Chudasma this was followed by the heated discussion between us and Shri Rahul Sharma, the then DCP and thereafter, Shri Sharma left. Shri Chudasma has stated that it was incorrect to say that partisan investigations were conducted which caused prejudice against the riot victims inasmuch as the charge sheets were based on the investigation conducted under the close supervision of DCP. He has also stated that this was only a preliminary charge sheet and after the arrests of the absconders, a number of charge sheets were filed in this case subsequently and it was open to the IO to amend the subsequent charge sheet on the basis of new facts revealed during further investigation.

Shri D.G. Vanzara, formerly DCP, Crime Branch and at present DIG under suspension, who is lodged in Sabarmati Central Jail in Soharabuddin encounter case was examined in the Jail. He has stated that during February, 2002, he was posted as ADC to the Governor and as such had no role to play either directly or indirectly regarding the riots and the consequential killings. He has further stated that by the time he was posted as DCP, Crime Branch in May, 2002, the basic investigation of three serious riot cases i.e. Naroda Gam, Naroda Patiya and Gulberg Society had almost been completed and charge

sheets were to be filed within 90 days so that the accused persons did not get release on bail in the absence of charge sheet. He has further stated that these charge sheets were filed on the basis of analysis and appreciation of evidence contained in the reports of the Investigating Officer, approved by him and Shri P.P. Pandey. As regards the involvement of Shri Rahul Sharma, he has stated that he had nothing to say about it, because this matter was between Shri K.R. Kaushik and Shri Rahul Sharma on one hand and Shri P.P. Pandey on the other hand.

Shri P.P. Pandey has stated to have joined Crime Branch, Ahmedabad City as Joint CP on 17-05-2002. He has further stated that Shri Rahul Sharma, who had been given additional duties for the supervision of some of the riot cases, had approached him on 28-05-2002 and expressed a grievance that though he was a part of a investigation team, yet he had not been informed about the raids and arrests of some of the accused persons in Naroda Patiya and Gulberg Society case on 27-05-2002 night, to which he informed Shri Rahul Sharma that many of the squads/parties were conducting raids in the night for the arrest of the absconders and even he was not aware as to who had gone to a particular place. Shri Pande also told Shri Rahul Sharma that in case the persons had been arrested the previous night, he was still in custody and that he had full opportunity to interrogate anyone of them he liked. According to Shri Pande, Shri K.R. Kaushik had ordered in writing for the assistance of Shri Rahul Sharma in the supervision of riot cases pending investigations with the Crime Branch. Shri Pandey has further stated that a draft charge sheet in Naroda Patiya case was shown to Shri Rahul Sharma for his views in the matter and the discussion took place in his office, when Shri Vanzara and Shri Chudasma IO of the case were also present. According to Shri Pandey, there was a difference of opinion between Shri Rahul Sharma and other officers, but he does not recollect the details due to passage of time. However, ultimately the draft charge sheet submitted by the IO through DCP was filed with the approval of CP, Ahmedabad City. However, he has denied that the investigation had been conducted in a partisan manner, which caused prejudice to the riot victims, because the charge sheets were based on the investigation conducted by the IO under the close supervision of DCP. Lastly, he has stated that this was only a preliminary charge sheet and that a number of charge sheets were filed, as and when the accused persons were arrested and it was always open to the IO to suitably amend the same on the basis of the facts that had subsequently emerged.

It may be mentioned here that there is a confusion in the allegation mentioned at Para-18 of the complaint inasmuch as the facts relating to

Gulberg Society case had been mixed up with that of Naroda Patiya case. Enquiries revealed that the fact relating to running over a person by a person of another community by a truck, as a result of which the mob got provoked had been mentioned in the first charge sheet filed by Shri S.S. Chudasma and is a part of official record. A separate offence in this regard had been registered at the Naroda P.S. on 28-02-2002 and the truck driver arrested. This fact had not been controverted in the Supplementary charge sheets filed in the Court subsequently. However, this particular fact does not go to show that the investigation of this case had been conducted in a partisan manner. The allegation is, therefore, not established

> **ALLEGATION NO. XI:**

The CM Shri Narendra Modi did not visit the riot affected areas in the initial days, though he visited Godhra Railway Station on 27.02.2002 itself.

Shri Narendra Modi, Chief Minister has admitted to have visited Godhra on 27-02-2002 evening during his examination before SIT. He has further admitted to have visited Gulberg Society, Naroda Patiya and other riot affected parts of Ahmedabad City only on 05 & 06-03-2002. During these visits, he went round different relief camps. However, he did not know the persons present there. He has further stated that Shri Jagrupsingh Rajput, who was a Congress leader at that time, did not accompany him during his visit to the riot affected areas.

This possibly indicates his discriminatory attitude. He went to Godhra by travelling almost 300 kms on a day, but failed to go to the local areas, where serious incidents of riots had taken place and a large number of Muslims were killed. In view of the fact that Shri Narendra Modi has admitted that he visited Gulberg Society, Naroda Patiya and other riot affected areas only after 5-6 days of the incidents, the allegation stands proved.

> **ALLEGATION NO. XII :**

A press statement was made by Shri Narendra Modi that the reaction against the Muslim community was the operation of Newton's law of reaction.

Enquiries conducted by SIT revealed that book titled as "Rights and Wrongs" published by Editors Guild Fact Finding Mission Report by Aakar Patel, Dileep Padgaonkar and B.G. Verghese contained the extracts of the Zee TV interview carried out by Shri Sudhir Chaudhary with Shri Narendra Modi, Chief Minister at Gandhinagar on 01-03-2002. The Zee TV correspondent

questioned Shri Narendra Modi about the Chamrapura massacre in which the former Congress MP, Ehesan Jafri was killed along with at least 20 others. The Chief Minister in his replies referred to the reports that Jafri had first fired at the violent mob, which infuriated the crowd further and that the mob thereafter, stormed the Housing Society and set it on fire. According to the Zee TV correspondent, Shri Narendra Modi referred to Jafri's firing as "action" and the massacre that followed as "reaction". His exact quote was: "*Kriya pratikriya ki chain chal rahi hai. Hum chahte hain ki na kriya ho aur na pratikkriya*". When asked about the wide spread violence in Gujarat post Godhra the CM's reply was:

"Godhra main jo parson hua, jahan par chalees (40) mahilaon aur bacchon ko zinda jala diya, is main desh main aur videsh main sadma pahuchna swabhavik tha. Godhra ke is ilake ke logon ki criminal tendencies rahi hain. In logon ne pahle mahila teachers ka khoon kiya. Aur ab yeh jaghanya apraadh kiya hai jiski pratikria ho rahi hai".

When questioned about the aforesaid interview given to Zee TV on 01-03-2002, the CM stated that those who have read the history of Gujarat would definitely be aware that communal violence in Gujarat has a long history and the State had witnessed serious incidents of such communal violence. As regards the Zee TV interview of 01-03-2002 is concerned, he told SIT that after a period of eight years he did not recollect the exact words, but he had always appealed only and only for peace. He has further stated that he had tried to appeal to the people to shun violence in straight and simple language. He has also stated that if his words cited in this question are considered in the correct perspective, then it would be evident that there is a very earnest appeal for people refraining from any kind of violence. He has denied all the allegations against him in this regard.

Regarding the statement made to the media about post Godhra riots by citing Newton's law that every action has equal and opposite reaction, Shri Narendra Modi has stated that the Times of India had published a news item purportedly as though he had given an interview to them. According to Shri Modi, the truth is that nobody met him. He has further stated that the falsehood of his so-called justification "Action- Reaction Theory" is evident from this fact. According to Shri Modi, the State Govt. issued a denial with regard to his not having given any interview and the same was belatedly published in a remote corner of the news paper. He has also stated that it had been his considered opinion that violence can not be a replied to by violence and he had appealed for peace. As per Shri Modi's version before SIT, he had not and would never

justify any action or reaction by a mob against innocents. He has denied all allegations in this regard.

In this connection, it is to be stated that Shri Narendra Modi has clearly stated in his Zee TV interview that it was Late Ahesan Jafri, Ex-MP, who first fired at violent mob and the provoked mob stormed the society and set it on fire. In this interview, he has clearly referred to Jafri's firing as "action" and the massacre that followed as "reaction". It may be clarified here that in case Late Ahesan Jafri, Ex-MP fired at the mob, this could be an immediate provocation to the mob, which had assembled there to take revenge of Godhra incident from the Muslims. Again, with regard to the Godhra incident, he clearly stated that the day before yesterday 40 ladies and children were burnt alive at Godhra and the incident had shocked the Nation as well as people abroad, and that the people belonging to this area had a criminal tendency and these people had earlier killed lady teachers and now they had committed heinous crime, for which the reactions were being felt.

It may thus be seen that in spite of the fact that ghastly violent attacks had taken place on Muslims at Gulberg Society and elsewhere, the reaction of the Govt. was not the type which would have been expected by anyone. The above discussion also show that the Chief Minister had tried to water down the seriousness of the situation at Gulberg Society, Naroda Patiya and other places by saying that every "action" has an equal and opposite "reaction". However, this utterance by itself is not sufficient to make out a case against Shri Narendra Modi.

➤ **ALLEGATION NO. XIII :**

No direction was given by Shri Narendra Modi to Hindu organisations against the observance of Bandh on 28.02.2002. Bandhs had been declared illegal by Kerala High Court.

Enquiries conducted by SIT revealed that professor Late K.K. Shastri, Chairman of VHP, Gujarat Unit telephoned Shri Kaushik J. Mehta, the then Joint Secretary of VHP on 27-02-2002 evening and informed him that some of the Ram-sevaks had been killed in train carnage near Godhra Railway Station. Shri Shastri further informed Shri Mehta that Shri Jaydeep Patel another Joint Secretary, VHP had already proceeded to Godhra and that homage was to be paid to the Ram-sevaks killed in Godhra incident and that call for Gujarat Bandh be given for 28-02-2002. Thereafter, Shri Kaushik J. Mehta, Joint Secretary, VHP went to VHP office, where many press and media persons had assembled to know the details of the incident. Shri Mehta informed them about the incident and also about the bandh call for homage to be paid to Ram-

sevaks killed in Godhra incident on 27-02-2002. Shri Mehta also informed the media that all programmes would proceed as per schedule decided by the Central VHP and that Ram-mandir would be constructed as decided.

In the media reports appearing in the news papers of 28-02-2002, it was reported that the bandh was supported by the ruling party i.e. BJP. Shri Vijay Badekha, Under Secretary to Home Department has stated before the SIT that both Gujarat bandh on 28-02-2002 and Bharat bandh on 01-03-2002, were supported by BJP. He added that keeping in view the Fundamental Rights of the Citizens of India, the bandhs were not banned by the Govt. and instead adequate police bandobast including deployment of Para Military forces particularly Rapid Action Force was made through out the State. Shri Badheka has further stated that the first alert message of 27-02-2002 from the Home Department emphasised the need to take precautionary measures including adequate police bandobast and preventive measures including issuance of prohibitory orders depending upon the local situation. As per Shri Badheka, instructions were issued that antisocial and hardcore communal elements should be dealt with firmly. According to Shri Badheka, it was impressed upon the District Administration that when the dead bodies of Godhra victims arrived at their respective native places, the communal tension was likely to rise and therefore, adequate bandobast be made for funeral procession. Shri Badheka has also stated that all jurisdictional police and administrative officers were directed to remain at their respective headquarters and closely monitor the situation. This message was followed by another message dated 28-02-2002 from the Home Department to all concerned to round up antisocial and known communal elements under the preventive laws. However, no notification was issued by the Govt. of Gujarat banning the bandh on 28-02-2002 & 01-03-2002, in the light of ruling given by the Kerala High Court declaring the bandh as illegal.

In view of the aforesaid position, the allegation that the Gujarat Govt. did not ban the bandh through a notification stands proved.

➤ ALLEGATION NO. XIV :-

There was undue delay in requisition and deployment of army, though anti-minority violence had broken out on 27.02.2002 afternoon itself in cities of Vadodara, Ahmedabad etc.

Enquiries conducted by SIT revealed that after the Godhra incident on 27-02-2002, the Chief Minister visited Godhra in the afternoon after the Assembly was adjourned and returned late in the night around 2200 hrs. In the night a Law & Order review meeting was called by the Chief Minister at his

residence in the wake of a banch call made by the Vishwa Hindu Parishad. Shri Ashok Narayan, ACS (Home) has stated to have attended this meeting, which was also attended by DGP, acting Chief Secretary along with the staff of the Chief Minister. In this meeting DGP gave detailed sequence of events of Godhra incident and possible repercussions of the same. He also gave his requirement of additional force and informed that SRP had been alerted and deployed wherever, necessary even by curtailing their normal function. The Chief Minister was also apprised about the deployment of Rapid Action Force in the State. It may be added here that the Army headquarters had been alerted on 27-02-2002 itself. However, enquiry with the local Army authorities revealed that no force was available in Gujarat as the same had been deployed at the border.

Shri Ashok Narayan, the then ACS (Home) has stated before the SIT that in the morning of 28-02-2002, the Chief Minister had called for a high level meeting, which was attended by him, acting Chief Secretary, DGP and Addl. DG (Int.). In this meeting, the Law & Order situation was reviewed. He has further stated that the matter relating to calling of Army was also discussed, but no decision was taken. Further, as per Shri Ashok Narayan, on 28-02-2002, the Chief Minister made an oral request to the Union Home Minister for Army deployment, which was followed by a written request made by ACS (Home) through fax to the Union Defence Secretary, Ministry of Defence, Govt. of India for deployment of 10 columns of Army at Ahmedabad and other affected places immediately by airlifting them. Shri Narendra Modi, Chief Minister publicly announced at 1600 hrs about the decision of the State Govt. to call in the Army. It was understood that withdrawing the Army at such critical juncture, when war like situation existed with the neighbour needed a high level decision at the Centre. However, decision to withdraw the Army from the border and deploy in Gujarat was immediately taken at the highest level in the Centre. Army personnel were airlifted from the forward areas and they started arriving by the night intervening 28-02-2002/01-03-2002 and the last aircraft landed at Ahmedabad by 1100 pm on 01-03-2002.

The deployment of the Army required additional logistic support by the Civil Administration in the form of Executive Magistrates, vehicles, liaison officers, guides and maps. The District Magistrate, Ahmedabad provided 6 buses, 9 trucks and 15 jeeps for Army use by 0230 hrs on 01-03-2002. By 0300 hrs, 26 red flags were also provided to the Army. During the day on 01-03-2002, 39 other vehicles were also provided to the Army personnel. A total number of 131 vehicles, 18 mobile phones were provided to the Army for better communication. 32 Executive Magistrates, liaison officers and escort officers

from the police were provided to the Army on 01-03-2002. Similarly, six aircrafts were used to airlift Army personnel to Baroda and the first aircraft landed at 1630 hrs on 01-03-2002. 14 aircrafts were used to airlift the Army personnel to Rajkot and the first aircraft landed at Rajkot by 0300 hrs on 02-03-2002.

The deployment of Army commenced at 1100 hrs on 01-03-2002, after a high level meeting of Chief Minister and Union Defence Minister along with the senior officers of the Army and State Administration. The Army was deployed in the affected areas of Paldi, Juhapura, Vejalpur, Shahpur, Bapunagar, Rakhial, Gomtipur, Meghaninagar, Dariyapur, Kalupur, Naroda and Dani-Limda. In Ahmedabad 9 columns of Army were deployed on 01-03-2002 itself. Later 2 columns of the Army were despatched to Godhra on 02-03-2002 and they reached Godhra at 0130 hrs. 2 columns of the Army were moved to Baroda on 01-03-2002 at 1830 hrs and 2 columns of Army were moved to Rajkot at 1100 hrs. Initially, the cities like Bhavnagar and Surat were unaffected. However, as the incidents of violence were reported from Bhavnagar and Surat, Army columns were moved to Surat on 03-03-2002 at 1100 hrs and to Bhavnagar on 03-03-2002 at 2235 hrs. At the peak of the deployment, there were 26 Army columns in the State.

Shri G. Subba Rao, the then Chief Secretary has stated before the SIT that he held separate meetings with high level Army officers on 07-03-2002, 18-03-2002 & 23-03-2002 to review the Law & Order situation. In a meeting held on 07-03-2002, it was decided that considering the improvement in the Law & Order situation, Army would be sent back (except in Panchmahals District) to the barracks from 10-03-2002 at 0600 hrs. However, considering the Ram Maha-Yagna at Ayodhya and ensuing festivals, Army remained in a stand by position. Subsequently, some incidents were reported from Vadodara and Surat and Army had to be deployed again. On 15-03-2002, after reviewing the local situation at Ahmedabad, Army held a flag march in the City.

It will thus be seen that an oral communication and contact had been made with the Army on 27-02-2002 itself and on 28-02-2002 morning. It was however learnt that no Army personnel were available in Ahmedabad for internal security duties. An emergency review was under taken on 28-02-2002 and an oral request was made to the Govt. of India to move in Army as an aid to the Civil Administration. The Army, which was posted in the forward area was airlifted and it started landing at Ahmedabad by midnight of 28-02-2002 and 01-03-2002 (morning). The deployment of the Army commenced with effect from 1100 hrs on 01-03-2002 and the Army had taken up their position after being flown in from the forward areas within 21 hours of its requisition by

the State Govt. The allegation that there was an undue delay in requisition and deployment of the Army is, therefore, not established.

➤ **ALLEGATION NO. XV :**

Pro-VHP advocates were appointed as Public Prosecutors in riot cases as noted in Para 4 under the caption 'Present Situation' in the complaint dated 08.06.2006, wherein appointments of advocates Shri Chetan Shah (as District Government Pleader), Shri V.P. Atre (as Special PP in the Gulberg case), Shri Raghuvir Pandya (as Special PP in the Best Bakery case), Shri Dilip Trivedi (as Special PP in the Sardarpura case), Shri Rajendra Darji (as Special PP in the Dipda Darwaja case), Shri Piyush Gandhi (PP in Panchmahal District), have been questioned).

Enquiries conducted by SIT revealed that the procedure for the appointment of a Public Prosecutor in a town is that the vacancy is notified by the Collector & District Magistrate in the local news papers. In response to the advertisement a number of eligible candidates are interviewed by a Board comprising Principal Sessions Judge and District Magistrate. Thereafter, a panel of three or four advocates selected by the Board is forwarded to the Govt. for the appointment of the Public Prosecutor. The Govt. exercises its own discretion, select and notify one of the empanelled candidates as a Public Prosecutor for a period of three years. It may thus be seen though the selection procedure is transparent yet the Govt. has got the discretion to appoint a particular lawyer out of the panel of 3-4 advocates forwarded to them.

Enquiries further revealed that Shri Chetan K. Shah remained a Member of Vishwa Hindu Parishad during 1990 to 1995. However, at present he is neither a member of BJP nor any of the Sangh Parivar organisations. It has further come to light that on 12-07-1986, seven or nine members of Muslim Parivar were allegedly burnt alive in Meghaninagar area during the riots in 1986. A case in this regard was registered in Shahibaug P.S. Shri Chetan K. Shah was not a FIR named accused in this case, but was arraigned as an accused during the course of investigation and charge sheet filed against him. After the committal proceedings this case was registered as terrorist case no. 1/87 before the Hon'ble Special Court, Ahmedabad City. Shri Chetan K. Shah was charged under TADA and other rioting offences. However, he was not arrested and instead granted anticipatory bail and subsequently regular bail also. At his request made to the BAR Association, Shri Chetan Shah was defended by Shri H.M. Dhruv and Shri J.M. Panchal, Sr. Advocates. On completion of trial, Shri Chetan Shah was acquitted of all the charges.

Shri Chetan K. Shah was selected as a Public Prosecutor, as per laid down procedure and appointed as such on 17-06-2003, for a period of three years. Before his appointment as PP Shri Shah had defended some of the accused persons of the Gulberg Society case and some of them had been released on bail during that period, he represented them. Further, as a Public Prosecutor of City Sessions Court, he had 15 Additional Public Prosecutors, who used to work in different courts as per duties allotted by Shri Chetan K. Shah. One Shri V.P. Atre, Additional Public Prosecutor had been appointed as Special PP to conduct case no. 67/2002 of Meghaninagar P.S. on 06-10-2003. It has further come to light that this was a special assignment given to Shri Atre by the Govt. of Gujarat directly and he was not junior or subordinate to Shri Chetan K. Shah. In Gulberg Society case none of the accused persons were released on bail after Shri V.P. Atre took over as Spl. PP. However, the accused persons were released on bail by the Gujarat High Court at different point of time. Shri Chetan K. Shah did not appear as a Public Prosecutor in any of the riot cases pending in City Sessions Court, Ahmedabad City. He could not have appeared as a Public Prosecutor in Gulberg Society case as he had already appeared in this case from the defence side. Shri Chetan K. Shah has denied that he had been appointed as a Public Prosecutor because of his VHP background or being a sympathiser of the ruling party or Sangh Parivar. The three years term of Shri Chetan K. Shah had expired in June, 2006 and was not extended. Shri Chetan K. Shah has denied knowledge that Shri V.P. Atre had been appointed as a Spl. PP after a protest by the eyewitnesses of the Gulberg Society case regarding his appointment. Both, Shri Chetan K. Shah and Shri Atre have denied that the latter worked under the former.

Shri H.M. Dhruv, Sr. Advocate has corroborated the version of Shri Chetan K. Shah and has confirmed to have defended Shri Chetan K. Shah in a TADA case jointly with Shri J.M. Panchal, Sr. Advocate, which ended in acquittal. He has further stated that he had been appointed as Spl. PP to conduct the cases arising out of Meghaninagar P.S. Cr. No. 67/2002 and Naroda P.S. Cr. No. 100/2002 on 05-03-2009 and Shri Amit Patel, Advocate was appointed to assist him in the trial. However, Shri H.M. Dhruv did not appear in any of these cases on any dates as new Public Prosecutors were appointed by the Govt. of Gujarat on the recommendations of SIT.

Enquiries further revealed that Shri Raghuvir N. Pandya had started his practice in District & Sessions Court, Vadodara in the year 1986 on Civil and Criminal side. In the year 1997, he was appointed as Addl. PP in District & Sessions Court. Further, during the period 2000-2002, he worked as a incharge Public Prosecutor Vadodara District. He was appointed as a District

Govt. Pleader in District Sessions Court, Vadodara in 2002 and worked there till 2008. He has denied any direct connection with BJP, Bajrang Dal, RSS or any Sangh Parivar organisation, but has admitted to have contested corporation elections from ward no. 20, Majalpur as an independent candidate in the year 1995, when he was elected. He remained Corporator for a period of six years till 2001. He applied for appointment as a Notary in the year 2001 and was appointed as a Notary by the Central Govt. He has also stated that the Best Bakery incident was a serious and sensitive case in Vadodara, as an aftermath of Godhra incident and that he had conducted the prosecution of this case as the Chief Public Prosecutor of District & Sessions Court in a most sincere and diligent manner. According to Shri Pandya, it is incorrect to say that all matters in the Fast Track Court Judge H.U. Mahida were being handled by Shri Gupta, Addl. PP. Shri Pandya has explained that keeping in view the work load as well as the availability of the prosecutors, he used to divide the workload between different Prosecutors including Shri Gupta, Addl. PP. Shri Pandya is of the view that being the Chief Public Prosecutor of District & Sessions Court, his appointment and notification in Best Bakery case was not necessary. Shri Raghuvir N. Pandya ceases to be a Public Prosecutor and Learned Fast Track Court Judge Shri H.U. Mahida had already retired.

Shri Dilip R. Trivedi, Advocate from Mehsana has stated to have started his practice as an Advocate in Mehsana Courts in the year 1977. He was appointed as Govt. Advocate and Public Prosecutor in Mehsana in April, 2000 and remained there till end of 2007. He is a member of Rashtriya Swyam Sevak Sangh since his childhood. In 1992, he joined VHP as a worker and in 1999, he became the General Secretary of VHP, Gujarat State. In 2006, he became the President of Vishwa Hindu Parishad, Gujarat State. According to Shri Trivedi, Vishwa Hindu Parishad is a social Hindu organisation with no political inclinations and it had not been banned. According to Shri Trivedi, post Godhra carnage there were riots in Mehsana District particularly in Sardarpura, Tal- Vijapur and Dipda Darwaja, Visnagar and the bail applications of the accused persons involved in these cases were dealt with by him and other Addl. PPs. He has further stated that the bail applications of seven accused persons were argued by him in the Sessions Court, Mehsana and the same were rejected. All these seven accused persons had approached the Gujarat High Court and subsequently Supreme Court also, but their bail applications were rejected. Some other accused persons arrested in this case had also filed bail applications in the Court and were granted bail. Further, as and when the accused persons were arrested in Sardarpura case, Tal- Vijapur, they were released on bail on various conditions. The complainant had filed petitions in Gujarat High Court vide CrI. Misc. Appls. No. 3590/02, 3591/02 & 4026/02.

against the bail order, which were dismissed by the High Court. Shri Trivedi has added that as and when the accused persons filed their bail applications the same was argued in an honest and impartial manner depending upon the evidence available for and against the accused persons. He has also stated that considering the arguments and the evidence available against and for the accused persons, as per police investigation, the court had either granted them bail or dismissed their bail applications on merits and that the same was purely the discretion of the Court. In these cases, the charge sheets were filed by the IO in the concerned Court of the competent jurisdiction, but the trial was not conducted by him.

Shri Rajendra Darji, Advocate had denied any connection with Vishwa Hindu Parishad, Bajrang Dal or any of the connected organisations. He has stated that he became Addl. PP and Addl. Govt. Pleader in Mehsana District in April 2000 and remained there till 2004. In 2005, he appeared for the interview and was appointed as Addl. Govt. Pleader till 2007. In 2008, he was again appointed as Addl. Govt. Pleader and he continues to be the Addl. PP. He has stated that Dipda Darwaja case was charge sheeted in the first Fast Track Court of Shri P.R. Patel and subsequently transferred to the Court of Shri S.J. Seth and again transferred to the Court of Shri I.B. Waghela. Initially, Shri R.M. Jani was the Prosecutor in this case, who examined 11 witnesses. Thereafter, this case was conducted by Shri Nirmalbai S. Shah, Govt. Advocate, who examined 16 witnesses. Later on, he had conducted this case and had examined 25 witnesses. He has also stated that he had got dismissed the bail applications of the seven accused persons from the Court. He has also stated to have dealt with this case in a most independent and impartial manner.

Shri Piyush L. Gandhi, Advocate remained a RSS activist since 1964, a worker of Akhil Bhartiya Vidharthi Parishad between 1968 to 1972, District Pramukh of Yuva Janta Morcha between 1973 to 1980, Secretary of Panchmahal District VHP between 1982 to 1990, Officiating Pramukh of Panchmahal District VHP between 1990 to 2006 and Administrator of associate school of Vidya Bharti since 2006 till date. He had also been appointed as Director of Godhra City Co-operative Bank in 1996 and treasurer of National Blind Samiti in 1994. He remained Govt. Advocate and Public Prosecutor of Panchmahal from 15-01-1996 to 01-09-2009. He has stated that in the riot cases post Godhra carnage in the year 2002, Shri J.G. Pathak and Shri B.J. Trivedi advocates were appointed as Spl. PPs to conduct the trial of these cases. However, their appointment was cancelled with effect from 04-12-2003 and these cases were entrusted to him for trial. However, in some of the cases, Shri Rajendra Trivedi, Shri A.R. Dave and Shri D.P. Pathak were also

appointed as Spl. PPs. Shri Gandhi has also stated that he had conducted the trial of Shabana-Suhana gang rape and murder case and that in this case the complainants had filed CrI. Revision Appls. No. 94/2004 & 142/2004 in Gujarat High Court, in which some allegations had been levelled against him. He has further stated that the Gujarat High Court had dismissed these allegations on the first date of hearing on 12-10-2004. He has also stated that he had concluded the trial of this case and many of the accused persons were convicted and awarded life imprisonment. He has also stated that appeals had been filed against the acquittal of some of the other accused persons in this case in the Gujarat High Court.

On overall examination of these allegations, it appears that the political affiliation of the advocates did weigh with the Govt. for the appointment of the Public Prosecutors. However, no specific allegation of showing favour by them to any of the accused persons involved in the riots either in grant of bail or during the trial has come to light.

> **ALLEGATION NO. XVI:**

Officers at grass-root level were not transferred as per State Intelligence Bureau's recommendation till the arrival of Shri K.P.S. Gill as Advisor to CM, as indicated by Sreekumar in his second affidavit dated 06.10.2004 to the Nanavati Commission.

Shri R.B. Sreekumar has stated before the SIT on 14-07-2009 that after taking over as Addl. DG (Int.) on 09-04-2002, he had sent an analytical note on the Current Communal Scenario in Ahmedabad City on 24-04-2002, to Shri Ashok Narayan with a copy to Shri K. Chakravarthi. In this report, Shri Sreekumar has stated that repeated and high strong media attack on Ahmedabad police had a demoralising impact on the State of confidence and dedication of the city police personnel. He has further stated that many senior police officers at the decision taking level, i.e., Inspectors in charge of the City police stations had ignored the specific instructions from the official hierarchy on account of their getting direct verbal instructions from the senior political leaders of the ruling party. According to Shri Sreekumar, such officers had become adept in the art of deceptive law enforcement for the benefit of their political masters and friends, who ensured their placement and continuance in their choicest executive posts at the cost of the spirit and letter of the laws of the land.

In this report Shri Sreekumar had suggested amongst other remedial measures, the replacement of the present incumbents from executive posts at the cutting edge level from those cities and districts, where police either

remained inactive during the riots or played a collaborative role with the rioters. Shri Sreekumar also suggested that for deterrent effect, police functionaries who had played a collaborative and participatory roles during the riots should be given statutory punishment.

Shri Sreekumar has further stated before the SIT that on 04-05-2002, Shri K.P.S. Gill, former DGP of Punjab State, who had been deputed as an Adviser to the Chief Minister, Gujarat on Law & Order matter, convened a meeting of senior police officers in his camp at CRPF group centre, Gandhinagar. Shri K. Chakravarthi, Shri P.C. Pande, Shri R.B. Sreekumar, Shri Maniram, and Shri M.K. Tandon, attended the meeting. As instructed by Shri Gill each officer gave his assessment of the current situation. Both, DGP and CP, Ahmedabad City observed that the situation was normal due to effective police measures. Shri Sreekumar has further stated that Shri Maniram, who was responsible for maintaining Law & Order in the State, totally disagreed with the assessment given by DGP and CP, Ahmedabad City. According to statement made by Shri Maniram before the SIT, he had informed Shri K.P.S. Gill that the tension continued to prevail in Ahmedabad City amongst the Hindus and Muslims and the officers who were responsible for not preventing the riots resulting in loss of life and property in their jurisdiction should be transferred immediately irrespective of their status and good officers posted in their place. Shri Maniram also stated to have mentioned to Shri Gill that wherever effective officers had been posted, the Law & Order situation was under control like, Saurashtra and South Gujarat. In this meeting, Shri R.B. Sreekumar had fully endorsed the views of Shri Maniram. Shri Sreekumar also handed over a copy of his report sent vide letter dated 24-04-2002 to Shri Gill and had also prepared a separate note at the instance of Shri Gill. According to Shri Sreekumar, Shri K.P.S. Gill had called him on 03-05-2002, and informed that the suggestions and remedial measures indicated in his (Sreekumar's) note were quite relevant and that soon most of the officers at the decision making levels in Ahmedabad City would be transferred and a new team of officers would be positioned.

Shri K. Chakravarthi has stated before the SIT that during initial discussions with Shri K.P.S. Gill, he along with Shri Ashok Narayan were given to understand that the CM wanted to transfer the senior officers of Ahmedabad City and wanted alternate proposal. Shri Chakravarthi had accordingly given his suggestion to Shri Ashok Narayan, who prepared a note and submitted the same to the Chief Minister for his approval. According to Shri Chakravarthi, Shri K.P.S. Gill had asked him about his views on these transfers, to which Shri Chakravarthi informed him that he had given these suggestions. Shri

Chakravarthi has further stated that this note was approved by the Chief Minister and the transfers came into force in the end of first week of May, 2002. Shri Chakravarthi has also stated that the matter relating to the shifting of jurisdictional officers was already under consideration and it was not taken up at the instance of either Shri Maniram or Shri R.B.Sreekumar.

Enquiries revealed that almost all the jurisdictional officers of Ahmedabad City i.e. CP, Jt. CsP, Addl. CP, and DCsP were transferred on or around 10-05-2002. The allegation of Shri Sreekumar that the transfers of the jurisdictional officers as suggested by State IB on 24-04-2002, were not carried out till the arrival of Shri K.P.S. Gill, an Adviser to the CM, is therefore, not established.

➤ **ALLEGATION NO. XVII:**

Failure to take action against the print media making communally inciting reports though State Intelligence Bureau and some field officers had recommended for action, as noted in the first Affidavit dated 06.07.2002 of Shri R.B. Sreekumar during his cross-examination before the Nanavati-Shah Commission on 31.08.2004.

During the course of enquiries by SIT, Govt. of Gujarat has intimated in writing that no action had been taken on the recommendations of Shri R.B. Sreekumar against the print media. This allegation, therefore, stands established.

➤ **ALLEGATION NO. XVIII:**

State Home Department gave misleading reports about normalcy in the State to Central Election Commission for ensuring early Assembly Election. The assessment of the Home Department was adjudged as false by the Election Commission in its order dated 16.08.2002. As per the Register for recording verbal instructions from higher formations kept by ADGP (Shri R.B. Sreekumar), as noted in his third Affidavit, he was directed by the Home Department officials to give favourable reports about law and order for facilitating holding of early elections.

During the course of enquiry by SIT, Shri R.B. Sreekumar has stated that on 9th August, 2002, the Central Election Commissioner Shri J.M. Lyngdoh along with other two members convened a meeting to assess Gujarat Law & Order situation to decide on the pre-poning elections in the State, which was attended by him, Shri G. Subbarao, the then C.S., Shri Ashok Narayan, the then ACS(Home), Shri K.Chakravarthi, DGP, Shri K.R. Kaushik, the then C.P. Ahmedabad, Shri C.K. Koshy, the then Revenue and Relief Commissioner,

Shri P.S. Shah, Addl. Secretary (Home) and Shri K. Nityanandam, Home Secretary. According to Shri Sreekumar, the Chief Secretary had informed in this meeting that two presentations, one on the Law & Order situation by Shri K. Nityanandam, Home Secretary and other by Shri C.K. Koshy on the rehabilitation of the riot victims were ready, to which the Chief Election Commissioner said that they were not interested in any presentation, as the ground situation was different from the items presented earlier to a team sent by the Election Commission. As per the version of Shri Sreekumar, the Chief Secretary informed that total normalcy had been restored throughout the state and no tension was prevailing anywhere. Shri Sreekumar has further stated that CEC Shri Lyngdoh was visibly annoyed hearing this and in an irritated mood said that the Commission visited certain riot affected areas in Ahmedabad city and the victims made so many complaints against the authorities, particularly the police and added that the victims were still intimidated by a section of people with the backing of the Administration. The CEC quoted an instance of a wall constructed in a locality in Ahmedabad city, wherein the right of passage of the minority community was blocked. Shri Sreekumar has further stated that the Chief Secretary intervened and said that these were stray cases and that rehabilitation was almost complete and that most of the riot victims had gone back to their habitat prior to riots. Further, according to Shri Sreekumar, the CEC became visibly angry and expressing displeasure said "Mr. Chief Secretary you have temerity to claim normalcy but everywhere we got complaints of threat from criminal elements voiced by the victims of riots". Shri Lyngdoh added that the Gujarat Govt. should give different data on communal violence. Shri Sreekumar has also stated that the DGP Shri Chakravarthi in his presentation gave an account of the communal violence. He said that the Hindu mobs attacked the minorities in areas which were not affected by communal tension and asked for additional Paramilitary forces for the election. Shri Sreekumar in his presentation said that there was only modicum of apparent normalcy and there was latent tension in all those areas affected by the recent communal riots. The CEC interjected at that juncture and questioned the CS, asking him to reconcile the demand for additional forces and the claim of the administration about prevailing normalcy. As per Shri Sreekumar's version, the ACS said that what ADGP Sreekumar meant as apparent normalcy was about communal tension in certain places. According to Shri Sreekumar, these comments by ACS had visibly annoyed the CEC who said "Did ADGP require any interpreter or translator?". Continuing his presentation, Shri Sreekumar stated that there was only apparent normalcy because tension was prevailing in 993 villages and 151 towns which had witnessed riots during the period from 27-2-2002 to 31-7-2002 and that the

above affected areas covered 284 police stations and 154 of 182 assembly constituencies. According to Shri Sreekumar, in these places there was no communal amity and due to gulf created between the Hindus and Muslims, any petty issue would ignite communal riots and that this was one of the major reasons for demanding additional forces. The Chief Election Commission passed an order on 16th August, 2002 in which it was mentioned as: "Significantly, Additional Director General of Police, Shri R.B. Sreekumar, stated before the Commission that 151 towns and 993 villages, covering 154 out of 182 Assembly Constituencies in the State, and 284 Police Stations out of 464 Police Stations were affected by the riots. This evidently falsifies the claims of the other authorities that the riots were localised only in certain pockets of the State. It was further mentioned in Para 32 of the order that: "Before the Commission, the C.S. and DGP painted a similar picture of normalcy in Gujarat. But Add. DG (Int.), Shri R.B. Sreekumar, whose views were supported by the new C.P., Ahmedabad, Shri K.R. Kaushik, stated before the Commission that an undercurrent of tension and fear was prevailing beneath the apparent normalcy in the State". He further added that there was no interaction between the two communities even though moderates were trying their level best, as there were hawks in both the groups. He added that additional forces would be required to ensure that there were no communal clashes. And the state Govt. have on the Commission's queries subsequently been avoiding giving a clear picture on the number and identity of persons complained against, similar details of persons included in the FIRs, similar details of persons who have been arrested, similar details of persons enlarged on bail as against whom appeals have been filed for cancellation of their bail bonds. The Full Commission was of the view that the Law & Order situation in the state was far from normal and there could be backlashes from the minority community due to the slow progress in relief and rehabilitation work and due to arrest and non punishment of the guilty. The Commission further observed that similar feelings were shared by the persons from the majority community and that people had lost confidence in the local police, civil administration and political executive. Finally, Commission was of the view that in such an environment, election campaign evoking passions would only shatter the fragile peace unless adequate confidence building measures were taken up with urgency. The Commission also suggested the ways and means to introduce confidence building measures.

Shri G. Subba Rao, the then Chief Secretary has stated before the SIT that the Chief Election Commissioner Shri J.M. Lyngdoh along with other two members of the Election Commission had held a meeting on 09-08-2002 to assess the Law & Order situation with a view to decide the holding of elections

Shri Ashok Narayan, the then ACS (Home) has admitted to have attended the meeting called by CEC on 09-08-2002, in order to assess the Law & Order situation in Gujarat to decide to pre-pone the elections in Gujarat. According to Shri Ashok Narayan, as instructed by Shri G. Subba Rao, CS Shri K. Nityanandam started his presentation, but he was cut short by Shri Lyngdoh with the remarks that they were not interested in elaborate presentation. Shri Ashok Narayan has stated to have taken over and assured the Commission that in the event of elections being held in near future, the Govt. would be in a position to hold the same in a fair and free manner and the voter, who wanted to exercise his franchise would be given due protection. Shri Ashok Narayan has further stated that the DGP also gave his view point, but Shri R.B. Sreekumar intervened and told the Commission that he had a different view point on the subject. According to Shri Ashok Narayan, Shri Sreekumar was of the view that tension still prevailed in a large number of talukas, which had witnessed riots covering 154 Assembly constituencies. According to Shri Ashok Narayan, the Home Department had correctly presented the facts on the basis of the reports received from DGP and that Home Department was not concerned whether the elections should be held or not at that time. Shri Ashok Narayan has stated to have assured the Election Commission that given the necessary additional force from the Central Govt., Law & Order situation would be maintained and safety of the voters ensured, if the elections were held in near future. As per Shri Ashok Narayan, Shri R.B. Sreekumar had maintained that 154 Assembly constituencies out of 182 were affected by the communal riots and as per his recollection, this figure was arrived at by applying yardsticks, which were determined by the Govt. in Revenue Department in relation to distribution of food grains and other items of relief. Shri Ashok Narayan was of the view that these yardsticks were understandably liberal and that the actual number of constituencies affected by the communal riots in the context of Law & Order situation relevant to holding of elections was less. Shri Ashok Narayan has also stated that after the Election Commission meeting, he had told, Shri Sreekumar that in case he had a different perception about the Law & Order situation in the State from the DGP and the Govt., he should have informed the latter before the meeting and that he wanted to make his presentation separately. Shri Ashok Narayan has also stated that the act of Shri Sreekumar in contradicting the DGP, ACS (Home) and Chief Secretary in an open meeting was not proper and did not sound of his being a disciplined officer. Shri Ashok Narayan is not aware of the talks held between Shri G. Subba Rao and Shri R.B. Sreekumar in this regard after the meeting.

Shri K. Chakravarthi, the then DGP has stated before the SIT to have attended the meeting held by the Full Election Commission with a view to

assess Law & Order situation in the State and also as to whether atmosphere was conducive to hold elections early. Shri Chakravarthi has stated that before the meeting Shri R.B. Sreekumar did not meet him and apprise him about his presentation before the Commission. According to Shri Chakravarthi, Shri K Nityanandam wanted to start his presentation at the behest of Chief Secretary, but the Chief Election Commissioner interrupted him by saying that they were not interested in such presentation, but would like to hear the views of the individual officers. Shri Chakravarthi has further stated that Shri Subba Rao mentioned that normalcy had been restored in the State and no tension was prevailing anywhere, to which Shri Lyngdoh disagreed and said that the ground situation in Ahmedabad City was different. Shri Chakravarthi had also given his brief presentation about the communal violence which had occurred in the State including non-traditional pockets, which were also affected by the riots. Shri Chakravarthi emphasized the need for adequate paramilitary forces to be deployed at the time of elections. However, Shri Sreekumar did not wait for his turn and intervened saying that he disagreed with views of the Chief Secretary and projected that the situation in large number of constituency was not normal and that the tension was still prevailing. Shri K.R. Kaushik mentioned about the communal divide between the two communities in Ahmedabad City and pleaded that more forces would be required to ensure that there were no communal clashes during the elections. As per Shri Chakravarthi, the Commission observed that there was no room for complacency and proper arrangements will have to be made for peaceful elections. The Commission finally desired that DGP along with ACS (Home) should come to Delhi and make a proper presentation of the arrangements to be made for peaceful conduct of elections in Gujarat. Accordingly, Shri Chakravarthi prepared a presentation and went to Delhi along with ACS (Home) and Shri Rahul Sharma, the then Commandant SRP for technical help. Shri Chakravarthi also stated his subsequent presentation before CEC by the Commission was fully approved by the Commission, who had agreed to provide Central Paramilitary Forces as per his demand for the peaceful conduct of elections in the State. The Election Commission passed an order on 16-08-2002, elections were held in the State of Gujarat in December, 2002 and the event passed off peacefully.

The order dated 16-08-2002 passed by the Election Commission of India shows that the term of the Legislative Assembly of the State of Gujarat was normally due to expire on 18-03-2003, but the Assembly had been dissolved prematurely on 19-07-2002 and a demand was being made by BJP, a few other smaller parties and NGOs to constitute the new Assembly urgently, so that the Assembly could meet for its first session before 06-10-2002 as the last session of the dissolved Assembly of Gujarat prorogued on 06-04-2002

was on time i.e. well before a period of six months was completed. On the other hand the Commission received a large number of presentations of Congress and other political parties not to hold the general elections to the Gujarat Assembly until the normalcy was completely restored and the people affected by the riots and violence in the aftermath of the Godhra incident on 27-02-2002, returned to their houses with a sense of security and safety and that there was no compulsion for the Election Commission to hold the elections before 06-10-2002. The Election Commission held that Shri R.B. Sreekumar had stated before the Commission that 154 out of 182 Assembly Constituencies in the State were affected in the riots, which evidently falsified the claim of the State Govt. that the riots were confined to pockets in 12 Districts and that 13 Districts remained unaffected. The Commission further observed that it was not in a position to agree with the views of the State Govt. that the inmates of the camps had mostly returned to their habitations as it contradicted the ground situation observed by the Commission while visiting some of the affected areas. The Commission further observed that there were defects in the electoral rolls and that some of the displaced voters had lost their electoral identity cards along with other belongings. As regards the Law & Order situation in the State the Commission was of the considered view that the State was still far from normal and the people had lost confidence in the local Police, Civil Administration and Political Executive. It was also observed by the Commission that the claims of the State Govt. about the normalcy having been restored in the State on the ground that the elections for 1677 Panchayats were held in April, 2002 was not borne by evidence. The Commission has also observed that there was a bias in the implementation of relief and rehabilitation measures. The Commission finally concluded that after the completion of updating of electoral rolls and creation of conditions, conducive for free and fair elections in the State, the Commission will consider framing a suitable schedule for general elections to the State Assembly in November-December, 2002. It may thus be seen that though the statistics and the picture projected by the various officials of the State Govt. was not accepted by the Election Commission, yet it agreed to hold the general elections to the State Assembly in November-December, 2002. Finally, the elections were held in the State of Gujarat on 15-12-2002 and the event passed off peacefully. Shri Subba Rao has given the various grounds to establish that normalcy had been achieved in the State, which can not be proved to be false/incorrect. The very fact that the Commission agreed to hold the elections in 3-4 months time and that the elections were finally held peacefully on 15-12-2002 goes to vindicate the stand taken by the Govt. The allegation that the State Home Department gave misleading reports about

normalcy in the State to Central Election Commission to ensure early Assembly elections are therefore not conclusively established. No responsibility can be fixed in the matter, as the exercise was a joint effort.

> **ALLEGATION NO. XIX :**

The State Home Secretary Shri G.C. Murmu was presumably detailed for tutoring, cajoling and even intimidating officials deposing before the Nanavati Commission so that they do not tell the truth and harm the interests of the CM and ruling party, as narrated in third Affidavit of Shri R.B. Sreekumar.

Enquiries conducted by SIT revealed that Shri R.B. Sreekumar, the then Addl. DG had received summons on 15-07-2004 from Nanavati-Shah Commission of Inquiry to appear before it for his cross examination on 30/31-08-2004. On receipt of summons Shri Sreekumar requested Shri A.K. Bhargava, the then DGP vide his letter dated 15-07-2002 to give him specific guidelines in the matter relating to the questions put to him during the cross examination by the Commission on his first affidavit. Shri Sreekumar had further mentioned in his letter to the DGP that during cross examination, he would be constrained to reveal the contents of his affidavit, which had direct relevance on the internal security of the nation and hence, may be given specific guidelines in the matter in tune with the Govt. policy. In response to this request, Shri A.K. Bhargava sent a letter to Shri Sreekumar advising him to personally contact Shri Arvind Pandya, Advocate on behalf of Govt. of Gujarat in the Nanavati-Shah Commission of Inquiry and get this matter clarified about his affidavit, which he had marked as secret to be treated as confidential and therefore a privilege document. DGP desired that he may be informed of the action taken in this matter early. Thereafter, Shri R.B. Sreekumar wrote a letter to Shri Arvind Pandya, Govt. Advocate on 26-07-2004, requesting for specific guidelines about revealing the contents of his affidavit, which were marked secret/confidential, but no reply was received from him. Shri Sreekumar had reported the matter to DGP, who advised him to contact Shri Pandya again, but no guidelines were given by Shri Pandya and he told Shri Sreekumar that he would inform the latter about the some meeting.

In the mean while, the contents of the first affidavit were reported in the Times of India dated 18-08-2004 to the effect that an analytical note sent by Shri R.B. Sreekumar to ACS (Home) on 24-04-2002, had been annexed to the affidavit dated 15-07-2002 of Shri Sreekumar quoting senior police officers that the Inspector in charge of the police station ignored the specific instruction from the higher officers on account of their getting direct verbal instructions from the

senior political leaders of the ruling party. The news item further mentioned about the letter dated 26-04-2002 of Shri P. C. Pande to Shri Chakravarthi to the effect that the Bajrang Dal leaders were likely to distribute lethal weapons on Hanuman Jayanti to their workers—had also been annexed. According to Shri Sreekumar, he was persuaded by Shri Deepak Swaroop, the then Addl. DG, Shri J. Mahapatra, the then Addl. DG and Shri A.K. Bhargava, the then DGP not to go against Govt. interest during his cross examination before the Commission, as he was due for promotion to the rank of DGP and a vacancy was available. According to Shri Sreekumar that since many people were pestering him, he decided to record the conversation of anyone coming in future to discuss his deposition before the Commission. Shri Sreekumar has stated that on 21-08-2004, Shri Dinesh Kapadia, the then Under Secretary (Budget & Co-ordination) in the Home Department met him in the chamber and tried to influence him to depose before the Commission without harming the Govt. and Sangh Parivar interest. As per Shri Sreekumar, Shri Dinesh Kapadia is a close confidant of Shri Damleji, Senior RSS pracharak in charge of Gujarat. According to the version of Shri Sreekumar, he recorded the conversations held with Shri Kapadia with the help of micro cassette tape recorder and a copy of the CD has been produced during the enquiry. Shri Sreekumar has further stated that Shri Kapadia exhorted him that no purpose would be served by telling truth, as its recommendations would not be accepted as all Commissions are paper tigers. Shri Sreekumar has further stated that Shri Kapadia told him that the Commission was not the forum to tell the truth and advised him to follow Shri P.C. Pande, who had done the good thing. As per Shri Sreekumar, Shri Kapadia viewed that he was partly biased in his assessment of the situation and that he should avoid telling more facts and providing additional material to the Commission. Shri Kapadia had also told Shri Sreekumar that the Supreme Court and media were prejudiced against Shri Modi, CM and that there were more critics of the Govt. than him in the police department, but they had not been exposed as they were doubly scared. Shri Kapadia also said that he (Shri Sreekumar) was harming himself. Shri Sreekumar has stated that he told Shri Kapadia that he could not give up the cause of truth for the sake of his own benefit. Shri Sreekumar has further stated that Shri Kapadia had advised him not to give any additional facts about the meeting chaired by the CM on 27-02-2002, to the Commission. Shri Sreekumar has also stated that Shri Kapadia advised him not to be excessively vocal before the Commission and that he (Shri Kapadia) personally felt that only inherent weaknesses in him was that he had been excessively vocal and there was no necessity to be vocal. Shri Sreekumar also added that Shri Kapadia concluded by saying that there were some forums, where you are to

be vocal and somewhere you are supposed to be reticent and that he thought that he (Shri Sreekumar) would agree with his unsolicited advice.

Shri Dinesh Kapadia has stated before the SIT that he had known Shri R.B. Sreekumar since 2002 and had been introduced to him by one Shri S.M. Pathak, the then Dy.S.P. (Int.), Gandhinagar. In his first meeting with Shri Sreekumar in latter's office situated in police bhavan they exchanged some Sanskrit verses of mutual interest and thereafter, kept on meeting in each other's chamber over a cup of tea. According to Shri Kapadia, during one of these meetings on 21-08-2004, in the afternoon in the chamber of Shri Sreekumar, they entered into a discussion about the affidavit filed by him (Shri Sreekumar) before Nanavati-Shah Commission of Inquiry. During discussions, Shri Sreekumar took out a copy of his affidavit from his cupboard and showed it to him and remarked that he was a born rebel. Shri Kapadia has stated to have glance through the affidavit and made a personal observation that no useful purpose would be served by telling all these things to the Commission as all Commission are paper tigers. Shri Kapadia has also stated to have conveyed his view to Shri Sreekumar that the Commission was not the proper forum to bring out these things and that such an action could lead to a misunderstanding. Shri Kapadia has further admitted to have told Shri Sreekumar that Shri P.C. Pande had rightly deposed before the Commission and that he should emulate him. According to Shri Kapadia, he had expressed a personal view that he (Shri Sreekumar) was partly biased in his assessment of situation and that he should avoid speaking too much before the Commission as the same would further put him in some uncalled for controversy. Shri Kapadia has claimed that he had not been sponsored by anyone to influence Shri Sreekumar and these were his personal views expressed as a well wisher to Shri Sreekumar, whom the former considered to be honest and good officer. Shri Kapadia has further stated that subsequently he came to know that Shri Sreekumar had clandestinely tape recorded his informal chat with him and had enclosed the transcript of the same along with his affidavit submitted to the Commission. Shri Kapadia has also stated that on the day of his retirement i.e. 28-02-2007, Shri Sreekumar called him to his chamber, offered him a cup of tea and tendered an unconditional apology for the whole episode, which put him in an embarrassing situation. Further, according to Shri Kapadia, Shri Sreekumar regretted the whole incident and stated that he had been advised by his lawyer to do so as the same could have strengthened his case pending before the CAT.

