

Date: 23-03-2010

Statement of Shri G. Subba Rao, S/o, Late G. Kamoji Rau, aged about 67 years, R/o, Plot No.188, Sector-8, Gandhinagar.

I belong to Andhra Pradesh. I did my graduation from Madras University. Subsequently, I had done my Post-Graduation in Economics from Andhra University, Vishakhapatnam. I joined Indian Administrative Service in the year 1965 and was allotted to Gujarat cadre. During my service, I had also obtained a M.A. degree in Rural Development from the University of East Anglia, UK and did Post Graduate Diploma in Public Administration from IIPA, New Delhi. While in the IAS, I had gone on Central Deputations and had worked inter-alia as Joint Secretary in the Ministry of Forest and Environment. According to my recollection, I remained posted as Chief Secretary, Govt. of Gujarat from 2001 till April, 2003. I retired from service on 30-4-2003, after having been granted extension for a period of three months. I was appointed as Chairman, Gujarat Electricity Regulatory Commission some time in May, 2003 and held that office till January, 2008. At present, I am leading a retired life.

In February, 2002, I was deputed abroad for official work relating to Gujarat State Petroleum Corporation Ltd. to USA during the period 22-02-2002 (A.N.) to 02-03-2002(A.N.) and in my absence Smt. S.K. Verma, the then ACS and Commissioner of Health and Family Welfare Department was appointed to officiate as Chief Secretary to the Govt. of Gujarat. Accordingly, I handed over the charge to Smt. S.K. Verma on 22-02-2002 and proceeded to USA. It was either on 27th or 28th February, 2002, that my PS informed me over telephone about the train burning incident at Godhra. In view of this incident, I decided to cut short my tour and returned to Gandhinagar. I returned to Ahmedabad and took charge of the post of Chief Secretary on 1-3-2002.

At the outset, it may be mentioned here that the Chief Secretary, as the Administrative Head of the Govt. has only an overall guiding and coordinating role. The primary functions in any administrative area are to be performed by the concerned line departments. Such departments route matters through Chief Secretary as and when necessary. Law & Order matters are handled by the Home Department, DGP and Police formations. Relief and rehabilitation are handled by Revenue Department, Health Department, Panchayat Department and Urban Development Department. These activities are also carried out by field functionaries like Collectors, District Development Officers, Municipal Commissioners, Municipalities and by various State Govt. Departments at field level. Within this frame work, all departments and officers including senior officers like CS, ACS, Home Dept., DGP, ACS(Revenue) and various field functionaries responded to the post Godhra situation effectively. These details had been brought out in the affidavit filed by ACS (Home) on 1-7-2002 and by DGP on 31-1-2004 before the Nanavati Commission of Inquiry.

G. Subba Rao

On my arrival at Gandhinagar on 1-3-2002, I took stock of the situation and found the matter to be serious. On 1-3-2002 itself, I sent a detailed message to all Commissioners of Police, District Magistrates and Superintendents of Police and gave directions that effective actions should be taken including implementation of communal riots scheme. I personally directed all of them not to hesitate to use whatever force was necessary to bring the situation under control. I also gave directions that if the situation deteriorates beyond a point, beside imposing curfew even 'shoot at sight' orders should be given. On 1-3-2002 itself, I along with ACS (Home), ACS (Revenue), Secretaries of Health, Urban Development and Social Welfare, Ahmedabad Municipal Commissioner and Collector Ahmedabad took round of various relief camps, where the persons of minority community had taken shelter. The State Govt. proactively helped out the inmates through cash and supplies. Arrangements were also made for drinking water, health and hygiene. On 4-3-2002 and 11-3-2002, I along with ACS (Home) held two video conferences with the CsP, DMs and SsP and other concerned officers and reviewed Law & Order situation and current violence in the State. The concerned Administrative and police officers were instructed that no stone should be left unturned in bringing the situation under total control. Various measures to be undertaken to maintain communal peace and harmony were brought to the notice of the District officials. They were directed to act in a manner best suited to the situation and to maintain peace at all cost. It was also impressed upon the concerned officials that the violators of laws should be effectively dealt with and no laxity shown and maximum force used to suppress and contain the violence. It may be added here that I had constantly held meetings with the ACS (Home), DGP and other senior police officers and monitored the situation. I also held separate meetings with high level Army Officers on 7-3-2002, 18-3-2002 and 23-3-2002 to review the Law & Order situation.

