

Complainant:

Mrs. Jakia Nasim Ahesan Hussain Jafri,

203, Siddiqi Square Apartments,

Adajan Patia,

B/h Dhanmora Complex,

Surat: 395009.

Dtd. 8th June, 2006.

Accused:

1. Chief minister, Narendra Modi

Then and Presently Chief Minister, Gujarat State,

Sachivalaya,

Gandhinagar

2. Ashok Bhatt,

Then Minister for health,

Presently Minister for Law and Judiciary, Health and Family

Planning, Parliamentary affairs, NGOs etc

Sachivalaya,

Gandhinagar. Mobile no.9427306021

3. Indravijaysinh Jadeja,

Then Minister of Urban Development Add. Health & Family Welfare

Presently Minister for Road and Buildings, Capital Projects, etc

Sachivalaya, Gandhinagar and MLA from Dhrangadhra

Constituency;

Mobile no.9427306026

4. Prabhatsinh Pratapsinh Chauhan,

Former Minister for transport,

Presently Minister for Cow breeding, Devasthan Managment &

Pilgrimage

Tribal Development and MLA from Kalol

Sachivalaya, Gandhinagar Mobile no.9427306037

5. Gordhan Zadaphiya, MLA and Former Minister for home, Government of Gujarat and presently MLA from Rakhial, Ahmedabad,
Residence: B/4 Aksharnagar, A/1/U, Pramukh Swaminagar, Artex Compund, Bapunagar, Ahmedabad-380025
Vidhan Sabha, Gandhinagar, Gujarat

6. Ranjitsingh Naharsinh Chawda, MLA and Former Minister for cottage industries, & Shri Vajpayee Swarojgar Yojna

7. Kaushikkumar Jamnadas Patel, Kaushikkumar Jamnadas Patel, presently Minister for Revenue and Disaster Management, Sachivalaya, Gandhinagar, Gujarat ;, in 2002 an elected MLA from the Shahpur, Ahmedabad Then Minister of Energy, Mobile no.9427306789

8. C.D. Patel, presently Minister for Tourism, Holy Places, Pilgrimages and Cooperation Sachivalaya, Gandhinagar, Gujarat,; in 2002 an elected MLA from the Petlad constituency, Gujarat

9. Niteenbhai Ratibhai Patel, former MLA in 2002 Mehsana Minister of Finance.

10. Amitbhai Anilchandra Shah, presently Home Minister, Government of Gujarat and MLA from Sarkhej constituency Ahmedabad
(O) 23225920 (R) 23232453 Mobile no.9427306029

11. Anil Tribhovandas Patel (Apollo Group) and MLA from Mehsana, Gujarat. Minister of Industries, Mines Mineral, Tourism Civil aviation, Cottage Industries. Mantrinivas Sector-19, Gandhinagar (Ph) 23222208, 23222102 Mobile. 9427306032

12. Narayan Lalludas Patel, MLA from Unjha, Then Minister of Transport (Independent Charge)
25, Sardar Co-operative Society, Molutpur Nr. Unjha police Station Post. Ta. Unjha Dist: Mehsana.

13. Kalubhai Hirabhai Maliwad, MLA from Lunawada Former Taluka Panchayat Pramukh, Presently BJP MLA Lunawada.
Res: Jain Society. Opp. Saifi Hospital, Lunawada, Panchmahal-389230

14. Dilipbhai Manibhai Patel, MLA from Anand
Vidhyanager- Kamarsad Road , Kramsad, Dist. Anand Pin
Code.388325

15. Madhu Babubhai Srivastava, MLA from Waghodiya
constituency
Prabhat Nagar Society, Waghodiya Road, Vadodara-390019

16. Dr Maya Kodnani, elected MLA in 2002 and presently from
Naroda, Ahmedabad, Res- B-Block c/1/2 Om
Tower, Shahibaug, Ahmedabad-380004; Phone : 079-2686136

17. Nalin Kantilal Bhatt,
General Secretary, Bhartiya Janata Party,
Pandit Din Dayal Bhavan, Khanpur (Karnavati) Ahmedabad-
380001
Res: 45, Shivkumud Society, Akota, Vadodara.

18. Rajendra Sing Rana,
Spokesperson of the Bharatiya Janata Party
Then and Presently Member of Parliament from Bhavnagar,
Gujarat

19. Dr. Kaushikbhai Jamnashanker Mehta,
Joint Secretary, Vishwa Hindu Parishad, Gujarat.
Vishwa Hindu Parishad, Gujarat ,
the office of which is situated at 11, Mahalaxmi society, Near
Mahalaxmi four roads, Paldi, Ahmedabad.

20. Dr Praveen Togadia, International general secretary, VHP
c/o Dhanvantri Hospital , Ahmedabad'; Res. 50, Vaibhav Bunglow
-2, Nr. Gulab Tower , Memnagar, Ahmedabad-380061. Off.
11, Mahalaxmi Society, Near Mahalaxmi Four Roads, Paldi,
Ahmedabad-380007.

21. Dr. Jaideep Patel, Gujarat Secretary, Vishwa Hindu Parishad,
Gujarat, Naroda Gaon, Ahmedabad;
Res: 18/A, Ramyakunj Society, Nr. Galaxy Cinema, Naroda.
Ahmedabad-382325 * Gujarat,
Lab: Bharat Pathology Laboratory,
Opp. Naroda Police Station, Mahipatram Chambers, Naroda Gam.

22. Babu Bajrangi Patel, Member Bajrangdal, VHP.
Bhagyoday (Kachhi) Sociery, B/s Kankuva Wadi, Naroda,
Ahmedabad

23. Professor Keshavram Kashiram Shastri,
Chairman of the Gujarat unit of the Vishwa Hindu Parishad,
Editor, Viswa Hindu Samachar
11, Mahalaxmi society, Near Mahalaxmi four roads, Paldi,
Ahmedabad 380007

24. Babubhai Rajput, BJP Worker,
Bhartiya Janata Party, Pandit Din Dayal Bhavan, Khanpur
(Karnavati) Ahmedabad-380001

25. K Chakravarti
Former Director General of Police, Government of Gujarat

26. Shri A. K. Bhargava,
Former DGP/ IGP of Police,
Sachivalaya, Gandhinagar, Ahmedabad (Mobile: 98250-48301)
Presently MD Housing Corporation.

27. Subha Rao, IPS, 1965, Former Chief secretary, Government of
Gujarat posted as Chairman Electricity Regulatory Authority from
2003 (6 year posting).

28. Ashok Narayan, 1966 IAS Batch , Former Home secretary,
Government of Gujarat .

29. P. C. Pande, Former Commissioner of police, Ahmedabad
Then on Deputation to the Central Bureau of Investigation,
New Delhi; now DGP, Gujarat. Police Bhuvan, Gandhinagar;
(Mobile 98250-48313??)

30. K Srinivasan, Former Collector, of Ahmedabad.

31. Dr PK Mihsra, IAS, 1972, then PS to the Chief Minister also
Director, Gujarat State Disaster Management Authority, today
Additional Secretary Ministry of Home Affairs, Gujarat
Government.

32. Kuldeep Sharma, IPS, 1976, in 2002 Range Incharge
Ahmedabad Range, presently ADGP(training)

33. M.K. Tandon, IPS 1976, then in 2002 Additional CP
Ahmedabad, Range Incharge Surat today.

34. K. Nityananand IPS 1977, former Home Secretary, presently
Commissioner of Police Rajkot city

35. Rakesh Asthana, IPS, 1984, then Vadodara Range
36. A.K.Sharma, IPS 1987 former SP Mehsana now promoted to Range Ahmedabad
37. G.C. Murmu,
Secretary, Law and Order, Sachivalaya, Gandhinagar, Gujarat;
Mobile: 9427306119
38. Shivanand Jha, Secretary, Home,
Sachivalaya, Gandhinagar, Gujarat
39. D.H. Brahmabhatt, Collector, Panchmahals,
Collector Compound, Collector House Godhra -389001
40. Deepak Swaroop, IPS 1976 presently Commissioner of Police,
Vadodara; formerly Range Officer at Vadodara Range
41. Sudhir Sinha, presently Commissioner of Police, Surat
42. Shri K. Kumarswami, IGP Int. GS, G'nagar; 98250-49189
43. Shri B. S. Jabaliya
District Police Chief, Anand (Mobile 9825049306)
44. D.G.Vanzara, IPS, 1987 formerly DIGP Ahmedabad Crime
Branch from May 2002 to July 2005 presently posted as DIG Anti
Terrorism Squads, State of Gujarat
45. Shri Satish Verma, Batch 1986 IPS formerly Range DIGP Kutch
now SRP Training Centre, Sorath, Junagadh
(Mobile 9426510307)
46. Raju Bhargava, then SP, Superintendent of police (SP)
PANCHMAHAL DISTRICT, Khanpur Police Station ,Babaliya Police
Station, Panchmahal:
now at SP Sabrakantha (Mobile: 98250-07278)
47. Smt Anju Sharma, then Collector Bharuch District
48. D.D. Tuteja, (IPS) now retired then Commissioner of Police, Vadodara city;
Res: 33, Dinesh Tara Nr. Pavanpir Appartment, Pratap Ganj, Vadodara-390002,
Tel. 0265- 2787899, (M) 94263 72273
49. Bhagyesh Jha, former Collector of Vadodara; Presently Director
of Information, I & B Department, Sachivalaya, Gandhinagar,

Gujarat

50. Nitiraj Solanki, then SP, Sabrakantha District

51. Amrutlal Patel, then in 2002, Collector Mehsana District; Presently Collector of Administration Indian Space Research Organisation (IPRO) Jodhpur Tekra Ahmed-380053

52. Upendra Singh, then in 2002 SP, Rakjot District.

53. P.N. Patel then collector in 2002, Rajkot District

54. V. M. Pargi; Then in 2002 DCP (Deputy commissioner of police) Parghi then with Ellis Bridge Police Station; Presently Addl. C. P. Vadodara City (Mobile: 98250-49189)

55 . PI (Police inspector) KG Erda, then at Meghaninagar Police Station; Former PI C.I.D Intelli. Viramgam. Presently P.I. (L.C.B) Tithal Road, Valsad.