Shri R.B. Sreekumar has stated during his examination by SIT that after the meeting with Shri Dinesh Kapadia, Shri G.C. Murmu, Home Secretary

informed him that a briefing session had been convened by him in a private guest house in Paldi area of Ahmedabad City to guide him for the cross examination before Nanavati-Shah Commission of Inquiry fixed for 31-08-2004 and that Shri Arvind Pandya, Govt. Advocate would also attend the session. Shri Sreekumar has further stated to have approached to DGP for instruction and that the latter had advised him to attend the session as Shri Murmu had been deputed to brief and tutor the witnesses appearing before the Commission. Shri Sreekumar has stated to have attended the meeting in a private guest house at Paldi on 25-08-2004. According to Shri Sreekumar, the meeting was clandestine and illegal and had been arranged in a private guest house instead of conference hall available in the Home Department. Shri Sreekumar had carried an electronic recording device, as he was apprehensive that Shri Murmu and Shri Pandya would pressurise him to suppress the truth and to tell lies in support of the Govt. interests. Shri Sreekumar discussed the matter with Shri Pandya and Shri Murmu joined later. Shri Sreekumar has stated that Shri Murmu had directed him not to be hasty or hurried in answering questions particularly about Shri Mukul Sinha, who would ask very compounding question. Shri Murmu continued his tutoring venture and said that Shri Mukul Sinha would put a long question, which would have 3-4 questions to get an affirmative response from him. Shri Pandya also cautioned to be very careful about it, as in the three compounding question Shri Sinha would put a question in the affirmative and in case, Shri Sreekumar answered in affirmative the answer would be taken as positive for all the questions. As per Shri Sreekumar, Shri Pandya and Shri Murmu said that if one issue could be cleared by telling no, there was no need to say anything further, as another question would arise out of it. Shri Sreekumar has further stated that Shri Pandya guided him that he should avoid unnecessary explanation because from that they would get relevant material for further questioning and Shri Murmu added that something not known would become known to them. According to Shri Sreekumar, he informed Shri Murmu and Shri Pandya that the information covering period upto 09-04-2002 was based on record to which Shri Pandya said that they had been briefing all the witnesses. According to Shri Sreekumar, Shri Murmu also endorsed the views of Shri Pandya that there was no need to explain one point because from giving explanation another question would come up. Shri Murmu again told Shri Sreekumar that something not known will become known to them. Shri Sreekumar has further stated that Shri Murmu and Shri Pandya had then put up a set of anticipated questions, which would come up during the cross examination as per their view and elicited his answers. Shri Sreekumar has also stated that Shri Murmu questioned him as to why IB did not know, the conspiracy behind the Godhra

train fire incident, to which Shri Pandya said that he would be certainly questioned, whether IB had any intelligence about the 27th incident. Shri Sreekumar was further questioned by Shri Murmu, as to whether he would admit IB failure about not getting any information on the back ground of 27th incident of Godhra and added that this was an IB failure. As per the version of Shri Sreekumar, Shri Murmu told him not to comment on action taken by the Govt. on his situation assessment reports and recommendation and that they had hundreds of expectations of his assessment report dated 24-04-2002 and so, he had to be very careful in giving answer. As regards the follow up action by the Govt. in his intelligence reports, Shri Sreekumar was questioned by Shri Murmu that they would ask different questions, as to whether any action had been taken by the Govt. or the police and whether he had any idea about to which Shri Sreekumar replied that he had no idea. Thereupon, Shri Murmu advised Shri Sreekumar to say that his job was to report and there was no question as to what happened afterwards and that they were not supposed to inform about the action taken. Shri Murmu also advised Shri Sreekumar to say that his duty was to alert and the Govt. was to take appropriate action on verification of facts and figures. Shri Pandya also advised that Shri Sreekumar should say that he had no measurement, as to how much of the information was correct or not. Shri Pandya further told Shri Sreekumar that he was to answer very cleverly about the question that after giving information, what did the Govt. do on that. Shri Sreekumar was further advised by Shri Murmu that secondly they would ask that his job was to inform but afterwards have you seen any situation, upto 26th everything was fine and then if he said yes, there would be burden on the Govt. As to Shri Sreekumar, Shri Murmu told him that he would be asked....IB had failed....IB had further failed.....IB had reported.... The report had warned the Govt.... what happened to the IB report? And they would try to get from his mouth that there was pressure. As per Shri Sreekumar, Shri Murmu told him that he should tell the Commission that no more better steps could be taken. Shri Arvind Pandya, Advocate asked Shri Sreekumar that did he have a source at Godhra to which Shri Sreekumar replied that he could not comment upon this as source matter is a top secret matter and he could refuse to comment. Shri Pandya also questioned Shri Sreekumar about the conspiracy matter to which Shri Sreekumar replied that primarily, he did not know about that and he did not feel it so now. Shri Pandya again told Shri Sreekumar, that if he did not give any clue to them, they would not ask otherwise they would call Mr. Raiger. Shri Murmu intervened and told Shri Sreekumar that they wanted him to do two things in the whole.... Intelligence failure, but Mr. Pandya interfered that the Intelligence failure was not there, but it is utilisation of intelligence and utilisation of Govt. machinery, to

which Shri Murmu said all this would come afterwards. Shri Murmu also said that it was not his duty not to go deep into the veracity, whether there was failure or not, he meant for processing the information, disseminating the same and then bringing it to the notice. Both, Shri Murmu and Shri Pandya asked Shri Sreekumar, as to whether Govt. called him about each and every message sent by him, to which Shri Sreekumar said that he was called only on 24th report. Thereupon, Shri Murmu said that he was called occasionally. (Thereafter, the subject matter of conversation is not very clear and there is total confusion, but Shri R.B. Sreekumar has given his own views, interpretation and understanding, which does not appear to be correct, inasmuch as he has interpreted 24th report as assessment report dated 24-04-2002). Thereafter, Shri Pandya told him that he (Sreekumar) was a State witness and that he was not permitted to cross examine him, to which Shri Sreekumar replied that he was neither a defence witness nor a prosecution witness. Shri Pandya further clarified to Shri Sreekumar that he (Sreekumar) was his witness and he was not permitted to cross examine his own witness, but if he created circumstances, he would give application for his (Sreekumar) cross examination. Shri Pandya also said that if he (Sreekumar) declared him hostile and cross examines him and then notice would be issued by the Govt. to him regarding integrity and everything. Shri Sreekumar has further stated that Shri Pandya informed him that they had been briefing every witness about to need for not to be confused by the compound question and if required, referred to the records and not to allow the counsel cross examining them to put words in their mouth and that they should not be in a hurry to answer the question to which Shri Sreekumar responded that he would stick to his affidavit. According to Shri Sreekumar, Shri Murmu indicated that they intended to call Shri Ashok Narayan for briefing also and Shri Murmu had said that the work of briefing Shri Narayan should be done with sincerity. Shri Sreekumar has also stated that Shri Murmu had told him that if he gave some clue from which they would infer and then he should say he had nothing to do with, as to how the records had come and what all was there in that. Shri Sreekumar has further stated that Shri Arvind Pandya had said in his interview to Shri Ashish Khetan of Tehleka that he had threatened the Police officer Shri R.B. Sreekumar and that leaked out and it came on TV all the day.

Shri G.C. Murmu has stated before the SIT that he had joined as Secretary (Law & Order) in Home Department and used to look after a small cell for complying with the directions and the requirements relating to the court cases, which was a part of his training abroad to facilitate the preparation of his dissertation. He has further stated that during the course of hearing some of the Govt. officials, who had filed affidavits were summoned for their

deposition/cross examination. According to Shri Murmu, some of the Govt. officials summoned used to meet the Advocates concerned for briefing and he used to be present along with the Govt. records for their reference. He has admitted to have attended a conference with Shri R.B. Sreekumar and Shri Arvind Pandya, Govt. Advocate to the Nanavati-Shah Commission on 25-08-2004 in GNFC guest house, Pakdi, Ahmedabad City along with the records. As per Shri Murmu, Shri R.B. Sreekumar was briefed by Shri Pandya about the modalities for his deposition. He has further stated that since Shri Pandya was not good at English and Shri R.B. Sreekumar was not very good at Gujarati communication problems arose and he intervened sometime to translate from Gujarati to English and vice versa. He has denied to have tutored Shri Sreekumar to follow a particular line. He has further denied his role in this conference or otherwise Shri Sreekumar must have complained against him to the higher authorities about the alleged tutoring. Shri Murmu has further stated that Shri Sreekumar never disclosed these facts before the Commission, when he appeared before the Commission on 31-08-2004. Shri Murmu has also pointed out that even in the second affidavit on 06-10-2004, he did not disclose that he had been pressurised/tutored to depose before the Commission in a particular manner. Shri Murmu has further stated that he came to know that Shri R.B. Sreekumar had clandestinely recorded the conversation held during the conference without his knowledge as well as without the knowledge of the Advocate, when Shri Sreekumar made a reference to the said conversation in his third affidavit filed before the Commission on 09-04-2005 and enclosed a transcript thereof. Shri Murmu has clarified that he had not been asked by anyone to brief Shri Sreekumar or any other witness appearing before the Commission. He has further stated that it was a general practice for the Govt. Advocates to brief them at their request so that they could appropriately depose/answer the questions in the cross examination. As per Shri Murmu, the conference had been arranged with the Advocate as Shri Sreekumar indicated his interest to meet the Advocate before his cross examination by the Commission. Shri Murmu has alleged that the authenticity of the CD had not been established and there was every chance for Shri Sreekumar for tampering with the same as it remained in his (Shri Sreekumar) possession for a very long time. He has disputed the genuineness of the CD and has stated that the alleged transcript made out of this CD had also not been authenticated and therefore, he was not in a position to comment upon the same.

Shri Arvind H. Pandya has stated that he had been appointed as one of the defending Spl. Counsel for Gujarat State in June, 2002 to defend the Govt. before Nanavati-Shah Commission of Inquiry and that he resigned in Oct. 2008. Shri Pandya has further stated that the Govt. had appointed him as a

Co-ordinator to the Govt. of Gujarat for effective administration and his duties were to procure the documents as directed by the Commission from different departments of Gujarat Govt. and submit the same before the Commission. According to Shri Pandya, during the discharge of his duties, he came across several police and administrative officials summoned by the Commission for their evidence, who wanted to consult him with a view to understand the proceedings before the Commission. He has admitted having held meetings with them. He has further stated that during proceedings Shri R.B. Sreekumar, who had been summoned by the Commission for cross examination, had expressed his desire to meet him and came to office situated in GSFC guest house, Rangwala building, Navarangpura, Ahmedabad City on 25-08-2004 without any prior appointment, as he was to discuss the various affidavits of the Govt. officers, with Shri Murmu, Home Secretary. He has stated that he went through the affidavit filed by Shri Sreekumar before the Commission and advised him to depose. According to Shri Pandya, Shri Sreekumar wanted to be guided about the likely cross examination before the Commission and as such he briefed him (Sreekumar) about the strategy adopted by Shri Mukul Sinha, an Advocate for Jan Sangharsh Manch appearing before the Commission for cross examination. He has denied to have threatened Shri R.B. Sreekumar, but told him to depose strictly according to his affidavit or otherwise he would report the matter to the State and that might result in a departmental action against him. He has further stated that Shri R.B. Sreekumar recorded the conversation clandestinely without their knowledge and released the same to press and electronic media. As per the version of Shri Pandya, no meeting took place with Shri Sreekumar on 24-08-2004, as claimed by him. Shri Pandya has further stated that at the time of his deposition before the Commission on 31-08-2004, Shri Sreekumar failed to inform the Commission about any threat or tutoring given by him. Shri Pandya has also stated that Shri Sreekumar had supported his affidavit before the Commission and as such he did not put even a single question to him, as his purpose had been served. Shri Pandya has pointed out that Shri Sreekumar did not report the matter to the Commission in his second affidavit filed on 06-10-2004. According to Shri Pandya, Shri Sreekumar maliciously levelled these allegations against him in his third affidavit filed before the Commission on 09-04-2005, after he had been superseded in promotion, which was an afterthought. Shri Pandya has also stated that the Commission did not give any weightage to the affidavits filed by Shri Sreekumar subsequently and Shri Sreekumar had not been called by the Commission for further deposition. On being shown the transcript of the tape recorded conversation, Shri Pandya has stated that the alleged tape remained in the possession and custody of Shri

Sreekumar only and not produced before any of the authorities and therefore, the same had been tampered with and conversations manipulated to suit his design. Shri Pandya has shown his inability to comment upon the said tape recorded conversation. He has also not commented upon his conversation with Shri Ashish Khetan of Tehleka on 08-06-2007, as he has lodged a criminal complaint against Aaj-Tak channel, which was registered as Cr.No. 368/07 dated 26-10-2007 and Shri Dhimant Purohit accused of Aaj-Tak channel had filed a quashing petition in Gujarat High Court, which is still pending.

Shri K.C. Kapoor, formerly ACS (Home) has stated that the affidavits filed by Shri R.B. Sreekumar on 06-10-2004, 09-04-2005 & 27-10-2005 did not have the Govt. approval and the same had been filed by Shri Sreekumar of his own. He has further stated the transcript of the tape recorded conversation of Shri R.B. Sreekumar with Shri Dinesh Kapadia was placed before him. He has stated to have called Shri Dinesh Kapadia and asked him about the same to which latter responded that he had family relations with Shri R.B. Sreekumar and used to visit each other. According to Shri Kapoor, Shri Dinesh Kapadia explained that he never meant to pressurise Shri Sreekumar in any manner nor was he holding any brief from the Govt. in this regard. Shri Kapoor has further stated that Shri Kapadia had informed him that he had said certain good things during the conversation, but to his surprise the same had been erased/tampered with. Shri Kapoor has also stated that Shri Kapadia was of the considered view that the tape had been considerably tampered with by Shri Sreekumar as the tape remained in his custody and that he never meant to pressurise or persuade Shri Sreekumar to make any tailored statement before the Commission. Shri Kapoor has further stated that Shri Sreekumar has alleged in one of his affidavits that Shri G.C. Murmu along with Shri Arvind Pandya to the Nanavati-Shah Commission of Inquiry had held a briefing session before his deposition to tutor him about the items to be presented in his cross examination. According to Shri Kapoor, Shri R.B. Sreekumar had not taken any permission to tape record the said conversation and had kept the tape with him unauthorisedly. Shri Kapoor has stated that after the matter appeared in the local news paper, he came across a transcript of the conversation and spoke to Shri G.C. Murmu about the same. As per Shri Kapoor, he learnt that it was a normal briefing session, which is held by all the advocates before the appearance of any of the senior Govt. official in the Court/Commission. Shri Kapoor has also stated that as per Shri Sreekumar himself, he was specifically asked to be careful about the question put to him by Shri Mukul Sinha. Further, according to Shri Kapoor, Shri Sreekumar had not been threatened in any manner, but was asked to stick to his affidavit, so that he might not be declared as a hostile witness, which might lead to some

action against him as per the conduct rules. Shri Kapoor has also stated that Shri Murmu informed him that it was a normal briefing session and that no attempts as alleged by Shri Sreekumar in his affidavit were made by Shri Murmu and Shri Pandya to pressurise or guide Shri Sreekumar to depose in a particular manner. Further, Shri Kapoor has stated that as per Shri Sreekumar himself, he ignored the briefing made by Shri Murmu and Shri Pandya goes to show that he had not been pressurised in any manner. Shri Kapoor has denied that the Home Department officials had been tutoring all the Govt. functionaries, summoned for cross examination by the Commission and the truth was suppressed and false depositions made by many Govt. servants as alleged by Shri Sreekumar in his affidavit. Shri Kapoor has finally stated that the conclusions drawn by Shri Sreekumar are personal and that he is not in a position to comment upon the same.

Coming to the evidence available in this allegation, it may be mentioned that within a week of Shri R.B. Sreekumar taking over as Addl. DG (Int.) on 09-04-2002, he started creating evidence against the senior officers, as well as the Ministers/CM in the Govt., inasmuch as he opened up a register on 18-04-2002, which was antedated by him to 16-04-2002. He started making entries in the same, as per his own views and perception. However, in his first affidavit, he projected that everything was normal. After, he was transferred from the post of Addl. DG (Int.) on 18-09-2002 and posted as Addl. DG (Police Reforms), he became apprehensive that he might be superseded in promotion. On 15-07-2002, when he received summons from the Nanavati-Shah Commission of Inquiry for his cross examination, he immediately wrote a letter to DGP for specific guidelines about revealing the contents of his affidavit. Shri A.K. Bhargava wrote to Shri Sreekumar on 20-07-2004, asking him to personally contact Shri Arvind Pandya, Advocate of Gujarat Govt. of Nanavati-Shah Commission of Inquiry and get the matter clarified about his affidavit. Accordingly, Shri Sreekumar sent a letter dated 26-07-2004 to Shri Arvind Pandya to provide him specific guideline about revealing the contents of his affidavit which are marked secret/confidential as the same was prepared out of secret documents and papers of State IB. It may thus be seen that a request came from Shri R.B. Sreekumar and pursuant to that Shri A.K. Bhargava had asked him to contact Shri Arvind Pandya, Govt. Advocate to get necessary clarification.

In between, Shri Dinesh Kapadia, an Under Secretary in the Home Department, who was very friendly with Shri R.B. Sreekumar, met him on 21-08-2004, in his chamber and during discussions, the subject of the affidavit filed by Shri Sreekumar before Nanavati-Shah Commission came up. At this

time, Shri Sreekumar took out a copy of affidavit from his cupboard and showed it to Shri Kapadia. At that time, Shri Sreekumar remarked that he was a born rebel. At that time, Shri Kapadia made a personal observation that no useful purpose will be served by telling all these things to the Commission, as all Commissions are 'paper tigers'. Shri Kapadia also observed that the Commission was not the proper forum to tell everything and that such an action could lead to a misunderstanding. Shri Kapadia has stated to have expressed a personal view that Shri Sreekumar was partly biased in his assessment of situation and should avoid speaking too much before the Commission. Shri Kapadia has stated that these were his personal views and he had neither been sponsored by anyone nor was he holding any brief for the Govt. Shri Sreekumar clandestinely recorded the conversation, a transcript of which was enclosed along with his third affidavit filed before Nanavati-Shah Commission of Inquiry on 09-04-2005. Later, Shri Sreekumar realised his mistake and called Shri Kapadia to his chamber on the day of his superannuation on 28-02-2007, tendered an unconditional apology for the whole episode which had put Shri Kapadia in an embarrassing situation. At that time, Shri Sreekumar regretted and explained that he had been advised by his lawyer to do so, as the same could have strengthened his case pending before the CAT. This would go to show the motive on the part of Shri R.B. Sreekumar to record the conversation in a clandestine manner.

Shri Sreekumar has stated that he was contacted by Shri G.C. Murmu, the then Secretary (Law & Order) and that the latter had informed him about the meeting fixed with Shri Arvind Pandya, Advocate in a private guest house at Paldi, Ahmedabad City. On the other hand, Shri Arvind Pandya, Advocate had claimed that Shri R.B. Sreekumar, who had been summoned by the Commission for the cross examination expressed his desire to meet him and came to the office situated in GSFC guest house, Rangwala building, Navarangpura, Ahmedabad City on 25-08-2005, without any prior appointment/information, as he was to discuss the various affidavits of the Govt. officers with Shri G.C. Murmu, Home Secretary. The conversation of the said meeting was again recorded by Shri Sreekumar in a clandestine manner. It may be mentioned here that initially both, Shri Murmu and Shri Pandya briefed Shri Sreekumar about the modalities for his examination and advised him about the do's and don'ts. Rest of the recorded conversation is totally absurd, confusing and does not make any sense. However, Shri R.B. Sreekumar has taken his own views, drawn his own conclusions, filled in the gaps on assumptions and presumptions and has interpreted the things to support his version that he was pressurised, threatened, given illegal directions, intimidated to avoid the revealing the truth to harm the Govt.

interests and to conceal the facts from the Commission. Shri Sreekumar in his statement has given his own comments, observations, conclusions and has also appreciated his statement in his own manner, which shows that he is not a genuine witness and he wants to influence the Inquiry officer to believe him. Surprisingly, Shri Sreekumar did not reveal these facts before the Nanavati-Shah Commission of Inquiry, when he appeared on 31-07-2004, for his cross examination. Obviously, Shri R.B. Sreekumar had kept it secret and to be utilised as and when the need arose. He did not reveal these facts in his second affidavit filed on 06-10-2004. Shri R.B. Sreekumar was superseded in his promotion to the rank of DG on 23-02-2005, when his junior Shri K.R. Kaushik, an IPS officer of 1972 batch was promoted. It was only on 09-04-2005, that Shri R.B. Sreekumar filed his third affidavit before Nanavati-Shah Commission of Inquiry of his own, when he enclosed the transcript of the recordings of the conversations with Shri Dinesh Kapadia as well as Shri G.C. Murmu and Shri Arvind Pandya. All these facts would go to show that Shri R.B. Sreekumar had anticipated these events and with a view to strengthen his stand, he had recorded these conversations clandestinely and used the same when he was superseded in promotion. This would prove that actions on the part of Shri Sreekumar were motivated with a view to let down the Govt. after his supersession in promotion. In all the three affidavits filed on 06-10-2004, 09-04-2005 & 27-10-2005 before the Commission, Shri R.B. Sreekumar had made a request to be summoned before the Commission and remedial measures ordered as early as possible. However, the Commission did not accede to his request.

In view of the aforesaid facts and discussion, it is established that the version of Shri R.B. Sreekumar was motivated and can not be relied upon. The allegation is, therefore, not established.

> ALLEGATION NO. XX:

Shri G.C. Murmu's exercise was for ensuring that officials will not file affidavits relating to the second terms of reference to the Nanavati Commission about the role of the CM and other Ministers in the riots as narrated in Para 52 of the complaint dated 08.06.2006 wherein gross dereliction of duty has been alleged in not filing Affidavits relating to second terms of reference to the Commission on the part of 16 specifically named officials including top ranking IAS/IPS officers.

Pursuant to the incident of setting on fire of the Sabarmati Express train near Godhra Railway Station on 27-02-2002, 58 persons were burnt alive and more than 40 persons injured and in the subsequent violence in various parts

of the State of Gujarat many persons, lost their lives and several others were injured. With a view that an inquiry should be held into this matter of definite public importance, the Govt. of Gujarat in exercise of the powers conferred u/s 3 of Commission of Inquiry Act, 1952, appointed a Commission of Inquiry consisting of Mr. Justice K.G. Shah, Retired Judge of the High Court of Gujarat vide Gazette Notification to inquire into and report in respect of the aforesaid matter and submit a report to the State Govt. within three months. The Govt. of Gujarat vide its Notification dated 21-05-2002 reconstituted the said Commission vide which Mr. Justice G.T. Nanavati, Retired Judge of the Supreme Court of India was appointed as Chairman of the said Commission and Mr. Justice K.G. Shah, Retired Judge High Court of Gujarat as Member. Again on 20-07-2004, the Govt. of Gujarat vide its Notification amended the terms and condition of the Commission to include role and conduct of the then Chief Minister and/or any other Minister in his council of Ministers, Police Officers, other individuals and organisation in both the events and also role and conduct of the then Chief Minister and/or any other Ministers in his Council of Ministers Police Officers (i) in dealing with any political or non-political organisation which might be found to have been involved in any of the events referred to herein above, (ii) in the matter of providing protection relief and rehabilitation to the victims of communal riots (iii) in the matter recommendations and directions given by National Human Rights Commission from time to time.

Enquiries conducted by SIT further revealed that after the amendment of the terms and conditions of Nanavati-Shah Commission of Inquiry on 20-07-2004, Shri A.K. Bhargava, the then DGP sent two fax messages dated 16-09-2004 and 21-09-2004, he had issued written instructions to all the police officers, who had filed the first affidavit to file affidavits on second terms of reference positively. Further, he had also instructed the range heads who had not filed the first affidavit to file a joint affidavit. Shri A.K. Bhargava has stated before the SIT that as regards the allegation levelled by Shri R.B. Sreekumar for gross dereliction of duty on his part in not filing an affidavit relating to the amended terms of reference to the Commission, he has clarified that since he had not filed the first affidavit, there was no point in filing the second affidavit particularly when he did not have any personal knowledge about the event. It may thus be seen that second affidavit was required to be filed only by the officers, who had any personal knowledge about the event which fell under the amended terms of the Commission. In view of this the contention of Shri R.B. Sreekumar that the senior officers had committed gross misconduct by not filing the second affidavit relating to the amended terms of reference will not hold good.

Shri K. Chakravarthi, the then DGP has stated before SIT that he retired on 31-01-2004, and was not informed by anyone to file second affidavit nor he was asked by the Commission to file second affidavit during the course of his deposition before the Commission on 16/17-08-2004.

Shri P.K. Mishra, the then Principal Secretary to CM has stated before SIT that he did not have any personal knowledge about the various incidents that took place after the Godhra train burning incident and as such he was not required to file any Affidavit before the Nanavati Commission nor he was called by the Commission for any deposition/cross-examination. According to Shri Mishra, the Affidavits were filed by the concerned police officers as well as the officers of Home Department, who were directly concerned with the issue.

Shri K.R. Kaushik, the then CP, Ahmedabad City has stated before SIT that he did not file any first/second affidavit before the Nanavati Commission of Inquiry, as he had no personal knowledge about about the Godhra incident and as such the question of filing an affidavit did not arise. Shri Kaushik further stated that as regards the filing of an affidavit as CP, Ahmedabad City, the need for the same did not arise, as there was hardly any incident of riots after he took over as CP, Ahmedabad City. He has further stated that he had not been called by the Nanavati Commission of Inquiry for any deposition, as he had no role to play whatsoever in the investigation of Godhra incident or the riots that subsequently followed.

Shri G.C. Raiger has stated before the SIT that the affidavit for his period was filed by Shri R.B. Sreekumar and as such he did not file even the first affidavit.

Shri Sanjiv Bhatt, the then DC (Int.) did not file either the first affidavit or the second affidavit.

Shri Kuldeep Sharma, the then IGP, Ahmedabad Rural Range has stated before the SIT that since the Range IGP is a supervisory link between the SP and the DGP and since the SSP in charge of the districts were to file the affidavits in addition to affidavits being filed by the police station in charge and the SDPO, it was not considered necessary to file an affidavit by the Range IGP. There was nothing sinister about it. He has further stated that if the Commission had considered it important, as in the case of other officers, he could have been called upon to file an affidavit as well.

Shri Deepak Swaroop, the then IGP, Vadodara Range did not file any affidavit before the Commission.

Shri M.K. Tandon, the then Jt. CP, Sector-II, Ahmedabad City had filed the first affidavit before the Commission and had also appeared before the Commission for his deposition/cross examination. However, he did not file second affidavit nor was asked by the Commission to do so.

Shri Amitabh Pathak, the then IGP, Gandhinagar Range has stated before the SIT that in response to the Government instructions, affidavits were filed by the respective Superintendents of Police before the Commission as they were primarily responsible for maintenance of law and order in the respective districts. He has further stated that since the Range IGP is supervisory link between the SP and the DGP, it was therefore considered not necessary to file an Affidavit by the Range IGP. However, in case the Commission had considered it necessary as in the case of other officers, he could have been asked to file an Affidavit, but no such communication had been received from the Inquiry Commission. In view of this he had not filed any affidavit, as he didn't have any personal knowledge about any of the events.

Shri Shivanand Jha, the then Addl. CP, Sector-I, Ahmedabad City has stated before the SIT that he did not file any affidavit in response to the amended terms of the Commission as no such material was available with him.

Shri D.D. Tuteja, the then Commissioner of Police, Baroda City has stated before the SIT that he had filed an affidavit before the Commission. However, he retired from service on 31-05-2003, and as such the instructions to file second affidavit did not reach him.

The SsP and District Magistrates of Mehsana, Banaskantha, Sabarkantha, Patan, Gandhinagar, Ahmedabad Rural, Anand, Kheda, Vadodara Rural, Godhra and Dahod did not file the second affidavits.

The overall picture which emerged after the SIT enquiry is that the officials were required to file the affidavits with reference to the terms of the Commission only in case, they had personal knowledge about the incident. In view of this, the allegations are misplaced and therefore not established.

➤ **ALLEGATION NO. XXI:**

No action was initiated against senior police officers by the Home Department for their grave dereliction of duty in supervision of investigation of serious offences as noted in fourth Affidavit (Para 94) of R.B. Sreekumar.

The allegation is vague and too general in nature and nothing specific against any individual police officer as well as the details of the faulty investigation in any case and the over tact on the part of police officer

concerned have been mentioned. In view of this it has not been possible to probe into this allegation.

➤ **ALLEGATION NO. XXII:**

No departmental action was taken against Shri Jadeja, the then Superintendent of Police, Dahod District for his misconduct despite recommendation by CBI, who investigated the Bilkis Bano case as per the direction of Hon'ble Supreme Court.

During the course of enquires by SIT, Govt. of Gujarat has informed that CBI had not recommended any departmental action against Shri A.K. Jadeja, the then SP, Dahod District and as such the question of taking any departmental action against Shri Jadeja did not arise. The allegation is, therefore, not established.

➤ **ALLEGATION NO. XXIII:**

The CD regarding telephone calls by BJP leaders and police officers during riots was not probed into by the Investigating Officers of the Naroda Patia and Gulberg Society cases. The CD was produced by Rahul Sharma, SP, CBI before the Nanavati Commission.

Enquiries conducted by SIT revealed that Shri Rahul Sharma was posted as DCP, Control Room, Ahmedabad City on 08.04.2002. On 07.05.2002 Shri Rahul Sharma had been instructed by the then Commissioner of Police, Ahmedabad City, Shri P.C. Pande to report to the Crime Branch, Ahmedabad City and assist the then Additional CP, Crime Branch, Shri A.K. Surolia in the investigation of serious riot-related offences. Shri Rahul Sharma was also informed by Shri P.C. Pande that there would be no formal written order in this regard. Accordingly, Shri Sharma reported to Shri Surolia on the same afternoon. As a matter of prudence, he decided to collect scientific evidence in support of the investigation that was undergoing. Shri Rahul Sharma has stated before the SIT that he had information about the use of mobile phones in a big way in the alleged organising of communal riots throughout the State including Ahmedabad City. Accordingly, he drafted a letter calling for data from the two mobile phone service providers 'Cellforce' (now Vodafone) and 'AT&T' (now Idea). The letters were issued under the signature of the then ACP, Crime Branch, Shri S.S. Chudasama, who was also investigating the two serious cases of massacres at Naroda Patiya and Gulberg Society. According to Shri Rahul Sharma, the information had been asked for, was the telephone directory of the two mobile phone companies, calling time, called/calling number, location of the mobile phone when they were calling/receiving the calls, etc. for the period from 25.02.2002 to

04.03.2002 in respect of all mobile phones operating from Ahmedabad city area. Shri Rahul Sharma has further stated that the idea behind the collection of this data was, amongst others, to establish the location of the alleged perpetrators of crime and their accomplices at the time of commission of the offence. Further, it was also required to prove the contact established between the different accused persons as also with 'erring' policemen, bureaucrats and politicians.

In response to the letter sent by Shri Chudasama, data was sent in the correct format by 'AT&T' within a week on a CDR. Shri Rahul Sharma has further stated that he had personally gone to collect the said information from AT&T from their office in Suman Towers in Gandhinagar. The data provided by AT&T was in the "TEXT" format and had all the relevant information that had been asked for. Shri Rahul Sharma copied out the data on his computer kept at his home and the CD was returned to Shri Chudasma. This copying was required to be done, if the data from the two mobile phone companies were to be analysed together. Shri Rahul Sharma has further stated that the data from the 'Celforce' was sent quite late and by that time probably Shri A.K. Surolia had been sent on deputation to BSF and Shri P.P. Pandey taken over as the Joint CP, Crime Branch. As per the recollection of Shri Rahul Sharma, the information from the AT&T had come, while Shri Surolia was in-charge of the Crime Branch, but the information from 'Celforce' had not come during Shri Surolia's tenure. According to Shri Rahul Sharma, the information from the 'Celforce' came during Shri Pandey's tenure as the Joint CP, Crime Branch, Ahmedabad City Police, but the data was sent as an MS Access database. Since, Shri Rahul Sharma had no knowledge of MS Access, he took the assistance of PSI Shri K.J. Chandana, who was in the computer section of Ahmedabad Police Commissionerate. Shri Rahul Sharma has further stated that Shri Chandana used to open the files before him in the computer kept in his office. Initially, the data sent was not as had been requested for and the correct data could be obtained only after several attempts. On all these occasions, it was Shri Chandana who usually went to the office of the 'Celforce' to get the correct data.

As per the version of Shri Rahul Sharma, the final CDR containing the correct and required data was not received through Shri Chandana, but was forwarded to him by Shri P.P. Pandey through a DO Letter written in Gujarati. In the DO letter, he had mentioned that the CDs had been prepared under his (Rahul Sharma's) instructions and that he alone should analyse the data. Shri Rahul Sharma has further stated that 'Celforce' had also furnished data in respect of mobile phones operating from Godhra though the same had not

been called for. According to Shri Rahul Sharma, after a few days of the receipt of this letter, he was transferred out and posted as the Commandant, SRPF, Group XI, Vav, District Surat. Shri Rahul Sharma does not remember, whether the CDs sent by 'Celforce' were two in number or one in number, but given the volume of data received from Celforce, he believes that there should have been two CDs. Shri Rahul Sharma has further stated that he had no knowledge of MS Access at that particular point of time, due to which he could not analyse or interpret the contents of the CDs. However, he has admitted to have copied the contents of the CD(s) sent by 'Celforce' onto the hard disk of his personal computer kept at home.

Shri Rahul Sharma has further stated that after he received his transfer orders in the first week of July, 2002, he instructed Shri Chandana, PSI to deliver the original CD(s) personally to Shri P.P. Pandey. As per Shri Rahul Sharma, Shri Chandana, PSI visited the Jt. CP's office a couple of times, but did not find Shri Pandey and, therefore, he came back with the CD(s). During this period the CD(s) remained in the possession of Shri Chandana. Shri Rahul Sharma has also stated that on probably the second last day of his tenure as the DCP, Control Room, he had called a 'Rider' from Control Room, took the CD(s) from Shri Chandana and directed the 'Rider' to hand over the CD(s) to Shri P.P. Pandey. Further, according to Shri Rahul Sharma, the 'Rider' handed over the CD(s) to Shri Pandey and reported this fact to him. Shri Rahul Sharma is not in a position to identify the 'Rider' after so many years. He has also stated that at that particular time, his PA was on leave on account of his son's marriage and, therefore, he could not send the CD(s) through a formal letter.

Shri Rahul Sharma has reiterated that he never analysed the information contained in the CDs while posted as DCP, Control Room and learnt basic MS Access only in 2004 after he joined the CBI on deputation. He has also stated that it was a practice in Gujarat Police to keep a copy of Case Diaries and other important documents of cases that had been investigated/supervised by an officer. Consistent with this practice, he wanted to keep a copy of the CD(s) data that had been copied onto his home computer's hard disk. He also wanted to have the data on one CD for compactness. He had, therefore, consulted Shri Chandana in this regard and who in turn had advised him to 'zip' the files, so that they would be compressed. He did accordingly and data from the CDs sent by 'AT&T' and 'Celforce' was copied on a single CD, which he retained. He burnt the information on the CD Writer installed onto his computer himself.

Shri Rahul Sharma has also stated that he submitted copies of the same CD(s) containing the zipped data to the Nanavati-Shah Commission of Inquiry

(two copies) on 30-10-2004, at the time of his deposition/cross examination and to the Banerjee Committee (one copy) on 22-11-2004 at the time of his examination. The original CD first prepared by him was handed over to the SIT constituted by the Hon'ble Supreme Court of India. Immediately after these CD(s) were handed over to Nanavati-Shah Commission of Inquiry and also to the Banerjee Committee, it was widely reported in the print as well as electronic media that Shri Rahul Sharma has produced copy of the CD(s) before the Commission as well as Committee.

Shri Tarun Barot, the then Police Inspector, Crime Branch, Ahmedabad City and now ACP, Special Operation Group, Ahmedabad has stated before the SIT that he was entrusted with the investigation of Naroda P.S. Cr. No. 198/02 relating to the death of 11 Muslims killed in 2002 riots and that he had investigated this case from 19-05-2002 to 30-05-2002 and subsequently with effect from 30-04-2002 to 10-04-2008. Shri Barot has further stated that during the course of investigation, he had made an attempt to collect the call detail records of mobile phones of suspected/accused persons, but the Cell companies informed that the data was not available. However, he did not approach Shri Rahul Sharma to get the call details as he did not know that the latter was in the possession of the call details of all the numbers operating from Ahmedabad City during the riots period and no one had told him about it. According to Shri Barot, he did not know whether Shri Rahul Sharma, SP had handed over a copy of the CDs to Nanavati-Shah Commission of Inquiry or Banerjee Committee appointed by the Railways to enquire into the Godhra incident. Shri Barot has also stated that a news item had appeared in an English daily regarding the mobile phone details of Maya Kodnani and Jaydeep Patel and on the basis of the said news item, both of them were summoned about their location on 28-02-2002 and thereafter. Both, Mayaben Kodnani and Jaydeep Patel informed that they were present at Sola Civil Hospital. Shri Mayaben Kodnani confirmed that her mobile phone remained in her possession, whereas Jaydeep Patel claimed that his mobile was left in his car, which was taken away by his driver. Shri Barot has also stated that efforts were made to get their call details from the mobile service providers, but the same were not provided and as such the call details could not be obtained, analysed and cross checked. The plea put forward by Shri Barot is not convincing inasmuch as the news about the production of the CDs containing call detail records of mobile phones at Ahmedabad City by Shri Rahul Sharma before the Commission had appeared in almost all the newspapers and, therefore, it is difficult to believe that Shri Barot did not come to know about it.

Shri G.L. Singhal, SP, ATS, who remained the IO of Gulberg Society case and Naroda Patiya case, has stated before the SIT that he did not investigate into the call detail records of the mobile phones as well as landline details of the accused persons or any other person connected with these cases. He has admitted that he came to know about the production of the CDs containing the call details of the various calls made/received from the mobile phones Ahmedabad City by Shri Rahul Sharma before the Nanavati-Shah Commission of Inquiry and Banerjee Committee, but did not approach him to get the copies of the CDs containing the CDRs of mobile phones. He has further admitted that he did not approach the cell phone service providers to get the call detail records of the cell phones operating from Ahmedabad City from 27-02-2002 onwards. He has stated to have interrogated Dr. Mayaben Kodnani, MLA and Jaydeep Patel, a VHP activist in Naroda Patiya case about their locations on 28-02-2002, but they had denied their presence on the spot at the time of incident. He has also stated that he could not confront them with their call details, as the same were not available with him.

This appears to be an intentional lapse on the part of Shri Tarun Barot, the then PI and now ACP, SOG, Ahmedabad and Shri G.L. Singhal, the then ACP, Crime Branch and now SP, ATS, Ahmedabad and the same deserves to be dealt with major penalty departmental proceedings against them.

➤ ALLEGATION NO. XXIV:

Conducive situation was not created for rehabilitation of riot victims, though a contrary claim was made by the State Administration in its report to NHRC.

During the course of enquiries Shri G.A. Oza, Deputy Secretary & Director of Relief, Govt. of Gujarat, who looked after the rescue work in the State has stated before the SIT that in February, 2002, consequent to the Godhra carnage, the communal riots erupted in the State of Gujarat. He has further stated that after the riots, the Govt. of Gujarat took various effective measures of relief and rehabilitation on humanitarian approach without any failure and discrimination and that it was for the first time in the history of communal riots that the State Govt. had launched a relief and rehabilitation package with the support of Central Govt. According to Shri Oza, the State Govt. provided assistance and also gave support to the persons affected by riots under the following provisions of package:-

I. Ex-gratia payments:

(1) Payment in case of death:

The State Govt. had paid Ex-gratia amount of Rs. 1.5 lakh per case in which 1 lakh was paid from the Prime Minister's Relief Fund and Rs. 50,000/- from State Govt.'s fund (including Rs. 10,000/- from CM relief fund). A payment of Rs. 17.54 crores had been made in 1169 cases, which included 35 cases of unidentified dead bodies, and 228 claims of persons reported missing. 49 cases had been rejected for want of legal heirs and other legal reasons.

In order to provide immediate ex-gratia payment even in case of missing persons or where dead bodies were difficult to be identified, the State Govt. constituted a District level committee headed by the District Collector. The composition of this committee was as under:

- i. The District Collector : Chairman
- ii. The District Development Officer : Member
- iii. The Distt. Supdt. of Police/Commissioner of Police : Member
- iv. The Civil Surgeon : Member
- v. The Resident Deputy Collector : Member Secretary

The State Govt. liberalized the provisions and empowered the Committee to decide upon the cases even on the basis of circumstantial evidences. The Govt. further liberalised the policy and waived the provision of indemnity bond and solvency certificate of claimants. Instead, on the basis of circumstantial evidence and indemnity bond of Rs. 100/- on stamp paper, the committee had been empowered to decide such cases.

(2) Assistance to the injured :

The State Govt. had liberalised the earlier norms of assistance and simplified the procedure for assistance in case of injuries. On the basis of these revised norms payment had been made as follows:-

- Upto 10% disability: Rs. 5,000/-
- More than 10% and upto 30% disability: Rs. 15,000/-
- More than 30% and upto 40% disability Rs. 25,000/-
- Disability of more than 40% were entitled to immediate disbursement of Rs. 10,000/- and an additional Rs. 40,000/- after permanent incapacitation was duly certified.
- The State Govt. had paid an amount of Rs. 2.21 crores in 2548 cases.

II. Cash doles and assistance for House-hold kits :

✓ Cash doles:

The norms dating back to 1985 which were in existence for victims of communal riots had been liberalized by the Govt. and cash doles @ Rs. 15/- per day per persons, for 5 persons per family for 15 days had been paid to the affected persons. An amount of Rs. 0.63 crores had been paid as a cash doles to 7718 riot affected families.

✓ Household Kits:

Earlier, Household kits assistance and cash doles were paid as single amount up to Rs. 650/-. The State Govt. had separated this assistance and household assistance upto Rs. 2500/- had been paid to the riot affected families. An expenditure of Rs. 10.28 crres. was incurred for the payment of household kits to 42,786 families.

III. Supply of Food grain and other assistance to the inmates of relief camps:

✓ The State Govt. had provided free food grain assistance to all the inmates of relief camps run by the local NGOs, Voluntary Agencies and community leaders. Not only that but 1,71,465 sq.ft. shade and shelters were provided to the camps. For the augmentation of existing facilities in the relief camps, the State Govt. has incurred an expenditure of Rs. 1 crore.

The assistance per capita per day was given as under:

- a) Wheat flour - 400 gms
- b) Rice - 100 gms
- c) Edible Oil - 50 gms
- d) Dal pulses - 50 gms
- e) Milk powder - 50 gms

Expenditure on above food grain items provided free of cost to the inmates of 121 relief camps amounted to Rs. 9.65 crores (cost except wheat and rice). Besides ration, cash assistance was provided to the relief camp organizers to meet with the contingency expenditure for inmates @ Rs. 7/- per day per head. An expenditure of Rs. 5.46 crores had been incurred for this purpose.

✓ Water Supply:

Adequate and chlorinated water supply was provided to the inmates. For this purpose, 24 tankers, 81 syntax tanks in Ahmedabad City and 12 tankers in other District were placed for providing water supply.

✓ **Sanitation:**

Apart from existing toilet facilities, 270 new toilets were erected, 6 mobile vans each having 10 toilets were arranged round the clock. 201 new bathrooms were erected.

✓ **Medical and Psychological treatment in the camps:**

- 205 Medical officers and 273 Paramedical staff provided health care services in the relief camps.
- 450596 cases treated, in other words each camp patient was examined on an average 3-4 times by doctors.
- As a result the prevalence of various illnesses, which could have been very high, had been kept in check.

✓ **Preventive Action:**

2.25 million chlorine tablets used for chlorination of drinking water

✓ **Checking of food articles by PFA staff:**

Melathane spray for control of mosquitoes

✓ **Special attention to mother and children:**

State MCH officer assigned overall responsibility

✓ **Mothers- Antenatal care:**

- 4333 expectant mothers registered under the ante natal care program, 127 of these who were identified as high risk, were examined by expert gynecologists
- 2001 expectant mothers provided TT protection
- 647 dai delivery kits had been distributed
- 126 safe deliveries out of which 36 were handled in camps
- 580445 iron folic acid tablets distributed to anaemic mothers

✓ **Children:**

- 2.76 lacs iron folic acid tablets distributed to children
- 16847 children given polio vaccine
- 12407 children protected with measles vaccine
- 3851 children given DTP protection
- 2593 children covered for deworming
- 66640 ORS packets distributed
- 30 post graduate lady doctors and 33 ANMs providing health services in the relief camps.

✓ **Tertiary care activities:**

- Teams of 30 Gynecologists, Pediatricians, Mental health experts sent by rotation to different camps had provided expert gynecology services to 1330 women, pediatric services to 4488 children, medical services to 3408 patients, ophthalmology services to 671 patients and dermatological care to 798 patients.
- 804 patients referred to tertiary care facilities for in-patient care.

✓ **Activities for control of blindness:**

- 11624 patients examined
- 5050 pairs of spectacles distributed
- 213 IOL operations performed

✓ **Medical relief activities by Central Health Team (DGHS), GOI:**

- Obs. & Gynae - 324
- Pediatrics - 1926
- Medicine - 3408
- Psychiatry - 1
- Ophthalmology - 671
- Dermatology - 798
- Dental - 1

✓ **Mental health:**

- Therapeutic intervention in camps were given to 1267 persons
- Group counseling given to 1018 persons with specific mental health problems who required specific drug treatment or individual psycho therapeutic intervention.
- Two teams were attending the camps on Monday and Friday of the week in specific relief camps allotted to them.
- Training was given to 170 participants for Psycho-social work
- An expenditure of Rs. 3 crores had been incurred for health and hygiene.

✓ **Ration to the inmates leaving relief camps:**

With a view to have ration after reaching home, the State Govt. had provided ration to the inmates while leaving relief camps. The inmates were provided with a ration of two months at the same scale provided in the relief camps. 1,60,753 inmates were provided ration while leaving the relief camps and the State Govt. had incurred an expenditure of Rs.3.56 crores for this purpose.

121 relief camps were organized by NGOs or various institutions, which were closed by 30-06-2002 except 10 camps of Ahmedabad District. 10 camps of Ahmedabad District were also closed on or before 31-12-2002. No relief camps were running after 31-12-2002.

✓ **Foods grains to BPL families in riot affected areas:**

In order to provide immediate help to the Below Poverty Line families in riot-affected areas, free food grain i.e. wheat and rice was distributed. Free food grain had been given to riot affected BPL families who were deprived of daily employment on account of communal disturbances. The Govt. had distributed 1,77,519 Tones of food grain. The Govt. of India provided 1,22,441 Tones of food grain amounting to Rs.62.60 crores. The total expenditure of Rs.100.45 crores had been incurred for food grain assistance to the riot affected persons.

✓ **Committee to Monitor Relief Camps:**

Consequent upon the statement made by the then Hon'ble Prime Minister in the House of the Parliament of 16th March 2002, all party committee was set up under the Chairmanship of the then H.E., the Governor of Gujarat. The committee monitored the functioning of the Relief Camps in the state and reviewed the action taken by different departments of the Government for relief and rehabilitation of riot affected families. The committee was consisting of following 13 members including the Chief Minister:-

- 1) Shri Narendra Modi, CM
- 2) Shri Naresh Raval, Leader of the opposition party in the Assembly
- 3) Shri Keshubhai Patel, Ex-CM
- 4) Shri Rajendrasinh Rana, President State BJP
- 5) Shri Amarsinh Chaudhary, President State Congress Party
- 6) Shri Suresh Chandra Mehta, Minister Industries
- 7) Shri Ashok Bhatt, Minister Health and Family Welfare
- 8) Shri Siddharth Patel, MLA
- 9) Shri Usmangani Devdiyala, MLA
- 10) Shri Kalyan Shah, President Gujarat Chamber of Commerce
- 11) Shrimati Ila Bhatt, Chairperson, SEWA
- 12) Shri Ishwarbhai Patel, Gandhi Ashram, Ahmedabad
- 13) Shri Amthabhai Desai, Mazoor Mahajan Sangh

Beside the above members, the Chief Secretary and the Principal Secretary, Revenue, were permanent invitee members of the Committee. The committee met four times and reviewed the relief and rehabilitation measures taken by the Government.

✓ **In charge Secretaries and other senior officials for relief camps:**

The Collector and the Municipal Commissioner closely monitored relief camps in Ahmedabad. Other senior officials like, the Commissioner (Health), the Secretary (Social Justice & Empowerment Department) etc. were visiting the camps frequently. In other districts, camps were monitored by Collector and other District Officials apart from those secretaries in charge of the districts visited the camps. As a part of effective mechanism, the Govt. put Secretaries with special responsibilities for overseeing and supervision of relief camps and other rehabilitation measures in the districts which were as under:-

<u>Sr. District</u>	<u>Name and designation of I/C Secretary</u>
1. Anand	Shri P.K. Laheri, PS Rural Development Deptt.
2. Dahod	Shri Arun K. Sutaria, Settlement Commissioner
3. Kheda	Shri R.S Saxena, MD, Guj. Handloom Corporation
4. Mahesana	Shri N.R. Varsani, Secretary, Cooperation Dept.
5. Panchmahals	Shri H.K. Dash, Secretary, Food & Civil Supplies
6. Sabarkantha	Shri I.P. Gautam, Director Finance SSNL
7. Vadodara	Shri G.R. Viridi PS, Tribal Dev. Deptt.
8. Ahmedabad (city)	
	i) Shri D. K. Rao, M.D. Gujarat Export Corporation,
	ii) Shri Amarjit Singh, Health Commissioner,
	iii) Shri M. Shahu, Addl. CEO, GSDMA,
	iv) Shri Pankaj Kumar, Addl. CEO, GSDMA, & COR (for earthquake)
	v) Shri Varesh Sinha, Principal Secretary Education Deptt.
	vi) Shri Arvind Aggarwal, Commissioner Agriculture

The State Govt. provided further support of administrative officers for the supervision of relief camps in Ahmedabad. For this purpose six more senior officers were attached to the above named Secretaries group wise appointed by the state Govt. earlier. The officers entrusted with the responsibilities were as under:-

1. Shri D. A. Satya, MD, GRHB
2. Shri M. N. Khalyani, Chief Personnel Officer, Health Services.
3. Shri Idrish Vhora, M.D., Minorities Finance Corporations.
4. Shri Anish Mankad, Commissioner, Youth Services
5. Shri A. N. Shaikh, General Manager, G.M.D.C.

State Government had appointed Shri S.M.F. Bukhari (Rtd. IAS) as Chief co-ordinator for the Relief Camps.

✓ **Special Education Facilities to the students in the relief camps:**

In Relief camps, Textbooks were distributed to all the students of S.S.C./ H.S.C. Moreover, Kits comprising of pen, pencil, notebook, textbook, reference books and arrangements for tuitions at free of cost were provided. The students in the relief camps were provided 827 sets of text books, 520 note books, 745 sets of compass box containing pencils, rubbers etc., 800 pen sets and 224 assignment books. Tuitions to 223 students of S.S.C. & 155 students of H.S.C. were imparted through 61 teachers for 14 days.

✓ **Secondary and Higher Secondary Board Exams:**

The Board exam of 10th and 12th in the State of Gujarat was scheduled to start from 11th March 2002. Due to post Godhra riots, it was postponed to 18th of March. In the first stage, students set out for the exams with a calm mind in various parts of the state, excluding Ahmedabad, Baroda and six other cities on 18th March, with full arrangement of police and supervisors, amidst disturbed situation in Gujarat. In the first stage, 5,47,303 students of Std. 10th took the exams in 451 Centers and 2,81,856 students of Std.12 took the exams in 187 centers, thereby foiling the malicious intentions of the miscreants. Similarly, in the second stage, students from all the communities in Ahmedabad and Baroda as well as other disturbed towns of Himmatnagar, Modasa, Bharuch, Viramgam, Jambusar and Prantij stepped out from their homes for the examinations with full preparation. A total of 2,38,573 students, including 1,07,193 students of Std.10 and 92,394 students of Std.12th in Ahmedabad and Baroda and 38,000 students in six cities took the exams. Special arrangements were made for the students taking examination from relief camps.

✓ **Housing Assistance:**

The state Govt. had paid housing assistance to the riot affected families up to Rs.50, 000/-. Technical survey was carried out and accordingly, 18,037 families were given assistance of Rs.12.28 crores in urban areas. Similarly, in rural areas 11,204 families were provided with a housing assistance of Rs.17.82 crores. In all 29,241 families were given housing assistance of Rs.30.10 crores.