According to my recollection, the intensity of the riots lasted for first three days. Thereafter, sporadic, isolated, minor and stray incidents continued for a while. Due to the strong and effective measures taken by the State Govt., large areas of Saurashtra, Kutch and most of South Gujarat remained by and large peaceful. By third week of April, 2002, the Law & Order situation had come under control in the State except for some pockets in Ahmedabad City. In May, 2002, I had attended a few meetings with the Chief Minister, which was attended by ACS (Home), DGP and Shri K.P.S. Gill who had been appointed as an Advisor to the CM.

Que. Kindly see DO letters dated 19-4-2002 and 22-4-2002 sent by Shri P.C. Pandey, the then CP, Ahmedabad City to ACS (Home), DGP and Addl. DG (Int.) regarding the alleged involvement of a Minister Shri Bharat Barot in a riot incident and also about the undesirable activities of Sangh Parivar activists like VHP and BD. Were these matters discussed with you at any stage? If so, kindly give the details of discussions held, if any and actions taken thereon.

Ans. To the best of my recollection, these letters were not brought to my notice and appropriate action must have been taken by the Home Department.

Que. Kindly see a copy of DO letter dated 24-4-2002, sent by Shri R.B. Sreekumar, the then Addl. DG (Int.) to ACS (Home) regarding the current communal scenario in

Ahmedabad City. Was this matter discussed with you at any stage? If so, kindly give the details and actions taken thereon.

Ans. I do not remember having come across any such letter or having discussed the same with ACS (Home) or any of the police officers.

Que. Kindly see the Law & Order assessment report by Shri R.B. Sreekumar, the then Addl.DG (Int.) on 15-6-2002, to Home Department. Was this matter discussed with you at any stage? If so, kindly give the details and actions taken thereon.

Ans. I do not remember to have seen this letter or discussed the contents thereof with ACS (Home) or any other officer.

Que. Kindly see a copy of letter dated 20-8-2002, sent by Shri E. Radhakrishna, DIG to ACS (Home). Were these matters discussed with you at any stage? If so, kindly give the details and actions taken thereon.

Ans. This letter was not put up to me at any stage according to my recollection.

Que. Kindly see a copy of letter dated 28-8-2002, vide which the Law & Order assessment report was sent by Shri R.B. Sreekumar, the then Addl.DG (Int.) to ACS (Home). Were these matters discussed with you at any stage? If so, kindly give the details of the discussions and actions taken thereon.

Ans. I do not recollect to have seen this letter. Shri Ashok Narayan, the then ACS (Home) did not discuss the issues raised in this letter with me.

On 9th August, 2002, the Chief Election Commissioner Shri J.M. Lyngdoh along with other two members of the Election Commission had held a meeting to assess the Law & Order situation in Gujarat State with a view to decide the holding of Elections in the State. In such meetings with CEC, the Chief Secretary normally makes introductory observations and presents an overview. The presentation on law & Order was prepared by the Home Department. The presentation on relief and rehabilitation of the riot victims was prepared by the Revenue Department. My remarks were based on the inputs provided by these two departments. Our views that it would be possible to hold free and fair elections were based on factual data. I indicated that the State Administration was fully ready to discharge any task which might be entrusted by the August Election Commission. Our presentations were factual. I recall having referred to the following points as indicative of normalcy:-

- (i) The Law & Order situation had more or less stabilized. The statistics showed that the State remained relatively incident free.
- (ii) The number of inmates in the relief camps declined from 1,33,000 to about 10,000. Even these were in the process of returning to their original residences.
- (iii) Through a process of confidence building measures and dialogue between community leaders and village elders, many of the camp inmates could be sent to their respective places of original residences.
- (iv) All Board Examinations (including UPSC examination) were held without any hitch with normal level of attendance.
- (v) Panchayat Elections to nearly 1700 villages were held without any major incident.
- (vi) All Haj yatries from the States (numbering 6,000) went back safely to their villages and were received with traditional fervour.
- (vii) All religious festivals including Rath-Yatra in Ahmedabad City passed off peacefully. A mention might be made particularly of Maha-Shivratri, Moharrum, Poonam mela at Ambaji/Dakor and Urs at Bhaliyad Pir Dargah.