56. PI Kerman Khurshed Mysorewala, then PI Naroda Police Station, Ahmedabad, at present Reader to D.I.G.P, Gandhinagar Range. Residential address: Sabarmati, Ahmedabad District: Ahmedabad.

57. M.T. Rana,
Assistant Police Commissioner, G-Division, Ahmedabad City

58. Tarun Barot, Crime Branch. Former & Presently Police Inspector

59. Narendra Amin, DCP Crime Branch, Ahmedabad

60. G.C.Raiger, IPS (1972) the then ADGP – Intelligence,

61. KR Kaushik, IPS 1972 former Commissioner of Police, Ahmedabad

62. Amitabh Pathak, IPS (1977). Range IG of Gandhinagar Range.

63. Shri Satish Verma, At present S.R.P, Training Centre, Sorath, Junagadh.

FIR for the offences punishable u/s 302
r/w 120-B, of the Indian penal Code with
sections 193 r/w 114 IPC, 186 & 153 A,
186, 187 of the Indian Penal Code and u/s
Section 6 of the Commission of Inquiry
Act; The Gujarat Police Act and The
Protection of Human Rights Act [PHRA],
1991

To,

Mr. P. C. Pande,

The Director General Of Police of Gujarat,

Police Bhavan, Gandhinagar.

- (1) I am the citizen of India. I am filing this detailed FIR against the above named accused persons for aiding and abetting the co-accused persons involved in mass carnage that shook the State of Gujarat and the country between February 2002 and May, 2002. I beg to bring to your kind notice the deliberate and intentional failure of the State Government to protect the life and property of innocent denizens of this country through a well executed and sinister criminal

- conspiracy amongst the accused above named that resulted in the breakdown of Constitutional Governance in the State.
- (2) I state that within the State of Gujarat, since 2002, when a mass carnage was orchestrated by the most powerful in the State Executive using pressure and connivance of the State Administration and Law and Order Machinery there has been continued and consistent attempts to further this unlawful and unconstitutional worldview and mandate by using State Terror and Pressure to intimidate victim survivors, marginalize (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. In a nutshell the core and substance, letter and law of Constitutional governance has been successfully subverted over four years by and in the state of Gujarat.
- (3) The utter failure of large sections of the Gujarat police to fulfill their constitutional duty and prevent large-scale massacre, rape and arson – in short to maintain law and order – has been the subject of extensive debate and discourse, post the Godhra mass arson and subsequent carnage. Paralysis and inaction at best, and active

connivance and brutality (shooting dead young men even minors) at worst were in full public view in Gujarat. The civil service was paralyzed, as was the police machinery, which was influenced, manipulated and bullied into singing the murderous tune of the conspirators who were bent on destroying Constitutional Governance in the state, a style of governance that ensures core principles of equity, justice and non-discrimination.

(4) The blatant and transparent actions of the Gujarat State Executive in using a carrot and stick policy to reward those members of the police and administration who fell in with their illegal and unconstitutional plans to permit [or participate in mass murder and sexual violence and systematic destruction of property] and maliciously punish those who stuck, stoically to their Constitutional Oath is a blatant and continued example of non-Constitutional Governance in the state of Gujarat.

(5) This blatant and continuing subversion of the Indian Constitution that constitutes a criminal conspiracy against the secular, democratic Indian State can be closely observed through the attitude of the elected government of Gujarat instituting a Public Inquiry under the Commission of Inquiry Act to inquire into the outrageous actions of 2002 with

limited terms of reference initially. That, when this Commission was first constituted an attempt was made to limit it in scope and to compromise its independence. That thanks to the mass outrage, this was sought to be corrected but still, in 2002, the terms of the reference of the Commission did not include any scope to examine the conduct of the Chief Minister i.e., the present accused no. 1 in this First Information Report. That only in the year 2004, following the change of political leadership of the Centre were the terms of reference expanded. Both terms of reference shall be produced to an independent investigating agency at the time of investigation of this FIR.

(6) That, as the official rehabilitation reports show, the government has been callous and discriminatory in the rehabilitation of the victims and the disbursement of compensation.

(7) As other official documents, including crime reports of 2002, Missing persons reports etc show the state government has at all levels abdicated its responsibility as the Constitutionally Elected government.

(8) That, in gross and appalling violation of provisions of the Indian Penal Code, Commission of Inquiry Act, Administrative Service Rules of IAS/IPS officers and the

Police Acts, the State of Gujarat has deliberately constricted the functioning of the Nanavaty-Shah Commission by directly instructing senior police officers not to file second affidavits following the expanded terms of reference, and even not depose as one example shows. On occasion, officers have been directly influenced to depose with falsified facts and thereby commit the criminal act of perjury, an unforgiveable act of a Constitutionally elected state government and its officials. These are not simply allegations but well documented moves by the state government executed both through its senior bureaucrats , Home Secretary, Murmu and its advocate Arvind Pandya who appears before the Commission. These actions on behalf of the state of Gujarat amount to a direct attempt to stifle and curb, or render to a complete farce, the Nanavaty Shah Commission of Inquiry. All these facts have been gleaned following a detailed and thorough examination of affidavits filed by senior policemen and officials before the Nanavaty-Shah Commission that we have annexed in translation. We crave leave to annexe as additional documents and further evidence of the same. The copy of the transcript of conversation alongwith the CD revealing the Home Secretary Murmu conversation assisted with state

government's advocate in Nanavati-Shsh commission intimidating a serving police officer is also annexed along with this FIR.

- (9) The cynical subversion of the law and deliberate non compliance with known and time-tested measures to maintain public peace began prior to the Godhra mass arson of February 27, 2002. Intelligence silence or failure, and subsequent lack of precautionary measures (including calling in the army as a precaution], in 2002, is shocking and startling given the reported background and potential threat to peace by the provocative behavior by *kar sevaks*, demonstrated repeatedly in their journeys to and from Gujarat in the past (between 1989-2002]. In 1992, such incidents were reported from Palej , Dahod and Godhra soon after the Babri Masjid demolition. With this history, should not the police have kept strict watch and vigil over the departure and return of *kar sevaks*, especially when the climate in the country was tense and belligerent? Although the police had known of tension between *kar sevaks* and residents of Singal Falia in Godhra, the crucial intelligence failure was in not knowing or communicating to the local authorities, that the *kar sevaks* were returning by Sabarmati Express on February 27. Sources said that the police only

had information that *kar sevaks* were returning from March 1 onwards. One may well ask whether this was, actually, a case of intelligence failure on part of the police force, or a deliberate absence of preemptive action against those returning from Ayodhya.

- (10) In the Godhra Arson, 58 persons, *not* who were all *kar sevaks* returning from Ayodhya unfortunately lost their lives as they were burnt alive when some miscreants attacked [and presumably then set fire] to the train compartment. This was a very tragic and unfortunate incident and those found guilty through due and exacting process of a criminal trial, should be severely dealt with. What transpired in the days that followed, began with the chief minister of the state on the evening of February 27, 2002, announcing through Akashwani radio that there was an 'ISI' Conspiracy and deciding *against the advice* of the Godhra Collector, S,t Jayanti Ravi, to take the bodies of the burnt *kar sevaks* in a ceremonial procession by road to Ahmedabad. The entire and tragic Godhra killings were used and manipulated to justify pre-orchestrated mass carnage that enjoyed the political sanction of the Constitutionally elected Government in Gujarat. Top level meetings were held between the chief minister, some of his cabinet and top level bureaucrats at

which illegal instructions were issued where policemen and bureaucrats were instructed to in fact perform illegal acts. That, proof of this was documented by a Citizens Tribunal constituted and headed by former Judges of the Hon'ble Supreme Court when a former Minister testified about the details. That this former Minister who deposed was late Shri Haren Pandya. That illegal attempts to influence the police by senior cabinet colleagues of the chief minister were reported by the press when they sat at the Gandhinagar and Shahibaug Control Rooms and actually subverted police rules and protocol by instructing policemen not to function and otherwise also manipulating instructions.

(11) Following February 27, 2002, what transpired in many parts of Ahmedabad [especially Gulberg Society and Naroda Gaon and Patiya], Sardarpura in Mehsana, Vadodara city, Kidiad and Sesan in Banaskantha, Pandharwada and Eral in Panchmahals, Sanjeli and Randhikpur in Dahod and Ode in Anand are incidents that have cast a severe blot on Gujarat and India, of the faith in the ordinary man and woman in the rule of law and fairplay.

(12) What is worse or as bad as the occurrences themselves is the now almost incontrovertible pointers/evidence [including statements made by a former cabinet Minister of the State of

Gujarat, that a high level meeting was convened by the Chief Minister, at which then Chief Secretary Subha Rao and then Home Secretary Ashok Narayan and senior policemen were summoned at which clear instructions were given 'not to deal with the Hindu rioting mobs'. Thereby clear sanction and sponsorship was given by the state to brute violence that included sexual violence of girls and women. This can be seen through newspaper reports and excerpts of the *Concerned Citizens Tribunal Report—Crimes Against Humanity, Gujarat 2002* headed by Justices VR Krishna Iyer and PB Sawant excerpts of which are enclosed alongwith this FIR.