✓ **Financial assistance for rebuilding earning assets:**

Financial assistance for rebuilding earning assets was given to those who suffered loss of their livelihood assets. The earning assets assistance was provided up to Rs.10000/-. In urban areas, an expenditure of Rs.4.40 crores

had been incurred to provide earning assets to 10,564 families whereas in rural areas 6631 families had been given assistance of a total amount of Rs.4.73 crores. Thus, 17195 families in rural as well as urban areas provided with earning assets assistance of Rs.9.13 crores.

✓ **Rehabilitation of Small Business:**

- a) In order to cover those people in whose case restoration of earning assets required more than Rs.10, 000 and up to Rs.50, 000 the package of rebuilding of small businesses was implemented. Under this package, Social Justice & Empowerment Department provided assistance to small business under the scheme whereby subsidy was given @ Rs.10,000 or 20% which ever was less.
- b) Under this package 2141 affected persons were given assistance for small business in urban areas. An expenditure of Rs.1.34 crores had been incurred in urban areas. In rural areas 707 beneficiaries have been given an assistance of Rs.0.46 crores. Hence, the state Govt. incurred an expenditure of Rs.1.80 crores to assist 2848 beneficiaries in urban as well as rural areas.
- c) The nationalized banks and financial institutions provided loan of Rs.9.26 crores to 2844 beneficiaries for small industrial projects.
- d) Moreover, the Gujarat Minorities Finance and Development Corporation under the scheme of direct finance at lower rate of interest of NMDFC provided finance of Rs. 3.96 crores to 1510 riot affected persons.

✓ **Assistance to Industries/shops & Hotels:**

The state Govt. also formulated a package to revise industrial units, large shops, big show rooms and hotels etc. where restoration was more than Rs.50,000/-. Under this package 20% of the subsidy was provided subject to a ceiling of Rs.50,000/- per unit. Under this package, 2083 units had been given assistance of Rs.5.09 crores in urban areas whereas 545 units had been provided assistance of Rs.1.16 crore in rural areas. 87 cases of subsidy are pending because of non-receipt of claims from the banks.

The nationalized banks and financial institutions provided loan of Rs.38.24 crores to 2448 beneficiaries for industries, shops and hotels.

✓ **Interest subsidy on loans to affected units:**

As loans were provided by the nationalized banks and financial institutions in order to help beneficiaries, the State Government provided a

scheme of 4% interest subsidy for three years with a maximum limit of loan of Rs.1 lakh per year.

The State Government incurred an expenditure of Rs.60 lacs for providing 4% interest subsidy to 2219 units.

✓ **Insurance paid to the affected:**

The Insurance Companies had settled 5868 Non life insurance claims to the tune of Rs.118.76 crores of riot affected persons. Also, 85 life insurance cases had been settled by LIC.

✓ **Rehabilitation of orphaned children and widows:**

The State Government adopted a three-pronged strategy to support the affected women and children as under: -

✓ **ICDS services to riot affected children, pregnant and lactating mothers:**

The State Government provided following services:

✓ **Supplementary nutrition**

1. Distributed : 1,17,428 kg. Ready to Eat food
2. Consumption : 1,09,890 kg. Ready to Eat food
3. No. of units of nutrition : 11,69,798

Other services provided were growth-monitoring, immunization, in coordination with Health department. Pre-school education and nutrition and health education were also provided.

✓ **Widow's Pension:**

The State Government undertook a survey of orphans, widows, disabled persons and destitute persons living in the camps. Under this scheme 435 riot affected widow beneficiaries were covered under the State Governments pension scheme.

✓ **Trauma Counseling:**

The State Government gave trauma counseling to groups as well as individuals. Under this programme 17285 persons had received counseling.

✓ **SHANTA Project:**

A project called 'Shanta' was implemented by an NGO viz., SEWA (Self employed women's' association) for skill up gradation, training and livelihood. 271 widows were covered under the programme and an expenditure of Rs.0.47

crores was incurred. Further, under the "Shanta Hamare Bachche" (Shanta-our children) another programme for rehabilitation of single parents and orphaned children, 606 children were covered and an expenditure of Rs.0.55 crore was incurred. Also, under the NORAD (Government of Norway assistance programme) programme of skill up gradation 267 women were given financial assistance of Rs.0.06 crores.

✓ **NORAD (Swavlamban) and SWADHAR Schemes by State Govt.:**

Under the Govt. of India scheme of women's livelihood and restoration, 5858 women beneficiaries were given an assistance of Rs.2.01 crores. Further, three Swadhar homes were established which provided shelter to 196 women and 148 children and an expenditure of Rs.0.45 crores was incurred in this regard. The Government of India under the then Prime Minister's directive formulated comprehensive relief and rehabilitation programme and against the receipt of Rs.155.61 crores from the Government of India, the Government of Gujarat had incurred an expenditure of Rs.205 crores. The task of implementing the relief package was carried out with full involvement of entire government machinery.

Shri Oza has further stated that one Shri Mufti Shabbir Ahemad Sidiqqi had filed a Special Civil Application no. 3773 of 2002 in Gujarat High Court and has handed over a copy of the orders dated 19-04-2002 & 22-04-2002, passed by Mr. Justice P.B. Mazmuda. Shri Oza has further mentioned that one Shri R.C. Kodekar, Addl. Govt. Pleader along with Shri Tirmizi had inspected six relief camps in the Ahmedabad City area and submitted an inspection report to the High Court, which was taken on record. The Hon'ble Gujarat High Court observed that considering the report submitted on behalf of the State Govt., it was clear that in the said exhaustive report minute details had been given about the facilities given to the inhabitants of the camp. The Hon'ble High Court, after reading the report, prima-facie, was of the opinion that more than reasonable care had been taken by the administration in looking after the inhabitants of the camp. The Hon'ble High Court further observed that it was suffice to say that great pain had been taken by the administration in maintaining the relief camps. Again on 22-04-2002, after hearing the said petition the Hon'ble High Court observed that so far the medical facility is concerned a proper care had been taken by the State Administration as numbers of doctors were regularly visiting the camps, appropriate medicines were also given and there was hardly chance for grievance so far as this aspect was concerned. The High Court also observed that about the grievance of the petitioner regarding the delay in making the payments of Rs. 5/- per day is concerned, learned AAG had fairly stated that the State would see that the

aforesaid amount was paid at a regular interval and as per as possible every week on the first day of the week, such payment would be made.' The Hon'ble High Court had also observed that the learned AAG had readily agreed to provide all the facilities mentioned in the order

Shri Oza has further stated that Citizens for Justice & Peace also filed a PIL in the form of Special Civil Application No. 5311 of 2002. This petition was heard on 03-02-2003 and the Hon'ble High Court observed that the instant petition had become infructuous inasmuch as it had already served its purpose and was dismissed accordingly. Shri Oza handed over the copies of the orders dated 03-05-2002 & 04-07-2002 in Spl. Civil Appl. No. 3773 of 2002 and copies of orders dated 24-06-2002 & 03-02-2003 in Spl. Civil Application No. 5311 of 2002. According to Shri Oza, Citizens for Justice & Peace and another had filed a Spl. Civil Application No. 3217 of 2003 in Gujarat High Court on the ground that sufficient financial assistance for housing had not been given by the Govt. to the riot affected victims. An affidavit had been filed by him in this regard in Gujarat High Court in October, 2008, on behalf of the Govt. giving full facts and figures of the different kinds of assistance given to riot victims, but the matter has been not listed so far for final hearing.

Shri K. Chakravarthi, the then DGP, Gujarat State has stated before SIT that as regards the loss of faith of the minority community in criminal justice system, adequate steps were taken by him to instruct the concerned police officers to be fair to ensure proper registration of FIRs, to name all the concerned accused persons, arrest them and to proceed ahead with the investigation, as per law. He has further stated that teams of police officers were sent to the relief camps for direct contact with the affected persons and to proceed with the investigation in a fair manner. Shri Chakravarthi has also stated that Senior Officers were also instructed from time to time to closely supervise these cases to avoid any allegations of this kind. As regards the migration of the affected persons from the riot hit areas, Shri Chakravarthi has stated that specific instructions had been given by him to all the police officers to provide suitable protection to those who chose to return to their original residence/business.

Shri Ashok Narayan, the then ACS (Home) has stated before the SIT that he had requested the DGP to take action at his level as far as possible regarding the rehabilitation of the riot affected victims. He has further stated that the subject matter in general was discussed with the Chief Minister a number of times and the latter agreed to do whatever was possible at his level.

Shri Narendra Modi, Chief Minister has stated before the SIT that relief camps were opened in the affected areas and the same were served by the NGOs and local social leaders. According to Shri Modi, the Govt. contributed the funds and the relief operations were supervised by the Committee formed under the Chairmanship of His Excellency Governor of the State, Congress President, Leader of the opposition, Ex-Chief Minister, Smt. Ilaben Bhatt, SEWA (NGO) and others. Shri Modi has further stated that necessary food, drinking water, medicines and cash dolls etc. were arranged in the camps in addition to the arrangements made for children education in these camps. According to Shri Modi, all the festivals including Moharrum were held in March-April, 2002 and around 6000 Haj pilgrims, who had arrived in the State were welcomed at their respective places and in view of this, Muslim's faith was revived in the administration, police and judiciary.

In view of the aforesaid measures and steps taken by the Government, it can not be said that the Govt. did not take adequate steps for the rehabilitation of the riot victims. Further, no evidence has come on records during the enquiries that the riot victims were pressurised to compromise with the perpetrators of violence, a condition precedent for their safe return and rehabilitation. The allegation is, therefore, not established.

> **ALLEGATION NO. XXV:**

*Police inaction facilitated riots as part of conspiracy, as detailed in Paras 13, 14, 61 and 62 of the complaint dated 08.06.2006. In Para 13 of the complaint, some of the 'glaring examples of State sponsored events' are given. In para 61 of the complaint, it is alleged that over two dozen survivors of the Naroda Patiya massacre case have confirmed that they made over a hundred distress calls to Shri P.C. Pande, then Commissioner of Police but that his mobile was permanently switched off. There was a similar callous response from most of the DCPs and Addl. CPs (of Ahmedabad City) as also by the Commissioner of Police, Baroda, Shri Tuteja. In para 60 of the complaint, telephone calls made from Gulberg Society to Shri P. C. Pande and the DGP are alleged, but no police action despite presence of three mobile vans near the spot. It is also alleged in Para 61 of the complaint that police was aiding mobs, who were attacking Muslims and that on 28th February, of the 40 persons shot dead by police in Ahmedabad City, 36 were Muslims. In Para 62 of the complaint, it is alleged that police acted as mute spectators to acts of lawlessness, offences were not investigated properly, real culprits were not arrested and no timely preventive action was taken etc.

This allegation is basically against Shri P.C. Pande, Shri M.K. Tandon, Shri Shivanand Jha, Shri Pravin B. Gondia and Shri D.D. Tuteja.

During the course of enquiries by SIT, it has come to light that on receipt of the news of the burning of a railway coach of Sabarmati Express near Godhra Railway Station, Shri P.C. Pande had ordered intensive police patrolling in all the traditionally sensitive areas and the auto rickshaws, shops and establishments belonging to the minority community around the Railway Station were got removed to minimize the chances of confrontation with the kar-sevaks and arrangements were made by the Revenue Dept. for buses for the safe transportation of kar-sevaks to their respective places. Later in the evening on 27-02-2002, information was received that VHP had given a call for Gujarat bandh on 28-02-2002. Looking into the past history of bandhs held in Gujarat Shri Pande anticipated that there could be violence, stone pelting, arson and stabbing and in view of these, appropriate steps were taken to mobilise and to deploy the available man power across the City particularly in traditionally sensitive areas. In addition, Shri Pande issued stand-to orders for the police force, requisitioned additional six companies from SRP, suspended all routine duties and hired 95 vehicles to improve the mobility of the force. Shri Pande examined the question of imposition of curfew pre-emptively, but the idea was dropped due to the shortage of police force to enforce the same and also to avoid unnecessary tension. On 28-02-2002, sufficient bandobast was made in the whole city where communal riots had taken place during the past. Some of the staff from other police station especially from Meghaninagar P.S. was also deputed to Dariyapur P.S., being a traditionally sensitive police station. On 27-02-2002, Shri P.C. Pande remained in the office till past midnight i.e. around 0100 hrs on 28-02-2002, along with Shri Shivanand Jha and Shri M.K. Tandon as per their call details records of mobile phones available with us, when the Law & Order situation and arrangements to be made on 28-02-2002, were discussed. On 28-02-2002, Shri Pande came to office around 0800 hrs. Shri Shivanand Jha was also in the office at about 0840 hrs so and Shri M.K. Tandon attended officer at about 0835 hrs as per the call detail records of their mobile phones. Shri Pande received an information after sometime that dead bodies of victims of Godhra incident had been brought to Sola Civil Hospital and as such he visited Sola Civil Hospital at about 1000 hrs. Shri Pande did not find the situation alarming and as such he returned to his office around 1100 hrs. Shri Shivanand Jha remained in the office till about 1049 hrs and thereafter, went to the area under his jurisdiction. Shri M.K. Tandon also remained in the office till about 1030 hrs and then left for Dariyapur. On the way, he received a message from Shri M.T. Rana, ACP, G division requesting to send more vehicles to Naroda Patiya and sensing

some trouble, he proceeded to Naroda Patiya. However, on his way, he found some smoke coming from a nearby shop in Kalapinagar area of Meghaninagar P.S. Shri Tandon went to the spot, but the miscreants ran away after they saw the police vehicles. Shri Tandon enquired about the location of PI, Meghaninagar P.S. and was informed that he had gone to Gulberg Society and as such he immediately reached Gulberg Society nearby at about 1135 hrs and found a small crowd pelting stones. Shri Tandon dispersed the crowd with the help of his striking force and also ordered for firing of teargas shells. The small crowd vanished into the streets. As the persons from minority community were living in the Gulberg Society, he asked PI Erda to pay more attention to it and also to remain there till reinforcements arrived. Shri Tandon also gave instructions to the Control Room to send some additional manpower to Gulberg Society and then left for Naroda Patiya.

Shri Pande has stated before SIT that he had instructed Shri M.K. Tandon on 28-02-2002, to go to Meghaninagar as some calls of crowd gathering and stone pelting had been received in the Control Room from Meghaninagar P.S. area. It may be mentioned here that there had been a big controversy inasmuch as the complainant had claimed that Shri P.C. Pande visited Gulberg Society around 1130 hrs or so, but this fact has been totally denied by Shri P.C. Pande. Shri M.K. Tandon has supported the version of Shri Pande that the latter did not visit the Gulberg Society in the forenoon of 28-02-2002 and that it was he only who visited Gulberg Society. However, Shri Tandon has denied to have met Late Ahesan Jafri, Ex-MP. Shri P.C. Pande has denied to have known Late Ahesan Jafri, Ex-MP till 28-02-2002 evening and also claimed that he did not have the knowledge that the latter was residing in Gulberg Society. The versions of Shri P.C. Pande and Shri M.K. Tandon have also been supported by Shri K.G. Erda, Sr. PI, Meghaninagar present on the spot in his statement made before SIT, in which he has stated that Shri Tandon had reached Gulberg Society at about 1130 hrs. This fact is also corroborated by the call detail records of Shri P.C. Pande, whose location was at Shahibaug tower from 1112 hrs onwards and that of Shri M.K. Tandon, whose location was at Meghaninagar tower at 1134 hrs. In addition Shri Ambalal S. Nadia, R/o, Asarva, Ahmedabad City, who had been cited as a witness by the complainant in support of the fact about the visit of Shri P.C. Pande to Gulberg Society has stated that he met Late Ahesan Jafri, Ex-MP at about 1000 hrs in Gulberg Society and left at about 1030 hrs and by that time the Commissioner of Police had not come to the Gulberg Society. Shri Kanubhai M. Solanki another witness from Asarva cited by the complainant has stated that Shri Tandon, Commissioner had come to Gulberg Society at about 1200 hrs. The witness however, did not recognise Shri Tandon, but came to

know from the people standing over there that the man in police uniform was Shri Tandon, Commissioner. Shri Solanki has further stated that Late Ahesan Jafri, Ex-MP had talked to Shri Tandon and that he had overheard Shri Tandon saying that he had informed PI Erda about it. This fact is disputed by Shri Tandon as well as Shri Erda inasmuch as both of them have claimed that Shri Tandon did not meet or talk to Late Ahesan Jafri, Ex-MP. It would not be out of place to mention here that Concerned Citizens Tribunal- Gujarat 2002, of which Smt. Teesta Setalvad, Co-complainant is the Secretary, in their book titled as "Crime Against Humanity" Volume-I (page-27) had mentioned as follows:

"At about 10.30 a.m., police commissioner Pandey, with Ambalal Nadia, the Congress Mahamantri, Ward No. 19, and Kannul Solanki from Ward No. 20, visited Jafri and gave him a personal assurance that they would send reinforcements and that he would be fully protected."

As already stated Shri Ambalal Nadia had come to meet Late Ahesan Jafri, Ex-MP at about 1000 hrs and left the Gulberg Society at about 1030 hrs and by that time Police Commissioner had not come over there. Shri Kanubhai Solanki confirmed the visit of Shri Tandon, Commissioner to Gulberg Society, but stated that he had met and talked to late Ahesan Jafri, Ex-MP, whereas, Shri M.K. Tandon has stated that he did not meet Late Ahesan Jafri and has been supported by Shri K.G. Erda in this regard. It is therefore, conclusively established that Shri P.C. Pande did not visit Gulberg Society in the forenoon of 28-02-2002. As regards the meeting between Late Ahesan Jafri, Ex-MP and Shri M.K. Tandon, there appears to be some exaggeration on the part of Shri Kanubhai Solanki.

Enquiries further revealed that on 28-2-2002 at about 1220 hrs, a message was received from PI Meghaninagar P.S. in the Control Room that Gulberg Society in Meghaninagar area, which is a Muslim society had been surrounded by a mob of 10,000, which was pelting stones and also setting fire to shops nearby and rickshaws. He requested for additional officers, police personnel and SRP immediately. On receipt of this message three officers namely Shri G.D. Solanki, Dy. SP, Group-VII, Shri Ajitkumar Gupta, Dy. SP, Group-xii and Shri A.B. Qureshi, PI, CID Crime were deputed to go to Gulberg Society for the assistance of PI Meghaninagar. At about 1345 hrs, one section of CISF was also sent to Gulberg Society, Meghaninagar. At 1405 hrs, Shri M.K. Tandon, Jt. CP, Secor-II sent a message to the Police Control Room that the people and Late Ahesan Jafri, Ex-MP had been surrounded by the mob in Gulberg Society and extra force and PI, Sardamagar be sent there to shift them. At 1414 hrs, another message was received from Senior PI Erda, Meghaninagar P.S. in the Police Control Room that a mob of about 10,000 persons had gathered at Gulberg Society/Kalapinagar and were about to set

fire to the entire society and as such ACP, DCP along with additional force be sent immediately. At 1445 hrs, Shri K.G. Erda, Sr.PI Meghaninagar sent a message to the Control Room that in the Gulberg Society in Meghaninagar area, the Muslims had been surrounded by a mob of 10,000 persons from all the sides and even the police force had also been surrounded and that the mob was about to set fire. He requested for additional SRP and police force to be sent as the situation was critical. Since, two Dy.SsP, One PI and one section of CISF had already been sent to Gulberg Society, no additional force was sent as nothing was available as reserves. At about 1545 hrs, Shri M.K. Tandon sent a message to Ahmedabad City Police Control Room asking as to whether there was any incident relating to loss of life at Gulberg Society at Meghaninagar and a detailed report thereof be sent to him. No other information was available with the Control Room at that time. It would not be out of place to mention here that Shri K. Chakravarthi had also informed Shri Pande that a mob had surrounded the Gulberg Society and that reinforcement should be sent there, to which Shri Pande had informed him that extra force and officers had already been sent to Gulberg Society in Meghaninagar P.S. area. However, Shri Pande was not aware, as to when did the police force actually reach the Gulberg Society, because there was no feedback from Shri Erda.

Shri M.K. Tandon has stated that he reached Gulberg Society at 1600 hrs. On reaching there he found that many houses had been set ablaze and many men, women and children were torched. He found that the mob had broken open the rear compound wall of the society at several places. Even the mob was still present on the scene of occurrence, pelting stones, throwing acid bulbs and throwing burning rags to prevent the police from rescuing the inmates of the society. Shri Tandon immediately ordered for firing by CISF personnel to disperse the mob which resulted in casualties and asked the Control Room to send fire tenders, ambulances, hearse van and police buses so that the survivors of the Gulberg Society could be shifted safely. The survivors numbering about 150 men, women and children were safely shifted to Shahibaug P.S. Shri Tandon also instructed Shri K.G. Erda to complete the inquest promptly and send the dead bodies to hospital for post mortem examination. Meanwhile, he was informed that a similar incident had taken place at Naroda Patia also and as such he proceeded to Naroda Patia.

When he reached Naroda Patia, he found dead bodies burning in a heap about half a kilometer inside near Hussain ni Chali adjacent to ST workshop. Considering the seriousness of the situation he decided to shift the survivors to a safer place and had contacted one Shri Badaruddin Sheikh,

Chairman, Standing Committee, Ahmedabad Municipal Corporation to organize the same. Shri Sheikh responded very well and accordingly Shri Tandon arranged for the shifting of about 3000 Muslims to relief camp. This operation continued till about 0430 hrs on 1-3-2002 under his supervision. DCP, Zone-IV, ACP, 'G' division and PI, Naroda were instructed to complete the legal formalities get the post mortem conducted and also to arrange for handling over the dead bodies of the victims to their relations.

Shri Pande has further stated that he had come to know about the incident at Gulberg Society sometime in the evening and as such he made a personal visit to the society between 1900 hrs to 1930 hrs. Shri Pande found that the houses had been ransacked and belongings set on fire and some wooden articles/furniture etc. was still smoldering. Since, Shri Tandon had already shifted most of the inmates of the society in vans to safer places, Shri Pande gave instructions to the Sr. PI and other staff present over there to go ahead with the inquest and send the dead bodies for post-mortem examination. Shri Pande returned to office thereafter. Shri Pande has categorically stated that Late Ahesan Jafri, Ex-MP did not contact him either on his landline phone or mobile phone on 28-2-2002, seeking help. No one else from Gulberg Society contacted him either on his landline or his mobile phone seeking help on 28-2-2002. The call details of Govt. mobile phone no. 9825048303 for 27/28-2-2002 allotted to Shri P.C. Pande have been examined, but the same does not contain any call from Late Ahesan Jafri, Ex-MP from his landline no. 079-2125166. Enquiries further revealed that Late Ahesan Jafri, Ex-MP did not have any mobile phone and there was no other landline or mobile phone in the Gulberg Society. Further, the call details of Shri P.C. Pande show that 302 incoming/outgoing calls had been received/made to/from his mobile phone on 28-02-2002, between 0035 hrs to 2400 hrs. A close scrutiny of the call details show that Shri Pande had received/made calls to/from his mobile phone almost every minute or every two minutes and the phone was never switched off. However, no calls had been received from either Late Ahesan Jafri, Ex-MP or any other residents of the Gulberg Society. Shri P.C. Pande has denied that over two dozens survivors of Naroda Patiya had made over hundred distress calls to him and has stated that the allegation was false and baseless and that he had responded promptly to the hundreds of distress calls received on his landline/mobile phone from all over the city. Similarly, the call details of Govt. mobile phone no. 9825048316 allotted to Shri M.K. Tandon for 28-02-2002 show that 156 calls were received/made from the said mobile phone. The calls were being received at regular intervals on the said mobile phone on 28-02-2002, and it can not be said that the mobile phone was switched off by Shri Tandon. However, Shri Tandon had received two calls at 1458 hrs & 1904 hrs

on 01-03-2002, and one call at 1854 hrs on 02-03-2002, from accused Dr. Mayaben Kodnani and two calls from at 1137 hrs and 1256 hrs on 01-03-2002, from accused Jaydeep Patel. The call details of Govt. mobile phone no. 9825048308 allotted to Shri Shivanand Jha, Addl. CP, Sector-I have also been examined and the same show that 155 calls had been received/made from the said mobile phone on 28-02-2002. The frequency of the calls would show that the calls were being made/received regularly on the said phone and the allegation that the same was switched off during the day appears to be incorrect. Shri P.B. Gondia had been allotted Govt. mobile phone no. 9825049197. The call details of this mobile phone have also been examined. On 28-02-2002, 180 calls had been received/made from the said mobile phone almost at regular intervals and therefore, it can not be inferred that this mobile phone was switched off during the day. However, Shri P.B. Gondia had received four calls from accused Dr. Mayaben Kodanani at 1039 hrs on 28-02-2002, 1329 hrs and 1524 on 01-03-2002 and 2049 hrs on 02-03-2002, and from accused Jaydeep Patel at 1140 hrs, 1142 hrs & 1220 hrs on 28-02-2002 and 1004 hrs & 1135 hrs on 01-03-2002 and 1126 hrs, 1721 hrs & 1848 hrs on 02-03-2002, for which he has not been able to give satisfactory explanation. In view of these aforesaid facts, the allegation that over two dozens survivors of Naroda Patiya massacre case made over a hundred distress calls to Shri P.C. Pande, but his mobile phone as well as that of his Addl. CsP and DCsP were permanently switched off is not established.

Shri M.T. Rana has stated before the SIT that he reached Naroda Patiya at about 1030 hrs on 28-02-2002, from Tambu Chawky, Dariyapur P.S. under the instructions of Shri P.B. Gondia and on reaching there, found a mob of 5000-6000 Hindus on one side and a few thousands Muslims on the other side. He also found that a shop belonging to Muslim near Noorani Masjid had been set ablaze. He has further stated that the Hindu mob was pelting stones on Muslims, whereas the Muslims were throwing tubelights and bulbs on the Hindu mob. According to Shri Rana, the mob swelled with the passage of time and the police had to resort to lathi-charge. He has further stated that one Muslim driver tried to run away with his tempo and in the process crushed one person and injured two. Shri K.K. Mysorwala, Sr. PI, Naroda P.S. ran after the driver and arrested him. All the three persons injured in the incident were shifted to the hospital, where one person died and two were treated for their injuries. As per Shri Rana, a rumour was spread that the tempo driver had killed three persons by rash and negligent driving. Shri Rana has further stated that the tempers of the Hindus became very high, and they indulged in violence and set fire to the shops and motor vehicles on the road belonging to both the communities. Shri Rana has confirmed the arrival of Shri M.K. Tandon, at

Naroda Patiya and also the imposition of curfew at 1230 hrs, when the size of mob went up to 15-20 thousand. Shri Rana has also stated that around 1300 hrs information was received that a mob had assembled in Naroda Gam and had attacked the police party and as such Shri V.S. Gohil, Second PI, Naroda Gam was instructed by DCP, Zone-IV to go to the spot and control the situation. Shri M.T. Rana has admitted that he did not visit Gulberg Society even though he had received a Control Room message at 1238 hrs that a mob of 4-5 thousand had surrounded the Gulberg Society as the situation at Naroda Patiya was serious. According to Shri Rana, he did receive a message from Control Room at 1405 hrs that some of the articles lying inside a house in the Gulberg Society had been set on fire, but he could not proceed to Gulberg Society, as he was the only senior officer left at Naroda Patiya, where the situation was comparatively more serious, as DCP, Zone-IV had already left for Dariyapur. Shri Rana has also narrated another incident about a mob of 2000 persons that had assembled near Naroda P.S. at about 1510 hrs on 28-02-2002, when he along with Shri K.K. Mysowala, Sr. PI, Naroda P.S. rushed to Naroda P.S. and dispersed the Hindu mob outside the police station and gave protection to Muslims. Shri M.T. Rana has stated to have reached Gulberg Society at 1800 hrs on 28-02-2002, and assisted the Jt.CP and DCP, Zone-IV in shifting the 150 survivors of Gulberg Society incident to a safer place. He has further stated to have accompanied the survivors of the Gulberg Society to Shahibaug P.S. and thereafter, returned to Meghaninagar P.S. and ordered for the registration of case in respect of Gulberg Society incident. He has also stated that he returned to Naroda Patiya around midnight and learnt that some of the Muslims were still hiding at Hussainnagar due to the fear of Hindus, took them into confidence and shifted them to Shah-Alam roza in Kagdapith area, which were subsequently converted into a riot relief camp.

Shri K.K. Mysowala, Sr. PI, Naroda P.S. has corroborated the statement of Shri M.T. Rana, the then ACP, 'G' division about the Naroda Patiya incident as well as Naroda Gam incident. As regards the registration of Cr. No. 193/02 against accused Jaydeep Patel, a VHP activist on 17-03-2002, Shri Mysorewala has explained that on 28-02-2002, Jaydeep Patel was not seen in the mob and that nobody had named him or filed complaint against him. According to Shri Mysorewala, it was only on 17-03-2002, that a written complaint had been received from Babubhai Pirubhai Sheikh of Naroda Patiya at a relief camp and a case was registered on the same day. Further, regarding the registration of case no. 197/02 against Dr. Mayaben Kodnani, MLA on 18-03-2002, Shri Mysorewala has stated that she was not seen in the mob and had not been named by any of the eyewitnesses and as such no case was registered against her. He has further stated that on 18-03-2002, one Shri

Ayubkhan Meerkhan Pathan of Naroda Gam had lodged a complaint against her from a relief camp and as such a case was registered on the same day. Shri Mysorewala could not give any satisfactory explanation, about the calls received/made by him from his mobile phone 9825190775 from accused Kirpal Singh Chabra (Mob.no. 9825047044), an associate of Dr. Mayaben Kodnani, accused Bipin Panchal (Mob.no. 9824085556), accused Ashok G. Patel (Mob.no. 9825018625), accused Jaydeep Patel (Mob.no. 9825023887) and accused Dr. Mayaben Kodnani (Mob.no. 9825006729). As regards the accusations made by Babu Bajrangi in his extra judicial confession made before Tehelka reporter, Shri K.K. Mysowala, Sr. PI, Naroda P.S. has stated that accused Babu Bajrangi wanted to become a hero amongst the Hindus and had made several statements in this regard. As regards the Babu Bajrangi's allegation about the inaction on the part of police made before Tehelka reporter, Shri Mysorewala had explained that the same was incorrect and that Babu Bajrangi made such statement to show that how influential he was with the police and also a hero amongst the Hindus. Shri Mysorewala has out rightly denied the allegation that he had refused to give protection to the Muslims and had stated that he had personally shifted 27 Muslims with burn injuries to hospital, protected 600 Muslims in the police station premises, when a Hindu mob of more than 2000 persons were about to attack them, shifted 2855 Muslims to relief camps between 28-02-2002 and 04-03-2002 in addition to 450 Muslims, who had taken shelter in SRP Group-II premises. In view of the aforesaid position, the allegation that the police was aiding the mobs who were attacking the Muslims and that the police acted as mute spectators to the unlawful acts etc. is not fully substantiated.

Shri D.D. Tuteja, the then Commissioner of Police, Baroda City has stated before the SIT that a message regarding the Godhra incident was received in Control Room, Baroda City from State Control Room, Gandhinagar at about 1020 hrs and they were advised to take care of any reaction to the same at Baroda City. On receipt of the said message stand-to was ordered with immediate effect at about 1222 hrs and instructions given to all PIs to start patrolling and send the mobile patrols for patrolling, checking and bandobast in communally sensitive pockets. Further, extra vehicles were requisitioned for patrolling purposes and preventive actions taken against anti-social elements. Four peace meetings were arranged in communally sensitive areas with Hindus and Muslims leaders and one such meeting was presided by Shri Tuteja. All the officers on leave were recalled. Instructions were also issued to all the petrol and kerosene dealers not to sell the petroleum products in loose condition. In view of these efforts no loss of life or damage to property was reported on 27-02-2002. On 28-02-2002, all the police officers were directed to

make preventive arrests and by that time 100 persons had already been detained u/s 151 Cr.PC. Further, the various areas of sensitive police stations were put under curfew at 0800 hrs on 28-02-2002, which was strictly enforced by the police. Shri Tuteja has further stated that on 28-02-2002, an Islamic Centre in a curfew bound area was attacked, but the police intervened and all the 102 children residing there, were shifted by the police to a safer place. According to Shri Tuteja, looking to the aforesaid developments the areas of the remaining six police stations were also brought under curfew at 1730 hrs on 28-02-2002. However, three persons killed on 28-02-2002, were Muslims. Shri Tuteja has further stated that on 01-03-2002, 35 Muslim families were trapped in Avdhutnagar, where PI Makarpura and ACP, A division tried to control the situation, but the ACP's mobile was attacked by the violent mob. Shri Tuteja along with Smt. Geetha Johri, Addl. CP (Law & Order) and DCP reached the spot and firing was resorted too. On 01-03-2002, four deaths took place, which included 3 Muslims and 1 Hindu. However, on 01-03-2002 night, a Best Bakery located in Hanuman Tekary area was attacked by the mob with stones and also set fire to it. On 02-03-2002, on receipt of message a fire tender and ambulance were rushed to the spot and 9 persons were immediately rushed to the hospital out of which 6 could be saved and 3 died during treatment. From the same building, 7 charred bodies of children and women were taken out of the building and thus eleven persons could be saved. It may be mentioned here that in all there were 25 persons in the bakery out of which 9 had hid themselves in the room on the first floor and remaining 16 had climbed on the terrace of the second floor. This incident which took place in the night went unreported and the persons, who had gathered in the morning of 02-03-2002 made a second attempt on the persons, who had claimed on the second floor terrace and were seen alive. In this Best Bakery case FIR was registered in the Panigate P.S. and 21 accused persons were arrested and charge sheeted on 24-06-2002, which was first tried by the Fast Track Court of Baroda and all the four accused persons acquitted. Subsequently, the Hon'ble Supreme Court of India had ordered a re-trial in this case in Bombay and 10 persons arrested earlier were convicted on the basis of the same investigation despite the fact that the complainant and several important witnesses turned hostile. On 02-03-2002, one Muslim was killed in police firing. Shri Tuteja has also stated on 03-03-2002, some dynamite was found planted in a huge Masjid, Musafirkhana in Koyli village under Javaharnagar P.S., which was immediately got defused from the Bomb Disposal Squad and thus a major incident could be averted. No death took place on 03-03-2002. As per Shri Tuteja, the curfew was relaxed between 04-03-2002 to 31-05-2002. However, during this period scattered incidents were reported from different police

stations. Shri Tuteja has also stated that during the period 28-02-2002 to 31-5-2002, 47 persons including 34 Muslims and 13 Hindus died during the riots, which including 4 Hindus and 7 Muslims killed in Police firing. He has denied the allegation that the Baroda City police did not respond to the complaints/calls.

Enquiries further revealed that a total number of 182 persons died on 28-02-2002, which comprised of 31 Hindus and 151 Muslims. Further, 17 persons died on 28-02-2002, due to police firing out of which 11 were Hindus and 6 Muslims. In view of this the allegation made by Smt. Jakia Nasim that on 28-02-2002, 40 persons were shot dead by the police in Ahmedabad City and/or that out of which 36 were Muslims does not appear to be correct. The allegation is, therefore, not established.

➤ **ALLEGATION NO. XXVI:**

No minutes of the meetings held by the CM and senior bureaucrats were maintained and instructions were mostly conveyed through phone which served the twin objective of (i) field officers carrying out the conspiracy of programme against the minorities and (2) avoidance of the subsequent monitoring of actions by jurisdictional officers.

During the course of enquiries by SIT, Govt. of Gujarat has given in writing that it is a general practice that when the Law & Order position is not normal, review meetings are held by the Chief Minister/Ministers or the higher officers without any written agenda. It has further been intimated that, in these meetings, situation of Law & Order is reviewed, necessary instructions are passed and actions taken as per the need. The Govt. has also informed that no minutes are drawn for such review meetings. In view of the position intimated by the Govt. of Gujarat, the first part of the allegation is established. However, the later part of the allegation that this practice served twin objective is a matter of inference and interpretation and therefore, can not be commented upon.

➤ **ALLEGATION NO. XXVII:**

No action was taken against officers like K. Chakravarthi, then DGP, P.C. Pande, then Commissioner of Police, Ahmedabad City, Ashok Narayan, then Additional Chief Secretary and a large number of senior functionaries in Government who filed incomplete, inaccurate, vague and inadequate affidavits to the Nanavati Commission, as narrated in Paras 54, 55, 56 of the complaint dated 08.06.2006.

In respect of this allegation, it may be mentioned that affidavits were filed by Shri K. Chakravarthi, the then DGP, Shri P.C. Pande, the then CP, Ahmedabad City, Shri Ashok Narayan, the then ACS (Home) and other senior officers in the Govt. before the Nanavati-Shah Commission of Inquiry and their conduct is being looked into by the said Commission. The Commission is yet to submit its report and in case the affidavits filed by these senior functionaries are found to be incomplete, inaccurate, vague and inadequate, it is for the Commission to comment upon the same and recommend action against them and pursuant to that action will be taken by the Govt. In my view, SIT is not competent to comment upon the affidavits filed by the senior functionaries in the Govt. before the Commission. It has, therefore, not been possible to probe into this allegation.

➤ **ALLEGATION NO. XXVIII:**

Slack review of post riot cases as ordered by the Hon'ble Supreme Court in 2004. This was achieved by entrusting this work to those senior officers who are willing to act according to political interests of BJP and the CM, as narrated in Para 84 of the complaint dated 08.06.2006.

During enquiries conducted by the SIT, Shri P.C. Pande, formerly DGP, Gujarat State has stated that the Hon'ble Supreme Court of India in Crim. MP No. 3740/2004 in Writ Petition (Crl.) No. 109/2003 filed by National Human Rights Commission Vs. State of Gujarat & Ors. vide order dated 17-08-2004 made the following observations:

".....we made it clear to all parties appearing before us (including the state of Gujarat) that in this matter we are not going to proceed on the basis that the entire investigation machinery in the state has failed; that there should be further/more extensive and in depth investigation into cases numbering 2000 in which "A" summary reports have been filed resulting in closure of cases at the threshold and that the State should consider further/extended investigations through its own high-ranking officers to which none of the concerned parties (including state of Gujarat) had any objection....."

The Hon'ble Supreme Court of India has also directed the Govt. of Gujarat to set up a Cell, which would consist of the following:

- (i) Seven Range Inspector Generals who are at present supervising the 30 Districts in which the communal riots have admittedly taken place;
- (ii) The Range Inspector Generals shall look into the FIRs, the existing materials in support of those FIRs, any other materials found or brought to their notice and then decide in connection with each of the 2000 cases-whether further investigation is necessary. In the event of their

coming to the conclusion that further investigations is not required, the reasons for their conclusion shall be recorded and put on the Internet for the purposes of informing anyone who may be interested in bringing the matter to the attention of the Court.

(iii) The Range Inspector Generals will report to two Additional Director Generals to be nominated by the State Government for the purposes of overlooking the work of the Range Inspector Generals.

(iv) The Additional Director Generals will ensure the correctness of the reports to be submitted to them by the Range Inspector Generals and submit the same to the Director General, who will be in overall charge and will report to this Court as to the outcome of the status of the matters considered by the Cell operating his supervision. The Director General should give such status report to this Court quarterly (every three months). The first of such report shall be submitted within 90 days. In this report, the Director Generals will give the status report of cases in which the Cell is of the opinion that further/extended investigation is warranted. The Cell will also in its report state the particulars of cases in which according to the Cell. In other words, a fresh look must be given by an independent officer.

(v) In cases where further investigation is necessary, the same shall be carried out by the Officer to be nominated by the Cell after forwarding its report to the concerned Authorised Magistrate. However, in this connection it is clarified that the Cell should not nominate Officer for such investigation who has in the past submitted a Summary Report. In other words, a fresh look must be given by an independent officer.

Shri Pande has further stated that pursuant to the directives of the Hon'ble Supreme Court of India a High Level Committee (Riot Cell Committee) comprising the DGP, two Addl. DGs, seven Range heads, one lady officer of the rank of Dy.SP was constituted at the State level to review the 2017 not related cases in which 'A' final summary was sought for. Shri Pande has further stated that even before the directions given by the Hon'ble Supreme Court of India, the then DGP, Gujarat State had on 07-12-2003, directed all Commissioners of Police, in charge of the Cities and SsP in charge of the Districts to scrutinise 'A' final murder case u/s 302 IPC by senior officers of the respective Commissionerate/Districts and wherever lapses in earlier investigation were found reopen and reinvestigate such cases by an officer not below the rank of Dy.SP under their direct supervision and monitoring. As per Shri Pande, the Riot Cell Committee under the DG and IG of police had issued

directions to all the committee members to earmark three competent police officers of which one should preferably be a Muslim to help them implement the directions of the Supreme Court. Extensive publicity was given through Press Notes as well as through public address system whenever the Committee Members visited the site of offences about the exercise being undertaken as per the directives of the Hon'ble Supreme Court and people were advised to come forward to register offence and/or to give evidence in relation to riot related cases without any fear or pressure. A website (www.riotcell2002.gujarat.gov.in) created as per the directives of the Apex Court. This site was being updated on a regular basis.

According to Shri Pande, the following steps were also taken:

- (i) The Committee Members were also directed to prepare maps of places of offence and to record statements of people residing in the vicinity of the places of offence so as to facilitate detection.
- (ii) Frequent meetings of the Riot Cell Committee were convened and the Members were asked to submit regular monthly reports about the action taken by them.
- (iii) In order to maintain continuity, transparency and effective supervision, special care was taken to ensure that the composition of the Committee remained name specific event though some of them were promoted and/or transferred.
- (iv) Directions were also issued that officers of the rank of IGP would visit and interrogate complainants/victims/witnesses in cases relating to murder, attempt to murder, dacoity with murder, kidnapping and crimes under the Explosives Act; officers of the rank of Dy.IG of Police would undertake similar action in relation to cases of dacoity, robbery, grievous hurt, serious riots and police firing and officers of the rank of SP/DCP would initiate such actions in relation to the cases of riots hurts damages to property through arson and looting as well as other cases.
- (v) It was also emphasised in respect of cases, where offences were registered u/s, 153-A, 295-A & 505 IPC and in which prosecution would require Govt. sanction, the same should invariably be investigated by officers not below the rank of Police Inspector.

Shri P. C. Pande has also stated that quarterly progress reports were submitted to the Hon'ble Supreme Court of India starting from November, 2004 and till his tenure 11 such reports had been submitted. According to Shri Pande, 108 applications (24 in 2004, 25 in 2005, 46 in 2006 & 12 in 2007 upto 11-04-2007) had been received by the DG requesting for reopening of the

cases which were sent to the concerned committee members for necessary action and proper reply to the applicants.

Shri Pande has further stated that as a test case, 59 cases, where fool proof investigations had been carried out earlier, which according to the Committee were not worth reopening, were floated on the websites with reasons thereof. However, no NGO or any individual had ever approached any of the committee members or DGP against such a decision. Shri Pande has also stated that as a confidence building measure a conscious decision was taken to reopen the remaining 1958 cases, which include certain cases, where flawless investigation were carried out at the relevant time. Of the 1958 cases, only 53 cases were converted into chargesheet, which came to only 2.6% of the total number of reopen cases. According to Shri Pande, as a result of indepth review and scrutiny, the Committee could register 15 fresh offences relating to murder case, out of which only 10 cases were charge sheeted. Shri Pande has stated that in all 63 cases had been converted into charge sheets. Shri Pande has also stated that one Shri M.L. Mehta, Addl. District & Sessions Judge, New Delhi, who had been appointed by the Hon'ble Supreme Court of India to critically analyse the transfer petition and submit a brief for facilitating a decision by the Apex Court, had in his report hailed the efforts made by the State of Gujarat. Shri Mehta had categorically opined in his report that no objection had been filed by any party against its progress reports of the State as well.

Shri Pande has also stated that the Committee headed by the DGP was reconstituted as and when the need arose due to the reshuffling in the police department and that the Committee had submitted quarterly reports to the Supreme Court periodically and that the Supreme Court had never adversely commented upon same. He has also stated that as on 31-03-2010, out of these 'A' summary cases 117 cases had been charge sheeted and 1276 persons arrested. He has also stated that departmental actions have been initiated against 149 IOs and Supervisory officers, while actions are contemplated against 40 IOs and supervisory officers.

During the course of enquiry Shri A.K. Bhargava, formerly DGP, Gujarat has stated before the SIT that, he was directly responsible to the Supreme Court regarding the review of 2000 odd riot cases and had submitted quarterly progress reports to the Supreme Court which were duly accepted and never adversely commented upon.

In view of the aforesaid position, since the periodical progress reports are being submitted to the Hon'ble Supreme Court of India and the same had

not been adversely commented upon, as also the efforts made by the State of Gujarat, the allegation relating to slack review of post riots cases as ordered by the Hon'ble Supreme Court of India in 2004, is not established.

> **ALLEGATION NO. XXIX:**

Nepotism practiced in postings, transfers, promotions etc., as narrated in Para 85 of the complaint for facilitating the on-going subversion of the criminal justice system.

This allegation is vague and general in nature and no specific instance has been cited in the complaint. In view of this it has not been possible to conduct any inquiry into said allegation.

> **ALLEGATION NO. XXX:**

The fact that victims of riots and police firings were predominantly of the Muslim community, will establish that rioters, the administration, cohorts of the ruling party (BJP) were moving in collaboration for achieving the satanic objectives of the CM. Statistics in this regard are given in the second Affidavit dated 06.10.2004 (Para 3 / Appendix V) of Sreekumar to the Nanavati Commission.

During enquiries conducted by the SIT, Shri P.C. Pande, formerly CP, Ahmedabad City has stated that during the riots, it is difficult for the police to identify as to whether any individual belongs to a particular community. He has further stated that on 28-02-2002, 17 persons were killed in police firing in Ahmedabad City, which included 11 Hindus and 6 Muslims, which would go to show that there was no discrimination on the part of police. He has also stated that in the succeeding days, the retaliation started from the Muslim side also and therefore, wherever force was used by the police casualties resulted on both the sides. According to Shri Pande, it is incorrect to say that the administration and police were moving in collaboration with the rioters and were targeting the persons from the minority community with an intention to achieve the alleged objective of the CM.

In view of the aforesaid position, the allegation is not established.

> **ALLEGATION NO. XXXI:**

That a secret meeting was held late in the evening of 27-02-2002 in Lunawada village of Sabarkantha District and that a telephone call was made between 3 pm & 6 pm from the house of one Dr. Yogesh Ramanlal Pandya from Godhra to Dr. Anil Patel (a member of Gujarat Doctor's Cell) intimating him about the meeting. Further, another call was also made to

Dr. Chandrakant Pandya (from Kalol), Chairman, Police Housing Corporation, Shri Ashok Bhatt, State Health Minister, who was then sitting in the Godhra Collectorate was also intimated about the meeting. Shri Prabhatsinh Chauhan, the then Transport Minister, who hails from Panchmahal was reportedly also called to attend and one Shri A.P. Pandya was also present in the meeting. It is further alleged that the phone calls were made to invite 50 top people of BJP/RSS/BD/VHP and the plan was to assemble at someone's house in Lunawada (Sabarkantha District). It is also alleged that 50 top people met at this undisclosed destination and detailed plans were made on the use of kerosene, petrol for arson and other methods of killing, but the State IB did not or could not track such meeting and preparations for the gruesome violence that was to follow.

During enquiries conducted by SIT, Shri Yogesh R. Pandya has stated that he was a practicing Homeopathic Doctor at Kalol since, 1983 and was earlier President of BJP, Kalol and at present Member of Doctor's Cell which supports BJP. He never resided at Godhra. He has stated to have received the news about Godhra carnage at about 1000 hrs or 1030 hrs, which initially said that two persons had been killed, but casualties could be much more. He has stated to have contacted Dr. Chandrakant Pandya, an Ayurvedic Doctor at Kalol over latter's mobile phone. He has further stated that Dr. Chandrakant Pandya confirmed the said incident and thereafter, he left for Godhra at about 1200 hrs by his own car and reached there in or about 45 minutes. At Godhra, he has stated to have seen big crowd near Civil Hospital, Godhra and stopped there. According to Shri Y.R. Pandya, being a social worker, he tried to ascertain the details of the incident and also about the number of deaths that took place in the incident, but despite having spent about two hours, he could not know the details of the incident. Thereafter, he has further stated to have visited the Collectorate and saw a big crowd there, but could not get the details of the incident. He returned to Kalol by his own car at about 1730 hrs. He has confirmed to have known Dr. Anil Patel, a General Practitioner of Ahmedabad, but he has denied to have contacted him over telephone on 27-02-2002. He has denied knowledge of any secret meeting at Lunawada on 27-02-2002. He has further denied to have either known Shri Ashok Bhatt, the then Health Minister or contacted him over phone. According to him, Shri Prabhatsinh Chauhan, the then Minister was not known to him personally at that point of time. He has admitted to have known Dr. A.P. Pandya, a private Surgeon of Godhra, but did not speak to him over phone or met him at Godhra. He did not have any mobile phone at that time and his land line no. was 02676-235111.

Shri Chandrakant R. Pandya, a BJP activist from Kalol, who was Vice-Chairman of Police Housing Corporation during 1999 to 2002 has stated before SIT that on 27-02-2002, he was doing Maha Rudra-Yagna at Gehlapuri situated at a distance of 15 kms. from Kalol, when he received an information about the Godhra carnage on his mobile phone at about 0930 hrs and immediately left for Godhra by his Maruti car. He has stated that he reached Godhra at about 1000/1030 hrs and stopped at Civil Hospital, Godhra as there was a big crowd. He has further stated that from the doctors he came to know that a railway coach had been burnt and the injured were admitted to the hospital for treatment. He parked his car in Civil Hospital and went to Godhra Railway Station in an ambulance. At Railway Station he saw people pelting stones and being a social worker, requested them to stop. He has further stated that the train was thereafter brought back to Godhra Railway Station, where two burnt coaches were detached and parked in the railway yard and thereafter, the train left for its destination after about two hours or so. He has further stated that he returned to civil hospital in the same ambulance by about 1330 hrs or so and being a social worker, he helped the doctors and looked after the victims. According to Shri Chandrakant Pandya, the CM visited the hospital along with Shri Ashok Bhatt, the then Health Minister and at that time he was sitting in the office of Resident Medical Officer. He has also stated that he stayed in the hospital till about 1900 hrs on 27-02-2002, and then went to his mother's house in Godhra and stayed there, as there was curfew in Godhra town. On 27-02-2002, he has admitted to have received a call on his mobile phone from Dr. Yogesh R. Pandya from Kalol and that the latter had asked him about the train carnage at Godhra, to which he replied that he was at Civil hospital, Godhra and that he should come to hospital in case he wished to come. According to Dr. C.R. Pandya, Dr. Yogesh Pandya did come to civil hospital, Godhra, but did not meet him. He has stated that Dr. Yogesh Pandya did not ask him to attend any meeting at Lunawada and has denied to have attended any such meeting. He had a prepaid mobile phone connection, but does not recollect his number. He knows Dr. A.P. Pandya, a private Surgeon of Godhra, but did not meet him on 27-02-2002 at Godhra.

Dr. Anil M. Patel, a General Physician and a Member as well as President of BJP Doctor's Cell for the last 14-15 years has stated before the SIT that Dr. Yogesh Pandya and Dr. Chandrakant Pandya of Kalol, and Dr. A.P. Pandya, Surgeon of Godhra are the members of BJP Doctor's Cell and therefore known to him. He has further stated to have known Shri Ashok Bhatt, formerly Health Minister. He has further stated that he knew Shri Prabhatsinh Chauhan earlier Minister and now MP, but the latter did not know him. He runs a private clinic to 1000 hrs to 1330 hrs and 1830 hrs to 1930 hrs from Monday

to Saturday and Sunday is a closed day. Shri Anil Patel has stated that on 27-02-2002, he attended his clinic at 1000 hrs and after sometime when he switched on his TV, there was a news flash about the Godhra train burning incident. As per his recollection, he has stated that he contacted Dr. Yogesh Pandya, the then President of Godhra BJP Doctor's Cell over telephone at Kalol and asked him to extend some medical help to the victims, if possible, to which the latter agreed. He has further stated that as and when, either there was a natural calamity or epidemic/accident, the members of the Doctor's Cell always came forward for help. He has also stated that keeping in view the fact that the medical facilities at Godhra might be limited, he made this request to Dr. Yogesh Pandya, who never reverted back to him on this issue. According to Dr. Patel, it is incorrect to say that a call was made from the house of Dr. Yogesh Pandya between 3 pm to 6 pm on 27-02-2002, requesting him to attend a secret meeting to be held at Lunawal village of Godhra village. He has also stated that it was humanly impossible to travel to Lunawada, which is more than 150 kms. from Ahmedabad on 27-02-2002 itself. He has out rightly denied about his participation in the alleged meeting at Lunawada where the so-called detailed plans were made on the use of kerosene, petrol for arson and other methods of killing. He has further stated that during the said period he used mobile phone no. 9825047978. His mobile phone call details for 27-02-2002 have been checked and the same show his location at Ahmedabad and no call had been made/received to/from Godhra.