Based inter-alia 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 by the Election Commission. During the meeting with the Election Commission, Shri R.B. Sreekumar, the then Addl.DG (Int.) gave his own version and assessment of the situation which was different. The senior officers like ACS (Home), DGP and others were trying to address the queries and concerns of the Election Commission. As a member of disciplined police hierarchy, Addl. DG (Int.) can provide inputs and advice to DGP and ACS (Home), but can not force his views upon them. In preliminary remarks, I went by the assessment and the judgment of ACS (Home), ACS (Revenue) and DGP. In any case in judicial/quasi judicial proceedings the matters are decided either way based on evidence and law. The fact that a particular decision was taken in a particular manner can not lead to any adverse inference. In any case, the elections process started within 3 months time and the elections were held peacefully in December, 2002.

Que. After the meeting did you shout at Shri R.B. Sreekumar, the then Addl.DG (Int.) and say that the latter had badly let down the Govt.?

Ans. No, I did not shout at him and did not utter any such words.

Que. Were you consulted about the transfer of Shri R.B. Sreekumar, the then Addl.DG (Int.) on 17-9-2002?

Ans. I was not consulted in the matter. However, I do not recollect as to whether the file concerning his transfer proposal passed through me in routine.

It has been alleged against me by Smt. Zakia Naseem in her complaint that I was given three months extension and was also favoured by posting in Gujarat Electricity Regulatory Commission for a period of 6 years from May, 2003 as I coerced the officials to support the illegal policies of Modi Govt. and had even instructed to eliminate minorities. My extension was a decision taken by State Govt. I was not involved in it. In this connection, it may be clarified that I was appointed as Chairman, Gujarat Electricity Regulatory Commission for a period of five years or attainment of 65 years of age and not six years as alleged in the complaint. Further, I demitted the office of the Chairman on 6-1-2008 (A.N.) when I attained 65 years of age and thus, worked for 4 years and 9 months. It may also be pointed out that this appointment has to be made in accordance with the relevant provisions of Electricity Regulatory Commissions Act. There is a selection Committee, which is chaired by a sitting or retired High Court Judge and as such, it can not be said that any favour was bestowed upon me. I totally deny ever having instructed eliminating any minority community individual. I was never party to any illegal policies or acts.

Que. Kindly see entries dated 17-4-2002, 22-4-2002, 1-5-2002, 28-6-2002, 9-8-2002 and 19-9-2002 made by Shri R.B. Sreekumar, the then Addl.DG (Int.) in a register said to have been maintained by him in normal course to record the oral instructions given to him by the various bureaucrats and politicians during his tenure as Addl. DG (Int.). Please confirm the authenticity or otherwise of the same.

Ans. The so called diary or register is an unauthorized illegal document without any validity under law. An official diary has to be authorized under Government's orders and has to be in the prescribed format. It has to be submitted periodically to the superior officer for his perusal and comments. The so called diary/register consists of baseless, false and malicious statements. The details of these entries are not only untrue but also baseless, absurd and unethical. Publication of details which are untrue and purportedly made before many years and which attribute statements to

A. P. Sreekumar

people who had no access to nor any inkling of the so called diary, is unwarranted, unethical, unfair and motivated.

Shri R.B. Sreekumar, the then Addl.DG (Int.) seems to have filed four affidavits before Nanavati Commission of Inquiry on 6-7-2002, 6-10-2004, 9-4-2005 and 27-10-2005. He added the details of this diary in the third affidavit filed before the Nanavati Commission of Inquiry. This itself shows that the diary is fabricated and an after thought. Had the allegations being true, Shri R.B. Sreekumar, the then Addl.DG (Int.) would have included the same in the first affidavit. It is significant that his promotion was withheld sometime early 2005 and he is apparently trying to hit back at those in the State Govt. Last but not the least, this is a personal register of Shri R.B. Sreekumar, the then Addl.DG (Int.) and he is free to write anything he likes without the knowledge of the concerned and as such no reliance can be placed upon the same.