- (13) Some of the glaring examples of these state sponsored events are as under:
- (I) In one case which is known as NARODA PATIA case registered as Naroda Police Station C. R. No. I 100/02 not less than 83 persons were killed which included women and children. It is needless to point out that all those who lost their lives belonged to Minority Community. This particular case was the consequence of Godhra massacre.
- (II) The second case to be notice is the case of GULBARG SOCIETY which is registered as Meghaninagar Police Station C. R. No. I 67/2002 in which 17 person were burnt alive and about 27 persons were

suspected to be burnt alive who are missing. In this incident also about 40 persons were butchered by a crowd of miscreants including ex Member of Parliament Ehsan Jaffery. The murder of Mr. Ehsan Jaffery a MP was also not condoned in a Reference in the House. (III) The third

case is of Sardarpura village of Mehsana District which is registered as Visnagar police station C. R. No. I 46 of 2002. In this incident 32 persons were murdered. (IV)

The fourth case is the infamous BEST bakery case of Vadodara. In this case 14 people were burnt alive by a mob of Hindus (miscreants) in a bakery. It is now not unknown that the accused named in this case have been acquitted and petition is pending before the Hon'ble High Court.

(V) The fifth case is of Kidiyad of Sabarkantha district, wherein the Muslim population from the village fled in two tempos after their neighbour created a huge threatening atmosphere. The road was blocked with large stones and the passengers were surrounded by 1000-2000 strong mobs. Later on 60-65 persons were burnt alive. The complaint for the deaths caused to persons traveling in only one of the trucks had been recorded. The police have not recorded any further evidence though the eyewitness namely Arjubehn Ayubhai sindhi, lone survivor from the truckload

can identify the culprits. (VI) The sixth case is of Oad village, Anand district, wherein 26 persons were burnt alive on March 1. The complainants said that only four deaths are confirmed and the bodies of other victims have been disposed of at some unknown location. Two FIRs C.R. No. 23/2002 and C.R. No. 27/2002 have been lodged. That the judicial magistrate, first class, Umreth, rejected the remand application though the crime has been classified as not just grave but heinous. That during the pendency of the remand application, 18 accused were released on interim bail for 8 days by the order of the Hon'ble Court's order celebrate the festival of Shivratri ! The said order shall be produced if called during the investigation of this complaint. This shows how the state's prosecutors assisted the courts.

(14) It is humbly stated by the complainant herein that the manner and fashion in which anticipatory bail and bail were lackadaisically granted for heinous crimes, the manner in which dozens of accused are absconding for over four years and the travesty of justice committed by the state in the appointment of Public Prosecutors all amount to a deliberate attempt to subvert the deliverance of justice.

(15) That it is stated by Mr. K. Chakravarthi, Director General of Police in his affidavit that details about the date and train

of the return journey from Ayodhya to Gujarat by the Karsevaks was not communicated in time to Gujarat Police. As a matter of fact, such intimation was received at the State Police Headquarter/State CID only on 28/02/2002 at 0815 hrs i.e. after Godhra train carnage incident. Consequently, Gujarat State Police could undertake no special precautionary measures prior to the Godhra incident. That the State Police function was under severe man power constraints. That despite this fact the State Government requested the Ministry of Home Affairs, Government of India, to provide 10 companies of RAF on 2nd March 2002, but after five days in which, damage was already done. Therefore, the State Government did not take immediate action for reinforcing the police force. The affidavit of Mr. K. Chakravarthi, Director General of Police is annexed alongwith this FIR.

- (16) The complainant states that it is stated by Mr. Rahul Sharma, S.P. in his cross-examination before the Hon'ble Mr. Justice G. T. Nanavati & Hon'ble Mr. Justice K. G. Shah Commission that imposition of curfew in Bhavnagar City had not become effective immediately. That compared to the mob required to be dealt with; the police staff was highly inadequate. It was disbursed all over the district and in the

whole city there were only about 180 policemen. That the whole attack on Madressa (at___) appeared to be as an organized one. As the police had not come in contact with the persons in the mob, they were not identified and, therefore, only those who were injured were arrested. That one minister of State Shri Gordhan Zadapia had contacted Mr. Sharma. That was on 4th evening. That was in connection with visit of Mr. L.K. Advani. Shri Gordhan Zadapia had again contacted Mr. Rahul Sharma on 16/03/2002 at about 10-10 A.M. Mr. Rahul Sharma had told him that while he had done a good job at Bhavnagar, the ratio of deaths as a result of police firing was not proper. That Shri Gordhan Zadapia was complaining about more number of deaths of Hindus compared to Muslims as a result of police firing in Bhavnagar City. On 23rd (MONTH) a serious situation had developed. A mosque was attacked in the Chavdi Gate area. The police arrested 21 persons and the leaders of the locality wanted them to be released. Mr. Rahul Sharma came to know that the inspector in charge of the police station and probably the Dy. S.P. had promised them that the arrested persons would be released by evening. The DGP had asked Mr. Sharma to report about the incident. That Mr. Sharma had some professional

differences of opinion with his higher officers as regards the manner in which the issue of the release of the accused was to be handled. Mr. Sharma sent a report of the incident to the DGP, as directed by way of letter. After that incident was over, a political leader of the BJP had met Mr. Sharma and told him that he had done good thing by not succumbing to the pressure of the local leaders. That this was being resorted to keep the issue alive till elections. Therefore, it becomes clear that it was an organized attempt on the part of the local BJP leaders to keep the issue alive. That it is stated by Mr. Rahul Sharma that he had a professional difference of opinion with the District Magistrate, the Junagadh Range IGP and the D.G.P. on the issue of release of the arrested persons. Those senior officers believed that if the persons arrested were not released on bail then that itself might lead to some trouble. That Mr. Sharma's transfer order was issued on 24th March 2002 and he got relieved on 26th March 2002. That he don't know why he was transferred from Bhavnagar. Thereafter Mr. Rahul Sharma was supposed to assist Mr. Surolia in supervising the cases of Naroda Patia and Gulbarg Society. In the sensitive cases, during the course of investigation, more and more political leaders were being involved. The extent of unconstitutional

governance is reflected by the selective punitive and reward policy followed by the home department of the state government relating to senior police officers. The affidavit of Mr. Rahul Sharma before the Nanavati-Shah Commission is annexed alongwith this FIR.

(17) As a glaring instance the personal records maintained by the Addl. DG Mr. R. B. Shreekumar, to assist his writing of intelligence report, reveals illegal instructions given by top echelons of the Gujarat Executive and the senior rungs of the police. The true copy of the hand written report alongwith the typed one is annexed alongwith this FIR.

(18) The complainant states that it is stated by Mr. Rahul Sharma before The Nanavati – Shah Commission, that the night between 27th and 28th, some accused involved in the Naroda-Patia and Gulberg society incidents came to be arrested. Since he was not informed about the raid and arrest of those persons, he met Mr. P.P. Pandey on 28th May morning and told that if he himself has to be a part of the investigation team, Mr. Sharma should be informed about such things. On the same day he met Mr. Kaushik who had taken over as Commissioner of Police, Ahmedabad City and told that if he (Mr. Sharma) was not allowed to involve himself at all stages of the investigation, then Mr. Sharma would like to withdraw

from the investigation. After that discussion, Mr. Kaushik passed an order on that very day for assisting in the investigation of cases, which was entrusted to the Crime Branch. It appears that Mr. P.P. Pandey was not happy because of the order passed by Mr. Kaushik. Mr. Kaushik was also not happy with charge sheet that came to be filed in respect of Gulburg society case on 3rd June, 2002. That Mr. Sharma told Mr. Pandey that since he was not associated with the investigation of the case, it was not possible for him to go through the papers and give his opinion about it. Mr. Sharma found going through the chargesheet that, it was stated that because one person ran over a person of another community by a truck, whole mob got provoked and thereafter, serious incidents had happened. He did not agree with that assessment and he had expressed his opinion to Mr. Pandey about it. There was serious difference of opinion between him and Mr. Pandey and other investigating officers i.e. Mr. Vanzara and Mr. Chudasama and the discussion had lasted for about 2 hours. That it is stated by Mr. Sharma that since they were the investigating officers and Mr. Pandey was superior, it was for them to decide what to do. Whatever differences were there Mr. Sharma had put in writing and handed over to Mr. Kaushik by way of a letter

dated 4/06/2002. The said document too is annexed alongwith this FIR. Mr. Sharma also noticed that the FIR and the chargesheet were not consistent with each other. That firing by Mr. Jafri was not the cause for subsequent attack on the residents of the Gulberg society. That in July 2002, Mr. Sharma was posted as Commandant, SRP Group XI at Vav near Surat. Mr. Sharma submitted that he don't know why he was transferred to Vav. Mr. Rahul Sharma, the then SP Bhavnagar had produced the CD carrying incoming and outgoing the phone records. The CD shall be produced to the independent investigating officer at the time of the investigation of this complaint.

- (20) The complainant states that it is stated by Mr. Khurshid Mysorewala in his additional affidavit dated. 12/1/2004 that after 10.30 am on 28th February 2002 the telephone lines were busy and the frequency lines of the police wireless was getting chocked up and therefore it might be possible that he could not receive phone call from the victims for help. He has further stated that they were not given the facility of mobile phone from the government. It is further stated that police could not help the minority people in all incidents of riots. That this was the reason the police therefore were not successful in helping the victims of minority community in

some of the incidents during the riots.

- (21) The complainant states that it is stated by Mr. Khurshid Mysorewala in his cross-examination that he received information at 3.30 p.m. regarding the major incident which happened on 1.30 p.m. therefore, he was not able to stop the heinous crime of murders. On 28/02/2002 in Naroda Patiya area one mosque named Noorani Mosque and other property belonging to minority community were demolished in front of police officer Mr. Khurshid Mysorewala and other policemen but no strict measures were taken by the police to stop the aforesaid demolition hours before in the morning. Gas cylinders were used for the explosion. That Mr. Mysorewala requested for reinforcement and was supplied 24 S.R.P. on time but still no appropriate measures were taken by him to stop the carnage. That it is stated by Mr. Mysorewala that the mob had assaulted the Nurani Masjid and residence of the Muslims but police could not stop the mob. That Mr. Mysorewala did not feel the need to give information to the head quarters about the Naroda Patiya incident, despite its spine chilling seriousness. That Mr. Mysorewala did not try to give information regarding any incident of Naroda Patiya to control room because the frequency lines of the control room were getting chocked up if any call was made thereto.