Dr. Amrutlal P. Pandya, a Surgeon by profession and running 'Divya' surgical hospital at Godhra and an active member of BJP since 1984, a Treasurer of District BJP Panchmahal during 2002 and at present President of Godhra nagar BJP has stated before SIT that Dr. Chandrakant Pandya, an Ayurvedic doctor and Dr. Yogesh Pandya, a Homeopethic doctor from Kalol are known to him being the members of BJP. He has further stated that Dr. Anil Patel, a General Practitioner of Ahmedabad City is also known to him, being the President of Doctor's Cell, Gujarat State since 1999. According to Dr. A.P. Pandya on 27-02-2002 the news about the Godhra carnage was received by him over telephone from someone around 0800 hrs and thereafter, some social workers of Godhra had requested him to come to civil hospital and render some medical assistance to burnt patients admitted there. He has further stated that he had rushed to the civil hospital within half an hour and gave emergency medical aid to burnt patients in the surgical ward till about 1000 hrs. Thereafter, he went to Godhra Railway Station in his own car to see that the unattended patients could be shifted to the civil hospital in his car. However, by that time, the burnt bogie was still attached to the train and the coach was doused. As per Dr. A.P. Pandya, he returned to the civil hospital and attended

to the indoor patients with the burn injuries. He has also stated that around 1600 hrs, he went to the Collectorate and met Smt. Jayanti Ravi, the then Collector, Godhra and asked her any other medical service required from his side. As the Collector was very busy, Dr. A.P. Pandya waited there till about 1700 hrs or so and then returned to his residence at 1930 hrs or 2000 hrs. He has denied to have received any call from Dr. Chandrakant Pandya, Dr. Yogesh Pandya or Dr. Anil Patel asking him to attend any meeting in Lunawada between 3 pm to 6 pm. He did not have any mobile phone at that time. He has further denied to have met Shri Ashok Bhatt, the then Health Minister. However, he has admitted to have met Shri Bhupendrasinh Solanki, the then MP from Panchmahal at Collectorate only and requested him to get the culprits responsible for the said ghastly incident apprehended and punished. He has also stated that it is incorrect and absurd to say that he attended a meeting at undisclosed destination in Lunawada, where the detailed plans were made about the use of kerosene, petrol for arson and other methods of killing. According to Dr. A.P. Pandya, Lunawada is not a village, but a Taluka headquarters and its situated in Panchmahals District and not in Sabarkantha District as alleged. He has denied the allegation to be false, baseless and maliciously made to exploit and defame them.

Shri Ashok Bhatt, the then Health Minister and at present Speaker of Gujarat Assembly, who had been elected as MLA seven times to Gujarat Assembly on BJP ticket since 1975 has stated before SIT that an information relating to the Godhra carnage was received by him on 27-02-2002 at about 0900 hrs from the officials of the Health Department, who had also informed him that the services of some of the doctors were required at Godhra. According to Shri Ashok Bhatt, he immediately spoke to Civil Surgeon, Godhra and Superintendent Civil Hospital, Ahmedabad, a Burn Expert. As per Shri Bhatt, Civil Surgeon, Godhra requested him to come to Godhra as his presence was very much required there. Shri Bhatt has further stated that he left for Godhra by car at about 0930 hrs and reached Godhra between 1200 to 1230 hrs. Shri Bhatt has further stated that at Godhra he met Smt. Jayanti Ravi, the then Collector either at civil hospital or at Collectorate, because both are nearby. Thereafter, Shri Bhatt has stated to have visited the injured admitted to the civil hospital for treatment. At civil hospital, Shri Bhatt spoke to District Health Officer and Civil Surgeon and asked them to call all the doctors from Godhra District. Shri Bhatt also ordered the burn experts to be called from SSG hospital, Baroda. Shri Bhatt has further stated to have accompanied Smt. Jayanti Ravi, the then Collector to Godhra Railway Station at about 1500 hrs and by that time the two burnt bogies had been detached and parked in the railway yard and the train already left for Ahmedabad and the policemen and

doctors were busy with the post-mortem of the dead bodies. According to Shri Bhatt, the Chief Minister arrived between 1630 to 1700 hrs and met him at Godhra Railway Station. Thereafter, Shri Bhatt proceeded to the civil hospital. He has further stated to have met Shri Gordhan Zadafia, the then MoS (Home), but did not meet Shri Prabhatsinh Chauhan. Shri Bhatt does not have the knowledge, whether Shri Prabhatsinh Chauhan had come to Godhra or not. Shri Bhatt has also stated that he remained at Civil hospital till late in the night and then left for Gandhinagar past midnight around 0230 hrs by car and reached Ahmedabad around 0500 hrs on 28-02-2002. He has admitted to have known Dr. Anil Patel a little bit as a Member of Ahmedabad Medical Association and a Member of BJP Doctor's Cell. However, he has denied to have known Dr. Yogesh R. Pandya and Dr. Chandrakant Pandya of Kalol and Dr. A.P. Pandya of Godhra, or any of them contacting him over phone on 27-02-2002 at Godhra. He has also denied to have received any intimation about any meeting or attended any meeting at Lunawada on 27-02-2002. The call details of Govt. mobile phone no. 9825039877 allotted to Shri Ashok Bhatt, which is still in operation have been obtained and scrutinised. The location of the said phone was at Ahmedabad on 27-02-2002 at 1014 hrs and thereafter, at Godhra at 1149 hrs on 27-02-2002. Regular calls were received on this mobile phone from 1149 hrs on 27-02-2002 to 0108 hrs on 28-02-2002. Thereafter, the location of this mobile phone was at Ahmedabad at 0506 hrs on 28-02-2002. The location of the said mobile phone corroborates the version of Shri Ashok Bhatt about his movement from Ahmedabad to Godhra and back and also that he did not go to Lunawada at any time on 27-02-2002.

Shri Prabhatsinh Chauhan at present Member of Parliament, Panchmahals constituency has stated before SIT that he was appointed as Minister of State for Cow Breeding & Shrine Development by Shri Narendra Modi in October, 2001. He has further stated that he came to know about the Godhra carnage incident around 1100 am and being a MLA & Minister from Kalol constituency, he left for Godhra by road immediately at about 1100 hrs on 27-02-2002 and stayed at Sevaliya on the way to wait for Shri Bhupendrasinh Selanki, who was to accompany him to Godhra. Both of them reached Godhra in the afternoon and went to Godhra Railway Station. He happened to be at Godhra Railway Station, when the Chief Minister Shri Narendra Modi arrived there. He has further stated that he did not visit either Collectorate or Hospital, as he was not well and went to his native place at Mehlol, where he took some lemon juice and rested for a while and then came back to Gandhinagar. He has also stated that while coming to Gandhinagar from Godhra, he switched off his mobile phone. He has denied to have known Dr. Chandrakant Pandya, Dr. Yogesh Pandya of Kalol, Dr. A.P. Pandya of Godhra and Dr. Anil Patel of

Ahmedabad. He has further stated that none of them had called him on 27-02-2002. He has denied to have organised or taking part in any meeting with any leaders of VHP, RSS, BD or BJP at Lunawada. He has also stated that on 28-02-2002, he again came back to his village and with the help of the police went to Vadodara to drop his daughter at her in-laws place. The call details of Govt. mobile phone no. 9825037438 allotted to Shri Prabhatsinh Chauhan have been obtained and analysed, which showed the location of said mobile phone at Godhra on 27-02-2002 at 1256 hrs till 2031 hrs. It appears that, thereafter, the said mobile phone was switched off. The location of the said mobile phone, thereafter, starts at Godhra on 28-02-2002 at 1152 hrs and ends at Godhra at 2008 hrs on 28-02-2002. However, the call details do not show any call from the Dr. Yogesh Pandya of Kalol and Dr. Anil Patel of Ahmedabad.

This allegation revolves around the fact that phone calls were made by Dr. Yogesh R. Pandya to Dr. Chandrakant Pandya, Dr. Anil T. Patel and Dr. A.P. Pandya. Further, telephone calls were also made to Shri Ashok Bhatt, the then Health Minister and Shri Prabhatsinh Chauhan, the then Transport Minister at Godhra Collactorate. There are certain factual inaccuracies inasmuch as Lunawada is not a village, but a Taluka headquarters and is situated in Panchmahals District and not in Sabarkantha District. Moreover, Shri Prabhatsinh Chauhan had never been a Transport Minister in Gujarat. It may be added here that Lunawada is situated at a distance of about 43 kms. Northwards from Godhra and Kalol is situated in the opposite direction at a distance of about 31 kms. Southwards from Godhra. The distance between Ahmedabad and Godhra is around 125 kms. Enquires established that both, Shri Ashok Bhatt, the then Health Minister and Shri Prabhatsinh Chauhan arrived at Godhra on 27-02-2002 afternoon. Shri Ashok Bhatt as per the location of his mobile phone and call details records remained at Godhra between 1149 hrs on 27-02-2002 and 0108 hrs on 28-02-2002 and that during this period he regularly received calls. Further, his location has been noticed at Ahmedabad on 28-02-2002 at 0506 hrs. He had not received any calls from either Dr. Yogesh R. Pandya of Kalol or Dr. Anil T. Patel of Ahmedabad. Moreover, he was seen at Godhra Railway Station and civil hospital, Godhra throughout the day by Smt. Jayanti Ravi, the then Collector and Shri Raju Bhargava, the then SP, Godhra. All these circumstances go to show that he could not have attended the meeting at Lunawada late in the night of 27-02-2002 as alleged. As regards, Shri Prabhatsinh Chauhan, the call details records of his mobile phone show that his location was at Godhra on 27-02-2002 from 1256 hrs to 2031 hrs and it appears that, thereafter, the mobile phone was switched off at 2031 hrs. The mobile phone appears to have been switched on 28-02-2002 at 1152 hrs with location at Godhra. He was also seen

at Godhra by SP, Godhra. His call details records do not show any call from Dr. Yogesh R. Pandya and Dr. Anil T. Patel. In view of these circumstances, he could not have participated in the meeting at Lunawada. Coming to the version of Dr. Chandrakant Pandya, Dr. Yogesh R. Pandya and Dr. A.P. Pandya, all three of them did come to Civil Hospital, Godhra. However, Dr. Chandrakant Pandya did not meet Dr. Yogesh R. Pandya, as there was a huge crowd in Civil Hospital, Godhra. Further, Dr. A.P. Pandya being a resident of Godhra treated the burn patients at Civil Hospital, Godhra, visited Godhra Railway Station and met Smt. Jayanti Ravi, the then Collector. None of these three doctors met each other on 27-02-2002. Dr. A.P. Pandya went back to his residence at about 1930 or 2000 hrs, while Dr. Chandrakant Pandya stayed at his mother's house in Godhra, as there was curfew in the town. Dr. Yogesh Pandya went back to Kalol at about 1730 hrs. There is no evidence to connect them with each other on 27-02-2002 and also to prove that they had gone to Lunawada and attended a late night meeting as alleged. Regarding Dr. Anil T. Patel of Ahmedabad, he was located at a distance of about 168 kms from Lunawada and even if it is presumed for the time being that he did receive a call between 3 pm to 6 pm to attend the alleged meeting, it was almost impossible to reach Lunawada from Ahmedabad, attend the meeting late in the night and then return to Ahmedabad in the night itself. It would be worth while to mention here that the call details of mobile phone number of Dr. Anil Patel showed its location at 2148 hrs on 27-02-2002, at Ahmedabad. In view of these facts, by any stretch of imagination Dr. Anil Patel could not have attended the alleged meeting at Lunawada late in the night of 27-02-2002. This information appears to be a figment of imagination of some interested elements based on the rumours and is therefore, not established.

➤ **ALLEGATION NO. XXXII:**

A meeting was held by Shri Kalubhai Hirabhai Maliwad at village Borwai near Pandarwada on 28-02-2002. This meeting earlier scheduled to be held at the house of one Shri Shankar Master, but due to large crowd, it was held at Baliyadev Mandir. It is alleged that around 5000-6000 activists of Bajrang Dal including Shri Kalubhai Maliwad, Somabhai Rimalbhai of Kaliakuvawala, Jignesh Pandya, Prakashbhai of Borwai village, Amrutbhai Manilal Panchal, Anil Modi, Sarpanch, Sanjay Ishwarbhai Panchal, Vijay Damor, Khema Kalu and Damor Somabhai besides others were present in the meeting held to plan the attacks on the minorities in the surrounding areas. Smt. Teesta Setalvad, co-complainant has stated that this information was given to her by her

sources namely Shri Mehboob Rasul Chauhan of Lunawada and Shri Nasirbhai Kalubhai Sheikh of Pandarwada.

During the course of enquiries by SIT, Smt. Teesta Setalvad produced Shri Mehboob Rasul Chauhan of Lunawada as a source of her information. Shri Mehboob has stated before the SIT that he is a painter by profession and had stayed in Pandarwada village during 1990-2002. He had come to know about the Godhra carnage incident on 27-02-2002, from his village men. He has further stated that on 28-02-2002 around 1330 hrs, he had gone to village Borwai, situated at a distance of about 5 kms. from Pandarwada to complete the painting job in the house of a Brahmin. This job was started by him about five days ago. He has later given the name of this Brahmin as Shri Rameshbhai Upadhyay. At that time, he did not have any co-worker with him. He has further stated that after completing the job around 1700 hrs, while he was returning to Pandarwada, he saw a group of 200-250 persons near the house of Shri Shankar Master. Subsequently, he found that around 4000-5000 persons had assembled near Baliyadev Temple in village Borwai and were being addressed by Shri Kalubhai Maliwad. At that time, Shri Kalubhai Maliwad was heard saying by Shri Mehboob that many Hindus had been killed in Godhra train and that they should strike back by burning houses and shops of Muslims in the surrounding areas. According to Shri Mehboob, one Shri Amrutbhai Manilal Panchal, a resident of Pandarwada had seen him there and had asked him to go away. Shri Mehboob has named around 36 persons of different villages, which include the eleven persons named by Smt. Teesta Setalvad. Shri Mehboob has further stated that he changed his plan and did not go to Pandarwada and went to Lunawada at his father's house by truck, where his family had come to celebrate Eid. He has further stated that he did not inform anyone and not even his family about the meeting attended by a few thousands persons at Baliyadev Temple, Borwai. As per Shri Mehboob, his friend Jabirbhai Kharadi called him from Pandarwada at about 2200 hrs on 28-02-2002 and informed about the eruption of riots at Pandarwada and that his kiosk had been set on fire. Shri Jabirbhai requested Shri Mehboob to send police force to Pandarwada. Shri Mehboob has further stated that he did not inform anyone as the riots had also broken out in Lunawada and as such he was unable to go out. He has also stated that around 2315 hrs, he contacted his friend at Pandarwada over telephone and came to know that a Hindu mob had burnt Mosque and shops in Pandarwada. Shri Mehboob has further stated that a Harijan of Pandarwada had told one Shri Gulambhai Ganibhai Kharadi that the dead bodies of some of the Muslims of Pandarwada were thrown in a pit near Panam river, at Lunawada. According to Shri Mehboob, he reported the matter to one Shri Raeeskhan of Ahmedabad, who had been working with

Smt. Teesta Setalvad's NGO. Accordingly, some skeletons were dug out and Smt. Teesta Setalvad of a NGO made a request to the High Court for CBI investigation in the matter. Shri Mehboob has stated to have filed an affidavit in the High Court in this regard, but did not mention about the meeting held at Borwai by 4000-5000 persons on 28-02-2002. The Circle Inspector had filed a complaint in the matter of exhuming of the dead bodies by us at Lunawada village and a case was registered against him. Shri Mehboob has also mentioned that he had informed Smt. Teesta Setalvad of Citizens for Justice & Peace for the first time in the year 2009 about the meeting held by 4000-5000 persons on 28-02-2002, at Baliyadev Temple, wherein it was decided to set fire to the shops and houses of Muslims of Pandarwada. On being questioned, Shri Mehboob stated that he did not inform about the said meeting held on 28-02-2002 at Borwai to anyone or even his family members.

Shri Nasirbhai Kalubhai Sheikh of Pandarwada has stated before the SIT on 27-02-2002, Shri Mehboob Painter had attended a marriage of his brother Salim at Pandarwada and had gone to Dungepur (Rajasthan) along with the marriage party and returned to Pandarwada on the same day. He has further stated that he came to know about the Godhra episode through TV news on 27-02-2002 on returned from Dungepur. According to Shri Nasirbhai, on 28-02-2002, it was Gujarat Bandha and as such the guests, who had come to attend the marriage, could not go back and he himself remained at home. He has also stated that Shri Mehboob painter came to his home in the evening and told him that there was a meeting at Borwai village, but did not disclose the venue and the purpose of this meeting and also about the participants of the said meeting and that this fact had not been disclosed by him to anyone till date.

Shri Kalubhai Maliwad, formerly MLA, from Lunawada constituency has outrightly denied to have attended any meeting on 28-02-2002 at Baliyadev Temple at village Borwai, where plans were made about the attack on Muslims. He has denied to have known Shri Shankar Master, but admitted acquaintance with other persons named by Shri Mehboob Rasul. Shri Kalubhai Maliwad has stated that his village Rehman was situated at a distance of 19-20 kms. from village Borwai and that he remained at his village on 28-02-2002 and did not move out.

Shri Shankarbhai V. Joshi @ Shankar Master has admitted knowledge about the incident relating to Godhra train carnage on 28-02-2002, from newspaper. He has also admitted to have known Shri Kalubhai Maliwad, who was later elected as MLA from his area, Shri Somabhai Damor, Shri Anil Modi, Sarpanch of Pandarwada and Shri Vijay Damor, who was his student. He has

denied to have known others named by Shri Mehboob. He has further stated that he was present in his primary school in Borwai village, on 28-02-2002 from 1100 hrs to 1700 hrs. He has further stated that thereafter, he attended a social function at the house of one of his relations namely Shri Someshwar Pandya at village Bhadrod, situated at a distance of 10 kms. from Borwai and returned to his place at about 2300 hrs. He has also stated that since he was not at home, no such meeting could have taken place at his residence. According to Shri Shankar Master, no such persons as named by Shri Mehboob had assembled at his place.

Shri Rameshbhai Upadhyay, whose house was alleged being painted by Shri Mehboob Painter in the last week of February, 2002 and concluded on 28-02-2002, has stated before the SIT that he was a matriculate and had been running a grocery shop and doing farming at village Borwai. He has further stated that he had constructed a small house in his farm and got it painted about two months before the Godhra carnage i.e. sometime in December, 2001 from Shri Mehboob painter and that the job lasted for about 8-9 days. He has totally denied the fact that Shri Mehboob painter visited his house for painting job on 28-02-2002, from 1400 hrs to 1700 hrs. Shri Upadhyay has clarified that he was in Bhadrod village in connection with some social function at his sister's place from 26-02-2002 to 28-02-2002 and had returned only in the night of 28-02-2002. He has denied knowledge about any meeting held at Baliyadev Temple in Village Borwai, as he was away from the village. He has produced an invitation card in connection with the social function, which shows that the ceremonies were held on 28-02-2002 at the house of Shri Arvind Someshwar Pandya, brother in law of Shri Ramesh Upadhyay at village Bhadrod. Shri Ramesh Upadhyay has also produced two photographs of the said function which confirmed his presence at Bhadrod.

Shri Sanjay Ishwarlal Panchal, who had also participated in the alleged meeting on 28-02-2002, has stated before SIT that after passing SSC, he was an employee in a textile company at Surat from 1994-2004 and thereafter, worked in Mech-Tech engineering, Vadodara along with his brother till 2006. He has further stated that when the riots erupted in Gujarat, he was at Surat. According to Shri Panchal, on 28-02-2002, his employer Hasmukhbhai informed him that riots broke out at Pandarwada also and as per TV news, a house was set on fire. Shri Sanjay Panchal has further stated to have visited Pandarwada after about 1½ month and found his house safe. He has stated to have stayed at Pandarwada for about a day and then returned to Surat. He has denied knowledge as well as participation in the alleged meeting at Baliyadev

Temple at Borwai on 28-02-2002, but had admitted to have known Shri Anil Modi and Shri Somabhai Damor of Pandarwada.

Shri Anilkumar Manubhai Modi, Sarpanch of Pandarwada during 2002-2006, has stated before the SIT that the news about the Godhra train carnage was received by him on 27-02-2002 through TV news and that there was a call for Gujarat bandh on 28-02-2002. He has further stated that pursuant to the banch call on 28-02-2002, his provision store was closed and he was at home. He has further stated that he had come to know about a rioting incident at Pandarwada bus stand on 28-02-2002 and had telephoned Mamalatdar (Executive Magistrate), who informed him that he had already reached the place of occurrence along with the police. He has denied to have attended the alleged meeting either at Shankar Master's house or at Baliyadev Temple, village Borwai, which was attended by a large number of Barang Dal activists. He has admitted to have known the various persons named by Shri Mehboob Painter, but denied about attending any meeting with them at Village Borwai. Shri Anil Modi has further stated that one Shri Aiyubhai Saiyed of Pandarwada had died during the communal riots and that his wife Smt. Zohrabibi made a statement before the police that he (Shri Anil Modi) was present, when her husband was killed. According to Shri Anil Modi, he was interrogated by the local police in the year 2005, put to TI parade and then arrested. He has further stated that he remained in the jail for about 73 days and then granted bail by Gujarat High Court. Shri Anil Modi has also stated that during the riots on 01-03-2002, he had given shelter to (1) Nathubhai Ahemadbhai Sheikh, (2) Saturbhai Imambhai Saiyed, (3) Javed Atur Saiyed, (4) Rasilaben Yusufbhai Saiyed, (5) Aslama Yusufbhai Saiyed, (6) Shoab Yusufbhai, (7) Arbaz Yusufbhai, (8) Sayrabanu Saturbhai Saiyed, (9) Marjinabibi Saturbhai Saiyed and (10) Sahin Saturbhai Saiyed in his own house, informed PSI Shri Rathod, who escorted them to a safer place. Shri Anil Modi has produced a photo copy of letter dated 02-03-2002 sent by Executive Magistrate, Khanpur to District Magistrate, Godhra stating that the aforesaid ten persons were taken charge of from the house of Shri Anil Modi, Sarpanch without any injuries and shifted to Lunawada P.S. under police protection. This fact was argued by his lawyer during the hearing of his bail application in Gujarat High Court and the High Court in turn got it verified from the IO, who confirmed the claim made by Shri Anil Modi. The High Court held that in view of the fact that the name of Shri Anil Modi was mentioned by the complainant after a period of three years, the version of the complainant appears to be doubtful and as such Shri Anil Modi was ordered to be released on bail. The trial of this case is still going on.

Shri Somabhai Roomalbai Damor, a farmer by profession has stated before the SIT that he was available at his house on 27-02-2002, in the village and that he came to know about the Godhra carnage incident on 28-02-2002 and thereafter, the communal riots started. He has stated to have given shelter to 15 Muslims of village Lambha of Panchmahals District and thus saved their life. He had denied knowledge or participation in the alleged meeting that took place in village Borwai on 28-02-2002 evening, in which 5000-6000 Bajarang Dal activists had alleged participated.

Shri Prakashkumar Nanalal Upadhyay has stated before the SIT that he was working as a bus driver in Surat Municipal Corporation for the last three years and that earlier he had worked as a jeep and a tractor driver in Mangal Bharti Institute, village Bahadurpur, Tal- Sankheda, Distt. Vadodara. He has stated that he had come to know about the Godhra incident from radio news on 27-02-2002 and that he was present at his institute in village Bahadurpur on 28-02-2002, and visited his village Borwai once in 2-3 months for social function if any. He has denied knowledge as well as participation in the alleged meeting of 5-6 thousands Bajarang Dal workers in Baliyadev Temple at village Borwai on 28-02-2002.

Shri Jignesh Ramanlal Pandya, resident of village Bhagat na Muvada, Tal-Khanpur (a HIV '+' patient) has stated before the SIT that he was working as a jeep driver of Mohmmad Vora at Godhra and used to ply jeep for transportation of passengers in Godhra city. He has further stated that on 27-02-2002, he was waiting for passengers outside the ST depo at about 0700 hrs. Around 0900 hrs, he came to know about the Godhra incident and thereafter, he went back to his house with jeep, as curfew had been declared in Godhra at about 1100 hrs. He has denied knowledge as well as participation in the alleged meeting of 5-6 thousands Bajarang Dal workers in Baliyadev Temple at village Borwai on 28-02-2002. He has further stated that he remained in his house, as Godhra was curfew bound for next 2-3 months and as such he did not go out for job.

Shri Khemabhai Kalubhai Damor, a teacher of a primary school of Motipura and a Govt. servant has stated before the SIT that on 27-02-2002, he was present in his school and came to know about Godhra carnage incident on his return to residence in the evening. He has further stated that there was no Muslim residing in his village and as such there was no communal rioting incident in his village. He has denied knowledge as well as participation in the alleged meeting of 5-6 thousands Bajarang Dal workers in Baliyadev Temple at village Borwai on 28-02-2002 and that he was present in the school on that day.

Shri Vaghabhai @ Vijaybhai Jamnabhai Damor, a teacher by profession and a resident of village Limbadi Timba, Tal-Khanpur has stated before the SIT that he had attended the school at village Chani on 27 & 28-02-2002, which is situated at a distance of ½ kms. from his village Limbadi Timba. He has denied to have visited village Borwai on 28-02-2002 evening, which is situated at a distance of about 3¼ from his village and one has to go by road via Pandarwada. He has denied knowledge as well as participation in the alleged meeting of 5-6 thousands Bajrang Dal workers in Baliyadev Temple at village Borwai on 28-02-2002.

Shri Amrutlal Manilal Panchal, a Gram Sevak by profession and residing at Pandarwada village has stated before the SIT that on 27-02-2002, he was present at village Bakor (his headquarters), which is situated at about 7 kms. away from village Pandarwada. According to Shri Panchal, he returned to Pandarwada in the evening and came to know about Godhra train carnage from TV news in the night. He has further stated that on 28-02-2002, he went to Bakor on cycle and remained there on duty from 1000 hrs to 1815 hrs. While going to Pandarwada in the evening, he came to know about some rioting in Pandarwada and as such he returned to Bakor and stayed at his cousin sister namely Smt. Leelaben's house in the night. He has also stated that on 01-03-2002, he received stand-by order and was asked not to leave his headquarters. He has further stated that in view of these orders he had remained at Bakor till 03-03-2002. He has admitted to have known all the ten persons named by Shri Mehboob Rasul in his information, but has denied knowledge as well as participation in the alleged meeting of 5-6 thousands Bajrang Dal workers in Baliyadev Temple at village Borwai on 28-02-2002. He stayed at village Bakor from 28-02-2002 to 03-03-2002. He has out rightly denied to have visited Borwai on 28-02-2002, and Shri Mehboob Rasul. He has further denied to have asked him to go away from the venue at Baliyadev Temple, where the alleged meeting of 5000-6000 Bajrang Dal activists was being addressed by Shri Kalubhai Maliwad. He has also stated that Shri Mehboob Painter was aggrieved of the fact that he (Shri Amrutlal Panchal) had got entrusted the job relating to the painting of the house of one Shri Ramanbhai Trivedi's uncle at Vadagam to another painter of Pandarwada. Shri Amrutlal Panchal has also stated that Shri Mehboob Painter had threatened him that he would recover ten times the labour charge of Rs. 5000/- for the job i.e. Rs. 50,000/- from him. Shri Amrutlal Panchal has stated that his younger brother namely Shri Rajanibhai Panchal had been falsely implicated in a murder case of Dulhanbibi by her son Mastubhai Asharabhai Sheikh and remained confined to jail for about three years and acquitted only on 22-04-2010. Shri Amrutlal Panchal has alleged that Shri Mehboob Rasul had regularly visited the Session's Court, Godhra

during the trial of his brother and took lot of interest in TI parade, as well as did pairvi of this case against his brother.

Shri Mehboob Rasul, informer has stated before the SIT that he visited Borwai on 28-02-2002, to complete the painting job in the house of Shri Rameshbhai Upadhyay, whereas Shri Ramesh Upadhyay has stated that the painting job was done sometime in December, 2001 and that he was not available in village Borwai from 26-02-2002 to 28-02-2002, having gone to village Bhadrod to attend a social function followed by a marriage at his sister's place. He has produced an invitation card as well as the photographs of the said function, which contradicts the version of Shri Mehboob Rasul. Shri Shankar Master had also attended the said function at village Bhadrod situated at a distance of 10 kms. from Borwai and as such it was virtually impossible for him to attend a meeting at Borwai on 28-02-2002. Shri Prakashkumar N. Upadhyay has stated that he was not available in village Borwai on 28-02-2002, as he had taken up a driving job at Vadodara and used to stay there. Shri Sanjay I. Panchal has stated that he was at Surat on 28-02-2002 and had visited Pandarwada after 1½ month to check the safety of his house. Shri Khemabhai K. Damor and Shri Vijaybhai Damor both teachers by profession have stated that they attended their respective schools on 28-02-2002, and denied to have visited village Borwai. They further denied any knowledge about any such meeting as claimed by Shri Mehboob Painter. Shri Jignesh R. Pandya has stated that he was driving a jeep belonging to one Shri Mohammad Vora at Godhra and used to reside there. He has also denied to have visited village Borwai on 28-02-2002 and further denied knowledge or participation in the alleged meeting at Baliadev Temple at Borwai. Shri Somabhai R. Damor, a farmer has claimed to have saved the lives of 15 Muslims by giving them shelter in his house on 28-02-2002. He too has pleaded ignorance about the alleged meeting at Baliadev Temple at village Borwai. Shri Anil M. Modi, formerly Sarpanch of Pandarwada has claimed to have given protection to ten Muslims in his house and then handed over them to police for protection. His version is supported by a letter dated 02-03-2002 of Executive Magistrate to District Magistrate, Godhra. This fact was got verified by the Hon'ble Gujarat High Court, while hearing the bail petition of Shri Anil Modi in another case and was found to be correct. Shri Amrut M. Panchal, a Gram Sevak was staying at village Bakor, his headquarters, from 28-02-2002 to 03-03-2002 in the light of stand-by orders given by his senior officers. He has also denied his visit or participation in the alleged meeting held on 28-02-2002 evening at Baliyadev Temple at village Borwai. He has also stated that Shri Mehboob painter, bore ill-will towards him for getting a painting contract awarded to another painter of Pandarwada and threatened Shri Amrut Panchal of recovery of ten times the

value of the contract and thus had a motive to falsely implicate him in the alleged meeting at Borwai. Shri Kalubhai Maliwad, who had allegedly addressed this meeting has denied to have attended any such meeting at Borwai, which was situated at a distance of 19-20 kms. from his village Rehman. Shri Nasir Kalu Sheikh, another informer has stated that Shri Mehboob Painter came to Pandarwada and had told him about a meeting at Borwai, but did not tell him the purpose, venue or anything about the participants. This fact is contradicted by Shri Mehboob Rasul, who claims that he had gone to Lunawada from Borwai village and thus had not visited Pandarwada on 28-02-2002 evening and therefore, the question of his meeting with Shri Nasir K. Sheikh does not arise.

There are many inaccuracies and contradictions in the information furnished by Shri Mehboob Rasul. After the examination of all the aforesaid persons, it has been reasonably established that no such meeting ever took place at Baliyadev Temple at village Borwai and that Shri Mehboob Rasul had cooked up a false story with a view to settle scores with some of these persons known to him. He had an axe to grind against Shri Amrutlal Panchal, who got a painting contract awarded to another painter and had even threatened him to recover an amount equivalent to ten times the value of the said contract. In view of the aforesaid discussions, the information is devoid of any merit and, therefore, deserves to be discarded.

7. ROLE PLAYED BY THE ACCUSED PERSONS, THEIR EXPLANATION AND OUR COMMENTS:

• A-1: Shri Narendra Modi, Chief Minister, Gujarat State:-

It has been alleged that Shri Narendra Modi then and presently Chief Minister, Gujarat State, the constitutionally elected head of the State and responsible for the fundamental rights, right to life and property of all-citizens, regardless of caste, community and gender, alleged to be the architect of a criminal conspiracy to subvert constitutional governance and the rule of law, unlawful and illegal practices during the mass carnage and thereafter, protecting the accused, who played direct as well as indirect role and abetted the commission of the crime.

o Despatch of dead bodies to Ahmedabad:

The allegations as mentioned in the complaint dated 08-06-2006 of Smt. Jakia Nasim are vague and general in nature. As regards the allegation about the decision to take the dead bodies of Godhra train victims to Ahmedabad that Shri Narendra Modi attended the Assembly on 27-02-2002, when Shri Gordhan

Zadafia, the then MoS (Home) made a brief statement about the Godhra incident and the Chief Minister informed the Assembly that a proposal for an ex-gratia payment of Rs. 2 lakhs to each victim was under consideration of the Govt. As it was a budget day, the Chief Minister attended the Assembly proceedings and left for Godhra, thereafter. At the Godhra Collectorate, after holding discussions, a unanimous decision was taken that the dead bodies which had been identified should be handed over to their relatives at Godhra itself and those bodies whose legal heirs or guardians had not come could be sent to Sola Civil Hospital, Ahmedabad, since they (deceased) were to travel by Sabarmati Express heading towards Ahmedabad. It has further come to light that the decision to send the bodies to Sola Civil Hospital was after taking into account that the hospital was situated on the outskirts of Ahmedabad City and thus away from the crowded area for security reasons. It has also come to light that out of 58 dead bodies 4 bodies belonging to Dahod, Vadodara, Panchmahal and Anand Districts, were handed over to their legal heirs/guardians after identification at Godhra itself. The remaining 54 dead bodies were sent under police escort to Sola Civil Hospital, Ahmedabad and Shri Jaydeep Patel of VHP was to accompany them. Smt. Jayanti Ravi, the then Collector, Godhra has categorically denied that the decision was taken against her wishes.

As regards the parading of dead bodies, it has come to light that Shri M.L. Nalwaya, Mamlatdar, Godhra had issued a letter dated 27-02-2002 addressed to Shri Jaydeep Patel, in which it was mentioned that 54 dead bodies as per list enclosed were being sent to Ahmedabad through five trucks whose details were given in the said letter. It has further come to light that trucks and escorts were arranged by SP, Godhra and the convoy carrying the dead bodies left Godhra around midnight and reached Sola Civil Hospital, Ahmedabad between 0330 hrs to 0400 hrs on 28-02-2002 and were taken charge from Shri Jaydeep Patel by the Medical Superintendent, Police Inspector Sola P.S., Deputy Collector, Collector, DCP Zone-I and several other police and administrative officials, who were present there. It has further come to light that around 35 identified dead bodies were handed over to their relatives by about 1300 hrs on 28-02-2002. It has also transpired that 25 dead bodies belonged to Ahmedabad, 2 to Kadi-Mehsana, 5 to Anand, 2 to Sabarkantha and 1 to Rajkot. The remaining 19 dead bodies remained unidentified and were cremated together on 28-02-2002, by the Hospital, District Administrative and Police Officials on the same evening after retaining their DNA samples in Gota cremation ground nearer to the hospital. The 12 dead bodies belonging to Ramol and Khokhra were taken in vehicles and cremated at Hatkeshwar cremation ground.

o Illegal Instructions at the 27-02-2002 meeting:

As regards the meeting held on the night of 27-02-2002, in which allegedly illegal instructions were given to the administrative and police officials, it has come to light that a Law & Order review meeting was called by the Chief Minister at his residence at about 2230 hrs. This lasted for half an hour and was attended by Smt. Swarna Kanta Varna, the then acting Chief Secretary, Shri Ashok Narayan, the then ACS (Home), Shri K. Chakravarthi, the then DGP, Shri P.C. Pande, the then CP, Ahmedabad City, Shri K. Nityanandam, the then Secretary, Home Department, Dr. P.K. Mishra, the then Principal Secretary to CM and Shri Anil Mukim, Secretary to CM. None of the Cabinet Ministers or Shri G.C. Raiger, the then Addl. DG (Int.) was present. However, Shri Sanjiv Bhatt, the then DC (Int.) has claimed to have attended the meeting. None of the senior administrative or police officers has stated that CM uttered the following words: "that so far in communal riots police takes action on one to one basis and that this will not do now. Allow Hindus to give vent to their anger." Shri Sanjiv Bhatt, the then DC (Int.) has claimed off the record that CM did utter these words. Since his presence at the meeting is not proved, his statement has to be ignored. Shri Narendra Modi has also denied the presence of Shri Sanjiv Bhatt in the said high level meeting. But his presence has been disputed by others who were definitely present. Shri R.B. Sreekumar has claimed that Shri K. Chakravarthi had spoken to him on 28-02-2002, about the said meeting and had confirmed that the CM uttered these words. However, Shri K. Chakravarthi, the then DGP has denied any such conversation with Shri R.B. Sreekumar and as such, it becomes hearsay evidence, which can not be considered for any action. As regards the deposition of Late Haren Pandya, formerly MoS, Revenue before the Concerned Citizens Tribunal, in which he had claimed to have attended the meeting called by the Chief Minister on the night of 27-02-2002, the participants have denied the presence of any of the Cabinet Ministers/MoS in the said meeting and late Haren Pandya was only a Minister of State at that time. Shri Narendra Modi has stated that it was essentially a Law & Order situation review meeting and none of his cabinet colleagues attended it. In view of this the testimony of late Haren Pandya before the Tribunal becomes unreliable also relevant here is the strained relationship between him and Shri Narendra Modi, a fact revealed by his own father Shri Vithhalbhai Pandya, in his statement made before SIT.

o Presence of two Ministers at police control room:

It has been alleged that the CM had taken a decision to allow Shri Ashok Bhatt, the then Health Minister and Shri I.K. Jadeja, the then Minister of Urban

Development and Urban Housing to sit in Ahmedabad City Police Control Room and State Control Room respectively. DGP K. Chakravarthi, has stated that on 28-02-2002, Shri Ashok Narayan, the then ACS (Home) had informed him that it was decided by the Govt. that Shri I.K. Jadeja, the then Minister would sit in his office to get information about the Law & Order situation in the State and that Shri Ashok Bhatt would similarly sit in the office of CP, Ahmedabad City. According to Shri Chakravarthi, Shri Jadeja visited his office on 28-02-2002, and sat in his chamber for 15-20 minutes, and thereafter he was shifted to a vacant chamber in his office. Shri Chakravarthi has also stated that his enquiry with the staff officers and officers of the State Control Room revealed to him that there was no interference from Shri Jadeja into the functioning of the State Control Room. Shri Chakravarthi further stated that to the best of his knowledge, Shri Jadeja did not visit his office subsequently. However, Shri Jadeja has stated that he remained present in the office of Shri Chakravarthi for 3-4 hours for next 3-4 days, but has denied to have interfered with the work of the DGP or any other police officer or disturbed them in the discharge of their official duty. Shri Ashok Narayan, the then ACS (Home), has stated that he does not recall any such instructions given by the Chief Minister about the positioning of the two Ministers in the Control Rooms. Shri Ashok Bhatt has admitted to have visited Ahmedabad City police Control Room for about 5-10 minutes on 28-02-2002, but did not interfere with the police work, as being a senior Minister, he had to maintain his dignity and status. He has further admitted to have visited the Control Room on 01-03-2002 for 10 minutes, to meet Shri George Fernandes, the then Union Defence Minister. Shri P.C. Pande, the then CP, Ahmedabad City has denied that Shri Ashok Bhatt was stationed in Shahibaug Control Room on 28-02-2002, to guide the police force in controlling the Law & Order situation, but admitted that Shri Ashok Bhatt visited Control Room on 01-03-2002 to meet the Defence Minister. Shri Narendra Modi has totally denied that such a decision was taken by him. He has denied any personal knowledge about the visit of these two Ministers in the Control Rooms. It may thus be seen that both the Ministers did visit the respective Control Rooms, but there is no evidence to prove that they interfered with the Law & Order matter. Nor is there evidence to indicate that they visited the two control rooms at the direct instance of the Chief Minister

o. Illegal Verbal Instructions:

As regards the allegation leveled by Shri Sreekumar, that numerous illegal verbal instructions were given by the CM and that he had maintained a register in this regard, Shri O.P. Mathur, the then IGP (Admn.), has stated that the register was totally blank on 18-04-2002, when he had certified the number

of pages in the same and that Shri Sreekumar had not disclosed the purpose of maintaining such a register. According to Shri Mathur, the register did not contain the "secret" stamp and also did not have any title as well as the circular stamp of the office of the Addl. DG, CID (Int.). According to Shri Mathur, Shri Sreekumar had recorded the first entry as on 16-04-2002, the second and third entries on 17-04-2002, and the fourth entry on 18-04-2002, which goes to show that Shri Sreekumar had not only antedated these entries, but also affixed the stamps subsequently. Shri O.P. Mathur has challenged another entry recorded by Shri Sreekumar that call details of the mobile phone of Late Haren Pandya were handed over to Shri P.K. Mishra, the then Secretary to CM through him and denied to have handed over any such call details to Dr. P.K. Mishra in his office. During enquiries, other senior officers namely Shri P.K. Mishra, Shri G. Subba Rao, the then Chief Secretary, Shri Ashok Narayan, the then ACS (Home) and Shri K. Chakravarthi, the then DGP have challenged the contents of the said register on the ground that the same was unauthorisedly maintained by Shri Sreekumar, which he was not officially required to maintain. Moreover, neither had he taken the permission of the Home Department to maintain such a register nor the same was put up by him or to any of the senior officers for perusal. It is therefore reasonable to say that Shri Sreekumar made the entries at his own sweet will. According to them, this register saw the light of the day for the first time, when Shri Sreekumar was denied promotion. Shri Narendra Modi, Chief Minister disclaimed knowledge about such a personal diary/register maintained by Shri Sreekumar and had stated that he came to know about it from the media reports after a long time. According to Shri Modi, this diary was not a Govt. record and as such he did not want to comment upon the authenticity or otherwise of the same. All the aforesaid facts create serious doubts about the genuineness of the entries made by Shri Sreekumar in the said register.

o Delay in requisitioning the Army:

It has further come to light that the Army headquarters had been alerted by Shri Ashok Narayan, the then ACS (Home) on 27-02-2002 itself. However, his enquiry with the local Army authority had revealed that no force was available in Gujarat as the same had been deployed in the border. However, on 28-02-2002 at 1430 hrs, the Chief Minister made an oral request to the Union Home Minister for Army deployment, which was followed by a written request made by ACS (Home) to Union Defence Ministry, Govt. of India for deployment of 10 columns of Army at Ahmedabad and other affected places immediately by airlifting them. A public declaration about the decision to call the Army was made by the Chief Minister at 1600 hrs on 28-02-2002. It has

also come to light that the Army personnel were airlifted from the forward positions and started landing late in the night intervening 28-02-2002/01-03-2002 and the last aircraft landed at 2300 hrs on 01-03-2002. The deployment of Army commenced at 1100 hrs on 01-03-2002, after a high level meeting between Chief Minister and Union Defence Minister along with the senior Army officers and State Administration and 9 columns of Army were deployed in the affected areas of the Ahmedabad. Later, 2 columns of Army each were moved to Godhra, Baroda and Rajkot on 01-03-2002 and some of the columns were moved to Bhavnagar and Surat on 03-03-2002, when some violence was reported from there. It has come to light that at the peak of deployment, there were 26 columns of Army in the State. It appears that there was no unavoidable delay in the deployment of Army, as the State Administration had requested for the deployment on 28-02-2002 itself and the Army had been deployed in the riot- affected areas of Ahmedabad City on 01-03-2002.

o Objectionable statements to Zee TV and Times of India:

A book entitled "Rights and Wrongs" published by Editors Guild Fact Finding Mission Report by Aakar Patel, Dileep Padgaonkar and B.G. Verghese contained the excerpts from the Zee TV interview conducted by Shri Sudhir Chaudhary with Shri Narendra Modi, Chief Minister at Gandhinagar on 01-03-2002, has come to SIT notice. During the interview, when questioned about the Champanura massacre in which the former Congress MP, Ehesan Jafri was killed along with at least 20 others, the CM referred to reports that Jafri had first fired at the violent mob, which provoked mob and it thereafter, stormed the Housing Society and set it on fire. According to Zee TV correspondent Shri Narendra Modi referred to Jafri's firing as "action" and the massacre that followed as "reaction". His exact quote was: "*Kriya pratikriya ki chain chal rahi hai. Hum chahte hain ki na kriya ho aur na pratikkriya*". When the Zee TV correspondent when asked Shri Narendra Modi about the widespread violence in Gujarat post Godhra the latter's reply is quoted below:

"Godhra main jo parson hua, jahan par chales (40) mahilaon aur bacchon ko zinda jala diya, is main desh main aur videsh main sadma pahuchna swabhavik tha. Godhra ke is ilake ke logon ki criminal tendencies rahi hain. In logon ne patele mahila teachers ka khoon kiya. Aur ab yeh jaghanya apraadh kiya hai jiski pratikria ho rahi hai".

Shri Narendra Modi, when questioned by the SIT about the aforesaid interview, stated that those who have read the history of Gujarat would definitely be aware that the communal violence in Gujarat had a long history and Gujarat had witnessed series of incidents of such communal violence from time to time. Regarding his interview of 01-03-2002, he has stated that after a

period of eight years, he did not recollect the exact words. He added that he had always appealed only and only for peace. He further stated that he had tried to convey to the people to shun violence in a straight and simple language. He has also stated that if his words cited in this question are considered in the correct perspective, then it would be evident that it was a very earnest appeal to the citizens for refraining from any kind of violence. He has denied all the allegations against him in this regard.

Regarding the press statement about post -Godhra riots by citing Newton's law Shri Narendra Modi stated that he had not given any interview to the 'Times of India'. According to Shri Modi, the truth is that nobody met him. He further stated that the falsehood of his so-called justification "Action-Reaction Theory" is evident from this fact. According to Shri Modi, the State Govt. had issued a denial, but the same was belatedly published in a remote corner of the newspaper. He also stated that it had been his considered opinion that violence could not be replied to by violence and therefore, he had appealed for peace. As per Shri Modi's version before SIT, he had not and would never justify any action or reaction by a mob against innocents. He has denied all allegations in this regard.

It may thus be seen that Shri Narendra Modi had clearly stated in his Zee TV interview (01-03-02) that it was Late Ahasan Jafri, Ex-MP, who had first fired at the violent mob and this provoked the mob who then stormed the society and set it on fire. In this interview, he has clearly implied that Jafri's "action" (opening of fire at the mob) had led to a "reaction", viz., large-scale Hindu violence against Muslims. His further statement to Zee Tv that "day before yesterday 40 ladies and children were burnt alive at Godhra and the incident had shocked the Nation as well as people abroad and that the people belonging to this area had a criminal tendency and these people had earlier killed lady teachers and now they have committed this heinous crime for which the reactions are there." Was too strong at a time when feelings were running high. This showed a measure of thoughtlessness and irresponsibility on the part of a person holding a high public office. His implied justification of the killings of innocent members of the minority community read together with an absence of a strong condemnation of the violence that followed Godhra suggest a partisan stance at a critical juncture when the State had been badly disturbed by communal violence.

o Delay in visiting areas, in which Muslims had been attacked:

Shri Narendra Modi, Chief Minister has admitted that he visited Godhra on 27-02-2002, but visited Gulberg Society, Naroda Patiya and not affected

areas of Ahmedabad City, only on 05 & 06-03-2002. During these visits, he has also stated to have visited different relief camps, but did not know the persons present there. He has further stated that Shri Jagrupsinh Rajput, who was a Congress leader at that time, did not accompany him during his visit to the riot affected areas.

o Phone conversations with the late MP:

Shri Narendra Modi has denied to have known Late Ahesan Jafri, Ex-MP. He told SIT that Late Jafri had got elected as MP in 1970's, when he was not even in politics. He was told subsequently that late Ahesan Jafri, Ex-MP was residing in Gulberg Society and was killed during the attack on the society. Shri Modi denied receiving any phone calls from late Ahesan Jafri seeking help during the riots. It has been revealed here that late Ahesan Jafri did not have any mobile phone. The details of calls made from the landline no. 2125166 are also not available at this stage. In view of this position this allegation that despite desperate calls for help from the Ex-MP, the Chief Minister did not go to his rescue is not established.

o Failure to act on suggestions from State Intelligence:

Shri Narendra Modi has stated that in order to bring peace and normalcy in the State, he had made regular appeals through media to maintain peace and communal harmony. The CM has claimed to have formed a Committee under the Chairmanship of the Governor of the State, Leader of Opposition and others to supervise the relief operation. He has further stated that the relief camps were opened in the affected areas served by the NGOs and local social leaders. He has also stated that the funds were contributed by the Govt. as per policy and the relief operations supervised by the Committee. The necessary food, drinking water, medicines and cash, etc. were arranged in these camps and arrangements had also been made for the children's education in these camps. According to Shri Modi, some PIL had been filed in this regard in Gujarat High Court and the same should be looked into.

As regards the DO letter dated 24-04-2002 sent by Shri R.B. Sreekumar, the then Addl.DG (IntL) to Shri Ashok Narayan, the then ACS (Home). Shri Narendra Modi has stated that no such letter was put up to him. However, Shri Ashok Narayan, the then ACS (Home) has stated that the letter contained general observations and concrete details were missing and therefore, he had discussed the matter with the DGP in the light of intelligence inputs received from Shri R.B. Sreekumar and requested him to take action at his level as far as possible. Shri Ashok Narayan does not recollect having put up this letter to the CM. Shri K. Chakravarthi, the then DGP has stated that

most of the points and issues raised by Shri R.B. Sreekumar had been effectively dealt with in March & April, 2002. Shri Chakravarthi has also stated to have taken adequate steps to restore the loss of faith of the minority community in the Criminal Justice System by instructing the concerned police officers to be fair to ensure proper registration of FIR, effect arrests of the accused persons and to proceed ahead with the investigation as per law. Shri Chakravarthi has also stated that the teams of the police officers were sent to the relief camps for direct contact with the affected persons and to proceed with the investigation in a fair manner. Shri Chakravathis has also spoken of having given instructions to the senior officers to closely supervise these cases to avoid any allegations. According to Shri Chakravarthi, special instructions were given by him to all the police officers to provide suitable protection to those who wanted to return to their original residence/business. Regarding the Law & Order situation, review report sent by Shri R.B. Sreekumar to Home Department on 15-06-2002, requested the postponement of the Rath-Yatra till an atmosphere of durable peace and good will was established between the majority and minority communities. Shri Ashok Narayan has stated to have discussed the matter with the Chief Minister, who did not agree with the views of Shri Sreekumar to stop the Rath-Yatra, as this was an event in vogue for so many years. Shri Ashok Narayan has also stated that the Administration did not agree with the views of Shri Sreekumar and the Rath-Yatra was taken out on 12-07-2002, under police bandobast and the event passed off peacefully. Further, according to Shri Chakravarthi, these were the personal views of Shri Sreekumar, which were duly considered by the Govt. Shri Chakravarthi has also stated that the report sent by Shri Sreekumar was not well thought of and was not based on realities and therefore, Govt. did not agree with his views. Shri Narendra Modi has also stated that he did not agree with the views of Shri Sreekumar and that his apprehensions were without any basis. Coming to another report on the prevailing Law & Order situation sent by letter dated 30-08-2002 with the approval of Shri Sreekumar, it may be mentioned that the gist of presentation made before the Election Commission on 09-08-2002, was included in the same. In a nutshell Shri Sreekumar projected in this letter that the communal tension continued and the communal gap had widened between Hindus and Muslims and that any minor issue would reignite communal passions resulting in clashes as had been witnessed in Dhoraji, Rajkot on 17-08-2002. Shri Ashok Narayan has stated that he sent a DO letter dated 09-09-2002 to Shri Sreekumar that his assessment of Law & Order situation conveyed on 20-08-2002, was not in tune with the feedback received from other agencies. Shri Ashok Narayan has further pointed out that some feeling of insecurity amongst the minority community was understandable in isolated

pockets, but the same did not indicate the feelings of insecurity anymore. Shri Ashok Narayan disagreed with the views of Shri Sreekumar on the ground that no broad based inputs were relied upon by him before arriving at a conclusion. As regards the letter dated 28-08-2002 Shri Ashok Narayan, the then ACS (Home) has stated that he did not recall the action taken by him on the said letter, but the suggestions made therein seemed logical and in normal course action must have been taken by the Home Department. Shri K. Chakravarthi has stated that as far as police department was concerned, he had given directions based on his suggestions. However, the relevant files on the subject have not been made available by the Govt. of Gujarat. Keeping in view the versions of Shri Ashok Narayan, Shri K. Chakravarthi and Shri Narendra Modi about the Rath-Yatra and also about the DO letter dated 09-09-2002 sent by Shri Ashok Narayan to Shri Sreekumar, it can not be presumed that no action was taken on the views sent by the latter to the Govt.

o Questionable appointments of Public Prosecutors:

Coming to the allegation regarding the appointment of pro-VHP advocates in the riot cases, enquiries revealed that there was a procedure for the appointment of Public Prosecutor in a town. The vacancy was notified by the Collector in the local news paper and eligible candidates were interviewed by a board comprising of Principal Sessions Judge and District Magistrate and a panel of three or four advocates used to be recommended by the board to the Govt. for the appointment of the PP. The Govt. exercises its own discretion to appoint a particular lawyer out of the panel sent to them. It has further come to light that Shri Chetan K. Shah remained a Member of VHP and was accused in a case relating to the death of seven or nine members of Muslim parivar allegedly burnt alive in Meghaninagar area. Shri Chetan K. Shah faced trial in this case under TADA, but was acquitted. He had been appointed as Public Prosecutor on 17-06-2003, for a period of three years and had defended some of the accused persons in Gulberg Society case, out of which few were released on bail. He has denied to have appeared as a Public Prosecutor in any of the riot cases pending in Sessions Court, Ahmedabad City. He has further denied that Shri V.P. Atre, who had been appointed as Special PP to conduct Gulberg Society case, was in any manner subordinate to him or was pressurised by him. He has also stated that after Shri Atre took over as PP none of the accused persons were released on bail. Shri H.M. Dhruv, Senior Advocate has confirmed to have defended Shri Chetan K. Shah in a TADA case, which ended in acquittal. He has also stated that he had been appointed as Spl. PP in Gulberg Society and Naroda Patiya cases on 05-03-2009, but he

did not appear in any of these cases, as new PPs were appointed by the State Govt. on the recommendation of SIT.