As regards the entry dated 17-4-2002, it is not true that the CM had asked the DGP to book Muslim leaders who were likely to disturb the holding of an examination on 18-4-2002. In an entry of 22-4-2002, it has been alleged that I had said that arrest of Hindu leaders involved in the heinous crime committed during the recent communal riots was not possible, as it was against the State Govt. policy. I deny having made any such statement. It is common knowledge that the arrest of the accused is the discretion of the investigating officer based on the available evidence. Obviously, this can not be a matter of State policy. In fact, the DGP had issued necessary directions in regard to investigation of riot cases and the same had been incorporated in para-12 of his affidavit. It is also alleged in this entry that in Shri Sahu had raised the question of early apprehension of Hindu goons, who massacred the Muslims. He added that the CS replied that in the Mohalla meetings, if such a question is raised by anybody, the Secretary should answer that it is a matter of legal procedure and so this Mohalla Committee cannot do anything. In this connection, I would like to clarify (though I do not recall the discussions) that the matter seems to have presented in a distorted manner. It is common knowledge that Mohalla committees are drawn from elderly respective community leaders. Their role is to establish peace and influence the hot headed elements within their respective communities. Naturally, such committees have no role to play whatsoever in the arrest of the accused persons, which is the prerogative of the police officer investigating the case.

In another entry dated 22-4-2002, about Mohalla level meetings, he claimed to have raised the question of arresting culprits named in the FIR and made some observations about my response being reflective of Govt. policy of evading, delaying or soft pedaling, the issue of arrest of accused persons belonging to Hindu organisations. These are his own comments and he had deliberately tried to create a false impression that I was trying to prevent arrest of criminals belonging to a particular community. This is far from truth and I had not given any such instructions whatsoever.



There is another entry dated 28-6-2002, in which it has been recorded that I have informed the administrative and the police officers that there was no question of cancellation of Rath-Yatra, as CM had taken a firm decision to permit Rath-Yatra through the traditional route. In this connection, I would like to clarify that the decision in respect of Rath-Yatra was taken by the Govt. after considering the views of the Home Department. It is common practice for the Chief Secretary to preside over a co-ordination meeting on Rath-Yatra. The Law & Order aspects along with bandobast and precautionary measures are handled by ACS (Home) and DGP. The Chief Secretary has got a limited role in the matter. The statement that I suggested that any person disturbing the Rath-Yatra should be eliminated is totally false and absolutely preposterous. No Chief Secretary in his senses would say such things. I never issued any illegal or inappropriate orders.

Again in another entry of 9-7-2002, it has been alleged that the CS informed that any body trying to disturb the Rath-Yatra should be shot dead. As already mentioned above, this statement is totally false.

As regards the entry dated 9-8-2002, the same has already been dealt with in detail above.

In another entry dated 15-9-2002, it has been alleged that I had asked the DGP to issue a denial statement in respect of a speech made by the CM at Becharaji. I did not give any such instructions to the DGP. The other part of the entry that I was highly annoyed about the leakage of the State IB reports is also untrue.

In the last entry dated 19-9-2002, It has been alleged that Shri R.B. Sreekumar, the then Addl.DG (Int.) met me after his transfer from the post of Addl. DG (Int.), in which I had opined that he should not have spoken in contravention of the State policy before the Election Commission. I do not recollect either meeting Sreekumar after his transfer or having made any such remarks.

It has also been alleged that I, as Chief Secretary, being the bridge and link between the political echelon of the Govt. and the bureaucracy including the police did not care to file any affidavit so far presumably before Nanavati Commission of Inquiry. In this connection, it may be noted that the formulation about the role of the Chief Secretary as the bridge and link between the political echelon of the Govt. and the bureaucracy including the police, is somewhat misleading. The Chief Secretary is the head of the Administrative set up in any State. Broadly speaking, the duly constituted government as distinct from administrative apparatus consists of the CM and the Ministers. Govt. is carried on in the name of the Governor, who is the constitutional head. There are linkages at various levels between the elected Govt. members and Administrative personnel. Thus, the Ministers as members of the Govt. interact not only with the Chief Secretary but also with Secretaries of the department, Heads of the Department and also at times with the field functionaries. The Chief Secretary interacts with the elected members of Govt. and not with any

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political echelon. My relations with the Members of Govt. have always been based on professional Civil Service Rules.