That it is stated that he did not receive any help from the leaders or members of the ruling party to stop the incidents.

(22) That it is stated by Mr. M. T. Rana in his affidavit that on 28th at about 2.30 pm the persons namely Kishan Korani, Raju Chobal, Babu Bajrangi and P. J. Rajput of V.H.P were seen in the mob and they were talking with each other. That it is further stated that when they (the police) were in bandobast at Naroda Patiya at 12.38 pm they were informed that the mob of about 4000 to 5000 people had gathered at Gulberg Society but the position of Naroda Patiya was bad and therefore we had not gone to the Gulbarg Society. In fact the police could not save the lives of the people of Naroda Patiya. If the records, including the F.I.R. of the attack on Gulberg are studied carefully it is clear that the attack on Gulberg society began around 7.30 a.n. on February 28, 2002 and that on Naroda around 9.30 p.m. the same day. Yet the officers of the Gujarat police are intent on stating repeatedly, in a bid to distort facts that they got information of these mass mob attacks only in the afternoon. This action of distorting the truth is a gross violation of the law, Police Acts, Indian penal Code and Constitution.

(23) That it is stated by Mr. K. G. Erda in his cross-

examination that the Police Commissioner of Ahmedabad Mr. P. C. Pande had not come to Gulberg Society or Meghaninagar Police Station on 28th February. That it is stated by Mr. Erda that he had not written all detail of the incident of Gulbarg Society in the FIR. That it is stated by Mr. Erda that he was informed at 2.05 pm by the police control room that Joint Police Commissioner Mr. M. K. Tandon had asked the control room to sent additional police force to sift Mr. Ahsan Jafri to other place but that time he (Mr.Erda) had not tried to contact Mr. Ahsan Jafri . That this is also attempted falsehood on oath before the Commission and amounts to perjury since it is Erda's affidavit that speaks pof PC Pandey's visit to Jaffrio. Pandey himself has not denied this visit so far. [???

- (24) That it is stated by Mr. Shivanand Jha I.G.P. in his cross examination that during the 'bandh' call observed on 27/02/02, Mr. Jha did not feel the need to contact any V.H.P. leaders to maintain peace in the State. He has stated that on 28th February at 10.00 am when he was going to satellite area from his office, he saw a mob gathered at Akhbarnagar area and entire road was blocked by the mob. He had forcibly dispersed the mob but he had not arrested a single person from the place. This is strange and inexplicable

action from a senior officer keen and intent on preserving public order. That it is stated by Mr. Jha that police could not prevent the mob from setting the property on fire because it was not possible for the police. That he has further stated that whether or not any property of the minority community was saved by the police or not is unknown to Mr. Jha. That whether any strict steps were taken by police to protect mosques and shrines is also unknown to him. He has further stated that he had demanded for extra police force on 28th February but the extra police force had come on 1st of March. Therefore, the extra police force had come after the death of several persons and damage of lacs of Rupees to the property of the minority community. That it is also stated that 76 persons belonging to minority community were harassed by the police and taken to Sabarmati police station in just one case of stabbing in Patwashari area, Ahmedabad.

- (25) The complainant states that it is stated by Mr. Maharajkrishna Tandon who was posted as _____ in his cross-examination that there was no meeting of the police commissioner and other higher officers either in the evening of 27th or in the morning of 28th. It is also stated that he was informed at 2.00 pm that Mr. Ahsan Jafri was required to be

protected and transferred to some other safe place. He had not reached immediately to the Gulberg Society when he was informed that the society was assaulted by the mob of thousands of persons. That he had reached the Gulberg Society at 4.00 pm but the society was set on fire by that time. He has further stated that the police was present in the Gulberg Society when the society was set on fire and lots of persons had died. That when mob of thousands of persons gathered in the Gulberg society who were going to create massive destruction of property and lives, no curfew had been declared in the area or the city just because no specific threat from the mob was seen by the police at that time. That when the incidents of Naroda Patia and Gulberg society happened, Mr. Tandon or the Police Commissioner were not present. This shows the negligence of the senior echelons of the police, callous and cavalier in their original negligence and abdication of duty and subsequent admission/narration of the facts before the Commission. Surely this was and is the darkest period in the history of Constitutional Governance in the country. That on the day that the incidents Naroda Gaon, Patiya and Gulberg Society took place, that is on February 28, 2002, not a single officer or minister of Home department had visited the area. That

when the incident of Gulberg took place, two Dy.S.P, one P.I. and one C.I.S.F. police officer were present but no strict measures were taken to disburse the mob. Curfew was not imposed even when the mass mob attack was at its heigh, the society was surrounded, innocent residents trapped and Shri Ahsan Jaffri was being pulled out quarterised and killed. That he had reached to Naroda Patiya at 12.00 pm and at that time the mob of about 15000 people had gathered and they were preparing for attack on the shops and other property. That he or other policemen with him had never tried to use any force against the mob, to disburse the mob. That on 28th February, he had never received any message from Home minister. He has further stated that three of the most ghastly incidents had taken place in his area but he was not present at the time of any incident. That when the incident of Gulberg happened, from 7.30 a.m. to 7 p.m. -that is over twelve hours of daylight--- the Police Inspector of that area Mr. Erda and his men were present there. That Home department had not made any inquiries about the plight of the residents of these areas where such serious and ghastly mass attacks had taken place either on 27th or 28th February 2002. The complainant states that this suggests that there was complete complicity or tacit approval

or agreement with the mobs who from the ruling party and its affiliated had taken over the streets. The complainant also states that the shameful scenes that were witnessed in daylight were shocking, directed at localities inhabited by the Muslims minority, wherein members of the BJP/VHP and Bajrang Dal were openly raping young girls and then throwing them into fire. The irony is that the SRP quarters were just next door to Naroda Patiya but no one helped and over 300 lives from Naroda Patiya and Naroda Gaon were lost because of the deliberate absence of the police and refusal of the local police to stop the politically influenced mob violence against innocents.

- (27) That Ahmedabad's Commissioner of police, P. C. Pandey has stated in his affidavit that the mob kept on coming out on the streets often challenging the police and defying curfew orders. The mob that once dispersed temporarily only regrouped again and started attacking police and damaging shops and establishments in various parts of the city. In fact this prevented police officers from leaving a spot to attend to other situations. That the crowd could be pushed back and dispersed for a while but they took to diversionary tactics. This way the police force remained engaged in one area and mobs could achieve their objective in the other

areas. It is further stated that the fire fighters could not reach many of the disturbed areas as the roads were blocked by putting obstacles. Fires burnt for hours and possibility of saving life and property in outlying areas becomes difficult. In Naroda and Meghaninagar areas, although police presence was there, yet the crowds taking advantage of the thin presence of police as also, keeping the police isolated in one place, they managed to enter into some Muslim dwelling houses and indulged in killings and murder and later setting them on fire. This happened at Naroda Patiya under Naroda Police Station and at Gulberg Society under Meghaninagar police station.

[28] That former Ahmedabad Police Commission, P.C.Pandey in his deposition before the Commission had a memory lapse about what exactly had transpired on February 28, 2002 vis a vis Gulberg Society and Ahsan Jaffri. He was also conspicuously not questioned on why curfew was *not* imposed in Ahmedabad city till as late as 1 p.m. on February 28. This suggests a deliberate and gross act of negligence that aided the mobs in their murderous tasks.

(29) The complainant states that Mr. Chakravarti who was the DGP at that time had not given any special instructions for the observance of law and order, no strict instructions on

how mobs should be dealt with. This despite the Godhra mass arson incident is strange and suspicious conduct. It is further stated that the City Control informed him about the position in the Gulberg Society and he had sent two Dy.S.P with the police force but he had not sent the Sector Commander to the Gulbarg Society. He has further stated that he had sent additional police force to the Gulbarg Society but he did not know when the police force had reached the Gulbarg Society. The complainant states that when the offences at Naroda Patiya occurred, Mr. P. C. Pandey, the Police Commissioner was not aware about the incident !. Mr. Pandey has stated before the Nanavati-Shah Commission in his affidavit that he was not informed about the incident of the Naroda Patiya. This shows the deliberate act of shirking of duty by a police officer during the most serious mass crimes incidents of the history of the country.

(29) That it is stated by Mr. R.B. Sreekumar in his Affidavit No.1 dated 06/07/2002 in para 17 as under:-

"Moreover, in response to a message received from I.G. (CI) Intelligence Department, U.P., Lucknow, the State Intelligence Bureau requested all the SsP and CsP to inform S.S.P., Faizabad about the movement of *Kar Sevaks* from their respective jurisdictions under intimation to State

Intelligence Bureau vide No. D-1/9-HA/259/2002, dated 13.2.2002. (Appendix-10). Pursuant to the said message, inter alia, Superintendent of Police, Western Railways Baroda had informed I.G.P. (Communal Intelligence) U.P. Lucknow vide his Fax Message No. B-10/LIB/175/2002, dated 16/02/2002, page no. ____ of the affidavit that Mr. Prahlad J. Patel, President of Bajrang Dal, Mehsana, would be leading a group of 150-200 Bajrang Dal activists of Mehsana for the Ayodhya Maha Yagna by 9165 DN Sabarmati Express on 22/02/2002. It was also mentioned in the said Fax Message that the Bajrang Dal activists traveling to Ayodhya would be carrying Trishuls with them. Similarly, Superintendent of Police, Mehsana also sent a T.P. Message to I.G.P. (Communal Intelligence) Intelligence Department, Lucknow, U.P. vide TPM No. LIB/415/VHP/2/1/02, dated 19/02/2002 (Appendix-12), inter-alia, stating that a group of 150 Rambhakts armed with Trishuls would be leaving Ahmedabad by train for Ayodhya on 22/02/2002 under the leadership of Shri Prahlad Jayantibhai Patel, President, Bajrang Dal, Mehsana and would be arriving at Ayodhya on 24/02/2002. It may kindly be noted that volunteers from this particular group of Karsevaks/Ramsevaks led by Mr. Prahlad J. Patel,

President Bajrang Dal, Mehsana, became victims in the Godhra incident on 27/02/2002 on their return journey from Ayodhya. The said Mr. Prahlad J. Patel, President, Bajrang Dal, Mehsana, was injured in the Godhra incident on 27/02/2002 and succumbed to injuries on 03/04/2002, while under treatment at Civil Hospital, Ahmedabad."