Shri Raghuvir N. Pandya has stated that he was appointed as District Government Pleader in the year 2002 in District & Sessions Court, Vadodara and had conducted the trial of Best Bakery case in the Fast Track Court of Judge Shri M.U. Mahida. Though Shri Pandya has claimed to have conducted this trial in a most sincere and diligent manner, yet it may be mentioned here that the Hon'ble Supreme Court of India had passed serious strictures on the role played by him in this trial, which deserve to be brought to the notice of the Bar Association for suitable action as deemed fit.

Shri Dilip R. Trivedi, Advocate from Mehsana has stated to have worked as Govt. Advocate and Public Prosecutor in Mehsana from April, 2000 till the end of 2007. He is a member of RSS and General Secretary of VHP, Gujarat State. He has admitted to have argued the bail applications of the accused persons along with other PPs in Sardarpura and Dipda Darwaja case and the same were dismissed. Subsequently, the accused persons approached High Court as well as Supreme Court, but the bail applications were rejected. As regards the bail granted to some of the accused persons arrested in Sardarpura case by the Sessions Court, he has explained that the complainant had filed petition in Gujarat High Court against the same, but the same were dismissed. According to Shri Trivedi, as and when the accused persons filed bail applications the same were argued in an impartial manner depending upon the evidence and the Court granted them bail or dismissed their applications on merits. He has denied to have conducted the trial of any of these cases.

Shri Rajendra Danji, Advocate has denied any connection with VHP, Bajrang Dal or any of the connected organisations. He has stated that he remained Addl. PP in Mehsana from April 2000 to 2004 and again from 2005 to 2007. In 2008, again he was appointed as Addl. PP and continued to work there. He has stated to have examined 25 witnesses in Dipda Darwaja case and also got dismissed bail applications of seven accused persons from the Court.

Shri Piyush L. Gandhi, Advocate is a RSS activist since 1964 and since then held various posts in ABVP, Yuva Janta Morcha and VHP. He remained Govt. Advocate and Public Prosecutor in Panchmahal District from 15-01-1996 to 01-09-2009 and has admitted to have conducted the trial of some of the riot cases including that of Shabana-Suhana gang rape and murder case, in which some allegations were levelled against him in the Gujarat High Court, but has stated that these allegations were dismissed by the Gujarat High Court.

Enquiries revealed that political consideration and affiliation of the advocates heavily weighed with the Govt. for the appointment of the Public Prosecutor, but no specific allegation of professional misconduct on the part of any of the PPs has come to light.

o Intimidation of Shri Sreekumar, Addl. DGP:

As regards the allegation made by Shri R.B. Sreekumar that he was tried to be influenced to depose in favour of the Govt. before Nanavati-Shah Commission of Inquiry through Shri Dinesh Kapadia, Under Secretary, Shri Narendra Modi has termed the allegation as false and without any basis. Shri Dinesh Kapadia, himself has also denied to have influenced Shri R.B. Sreekumar and has further denied that he was holding any brief on behalf of the Govt. in this regard.

Coming to the allegation made by Shri R.B. Sreekumar that Shri G.C. Murmu, Secretary (Law & Order), Home Department and Shri Arvind Pandya, Govt. Advocate to Nanavati-Shah Commission of Inquiry had tried to influence him not to depose against the Govt. prior to his appearance on 31-08-2004 before Nanavati-Shah Commission of Inquiry, it has come to light that the meeting was held at the request of Shri Sreekumar and the conversation was clandestinely recorded by him. It may be mentioned here that initially both, Shri Murmu and Shri Pandya briefed Shri Sreekumar about the modalities for his examination and advised him about certain precautions to be taken at the time of his cross examination. Rest of the conversation is confusing and does not make any sense inasmuch as there are certain gaps, which Shri R.B. Sreekumar has tried to fill in by his own views, on the basis of assumptions and presumptions and has interpreted the things to support his version that he was pressurised, threatened, given illegal directions, intimidated to avoid the revealing of the truth that would harm the Govt. interests and to conceal the facts from the Commission. Shri Sreekumar has given his own comments, observations and conclusions and has also appreciated/interpreted this conversation in his own manner, which showed that he is not a disinterested witness and he wanted to influence the Inquiry officer to accept his inferences and conclusions. Surprisingly, Shri Sreekumar did not state these facts before the Nanavati-Shah Commission of Inquiry, when he appeared on 31-08-2004, for his cross examination. Obviously, Shri R.B. Sreekumar had kept it secret and to be utilised as and when the need arose. Further, he did not disclose these facts in his second affidavit filed on 06-10-2004 before the Commission. It was only after Shri R.B. Sreekumar was superseded in his promotion to the rank of DG on 23-02-2005 that he filed his third affidavit 09-04-2005, before Nanavati-Shah Commission of Inquiry of his own, and enclosed the transcript

of the recordings of the conversations with Shri Dinesh Kapadia as well as Shri G.C. Murmu and Shri Arvind Pandya. All these facts would go to show that Shri R.B. Sreekumar had anticipated these events, had recorded these conversations clandestinely and used the same at his convenience, when he was superseded in promotion. This would prove that actions on the part of Shri Sreekumar were motivated with a view to letting down the Govt. after his supersession in promotion. In all the three affidavits filed on 06-10-2004, 09-04-2005 & 27-10-2005 before the Commission, Shri R.B. Sreekumar had made a request to be summoned before the Commission and remedial measures ordered as early as possible, but the Commission did not accede to his request.

o Manipulation of facts presented to Central Election Commission:

As regards the allegation relating to submission of false report to the Election Commission, in which it was reflected that the Law & Order situation in Gujarat was normal and that a cordial atmosphere existed for holding the elections in the State, Shri Narendra Modi has stated that it was incorrect to say that the Govt. projected a false report to the Election Commission. Shri Modi has further stated that even before August, 2002, Panchayat elections for 1700 villages were held peacefully in the months of March-April, 2002 and the next Assembly elections were held in December, 2002 and that too peacefully and in view of this position the allegation is far from the truth. In this connection, it may be added that Shri Subba Rao has narrated the various points indicative of normalcy as the Law & Order situation had more or less stabilised and the State remained relatively incident free, inmates in the relief camps declined from 1.33 lakh to 10,000/-, all board examination including (UPSC exams) were held with normal attendance, panchayat elections in nearly 1700 villages held without any major incident, all Haj yatis from State numbering about 6000 went back safely to their villages and all religious festivals like Rath-Yatra, Maha-Shivratri, Moharrum, Poornam Mela at Ambaji and Ursh at Bhaliyad Pir-Durgah were held peacefully. Shri Subba Rao has further stated that based on the aforesaid indicators, it was submitted to the Election Commission that the State Administration was ready to discharge any task which might be entrusted to it. Further, Shri Ashok Narayan, the then ACS (Home) has stated that the Home Department was not anxious that the elections should be held at that time, but assured the Election Commission that given the necessary additional force from the Central Govt., Law & Order situation would be maintained and safety of voters ensured, in case the elections were held in near future. According to Shri Ashok Narayan the contention of Shri Sreekumar that 154 Assembly Constituencies out of 182

were affected by the Communal riots was arrived at by applying yardsticks, which were determined by the Govt. in Revenue Department in relation to distribution of foodgrains and other items of relief. Shri Ashok Narayan is of the view that these yardsticks were understandably liberal and that the actual number of constituencies affected by the communal riots in the context of the Law & Order situation relevant to holding of election was less. Last but not the least, their contention that the very fact that the elections were held in the December, 2002 and the event passed off peacefully and it vindicates their stand can not be rebutted by the arguments put forward by Shri Sreekumar.

o Speech on the occasion of Gaurav Yatra:

As regards the public speech delivered at Becharaji, Mehsana District on 09-09-2002, as a part of Gaurav Yatra, Shri Narendra Modi has explained that the speech did not refer to any particular community or religion. According to Shri Modi, this was a political speech in which he has pointed out the increasing population of India and had remarked that "can't Gujarat implement family planning?" Shri Narendra Modi has claimed that his speech has been distorted by some interested elements, who had misinterpreted the same to suit their designs. He has also stated that there were no riots or tension after his election speech. The explanation given by Shri Modi is unconvincing and it definitely hinted at the growing minority population.

o Contact with controversial personalities:

Shri Narendra Modi has denied using the mobile phones of his personal staff at headquarters. He was allotted a mobile phone in the year 2002, but he rarely used the same, as landlines were installed at his residence as well as his office. He has denied that Dr. Maya Kodnani and Jaydeep Patel were in touch with him during the riots on 28-02-2002. However, he denied to have known Babu Bajrangi. Shri Sanjay R. Bhavsar, OSD to CM has stated that the Chief Minister had never used his mobile phone and in case any message was received on his mobile phone, the same was put up before the CM either in writing or in the form of a titled note. Shri Tanmay N. Mehta, PA to CM has stated that he did not remember as to whether CM was having a mobile phone in February, 2002 or not. According to Shri Tanmay Mehta, the CM normally never talked over his mobile phone, but sometimes, when he was on tour and stayed overnight, then it was quite possible that he might have spoken over his mobile phone. However, he does not recollect any name or incident, when the CM talked over his mobile phone. Shri Omprakash Singh, another PA to CM, has stated that he does not know whether the CM was having any mobile phone or not and that he had never seen CM talking to any one over his mobile

phone. He has also stated that sometimes, when the CM was out of Gujarat and was staying overnight and the calls were received on his mobile phone, he handed over the same to the CM after ascertaining latter's willingness to talk. As per Shri O.P. Singh, the CM talked over his mobile phone only when there was an extreme emergency.

o Allegations carried by Tehelka magazine:

When confronted with the interviews given by Shri Hareish Bhatt, the then MLA, Babu Bajrangi and Rajendra Vyas, President, VHP Ahmedabad City to Shri Ashish Khetan, Special Correspondent, Tehelka, Shri Narendra Modi has stated that the allegations levelled against him were false and incorrect. He has further stated that this issue was raised in November, 2007, after about six years of incident and that too at the time of elections in December, 2007. Further, these issues were again raked up in April, 2008, when the SIT was appointed by the Supreme Court. Shri Modi has also stated that this issue was again raised on 22-02-2010, when he was to appear before the SIT for his examination. According to Shri Modi, the whole episode is motivated and stagemanaged and that he had no personal knowledge about the authenticity of the said CD. In this connection, it may be added here that Shri Hareish Bhatt, formerly MLA and accused Babu Bajrangi in Naroda Patiya case have admitted their voice as also the contents of the CD. Shri Hareish Bhatt has stated that one Shri Ashish had approached him that he wanted to write a thesis on Hindutva and wanted him to contribute some spicy material for the same, so that he could succeed in his mission. He has further stated that Ashish visited him at his residence in Ahmedabad City as well as at Godhra at least 7-8 times in a month period and when the reference came to Gujarat riots, he gave an imaginary story as Ashish wanted some spicy material for his thesis. He has stated that the talks about a CBI inquiry, the fact that he owned a gun factory where diesel bombs and pipe bombs were made and distributed to Hindus, the fact about two truck load of swords ordered from Punjab and subsequently distributed amongst Hindus, making of a rocket launcher in his gun factory by filling them with gun powder and lighting a 595 local made bomb to blast were absolutely false and baseless. He has also mentioned that his talk about Shri Narendra Modi having openly said that we had three days to do, whatever we could do and that he would not give us time after that, were imaginary story and that Shri Modi had never told these things to him. Shri Babu Bajrangi has stated that Shri Ashish Khetan had given him a script and he simply read out the same and that none of those facts were correct. After going through the facts stated by these persons during the sting operation, it appears that they were bragging and that most of the facts stated

by them are incorrect. Further, they were not questioned as to how and when Shri Narendra Modi gave them three days time. The facts about a gun factory owned by Shri Haresh Bhatt and changing the judge thrice by Shri Narendra Modi are unacceptable by any stretch of imagination inasmuch as no such gun factory could be unearthed by the police and Shri Modi was not competent to transfer the Judges, as the same is the prerogative of the Gujarat High Court. There are many factual inaccuracies in the statement of Babu Bajrangi inasmuch as he has stated that there were 700-800 dead bodies in Naroda Patiya and that the Commissioner of Police had instructed the policemen to throw it at different places in Ahmedabad City, as it would be difficult to explain the same. This is absolutely incorrect inasmuch as only 84 dead bodies were found at Naroda Patiya and 11 persons were reportedly missing and their dead bodies were later found cremated. Another factor, which has cropped up during the enquiry is that as far as the accused persons are concerned, their versions could be treated as extra judicial confession and it would be a debatable issue as to whether uncorroborated confessions could be used against the co-accused. However, the question arises as to what would be the evidentiary value of the evidence of those persons, who do not figure either as a witness or accused in any of the cases. In my view such evidence can not be put to any use, because the same is factually incorrect. In the light of aforesaid discussions no reliance can be placed upon the so-called extra judicial confessions recorded by Shri Ashish Khetan, Tehelka Correspondent.

o Rewarding Civil servants, who played a dubious role during the riots:

On being questioned about the allegation that after the riots the public servants who connived with those responsible for carnage were doubly rewarded and those who tried to uphold the rule of law were punished in various ways by way of transfers and supersession in promotion and that this has sent a message to the Govt. functionaries to be committed to the political agenda of the CM, rather than their constitutional obligation for which every Govt. servants had taken oath, Shri Narendra Modi stated that the allegation was vague, false and without any basis. Shri Narendra Modi has further stated that a serious attempt has been made by the complainant to attribute all the happenings in the Govt. to the Chief Minister. Shri Modi has also stated that postings and transfers were the prerogative of the Govt. and in an election year those who had completed about three years of stay in a particular post are transferred by the Govt. itself or otherwise the Election Commission would do that. According to Shri Modi, in this chain of transfers, those who had put in less than three years in a particular place are also transferred and it can not be said that the postings/transfers are punitive in nature.

Coming to another allegation that those public servants who toed the Govt. line were given lucrative post retirement occupation by the Govt., whereas those who have fallen out were not considered for any post retirement appointment, Shri Narendra Modi has stated that there are several posts in the Govt. institutions, in which there is a provision for the employment of the retired officers like, Gujarat Electricity Regulatory Commission, State Election Commission, State Service Tribunal, Gujarat Public Service Commission, RTI Commission, State Vigilance Commission, Sales Tax Tribunal, Departmental Inquiry Officer, etc. Shri Modi has further stated that there is a long list of the departments in which only retired persons are appointed. His Educational Adviser Shri Kiritbhai Joshi, was earlier Adviser to Smt. Indira Gandhi, the then Prime Minister. Similarly, Shri Navalawala, formerly Secretary, Water Resources and Member of UPSC is now his Adviser on Water Resources, one Shri Bukhari, who was earlier a Govt. officer, was engaged by him to supervise the relief operations after the communal riots in 2002, Shri P.C. Pande, formerly DGP, Gujarat State appointed as Hony Chairman, Police Housing Corporation on a very nominal monthly honorarium. Further, Smt. Manjula Subramaniam, IAS, who was formerly in the PMO with either Late Rajiv Gandhi or Late Narsimha Rao has been appointed as State Vigilance Commissioner in Gujarat after retirement. This tradition was being followed by all the State Govts./Central Govt. right after independence. Shri Modi has also stated that the allegation has no force and has been maliciously leveled against him.

On being confronted with the allegation levelled by Smt. Jakia Nasim that he being a Chief Minister and constitutionally elected head of the State unleashed, unlawful and illegal practices during the mass carnage and thereafter, protected the accused who played direct as well indirect role and abetted the Commission of Crime, Shri Narendra Modi stated that the allegations were general in nature, vague, baseless. As per Shri Modi, he had been performing his functions with utmost respect to the Constitution and Rule of Law and that the meeting, to take stock of the situation and review the Law and Order situation on 27-2-2002, with high officials of the State was his constitutional duty. For doing his constitutional duty to hold an emergency review meeting, the complainants are leveling wild allegations of criminal conspiracy and subversion of rule of law. Shri Modi further stated that he had been lawfully functioning as a CM and carried out his responsibilities for the safety, security and development of the people of Gujarat. He also stated that he had already clarified his stand on the said meeting that the Law & Order be maintained at all costs and had also appealed to people to maintain harmony. According to Shri Modi, he had asked the concerned officials to keep in touch with local Army authorities and had held series of such Law and Order review

meetings thereafter and addressed the press also. Shri Modi has further stated that he had issued press statements appealing to people to maintain harmony and that his appeal to the public to maintain peace and communal harmony was aired through Doordarshan. Shri Modi has further stated that he had requested both the Union Home Minister and the Defence Minister to expedite deployment of Army. Relief and rehabilitation measures were put to operation immediately and all packages were declared and implemented. He has also stated that perhaps for the first time in the Country, a Committee was constituted under the Chairmanship of H.E. the Governor to review the rehabilitation efforts and that this High level committee included leader of the opposition, member from the Chamber of commerce, member from prominent NGO etc. Shri Modi has also stated that the allegation of protecting any criminal or accused is frivolous and without any basis. Shri Modi has claimed that in the history of communal riots in Gujarat, for the first time so many offences have been registered and as of now comparatively large numbers of cases have resulted in conviction. Shri Narendra Modi has stated that the charges leveled and alleged therefore, deserve to be dismissed completely and such false and frivolous complainant should not be entertained. These are general and vague accusations made by Smt. Jakia Nasim and did not need any comments.

A-2: Shri Ashok Chandulal Bhatt, formerly Health Minister, Gujarat:-

Shri Ashok C. Bhatt is a member of Bhartiya Jan Sangh and now Bhartiya Janta Party was elected as MLA for the first time in 1975 and since then had contested seven more elections from Khadia constituency and had always won. In the midterm poll held in 1998, he was elected and appointed as Minister of Health & Family Welfare. During the period 2002-07, he was again elected and continued to be Minister of Health & Family Welfare with additional portfolio of Law and at present he is the Speaker of Gujarat Legislative Assembly since 2007.

He has stated to have gone to Godhra by road on 27-02-2002, and reached there between 1200 hrs to 1230 hrs. He has further stated to have met Smt. Jayanti Ravi, the then Collector, Godhra either in civil hospital or in Collectorate, as both are nearby. According to Shri Ashok Bhatt, he had arranged for additional doctors including burn experts from Vadodara. He has further stated to have visited Godhra Railway Station along with Smt. Jayanti Ravi at about 1500 hrs. As per Shri Ashok Bhatt, he was present at Godhra Railway Station, when the Chief Minister arrived there. He remained at Civil Hospital till past midnight and then returned to Ahmedabad around 0500 hrs on 28-02-2002. He has stated to have attended the Assembly on 28-02-2002

morning, when the homage was paid to the victims of Godhra incident. He has denied to have attended any Law & Order review meeting at the residence of the CM on 28-02-2002 morning. However, he has admitted to have visited Ahmedabad City Police Control Room for about 5-10 minutes, but did not interfere with the police work, as being a Senior Minister, he had to maintain his dignity and status. He has further admitted to have visited the Control Room on 01-03-2002, to meet Shri George Fernandes, the then Defence Minister at CP's office. He has stated to have attended the press conference of the Chief Minister in Circuit House, Annexe in the evening. On being shown the call details of his mobile phone no. 9825039877 for the period 27-02-2002 to 04-03-2002, he has stated that he was not in position to identify the persons who had called him or from whom he had received the calls. However, the location of his mobile phone has been noticed at Godhra from 1149 hrs on 27-02-2002 to 0108 hrs on 28-02-2002 and then at Ahmedabad at 0506 hrs, which more or less corroborates his version about visit to Godhra. He has out rightly denied the allegations levelled by Smt. Jakia Nasim on the ground that the same are general and not specific and that the same had been made maliciously against him to spoil his name and reputation.

It may be mentioned here that the Concerned Citizen Tribunal in their report had levelled an allegation against Shri Ashok Bhatt having attended a meeting at Lunawada at an undisclosed place late in the evening of 27-02-2002, where detailed plans were made on the use of kerosene, petrol for arson and other methods of killing. This matter has been discussed above in great detail and as such the same needs no repetition. It has been established from the call detail records of Shri Ashok Bhatt as well as the evidence of other witnesses, particularly Smt. Jayanti Ravi, the then Collector, Godhra that Shri Ashok Bhatt remained at Godhra and as such could not have attended any such alleged meeting at Lunawad situated at a distance of 43 kms. from Godhra. Shri Ashok Bhatt has admitted to have visited Ahmedabad City police Control Room on 28-02-2002 and 01-03-2002 for about 5-10 minutes each, but denied having interfered with police work. Shri P.C. Pande, the then CP, Ahmedabad City has admitted his visit to Control Room only on 01-03-2002, to meet the Defence Minister. Obviously, Shri Pande has lied in the light of admission made by Shri Ashok Bhatt himself that he visited the Control Room on 28-02-2002 for about 10 minutes. The allegation about the positioning of Shri Ashok Bhatt, the then Health Minister in Control Room, Ahmedabad City appears to be correct, but there is no evidence to prove his interference in the police work. The other allegations levelled by Smt. Jakia Nasim are vague and general and therefore, do not need any comments.

A-3: Shri Indravijaysinh K. Jadeja, formerly Minister of Urban Development:-

Shri I.K. Jadeja is a member of BJP since 1980 and had been elected as MLA in 1995, 1998 & 2002, but lost election in the year 2007. He has stated that he was appointed as Minister of Urban Development and Urban Housing in October, 2001. However, in December, 2002, he was made the Minister for Health & Family Welfare, Urban Development and Urban Housing, Road, Buildings and Capital projects, but after three years the Health & Family Welfare portfolio was withdrawn from him.

He has stated that on 28-02-2002, Shri Gordhan Zadafia, the then MoS (Home) had requested him to remain present in the DGP office in the Gandhinagar to see that, in case any information was received in the Control Room about any rioting incident or seeking extra police force or any other issue of important, then the same should be passed on to the DGP, Home Minister etc. He has further stated that in view of his request made by MoS (Home), he remained present in the office of DGP Shri Chakravarthi for 3-4 hours for next three or four days. He does not recollect the exact work done by him, but in case some information was received about some incident from his worker/common man, the same was passed on to DGP for further necessary action. He has also stated to have discussed these issues with Shri Gordhan Zadafia as and when he met him in the evening. He has denied to have contacted/instructed any police officers over telephone installed in the office of the DGP to take action in a particular manner. He has further denied to have interfered in the work of the DGP or any other police officers or disturb them in the discharge of their official duties. According to Shri Jadeja, Shri Chakravarthi did not object to his presence in his office. He has admitted to have attended the meeting/press conference called by the CM in Circuit House, Annexe between 1600 to 1730 hrs on 28-02-2002. On being shown the call details of his Govt. mobile phone no. 9825000618 for 27 & 28-02-2002, he could identify some of the persons to whom the calls were made or from whom the calls had been received, but could not recollect the purpose of calls or the subject matter discussed.

It may be mentioned here that Shri I.K. Jadeja has admitted that he visited State Control Room in DGP office, Gandhinagar for 3-4 hours on three/four days from 28-02-2002 onwards, whereas Shri Chakravarthi and others have stated that Shri Jadeja visited State Control Room only on 28-02-2002. It appears that the police officers concerned had not come out with the true and correct facts about the visit of Shri Jadeja to State Control Room, whereas Shri Jadeja himself has admitted such a visit. However, Shri Jadeja

has not come out with the truth relating to work done by him in the State Control Room. In the absence of any other evidence, the allegation could only be partially substantiated. As regards the other allegations levelled by Smt. Jazia Nasim, the same are vague and general in nature and do not need any comments.

A-4: Shri Prabhatsinh P. Chauhan, the then Minister of State, Cow, Breeding & Shrine Development, Gujarat:-

He has stated that he was earlier in Congress Party and had been elected twice as MLA in 1980 & 1985. He left Congress in 1990 and joined BJP. He has further stated that he was elected as a MLA in 1995, 1998 & 2002, but was defeated in the year 2007. However, he has further stated that he was elected as a Member of Parliament from Panchmahals constituency on BJP ticket in the year 2009.

During 2001 to 2002, he was appointed as Minister of State for Cow, Breeding and Shrine Development. He has further stated that on 27-02-2002 at about 1100 hrs, he came to know about the Godhra carnage near Godhra Railway Station. Being a MLA and Minister from Kalol constituency of Panchmahal District, he left for Godhra by road at about 1100 hrs, but on the way waited for Shri Bhupendrasinh Solanki at Sevaliya as the latter was to accompany him to Godhra. He has further stated that he along with Shri Bhupendrasinh Solanki reached Godhra in the afternoon and went to Godhra Railway Station. He went inside the burnt coach and after seeing the dead bodies he started vomiting. He had stayed at Godhra Railway Station and was available at Godhra Railway Station till the Chief Minister arrived. He has denied to have visited civil hospital and Collectorate. Since, his health was getting worse, as the vomiting was continuing; he went to his native place Mehlol and rested for a while. He has further stated that he returned to Gandhinagar and had switched off his mobile phone while going to Gandhinagar from Godhra. On being shown call details of his Govt. mobile phone no. 9825037438 for the period 27-02-2002 to 04-03-2002, he has identified some of the numbers who had called him or from whom he had received the calls. However, the location of his mobile phone has been noticed at Godhra from 1256 hrs to 2031 hrs on 27-02-2002. On 28-02-2002, his mobile phone location was noticed at Godhra at 1152 hrs, which more or less confirms his stay at Godhra on 27-02-2002. He has out rightly denied the allegations levelled by Smt. Jazia Nasim on the ground that the same are general and not specific and that the same had been made maliciously against him to spoil his name and reputation.

It may be mentioned here that the Concerned Citizen Tribunal in their report had levelled an allegation against Shri Prabhatsinh Chauhan having attended a meeting at Lunawada at an undisclosed place late in the evening of 27-02-2002, where detailed plans were made for the use of kerosene, petrol for arson and other methods of killing. This matter has been discussed above at length. It has been established from the call detail records of Shri Prabhatsinh Chauhan, as well as the evidence of other witnesses, that he remained at Godhra and as such could not have attended any such alleged meeting at Lunawada situated at a distance of 43 kms from Godhra. The other allegations levelled by Smt. Jakia Nasim are totally vague and general in nature and as such no comments are necessary.

A-5: Shri Gordhan Pragjibhai Zadafia, formerly MoS, Home, Gujarat:-

He is a RSS worker since 1975 and had joined Bhartiya Janta Party in 1990. He has stated to have contested the elections on BJP ticket from Bakhial constituency in 1995, 1998 & 2002, when he was elected as MLA. In or about July, 2007, he resigned from BJP and started Maha Gujarat Janta Party on 25-09-2008, but failed to win any seat in the Parliamentary elections held in April-May, 2009.

Shri Zadafia has stated that he became the Minister of State for Home in October, 2001 after Shri Narendra Modi took over as Chief Minister and remained as till December, 2002. He has further stated that the information about the burning of two railway coaches of Sabarmati Express near Godhra Railway Station, was received by him at about 0730 hrs from one Shri Ashvinbhai Patel, a VHP activist, who had informed him through telephone from Godhra. Shri Zadafia in turn informed the Chief Minister. Shri Zadafia, thereafter spoke to Shri Raju Bhargava, SP, Godhra and Shri Deepak Swaroop, the then IGP, Vadodara Range to make available the additional force/SRP. Shri Zadafia has further stated that on 27-02-2002, he attended the Assembly session as there was a call attention motion on Godhra incident moved by Shri Punjabhai Vansh, MLA. He has further stated to have made a statement in the Assembly on the basis of the information available with the Home Department. Shri Zadafia has further stated that he left for Godhra around 1400 hrs by road and reached there around 1630 hrs. Shortly, thereafter, he went to helipad to receive the Chief Minister and by that time Shri Ashok Bhatt, the then Health Minister, Shri Bhupendra Lakhawala, the then in charge Minister for Godhra had already arrived. He has stated to have visited civil hospital as well as Godhra Railway Station along with the Chief Minister. Shri Zadafia has also stated to have seen Jaydeep Patel, a VHP activist near the railway track at Godhra Railway Station. According to Shri Zadafia, the

Chief Minister left around 1930 hrs, but he stayed back and held meetings with the police officers and was informed that 40-45 suspects had been rounded up.

On being shown the call details of his Govt. mobile phone no. 9825049145 for the period 27-02-2002 to 03-03-2002, Shri Gordhan Zadafia has identified some of the numbers. The location of his mobile phone is noticed at Ahmedabad till 1445 hrs on 27-02-2002 and subsequently at Godhra at 1619 hrs on 27-02-2002. The call details further show Shri Zadafia's location was at Godhra till 0304 hrs on 28-02-2002 and then at Ahmedabad at 0506 hrs. It may be mentioned here that Shri Jaydeep Patel had made three phone calls to Shri Zadafia on his mobile on 27-02-2002 night at 2039 hrs, 2113 hrs & 2120 hrs at Godhra and Shri Zadafia also made a phone call to Shri Jaydeep Patel at 2003 hrs. The call details of Govt. mobile phone no. 9825049145 of 27-02-2002 show that 12 calls were exchanged with accused Jaydeep Patel (Mobile No. 9825023887), 2 calls from accused Dr. Mayaben Kodnani (Mob. No. 9825006729), 26 calls with Shri R.J. Sawani, DCP, Zone-V, Ahmedabad City (Mob. No. 9825049198), 7 calls from accused Bipin Panchal. In addition, 13 calls were made by Shri Zadafia to CM's office. Shri Zadafia has admitted to have known Dr. Mayaben Kodnani, Bipin Panchal, Raju Chomal, Kishan Korani and Babu Bajrangi, who were the main accused persons in Naroda Patiya and Naroda Gam cases. Shri Gordhan Zadafia has not been able to satisfactorily explain the calls made by the key accused persons to him on 28-02-2002, when the riots were at their peak and even thereafter. As regards the Babu Bajrangi's disclosure to Tehelka that after the riots that Babu Bajrangi told everything to him about his role in Naroda Patiya case, to which he advised him to run away and go underground, Shri Zadafia has denied to have advised Babu Bajrangi on those lines. All these factors point to a suspicious role played by Shri Gordhan Zadafia, the then MoS (Home), basically a VHP activist. In my view the role played by Shri Gordhan Zadafia needs further investigation.

As regards the other allegations made by Smt. Jakia Nasim in her complaint the same has been denied by Shri Zadafia. In my view these allegations are vague and general in nature and therefore need no comments.

A-6: Shri Ranjitsinh Naharsinh Chawda, the then Minister of State for Cottage Industries & Shri Vajpaae Swarojgar Yojna, Gujarat:-

Shri R.N. Chawda was a Mamalatdar in Gujarat Govt., who took premature retirement, joined BJP and contested Gujarat Assembly Election from Himmatnagar on BJP ticket and was elected. He again contested midterm poll in 1998 and was elected and appointed as Minister for Cottage Industries & Shri Vajpaae Swarojgar Yojna. In December, 2002, he again contested Assembly election from Himmatnagar constituency on BJP ticket and was

elected. However, he was denied ticket in the Assembly elections in the year 2007. At present, he is not a member of BJP.

Shri R.N. Chawda has stated to have attended Assembly on 27-02-2002, and the news regarding Godhra carnage was received by him during the day in the Assembly, as budget session was going on. Again on 28-02-2002, he attended the Assembly when the homage was paid to the victims of Godhra incident. He has further stated that thereafter, he returned to his home town Himmatnagar for 2-3 days. He has further stated that there had not been any major riot incident in his constituency and there was no loss of life. Shri Chawda has further stated that there were some incidents of arson and looting of the shops and establishments and that he had contacted the Collector and District SP Shri N.D. Solanki and requested them to take all necessary steps to maintain Law & Order in the District to ensure that there was no loss of life and property of either Muslims or Hindus. Shri Chawda has also stated that he had appealed to BJP, Bajrang Dal and VHP workers to maintain peace and as per his recollection the situation was brought under control within 2-3 days after 27-02-2002. As regards the allegation levelled by Smt. Jakiya Nasim, Shri R.N. Chawda has denied the same, as the same are general in nature and not specific and that the same had been maliciously made against him to spoil his image.

Since the allegations levelled against Shri Chawda, are vague and general, the same are not established.

A-7: Shri Kaushikkumar Jamnadas Patel, the then Minister of State for Energy & Urban Development, Gujarat:-

Shri Kaushikkumar J. Patel had joined BJP in 1987 and had contested elections in 1990, 1995, 1998 & 2002 on BJP ticket and was elected. However, in the Assembly polls in 2007, he was defeated and at present he is Vice President of BJP, Gujarat State since 2008. He was appointed as a Cabinet Minister for Energy & Urban Development during 1998 to 2002.

Shri Kaushik Patel has stated to have attended Assembly on 27-02-2002, and the news regarding Godhra carnage was received by him during the day in the Assembly, as budget session was going on. Again on 28-02-2002, he attended the Assembly when the homage was paid to the victims of Godhra incident. He has further stated that as per his recollection there was no major riot incident in his constituency. He does not recollect whether he attended the press conference held by the Chief Minister in Circuit House Annexe on 28-02-2002 evening. He has further stated that he does not remember having attended any meeting held by the Chief Minister in connection with the ongoing

riots in Gujarat State. He has denied the allegations levelled by Smt. Jakiya Nasim as general, vague, false and baseless.

In view of the fact that there is no specific allegation against Shri Kaushik Patel, no comments are called for in the matter.

A-8: Shri Chandrakant Dahyabhai Patel, formerly Chairman, Kheda District Co-operative Union, Nadiad, Gujarat:-

Shri C.D. Patel has stated that he contested election to the Gujarat Legislative Assembly in December, 2002 and was elected. He was further stated that he was appointed as a Minister of State for Tourism, Holy Places, Pilgrimage Development & Co-operation on 01-08-2005. He has also stated that he did not contest the Assembly election in 2007.

Shri C.D. Patel has further stated that he was Director of Anul-Dairy, Anand during 1995 to 1999, Chairman of Nagarik Sahakari Bank, Petlad from 1998 to 2004 and Chairman of Kheda District Co-operative Union from 2002 to 2010 and at present, he was Chairman of Gujarat State Co-operative Housing Finance Corporation, Chairman of Petlad-Sojitra Taluka Co-operative Sales and Purchase Union Ltd. Petlad and Agriculture Produce Market Committee, Petlad. He has further stated that the news regarding burning of a railway coach near Godhra Railway Station on 27-02-2002, was received by him through electronic media. He has also stated that some riots took place in Petlad Town in which both Hindus and Muslims were affected. According to Shri C.D. Patel, some of the Hindus residing near Kazipura, Krishnapura were so badly affected from the attack by Muslims that they sold of their residential properties and shifted near village Sekhdi situated on the outskirts of Petlad town. He has also stated that Hindus had even shifted their temples from the aforesaid area, but there was no big incident. As regards the allegations levelled by Smt. Jakiya Nasim, he has stated that he was not an elected MLA in February, 2002 and became MLA in December, 2002 only. According to Shri C.D. Patel that he was neither MLA nor a Minister in February, 2002 and as such he could not have used the political influence either on administration or on police. As per Shri Patel, the allegations are wild, false and baseless and therefore, denied. The allegations levelled by Smt. Jakiya Nasim are therefore without any basis and did not need any comment.

A-9: Shri Nitinbhai Ratibhai Patel, formerly Minister of Finance, Gujarat:-

Shri Nitin R. Patel has stated that he had joined Bhartiya Janta Party in the year 1980 and was elected as MLA in 1990, 1995 & 1998. However, in the election held December, 2002, he was defeated. In 2007, he was again elected from Kadi Assembly constituency, Mehsana District. In 2001, when Shri

Narendra Modi became the Chief Minister, he was appointed as Finance Minister. At present, he is Minister for Water Supply, Water Resources, Urban Development & Urban Housing.

Shri Nitin Patel has further stated that on 27-02-2002, he presented his first budget as a Finance Minister in the Gujarat Assembly and came to know about Godhra carnage in the Assembly only. He has also stated that his speech continued throughout the afternoon and after the Assembly, he held the press conference with the Finance Secretary. According to Shri Patel, he had high blood pressure on that day and his doctor advised him rest. On 28-02-2002, he attended the Assembly, when the homage was paid to the victims of Godhra incident. Further, Shri Patel has stated that the Assembly remained suspended, but he used to attend his office regularly and also visited his native place Kadi for a few days. He has also stated that two women belonging to Jaydevpura village under Kadi District had been burnt alive in the railway coach at Godhra, but he did not take part in their cremation. As per Shri Patel, during the riots he used to do up and down from Kadi, as his children were studying at Kadi. He has also stated that two deaths took place in Kadi town in addition to a few incidents of arson and looting. However, after few days, the situation was under control and no major incident took place in Kadi town. He has denied to have taken part in any violence in Kadi town being a sitting MLA and Minister from the constituency and on the contrary all efforts were made by him to bring normalcy and peace in his constituency. He has claimed to have used his Govt. car with escort for the transportation of the State Govt. employees belonging to Kadi. He has further denied the allegation that he led the violence, arson and sexual violence against women at Kadi. He has also denied the allegation that anti-Muslim atmosphere has been created under his direct supervision and instructions. As regards the allegation levelled by Smt. Jakhia Nasim, Shri Patel has stated that the same are far fetched and totally false. He has also stated that he had been elected as MLA from Kadi constituency four times and being a representative of the people to the Gujarat Assembly, he could not have assaulted his own voters. He has also stated that allegations have been wrongly levelled against him with a view to harm his reputation.

The allegations levelled against Shri Nitin R. Patel are general and vague and no evidence could be found to establish the same.

A-10: Shri. Amit Anilchandra Shah, formerly MLA and at present MoS, Home, Gujarat:-

Shri Amit A. Shah stated to have become a Member of BJP in 1980 and held different posts of BJYM (Youth wing of BJP). He became MLA in 1997, 1998, 2002 & 2007 from Sarkhej constituency on BJP ticket. He has further

stated that in December, 2002, he was appointed as MoS Home, Transport and Border Security and at present he is Minister for Home, Transport, Border Security, Law & Parliamentary affairs.

Shri Amit Shah has further stated that he was a MLA in February, 2002 and had attended the Assembly on 27-02-2002. Shri Shah received the news about the Godhra carnage from some party worker and later confirmed the same from Shri Gordhan Zadafia, the then MoS (Home). He remained in the Assembly till about 1500 hrs or so. On 28-02-2002, he again attended the house, when homage was paid to the victims of Godhra incident. He has stated to have visited Sola Civil Hospital, where the dead bodies of the victims had been brought by road from Godhra. He has further stated that he remained at the hospital for about half an hour or so and that Dr. Maya Kodnani, MLA was also present there, when the crowd started hooting at them. He has also stated that a police jeep dropped him at his residence. According to Shri Shah, he attended a condolence meeting in a temple nearer to his house, in which homage was paid to the Godhra victims. Shri Shah has also informed that the Assembly did not meet till 13-03-2002, as the administration as well as police was busy in dealing with the riots and therefore, it was not proper for the house to keep them busy for the Assembly work. He has stated that there was no loss of life in his constituency during the riots and that there had not been any personal attack on anyone of them. He has denied the allegations made by Smt. Jakiya Nasim and has stated that the same had been maliciously levelled against him to spoil his reputation.

In view of the fact that the allegations against, are vague and general in nature, there is no evidence to establish the same and hence no comments.

A-11: Shri Anil Tribhovandas Patel, formerly Minister of Industries, Mines, Minerals, Tourism, Civil Aviation & Cottage Industries, Gujarat:-

Shri Anil T. Patel has stated to have joined BJP only in the later part of 2002 and contested Assembly election in December, 2002 on BJP ticket from Mehsana constituency, when he was elected and appointed as Minister of Industries etc. He contested election again in December, 2007 and was elected for the second time and is at present MLA in Gujarat Assembly. He has stated that the allegations against him are vague, false and without any basis. He has further stated that Smt. Jakiya Nasim in her allegation probably refers to the role played by him during the communal riots in February, 2002, which is absurd, because at that time, he was neither a member of BJP nor a MLA/Minister in the Govt. Shri Patel has also stated that in view of this a question of his playing any role or using any political influence to prevent the administration or Law &

Order machinery from carrying out their constitutionally bound duty to prevent violence and protect the citizen does not arise, as he was not holding any public office at that time. In view of the fact that he was not in politics in February, 2002, the allegation levelled against him, is not established.

A-12: Shri Narayan Laludas Patel, formerly Minister of Industries, Mines, Minerals, Tourism, Civil Aviation & Cottage Industries, Gujarat:-

Shri Narayan L. Patel is a member of Bhartiya Jan Sangh since 1963, which subsequently became BJP. He has stated to have contested and won four Assembly election from Unjha constituency in 1995, 1998, 2002 & 2007 on BJP ticket. He was appointed as Minister of Panchayatiraj in Keshubhai Patel's cabinet, but Shri Narendra Modi in the year 2001 changed his portfolio as Minister of Transport. At present, he is MLA and Chairman of Unjha Khetiwadi Utpan Bazar Samiti, Unjha, which is the biggest market of Asia for spices.

He has further stated that on 27-02-2002, he came to know about Godhra carnage in the Assembly. He has stated to have attended the Assembly on 27 & 28-02-2002. He has denied having seen any incident of rioting and arson in Unjha. He has also stated that he was Chairman of Krushi-mandi and wanted to save Mandi from riot/arson. He has denied the allegations that he inspired and abetted mob, violence, sexual assault and arson against the Muslims. As regards the allegations levelled by Smt. Jakia Nasim, he has stated that the allegations are vague, false and baseless and hence denied. Keeping in view the nature of allegations levelled against Shri Narayan Patel and also the fact that no evidence is available in this regard, the allegations are not substantiated.

A-13: Shri Kalubhai Hirabhai Maliwad, formerly Taluka Panchayat Pramukh, Lunawada, Distt. Panchmahals, Gujarat:-

Shri Kalubhai Maliwad has stated that he is a teacher by profession but left his job in 1990 and thereafter, joined his father in the agriculture profession at home. However, in 1990, he was selected as Principal of the High School in a village in Sabarkantha District in 1994 and continued there till 2004. He has further stated that he remained in Congress from 1981 to 1998, but was denied a ticket by the Congress party for Lunawada Assembly constituency. According to Shri Maliwad, under pressure from his supporter, he contested as an independent candidate, but was defeated. Thereafter, he joined BJP in 1998 and became the President of Khanpur Taluka Panchayat in 2000.

Shri Kalubhai Maliwad has further stated that on 27-02-2002, he was at home in Rehman village of Khanpur taluka and had come to know about the Godhra carnage through radio news on 27-02-2002 evening. On 28-02-2002,

he has stated to have gone to Khanpur in the morning and returned in the afternoon and came to know from public that the communal riots had spread in Gujarat. On 01-03-2002, he stayed at home due to riots. However, on 02-03-2002, he went to Khanpur, but returned immediately due to wide spread riots. He remained at home on 03 & 04-03-2002. On 05-03-2002, he started for Lunawada to attend the meeting of water supply and was stopped by Dy.SP Rathod of Lunawada division and was arrested on 05-03-2002 in Cr. No. 13/02 registered at Khanpur P.S. with regard to the incident that took place at Limbadia Chakdi of Khanpur taluka on 02-03-2002. According to Shri Maliwad, he was falsely implicated in the said case and sent to sub-jail Lunawada. A charge sheet was filed against him and the case went on in the court of Additional Sessions Judge Shri Viral Desai at Godhra. Shri Maliwad has stated that he remained in Jail for seven months and was then acquitted. He has also stated that the BJP granted him a ticket in the Assembly elections held in December, 2002 and he was elected as MLA from Lunawada Assembly constituency. As per Shri Maliwad, he became the President of Panchmahals District BJP in 2006 and he again contested elections on BJP ticket in December, 2007, but was defeated by 84 votes.

He has denied attending any meeting at village Borwai at Khanpur Taluka on 28-02-2002. He has denied to have assaulted/killed any persons belonging to Muslims community during the communal riots that took place in 2002. He has denied the allegations levelled by Smt. Jakia Nasim in her complaint. The allegations are general in nature and that no evidence is available to establish the same.

A-14: Shri Dilipbhai Manibhai Patel, formerly MLA, Anand, Gujarat:-

Shri Dilip M. Patel has stated that he joined BJP in 1990 and contested Assembly elections in 1995, 1998 & 2002 on BJP ticket and won. However, in 2007, he was not given ticket and as such he did not contested election. At present, he is lodged in Sabarmati Jail in connection with bank fraud in Kamsad Co-operative Bank Ltd. as he was the Chairman from 1996 to 2002.

He has further stated that he had come to know about the Godhra carnage on 28-02-2002. He has further stated that he owned Pooja cold storage, Nadiad, Kheda District since 1998, in partnership with Shri Anwarbhai Limboowala and his brother Noormohammad. On 28-02-2002, he was present in his village Kamsad, when his partner Anwarbhai telephoned him that their Pooja cold storage had been set on fire. He has further stated that he rushed to his cold storage, which was about 20 kms from his village. On reaching there, he has stated to have dispersed the mob with the help of his village man, who

had accompanied him, as his partner had run away. He has also stated that he called for fire-tenders from Anand, Nadiad and Petlad and that the fire could be controlled after about six hours or so. As per Shri Patel, another godown about 300 meters away from the cold storage, which have also been set on fire. He has stated to have reported to the police and that a case was registered in this connection. He does not know the fate of the said case as he has received the compensation from the insurance company. Shri Dilip Patel has stated that after 28-02-2002 he remained at Nadiad guarding his cold storage for about 10-12 days. He has further stated that he had a house in Vidyanagar at Anand, in which one flat had been let out to a Muslim tenant, a dealer of BATA Shoes Company, who had stock shoes inside the flats. According to Shri Patel, a mob broke open the said flat and looted away some shoes. However, when he came to know about the incident, he rushed to his place, dispersed the mob and locked the house. He has denied his involvement in any rioting incident. He has denied the allegations levelled by Smt. Jakia Nasim in her complaint. He has further stated that he himself was a victim of riots and suffered because of the Muslim partners and that he prevented the riots and protected the Muslims. In view of the nature of the allegations and the fact that there is no evidence available, the allegations are not substantiated.

A-15: Shri Madhubhai Babubhai Srivastava, MLA, Waghodiya, Vadodara:-

Shri Madhu B. Srivastava is a farmer by profession and owns 27 bighas and a hotel in Baroda District. During 1980 to 1990, he has contested corporation election as independent as well as BJP candidate and was elected. He contested Gujarat Assembly elections as an independent candidate in 1990 from Waghodiya constituency, but lost by a narrow margin. In 1995, he again contested Gujarat Assembly elections as an independent candidate from the same constituency and was elected by a big margin. In 1998, 2002 & 2007, he again contested elections to Gujarat Assembly on a BJP ticket from the same constituency and was elected.

He has stated before the SIT that in 2004, Ms. Zahira Sheikh and Ms. Teesta Setalvad, a Human Right activist had filed an appeal against him and a State of Gujarat in Supreme Court regarding a case registered in Baroda City relating to death of a few persons in Best Bakery during the riots on 1st or 2nd March, 2002, which had ended in acquittal and their appeal before the High Court had also been dismissed. Ms. Zahira Sheikh had stated that she was a star witness in this case and that she had been intimidated, threatened and forced not to speak the truth in the court, as a result of which the said case ended in acquittal. The Supreme Court, after hearing the appeals ordered for the retrial of this case under the jurisdiction of the Bombay High Court. During

retrial Ms. Zahira Sheikh made a press statement on 03-11-2004, that her earlier statement before the trial court was correct. Shri Srivastava has further stated that thereupon, contempt of petition was filed before the Supreme Court of India on the ground that Ms. Zahira Sheikh had changed her version, and disowned her statement made before the Supreme Court of India and NHRC. According to Shri Srivastava, the Hon'ble Supreme Court of India ordered an inquiry into the matter vide its order dated 21-02-2005 and after the inquiry the Inquiry Officer came to the conclusion that Ms. Zahira Sheikh changed her statement at different stages and also departed from her statement made before Supreme Court. The Inquiry Officer had further come to the conclusion that Ms. Zahira Sheikh had not been able to explain the assets in her possession. During the enquiry, Shri Srivastava was confronted with the CD indicating that money was paid to Zahira Sheikh to change her statement. However, after the enquiry, it was concluded that though material exists that money played a vital role in the change of stand by Zahira Sheikh, yet it could not be linked to Shri Madhu Srivastava and his brother Shri Bhattoo Srivastava. Shri Srivastava has also stated that the Supreme Court vide its order dated 08-03-2006 sentenced Ms. Zahira Sheikh to undergo imprisonment for one year and also to pay a cost of Rs. 50,000/- and in default to undergo further imprisonment for one year. As per Shri Srivastava, the Income tax authorities were also directed to conduct inquiry about the alleged payments made by him to Zahira Sheikh. However, nothing adverse came to light. He had denied the allegations made by Smt. Jazia Nasim and alleged that these allegations have been maliciously made by Smt. Jazia Nasim at the instance of Congress party for political reasons because the BJP had returned to power in Gujarat for the fourth time. Shri Madhubhai Srivastava has also alleged that this was a well calculated move and conspiracy on the part of Congress to defame Shri Narendra Modi, CM, who has led the State to the path of development and prosperity. Since there is no evidence available against Shri Madhubhai Srivastava and the allegations against him are general in nature, therefore, the same are not established.

A-16: Dr. Mayaben Kodnani, MLA, Naroda, Ahmedabad City, Gujarat :-

Dr. Mayaben Kodnani has stated before the SIT that she joined BJP in 1995 and was elected as Corporator of Ahmedabad Municipal Corporation in May, 1995. She has further stated that she was elected as MLA in 1998, 2002 & 2007 from Naroda constituency on BJP ticket. In 2007, she was appointed as Minister of State for Higher Education, Woman and Child Welfare resigned in the end of March of 2009, but she continues to be a MLA.

Dr. Maya Kodnani has since been arrested and charge sheeted in Naroda Gam and Naroda Patiya cases by SIT. However, she has denied to have lead or instigated the mob in Naroda Gam/Naroda Patiya and has taken the plea that she has been falsely implicated. Since the matter is subjudice, no comments are called for in respect of the above charges against her. She has denied the allegations levelled by Smt. Jakia Nasim and has stated that the allegations had been maliciously levelled against her to spoil her reputation. Since there is no evidence in respect of these allegations being general in nature, no comments are called for in the matter.

A-17: Shri Nalinbhai Kantilal Bhatt, formerly MLA, Padra, Baroda, Gujarat:-

Shri N.K. Bhatt has stated before the SIT that he had joined RSS in 1968-69 and became a member of BJP in 1980. Initially, he was elected as a Corporator three times in Baroda Municipal Corporation. He has further stated that he was elected as a MLA in 1990 & 1995 and was appointed as Minister. However, in the midterm poll, he lost elections from Padara constituency in 1998 and was appointed as Chairman of Gujarat State Electricity Board for three years, which was extended by one year. He has also stated that from 2001 to December, 2002, he worked as General Secretary and Spokesman of BJP and did organisational work.