It may be added here that the ACS (Home) had filed a detailed affidavit on 1-7-2002 on behalf of the Govt. before the Nanavati Commission of Inquiry, which covered following aspects in detail:-

- Police Set up
- History of Communal Riots
- Causes of Riots
- Army deployment
- Role of Media
- Communication System (Police)
- State Govt. Administrative response including the action taken to control the riots

In addition, the DGP, Gujarat State had filed an affidavit on 31-1-2004 covering aspects of Law & Order and investigation. A Spl. IGP had also filed an affidavit giving the deployment of forces in the State during the riots. Besides these, affidavits were also filed by the concerned jurisdictional Police Officers including the Commissioner of Police, Ahmedabad City.

As all the relevant aspects had thus been covered, it was not necessary for me to file a separate affidavit. Moreover, the Hon'ble Commission of Inquiry also did not consider it necessary or otherwise they would have directed me to file an affidavit.

It has further been alleged in the complaint that a high level meeting was convened by the Chief Minister in which my self, ACS (Home) and senior policemen were summoned and clear instructions were given 'not to deal with the Hindu rioting mobs'. In this connection, I out rightly deny having attended any such meeting, in which the aforesaid instruction were allegedly given by the Chief Minister.

It has also been alleged that in 2002, I being the top man of 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 fundamental rights of every citizens had allegedly participated in a meeting with the Chief Minister Shri Narendra Modi, where illegal instructions were issued by the constitutionally elected Chief Minister and that I had 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. These allegations are vague and absurd. I have always acted within the frame work of rules and regulations and as per the prescribed official procedure. Further, the larger issues, which the complainant has in view, fall within the purview of the Constitutional Authorities. As already mentioned, I returned to Gandhinagar from foreign tour and resumed duty on 1-3-2002 and as such I was not present in the meeting allegedly held by the Chief Minister on 27-2-2002. I have already stated

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earlier the reasons for not filing an affidavit before the Nanavati Commission of Inquiry.

Que. Did Late Ahesan Jafri, Ex-MP contact you and request for help during the riots?

Ans. As already stated, I returned to Gujarat only on 1-3-2002, after the incident and as such the question of Late Ahesan Jafri, Ex-MP contacting me on 27-2-2002 does not arise.

Que. Why were the minutes of the Law & Order meetings held by the CM from 27-2-2002 onwards not prepared and kept on record?

Ans. As the administration was handling a severe crisis, numerous meetings were being held and various actions taken. Actions were taken based on the meetings by the concerned departments. Although, they may not be formal minutes, I believe that there will be necessary paper work in the files of concerned departments either at secretariat or the field department.

There is an allegation in the complaint about the callousness and discrimination in handling relief and rehabilitation work. As already mentioned, I personally visited various camps along with the concerned senior officers on 1-3-2002. The progress of relief and rehabilitation was being regularly monitored by the Revenue Department. I remember that the Cabinet Secretary of Govt. of India had also reviewed the progress in this matter on some occasions. Various other agencies like NHRC were also looking into the matter. In the wake of the riots, massive relief and rehabilitation operations were launched. A few factual details will convey the scale of efforts made by the State Govt. The State Govt. provided cash and supplies and arranged for shelter, drinking water, health and hygiene, which assistance amounted to Rs. 14 crores. The State Govt. provided Rs. 16.20 crores to the families of the dead besides Rs. 1.70 crores for assisting the injured. An assistance of Rs. 10.09 crores was provided for house hold kits and Rs. 63.90 lacs as cash doles. For long term rehabilitation, Rs. 29.53 crores was paid to 28,947 families. Under economic rehabilitation package, 16,990 families were assisted for rebuilding earning assets. An assistance of Rs. 10.08 crores have been sanctioned to 3014 small businesses and Rs. 57.68 crores for 2846 industrial units, hotels and shops. I am giving these details based on some old notes (of 25-2-2003), which I kept. These are approximate figures and exact figures can be obtained from the State Revenue department.

Read over and admitted to be correct.

[Signature]
23/3/2010

Typed by

[Signature] 23-3-10
(A. K. Parmar)

Before me

[Signature]
23/3/2010
(A. K. Malhotra)
Member, SIT,
Gandhinagar