(30) It is further stated in para 18 that, "It is pertinent to note that there was no intimation from Intelligence Branch of U.P. Police or Central Intelligence Bureau, which has extensive nation-wide network to collect intelligence on developments relevant to internal security, about the return journey of these Ramsevaks who had gone to Ayodhya. Again, there was no information from Central IB or any other input from any other agency about possible attack on Ramsevaks, returning from Ayodhya, by fundamentalist and militant elements among the minority community or other anti-socials."

(31) It is further stated in para 19 that, "Moreover, the U.P. Police did not inform about unruly behaviour of the Ramsevaks, on their return journey, though there was an altercation between the Ramsevaks and the Muslims, when the later tried to board the train at Rudauli railway station, U.P. on 24/2/2002 at 0900 hrs.

Unfortunately, an alert TP message addressed to all DGPs of the country about return journey of Ram Sevaks was received from IG Intelligence U.P. vide No. 13-H/VHP/2002, dated 27/2/2002 only on 28/2/2002 at 0815 hrs. viz. after the arson incident on the Sabarmati Express. The complainant craves leave to annex the copy of the affidavits.

(32) It is further stated in para 21 that the SIB had sufficiently alerted all the Police Commissioners and Supdts. Of police of all Districts for taking precautionary steps to prevent likely communal clashes in their jurisdiction. The state intelligence Bureau had sent as many as three separate messages on 27.02.2002. In addition to these messages, specific information was sent to the C.P Ahmedabad on 27-02-2002 indicating that V.H.P had given a call for "Gujarat Bandh" on 28.02.2002 to protest against the burning of the train at Godhara and a meeting was also called by V.H.P at 16.00 hrs. on the same day in connection with the Bandh call.

(33) It is further stated in para 26 that, "Certain specific intelligence data about possible communal trouble was provided by SIB to jurisdictional police, particularly to C.P., Ahmedabad City, because communal violence was persisting in Ahmedabad City, even after the initial incidents from 27/2/2002 to 3/3/2002. For instance, a report vide DO letter No. PA/RBC/02/2002, dated 15/4/2002 to C.P., Ahmedabad by Addl. D.G.P. Int., was sent intimating about

the move of extremist and fundamentalist elements among Muslims to resist large-scale house-to-house search operation ("combing") by Police. Plan of radical Hindu elements to organize a large-scale assault in Juhapura, a predominantly Muslim colony, was also indicated, in this letter. Again, vide DO letter No. PS/RBC/96/2002, dated 26.4.2002 to C.P., Ahmedabad City information was provided on (1) Plan of Bajrang Dal leaders to distribute lethal weapons (2) Migration of Muslim families from certain areas in Ahmedabad City (3) Plan of Islamic militants, from within and outside the country, to despatch sophisticated weapons to Muslim militants etc."

(34) It is further stated in para 31 that, "Though there were intelligence inputs pertaining to the movements of Karsevaks to Ayodhya from Gujarat State, there was no specific information about the return of Karsevaks from Ayodhya from U.P. Police or Central Intelligence Bureau, which has the onerous responsibility of timely forewarning the law enforcement officers in the state about nationwide or inter-state emerging trends, so that suitable precautionary counter-measures can be taken. The only message about the return of Karsevaks sent by the Uttar Pradesh Police was received in Gujarat police only on 28th February, i.e. after the incident on 27th February 2002. No intelligence input either from the Government Railway Police (G.R.P.), the Godhra District LIB or

Central Intelligence was available about the possibility of any conspiracy or planning by the Muslim militants or any anti-social elements to attack or cause harm to the Ram Bhaktas returning from Ayodhya. The only intelligence received from the GRP indicated that the Rambhaktas, led by Prahladbhai J. Patel, President of Bajrang Dal, Mehsana, was to start from Ayodhya on 26/2/2002 night and return to Ahmedabad on 28/2/2002.

- (35) That it is stated by Mr. R.B. Sreekumar in his Affidavit No.2 dated 06/10/2004 in para 5 that, "On 4th May, 2002, Shri K.P.S.Gill, former DGP of Punjab State, who was deputed as Advisor to the Hon'ble Chief Minister of Gujarat, on Law and Order matters, convened a meeting of senior police officers in his camp at CRPF Group Centre, Gandhinagar, Myself, DGP Shri K.Chakravarthi, Shri P.C.Pande, Commissioner of Police, Ahmedabad city, Shri Maniram, Addl.D.G.of Police (Law & Order) and Shri M.K.Tandon, Addl.Commissioner of Police, A'bad city were present in the meetings, besides, the staff officers of Shri K.P.S.Gill. Shri Gill asked officers to give their assessment of the current situation. DGP and C.P. of A'bad city observed that situation was normal due to effective police measures. Shri Maniram, who was responsible for maintaining law and order for the whole state, made a short presentation about the public order scenario in the State, with special reference to A'bad city. Shri

Maniram totally disagreed with the assessment given by DGP and CP, A'bad city. He stated that the police personnel were in a state of de-motivated demoralization, particularly, of Ahmedabad city on account of constant extraneous pressures on their operational duties, both in handling of communal incidents and investigation of riot affected cases. He added that in order to energize the police force and for ensuring effective policing, including purposeful investigation of riot related cases, immediate transfer of all jurisdictional police officers from C.P. to Inspectors, viz. those in charge of the Police Stations was quite imperative."

(36) That it is stated by Mr. R.B. Sreekumar in his Affidavit No.3 dated 9/04/2005 in para 2 that, "I was incharge of the State Intelligence Bureau (SIB), which is also called CID IB, from 9th April, 2002 to 17th September, 2002. I am quite conversant with and rightly informed about the functions of SIB. The duties and responsibility of this Branch were laid down vide the Gujarat State Police Manual Vol. III, Rule No. 461. Details of this Rule had been enumerated in the para 3 of my earlier Affidavit to the Commission submitted on 15th July, 2002."

(37) It is further stated in para 3 that, "This Affidavit is submitted in continuation of the earlier Affidavits by me to the Commission (1) on 15th July, 2002 and (2) on 6th October, 2004. It is filed by me to bring to the kind notice of the Commission instances of

harassment and victimization perpetrated on me by the higher authorities in the Govt., who are my supervisory officers, on account of my truthful deposition to the Commission on 31st August, 2002 during the cross-examination and also on 6th October, 2004, in my second affidavit to the Commission. My earlier Affidavits and these submissions contain my assessment about the law and order situation and related matters, which are, however, neither in tune with the perception of the higher formations, nor favorable to the interests of the ruling party in the State."

- (38) It is further stated in para 4 that, "I have submitted my first Affidavit to the Commission on 15.7.2002, with copies to DGP of Gujarat State. Nevertheless, by the middle of August, 2004, newspapers reported that my above Affidavit contained many statements and assessments adversely affecting the stance of the Govt. relating to the Godhra incident on 27th Feb., 2002, and the subsequent protracted communal clashes, which rocked many parts of Gujarat, particularly, in Ahmedabad city. Thereupon, a few senior police officers approached me and requested me to avoid any deposition before the Commission, damaging the political interests of the Govt., during my cross-examination scheduled for 31st August, 2004. Responding to these officers, I reiterated that I will stick to the letter and spirit of my Affidavit. Continuing the

efforts to influence me, on 21st August, 2004, afternoon, one middle level officer from Home Department, Shri Dinesh Kapadia, Under Secretary (Budget & Coordination), called on me and during the long interaction, he persuaded me to be favorable to the Govt. in my deposition to the Commission on 31st August, 2002. He exhorted that no purpose would be served by telling truth to the Commission, as its recommendations will not be accepted and that all Commissions are paper tigers. He added that the Commission is not the forum to tell the truth and such an action, on my part, would create misunderstanding about me in the Govt. Opining that Shri P.C.Pande, IPS, the then Commissioner of Police, Ahmedabad city, had deposed rightly before the Commission, Shri Kapadia, hinted to me to follow the example of Shri P.C.Pande, in the matter of deposition before the Commission. He viewed that I was partly biased in my assessment of the situation and so I should avoid telling more facts and providing additional material to the Commission. The details of the interaction between me and Shri Dinesh Kapadia are recorded in an audio cassette and the verbatim transcript of the same is enclosed as Annexure. Nonetheless, there was no element of coercion in the entreaty of Shri Dinesh Kapadia. Afterwards, perhaps knowing that I am not amenable to friendly persuasion by Shri Dinesh Kapadia, Under Secretary, Shri G.C.Murmu, IAS, (1985 Batch) Secretary (Law &

Order), Home Deptt. had summoned me on 24.8.2004, evening and held a briefing session for tutoring me about items to be presented in the cross-examination on 31.8.2004. I remained present in the briefing, on the verbal instructions of the DGP, Shri A.K.Bhargava. Shri Arvind Pandya, Govt. Pleader to the Nanavati Commission was also present in the meeting and gave me elaborate briefing. They directed me to avoid giving any statement, which could embarrass the Govt. They also insisted that they had briefed all witnesses i.e. Govt. officials to depose before the Commission, without harming the Govt. interests. I was specifically asked to be careful about questions put by one advocate Shri Mukul Sinha. I was also told that I should not give deposition in such a way that more names would be opened up leading to their summoning for cross-examination. I was also threatened that if I give statement contrary to State Govt. interests, I will be declared a hostile witness and dealt with suitably later. I told them that I would depose before the Commission as per the statutory requirements and will not suppress truth, because that would be an act of perjury. In short, the whole meeting was a pre-planned and well-focused massive exercise to coerce me to suppress facts, tell lies and present data in such a manner that would not expose the Govt. functionaries, senior politicians and others, who played diabolical and criminal role during the long-

drawn-out communal riots, after the Godhra incident in Gujarat State."