He has further stated that on 27-02-2002, he received the information about the Godhra carnage at about 0900 hrs and left for Godhra by car. He reached Godhra at about 1200 hrs, went to civil hospital and talked to the injured persons. He returned to Baroda by car at about 2100 hrs. He has further stated that on 28-02-2002 and 01-03-2002, he remained at Baroda due to Gujarat banch and Bharat bandh as the situation was very tense and curfew imposed in the town. He has also stated that as the General Secretary of BJP, he had appealed to all the workers not to indulge in any violence and had come to Ahmedabad sometime in March, 2002 and participated in a peace march organised by the Govt. He has stated to have filed an affidavit before the Nanavati Commission on 09-06-2002, as General Secretary of BJP and had been called for cross examination on 05-02-2005. He has further stated that it was mentioned in the affidavit that one of the accused of Godhra carnage was a Congress Corporator from Godhra and that he had been indulging in antisocial and illegal activities. He had also mentioned in his affidavit that one Shri Mohmmad Hussain Kalota, President of Godhra Municipality and main accused in Godhra carnage had been facilitated by Shri Udesinh Baria, MLA and Shri Rajendrasinh Patel of Congress and enclosed a CD in respect of the said function with the affidavit for the information of the Commission. In his

affidavit, he had also high lighted the instances, in which the lives of innocent Muslims had been saved by the leaders of BJP, in which Shri Rajendrasinh Rana, MP & the then President, BJP, Gujarat State, Shri Sunil Oza, the then MLA, Bhavnagar and Late Suryakant Acharya, the then Vice-President, BJP prominently figured. He has also stated that he did not apply for BJP ticket for the elections held in December, 2002 and resigned from BJP primary membership in September, 2006 against the style of functioning of Shri Narendra Modi, CM. He has denied the allegations levelled by Smt. Jakia Nasim and stated that the allegations are general and not specific. In view of the fact that there is no evidence to support these allegations, the same are not substantiated.

A-18: Shri Rajendrasinh Rana, MP, Bhavnagar, Gujarat:-

Shri Rajendrasinh Rana has stated before the SIT that he had joined BJP in 1996 and had contested Parliament elections from Bhavnagar constituency on BJP ticket and was elected. He has further stated that he was elected again as MP from Bhavnagar constituency on BJP ticket in the general elections held in 1999, 2004 & 2009. He has also stated that he remained President of BJP, Gujarat State from 1998 to 2004.

Shri Rajendrasinh Rana has further stated that on 27-02-2002, he had attended the Parliament and came to know about the Godhra carnage from TV news at about 0930 hrs and came to Ahmedabad by evening flight at about 1930 or 2000 hrs. He has further stated that the incident was discussed by him with his party men and office bearers and it was decided to support the Gujarat bandh and Bharat bandh calls given by VHP on 28-02-2002 & 01-03-2002 respectively. He has also stated that he remained at Ahmedabad in these two days and used his good offices and gave directions to the party workers not to indulge in violence. According to Shri Rana, he remained at Ahmedabad for about 2-3 days and then returned to Delhi to attend the Parliament session. He has stated that on 01-03-2002, he came to know that around 400 Muslim children residing in a Madaresa were trapped inside the Madaresa Islamia Ghogha, Akwada, Bhavnagar, which was surrounded by a mob, bent upon setting fire to it and that he immediately telephoned Shri Rahul Sharma, the then SP, Bhavnagar, who reached the spot, disperse the mob and shifted the children to a safer place. He has also produced a copy of a letter dated 10-11-2004 from Master Ahmed of Akwada Madaresa of Bhavnagar, in which the latter had thanked him regarding the timely action taken by Shri Rahul Sharma, SP at his instance, which could save the lives of the innocent children. He has also produced a copy of Diwali greetings sent to him by Master Ahmed. He has denied the allegations levelled by Smt. Jakia Nasim and stated that he was not

the Spokesman of BJP as alleged and that Shri Nalin Bhatt was the Spokesman at that time. He has further stated that it has been wrongly alleged that BJP had given a call for the Bandh, whereas the bandh call had been given by VHP and BJP only supported it. In view of the fact that the allegations levelled against him are general in nature and there is no evidence is available to support the same, therefore, the same are not substantiated.

A-19: Dr. Kaushikbhai Jamnashankar Mehta, General Secretary, VHP, Gujarat :-

Shri Kaushikbhai J. Mehta has stated before the SIT that he is a teacher in Unnati Vidyalaya, Paldi, Ahmedabad. He has further stated that he became a member of VHP in 1990, Joint Secretary in 1999 and subsequently, General Secretary, VHP, Gujarat State in 2007. He has also stated that his duties are to look after propaganda, publicity and publishing work of the Parishad and that he was the Editor of "Vishwa Hindu Samachar", a monthly VHP magazine.

Shri Mehta has stated that on 27-02-2002, he attended a school as usual and came to know at about 0930 hrs from a colleague hailing from Panchmahal district that a train carrying Ram-sevaks from Ayodhya had been attacked and set on fire near Godhra Railway Station, but no details were available. He has further stated that around 1700 hrs, Professor K.K. Shastri, Chairman, VHP, Gujarat Unit informed him that in order to pay homage to Ram-sevaks killed in Godhra incident, a call for Gujarat bandh be given for 28-02-2002. Accordingly, Shri Mehta came to VHP office, where media persons had assembled to know the details of the incident, and informed them that all programmes would proceed as per schedule and Ram-mandir constructed as decided. He has also stated that on 28-02-2002, he attended school, but no students had turned up and therefore, he left and reached VHP office. In VHP office, he was informed that Acharya Girraj Kishor would be visiting Ahmedabad to attend the funeral of Ram-sevaks to be performed in Amraiwadi cremation ground. Accordingly, he accompanied Acharyaji to Amraiwadi cremation ground, but was stopped by the police, on the ground that it was not safe to go ahead and therefore, they returned. He has further stated to have briefed Acharyaji about the programme of Ram-sevaks, who had visited Ayodhya in connection with purn-ahuti of Ram-Yagna and the returned to VHP office at about 1530 hrs. At VHP office, he remained till about 2030 hrs and attended to the visitors and press about the incident. He returned to his residence at about 2100 hrs, because curfew had been imposed. He has denied to have taken part in the violence. He has admitted to have filed an affidavit before Nanavati Commission on 10-06-2002, as Joint Secretary, VHP, in which VHP had given its own view point in connection with Godhra incident

and the communal riots thereafter. He has also informed that he was called by the Nanavati Commission on 05-02-2005 for his deposition. Though he has been listed as an accused by Smt. Jakia Nasim, yet no allegation had been levelled against him. In view of this, no comments are called for.

A-20: Shri Pravin Togadiya, International General Secretary, VHP :-

Shri Pravin Togadiya has stated before the SIT that he did his MBBS & MS (Cancer Surgery) from Ahmedabad and had run his own 'Ami' surgical hospital during the period December, 1985 to Dec. 1998 and then sold off the hospital. Thereafter, he had been doing surgery on charitable basis and visited different hospital. He further stated that he joined Vishwa Hindu Parishad in June, 1986 and remained General Secretary of VHP, Gujarat till 1998 and thereafter became Secretary General, VHP, International.

He has further stated that on 27-02-2002, he received the news relating to the burning of a railway coach of Sabarmati Express near Godhra Railway Station from one of his colleague, while he was conducting Ram Maha-Yagna ceremony at Ayodhya. He has also stated that the same afternoon he learnt from his colleague that Sabarmati Express going to Ahmedabad was stopped and surrounded by a Muslim mob at about 0800 hrs, who set fire to it resulting in the death of 50 persons. According to Shri Togadiya he had contacted late K.K. Shastri, the then President of VHP, Gujarat State on 28-02-2002 and the latter had informed him that the survivors of Godhra carnage were gradually returning to their native places, wherein injured had been hospitalized. He has stated that he visited Gujarat only in May, 2002 and was not concerned with the communal riots. He has denied to have contacted any VHP activists. He could not recollect his mobile number being used by him at that time.

He has denied the allegations levelled by Smt. Jakia Nasim and has stated that he was not present in the Gujarat during the riots period and as such there was no question of giving any speeches. He has also stated that Dhanwantri hospital was not owned by him and that the allegations are frivolous and maliciously made with a view to defame him. No evidence is available against Shri Pravin Togadiya and as such the allegations against him, being general in nature are not substantiated.

A-21: Shri Jaydeep Patel, Gujarat Secretary, VHP, Gujarat :-

Shri Jaydeep Patel has stated before the SIT that he joined VHP in 1988 and remained Joint Secretary, VHP from 1995 to 2005. He has further stated that during 2005 to 2007, he remained General Secretary of VHP, Gujarat from 2005 to 2007. He has narrated the other details about his visit to Godhra along

with Shri Hasmukh Patel, Secretary, Eastern Zone, VHP, Gujarat. He has further stated that he had met some local administrative and police officials and requested them to hand over the dead bodies of kar-sevaks and accordingly, a letter was given to him by Mamaldar, Godhra. He has also stated that 54 dead bodies were kept in the five trucks arranged by the District Administration for transportation to Ahmedabad under police escort. He has further stated to have left Godhra around 2330 or 2400 hrs and has stated to have reached Sola Civil Hospital between 0330 to 0400 hrs on 28-02-2002. He has also stated to have handed over the letter to Shri Prajapati, the then Deputy Collector and that the police and administrative officials got busy with the preparation of panchnama and other papers. According to Shri Patel, 35 dead bodies were identified and handed over to their relatives by about 1300 hrs. As per Shri Patel, remaining unidentified 19 dead bodies were cremated at Gota cremation ground by the district authorities and police by 1830 hrs. He has denied to have used his mobile phone no. 9825023887 as it remained in the car. He has further stated that he remained present in the Sola Civil Hospital through out the day and was not present in Naroda Gam/Naroda Patiya, when the riots took place. He has pleaded that he has been falsely implicated by the extremist and Muslims in Naroda Gam case.

It may be mentioned here that Shri Jaydeep Patel has already been arrested and charge sheeted by SIT in Naroda Gam case. Since the matter is sub-judice no comments are called for.

A-21: Shri Babu Bajrangi Patel, Member, Bajrang Dal :-

Shri Babu Bajrangi has stated before the SIT that he joined Bajrang Dal in 1995, later got introduced to Shri Pravin Togadia, Shri Jaydeep Patel and Home Minister Shri Gordhan Zadafia and also came in contact with other Sangh Parivar activists. He has stated to have come to know about the Godhra carnage through TV news on 27-02-2002, in which one of the kar-sevaks, namely, Shri Bhimjibhai K. Patel belonging to his community was also killed, whereas other kar-sevaks from his village namely Shri Dharmendra Patel and others survived. He has further stated that his nephew Shri Bharat R. Patel had visited Godhra on 27-02-2002, by car on that day and returned to Ahmedabad in the night. He has taken the plea that mobile phone no. 9825020333 was used by his nephew Shri Bharat Patel. He has further stated that he went to Sola Civil Hospital on 28-02-2002 at about 0700 hrs and the dead body of Bhimji K. Patel was recognised by Shri Vashrambhai, uncle of Bhimji Patel and they took the dead body to their village and reached there at about 1330 hrs. The funeral of Late Bhimajibhai Patel was over at about 1530 hrs and thereafter, he has stated to have gone to Khedbrahma along with Shri

Dharmendra Patel. He has further stated that he stayed at Khedbrahma on 28-02-2002, as the communal riots had started and no transport was available to return. According to Shri Babu Bajrangi, he reached Naroda on 01-03-2002 late in the night and was informed by his family members that he had been named as an accused in Naroda Gam and Naroda Patiya carnage cases. Thereafter, he left for his elder sister Laxmiben's house on 02-03-2002, who stays in village Kevdiakampa and stayed there for three or four months. As per Shri Bajrangi, he was arrested by the Crime Branch, Ahmedabad City on 28-05-2002, taken on remand for 10 days and then sent to jail. Shri Bajrangi was released on bail on 19-10-2002.

He has admitted that Shri Ashish Khetan met him as Piyush Agarwal and informed him that he was making a film on Hinduism and that he has to play a role in it and speak some dialogue. He has admitted his voice and the conversation held with Shri Ashish Khetan, but has taken the plea that he had read the dialogue as per written script given by Shri Ashish Khetan. However, he has stated that all these facts were incorrect and he has stated the same as Shri Ashish Khetan had asked him to do so.

It may be mentioned here that Shri Babu Bajrangi has already been charge sheeted in Naroda Patia case as well as Naroda Gam case and is facing trial. In view of the fact that the matter is sub-judice, no comments are called for.

A-23: Professor Keshavram Kashiram Shastri, formerly Chairman, VHP, Gujarat Unit:-

Professor K.K. Shastri expired on 09-09-2006.

A-24: Shri Babubhai Rajput, BJP worker, Pt. Dindayal Bhavan, Khanpur Ahmedabad City, Gujarat:-

No such person could be traced at the given address. In view of this Ms. Teesta Setalwad was contacted and requested to give his latest address to enable us to contact him. Ms. Teesta Setalwad informed through an email dated 31-03-2010 that Babubhai Rajput is a senior BJP worker living in the Asarva area of Ahmedabad and had much to do with the serious of meetings planned in Ahmedabad and around on 27-02-2002. In view of this communication, a letter was sent to BJP City Pramukh, Ahmedabad on 01-04-2010, to let us know the address and other details of Shri Babubhai Rajput. However, BJP Office Secretary, Karnavati Mahanagar (Ahmedabad) has informed vide his letter dated 06-04-2010 that no such person by the name Babubhai Rajput is an active member of BJP in Asarva area and as such no particulars in this regard are available with them. In view of this Shri Babubhai Rajput could not be traced or contacted.

A-25: Shri K. Chakravarthi, formerly DGP, Gujarat State:-

Shri K. Chakravarthi has stated before the SIT that he remained posted as DGP, Gujarat State from 01-04-2001 to 31-01-2004. He has further stated that in February, 2002, intelligence reports had been received about the movements of kar-sevaks from Gujarat to Ayodhya, in connection with Ram Maha-Yagna to be held on 15-03-2002. Further, a specific intelligence report was sent to IG (CI), U.P., Lucknow by SP, Western Railway, Vadodara vide fax message dated 16-02-2002 that Shri Prahlad J. Patel, President, Bajrang Dal, Mehsana with a group of 150-200 Bajrang Dal workers to Ayodhya for Maha-Yagna on 22-02-2002 from Mehsana Railway Station for Ahmedabad and further on 24-02-2002, from Ahmedabad to Ayodhya by Sabarmati Express of 24-02-2002. It was further intimated that the said group would return on 26-02-2002, from Ayodhya at night for Ahmedabad and would reach Ahmedabad on 28-02-2002 morning. According to Shri Chakravarthi, no specific information regarding the movements of kar-sevaks on return journey was received till 27-02-2002 and that a wireless message dated 27-02-2002 was received from IG (CI), Lucknow on 28-02-2002 at 0815 hrs. Shri Chakravarthi has further stated that on 27-02-2002, he had received telephonic information from State Police Control Room that Sabarmati Express had been stoned at Godhra Railway Station and subsequently, a bogie in the train had been set ablaze. Shri Chakravarthi contacted Shri Deepak Swaroop, the then IGP, Vadodara Range and directed him to proceed to Godhra immediately and gave instructions to State Control Room to rush one platoon available at SRP Group-V headquarters to Godhra Railway Station to assist the SP. Shri Chakravarthi has stated to have held an emergency meeting with Chief Secretary and ACS (Home) and it was learnt around 1200 hrs that the burnt coach had been detached from the main train at Godhra Railway Station and that the train had already proceeded on its onward journey for Ahmedabad via Vadodara. Shri Chakravarthi sent Shri Maniram, the then Addl. DG (Law & Order) and Shri Vipul Vijoy, the then IGP, ATS to Godhra for supervision and investigation. Further, Shri P.P. Agja, the then IGP, CID-Crime & Railways, Gandhinagar was deputed to Godhra for supervision of the investigation of the case.

Shri Chakravarthi has further stated that considering the seriousness of the Godhra incident all CsP, SsP and Range Heads were instructed through a fax message dated 27-02-2002 to take precautionary measures to avert any fall out effects in their jurisdiction and that strict vigil be kept at all sensitive points, their forces mobilised and vehicles requisitioned. Shri Chakravarthi also sent a fax message to all the jurisdictional officers to thwart any attempt by communal or antisocial elements to prevent communal trouble in the

jurisdiction and instructions were given to make preventive arrests of such elements, so that they might not take advantage of the situation to spread communal hatred. On 27-02-2002 evening, VHP had given a call for Gujarat Bandh on 28-02-2002, which was supported BJP and as such Shri Chakravarthi had given an interview on Door-Darshan and appeal to public to maintain peace during bandh on 28-02-2002. According to Shri Chakravarthi, CM went to Godhra on 27-02-2002, and returned late in the night then a meeting was called by him, which was attended by CS, ACS (Home), CP, Ahmedabad, Secretary Home Department, Principal Secretary to CM and other staff of the CM had also joined. In this meeting, the CM had asked Shri Chakravarthi about the arrangements made by him for the bandh call, given by VHP to which latter narrated the arrangements made by him, instructions given to the jurisdictional officers and also about the mobilisation of the forces. Shri Ashok Narayan informed about the 10 companies of RAF requisitioned from the Central Govt. As per Shri Chakravarthi, the CM said that the Godhra incident was very serious and bound to affect the people at large and hence, adequate arrangements should be made. Shri Chakravarthi has also stated that the CM had stated that it was a Govt. decision to transport of the dead bodies of Godhra victims from Godhra to Ahmedabad by road.

Shri Chakravarthi has further stated that Shri Ashok Narayan had told him that it was decided by the Govt. that Shri I.K. Jadeja, Minister would sit in his office to get information about law & Order situation in the State and that Shri Ashok Bhatt would similarly sit in the office of CP, Ahmedabad. According to Shri Chakravarthi, Shri I.K. Jadeja visited his office on 28-02-2002 (F.N.) and sat in his chamber for about 15-20 minutes and thereafter, shifted to a vacant chamber in his office. Shri Chakravarthi has denied that Shri Jadeja had interfered in the functioning of State Control Room. Shri Chakravarthi has further stated that on 28-02-2002 morning onwards, unprecedented mobs had gathered into the streets all over the State and started targeting the minority community and their property. Shri Chakravarthi has further stated that on this occasion out line areas of Ahmedabad were affected during the riots and that the violence got spread over the village also. He has given a detail account of the Gulberg Society and Naroda Patiya incident on 28-02-2002. He has also given date wise account of the instructions given by him to the jurisdictional officers from 28-02-2002 to 31-03-2002. He has also given the details of the meetings held with Shri K.P.S. Gill, retired DGP, Punjab and also about the transfer of the jurisdictional officers by the end of first week of May, 2002, when the riots almost came to standstill. He has denied the allegations levelled by Shri R.B. Sreekumar against him. He has also denied the allegations levelled by Smt. Jakia Nasim against him. Keeping in view the fact that the allegations

are vague and general in nature and no evidence is available to support the same, the allegations are not substantiated.

A-26: Shri A.K. Bhargava, formerly DGP, Gujarat State:-

Shri A.K. Bhargava has stated before the SIT that he was posted as Addl. DG (Admn.) in the year 2002, but in the later part of 2002, he was transferred as Addl. DG (CID Crime & Railways) and thus had an occasion to supervise Godhra carriage case, which was partly charge sheeted during his tenure of about one year. He has further stated that he did not advise Shri R.B. Sreekumar to go according to the briefing of Shri G.C. Murmu, the then Home Secretary and Shri Arvind Pandya, Advocate in Nanavati-Shah Commission of Inquiry. He has confirmed that Shri Sreekumar approached him for guidance, but he (Shri Bhargava) did not give him any instructions and asked him to seek clarification from Govt. Advocate. He has further stated that he had asked Shri Sreekumar to inform him of the action taken in the matter, but Shri Sreekumar never reverted back to him. He has further stated that in February, 2002, he was posted as Addl. DG (Admn.) and not directly connected with any of the related events in the State and therefore did not file the first affidavit. He has also stated that he did not file the second affidavit, as he did not have any personal knowledge about the event. As regards the allegations that he had fully co-operated with the Govt. in looking after the interest of BJP in the matter of review of 2000 odd cases, harassment of officers and agreed with the illegal directions of the Govt. He has stated that the allegation is vague and baseless as he was directly responsible to the Supreme Court and had submitted quarterly progress report, which were duly accepted and never adversely commented upon. As regards not compelling the officers to file second affidavit, Shri Bhargava has stated that he sent two fax messages dated 16-09-2004 & 21-09-2004, but it was not his duty to force anyone to file second affidavit or a joint affidavit. As regards the allegation relating to slack review of post riot cases as ordered by the Hon'ble Supreme Court of India in August, 2004, he has stated that at the quarterly progress report being submitted to the Hon'ble Supreme Court of India and regular meeting were held with the members of 2002 Riot Cell and instructions issued. He has also stated that the all information had put on the website and everyone had access to the same. Regarding the allegation that Dr. Nirja Gotru, the then SP, who was looking into the review of post Godhra riot cases was disassociated in the middle of 2004 and victimised is false and baseless inasmuch as the factual position is, she had completed her job and was thereafter relieved of her assignment. He has denied the allegations levelled by Smt. Jakia Nasim on the ground that he had not participating in the alleged meeting, in which some illegal instruction were

alleged issued by the CM. He has denied having persuaded Shri R.B. Sreekumar to avoid filing his second affidavit, because he himself issued instructions to everyone to file second affidavit. In view of the aforesaid discussion and the clarifications given by Shri Bhargava, the allegations are not established.

A-27: Shri G. Subba Rao, formerly Chief Secretary, Gujarat State:-

Shri G. Subba Rao has stated before the SIT that he had fulfilled the minimum qualifications for appointment as Chairman/Member of the GERC. He was appointed through a properly laid down procedure. Shri Rao has denied to have put pressure on Govt. officials to support any illegal policy of the Modi Govt. Further, he has denied to have instructed Shri R.B. Sreekumar to eliminate the minorities. This is one man's word against another and there are no grounds to disbelieve Shri Rao. The authentication of the entries made by Shri R.B. Sreekumar in a register maintained by him has not been established, as there is no independent corroboration of the same besides the manner in which such a register was being maintained not according to the existing rules making it unnatural and suspicious. The register, therefore, can not be relied upon as a documentary evidence to support the version of Shri R.B. Sreekumar. In view of this the allegation that Shri Rao coerced officials to support the illegal policies of the Modi Govt. and even instructed Shri R.B. Sreekumar to eliminate the minorities is not established.

He has denied that he had participated in a meeting (presumably held on 27-02-2002) with the then Shri Narendra Modi, CM, where illegal instructions were issued by the constitutionally elected CM and has stated that he had gone abroad on 22-02-2002 and returned on 01-03-2002 and as such could not have attended any such meeting. He has further stated that he always acted within frame work or rules and regulations and as per prescribed official procedure. As regards not filing an affidavit before Nanavati-Shah Commission of Inquiry, he has stated that Chief Secretary as the administrative head of the Govt. has only overall guiding and coordinating role and primary function about the Law & Order matters are handled by the Home Department, DGP and Police formation etc. The details of the duties performed by them were covered in the affidavit filed by ACS (Home) on 01-07-2002 and DGP on 31-01-2004 before Nanavati-Shah Commission and as such there was no need for him to file an affidavit.

In view of the position explained by Shri G. Subba Rao, and the fact that the allegations against him are vague and general, the same are not established.

A-28: Shri Ashok Narayan, the then ACS (Home), Govt. of Gujarat:-

Shri Ashok Narayan has stated before the SIT that he took over on 01-01-2002, and continued to function as Chief Secretary to the Govt. of Gujarat till 23-05-2003 and, thereafter, appointed as State Vigilance Commissioner. He attained the age of 60 years as on 31-07-2004, but as a State Vigilance Commissioner, he was granted an extension of two years till 30-06-2006. Subsequently, he was granted four extensions of six months each till 31-12-2008 or further orders. However, before his extension could be completed, Shri Ashok Narayan retired on 01-10-2008 after a suitable incumbent had been appointed. It has been alleged that he had supported the Modi Govt. to carry out its anti-minority policies. It is not understood that in what manner he supported the anti-minority policies. As regards the entries made by Shri R.B. Sreekumar, Shri Ashok Narayan has stated that the register had been maintained by Shri Sreekumar in his personal capacity and can not form the official record as the same had never been submitted to any of the senior officers for their perusal/information. He has further stated that the said register can not be taken as an authentic document, because the entries were made by him of his own will and at his convenience. However, he has denied to have given any instructions to Shri Sreekumar for not making any comments or any presentation, which would go against the formal presentation prepared by Shri K. Nityanandam. He has stated that the contents of the entry dated 09-08-2002 made by Shri Sreekumar in his register about the Election Commission meeting are broadly true, but he could not comment upon the aspects of shouting by the Chief Secretary at him. In view of the aforesaid position, the contents and the views expressed by Shri R.B. Sreekumar in his register can not be accepted as reliable evidence. Another allegation by Shri Sreekumar that Shri Ashok Narayan was selected and posted in the sensitive post of State Vigilance Commissioner at the time, when his conduct and performance of duty was under scrutiny by the Nanavati-Shah Commission, it has come to light that Shri Narayan was the senior most as on 23-05-2003 and was the only Additional Chief Secretary in rank and as per rules eligible for promotion to the rank of Chief Secretary. However, the Govt. chose to promote one Shri P.K. Lahiri of 1969 batch IAS as Chief Secretary. It may be mentioned here that two other officers of 1968 batch namely Shri Sunil Sood and Shri C.K. Koshy were senior to him, but none of these three officers were holding the rank of Addl. Chief Secretary and thus, not eligible to be promoted as Chief Secretary. All these three officers were together promoted as Addl. Chief Secretary. Shri Sunil Sood was promoted and posted out as Chairman, Agro Industries Corporation and Shri C.K. Koshy was posted as Chairman, Gujarat State Power Corporation. Shri Narayan wanted to be posted out of the State

Govt. and as such he was appointed as State Vigilance Commissioner, a post normally held by a person of the rank of retired Chief Secretary, as the conduct of the officers of the rank of the serving Chief Secretary also came under his purview. It may thus be seen that Shri Narayan was posted as State Vigilance Commissioner, as this was the only post equivalent to the rank of Chief Secretary, outside the Govt., where he could be posted, as he did not want to work under his junior Shri P.K. Lahiri, who had been appointed as Chief Secretary. As regards the allegation that he favoured Shri Narendra Modi, Chief Minister by not stating anything adverse in his affidavit to the Commission and during his cross examination in August, 2004, there is nothing on record to show that he omitted to mention certain things in his affidavit. As regards the cross examination the replies of the witness are restricted to the questions put to him by the counsel and it has not been observed by the Commission that he had evaded any of the issues or gave evasive replies. Coming to the allegation of not filing the second affidavit covering second terms of reference of the Commission, it may be mentioned that the second affidavit was to be filed only if one had knowledge about the involvement of the politician or the Chief Minister.

As regards that allegation levelled by Smt. Jazia Nasim, Shri Ashok Narayan has admitted to have participated in a meeting with Shri Narendra Modi, CM, where allegedly illegal instructions were issued by the constitutionally elected CM, but has denied that any such instructions were issued by the CM. As regards not filing an affidavit before the Nanavati-Shah Commission, Shri Narayan has stated that he had filed an affidavit on 01.07.02, before the Commission. Other allegations are vague and general in nature and in view of the explanation given by Shri Narayan, the allegations against him are not substantiated.

A-29: Shri P.C. Pande, formerly Commissioner of Police, Ahmedabad City:-

Shri P.C. Pande has stated before the SIT that he had been inducted in the Central Govt. in the prestigious post of Addl. Director, CBI in March, 2004 by NDA Govt. It is preposterous to say that he was shown a favour as he had not asked for a Central Deputation. It was a Central Govt. decision to take him in the CBI, where appointment required merits, efficiency, integrity and previous experience of the CBI and no appointment is done without the approval of the CVC. The panel invariably consists of empanelled officers duly cleared by a top level screening committee. Shri Pande had previous experience of CBI from 1981 to 1986 having served as SP, CBI, Ahmedabad.

In February, 2005, Shri Pande was promoted to the rank of DGP and posted as Director, ACB, which he joined in April, 2005 only. Along with Shri Pande, Shri K.R. Kaushik, a two batches junior officer was also promoted. In fact, Shri Pande had already been empanelled to hold a DG level post in Govt. of India by an order issued in August, 2004 and the State Govt. had shown no favour by promoting him along with his junior.

Shri Pande was appointed as Commissioner of Police, Ahmedabad City till 10th May, 2002. It is incorrect to say that 1000 people lost their lives in Ahmedabad City during the riots of 2002. The actual number of deaths between 28-02-2002 to 30-04-2002 was 442, of whom 113 were Hindus and 329 Muslims. These figures included over 100 dead in police firing and over 33 in private firing. During this period 780 criminal cases were registered and 2862 persons arrested of whom 1755 were Hindus. In police firing on 28-02-2002, 17 persons died of whom 11 persons were Hindus. Shri Pande has stated that all offences committed were duly and properly registered including by sending police officers to relief camps and therefore, no important crime remained unregistered and that over 2800 persons were arrested for various offences registered during the riots. Shri Pande filed an affidavit before Nanavati-Shah Commission and also appeared before the Commission and subjected himself to cross examination. He has also stated that it is incorrect to allege that he did not reveal basic facts about 2002 riots in his affidavit or cross examination. According to Shri Pande the allegation that he favoured Hindu communal elements in registration of cases, arrest, prosecution etc. and thus the Supreme Court ordered a review of 2000 odd riot cases is preposterous and vague and had been maliciously made against him. As regards the review of 2000 odd cases ordered by the Supreme Court, it may be mentioned that a quarterly progress report was being submitted to the Hon'ble Supreme Court of India and also placed on the website created for the purpose. The progress reports submitted to the Supreme Court had never been adversely commented upon and were accepted. The review of 2000 odd cases by the Supreme Court included 349 cases pertaining to Ahmedabad City and after sustained investigation only 4/5 cases were charge sheeted in the Court. In view of the aforesaid position the connected allegations are not established.

As regards that allegation levelled by Smt. Jakia Nasim, the same are vague and therefore not substantiated.

A-30: Shri K. Srinivas, formerly Collector, Ahmedabad City:-

Shri K. Srinivas has stated before the SIT that during 9th June 2000 to 4th October, 2002, he remained posted as Collector & District Magistrate,

Ahmedabad. He has further stated that the news about the burning of a coach of Sabarmati Express near Godhra railway station was received by him around 1230 hrs on 27-2-2002, when the monthly meeting of the Revenue Officers of the district was going on and that since, most of the Revenue Officers happened to be Executive Magistrates and Sub Divisional Magistrates of their area; he gave instructions to them to get back to their HQ's, take necessary precautions and be alert to avoid any untoward incident. He has further stated that thereafter, an information was received from the Govt. that the Sabarmati Express involved in the Godhra incident would be reaching Ahmedabad some time in the evening and that all necessary bandobast be made. Accordingly, one of his Deputy Collectors was asked to go to the Maninagar Railway Station and he personally went to Ahmedabad main railway station at Kalapur. At the railway station they got in touch with the railway authorities as well as the GRP and made arrangements for food/refreshment/water and medical team to provide assistance to the passengers, if required. They also made arrangements for the transportation of the passengers to their respective places including for those who wanted to go out side Ahmedabad.

According to Shri Srinivas, the train arrived some time in the evening and the passengers were safely transported to their respective places and as per his recollection, 27-2-2002 passed off peacefully and there were no major incidents. As per Shri Srinivas, it was sometime late in the evening that an information was received from Collector, Panchmahal Mrs. Jayanti Ravi that the dead bodies of the kar-sevaks and others who died in the Godhra carnage would be sent by road to Ahmedabad and thereafter, he was regularly in touch with her over phone and that the dead bodies were received by the Hospital and Police authorities in Sola Civil Hospital, Ahmedabad between 0300 hrs to 0400 hrs on 28-2-2002. He has also stated that he had remained present at Sola Hospital till about 0630 hrs or 0700 hrs on 28-2-2002, and that the dead bodies claimed by their relations were got identified by the hospital and police authorities and handed over to them.

He has further stated that late in the evening of 28-02-2002, he received an information that Army was being requisitioned and so he rushed back to Ahmedabad to make arrangements for the Executive Magistrates, mobile phones, jeeps, buses and other necessary equipments so that the Army could carry out a flag march on the next day i.e. 1-3-2002. According to Shri Srinivas, a flag march was carried out by the Army on 1-3-2002 in Ahmedabad city and since, he was responsible for the maintenance of Law & Order in the Rural areas of Ahmedabad city, adequate arrangements had been made and

apart from a few sporadic incidents Ahmedabad Rural was by and large peaceful.

Shri Srinivas has further stated that his successor Mrs. D. Thara had filed an affidavit before the Nanavati Commission on the basis of records available in the Collectorate. After going through the affidavit, he has stated that altogether 469 persons lost their lives during the communal riots in Ahmedabad district, out of which 409 pertain to the City Taluka alone which was primarily within the Law & Order jurisdiction of Commissioner of Police and that the number of deaths that had taken place in the Ahmedabad Rural areas were much less as compared to the City area. Further, a total number of 1376 individuals suffered injuries during the riots in Ahmedabad district out of which Ahmedabad City Taluka alone accounted for 1327.

Shri Srinivas has further stated that the function of providing relief to those who suffered loss of property, of life, injury and employment within the jurisdiction of Ahmedabad District, was the responsibility of the Collectorate of Ahmedabad. As a District Collector, he discharged this duty to the best of his ability in an efficient, impartial and sympathetic manner and the extent of relief and the manner of providing relief was governed by various orders of the State Govt., which were implemented in a professional and efficient manner with an objective of providing maximum relief to the affected people as quickly as possible.

Shri Srinivas has also stated that in the immediate aftermath of the ongoing riots to provide emergency relief, he got in touch with the nearby Mother Dairy, Gandhinagar so that milk supplies could be made available to the civilian population. Accordingly, milk tankers and large quantities of subsidized potatoes and onions were distributed in the affected areas under police escort on 2/3-2-2002. He has further stated that during the long period of disturbances, a large number of people were dislocated from their homes. Hence, relief camps were opened to accommodate them. According to Shri Srinivas, as early as 1-3-2002, 40 relief camps were opened on a war footing and thereafter, when the numbers of people who were displaced started increasing, more relief camps were opened and altogether 77 camps were operative. In these camps, full provisions were made for providing food, water, sanitation & medical facilities and the officers of the rank of Deputy Collector were appointed as Liaison Officer and each camp had an officer of the rank of Dy. Mamalatdar as a camp officer. All these relief camps were personally visited and supervised frequently by him and the complaints made by the occupants if any, were looked into immediately. He has also stated that when the camps were opened, he got made 27192 kits comprising of clothes for the

occupants of the camps, out of the material that was available with them from the earthquake relief stock and these were distributed in 23 camps.

Shri Srinivas has further stated that altogether, 71744 persons were provided relief in the camps between 1-3-2002 to 31-12-2002 and these camps were provided Government Assistance in the form of essential commodities such as wheat, rice, dal, oil, milk powder, sugar, onions, potatoes, tea, turmeric powder, salt, toothpastes and soaps for a total amount of Rs. 6,89,57,547.50. Further, in addition to meet the miscellaneous expenses towards vegetables, masalas etc. Govt. assistance of Rs. 4,10,08,042/- (at the rate of Rs.5 per head till 31-3-2002 and thereafter, at the rate of Rs. 7 per head per day was provided to each occupant) was disbursed. Also, as per the scheme of relief, each camp was run by a registered NGO who were the delivery points of all Govt. aid for the purpose of the camps.

Shri Srinivas has further stated that when the disturbances showed downward trend, Government by its order formulated a scheme for those who wanted to voluntarily leave the camp and go back to their homes. Further, in the implementation of the scheme Rs. 4,24,44,334/- were disbursed by providing essential commodities and others as a part of the scheme.

According to Shri Srinivas, in the case of assistance for partial or total loss of house, Govt. orders contained in Revenue Deptt. GR dated 20-3-2002 and others were implemented effectively and impartially, and after carrying out detailed survey and assessment of damage, compensation was paid. Further, to carry out this huge task, Dy. Collectors were pressed into service with designated jurisdiction and they had large numbers of survey teams made available to them. Also, each survey team consisted of one Dy. Mamlatdar, one technical officer and the local Talati (Patwari). Shri Srinivas has stated that after detailed survey, a total of 13,723 cases were sanctioned and Rs. 8.53 crore approximately was disbursed as housing compensation and the quantum of compensation was as per the Relief scheme of the Government.

Shri Srinivas has further stated that in the case of loss of Income Generating Assets, such as cabins, hand carts, etc. Revenue Deptt. GR dtd 9-4-2002 governed the same and in order to implement this Dy. Collectors assisted by the survey teams were pressed into service. As per Shri Srinivas, altogether 6171 cases were sanctioned for Rs. 1.79 crore and the quantum of assistance being, again, governed by the Relief scheme of the Government.

Shri Srinivas has further stated that in the case of assistance for loss of household goods as per the scheme contained in Revenue Deptt. GR dated 5-3-2002 and 22-5-2002, for loss of household articles 24079 cases were

sanctioned and Rs.5.72 crore approximately were released. Further, in the case of death compensation, Revenue Deptt. GR dated 9-3-2002 specified Rs.1.5 lac as compensation. Accordingly, 469 cases of death compensation was sanctioned and Rs.7.03 crore were disbursed. In addition, acting as Chairman of the District level Committee set up to identify next of kin for Missing Persons, 140 cases were sanctioned and Rs. 1.51 crore was disbursed and in the case of compensation on injuries altogether 1376 cases were sanctioned and Rs. 1.38 crore was disbursed as assistance.

Shri Srinivas has concluded that all the relevant orders of Govt. for providing assistance for various types of sufferings of the affected persons during the riots were implemented diligently, impartially and sympathetically with a view to maximizing the reach of relief to the suffering people. He has denied that he was a part "of overall, hierarchically dictated criminal conspiracy that strikes at the very root of constitutional governance" as alleged against him. He has further denied that no affidavit was filed before the Nanavati Commission inasmuch as a detailed affidavit was filed by his successor Smt. D. Thara on 30-9-2004 before Nanavati-Shah Commission. He has also denied that adequate relief operations were not carried out in the Ahmedabad District.

In view of the explanation given by Shri Srinivas, the allegations levelled by Smt. Jakia Nasim against him are not substantiated.

A-31: Shri P.K. Mishra, formerly Principal Secretary to Chief Minister, Govt. of Gujarat:-

Shri P.K. Mishra has stated before the SIT that the allegation against him that he had been given foreign trips by the Govt. as CEO, Gujarat State Disaster Management Authority (GSDMA) as a favour for being a total collaborator of the CM in his alleged anti minority drive was totally absurd and ridiculous. He has admitted that undoubtedly, he made some visits abroad, but most of it was as a part of Govt. of India delegation. He has further stated that one of these visits was to receive the United Nations Award, because of the reconstruction work of GSDMA, was rated outstanding by the United Nations. He has claimed that all these foreign visits were on account of Disaster Management work, which had been widely acclaimed Nationally and Internationally and also remained posted as National Disaster Management Authority in order to set up the institution. He has also stated that while he was on Central deputation, he had been invited to several international conferences, because of his successful work and expertise on the subject. He has claimed to have written a book on the experience of the Gujarat earthquake reconstruction. Apart from that he had also been invited to international conferences on agriculture insurance, in which he had obtained his Ph.D.

degree and also written two books. In view of the explanation offered by Shri Mishra, the allegation is not established.

As regards the entries made by Shri R.B. Sreekumar in his diary/register, Shri Mishra has stated that he never held any formal/informal meeting with Shri R.B. Sreekumar, the then Addl. DG (Int.). He has further stated that the entries made by Shri Sreekumar in his so called diary/register maintained by him, had no basis. As regards the enquiries regarding Late Haren Pandya and his mobile phone records, Shri Mishra has stated that he does not recollect anything about it, but has stated that no phone call details of Late Haren Pandya were made available to him by either Shri Sreekumar or Shri O.P. Mathur. According to Shri Mishra, Shri Sreekumar has claimed to have maintained the said register of his own, which has no authenticity and had been circulated for the first time after the latter, was denied promotion and as such he would not like to comment upon the register, which has no basis or authenticity. In view of this the allegations levelled by Shri Sreekumar against Shri Mishra are not established.

As regards the allegations levelled by Smt. Jakia Nasim that he had participated in the meeting, in which alleged illegal instructions were given by the CM, Shri P.K. Mishra has stated that in the meetings attended by him, no illegal instructions were given by Shri Narendra Modi. As regards the allegation of not filing any affidavit before the Nanavati-Shah Commission, Shri Mishra has stated that he did not have any personal knowledge about the various incidents that took place after the Godhra carnage and as such he was not required to file any affidavit nor he was called by the Commission for his deposition/cross examination. Shri Mishra has also stated that he did not give any illegal verbal instructions to any of the Govt. functionaries. In view of the explanation given by Shri Mishra, the allegations against him are not established.

A-32: Shri Kuldeep Sharma, the then IGP, Ahmedabad Rural Range:-

Shri Kuldeep Sharma has stated before the SIT that though on one hand it has been alleged that he had been rewarded for facilitating riots in the rural areas of Ahmedabad Range as in charge IGP, yet on the other hand, it has been stated that in July, 2005, he was shifted to the post of Addl. DG (Training) as he did not agree to book Mallika Sarabhai in a false case and also did not oblige to save Shri Prabhatsinh Chauhan, a Minister in Modi cabinet, who was involved in a case of criminal misappropriation. Both these averments are contradictory. Shri Kuldeep Sharma has stated that these averments only

go to prove the neutrality and impartiality of his action in the discharge of his duties and that he has nothing further to say in the matter.

It may be mentioned here that in the book entitled "Crime Against Humanity" Volume-I (page 185) published by Concerned Citizens Tribunal-Gujarat 2002, it has been mentioned that one Shri S. Mansuri, a witness and others from Mehmabad had stated before the tribunal that tremendous pressure was put on the police and Revenue Department to let the mobs do their work unhampered, but he and others were full of praise for DIG (IGP Ahmedabad Rural Range) Shri Kuldeep Sharma, who resisted the pressure. In another, English monthly titled as "Communalism Combat" for March-April, 2002 of which Shri Javed Anand and Ms. Teesta Setalvad are the editors, it has been mentioned that Shri Shafibhai Mansuri, Ex-President of the Municipal Corporation that the DIG of Memdabad Range Shri Kuldeep Sharma reached within an hour of the incident. This contradicts the allegation that Shri Sharma had been rewarded for facilitating the riots in the rural areas of Ahmedabad Range. As regards allegation relating to not filing an affidavit before Nanavati-Shah Commission, Shri Sharma has explained that since, the SsP in charge of the Districts were to file affidavits in addition to the affidavits being filed by the police station in charge and the SDPO, it was not considered necessary to file an affidavit by the Range IGP. In view of the aforesaid facts, the allegation levelled against Shri Kuldeep Sharma does not have any force.

A-33: Shri M.K. Tandon, formerly Joint CP, Sector-II, Ahmedabad City:-

The role played by Shri M.K. Tandon has already been discussed in great detail under the head "ALLEGATION NO-VII". It is reiterated that further investigation u/s 173(8) Cr.PC may please be got conducted in respect of Shri M.K. Tandon, the then Joint CP, Sector-II, Ahmedabad City (now retired) and Shri P.B. Gondia, the then DCP Zone-IV, Ahmedabad City in Gulberg Society case and Naroda Patiya case.

A-34: Shri K. Nityanandam, formerly Secretary, Home Department, Govt. of Gujarat:-

Shri K. Nityanandam has stated before the SIT that during December, 1998 to February, 2005, he remained posted as Secretary in the Home Department. He has admitted to have attended a Law & Order review meeting held on 27-02-2002 at about 2300 hrs, at CM's residence at the instance of Shri Ashok Narayan, the then ACS (Home). According to Shri Nityanandam, Smt. Swarna Kanta Verma, Shri Ashok Narayan, Shri K. Chakravarthi and Shri P.C. Pande also attended the said meeting, but as per his recollection Shri G.C. Raiger was not present in the said meeting. He has further stated that as far as he recollects, none of the Cabinet colleagues of the Chief Minister

attended the said meeting, which lasted for 30 to 45 minutes. Shri Nityanandam has also stated that Law & Order situation prevalent in the State pursuant to Godhra incident was discussed. As per Shri Nityanandam, Shri K. Chakravarthi, DGP had briefed them about certain incidents affecting Law & Order situation pursuant to the Godhra carnage. Shri Nityanandam has further stated that the Law & Order situation in the fourth coming days especially in the light of bandh call and the strategy to tackle the same was also discussed. However, he has denied recollection about individual views expressed by the participants to the said meetings. Shri Nityanandam has also stated that the CM listened to all of them and instructed that the Law & Order situation should be handled professionally. Shri Nityanandam has denied to have contributed anything to the said meeting as Law & Order was not his subject. He has denied that any illegal instructions were given by the CM. He has further denied to have filed any affidavit before the Nanavati Commission, as he was not required to do so. In view of the aforesaid facts and there being no evidence against Shri Nityanandam, the allegations against him are not established.

A-35: Shri Rakesh Asthana, formerly IGP, Vadodara Range:-

Shri Rakesh Asthana has stated before the SIT that he remained on Central Deputation from 04-05-1992 to 31-01-1992 and was repatriated to Gujarat cadre with effect from 31-01-2002. He has further stated that he remained on leave for about two months and reported for duty in Gujarat on 04-04-2002 and was posted as DIG, CID (Crime & Railways) on 09-04-2002.

He has further stated that he took over the supervision of Godhra carnage case and was promoted as IGP on 25-04-2003 and posted as Spl. IGP, Vadodara Range, where he joined on 28-04-2003. He has also stated that since the trial of this case is going on and the matter is sub-judice, he would not like to comment upon the merits of the case and that as per the orders of the Hon'ble Supreme Court of India, the prosecution burden of Godhra carnage case is now with SIT.

As regards the allegation levelled by Smt. Jakia Nasim, Shri Asthana has denied the allegation that he was the Chief of Vadodara Range in 2002, when the mass arson took place and stated that he was posted as Spl. IGP, Vadodara Range. He has further stated that he did not file any affidavit before Nanavati-Shah Commission as he was not present in the State during the communal riots from February, 2002 onwards. He has also stated that he was not summoned by the Nanavati-Shah Commission, as he was not posted in

Gujarat at the time of riots. He has denied the other allegations and the same being vague, are therefore, not established.

A-36: Shri A.K. Sharma, formerly SP, Mehsana District:-

Shri A.K. Sharma has stated before the SIT that during the period 29-12-2001 to 26-03-2002, he remained posted as DCP, Rajkot City. He has further stated that pursuant to the Godhra carnage on 27-02-2002, the riots had erupted in Rajkot City on 28-02-2002, as a repercussion to the said incident. He has also stated that during the period 25-02-2002 to 01-03-2002, he was on medical leave and had been recalled from leave and as such reported from duty on 02-03-2002. He has further stated that four columns of Army were deployed during 1600 hrs to 2400 hrs in addition to curfew enforcement in city area. According to Shri Sharma, some stray incidents were reported in Rajkot area on 03-03-2002, but it was by and large peaceful and as such curfew was relaxed between 1000 hrs to 1500 hrs. He has also stated that 04-03-2002 & 05-03-2002, the city remained peaceful, but as a precautionary measure a curfew was continued between 0000 hrs to 0600 hrs, but completely lifted from 05-03-2002 at 0600 hrs. He has also stated to have conducted the peace committee meetings from 02-03-2002 to 05-03-2002 in the different parts of Rajkot city, in which Hindus and Muslims participated and they were persuaded to maintain the communal harmony. Thereafter, Rajkot City remained peaceful.

He has further stated that he was transferred to Mehsana and took charge on 27-03-2002. He has stated to have made police bandobast for the Holi festival to be celebrated on 29-03-2002. He has given the detailed account of the riots and arson incidents reported from Kadi town and other areas on 29-03-2002, 30-03-2002, 31-03-2002, 01-04-2002, 02-04-2002, 3-04-2002, 06-04-2002 & 21-04-2002. He has further stated that during 27-03-2002 to 29-05-2002, 80 rounds and 142 teargas cells were fired by the police and in all 4 persons (3 Muslims & 1 Hindu) died.

He has denied the allegations levelled by Smt. Jakia Nasim that ghastly mass carnage took place in Mehsana district during his tenure, inasmuch as only 4 deaths were reported. He has further denied that there was an utter collapse of constitutional governance inasmuch as the situation had been brought under control by adopting preventive measures. He has also denied the allegation that he did not depose before the commission inasmuch as he was examined and cross examined by the Commission on 30-12-2004, and had filed separate affidavits for his tenure in Rajkot City and Mehsana. In view

of the explanation given by Shri A.K. Sharma, the allegations levelled against him are not established.

A-37: Shri G.C. Murmu, Secretary (Law & Order), Home Department, Govt. of Gujarat:-

Shri G.C. Murmu has stated before the SIT that he had joined as Secretary (Law & Order) in Home Department and used to look after a small cell for complying with the directions and the requirements relating to the court cases, which was a part of his training abroad to facilitate the preparation of his dissertation. He has further stated that during the course of hearing some of the Govt. officials, who had filed affidavits were summoned for their deposition/cross examination. According to Shri Murmu, some of the Govt. officials summoned used to meet the Advocates concerned for briefing and he used to be present along with the Govt. records for their reference. He has admitted to have attended a conference with Shri R.B. Sreekumar and Shri Arvind Pandya, Govt. Advocate to the Nanavati-Shah Commission on 25-08-2004 in GNFC guest house, Paldi, Ahmedabad City along with the records. As per Shri Murmu, Shri R.B. Sreekumar was briefed by Shri Pandya about the modalities for his deposition. He has further stated that since Shri Pandya was not good at English and Shri R.B. Sreekumar was not very good at Gujarati communication problems arose and he intervened sometime to translate from Gujarati to English and vice versa. He has denied to have tutored Shri Sreekumar to follow a particular line. He has further denied his role in this conference or otherwise Shri Sreekumar must have complained against him to the higher authorities about the alleged tutoring. Shri Murmu has further stated that Shri Sreekumar never disclosed these facts before the Commission, when he appeared before the Commission on 31-08-2004. Shri Murmu has also pointed out that even in the second affidavit on 06-10-2004, he did not disclose that he had been pressurised/tutored to depose before the Commission in a particular manner. Shri Murmu has further stated that he came to know that Shri R.B. Sreekumar had clandestinely recorded the conversation held during the conference without his knowledge as well as without the knowledge of the Advocate, when Shri Sreekumar made a reference to the said conversation in his third affidavit filed before the Commission on 09-04-2005 and enclosed a transcript thereof. Shri Murmu has clarified that he had not been asked by anyone to brief Shri Sreekumar or any other witness appearing before the Commission. He has further stated that it was a general practice for the Govt. Advocates to brief them at their request so that they could appropriately depose/answer the questions in the cross examination. As per Shri Murmu, the conference had been arranged with the Advocate as Shri Sreekumar indicated his interest to meet the Advocate before his cross examination by the

Commission. Shri Murmu has alleged that the authenticity of the CD had not been established and there was every chance for Shri Sreekumar for tampering with the same as it remained in his (Shri Sreekumar) possession for a very long time. He has disputed the genuineness of the CD and has stated that the alleged transcript made out of this CD had also not been authenticated and therefore, he was not in a position to comment upon the same.

It may be mentioned here that initially both, Shri Murmu and Shri Pandya briefed Shri Sreekumar about the modalities for his examination and advised him about the do's and don'ts. Rest of the conversation is totally absurd, confusing and does not make any sense. However, Shri R.B. Sreekumar has taken his own views, drawn his own conclusions, filled in the gaps on assumptions and presumptions and has interpreted the things to support his version that he was pressured, threatened, given illegal directions, intimidated to avoid the revealing the truth to harm the Govt. interests and to conceal the facts from the Commission. Shri Sreekumar in his statement has given his own comments, observations, conclusions and has also appreciated his statement in his own manner, which shows that he is not a genuine witness and he wants to influence the Inquiry officer to believe him. Surprisingly, Shri Sreekumar did not reveal these facts before the Nanavati-Shah Commission of Inquiry, when he appeared on 31-07-2004, for his cross examination. Obviously, Shri R.B. Sreekumar had kept it secret and to be utilised as and when the need arose. He did not reveal these facts in his second affidavit filed on 06-10-2004. Shri R.B. Sreekumar was superseded in his promotion to the rank of DG on 23-02-2005, when his junior Shri K.R. Kaushik, an IPS officer of 1972 batch was promoted. It was only on 09-04-2005, that Shri R.B. Sreekumar filed his third affidavit before Nanavati-Shah Commission of his own, when he enclosed the transcript of the recordings of the conversations Shri G.C. Murmu and Shri Arvind Pandya. All these facts would go to show that Shri R.B. Sreekumar had anticipated these events and with a view to embarrass the Govt., he had recorded these conversations clandestinely and used the same when he was superseded in promotion. This would prove that actions on the part of Shri Sreekumar were motivated with a view to let down the Govt. after his supersession in promotion. In all the three affidavits filed on 06-10-2004, 09-04-2005 & 27-10-2005 before the Commission, Shri R.B. Sreekumar had made a request to be summoned before the Commission and remedial measures ordered as early as possible so that he was not harassed by the Govt. However, the Commission did not accede to his request.