- (39) It is further stated in para 5 that, "In my humble view, the above briefing / directive given by Shri G.C.Murmu and Shri Pandya was in total violation of the letter and spirit of the terms of reference of the Commission contained in the Govt. Legal Deptt. Notification No. GK / 07 / 2002 – COI / 102002 / 797 / D, dated: 6.3.2002 and Notification No. GK / 07 / 2002 – COI / 102002 / 797 – A, dated: 20.7.2004. In these Notifications the State Legal Deptt., inter-alia, stressed on inquiring into the "Role and conduct of the Hon'ble Chief Minister, police officers, etc. in the Godhra incident and subsequent violence". But in the above, in camera meeting, I (a prime witness) was directed to tell lies on oath and to avoid telling the whole truth. The Commission may kindly go into the legality of directions by the Home Secretary and the Govt. Pleader. The self-evident asymmetry between the thrust of the above Notifications and essence of Home Secretary's instructions could easily invite strictures against the Govt. in any judicial evaluation. The verbatim version (recorded) of the meeting held by the senior Home Deptt. Official is available in CD disk. The transcript of the same shall be provided to the investigating officer as and when required. (My comments highlighted therein may kindly be seen). I got the transaction in the meeting recorded

through a scientific gadget provided to me by Shri Rahul Sharma, IPS, Superintendent of Police, CBI, Gandhinagar and the same was put in CD disks by him. Subsequently, in my deposition (answers to the cross-examination) before the Commission on 31.8.2004, I have presented true facts known to me, ignoring the intimidation and warning by Shri Murmu and Shri Arvind Pandya, so that I would not commit the offence of perjury. It is pertinent to note that, the Home Deptt. officials have been tutoring all Govt. functionaries summoned for cross examination by the Commission. Obviously, the truth was suppressed and false depositions were made by many Govt. servants. This can be proved by the fact that as per the newspaper reports (Indian Express, Ahmedabad Edition, dated: 21/11/2004 to 27/11/2004), many officers (witnesses) pretended amnesia and did not present facts and assessments relevant to the terms of reference of the Commission, evidently due to their tutoring by the Home Deptt. officials. My deposition to the Commission was therefore a major irritant to the Govt. and particularly, the Hon'ble Chief Minister. The long course of directives by Shri Murmu and Shri Arvind Pandya contained (1) Directive to conceal facts to the Commission, (2) To accept the conspiracy theory regarding fire in the train bogie on 27th Feb., 2002, (3), Not to reveal data on acts of omission and commission by Govt. functionaries and other senior officers (4) To

avoid any comment on the inaction of the Govt. on reports sent by ADGP (Int.), (5) Not to provide additional facts which would result in the Commission summoning more Govt. functionaries for deposition, (6) Intimidation that action will be taken by issuing a notice if deposition is made adverse to the Govt., (7) Critical remarks about the Hon'ble Supreme Court, (8) Undesirable comments on the Hon'ble Gujarat High Court, (9) Directive that the officers should be committed to the interests of the Govt. even at the cost of adherence to truth, etc."

(40) It is further stated in para 9 that, "It is pertinent to note that though over 1000 citizens lost their lives, the bulk of them from Ahmedabad city in the post Godhra riots, no analytical report was sent by SIB till that time. One main reason was the built-in hesitation of SIB officers to report truthfully about the complicity of pro ruling party elements in perpetration of atrocities on members of minority communities. Unfortunately, the higher formations in the Govt. did not find it convenient to agree to my intelligence assessment about viz. (1) the then prevailing communal situation, (2) partisan approach of a few police officers in the investigation of communal riot related cases, (3) soft attitude of police towards offenders belonging to the majority community, (4) biased role of the Govt. Public Prosecutors, (5) police officers obeying verbal instructions of political leaders ignoring legal orders from

departmental superiors, (6) non-implementation of recommendation of National Human Rights Commission (NHRC) and National Commission for Minorities, (7) exacerbating loss of faith in the efficacy of the Criminal Justice System among the minorities, (8) stock piling of weapons by criminal and fundamentalist elements of both minority and majority groups, etc. When it was noticed that remedial measures suggested in 24th April, 2002, were not implemented by the Govt. as these would affect adversely their political interests, strategy and tactics in the electoral arena, I had send further assessment reports to the Home Deptt. with copy to DGP on 15th June, 2002, 20th August, 2002, and 28th August, 2002. (These reports are also appended with my Second Affidavit, dtd: 6/10/2004). In these subsequent reports, besides stressing on early implementation of suggestions not yet implemented, it was also requested for initiation of measures, i.e., (1) Implementation of the recommendations of NHRC and National Commission for Minorities, (2) Action against communal propaganda kept at high voltage, particularly by the pro BJP elements, (3) Displacement of large group of riot affected persons from minorities and the urgent need for their speedy rehabilitation, (4) Need for ensuring voting rights for the displaced persons, otherwise they will remain disenfranchised, (5) Need for extra para-military forces for the Assembly Election, in case the same has to

be conducted soon, etc. It may be noted that till my handing over the charge of State Intelligence Bureau on 17th September, 2002, many of the above remedial measures were not carried out. Significantly, most of the aspects in my assessment reports have been echoed in the rulings of the Hon'ble High Court and the Hon'ble Supreme Court relating to the role of various wings of the State Administration, during the post Godhra carnage period. Similar was the appraisal of National level statutory bodies like, NHRC, particularly in its findings dated 31.5.2002, National Commission for Minorities, etc."

- (41) It is further stated in para 12 that, "Thirdly, another reason for authorities disenchantment was on account of State I.B, under my charge, reporting about the details of a speech delivered by the Hon'ble Chief Minister as demanded by the National Commission for Minorities. (See the verbatim of the CM speech in English as Annexure - E), on 16.9.2002, vide ADGP office letter No. J / 2 / BJP / Yatra / 539 / 2002, to the Home Deptt. This was done in response to a fax message from National Commission of Minorities, dated: 10th September, 2002. The higher authorities, particularly, the Home Department was keen to block the reporting of the verbatim speech of the Hon'ble Chief Minister, so I received another copy of the letter from the National Commission of Minorities, with an endorsement of DGP that my department need

not sent any report in this matter. Perhaps, deeming it to be the last straw on the camel's back, I was transferred on the next day (on 17.9.2002) from the post of Addl.DGP (Int.) to the post of Addl.DGP (P.R.), which has no specific charter of duty. (I continue in the same post). My transfer from the above post of Addl.DGP (Int.) was in violation of Govt. Resolution about the tenure of senior IPS officers in State I.B. issued vide Home Department MHK / 10-2002 / 1526 / S, dated 29.6.2002."

- (42) It is further stated in para 16 that, "It may also kindly be noted that though there was extensive criticism about the role of Collectors / District Magistrates (DM) during the riots, the Govt. had chosen to ignore the same, as it suited to the hidden agenda of the ruling party. It is widely known that the DMs and Collectors, who are bound by Police Acts and regulations to maintain law and order through their personal intervention and effective supervision of District Police had not initiated any action to contain / control riots or to stabilize the situation, especially in those areas, where mass murder, rape and other heinous crimes had taken place. This malady was quite pronounced in the Districts of Mehsana, Sabarkantha, Banaskantha, Gandhinagar, Ahmedabad Rural, Kheda, Anand, Vadodara Rural, Godhra, Dahod, etc. Secondly, it is also known that many DMs have recommended pro-Ruling party advocates to the posts of public prosecutors. There was criticism

that these public prosecutors acted more as Defence lawyers of the accused belonging to majority community. Thirdly, most of the DMs had forcibly closed down relief camps meant for riot victims, largely drawn from minority community in August, 2002, in order to project an image of normalcy to the Chief Election Commissioner, for facilitating early Assembly Elections. This was also reflected in the Election Commission's order dated 16.8.2002, in which so many directives were given for remedying the problem of disenfranchisement of riot affected persons."

(43) It is further stated in para 17 that, "In my humble view, it is quite relevant to submit here that the Govt. has been utilizing the instruments of (1) Transfers, (2) Promotions, (3) Placements, (4) Supersessions, (5) Rewards, (6) Post retirement assignments, etc. for sending a message to the Govt. functionaries to be committed to the political agenda of the Hon'ble Chief Minister than to the Constitutional obligation for which every Govt. servant had taken oath. If required, adequate data on this matter can be submitted to the Commission."

(44) That it is stated by Mr. R.B. Sreekumar in his Affidavit No.4 dated 27/10/2005 in para 20 that, (1) Shri Rahul Sharma, IPS, 1992 Batch, the then SP of Bhavnagar, was transferred, reportedly to the unimportant post of DCP Control Room, Ahmedabad city, in the thick of the riots in March, 2002, for his "sin" of saving a

Madrassa, housing nearly 200 Muslim children, in Bhavnagar city from attacking Hindu crowds, by opening fire at them. Later, he was transferred, reportedly to lesser important post of SRPF Commandant, for opposing the anti minority line in the investigation of Ahmedabad city cases by Ahmedabad city Crime Branch. He had revealed these facts to the Justice Nanavati & Justice Shah Commission, with supporting documents, in September, 2004. He has gone on deputation to CBI, in 2003.

(2) Shri Vivek Srivastava, IPS, 1989 Batch, was transferred, reportedly from the post of SP Kachchh for arresting Home Guard Commandant, (pro BJP) for his involvement in riots, despite instructions reportedly from the CM office, in March, 2002.(3)

Himanshu Bhatt, IPS, 1996 Batch, was transferred from the post of SP, Banaskantha district in March, 2002, for initiating action against a Sub Inspector, who joined with rioting Hindu crowd. Strangely the SI was reinstated from suspension and posted in the same Police Station. Shri Bhatt is now on long study leave.(4)

Shri M.D.Antani, IPS, 1990 Batch, transferred from Bhruv district reportedly for taking action against BJP supporters, in March, 2002. He is now on deputation to Central Govt.(5) Shri

Satishchandra Verma, IPS, 1986 Batch, the then Range DIGP, Kachchh (Bhuj) was shifted in last week of March, 2005 to the unimportant post of incharge of SRP Training Chowky. Sorath,

Junagadh (which was a post for SP rank officer), by upgrading the post from SP to DIGP. According to media report, Shri Verma's fault was ordering the arrest of a BJP MLA, belonging to Banaskantha District, namely, Shankarlal Chaudhary, for his direct involvement in the murder of two Muslims boys, during 2002 riots. Shri Verma has done it as part of the review work of 2000 odd cases, entrusted to him as per the Hon'ble Supreme Court's orders.

(45) It is further stated in para 25 that the commission may also consider the possibility, in the future, of a judicial verdict indicting senior functionaries of the state Govt. including the Hon'ble Chief Minister. At that juncture, I will not have any defense to that I did not comply with the illegal directives from my hierarchical superiors.

(46) It is further stated in para 32 that, "The Register contained largely details of illegal and unethical instructions and so these materials cannot be having any bearing on security, unity and integrity of India, disclosing of which would entail the provisions of the Official Secret Act. On the contrary, once a point wise and threadbare enquiry into each of the entry in the Register is made, it would be established that the Register was kept in the interests of the State, unity and integrity of India. The enquiry will also prove that the CM and many Govt. officials were part of a design to

disturb internal security for the obvious objective of gaining political capital and also electoral and personal benefit to the CM and the ruling party." It is further stated in para 38 that, "This would also establish that all Govt. officers appearing as witnesses were tutored by Shri Murmu. The reluctance of most of the Govt. officials viz. Shri K.Chakravarthi, the then DGP, Shri P.C.Pande, the then C.P., A'bad city and many other senior officials to tell truth to the Commission may kindly be appreciated in the light of "guidance" to them by Shri Murmu."

(47) It is further stated in para 50 that, "The matter was reported by me verbally to DGP, Shri A.K.Bhargava, who advised me to go according to the briefing given by Shri Murmu and Shri Arvind Pandya. DGP confirmed it in Press statement (Indian Express, 4th March, 2005). Thereupon, I told the DGP that I will tell the truth to the Commission and will not commit the offence of perjury."

(48) It is further stated in para 82 that, "It is widely reported in the Media that senior police officers viz. Addl. Chief Secretary (Home), DGP, Commissioner of Police, Ahmedabad city, Vadodara and other senior officers did not come out with facts and data, relevant to terms of reference of the Justice Nanavati & Justice Shah Commission in their Affidavits or during the cross examination. Secondly, practically none had brought records and relevant documents to refresh their memory, during deposition. Thirdly,

they did not present as exhibits important Govt. records throwing light on the course of communal riots vis-à-vis quality and character of professional response to the situation by the Govt. functionaries and also on the nature of interface between the Chief Minister and his office on the one hand and the line functionaries (jurisdictional officers) on the other. Fourthly, there is no clarification by senior officers, about the reasons behind the non-implementation of the instructions in the booklet "Communal peace" and the Instruction to deal with communal riots (strategy and approach) compiled by Z.S.Saiyed, IPS, officer on Special duty – circulated to all senior police officers as per DGP letter No. SB / 44 / OSD / 1175, dtd. 19.11.1997."

- (49) It is further stated in para 84 that, "Shri Chakravarthi also told me that on 27/2/2002, late evening, there was a meeting convened by the Hon'ble CM, Shri Narendra Modi, in his Chamber, after his return from Godhra. The Hon'ble CM had said in the meeting that, 'In communal riots police takes action against Hindus and Muslims on one to one basis. This will not do now "allow Hindus to give vent to their anger'. He added that no officer present in the meeting (Shri P.C.Pande, the then C.P., Ahmedabad, Shri Ashok Narayanan, ACS, Home, etc.) did express any comment or objection to those verbal instructions from the Hon'ble CM. Shri Chakravarthi also observed that this posture of the CM was a

major obstacle to police officers in initiating action against Hindu communal elements, who were on a rampage against minorities. He also added that the act of parading of dead bodies, in Ahmedabad city, of those killed in Godhra train burning, including dead bodies of those who did not belong to Ahmedabad city, was highly objectionable and this had made the atmosphere more volatile the rage of Hindu Communal elements against the minority community. He also said that Shri P.C.Pande, C.P. A'bad city objected to the parading of dead bodies in A'bad city. But, the objection of the Commissioner of Police, Ahmedabad was overruled by the Hon'ble Chief Minister i.e., the original accused no. 1 in the present FIR. I suggested that the DGP should issue instructions to jurisdictional officers to act as per law and follow various instructions regarding the strategy and tactics of handling communal riots."

(50) It is further stated in para 85 that, "Later, viz. (March, 2002) on two to three occasions Shri Chakravarthi told me that ruling party supporters were attacking the minorities and the CM and Cabinet Ministers were responsible for such a situation. Shri Chakravarthi, was quite critical about positioning of a Cabinet Minister, Shri I.K.Jadeja, in DGP office, during the days after Godhra incidents, and DGP remonstratively bemoaned that the presence of the Minister was adversely affecting his supervision of the riot

situation. He added that officers at cutting edge level, in the field, are carrying out the verbal orders of the ruling party leaders instead of directives of jurisdictional officers. In one of these occasions, I advised him to plan for approaching the Hon'ble High Court of Gujarat through a PIL, under Article 226 of the Constitution of India, so that the Court would know the reality of the situation and issue directives to the Hon'ble CM and political hierarchy heading the State Govt. But, Shri Chakravarthi was quite perplexed about this suggestion and told me that the State Govt. was all-powerful and one will not succeed in a PIL like this. He also added that he would not like to have a confrontation with the C.M."

(51) It is further stated in para 88 that, "The Commission is also requested to take cognisance of another facet of culpable negligence and misconduct of State Govt. officials, perhaps with the verbal instructions from higher-ups, viz. their failure to file Affidavits to the Commission on 2nd terms of reference issued by the State Law Department, on 20.7.2004. This Notification requested the Commission, inter alia, to inquire into the "Role and conduct of the then Chief Minister (Narendra Modi) or any other Ministers in his Council of Ministers, Police Officers, other individuals and Organizations" relating "to the facts, circumstances and course of events of the subsequent incidents in

the aftermaths of the Godhra incidents."

- (52) It is further stated in para 91 that other senior officials, who had done this gross dereliction of duty of not filing an Affidavit relating to second terms of reference to the Commission, are: (1) Shri Ashok Narayanan, IAS (1966), (2) Dr.P.K.Mishra, IAS (1972) (3) Shri K.Chakravarthi , IPS (1965) the then DGP(4) Shri K.Nityanandam, IPS (1977) the then Home Secretary – who often briefed the Media about the riots.(5) Shri P.C.Pande , IPS (1970) the then Commissioner of Police, A'bad city(6) Shri K.R.Kaushik, IPS (1972), in his capacity as ADGP (Crime), who supervised Godhra incident investigation and later as CP, Ahmedabad in May, 2002.(7) Shri A.K.Bhargava, IPS (1967) the then ADGP (Crime), who supervised Godhra investigation(8) Shri Maniram, IPS (1971) the then ADGP, incharge of Law & Order of the whole State during the protracted riots in 2002(9) Shri G.C.Raiger, IPS (1972) the then ADGP – Intelligence, during the crucial period of riots viz. from 27th February, 2002 to 9th April, 2002. He attended meetings convened by the CM, the Chief Secretary and Addl. CS. But, there are no notes or records about the proceedings in these meetings, nor there is any minutes issued.(10) Shri Sanjeev Bhatt, IPS (1988), who was Supdt. of Police (Security) and attended many meetings convened by the higher authorities, as staff officer to Shri Raiger.(11)

Dr.K.N.Sharma, IPS, the then Range IGP of Ahmedabad Range, in whose jurisdiction many people were killed in riots.(12) Shri Deepak Swaroop, IPS (1976) the then Range IG of Vadodara Range, in whose jurisdiction Godhra incident had taken and more over, there were many incidents of mass killings and other atrocities on minorities during riots. (13) Shri M.K.Tandon, IPS (1976) the then Addl.C.P., Ahmedabad city in whose jurisdiction many gruesome mass murders (Naroda Patia, Gulburg Society, etc.) had taken place.(14) Shri Amitabh Pathak, IPS (1977) the then Range IG of Gandhinagar Range, in whose jurisdiction many people were killed in riots, i.e. Sardarpura in Mehsana District and many places in Sabarkantha District. (15) Shri Shivanand Jha, IPS (1983) the then Addl.C.P., A'bad city in whose jurisdiction many notorious atrocities on minority community were committed. (16) Shri D.D.Tuteja, IPS the then C.P. Vadodara(17) Superintendents of Police of Districts of Mehsana, Banaskantha, Sabarkantha, Patan, Gandhinagar, Ahmedabad Rural, Anand, Kheda, Vadodara Rural, Godhra, Dahod, where mass killings during the riots were reported.

(53) It is further stated in para 92 that, "It is relevant to note that the DGP Shri A.K.Bhargava in his letter (1) No: G-2 / 1927 / Tapas Panch / Affidavit / 1690 / 2004, dtd. 16.9.2004 (Annexure - D) and (2) No: G-2 / 1927 / Tapas Panch / Affidavit / 1711 / 2004,

dtd. 21.9.2004 (Annexure - E), directed all police officers, who filed the First Affidavit to submit Affidavits on second terms of reference, positively. He had even instructed that it was the duty of the current incumbent in a post to ensure that his predecessor would file the Second Affidavit. Still, none of the above police officers complied with DGP's directives. Strangely, the Govt. had ignored this misconduct of insubordination and disobedience of DGP's orders by his juniors."