In view of the aforesaid facts and evidence, the CD containing the conversations between Shri Sreekumar, Shri Murmu and Shri Arvind Pandya can not be relied upon and as such the allegation is not established.

A-38: Shri Shivanand Jha, formerly Addl. CP, Sector-I, Ahmedabad City:-

Shri Shivanand Jha was Additional Commissioner of Police, Sector-I, Ahmedabad during the period 25-09-1999 to 09-04-2002. Smt. Jakia Naseem, the complainant, had raised several issues and accused Shri Shivanand Jha of inaction. During his examination by SIT, Jha accounted for almost all that he did during the relevant period, viz., 27-02-2002 till 07-04-2002 with the help of documentary proof.

On 27-02-2002, Jha received the information relating to the burning of the railway coach near Godhra Railway Station at 0839 hrs and the message was passed on immediately to all Police Inspectors to remain present and alert. At 0911 hrs, he collected information about the location of each police officer. Again at 0951 hrs, he informed all the Assistant Commissioners of Police and Deputy Commissioners of Police to remain present and alert in the respective areas under their jurisdiction and to take all necessary action to maintain law and order. Later on, when he received information that the ill-fated Sabarmati Express was to arrive in Ahmedabad sometime late in the afternoon, instructions were passed on to the Dy.Ss.P and PI of Railway police at 1225 hrs to take necessary steps so as to avoid any untoward incident after the train had arrived at Ahmedabad Railway Station. Though the Railway station did not fall within his jurisdiction of Shri Shivanand Jha, this step was taken as a precautionary measure to avoid any untoward incident in the adjoining area of Kalupur, which was communally sensitive and any incident in that area would have had far reaching repercussion. At about 1230 hrs, again messages were flashed by him to all the Police stations to go for intensive patrolling, so that any untoward incident could be avoided. At about 12.45 hours another message was sent by Shri him that vehicles be requisitioned and then wireless sets be installed on all the requisitioned vehicles and that no vehicle should be plied without wireless sets. At about 13.00 hours PI Sola Police Station, IInd PI Satellite Police station and IInd PI of Haveli Police station were asked to report to DCP Zone-III and deputed to make necessary bandobast under the jurisdiction of Kalupur police station and PSI Sola Police station was asked to remain present at the police station. Again, at 1410 hrs., Jha informed the PIs of Kalupur, Karanj, Shahpur and Madhupura police stations to deploy adequate bandobast at sensitive points. He learnt that some of the persons of Vijay Mill area had received burn injuries in the Godhra carnage, and as such, PI Shaherkotda was alerted at 1430 hrs to maintain adequate bandobast in the

Vijay Mill area, Naroda Road to avoid any untoward incident. At about 1530 hrs a message was sent by Jha to DCP Zone-III and ACP 'E' Division to remain present at Ahmedabad Railway station for bandobast. Sabarmati Express arrived at Ahmedabad Railway station at 1645 hrs and Jha personally reached Ahmedabad Railway station at 1650 hrs along with his Striking Force for bandobast as per the entry available in Control Log. Shri Jha personally supervised the bandobast till all the Kar sevaks and the passengers, who had arrived by Sabarmati express left for their respective destinations. As a result of this alertness as well as the bandobast made by Shri Jha no untoward incident took place around Ahmedabad Railway station. However, the patrolling continued. At about 2205 hrs, a message was received from CP Ahmedabad for stand-to order w.e.f. 0700 hrs on 28-02-2002. In view of these instructions Shri R. S. Desai, IInd PI Shahpur Police station had been recalled from leave. In view of the bandh call given by the Vishwa Hindu Parishad and Bajrang Dal on 28-02-2002 instructions were given by Jha for intensive patrolling to prevent any communal riots. Jha has produced the photo copies of 33 wireless messages sent by him on 27-02-2002 and 28-02-2002 through the Control Room to the concerned Police officers to support his version. It may be mentioned here that the original wireless messages had not been made available to the SIT by the State government on the ground that they had since been destroyed. However, since the primary evidence is not available, the photo copies of the wireless message would be admissible as secondary evidence.

On the night intervening 27/28-02-2002 Shri Shivanand Jha remained present in his office and had attended meetings with CP Ahmedabad and Joint Commissioner of Police, Sector-I till past mid-night when the discussions were held in connection with the emerging situation. Jha's claimed location is corroborated by the call detail records of Government mobile phone No. 98250 48308, which showed his location at Shahibaug till 0117 hours on 28-02-2002.

Again, on 28.02.2002, Shri Jha attended office at about 0800 hrs. This fact is again supported from the location of his Mobile phone, which showed his location at Shahibaug at about 0839 hrs. The Control Log shows that he had received a message at 1030 hours that a mob had gathered in the Satellite area and had set fire to the Millennium Restaurant. Jha left immediately for Satellite area. On the way, he found that a mob had collected at Akbarnagar Circle, who had obstructed the road by burning tyres and had also deflated the tyres of some of the vehicles. Jha dispersed the mob and 3 Long range and Short range shells were fired and the mob was dispersed. PI Naranpura was directed by him to remain present at the spot so that the mob did not re-

assemble there. The complainant has raised an issue that Shri Jha did not arrest even a single person from the mob. In this connection Shri Jha has explained that he first got the obstacles cleared from the road and then ordered for the firing of tear gas shells, as a result of which the mob got dispersed. Moreover, it is not the duty of the Addl. CP to personally arrest someone. Since, the presence of Shri Jha was urgently required at Millennium Restaurant, which had been set on fire and a call had been received, it was sufficient for him to give directions to PI Naranpura to remain present over there so that the mob did not re-assemble. There is nothing strange and this is not an inexplicable action on the part of Shri Jha who has further stated that, when he proceeded ahead, he received information that some looting of shops was going on near Navrangpura Commerce College Char Rasta and diverted himself to this spot. On reaching the Commerce College Crossing, he found that a mob had assembled there and were engaged in arson/destruction. Immediately tear gas shells were fired under the orders of Shri Jha and the mob was dispersed. An offence in this regard was got registered by him vide FIR No. 142/02. After looking into these two incidents Shri Jha realized that there could be several similar mobs assembled all over his jurisdiction and as such he sent a message at 1130 hrs to all the Police officers in his jurisdiction that under no circumstances the mob should be allowed to assemble and that tear gas shelling should be resorted to as per the requirement of the situation. Shri Jha, thereafter, proceeded to Satellite Police station area. On the way, he found that another mob had assembled near Sankatmochan temple which had set fire to Bhagyoday restaurant and Kabeer Restaurant, he ordered for firing of tear gas shell and the crowd dispersed. A case vide FIR No. 104/2002 was registered under his orders. Thereafter, he reached Judges Bungalow Chowkey and found that a mob had collected there and had set fire to the Millennium Restaurant. Jha ordered firing of 15 electric shells from his Vajra vehicle (armoured bullet-proof lorry) and 7 short range shells on the rising mob and an offence in this regard was got registered by Shri Jha vide FIR No. 102/2002. He again found that the mob was indulging in a looting spree in the adjoining shops, and as such again ordered firing of tear gas shells. Subsequently another FIR was got registered by Shri Jha in Satellite Police station vide FIR No. 106/2002. Thereafter on receipt of an information about the assembling of a mob near Municipal Market, CG Road, Navrangpura, he immediately rushed to the spot and under his orders tear gas shells were fired and the mob dispersed. Later a case was got registered by Shri Jha in Navrangpura Police station vide FIR No. 138/2002. When Shri Jha went ahead, he found the mob indulging in looting and setting fire to the shops near Bodyline Char Rasta on CG Road and again ordered firing of tear gas shells,

as a result of which the mob was dispersed. Another FIR No. 135/2002 was registered in Navrangpura Police station in respect of this incident.

Thereafter Shri Jha received a call over his Mobile phone that a huge mob had gathered at Shahpur Char Rasta and Shahpur Bahai Centre and was indulging in stone pelting, throwing of petrol bottles and gas bottles. He again reached the spot and ordered firing of electric shells and SR shells from his Vajra vehicle. A case in this regard was registered vide CR No.35/2002 in Shahpur Police station. When Shri Jha went a little ahead, he found another mob comprising Hindus and Muslims armed with deadly weapons indulging in looting spree and he again ordered the firing of tear gas shells after due warning. The mob was dispersed and a case No.39/2002 got registered in Shahpur police station under the orders of Shri Jha. He still went ahead and found a Muslim-Hindu mob standing opposite to each other indulging in stone pelting and arson. Again tear gas shells were fired under the instructions of Shri Jha and case vided FIR No.40/2002 was registered in Shahpur Police station under his instructions. On receipt of another information that a mob of Muslims and Hindus had gathered at Hajipura garden outside Delhi Gate and was damaging the vehicles, Jha immediately reached the spot and ordered the firing of tear gas shells as a result of which the mob was dispersed and no further loss was caused to the public property. An offence in this regard was registered vide FIR No.60/2002 at Madhupura Police station.

- Keeping in view the situation and the communal tension in the areas of some of the Police stations of Sector-I curfew was imposed by the CP. In the areas of Shahpur, Karanj, Kalupur, Shaherkotda and Madhupura Police stations at 12.20 hours. Subsequently, the area under Navrangpura police station was put under curfew at 1415 hrs. Curfew was also imposed in the areas under Khadia and Vejalpur police station at 1615 hrs and the same was also got enforced by Shri Jha. In the evening the areas under Sabarmati Police station were also brought under curfew at about 1800 hrs. The complainant has come up with the grievance that Shri Jha did not impose the curfew though he had de-facto powers to impose the curfew. Jha has clarified that the powers to impose curfew were only with CP and DM and that the Additional CP had no such power. However, the curfew ordered at 1220 hrs was strictly got enforced by him. In his statement before SIT, Shri Jha has given a long list of areas of different police stations along with the dates and timings in which the curfew was imposed/relaxed from time to time.

The call detail records of Jha's Mobile phone show that he remained active patrolling his areas till about 1910 hrs on 28-02-2010. Thereafter, he remained present in his office till about past midnight.

Shri Jha has given date and time-wise account of the work done by him on 01-03-2002, 02-03-2002, 03-03-2002, 04-03-2002, 05-03-2002, 06-03-2002, 07-03-2002, 15-03-2002, 17-03-2002, 21-03-2002, 23-03-2002, 24-03-2002, 25-03-2002, 26-03-2002, 27-03-2002, 29-03-2002, 31-03-2002, 01-04-2002, 02-04-2002, 03-04-2002, 04-04-2002 and 05-04-2002 and the same has been incorporated in his statement recorded by SIT.

During the period 27-02-2002 to 07-04-2002, 312 communal offences were registered in Sector-I under the charge of Shri Jha and 971 persons (805 Hindus and 166 Muslims) were arrested. In all, 13 persons (8 Hindus and 5 Muslims) were killed in police firing. Shri Jha has also stated that total number of 52 deaths took place during the riots under his jurisdiction which included 21 Hindus, 29 Muslims, one Police man and one unknown person. It may be mentioned here that during the same period in Sector-II, 169 persons (16 Hindus and 153 Muslims) died during the riots on account of burning, stabbing, police firing as well as private firing. A comparison of deaths taken place in both the Sectors would clearly show that the number of deaths that took place in Sector I were less than one-third of the deaths that took place in Sector-II. This would go to show the amount of interest taken by the Sector Commanders in each Sector and also the work done by Shri Jha.

According to Shri Jha, on 05-04-2002, two stabbing incidents were reported at Patwashi under Karanj police station and a FIR No.70/2002 was registered in Karanj Police station. Instructions were issued by him to the concerned police officers present on the spot to arrest the accused. In compliance to the instructions given by Shri Jha, 76 Muslims had been brought for questioning but were later shifted to Sabarmati police station on account of security reasons. Shri Jha has further stated that at that time, a huge Hindu mob had gathered outside Sabarmati police station and indulged in stone pelting, due to which some policemen were injured. He has also stated that the Hindus were demanding that 76 Muslims brought from Karanj police station for questioning should be handed over to them so that justice could be done. Under the instructions of Shri Jha, tear gas shells were fired at the mob to disperse them and ultimately one 303 round was fired and one Hindu was killed. A separate case of rioting was registered vide FIR No.60/2002 in Sabarmati police station and 42 Hindus arrested. Ultimately, all the 76 Muslims brought to Sabarmati police station for interrogation were safely shifted to Gaekwad Haveli Police station. After interrogation, 12 persons were arrested in connection with the stabbing case of Karanj police station, six persons arrested under the preventive sections of Cr.PC and remaining 58 were let off after questioning and safely sent to their places. Consequently, curfew was imposed

in the area of Jawaharnagar Police chowkey under Sabarmati police station and patrolling continued throughout the night.

Shri Jha has further stated that on 07-04-2002, Ms. Medha Patkar arrived in Gandhi Ashram, Sabarmati and had called all the NGOs for a meeting through an e-mail sent to them. On that day, about 600- 700 BJP activists had assembled outside Gandhi Ashram to protest against her movement. These BJP activists had beaten up and assaulted Ms. Medha Patkar. Shri Jha has further stated that he had deputed Shri V. M. Pargi, the then DCP, Zone-I to control the situation. However, in the meanwhile the Press persons arrived on the spot. In order to control the situation, SCP Pargi ordered lathi charge, in which some BJP activists and Press persons were badly hurt. Having come to know that the situation had taken an ugly turn, Jha reached the spot immediately and shifted the injured to the hospital. The BJP activists lodged a protest with the Government against Shri Jha as well as Shri Pargi and eventually both of them were transferred and relieved on 09-04-2002. It may be mentioned here that in a book titled as "Crime Against Humanity" Volume-II containing the findings and recommendations of the Concerned Citizens Tribunal (of which Smt. Teesta Setalwad is the Secretary), who had conducted an inquiry into the carnage in Gujarat, it has been mentioned:

"After the carnage, several police officers suffered for their upright behaviour in controlling violence and preventing further loss of life. From the evidence placed before the Tribunal these are.....Shri Shivanand Jha and Shri V.M. Pargi, Addl.CP and DCP of Ahmedabad. They were transferred on April 8 and appointed as DIG, Armed Units, Rajkot and Commandant of SRP Gr. VIII, Gondal respectively. Shri Pargi was the officer who beat up the journalists at the Gandhi Ashram on April 8, while Shri Jha admonished him and tried to do his duty".

Shri Jha has also stated that during 28-02-2002 to 07-04-2002, 312 communal offences were registered in the jurisdiction of Sector-I. Shri Jha was present at the spot and in 17 FIRs his name figured, indicating thereby that he was present at the spot at the time of incident.

Shri Shivanand Jha had also ordered the preventive arrests, immediate arrest of the accused persons in the incidents reported to the police, checking of the vehicles and to put police points at required places to avoid the stabbing incidents. As a result of these instructions, 326 persons were arrested u/s 107/145 Cr.PC, 16 persons arrested u/s 110 Cr.PC, 4 persons arrested u/s 142 of Bombay Police Act, 25 detained under PASA, 54 arrested u/s 135 (1) Bombay Police Act and 131 persons detained for the violation of curfew u/s 188 IPC.

Shri Jha has furnished a copy of 145 letters containing the written instructions issued by him in 270 cases to the concerned Police Inspectors with copies to the concerned ACsP and DCsP. It was impressed upon the concerned PIs that the investigation should be conducted on a priority basis and the concerned accused persons arrested. The Police Inspectors were further instructed to investigate the role played by the co-accused persons and the background of the accused persons ascertained. The Police Inspectors were also instructed to recover the case property looted by the accused persons present in the mob. All the Police Inspectors were instructed to get hold of the photographs taken by the Press with a view to identify the accused persons involved in the riots. It was also emphasized by Shri Jha that wherever the religious places of either communities have been damaged and denied the possibility of including section of 295 IPC should be considered and that Section 153 should also be applied wherever necessary. The Police Inspectors were also instructed to take the assistance of Finger Print experts of Forensic Science Laboratory wherever necessary. The instructions given to the Police Inspectors also stated that the assistance of those Police Sub-Inspectors who had been posted to a Police Chowkey for a long time may be taken to identify the accused persons in riot cases. The instructions also contained the facts that the accused persons arrested in the riot cases be taken on police remand and interrogated. Further instructions were given for the recovery of the weapon of the offence involved in the cases of assault and murder. The concerned Assistant Commissioners of Police and Deputy Commissioners of Police were instructed by Shri Jha to closely supervise the investigation of riot cases. The Police Inspectors were also instructed by Shri Jha to monitor the investigation by going through the case diaries and give suitable guidance for further investigation. The instructions issued by Shri Jha also stated that wherever necessary the identification of the accused persons may be got done from the complainants by conducting a T1 parade. This would go to show that Shri Jha kept a close supervision of the riot cases and gave instructions to the Investigating Officers from time to time. The very fact that Shri Jha had issued 145 memos to the Police Inspectors and Investigating Officers in 270 riot cases within a period of about 30 days starting from 04.03.2002 would reflect his judicious outlook and the amount of interest taken by him in the supervision of riot cases. Not only this, he had given some useful points for further investigation also.

During the course of enquiry, 24 Muslims belonging to different areas of Sector-I and 4 Hindus residing in the same jurisdiction have been examined by the SIT. Shri Shakeer Allarkha Mansuri has stated before the SIT that he was detained at Karanj police station in connection with a stabbing incident and

subsequently shifted to Sabarmati police station, which was surrounded by a Hindu mob of 10-15 thousand, who started pelting stones on the police station. According to Shri Mansuri, Jha reached the spot and ordered firing of tear gas shells and lathi charge but the mob could not be controlled and ultimately he had ordered firing, due to which the situation could be controlled. Shri Mansuri had also stated that Shri Shivanand Jha did his duty sincerely and impartially and did not discriminate between the Hindus and Muslims. He has also stated that had Jha not arrived there in time, none of them would have been alive today. His version has been corroborated by one Shri Mukhtar Ahmed Ishaqbhai Sheikh, who had also been detained amongst the 76 persons in Sabarmati police station. Mukhtar Ahmed had appeared before Nanavati Commission on 29-07-2003 and had made an identical statement.

Mohmadkasim Shabeerhussein Sheikh has stated before the SIT that one of his close relations, namely, Jameel Ahmed Mahmudhussein Sheikh had been detained at Sabarmati police station on 05-04-2002, which was surrounded by a Hindu mob of 10 thousand and that he had telephoned Shri Shivanand Jha, Addl. CP Sector-I and informed him about it. He has further stated that after Shri Jameel Ahmed was released and reached home, the latter had informed him that Shri Shivanand Jha reached the spot, used force and dispersed the mob. According to S Mohmad Kasim, his relation Jameel Ahmed told him that he was alive only due to the timely action taken by Jha, otherwise they would have been killed by the Hindu mob.

Smt. Jinnatibi Ahmedbhai Sheikh has stated that on 28-02-2002, a Hindu mob of 5-10 thousand had assembled near Shahpur Char Rasta police chowkey and they had pelted stones and threw acid bottles on their houses. In view of this situation they had taken shelter in a Masjid where another 80 families had already taken shelter. She has further stated that they tried to contact the police officers but there was no response and ultimately her son Mushtaq residing in Shahpur Bahai Centre telephoned Shri Shivanand Jha in response to which several police officers came and shifted all the families in police vehicles to a relief camp namely Urdu Laali School without caring for the Hindu mob. Smt. Jinnatibi has also stated that the police officers informed them that they had been sent by Shri Shivanand Jha, Addl. CP. According to Jinnatibi, their lives could be saved only because of Shri Shivanand Jha. It may be mentioned here that she had appeared before Nanavati Commission on 22-07-2003 and had made an identical statement.

Shri Mohammad Hussein Janmahammad Memon, a businessman residing in Dalgarwad area under Karanj police station, who had appeared before Nanavati Commission for his deposition on 29.03.2003 has stated

before the SIT that in a stabbing incident of Karanj police station 76 Muslims were detained by the police for interrogation and later shifted to Sabarmati police station, which was surrounded by a mob of 7 - 8 thousand Hindus. According to Shri Mohammadhussein, he tried to contact local police officers but failed and as such telephoned Shri Shivanand Jha, the then Additional CP Sector-I directly. Shri Shivanand Jha had informed Shri Mohammadhussein that he was present at the spot and had tried to disperse the mob in which one person was killed. Shri Mohammadhussein has stated that Shri Jha was a 'farishta' for them as he had saved 76 lives. The version of Shri Mohammadhussein was corroborated by nine others namely (1) Rafiqbhai Shaikh (2) Babubhai Sabuwala (3) Farooqbhai Shaikh (4) Irshadali Saiyed (5) Jaffarbhai Shaikh (6) Saiyedahmed Rajbhai (7) Ayazbhai Jafiwala (8) G. P. Chaywala and (9) Desai Abdulrehman Ibrahimbhai before Nanavati Commission by confirming the said deposition of Shri Mohammadhussein. All of them have confirmed their earlier versions given to the Commission before the SIT. Shri Rafiq Habeeb Memon has stated before the SIT that Shri Shivanand Jha, Addl. CP Sector-I along with the PIs of Shaherkotda police station were constantly patrolling the areas under Shaherkotda police station as a result of which major incidents were averted and not affected Muslims were shifted to safer places. He has also stated that it was because of the efforts made by Shri Shivanand Jha and his PIs that the children could appear in the Board examinations held in March 2002. It may be mentioned here that Shri Rafiq Habeeb Memon had appeared before Nanavati Commission on 31.07.2003 and made an identical statement, which was confirmed by five persons namely (1) Jashwantsing Visaji Thakore (2) Anwarbhai Allaudin Sheikh (3) Masraji Kanaji Thakore (4) Shakil Bashirbhai Sheikh and (5) Saddikbhai Sattarbhai Ansari.

Shri Rafiq Noorbhai Nagriwala has stated before the SIT that on 07-03-2002 a stabbing incident of two Muslims had taken place near Chetana Hotel, Kalapur, Ahmedabad as a result of which Muslim mob had assembled there and the situation became tense. Shri Nagriwala has further stated that anticipating trouble he telephoned Shri Shivanand Jha, who reached the spot immediately and gave assurance to the Muslim mob that accused persons will be arrested soon, as a result of which major incident could be averted. He has also narrated an incident in which 16 family members of his relative Shri Mushtaq Ahmed Bapu, who were surrounded by a mob near outside Shahpur Darwaja were saved by Shri Shivanand Jha and shifted to safer place.

Shri Gulamahmed Gulamali Sheikh has stated before the SIT that on 01.03.2002 that a Hindu mob had assembled near Zafar flats situated near his

house and were about to set fire to these duplex flats. He has further stated that around the same time Shri Shivanand Jha happened to pass that road. The Muslims residing in Zalak flat reported this matter to Shri Jha and requested for protection. Shri Shivanand Jha immediately called for the police force and gave protection to them as a result of which an untoward incident could be averted. He had submitted an affidavit on 15-10-2004 before the Nanavati Commission of Inquiry in this regard.

Shri Bharatbhai Bhagwandas Makwana r/o Pragati Chowk, Raikhad has stated before the SIT that there was a communal tension between Hindus and Muslims after the Godhra incident and that there had been loss of property of Hindu community on account of stone pelting and throwing of acid bottles by Muslims. He has stated to have brought it to the notice of Shri Shivanand Jha during patrolling and Shri Jha had deputed his subordinate police officers for intensive patrolling as a result of which there was no loss of life and property thereafter and there was no major untoward incident. Shri Bharatbhai had appeared before the Nanavati Commission on 01-08-2003 and had given identical deposition. His version has been corroborated by Shri Susheer @ Sushil Dahyabhai Patni before SIT. He had also appeared before the Nanavati Commission and had confirmed the version of Shri Bharat Bhagvanbhai Makwana on 01-08-2003.

One Shri Mohammad Shabbir Ahmad Siddiqui, Imam & Khatib, Shahi Jame Masjid, Ahmedabad had written a letter of thanks to Shri Shivanand Jha, in which he has narrated the various incidents during the riots regarding the help extended by the latter. He had narrated an incident of 28-02-2002 at 1400 hrs when the residence of Faizmohammad society, Pakdi, Ahmedabad had called him to save their lives from the mobs armed with dangerous weapons, to which he had called Shri Jha, who provided them with the police help and a permanent police point for their safety and that this act had been appreciated by the members of the said society. He had further narrated another incident of 15-03-2002, when the historical Jumma masjid at Khadia char rasta had been surrounded by the people of other community and that he had called Shri Jha, who came immediately and established peace in the whole area. He had also narrated the incident of Sabarmati P.S., when Shri Jha saved the lives of 80 innocent persons. Two more incidents of Jamalpur, Lati bazaar, where the mob had come to set fire and Shri Jha came with the fire brigade and stopped the fire and the other one of Khanpur, Bhilwas, where Shri Jha had saved the lives of several people, when mobs had set fire to their houses and robbed their property had also been described. Shri Mohammad Shabbir Ahmad Siddiqui was called to SIT office, but he could not appear as he was going to Mecca,

Saudi Arabia for Haj pilgrimage. However, he has sent a letter to SIT confirming the contents of his letter dated 17-03-2002 sent to Shri Shivanand Jha, the then Addl. CP, Sector-I, Ahmedabad City.

Several other Muslims during their examination by SIT commended the role played by the police officers of Sector-I under the leadership of Shri Shivanand Jha.

After Shri Shivanand Jha was transferred on 09-04-2002 as DIG, Arms Unit, Rajkot, some media reports had appeared in the leading newspapers of the country. In the Hindustan Times of 09-04-2002 an article appeared with the caption "Transferred Gujarat Cop a scapegoat?". The article in nut shell says that Jha paid the prize for firing on the majority community that had gheraoed Sabarmati P.S. on Friday night i.e. 05-04-2002 and demanded some members of minority community be handed over to them and three people were killed in the firing. Similarly, another article had appeared in the Indian Express of 09-04-2002 with the caption "Jha was already in BJP's line of fire", which briefly says that the transfer of Senior IPS officer Shri Jha was a long awaited move that got spirit up with the attack on journalist and that BJP had to do a lot of explaining to its NDA partner as many local BJP leaders had scores to settle specially with Shri Jha. Both these news items go to show that Shri Jha had acted in an impartial, lawful and justified manner and did not side with any of the communities during the riots. During the course of his examination, Shri Jha has handed over a CD, in which his transfer was discussed amongst the prominent citizens including Shri Himmatsinh Patel, the then Mayor, Ahmedabad city and senior retired police officers. The outcome of this discussion was that transfers like that of Shri Shivanand Jha, who had done good and hard work during the riots were demoralising police officers.

It may be mentioned here that in a book in a book entitled - "Communal Rage in Secular India" authored by Shri Rafiq Zakaria, the role of Shri Shivanand Jha has been described as under:

"Namita Bhandare, a noted novelist, wrote in Hindustan Times, that police officers who had done their jobs honestly were transferred, while the incompetent ones were posted in their places; these officers were more interested in pleasing their masters than ensuring peace and normalcy. She cited the case of Shivanand Jha, Joint Commissioner of Police, who had fired at a mob in Sabarmati because it was demanding that some Muslim boys whom the officer had arrested be handed over to the mob. He refused. The mob reacted angrily; the officer had to open fire. One Hindu was killed. Two days later, Jha was at Sabarmati Ashram, where another mob was demanding that the well-known social rebel, Medha Patkar be evicted from a peace meeting; he resisted the demand. In the melee that followed, some

correspondents and press photographers were burnt (hurt). Shivanand Jha was blamed. A. P. Parghi, the DCP, who had assisted Jha, had to resort to lathi charge to bring the mob under control. The next day Parghi was also transferred. Why? Asked Mrs. Bhandare. They said "justice", but it was because the Hindu mob complained to the authorities against him."

Smt. Jakia Naseem has alleged in her complaint that Shri Jha did not follow the instructions laid down in Gujarat Police Manual and K.V. Joseph's instructions on how to control the communal riots, to which Shri Shivanand Jha has explained that instructions laid down in rules 58 to 60 of Chapter-2 of Gujarat Police Manual, Volume-III relating to maintenance of order has been strictly complied with and the same shall over write any other instructions issued through circular. It has further been alleged that Shri Jha did not invoke his de-facto powers to impose the curfew in his jurisdiction, to which Shri Jha has replied that he did not have any such de-facto powers to impose the curfew. Smt. Jakia Naseem has further alleged that several commercial show rooms in the jurisdiction of Sector-I and hotels like Tulsi, Millennium, Abhilasha, Topaz, City Corner, Moti-Manor, Kabir, Decent & Tasty etc. belonging to minority community were looted, burnt and destroyed, but Shri Jha did not impose curfew. In this connection, Shri Jha has given the details of the curfews imposed by him in the different areas under his jurisdiction. He has stated to have personally visited Millennium, City Corner, Tasty and restaurants in his jurisdiction as well as the other properties situated in Navarangpura, Satellite and Ellisbridge P.S. and dispersed the mobs, but hotel Moti-Manor did not come under his jurisdiction. Shri Jha has further explained that, being the seniormost officer present at the spot, he was vested with the full discretionary powers to assess the situation and then order for firing so that the minimum force could be used to control the situation. Shri Jha has given the details of the firings ordered by him and has stated that he utilized his discretion to assess the amount of force to be used on the spot in a particular situation to disperse the mob. Regarding the issue raised by Smt. Jakia Naseem that he did not do the preventive arrests of the communal elements in his jurisdiction against the persons who enforced bandh and mob on 28-02-2002. Shri Jha has clarified that preventive action was taken against 7 antisocial elements in his jurisdiction and that CP, Ahmedabad City had issued a notification on 13-02-2002, u/s 37 (3) of Bombay Police Act for the period 17-02-2002 to 28-02-2002. As regards the reply given by Shri Jha, during his cross examination before the Commission that the police could not prevent the mob from setting the property in fire, Shri Jha has elaborated that in Ahmedabad City, there was an acute shortage in the police force and with the limited resources available they had to control the riots and therefore, it was considered essential to save

the lives first and then concentrate on protecting the properties, but the magnitude of the riots was so large that it was not possible to protect each and every property. As regards not getting the mobs videographed, Shri Jha has stated that there was only one videographer in Crime Branch and that no private video grapher could be arranged during the bandh day on 28-02-2002. About the question raised by Smt. Jakia Naseem that the police did not contact any VHP leaders on 27-02-2002 and persuade them to maintain peace. Shri Jha has stated that it was a job of the Special Branch to keep in touch with the various parties/organizations of Ahmedabad city and that he was not aware as to whether any such meetings were conducted or not. Regarding the steps taken by Shri Jha to protect the Mosque and shrine, Shri Jha has stated that general instructions were given to the PIs concerned to put points at communally sensitive places, but it was the discretion of the PI concerned to put point on a particular spot, keeping in view the past history and sensitivity of a particular place. According to Shri Jha, as and when it came to his notice, he had instructed to post police pickets at religious place. Shri Jha has also produced a copy of the wireless message to PI Ellisbridge to put a point on Masjid near Saify Society under Ellisbridge P.S. Further, with reference to the allegation leveled by Smt. Jakia Nasim that Sec. 144 Cr. PC was not imposed on 27-02-2002, Shri Jha has replied that the CP, Ahmedabad City had issued a notification imposing restrictions on the assembly of five or more persons from 17-02-2002 to 28-02-2002, which is identical to the provision of Sec. 144 Cr. PC. About the reasons for the shifting of 76 persons belonging to Muslim community to Sabarmati P.S. in a stabbing case of Patwasher under Karanj P.S., Ahmedabad, Shri Jha has clarified that after the stabbing incident, he had visited karanj P.S., which was to go from 1800 hrs under curfew and had instructed to round up the suspects and interrogate them in Sabarmati P.S. or otherwise a curfew would be disturbed, after 6 pm in the evening as there was a tendency in this area from women and families to assemble in the police station and disturb the interrogation. According to Shri Jha for these reasons, the suspects were taken to Sabarmati P.S. and interrogated. During that period, a Hindu mob had gathered outside and he had resorted to firing to disperse the same. In view of this situation, all the 76 persons were subsequently escorted to Karanj P.S. It may thus be seen that all precautions were taken to safeguard lives of 76 Muslims and no innocent person was falsely implicated.

Regarding the allegation relating to not filing a second affidavit as per the directions of the DGP under the amended terms and conditions of Nanavati-Shah Commission of Inquiry, Shri Jha has stated that he did not file a second affidavit as no such material was available with him. He has denied any

instructions from any of the senior officers for inaction and to allow the Hindus to give vent to their anger. Shri Jha has explained the various calls received/made from his mobile phone. As regards the call received from Dr. Mayaben Kodnani, MLA at 1655 hrs on 28-02-2002, Shri Jha has stated that as far as he recollected, she had asked him about the situation in his area. According to Shri Jha, Dr. Mayaben Kodnani was known to him since 1997, as she had worked as Deputy Municipal Commissioner (General), Ahmedabad in the Municipal Corporation. Shri Jha has also stated that on a riot day one was not much concerned, who called him or the number through, which the call had been made and as such he was not in a position to identify the same.

Enquiries conducted by SIT have established that Shri Shivanand Jha remained in the office till late in the night intervening 27/28-02-2002. This fact is supported from the mobile phone location of Shri Jha, Shri Tandon, and Shri Pande. Further, Shri Jha attended office on 28-02-2002 around 0830 hrs. It has further been established from the Control Room log as well as from the copies of the wireless messages that he had given instructions to the DCSP, ACSP and PIs in detail to make bandobast to deal with any situation. He has given his movements in detail, which are supported by the FIRs registered in the respective police stations. He has also given the details of the curfew imposed in areas of different police stations in his jurisdiction. The call details of his mobile phone clearly show that he had been moving about in the city area and thereafter remained present in the office till past midnight on 28-02-2002. Further, the registration of 312 communal offences during 27-02-2002 to 07-04-2002 would itself show that all the offences, which had occurred, were honestly registered. The number of arrested persons i.e. 971, which comprised of 805 of Hindus and 166 Muslims, would further reflect that there was no discrimination between the two communities. Again, the number of deaths due to police firing was 13, which included 8 Hindus and 5 Muslims, would go to show the impartiality of the police. The total number of deaths that took place in Sector-I during the riots were 52, which included 21 Hindus, 29 Muslims, 1 policeman and an unknown person during the period of 39 days i.e. 28-02-2002 to 07-04-2002 when Shri Jha was transferred, which are almost negligible as compare to the Sector-II, Ahmedabad city, where 169 persons died. It would not be out of place to mention here that during a period of 30 days i.e. 04-03-2002 to 04-04-2002, Jha had issued 145 memos in 270 cases to the concerned PIs to investigate riot cases on top priority basis without any fear or favour. Not only this, Shri Jha had also given some useful instructions for the investigation of these cases. The incident that took place at Sabarnati P.S. on 05-04-2002, resulted in saving the life of 76 Muslims and the death of one Hindu due to police firing shows the independence and professional soundness

of Shri Jha, Again on 07-04-2002, when Shri V.M. Pargi, the then DCP, Zone-I beat up the BJP workers and journalists to save Ms. Medha Patkar in Gandhi Aashram, Sabarmati, it was, Shri Jha, who reached the spot and control the situation. In all, 51 FIRs were registered in the instance of Shri Jha, as he was present on the spot. However, his name figures in 17 FIRs also. The preventive arrests made by Shri Jha are also quite considerable and it can not be said that he did not take any preventive action.

During the course of enquiries by SIT, 28 persons, i.e. 24 Muslims and 4 Hindus were examined, and all of them had a word of praise for Shri Jha. Some of them had filed the affidavits in 2002-03 and even appeared before the Commission and deposed in his favour. This is a matter of record. The transfer of Shri Jha from Sector-I, Ahmedabad was adversely commented upon by the press, who had clearly stated that the transfer was for political reasons. The role played by Shri Jha during the riots had even been appreciated by Ms. Teesta Setalwad in her book entitled as "Crime Against Humanity" and also by Smt. Jakia Nasim, in her complaint, which is under inquiry. Late Rafiq Zakharia in his book entitled as "Communal Rage in Secular India" praised Jha and quoted from an article written by Smt. Namita Bhandare a noted novelist in the Hindustan Times.

The issues raised by Smt. Jakia Nasim in her complaint and the accusations made against Shri Jha have been satisfactorily explained by him. He has even explained the call details of his mobile phone. Jha has also stated that Dr. Maya Kodnani, who was known to him since 1997, had made a call on his mobile phone at 1655 hrs on 28-02-2002, to enquire about the situation in Sector-I under his jurisdiction.

In view of the aforesaid facts and discussion, it can be inferred that the allegations made against Shri Jha are without any basis and not established.

A-39: Shri D.H. Brahmhatt, formerly Collector, Panchmahals District:-

Shri D.H. Brahmhatt formerly Collector & District Magistrate, Panchmahals District has stated before the SIT that he remained posted as Collector, Godhra with effect from 11-12-2003 to March, 2007. He has further stated that some graves relating to Cr. No. 11/2002 of Khanpur P.S. registered on 01-03-2002, under Lunawada division were dug up on 27-12-2005, and the mortal remains of the deceased persons taken by the CBI officers to CDFD, Hyderabad for matching and conducting DNA tests under the orders of Gujarat High Court. He has further stated that he was not posted as Collector, Panchmahals District, when the offence took place and had given all cooperation to the CBI officers as per the orders of the Gujarat High Court. He

has denied the allegations levelled by Smt. Jakia Nasim and stated that the allegations are vague, false and without any basis.

Keeping in view the explanation given by Shri D.H. Brahmbhatt that he was not posted as Collector, Panchmahals at the time when the offence took place and that he had given all cooperation to the CBI officers in digging of graves and sending the mortal remains for DNA tests as per the orders of Gujarat High Court, the allegations are not established.

A-40: Shri Deepak Swaroop, formerly Spl. IGP, Vadodara Range:-

Shri Deepak Swaroop has stated before the SIT that he remained posted as IGP, Vadodara Range during the period 2001 to April 2003. Vadodara Range consists of Vadodara Rural, Godhra, Dahod and Narmada Districts. Shri Deepak Swaroop has further stated that on the night intervening 2/3-03-2002 following large scale violence and arson, three convoys led by SP, Dahod, Dy.S.P. Limkheda and PI, LCB comprising of 6,5, and 2 vehicles respectively were formed and 2000 were shifted to Dungarwada in Banswada District of Rajasthan State. Further, on the same night following large scale attack on Fatehpura P.S. in Dahod District, where 1500 Muslims had taken shelter during the last two days, they were shifted in a convoy led by Dy.S.P. Limkheda to Muslim dominated areas of Galiyakot and Salopad in Banswada District of Rajasthan. Also, on the same night 20 Hindus were shifted from Randikpur in Dahod District to Limkheda. Shri Deepak Swaroop has further stated that his mobile no. 9825049187 had become very well known amongst the general public and he had received calls from Calcutta, Jaipur, Mumbai in addition to Dahod, Godhra, Devgadhi Baria, Chota Udaipur etc. which were responded to promptly. Shri Deepak Swaroop has narrated an incident of prolonged police encounter with the tribals at Orson River Bridge, the only entry point to Bodeli town, in which two Hindu tribals were shot dead and Bodeli town could be saved. Shri Deepak Swaroop has denied any inaction or involvement of any policeman in the range during the riots in which 13 Hindus and 10 Muslims were killed in the effective police firing. Subsequently, he was transferred from Spl. IGP, Vadodara Range in April, 2003 and posted as IGP (Int.). Further, on his promotion, he remained posted as Addl. DG (Law & Order) till February, 2005, when he was posted as Commissioner of Police, Baroda City.

As regards the allegations levelled by Smt. Jakia Nasim that Shri Deepak Swaroop did not depose before the Naniavati-Shah Commission, Shri Swaroop clarified that he was summoned by the Commission and deposed on 22-10-2005 and 29-10-2005 and has produced a copy of his deposition. Shri

Deepak Swaroop has denied that he was responsible for further subversion of evidence during the Best Bakery retrial and has stated that there had not been any adverse comments against him by any of the Courts. Shri Deepak Swaroop has also stated that the learned judge Shri Abhay Thipsay had adversely commented upon the inquiry conducted by Shri K. Kumaraswamy, the then Jt. CP, Baroda City in September/Oct., 2003, when he (Shri Swaroop) was not posted as Commissioner of Police, Baroda City.

In the light of the aforesaid facts and discussions the allegations against Shri Deepak Swaroop are not established.

A-41: Shri S.K. Sinha, formerly Commissioner of Police, Baroda City.

Shri S.K. Sinha has stated before the SIT that the allegation is absolutely false, absurd and without any basis. He has further stated that Ms. Zahira Sheikh was under the protection and custodianship of Ms. Teesta Setalvad and that her whereabouts had been kept secret for security reasons, as is clear from her letters dated 12-11-2003, 03-09-2004, 14-09-2004 & 20-10-2004. He has also stated that on 03-11-2004, a telephone call had been received by him at about 1215 hrs from Shri Unwala, Advocate of Ms. Zahira Sheikh that his client was going to address a press conference at Surya Palace hotel at 1300 hrs and that the police protection should be given to her. Shri Unwala wanted him to send the police force at the hotel opposite to the airport, where they were staying. Shri Sinha has stated to have given instructions to the concerned PI to provide the police protection, as ordered by the Hon'ble Supreme Court of India. A similar request had been received by Shri Sinha from Collector, Baroda City, to which he had informed that the police protection had already been ordered to be given to Ms. Zahira Sheikh and her family members. According to Shri Sinha, Ms. Zahira Sheikh held a press conference on the same day at about 1345 hrs, which lasted for about half an hour. Shri S.K. Sinha has handed over a copy of affidavit filed by him before the Hon'ble Supreme Court of India to this effect. -

It may thus be seen that Shri Sinha was not instrumental in forcing/persuading turning Ms. Zahira Sheikh hostile in Best Bakery case. In view of the aforesaid position, the allegation that Shri Sinha was given the most rewarding post of Commissioner of Police, Surat City in lieu of his services rendered by him in turning Zahira Sheikh hostile is not established.

A-42: Shri K. Kumaraswamy, formerly Joint CP, Baroda City, Gujarat:-

Enquiries conducted by the SIT revealed that Shri K. Kumaraswamy remained posted as Jt. CP, Baroda City from August, 2003 to June, 2005. Shri

Kumaraswamy has further stated It was sometime on 1-3-2002, that an incident of arson and looting took place at Best Bakery, situated near Hanuman Tekary locality within the jurisdiction of Panigate P.S. Baroda City, in which several persons were killed and accordingly, a case was registered in Panigate P.S., Baroda City. Further, on completion of investigation, charge sheet was filed in the court of Addl. Sessions Judge, First Fast Track Court, Baroda City. Also, on completion of trial, all the accused persons were acquitted. According to Shri Kumaraswamy, Ms. Zahira Sheikh & others had filed affidavits in the Hon'ble Supreme Court of India, in which it had been alleged that they had been threatened by the local MLA Shri Madhu Srivastav and as such they were not able to tell the truth during the trial. Shri Kumaraswamy has also stated that the Hon'ble Supreme Court of India had directed the DGP, Gujarat State to hold an inquiry into the matter, the DGP directed the Commissioner of Police, Baroda City who in turn directed him to hold an inquiry into the matter with a view to find out whether the allegations of threat were true or not.

In response to the aforesaid directions of the Hon'ble Supreme Court of India, Shri Kumaraswamy has stated to have conducted an inquiry into the matter and had recorded the statements of some persons available at that time. Shri Kumaraswamy has further stated that he also recorded the statements of Ms. Yasmin sister in law (brother's wife) of Zahira Sheikh. Shri Kumaraswamy has further stated that after their examination, he had submitted an interim inquiry report in the matter and recommended for the registration of a case to find out the truth. He has also stated that in pursuance of his recommendations, DGP, Gujarat State ordered for the registration of a case. Accordingly, a case No. 41/2003 u/s 506 (ii) & 507 IPC read with sec. 34 of IPC was registered on 6-10-2003 in Panigate P.S. and investigation of the same was conducted by Shri Ramjibhai Pargi, ACP, Baroda City.

Shri Kumaraswamy has further stated that he was summoned as a defense witness in the said case and examined/cross examined with regard to the inquiries conducted by him in the retrial of the said Best Bakery case conducted in Maharashtra by Shri A.M. Thipsay, Addl. Sessions Judge for Greater Bombay, Mazgaon. Further, on completion of the retrial, several accused persons were convicted. However, In the judgment dated 24-2-2006, passed by Shri A.M. Thipsay, Addl. Sessions Judge for Greater Bombay, Mazgaon, the Court had made observations against several police officers including Shri Kumaraswamy. Shri Kumaraswamy has denied to have received a copy of the judgment and as such he was not aware of any remarks made by the court against him. Shri Kumaraswamy has also stated that since, he was

not aware about the adverse remarks, if any made by the court against him; he did not file any petition for expunction of the adverse remarks in the judgment.

In the Judgment dated 24-02-2006 passed by Shri Abhay Thipsay, Addl. Sessions Judge, Greater Bombay, Mazgaon, it has been observed that Shri K. Kumaraswamy, though a senior police officer at the material time was proved to be an unreliable witness and that his evidence was highly unsatisfactory. The learned judge has further observed that Shri Kumaraswamy was not interested in actually finding out the truth. The learned Judge had also observed that obviously Shri K. Kumaraswamy can not be believed and that his evidence was so ridiculous that when considered in the light of other inconsistencies and infirmities in the evidence of Shri Kumaraswamy more particularly the manner in which he had given replies, created a doubt to say the least in his mind that Shri Kumaraswamy himself had not recorded the statement of Yasmin at all. The Govt. of Gujarat or Shri Kumaraswamy have not filed any appeal or petition for expunction of adverse remarks and the same stand till date.

The allegations against Shri Kumaraswamy stand established and the matter may be referred to the Govt. of Gujarat for initiating strong departmental action against him for these lapses.

A-43: Shri B.S. Jebalia, formerly SP, Anand District, Gujarat:-

It has been alleged by Smt. Jakia Nasim that Shri B.S. Jebalia, SP, Anand District had been privy to break out of unimaginable violence in Anand District, especially in Ode village and was witness to continuing subversion of the justice process by a brazen connivance between the alleged accused and the prominent members of the political class. In this connection, Shri B.S. Jebalia has stated before the SIT that he was posted as SP, Anand between 23-02-2004 to 14-12-2006 and as such the allegations levelled against him are false and baseless. In view of this position, no comments are called for, in respect of the said allegation.

A-44: Shri D.G. Vanzara, formerly DIG, Crime Branch, Ahmedabad City:-

Shri D.G. Vanzara has stated before the SIT that he was posted as DCP, Crime Branch in May, 2002 and had supervised the investigation of three serious riot cases i.e. Naroda Patiya, Naroda Gam and Gulberg Society cases. Regarding the allegations levelled by Smt. Jakia Nasim relating to encounter killings in Gujarat, Shri Vanzara has stated that the said encounter killings happened in the course of cross firing in self defence of the police officers on the sight and that they were in the normal course of discharge of the official duties of the concerned police officers. According to Shri Vanzara, all such

cases are sub-judice and therefore, he would prefer not to comment upon the same.

Shri D.G. Vanzara, DIG (now under suspension) has been lodged in Sabarmati Jail for the last about three years, as he has been arrested in Soharabuddin fake encounter case, which is now under investigation with the CBI. Since the case is under investigation with the CBI, no comments are called for on the same.

A-45: Shri Rahul Sharma, formerly SP, Bhavnagar District, Gujarat:-

During the course of enquiry by SIT, Smt. Jakia Nasim, complainant and Ms. Teesta Setalvad have stated that Shri Rahul Sharma is a witness and has been inadvertently listed as an accused. In view of this, no comments are required.

A-46: Shri Raju Bhargava, the then SP, Panchmahals District, Gujarat:-

Shri Raju Bhargava has stated before the SIT that he remained posted as District Superintendent of Police, Panchmahals from 30-4-2001 to 15-7-2002. He has further stated that on 27-2-2002, he along with the other staff of the district were busy preparing for the inspection of the Spl. IGP, Vadodara Range at police head quarters, when he received an information from Control Room at about 0805 hrs that Sabarmati Express train carrying some of the kar-sevaks had been stopped near Godhra railway station and was not being allowed to proceed. He has further stated that on receipt of this information, he immediately rushed to the Godhra railway station after giving directions to the Reserve Sub Inspector to bring all the police men present in the parade to the site of incident and reached the Godhra railway station around 0815 hrs but in the meanwhile he overheard a wireless message that one of the coaches of the said train had been set on fire and that the fire tender was immediately required to be rushed to the site. Further, when he reached the spot, he found one of the shuttle train at the platform and he was informed that one of the coaches of Sabarmati Express had been set on fire near 'A' Cabin and that the train was standing on the track about 500 meters away from the platform. Accordingly Shri Bhargava immediately rushed towards the 'A' Cabin via Signal Falia a Muslim locality. There was no crowd on the spot but after he crossed the under bridge, he saw a large number of people standing on the railway track and smoke coming out of one of the coaches. Shri Bhargava has further stated that when he reached there, he saw the passengers sitting on the railway track and a large number of agitated kar-sevaks with saffron scarves shouting anti Muslim slogans. Shri Bhargava tried to pacify the agitated crowd and gave instructions to his gunman to

immediately ask the control room to rush the fire tender to the spot. Shri Bhargava has also stated that on the way to the spot he had noticed some of the Muslims standing on the road but, he did not see any one of them pelting stone on the train.

Shri Raju Bhargava immediately contacted Spl. IGP, Vadodara Range and apprised him of the situation and informed the District Collector about the incident at about 0830 hrs and requested her to make arrangements for state transport buses for the safe passage of the other passengers. In the meanwhile the fire tender had arrived from Godhra and started extinguishing the fire and the injured persons were immediately shifted to Civil Hospital, Godhra in a police van. Sensing that the communal disturbance may break down in Godhra town, Shri Bhargava gave directions to Control Room to immediately activate all the communal points in the town and also gave directions to his officers for intensive patrolling in the town. The Minister of State for Home for Gujarat namely Shri Gordhan Zadafia was also informed about the incident over mobile phone.

As per Shri Raju Bhargava around 1030 hrs, some incident of stone throwing were reported from Godhra town as a result of which 16 teargas shells and four rifle rounds were fired. Keeping in view the communal history of Godhra, it was decided by Shri Bhargava in consultation with the District Magistrate and Spl. IGP, Vadodara Range to impose a curfew in Godhra town immediately. Around 1200 hrs, Shri Bhargava received a message from Spl. IGP, Vadodara Range to return to the scene of occurrence immediately with extra force. The Spl. IGP gave instructions to Shri Bhargava to ensure that the train carrying the kar-sevaks and other passengers immediately left for its destination and thereafter, he took steps and the train left for its destination around 1300 hrs. However, two damaged coaches i.e. S6 & S7 were detached and kept in the railway yard.

Shri Raju Bhargava has further stated that the Shri Gordhan Zadafia, MoS, Home had arrived at Godhra by road at about 1645 hrs. The Chief Minister had arrived by Helicopter by 1700 hrs and he had gone to the helipad to receive him. At that time, Shri Ashok Bhatt, the then Health Minister, Shri Bhupendrabhai Lakhwal, Minister, Incharge for Godhra and Shri Prabhatsinh Chauhan, the then MLA, Kalol and Minister for Civil Aviation were also present. According to Shri Raju Bhargava, the Chief Minister straight away drove to the Godhra railway yards where the burnt bogies had been parked and the CM saw the coach as well as the dead bodies and thereafter went to 'A' Cabin near Signal Falia where the incident had taken place. According to Shri Bhargava, the Chief Minister went to Collectorate along with the district administration and

police officers and discussed the matter with them. As per Shri Bhargava, no decision about the handing over/transportation of the dead bodies was taken in his presence and as the investigation was being carried out by the railway police, as such it was their prerogative to deal with the dead bodies. However, the bandobast for the transportation of the dead bodies was made by him at the request of the railway police. Shri Bhargava does not recognise Shri Jaydeep Patel, but as per records, he had accompanied the dead bodies to Ahmedabad. Neither he nor any of the district officers had advised against the transportation of the dead bodies by road to Ahmedabad.

As regards the allegations made by Smt Zakia Ehsaan Jafari, Shri Raju Bhargava has stated that the same are false and without any basis. As per Shri Bhargava, after the train incident on 27th Feb, 2002 all efforts were made to keep the law and order in place by deploying the available force to the maximum, but the outbreak of violence across the state had its effect in Panchmahals district and some serious incidents took place in other parts of the district other than Godhra Sub Division. Shri Bhargava has further stated that as the violence broke in Kalol, Halol, Lunawada, Khanpur, Santrampur the deployment of the force thinned out and the entire force was deployed across the district in best possible manner.

According to Shri Bhargava, Godhra was the epicentre of the entire incident and subsequent violence but still no loss of human lives took place in the entire Godhra sub division which speaks volume for the efforts made by the police force. Further, the police provided protection to the Muslim localities, shifted members of the Muslim community trapped in the rural areas and ensured that the peace remained by keeping the leaders of both the community in touch.

According to Shri Raju Bhargava, the unprecedented violence had broken out across the State as a reaction to the train incident and in even days in which violence had taken place he personally visited areas of Godhra, Kalol, Halol, Rajgarh, Khanpur, Lunawada, Santrampur (personally camped there for 2 nights and 3 days) reaching to as many as possible affected areas and logged on almost 1400 kms, which shows that as the SP of the district he tried to reach as many places as possible. He has also stated that it was only with efforts of the police that the violence was contained quickly and peace could be restored in short time. Shri Raju Bhargava has further stated that on one hand when the offences were being registered and investigated, at the same time arrests were also being made and during his tenure from 27-02-2002, to 30-04-2002 496 people were arrested in offences and 2291 people arrested under

preventive action which included the prominent members of the ruling class which shows that as the district head he had tried to carry out his constitutional duties and tried to establish the law and order which was disrupted after the train burning incident.

In view of the explanation given by Shri Raju Bhargava and in the absence of any evidence against him, the allegations are not established.

A-47: Smt. Anju Sharma, formerly Collector, Bharuch District:-

Smt. Anju Sharma has stated before the SIT that during the period 24-02-2001 to 30-04-2003, she remained posted as Collector & District Magistrate, Bharuch. She has further stated that on 27-02-2002, an information about the burning of a railway coach of Sabarmati Express near Godhra Railway Station was received by her from Shri Deepak Swaroop, Spl. IGP, Vadodara Range and Shri Manoj Antani, the then SP, Bharuch. She has further stated that in the wake of Gujarat bandh call given by VHP on 28-02-2002, police forces were suitably deployed and police asked to take preventive actions. She has further stated that prohibitory orders were issued u/s, 164 Cr.PC and the police was asked to enforce the same strictly. She has also stated that due to the effective action and enforcement of curfew no large scale incidents took place. She has given the details of the incidents that took place on 01-03-2002, 03-03-2002 and 04-03-2002.

She has further stated that a relief camp was promptly started with the help of GMDC and other NGOs to provide shelter and relief to the affected persons, which was in operation for about 15 days and about 500 people were lodged there. According to Smt. Anju Sharma, gradually these people got shelter in their houses and she visited the relief camp on 13-03-2002 and supervised the relief operations. She has further stated that a medical team had been deployed from a nearby primary health centre and the water supply was made available through water tanker by GMDC and food provided by GMDC and other NGOs.

Smt. Anju Sharma has further stated that survey of the damages was done in the entire district and cash doles and household disturbance assistance was promptly distributed to all the affected persons and ex-gratia relief for death and compensation to injured were promptly distributed in the month of March-April itself as quickly as possible. According to Smt. Sharma, a total of 728 Muslims and 87 Hindus were paid relief, out of 7 deaths, 6 were Muslims and 1 was Hindu and 5 of these Muslims who died in March 2002 were paid assistance in March itself. Further, 12 Muslims and 19 Hindus were paid for injury compensation, cash doles were paid to 129 Muslims and 9

Hindus and household assistance for disturbance and shifting was paid to 220 Muslims and 11 Hindus. She has further stated that compensation for complete damage to the houses was paid to 196 Muslims and 18 Hindus and relief was also paid for damage to means of earning to 145 Muslims and 25 Hindus. She has also stated that in all, 815 people of which, 87 were Hindus and 728 Muslims were paid relief amounting to Rs.54.79 lakhs, out of which, Rs.50.04 lakhs was paid to Muslims. She has also stated that some more cases were covered subsequently and by 26.05.2003, 831 people were compensated, out of which, 741 were Muslims and an amount of Rs. 51.34 lakhs was paid in all.

As regards the allegations levelled by Smt. Jakia Nasim, she has stated that she had filed an affidavit before Nanavati-Shah Commission on 27-05-2002 and most of the aforesaid facts have been incorporated in the said affidavit. She has further stated that in view of these facts, figures and data, it was incorrect to allege that she was responsible for lack of relief operation. She has denied the allegations that are vague, absurd and without any basis.

In view of the facts and figures given above the allegations are not established.

A-48: Shri D.D. Tuteja, formerly Commissioner of Police, Baroda City:-

Shri D.D. Tuteja, the then Commissioner of Police, Baroda City has stated before the SIT that a message regarding the Godhra incident was received in Control Room, Baroda City from State Control Room, Gandhinagar at about 1020 hrs and they were advised to take care of any reaction to the same at Baroda City. On receipt of the said message stand-to was ordered by Shri Tuteja with immediate effect at about 1222 hrs and instructions given to all PIs to start patrolling and send the mobile patrols for patrolling, checking and bandobast in communally sensitive pockets. Further, extra vehicles were requisitioned for patrolling purposes and preventive actions taken against anti-social elements. Four peace meetings were arranged in communally sensitive areas with Hindus and Muslims leaders and one such meeting was presided by Shri Tuteja. Shri Tuteja has stated that instructions were also issued to all the petrol and kerosene dealers not to sell the petroleum products in loose condition and in view of these efforts no loss of life or damage to property was reported on 27-02-2002. Shri Tuteja has further stated that on 28-02-2002, all the police officers were directed to make preventive arrests and by that time 100 persons had already been detained u/s 151 Cr.PC. Further, the various areas of sensitive police stations were put under curfew at 0800 hrs on 28-02-2002, which was strictly enforced by the police. Shri Tuteja has further stated that on 28-02-2002, an Islamic Centre in a curfew bound area was attacked,

but the police intervened and all the 102 children residing there, were shifted by the police to a safer place. According to Shri Tuteja, looking to the aforesaid developments the areas of the remaining six police stations were also brought under curfew at 1730 hrs on 28-02-2002. However, three persons killed on 28-02-2002, were Muslims. Shri Tuteja has also stated that on 01-03-2002, 35 Muslim families were trapped in Avdhutnagar, where PI Makarpura and ACP, A division tried to control the situation, but the ACP's mobile was attacked by the violent mob. Shri Tuteja along with Smt. Geetha Johri, Addl. CP (Law & Order) and DCP reached the spot and firing was resorted too. According to Shri Tuteja, on 01-03-2002, four deaths took place, which included 3 Muslims and 1 Hindu. However, on 01-03-2002 night, a Best Bakery located in Hanuman Tekary area was attacked by the mob with stones and also set fire to it. On 02-03-2002, on receipt of message a fire tender and ambulance were rushed to the spot and 9 persons were immediately rushed to the hospital out of which 6 could be saved and 3 died during treatment. As per Shri Tuteja, from the same building, 7 charred bodies of children and women were taken out of the building and thus eleven persons could be saved. It may be mentioned here that in all there were 25 persons in the bakery out of which 9 had hid themselves in the room on the first floor and remaining 16 had climbed on the terrace of the second floor. This incident which took place in the night went unreported and the persons, who had gathered in the morning of 02-03-2002 made a second attempt on the persons, who had claimed on the second floor terrace and were seen alive. In this Best Bakery case FIR was registered in the Panigate P.S. and 21 accused persons were arrested and charge sheeted on 24-06-2002, which was first tried by the Fast Track Court of Baroda and all the four accused persons acquitted. Subsequently, the Hon'ble Supreme Court of India had ordered a re-trial in this case in Bombay and 10 persons arrested earlier were convicted on the basis of the same investigation despite the fact that the complainant and several important witnesses turned hostile. On 02-03-2002, one Muslim was killed in police firing. Shri Tuteja has also stated on 03-03-2002, some dynamite was found planted in a huge Masjid, Musafirkhana in Koyli village under Javahamagar P.S., which was immediately got defused from the Bomb Disposal Squad and thus a major incident could be averted. No death took place on 03-03-2002. As per Shri Tuteja, the curfew was relaxed between 04-03-2002 to 31-05-2002. However, during this period scattered incidents were reported from different police stations. Shri Tuteja has also stated that during the period 28-02-2002 to 31-5-2002, 47 persons including 34 Muslims and 13 Hindus died during the riots, which including 4 Hindus and 7 Muslims killed in Police firing. He has denied the allegation that the Baroda City

police did not respond to the complaints/calls. He has denied the allegations levelled by Smt. Jakia Nasim.

In view of the fact that the allegations levelled against Shri Tuteja are vague and general in nature and there is no evidence to support them, therefore, the same are not established.

A-49: Shri Bhagyesh Jha, former Collector, Baroda District:-

Shri Bhagyesh Jha has stated before the SIT that he remained posted as Collector, Baroda District during 26-02-2002 to 09-06-2005. He has further stated that during riots certain families particularly those belonging to the minority community felt unsafe at their respective places and as such with the help of some volunteer organisations, they were accommodated as per the norms fixed by the Govt. of Gujarat by providing shelter to them in the relief camps started with the assistance of the Govt. He has also stated that financial assistance was given to these persons/families and rations were also provided to them in the relief camps. According to Shri Jha, in Baroda District (Baroda Municipal area), 11 relief camps had been started in which 16676 persons (9416 Muslims and 7260 Hindus) were rehabilitated. One relief camp was started in Chhota Udepur Nagar-Palika area in which 957 persons were given shelter, a majority of which were Muslims and that essential medicines were also distributed in these relief camps. As per Shri Jha, it is incorrect to allege that he was responsible for lack of adequate relief operations.

As regards the allegation levelled by Smt. Zakia Nasim that Shri Jha was responsible for the grant of protection to the witnesses turning hostile in Best Bakery Case retrial in Mumbai, Shri Jha has clarified that the production/protection to the witnesses is the prerogative of the police which works under the direct supervision of Commissioner of Police in City area and SP in the rural area and the District Magistrate/ Collector is directly not concerned with the protection of witnesses. He has denied knowledge as to whether any such protection was granted to the witnesses, who had turned hostile during the retrial of Best Bakery Case, in the Baroda District by any of the authorities. However he has denied to have given any such protection. Shri Jha has also challenged the allegation that he did not file any affidavit before Nanavati-Shah Commission inasmuch as an affidavit was filed by him before the Commission on 15-10-2004. He has produced a copy of his affidavit filed before Nanavati Commission.

Shri Jha has also stated that the complainant Smt. Zakia Naseem had leveled wild, vague and baseless allegations against him. He has denied all these allegations as the same are without any basis. In view of the aforesaid

facts and circumstances and explanation given by Shri Jha, the allegations against him are not established.

A-50: Shri Nitirajsinh D. Solanki, formerly SP, Sabarkantha District:-

Shri N.D. Solanki has stated before the SIT that he remained posted as SP, Sabarkantha District during the period 02-12-1999 to 07-12-2002 with his headquarters at Himmatnagar. He has further stated that the news relating to the burning of a railway coach at Godhra Railway Station resulting in the death of few passengers including kar-sevaks was received by him during the day on 27-02-2002 through television only. He has further stated that he immediately put the bandobast and alerted all the police officers to be care full about the repercussions of the Godhra incident. According to Shri Solanki on 27-02-2002, some communal tension was reported at village Vadgam Under Dhansura P.S., about 60 kms from Himmatnagar, where the properties of some of the Muslims were damaged, but there were no loss of life. He has also stated that only four rioting and arson incidents were reported on 27-02-2002, but during the period 28-02-2002 to 15-03-2002, 266 cases of rioting and arson were registered. Shri Solanki has narrated an incident that resulted in the killing of three British Nationals on 28-02-2002, under Prantij P.S., when they were returning from Udaipur (Raj.) and going to their native place at Navsari District and attacked by a mob of more than 500 persons. According to Shri Solanki, two different cases were registered in Prantij P.S., six persons arrested and charge sheeted in the Court. As per Shri Solanki, a total number of 47 deaths took place in Sabarkantha District comprising of 42 Muslims and 5 Hindus. Further, out of 47 persons killed, 10 persons (4 Hindus & 6 Muslims) died due to police firing and 99 injured (53 Hindus & 43 Muslims). Shri Solanki has also stated that property worth Rs. 51.75 crores belonging to Hindus and Muslims were burnt/destroyed/looted during the riots.

As regards the allegations levelled by Smt. Jakia Nasim, Shri Solanki has stated that the same are vague, false and baseless and had been maliciously made against him to spoil his image and that in fact he had been honored by Alp Sankhyk Board of Gujarat for the positive role played by him during the riots and was also honored by Delhi based NGO for the good work done by him. In view of the facts that the allegations are vague and general in nature and there is no evidence available against him, the allegations are not substantiated against him.

A-51: Shri Amrutlal Patel, formerly Collector, Mehsana District:-

Shri Amrutlal Patel has stated before the SIT that he remained posted as Collector & District Magistrate, Mehsana during 16-01-2000 to 10-12-2003.

He has further stated that the news about the burning of a railway coach of Sabarnati Express at Godhra Railway Station was received by him through electronic media and later during the day Shri A.S. Gehlaut, the then-SP, Mehsana had given him the details that out of 43 injured admitted in the Godhra hospital, 16 (13 males & 3 females) belonged to Mehsana District. He has stated to have held the meeting of all the District officials on 27-02-2002 at 1700 hrs. He has further stated that various incidents took place in Mehsana District during the period 28-02-2002 to 02-03-2002 and thereafter, no major incident took place due to the strict vigilance maintained by District and police officials. He has given a detailed account of the immediate steps taken to maintain Law & Order in the District.

He has also stated about an incident of Sardarpura village, where 57 persons of minority community were found in a room, which had been set on fire, in which 29 persons were found dead and 4 persons died during the medical treatment. Shri Patel has given the details of the efforts made by him along with the SP, Mehsana to restore peace and also about the preventive actions taken by them. He has given the details of relief and rehabilitation work done by him for the riot affected victims. He has also stated that Law & Order situation in Mehsana District was fully under control after second week of March, 2002.

He has denied the allegations levelled by Smt. Jakia Nasim against him and clarified that an affidavit was filed by his successor, Shri Vinay Vyasa on 28-09-2004, before the Nanavati Commission on the basis of records maintained and action taken by the District Administration during his tenure. He has also stated that the allegations levelled against him are false, vague and baseless. In view of the fact that allegations are general and vague in nature and there is no evidence available to support the allegations, the same are not substantiated.

A-52: Shri Upendra Singh, formerly Commissioner of Police, Rajkot City:-

Shri Upendra Singh has stated before the SIT that he remained posted as Commissioner of Police, Rajkot City during the period December, 2001 to July, 2002. He has further stated that on 27-02-2002, the information relating to the burning of a railway coach of Sabarnati Express near Godhra Railway Station resulting in the death of some kar-sevaks was received by him through media as well as Control Room. According to Shri Upendra Singh, he instructed all the police officers to do intensive patrolling, diffuse communal tension in the city area and also ordered for 'stand-to' for the police personnel. He has given the details of the preventive arrests made by the police on 27-02-

2002. He has also stated the police bandobast made, curfew declared and Army deployed on 28-02-2002 to 03-03-2002. According to Shri Upendra Singh, 4 persons including 3 Muslims on 28-02-2002 and 1 Hindu on 03-03-2002 died during the riots and the total loss of property was estimated at Rs. 20 crores, which included Govt. vehicles.

He has denied the allegations levelled against him by Smt. Jakia Nasim as false and baseless. He has further denied that unimaginable violence broke out under his jurisdiction inasmuch as only four persons were killed during the riots and the riots were under control on 04/05-03-2002.

Keeping in view the statement made by Shri Upendra Singh, the allegations are not substantiated against him.

A-53: Shri P.N. Patel, formerly Collector, Rajkot District:-

Shri P.N. Patel has stated before the SIT that he remained posted as Collector & District Magistrate, Rajkot between 27-02-2002 to 17-04-2002 and used to look after Rajkot Rural area. He has further stated that the news relating to the burning of bogies of Sabarmati Express at Godhra Railway Station was received by him on 27-02-2002 forenoon through electronic media. He has also stated that during the day the news about communal violence erupted through out the State was received by him through TV news and as such alerted all the Executive Magistrates through SDMs and concerned police authorities and directed them to maintain Law & Order. He has given an account of efforts made by him to maintain peace at various communally sensitive places like Dhoraji, Morvi, Wankaner & Sapar and has stated to have visited these places along with SP, Rajkot Rural.

He has further stated that no deaths took place in Rajkot Rural area on account of communal riots. He has further stated that one person belonging to Wankaner died in the railway compartment, that was set fire at Godhra Railway Station and as such compensation was paid to his legal heir. He has also stated that two deaths took place in Rajkot City area and compensation was paid to their legal heirs as per rules. According to Shri Patel, no relief camps were required to be established as no displacement took place during the riots. He has given the details of relief and rehabilitation ex-gratia payments made to the riot affected persons.

As regards the allegations levelled by Smt. Jakia Nasim, he has stated that the same are false and baseless, as there had been no deaths on account of the communal riots pursuant to Godhra carnage in Rajkot Rural. He has stated to have filed an affidavit before the Nanavati Commission on 11-12-

2009, when he was called upon to do so. In view of the statement made by Shri P.N. Patel, the allegations are not established against him.

A-54: Shri V.M. Pargi, formerly DCP, Zone-I, Ahmedabad City:-

Shri V.M. Pargi has stated before the SIT that he was posted to Baroda City in July, 2004 was promoted as Addl. CP in July, 2005 and remained posted there till December, 2006. He has further stated that he used to look after the administration work as a DCP. Subsequently, as Addl. CP he continued to look after the administration work in addition to his other duties. He has also stated that he was neither concerned with the investigation, nor trial at Baroda or retrial at Bombay. He has pointed out that it could be a case of mistaken identity as one of the off shoots of Best Bakery case was being investigated by one Shri Ramjibhai Pargi, the then ACP and that no adverse remarks or strictures had ever been passed against him.

In this connection, a copy of a Judgment passed by Shri Athay P. Thipsay of Addl. Sessions Judge, Greater Bombay, Mazgaon on 24.02.2006 has been obtained and studied, but there is no reference to Shri V.M. Pargi, formerly DCP/Addl. CP, Baroda City and now IGP, Arms Units, Gujarat State. In view of this position the allegation is not substantiated.

A-55: Shri K.G. Erda, formerly Senior PI, Meghaninagar Police Station, Ahmedabad City:-

Shri K.G. Erda has already been arrested and charge sheeted in Gulberg Society case and he is facing trial. However, he could not be examined as he is admitted to the hospital on account of both kidneys failure.

A-56: Shri K.K. Mysorewala, formerly Sr. PI, Naroda P.S., Ahmedabad City:-

Shri K.K. Mysorewala has stated before the SIT that he remained posted as Senior PI in charge Naroda P.S. during the period 27-9-2001 to 30-3-2002. He has further stated that Naroda P.S. has got a huge area of 40 square kms with a population of 4.5 lakhs with majority of Hindus aggregating about 4.30 lakhs with Muslims in minority. According to Shri Mysorewala, the areas under Naroda P.S. have a majority of Sangh Parivar Activists but the place has no history of communal riots or being a communally sensitive area.

He has further stated that on 27-2-2002 at about 0930 hrs, he had received the information from DCP, Zone-IV that two coaches of Sabarmati Express carrying many kar-sevaks from Gujarat returning from Ayodhya were set ablaze by some miscreants near Godhra railway station. Further, DCP, Zone-IV Shri P.B. Gondia had also given him instructions to make bandobast

and to increase patrolling in his jurisdiction to avoid any untoward incident. On 27-02-2002, in compliance to the Control Room message, 12 kar-sevaks, namely (1) Dushyantbhai Vyas, (2) Yogeshbhai Bhatt, (3) Daksheshbhai Raval, (4) Pramodbhai Trivedi, (5) Prakashbhai Raval, (6) Bhupendrabhai Bhatt, (7) Jatinbhai Patel, (8) Nanjibhai Patel, (9) Dahyabhai Prajapati, (10) Sureshbhai Sanchania, (11) Dharmeshbhai Trivedi and (12) Gautambhai Trivedi, all belonging to Nava Naroda area were arranged to be escorted back to their respective places under police protection from Ahmedabad railway station at about 1745 hrs on 27-2-2002. Shri Mysorewala has mentioned that these kar-sevaks, on their return narrated the eye witness account of the Godhra carnage which was a primary cause of provocation amongst the Hindus residing in Naroda area and as a repercussions to the said provocation, two incidents one relating to a cotton workshop burnt at Parshwanath Township and the relating to the beating of a Muslim by three-four unknown persons took place between 1800 hrs to 1900 hrs on 27-2-2002 for which two separate Cr.Nos 96/02 and 97/02 were registered in Naroda P.S.

Shri Mysorewala has further stated that on 27-2-2002, a bandh call was given by Vishwa Hindu Parishad, which was supported by other Hindu organizations and therefore, leaders of both Hindu and Muslim community were contacted by him to maintain peace and harmony in the area. According to Shri Mysorewala, on 28-2-2002, the bandobast was started at about 0700 hrs and five private vehicles were requisitioned for effective patrolling in the area. Further, 15 fixed points were provided with requisite police personnel which included minimum two persons out of which one was with rifle in the places where the minority community people were residing and the places of worship were located. Also, in addition two PIs, five PSTs, 30 ASTs and 50 PCs were kept ready along with eight vehicles.

Shri Mysorewala has further stated that on 28-2-2002, during the Gujarat bandh, tense situation prevailed in the area resulting in lack of confidence between the two communities and people from both the communities formed groups and moved in public streets. As per Shri Mysorewala, the police patrolling vehicles dispersed the mobs as a result of which the crowds went into hiding in small lanes and by lanes and as soon as the police party left the spot, the mob reassembled and became aggressive. Further, at about 1030 hrs on 28-2-2002, a group of Hindus started gathering in large scale opposite Nataraj Hotel in Naroda Patia where Noorani Masjid is located and in Jikar Hussain ni Chal, a group of Muslims started gathering in large scale. In the meanwhile, Shri P.B. Gordia, DCP, Zone-IV and Shri M.T. Rana, ACP, G division also arrived at the spot and under their instructions the

groups were dispersed by lathi charge. At that time one TATA 407 vehicle parked near Noorani Masjid was started and driven by a Muslim in a rash and negligent manner straight into the Hindus mob thereby causing injuries to two persons and leaving one dead. Shri Mysorewala chased the vehicle, apprehended the driver and arrested him and after this incident, the rumour had spread amongst the Hindus that three persons had been killed by a Muslim driver of TATA 407 vehicle, which escalated the tension. During this period, one person belonging to Hindu community was killed by two Muslims near Anand cinema of Naroda village and as a retaliation of the same both the Muslims were caught by the mob and burnt alive.

According to Shri Mysorewala, Shri M.K. Tandon arrived at Naroda Patia around 1210 hrs and after taking stock of the situation and holding discussions with the CP, a curfew was ordered to be imposed at about 1230 hrs in Naroda P.S. area by way of announcement over loud speaker installed on the police vehicles. The Jt.CP, Sector-II, thereafter, left Naroda Patia. Shri Mysorewala has further stated that after half an hour, one disfigured body of one Ranjit Vanzara with his eyeballs oozing out; face smashed was found lying outside the Chal as a result of which, a group belonging to a Hindu community got excited and attacked Noorani Masjid and also attacked the houses nearby and the shops belonging to Muslims. As per Shri Mysorewala, thereafter, the situation became extremely tense and the mob became violent and damaged the Minarets of the Noorani Masjid and several houses & shops belonging to the Muslims. Shri P.B. Gondia, DCP, Zone-IV, thereafter, left Naroda Patia at about 1430 hrs. Shri Mysorewala has further stated that at about 1510 hrs, a message was received that a mob of around 2000 Hindus had gathered outside Naroda P.S. in which around 600 Muslims had been sent by them for protection and thereafter, he along with Shri M.T. Rana visited Naroda P.S. immediately and dispersed the crowd by lathi charge and then returned to Naroda Patia. By that time the tension at Naroda Patia had diffused to some extent. After that Shri Mysorewala along with Shri M.T. Rana went to Naroda Gam at about 1630 hrs and took stock of the situation. Shri Mysorewala learnt that at the corner of Joshwada eight persons were burnt alive by a mob of Hindus and that an offence in this regard had already been registered at 1610 hrs vide Cr. No. 98/02 by Shri V.S. Gohil, Second PI. Shri Mysorewala along with Shri Rana visited the scene of offence and returned to Naroda Patia at about 1730 hrs and by that time the situation had further calm down and, therefore, Shri M.T. Rana left for Meghaninagar area at about 1745 hrs.

At about 1810 hrs, Shri Mysorewala went to Thakkemagar, where someone informed him that 17 Muslims had been burnt behind Hussainagar

and therefore, proceeded to the spot. After reaching there at about 1845 hrs, Shri Mysorewala found that many bodies were burning between Gangotri society and Gopinath society and the local residents refused to give water and he had to use force to get the water to extinguish the fire. In this incident 27 persons had received burnt injuries and were immediately shifted to civil hospital. On his return, Shri Mysorewala found that around 58 dead bodies were lying between the two societies and a case in this regard was registered at Naroda P.S. at 2045 hrs vide Cr. No. 100/02 in which five accused namely, Babu Bajrangi, Kishan Korani, Raju Chaumal, P.J. Rajput and Harish Rohera were named. He has further stated that in the night of 28-2-2002 more than 2000 Muslims were sent to the different relief camps and on 01-03-2002, 450 Muslims who had taken shelter in SRP, Group-II premises were also shifted to different relief camps. According to Shri Mysorewala, as a result of police firing one Hindu and one Muslim died on the spot.

Shri Mysorewala has not been able to give any satisfactory answer for the calls received by him on his mobile phone no.9825190775 on 27-2-2002 from Kirpalsingh Chabra, an associate of Dr. Maya Kodnani, Accused Bipin Panchal, Accused Ashok Govindbhai Patel and Accused Jaydeep Patel. Further, he has not been able to give any satisfactory answer to the calls made to Dr. Mayben Kodnani, Bipin Panchal and Jaydeep Patel on 04-03-2002. He has denied the fact that Babu Bajrangi had contacted him over mobile phone on 01-03-2002. He has further denied the fact that he refused to give protection to the Muslims on 28-02-2002.

On the basis of the investigation conducted by SIT, departmental action has already been recommended against Shri K.K. Mysorewala for the various lapses.

A-57: Shri M.T. Rana, formerly ACP, 'G' division, Ahmedabad City:-

Shri M.T. Rana has stated before the SIT that he was posted as ACP, G division in April, 2001 and used to supervise the work of three police stations namely Meghaninagar, Sardarnagar & Naroda and retired from Govt. service on 31-12-2005.

Shri Rana has further stated that on 27-02-2002, he reached Naroda Patiya at about 1030 hrs and remained there till about 1730 hrs along with Shri K.K. Mysorewala, the then Sr. PI, Naroda P.S. He has corroborated the version of Shri Mysorewala. However, he has denied the allegations levelled by Smt. Jazia Nasim about the allegations of subversion of justice and tampering of evidence.

On the basis of the investigation conducted by SIT, departmental action has already been recommended against Shri M.T. Rana for the various lapses.

A-58: Shri Tarun Barot, formerly PI, Crime Branch, Ahmedabad City:-

the investigation of Naroda P.S. Cr. No. 19502 relating to the death of Muslims killed in 2002 riots and that he had investigated this case from 19-05-2002 to 30-05-2002 and subsequently with effect from 30-04-2002 to 10-04-2008. Shri Barot has further stated that during the course of investigation, he had made an attempt to collect the call detail records of mobile phones of suspected/accused persons, but the Cell companies informed that the data was not available. However, he did not approach Shri Rahul Sharma to get the call details as he did not know that the latter was in the possession of the call details of all the numbers operating from Ahmedabad City during the riots period and no one had told him about it. According to Shri Barot, he did not know whether Shri Rahul Sharma, SP had handed over a copy of the CDs to Nanavati-Shah Commission of Inquiry or Banerjee Committee appointed by the Railways to enquire into the Godhra incident. Shri Barot has also stated that a news item had appeared in an English daily regarding the mobile phone details of Maya Kodnani and Jaydeep Patel and on the basis of the said news item, both of them were summoned about their location on 28-02-2002 and thereafter. Both, Mayaben Kodnani and Jaydeep Patel informed that they were present at Sola Civil Hospital. Shri Mayaben Kodnani confirmed that her mobile phone remained in her possession, whereas Jaydeep Patel claimed that his mobile was left in his car, which was taken away by his driver. Shri Barot has also stated that efforts were made to get their call details from the mobile service providers, but the same were not provided and as such the call details could not be obtained, analysed and cross checked. The plea put forward by Shri Barot is not convincing inasmuch as the news about the production of the CDs containing call detail records of mobile phones at Ahmedabad City by Shri Rahul Sharma before the Commission had appeared in almost all the newspapers and, therefore, it is difficult to believe that Shri Barot did not come to know about it.

Shri Barot has denied the allegations levelled by Smt. Jakia Nasim and stated that he had only investigated Naroda Gam case, in which 11 persons were killed. He has further stated that he has put in his best and had arrested 27 accused persons out of 49 involved and in addition he had arrested 6 accused persons in Naroda Patiya case and 1 in Gulberg Society case. He has also claimed to have saved the lives of 30 Muslims from Idgah near Prem darwaja during the riots on 28-02-2002. He has also stated that good work

done by him, had been appreciated by the senior officers and he had been rewarded and awarded Indian Police Medal.

This appears to be an intentional lapse on the part of Shri Tarun Barot, the then PI and now ACP, SOG, Ahmedabad and the same deserves to be dealt with major penalty departmental proceedings against him.

A-59: Shri Narendra Amin, formerly DCP, Crime Branch, Ahmedabad City:-

Shri Narendra Amin has stated before the SIT that in 2002, he was posted as ACP, G division in Surat City. He has further stated that on receipt of a Control Room message about the burning of a railway coach of Sabarmati Express near Godhra Railway Station, he took preventive actions and rounded up 123 persons and intensive patrolling was ordered as a result of which, there was no big untoward incident took place. He has also stated that he shifted the persons of minority community to safer places and ensured the security of 29 Madersas and Masjids etc.

He has denied the allegation levelled by Smt. Jakia Nasim and stated that he had not been concerned in any of the controversial mass carnage investigation and there had never been any serious allegation of subversion of justice and tampering of evidence against him. Shri Amin has also stated that the allegations are vague, general, absurd and had been maliciously made against him and need no further explanation.

Since the allegations are vague and general in nature and there is no evidence to support the same, therefore, the same are not established.

A-60: Shri G.C. Raiger, formerly Addl. DG (Intelligence), Gujarat:-

Shri G.C. Raiger has stated before the SIT that he remained posted as Addl. DG (Int.) during the period 06-04-2001 to 09-04-2002 and had retired from service as DG, Home-guard on 30-06-2007. He has further stated that he has been appointed as a Member of Justice Mehta Commission of Inquiry into the Hooch tragedy at Ahmedabad in 2009 by the Govt. of Gujarat.

He has further stated about the collection of intelligence about the movement of kar-sevaks in February, 2002 by local Intelligence Bureau. He has also stated that a TP message dated 27-02-2002 regarding the return journey of kar-sevaks was received on 28-02-2002 at 0815 hrs, i.e. after the Godhra train burning incident had taken place on 27-02-2002 morning. According to Shri Raiger, he was on casual leave from 26-02-2002 to 28-02-2002 and remained away to Rajasthan, but returned on 27-02-2002 evening.

He has denied to have attended the Law & Order review meeting held by the Chief Minister on 27-02-2002 late in the night.

Shri Raiger has further stated that in view of the bandh call given by VHP on 28-02-2002, which was supported by the ruling party, four fax messages were sent by Shri Sanjiv Bhatt, the then DC (Communal) to all CsP, SsP & Range IGsP under intimation to ACS (Home), DGP, ADG (L&O) and ADG (CID Crime & Railways) to take precautionary measures to prevent communal clashes in their jurisdiction. Shri Raiger has stated that he was transferred as ADG (Admn.) on 09-04-2002 and handed over the charge to Shri R.B. Sreekumar, who filed an affidavit before the Nanavati Commission for his period as well.

Shri Raiger has denied to have known Late Ahesan Jafri, Ex-MP and has stated that to the best of his recollection, the latter did not contact him either personally or over phone for help. Shri Raiger has also stated that a fax message was sent by his office on 28-02-2002, to CP, Ahmedabad city under intimation to Home Secretary and DGP that it has been learnt that Ex-MP Late Ahesan Jafri had been killed by a Hindu mob, a ten year Muslim girl beheaded and some more houses in Gulberg Society had been set on fire with the possibility of more loss of life and property. He has also stated that this message was sent by PI E.L. Christin on the basis of intelligence inputs received in his office, but he can not recollect the time at which the said message was sent.

Since no specific allegation has been levelled against Shri Raiger by Smt. Jakia Nasim, no comments are called for in the matter.

A-61: Shri K.R. Kaushik, formerly Addl.DG, CID (Crime & Railways):-

Shri K.R. Kaushik has stated before the SIT that he remained posted as Addl. DG, CID (Crime & Railways) during 2001, to 10-05-2002. He has further stated that he had received an information about the burning of a railway coach of Sabarmati Express near Godhra Railway Station on 27-02-2002, resulting in death of several kar-sevaks and other passengers. According to Shri Kaushik, he deputed Shri J.K. Bhatt, the then SP, Western Railway to take over the investigation of this case as the incident had occurred in the railway's jurisdiction and Shri P.P. Agja, the then IGP, CID Crime & Railways was asked to proceed for on the spot supervision of the investigation. He has denied to have attended the Law & Order meetings held by the Chief Minister on or after 27-02-2002. As per Shri Kaushik, the investigation of Godhra carnage case had not been completed during his tenure and no charge sheet had been filed.

He has also stated that by the time he left no conclusion could be drawn with regard to the Godhra incident.

Shri Kaushik has further stated that he was posted as Commissioner of Police, Ahmedabad City on 10-05-2002 and he took charge on 11-05-2002 and his immediate task was to restore peace and communal harmony in the City. He has claimed to have visited the relief camps, where the people from minority community were residing to hear their grievances. He had also set up Special Cells in CP office and told the victims not to go to the concerned police station, but to approach the Special Cells to get their complaint register. According to Shri Kaushik, as a result of positive measures introduced by him, the Law & Order situation in the city improved. He has denied the allegations levelled by Smt. Jakia Nasim and has stated that the same are false and baseless and has claimed that Law & Order situation improved after he took over and the same was evident for an unusually long term of four and a half year without any untoward incident. As regards the allegation of not filing any affidavit before the Nanavati Commission, he has stated that he had no personal knowledge about the Godhra incident and as such a question of filing an affidavit did not arise. In view of the aforesaid facts and discussions, the allegations are not established against Shri K.R. Kaushik.

A-62: Shri Amitabh Pathak, formerly Spl. IGP, Gandhinagar Range:-

Shri Amitabh Pathak has stated before the SIT that during October, 1999 to August, 2002, he remained posted as IGP, Gandhinagar Range, which comprises of three Districts namely Gandhinagar, Mehsana & Sabarkantha.

Shri Amitabh Pathak has further stated that after the appointment of Nanavati Commission, affidavits were filed by the respective Superintendents of Police, as they were primarily responsible for maintenance of Law & Order in the respective Districts. According to Shri Pathak, since Range IGP was a supervisory level link between SP and DGP, it was not considered necessary to file an affidavit before the Commission. He has denied the allegation levelled by Smt. Jakia Nasim that he conspired with the Govt. by not filing an affidavit and starved the Commission of necessary and relevant data on the ground, that the same are vague and baseless, inasmuch as necessary affidavits about the personal knowledge in respect of various incidents in respective Districts had been filed by the concerned SsP. As regards the other allegation, that many people in the jurisdiction of Gandhinagar Range were killed in the riots, because of his deliberate and willful act of conniving with the offenders, as IGP of the Range, Shri Pathak has stated that the allegation is false, absurd and without any basis inasmuch as he was not physically present at the time, when

the incidents took place and there is no evidence in the complaint to show his connivance with any of the offenders and no such allegations had ever been levelled by any of the affected parties either in their complaint made to the police or any other authorities concerned with the investigation of the riot cases or even before the Nanavati Commission. Surprisingly, no allegation has been levelled against Shri A.S. Gehlaut, the then SP, Mehsana, who was immediate in charge of the District under Shri Amitabh Pathak.

In view of the fact, that the allegations are vague and general in nature and no evidence has come forward in support of the same, the allegations are not established.

A-63: Shri Satish Verma, formerly DIG, Kutch-Bhuj Range, Gujarat:-

During the course of enquiry by SIT, Ms. Teesta Setalvad has stated that Shri Satish Verma is a witness and has been inadvertently listed as an accused. In view of this, no comments are required.

8. CONCLUSION:

(1) Allegations substantiated:

- Allegation No. V: Cabinet Ministers I. K. Jadeja and Ashok Bhatt were positioned in the DGP office and Ahmedabad City Control Room respectively by the CM. DGP Chakravathi was critical of the Minister I. K. Jadeja remaining in his chamber, as testified by R. B. Sreekumar in his fourth affidavit.
 - This allegation is partly substantiated.
- Allegation No. IX: Indictment by the Hon'ble Supreme Court about injustice done to minority community and riot victims in the investigation of riot cases in respect of (i) Bilkis Bano case and (ii) Best Bakery case, as narrated in paras 13 and 14 of the complaint dated 08.06.2006.
 - This allegation is substantiated. Departmental action for major penalty is recommended against Shri K. Kumaraswamy, formerly Jt. CP, Baroda City and Shri Ramjibhai Pargi, formerly ACP, Baroda City in the light of strictures passed by Ld. Addl. Sessions Judge, Greater Bombay, Mazgaon in Best Bakery case.
- Allegation No. XI: The CM Shri Narendra Modi did not visit the riot affected areas in the initial days, though he visited Godhra Railway Station on 27.02.2002 itself.
 - This allegation is substantiated.
- Allegation No. XIII: No direction was given by Shri Narendra Modi to Hindu organisations against the observance of Bandh on 28-02-2002. Bandhs had been declared illegal by Kerala High Court.
 - This allegation is substantiated.

- ▶ Allegation No. XV: Pro-VHP advocates were appointed as Public Prosecutors in riot cases as noted in Para 4 under the caption 'Present Situation' in the complaint dated 08.06.2006, wherein appointments of advocates Shri Chetan Shah (as District Government Pleader), Shri V.P. Atre (as Special PP in the Gulberg case), Shri Raghuvir Pandya (as Special PP in the Best Bakery case), Shri Dilip Trivedi (as Special PP in the Sardarpura case), Shri Rajendra Darji (as Special PP in the Dipda Darwaja case), Shri Piyush Gandhi (PP in Panchmahal District), have been questioned).
 - This allegation is partly substantiated.
- ▶ Allegation No. XVII: Failure to take action against the print media making communally inciting reports though State Intelligence Bureau and some field officers had recommended for action, as noted in the first Affidavit dated 06.07.2002 of Shri R.B. Sreekumar during his cross-examination before the Nanavati-Shah Commission on 31.08.2004.
 - This allegation is substantiated.
- ▶ Allegation No. XXIII: The CD regarding telephone calls by BJP leaders and police officers during riots was not probed into by the Investigating Officers of the Naroda Patia and Gulberg Society cases. The CD was produced by Rahul Sharma, SP, CBI before the Nanavati Commission.
 - This allegation is substantiated. However, departmental action for major penalty is recommended against Shri G.L. Singhal, SP, ATS, Gujarat State and Shri Tarun Barot, ACP, SOG, Ahmedabad
- ▶ Allegation No. XXVI: No minutes of the meetings held by the CM and senior bureaucrats were maintained and instructions were mostly conveyed through phone which served the twin objective of (i) field officers carrying out the conspiracy of programme against the minorities and (2) avoidance of the subsequent monitoring of actions by jurisdictional officers.
 - This allegation is substantiated. However, It may be mentioned here that on the basis of the allegations, which has been established during enquiries, no fresh FIR or case can be registered.

(2) Allegations not substantiated:

- ▶ Allegation No. I: Instructions by Shri Narendra D. Modi, Chief Minister to DGP, the Chief Secretary and other senior officials to (allow to) give vent to the Hindu anger on the minority Muslims in the wake of Godhra incident during the Meeting held on 27.02.2002 evening in Gandhinagar, as testified in Affidavit No.4 of Shri R. B. Sreekumar.
 - This allegation is not substantiated.
- ▶ Allegation No. II: The CM's decision to bring dead bodies of those killed in Godhra train fired in Ahmedabad and paraded them in Ahmedabad City.
 - The allegation is not substantiated. However, departmental action for major penalty is recommended against Shri M.L. Nalvaya, formerly

Mamalatdar, Godhra (now Deputy District Election Commission Officer, Banaskantha District)

➤ Allegation No. III: Numerous illegal instructions given verbally (by the CM) to officials as detailed in third affidavit dated 09.04.2004 by R.B. Sreekumar to the Nanavati Commission.

• This allegation is not substantiated.

➤ Allegation No. IV: Data in the 'Concerned Citizens Tribunal' Report by panel of Judges, Justice Sawant and Justice V. R. Krishna Iyer as in Para 10 of the complaint dated 08.06.2006) wherein it was mentioned, inter-alia, as : What transpired in the days that followed the Godhra incident began with the Chief Minister of the State announcing on 27.02.2002 through Akashvani Radio that there was an ISI conspiracy, and deciding against the advice of the Godhra Collector, Smt. Jayanti Ravi, to take the bodies of the burnt Kar sevaks in a ceremonial procession by road to Ahmedabad. The tragic Godhra killings were used and manipulated to justify pre-orchestrated mass carnage that enjoyed the political sanction of the constitutionally elected Government. Top level meetings were held between the Chief Minister, some of his Cabinet and top level bureaucrats at which illegal instructions were issued to perform illegal acts. Proof of this was documented by a Citizens Tribunal constituted and headed by a former Judge of the Hon'ble Supreme Court, when a former Minister (Late Shri Naren Pandya) testified about the details:

• This allegation is not substantiated.

➤ Allegation No. VI: Officers from field executive posts were transferred (by the CM), in the thick of riots in 2002, despite DGP's objection so as to facilitate placement of those who were willing to subvert the system for political and electoral benefits as narrated in Para 67 of the complaint dated 08-06-2006, wherein instances of punishment, ill-treatment etc. are listed in respect of the following officers : (1) Shri Rahul Sharma, IPS, (2) Shri Vivek Shrivastava, IPS, (3) Shri Himanshu Bhatt, IPS, (4) Shri M. D. Antani, IPS, (4) Shri R. B. Sreekumar, IPS and (6) Shri Satishchandra Verma, IPS.

• This allegation is not substantiated.

➤ Allegation No. VII: Senior officials were rewarded with undue benefits, even while their conduct was under the scrutiny of Nanavati Commission, as narrated in Para 68 of the complaint dated 08.06.2006, wherein "Rewards" for collaborating with the illegal plans of CM/BJP during 2002 riots and afterwards are listed in respect of the following officers : (1) Shri G. Subba Rao, IAS, the then Chief Secretary, (2) Shri Ashok Narayan, IAS, the then ACS (Home), (3) Dr. P. K. Mishra, IAS, the then PS to CM, (4) Shri A. K. Bhargava, IPS, (5) Shri P. C. Pandey, IPS (6) Shri Kuldeep Sharma, IPS, (7) Shri M. K. Tandon, IPS, (8) Shri Deepak Swaroop, IPS, (9) Shri K. Nityanandam, IPS, (9) Shri Rakesh Asthana, IPS, (10) Shri A. K. Sharma, IPS, (11) Shri Shivanand Jha, IPS, (12) Shri S. K. Sinha, IPS, (13) Shri D. G. Vanzara, IPS.

• This allegation is not substantiated. However, further investigation is recommended to be conducted against Shri M.K. Tandon, the then Jt. CP, Sector-II, Ahmedabad City and Shri P.B. Gondia, the then DCP, Zone-IV, Ahmedabad City u/s 173 (8) Cr. PC.

- Allegation No.VIII: No follow up action was taken (by the Gujarat Government/CM) on the reports sent by R. B. Sreekumar on 24.04.2002, 15.06.2002, 20.08.2002 and 28.08.2002 about anti-minority stance of the Administration. Copies of these reports are appended in second Affidavit dated 06.10.2004 of R. B. Sreekumar to the Nanavati Commission.
 - This allegation is not substantiated.
- Allegation No. X: Partisan investigations were conducted betraying prejudice against riot victims, as indicated by Rahul Sharma, then SP, Bhavnagar District during his cross-examination before the Nanavati Commission, as noted in Para 18 of the complaint dated 08.06.2006.
 - This allegation is not substantiated.
- Allegation No. XII: A press statement was made by Shri Narendra Modi that the reaction against the Muslim community was the operation of Newton's law of reaction.
 - This allegation is not substantiated.
- Allegation No. XIV: There was undue delay in requisition and deployment of army, though anti-minority violence had broken out on 27.02.2002 afternoon itself in cities of Vadodara, Ahmedabad etc.
 - This allegation is not substantiated.
- Allegation No. XVI: Officers at grass-root level were not transferred as per State Intelligence Bureau's recommendation till the arrival of Shri K.P.S. Gill as Advisor to CM, as indicated by Sreekumar in his second affidavit dated 06.10.2004 to the Nanavati Commission.
 - This allegation is not substantiated.
- Allegation No.XVIII: State Home Department gave misleading reports about normalcy in the State to Central Election Commission for ensuring early Assembly Election. The assessment of the Home Department was adjudged as false by the Election Commission in its order dated 16.08.2002. As per the Register for recording verbal instructions from higher formations kept by ADGP (Shri R.B. Sreekumar), as noted in his third Affidavit, he was directed by the Home Department officials to give favourable reports about law and order for facilitating holding of early elections.
 - This allegation is not substantiated.
- Allegation No. XIX: The State Home Secretary Shri G.C. Murmu was presumably detailed for tutoring, cajoling and even intimidating officials deposing before the Nanavati Commission so that they do not tell the truth and harm the interests of the CM and ruling party, as narrated in third Affidavit of Shri R.B. Sreekumar.
 - This allegation is not substantiated
- Allegation No. XX: Shri G.C. Murmu's exercise was for ensuring that officials will not file affidavits relating to the second terms of reference to the Nanavati Commission about the role of the CM and other Ministers in the riots as narrated in Para 52 of the complaint dated 08.06.2006 wherein gross dereliction of duty has been alleged in not filing Affidavits

relating to second terms of reference to the Commission on the part of 16 specifically named officials including top ranking IAS/IPS officers.

- This allegation is not substantiated.
- Allegation No.XXII: No departmental action was taken against Shri Jadeja, the then Superintendent of Police, Dahod District for his misconduct despite recommendation by CBI, who investigated the Bilkis Bano case as per the direction of Hon'ble Supreme Court.
 - This allegation is not substantiated.
- Allegation No.XXIV: Conducive situation was not created for rehabilitation of riot victims, though a contrary claim was made by the State Administration in its report to NHRC.
 - This allegation is not substantiated.
- Allegation No.XXV: Police inaction facilitated riots as part of conspiracy, as detailed in Paras 13, 14, 61 and 62 of the complaint dated 08.06.2006. In Para 13 of the complaint, some of the 'glaring examples of State sponsored events' are given. In para 61 of the complaint, it is alleged that over two dozen survivors of the Naroda Pattiya massacre case have confirmed that they made over a hundred distress calls to Shri P.C. Pande, then Commissioner of Police but that his mobile was permanently switched off. There was a similar callous response from most of the DCPs and Addl.CPs (of Ahmedabad City) as also by the Commissioner of Police, Baroda, Shri Tuteja. In para 60 of the complaint, telephone calls made from Gulberg Society to Shri P. C. Pande and the DGP are alleged, but no police action despite presence of three mobile vans near the spot. It is also alleged in Para 61 of the complaint that police was aiding mobs, who were attacking Muslims and that on 28th February, of the 40 persons shot dead by police in Ahmedabad City, 36 were Muslims. In Para 62 of the complaint, it is alleged that police acted as mute spectators to acts of lawlessness, offences were not investigated properly, real culprits were not arrested and no timely preventive action was taken etc.
 - This allegation is not substantiated.
- Allegation No.XXVIII: Slack review of post riot cases as ordered by the Hon'ble Supreme Court in 2004. This was achieved by entrusting this work to those senior officers who are willing to act according to political interests of BJP and the CM, as narrated in Para 84 of the complaint dated 08.06.2006.
 - This allegation is not substantiated.
- Allegation No.XXX: The fact that victims of riots and police firings were predominantly of the Muslim community, will establish that rioters, the administration, cohorts of the ruling party (BJP) were moving in collaboration for achieving the satanic objectives of the CM. Statistics in this regard are given in the second Affidavit dated 06.10.2004 (Para 3 / Appendix V) of Sreekumar to the Nanavati Commission.
 - This allegation is not substantiated.
- Allegation No.XXXI: That a secret meeting was held late in the evening of 27-02-2002 in Lunawada village of Sabarkantha District and that a telephone call was made between 3 pm & 6 pm from the house of one

Dr. Yogesh Ramanlal Pandya from Godhra to Dr. Anil Patel (a member of Gujarat Doctor's Cell) intimating him about the meeting. Further, another call was also made to Dr. Chandrakant Pandya (from Katol), Chairman, Police Housing Corporation, Shri Ashok Bhatt, State Health Minister, who was then sitting in the Godhra Collectorate was also intimated about the meeting. Shri Prabhatsinh Chauhan, the then Transport Minister, who hails from Panchmahal was reportedly also called to attend and one Shri A.P. Pandya was also present in the meeting. It is further alleged that the phone calls were made to invite 50 top people of BJP/RSS/BD/HP and the plan was to assemble at someone's house in Lunawada (Sabarkantha District). It is also alleged that 50 top people met at this undisclosed destination and detailed plans were made on the use of kerosene, petrol for arson and other methods of killing, but the State IB did not or could not track such meeting and preparations for the gruesome violence that was to follow.

- This allegation is not substantiated.

➤ Allegation No.XXXII: A meeting was held by Shri Kalubhai Hirabhai Maliwad at village Borwai near Pandarwada on 28-02-2002. This meeting earlier scheduled to be held at the house of one Shri Shankar Master, but due to large crowd, it was held at Baliyadev Mandir. It is alleged that around 5000-6000 activists of Bajrang Dal including Shri Kalubhai Maliwad, Somabhai Rumatbhai of Kaliakuvawala, Jignesh Pandya, Prakashbhai of Borwai village, Amrutbhai Manilal Panchal, Anil Modi, Sarpanch, Sanjay Ishwarbhai Panchal, Vijay Damor, Khema Kafu and Damor Somabhai besides others were present in the meeting held to plan the attacks on the minorities in the surrounding areas. Smt. Teesta Setalvad, co-complainant has stated that this information was given to her by her sources namely Shri Mehboob Rasul Chauhan of Lunawada and Shri Nasirbhai Kalubhai Sheikh of Pandarwada.

- This allegation is not substantiated.

(3) Allegation, which could not be probed being general in nature or otherwise:

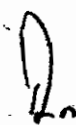
➤ Allegation No. XXI: No action was initiated against senior police officers by the Home Department for their grave dereliction of duty in supervision of investigation of serious offences as noted in fourth Affidavit (Para 94) of R.B. Sreekumar.

➤ Allegation No.XXVII: No action was taken against officers like K. Chakravarthi, then DGP, P.C. Pande, then Commissioner of Police, Ahmedabad City, Ashok Narayan, then Additional Chief Secretary and a large number of senior functionaries in Government who filed incomplete, inaccurate, vague and inadequate affidavits to the Nanavati Commission, as narrated in Paras 54, 55, 56 of the complaint dated 08.06.2006.

➤ Allegation No.XXIX: Nepotism practiced in postings, transfers, promotions etc., as narrated in Para 85 of the complaint for facilitating the on-going subversion of the criminal justice system.

(4) Allegations on which enquiries are yet to be conducted:

- (a) Smt. Teesta Setalvad vide letter dated 24-03-2010 has named 12 new accused persons need to be added to the original complaint, which have not been enquired into.
- (b) Smt. Teesta Setalvad has sent a letter dated 29-03-2010 received by SIT on 01-04-2010, giving some fresh information about the allegations relating to Allegation No. XV about the appointment of Pro-VHP advocates as Public Prosecutor, which could not be attended to.
- (c) Smt. Zakia Nasim and Smt. Teesta Setalvad have sent a fax message dated 01-05-2010 in which she requested the Member, SIT to come to Delhi on 5th/6th or 7th May, 2010, to collect the details of some Gujarat cadre officers present in and around the scene of major carnages on 28-02-2002, information received from official sources about further confirmation of the meeting of 27-02-2002 and certain aspects of the phone call records and data from the CD submitted by Shri Rahul Sharma that has come to light. As the undersigned remained busy with the preparation of Final Report to be submitted to the Hon'ble Supreme Court of India by 15-05-2010, he could not proceed to Delhi to meet the complainants.


(A.K. Malhotra) 12/5/2010
Member,
Special Investigation Team
Gandhinagar