(54) It is further stated in para 93 that, "The Govt. did not take notice of this culpable omission and misconduct by these officers, done with the intention of starving of the Nanavati Commission of the relevant data, because this was suiting to the political interests of the ruling party and the CM. This will establish that the Govt. is not keen and sincere in bringing out truth before the Justice Nanavati Commission. The Commission may kindly take note of the fact that I have complied with the above instruction of DGP and filed my Second Affidavit to the Commission on 6.7.2004. This Affidavit contains data relevant to second terms of reference to the Commission, which are, in my view, damaging to the interests of the CM and a few senior officers. In my humble view this is a major factor for initiating a DE against me on flimsy grounds (as narrated earlier) on 6.9.2005."

(55) It is further stated in para 95 that, "The Commission may kindly

note that as revealed in the media reports, senior Govt. officials, particularly the functionaries of Home Department, Police and Executive Magistracy, did not disclose vital information on the crucial issues / points, raised in both terms of reference by State Law Department to the Commission. This can be deemed to be a major intentional dereliction of duty, which was quite injurious to the public interests. Going by press reports one feels that the following pivotal and vital questions, regarding the riots, had not been satisfactorily covered by the Govt. officials, either in their Affidavits, or during their cross-examination. A few illustrative issues left out are the following. Why no minutes of the meetings held by the CM and other senior officers for review of the situation from 27th Feb., 2002, onwards were prepared and circulated to the concerned ? Why copies of such minutes, if any, were not presented to the Commission ? Why dead bodies of Godhra train fire victims were paraded through the streets of Ahmedabad city and that too when many of the deceased persons belonged to places outside Ahmedabad city and a few dead bodies were not even identified at that juncture ? Did CP or DGP report to CM or higher officers, in writing, about the possible adverse repercussions on law and order about parading of dead bodies ? In case any such letters were sent to higher authorities, why these were not informed to the Commission ? Why no preventive action against communal

elements on February 27/28, 2000, even after the announcement of Bandh call by the Sangh parivar on 27th February, 2002 ?Why the Communal Riot scheme was not put into operation in relevant areas, from 27th Feb., 2002, evening onwards? Why no prompt and effective action against the rioters by the officers of the rank of Dy.SP and above, particularly in Ahmedabad city (nearly 40 of them) and Vadodara city (nearly 30), who were having striking forces of additional policemen moving with them? Why no action by nearly 100 police mobiles in Ahmedabad city and similarly in Vadodara city against crowds which congregated in small numbers in the morning of 28th February, 2002 ?Why no action, when the enforcers of the Bandh indulged in traffic disturbance and petty nuisance, more for testing the mood and strategy of police, in the morning of 28.2.2002?Why delay in imposition of curfew, particularly in Ahmedabad city? In Ahmedabad city curfew was imposed as late as 13.00 hrs on 28th February 2002? Despite regulations, why there was no arrangement for videography of violent mobs ? Why police failed to videograph mobs, while electronic media succeeded ? Any constraint from higher authorities ?Why no effective action by policemen in static points and by mobile patrolling groups, both by vehicles and on foot, against rioters from 27th Feb., 2002, evening onwards ?Why delayed response in distress calls from prominent

Muslim citizens, like Ahsan Jafri, (Ex.MP), despite their contacting the Chief Secretary, the DGP, the CP Ahmedabad city, etc. Why more casualties of police firing and riots among the Muslims ?

Why the instructions in the compilation of Circulars captioned "Communal Peace", issued to all District Magistrates and police officers in the rank of SPs and above were not implemented ? Why "Instructions to deal with communal riots (strategy and approach)" prepared by Shri Z.S.Saiyed, IPS Retd., Officer on Special Duty and forwarded to all executive police officers for strict implementation, vide DGP, K.V.Joseph's, letter No. SB / 44 / OSD / 1175, dtd. 19.11.1977, had not been implemented ? Why no monitoring of the implementation of instructions issued by the Chief Secretary, Home Department, DGP and other higher officers, from 28th Feb., 2002 onwards ? Why no action against vernacular press publishing communally inciting news and articles, despite proposals from SP Bhavnagar, CP Ahmedabad and ADGP (Int.), Sreekumar ? Please note that ADGP (Int.), Sreekumar had even presented one of such reports as an exhibit to the Nanavati Commission, on 31.8.2004, during his cross-examination ? Why no action or enquiry against police officers for their alleged failure to record FIRs and provide proper response to the complaints of riot victims, mostly minorities, though this matter was reported graphically and repeatedly by ADGP (Int.), R.B.Sreekumar, in his reports to Govt.

dtd. (1) 24.4.2002, (2) 15.6.2002, (3) 20.8.2002 and (4) 28.8.2002, etc. ? Why no action or enquiry against officers of the Executive Magistracy, particularly, the District Magistrates of the Districts, who failed to initiate prompt action against rioters, particularly, from 27th Feb., 2002 to 4th March, 2002 ? Similarly, why no action or enquiry against the DM and his staff for recommending pro BJP, VHP advocates for appointment as Public Prosecutors, to present cases against Hindu rioters ? Why no action on Supervisory Officers, i.e. from Supdt. of Police of Districts, Range IGs / DIGs, Commissioners of Police and the DGP, who violated Rules 24, 134, 135 and 240 of Gujarat Police Manual, Vol. III, by not properly supervising investigation of serious riot-related crimes and thereby committing culpable omission and grave misconduct ? Why no action on the supervisory officers i.e. the Range IG, Vadodara Range and CP Vadodara, who had done the misconduct of negligent supervision of Bilkis Banu and Best Bakery cases, whose trials had been transferred by the Hon'ble Supreme Court to the Maharashtra State? Why no investigation on the deposition of Shri Rahul Sharma, IPS, the then S.P., Bhavnagar, on 30.10.2004, before the Commission, about the location of BJP leaders and senior officers ? In November, 2004, the newspaper Indian Express, published a investigative report in this matter ? Why no clarification on inadequate implementation of recommendations of

NHRC, National Commission for minorities, etc.?"

(56) It is further stated in para 96 that, "By avoiding throwing light on the above points many Govt. officials had deliberately deprived the Commission, of indispensable and cardinal facts, figures and assessment. I humbly submit this aspect of grave omission by Govt. officials, which the Commission may kindly and suitably look into." In these communal clashes 963 people were killed, which includes 200 persons killed in police firing. Large sections of the minorities, being the major victims of the recent riots, (117 Muslims killed in police firing as against 83 Hindus & 587 Muslims killed by rioters as against 177 Hindus Killed which includes 59 in Godhra train tragedy also)

(57) That many rioters belonging to Hindu community were not arrested since they hold important positions in Hindu organizations. That the minorities are also dejected about non-implementation of most of the recommendations by the National Human Right Commission and National Commission. That they also harp upon the point that out 302 Dargahs, 209 Mosques and 30 Madrassas damaged during the riots, a handful only had been repaired and restored to their original position. In many places the riots victims belonging to Minority Community could not restart their commercial activities or petty business pursued by them in the pre-riot period, due to the prevalence of an atmosphere of

insecurity. In one instance, in Baroda District a father and son (Muslim) who returned to their native place were murdered on 4/07/2002 yet no proper police security was given to the victims.

(58) That no steps were taken by the police against the fundamentalists, from both the communities who were doing propaganda for sharpening the gulf between minorities and majority by Preaching that persons belonging to the opposite community should not be given employment Discourage or prevent resumption of business or commercial activities; by the opposite community Circulation of pamphlets and publication of advertisement creating disaffection among majority community against minorities and National level statutory bodies like N.H.R.C., N.C.M. and Election Commission. An estimate about communal riots victims migrated from various districts indicate that over 75,500 persons from 13 districts have been shifted to other places. It is learnt that large chunk among them has not returned to their original habitats on account of feeling of insecurity.

(59) That Ahmedabad's Commissioner of police, PC Pandey commented on Newshour (Star News), on February 28 which was telecast again on March 10 that, "These people also, they somehow get carried away by the overall general sentiment. That's the whole trouble. The police is equally influenced by the overall

general sentiments." That is the police chief in person. It gave sanction to the policemen to act according to 'sentiment' rather than stringently enforce the rule of law.

(60) That a few hundred calls from Naroda Patia were made to CP Pandey and even DGP, Gandhinagar. Also there were several calls made from the Gulberg Society where former Congress MP Ehsan Jaffri was pleading for help in the face of a mob, which in Inspector Erda's own words was "20-22,000 Strong". Three mobile vans of the city police were on hand around Jaffri's house but did not intervene.

(61) This was also the time the Naroda-Patiya massacre began, in which, by the end of the day, over 91 Muslims were torched. Over two-dozen survivors confirmed that they had made over a hundred distress calls to Mr. Pandey. They said his mobile was permanently switched off. That there was a similarly callous response from the most of the DCPs and additional Commissioner of Polices. When the Baroda Commissioner of Police, Tuteja was contacted by concerned citizens and traumatized survivors about the overall failure of the Baroda police to respond to complaints he is alleged to have remarked, "Who's work will your servant do?" implying that the police is subservient to the ruling party in power. Indian Law be it in Arms Act, the Unlawful Practices Act or the Constitution, is clear on the issue of organizations that strike terror among people

and those that are armed. Carrying of swords capable of being used for carrying out physical violence is prohibited under section 37 of the Bombay Police Act. Yet the police have allowed this arming and fatal use of swords to go unchecked. The VHP and Bajrang Dal, through *trishul diksha samaroh's* have been distributing small sharp knives that can be disguised as trishul. They proudly announce to the press that they conduct arms training for young children and women. That the police officers made the seizures in Bejalpur, Shahpur, Maninagar, Vatwa and Kalupur compulsory only after the Gujarat genocide. The police made the seizure only in mid April whereas the state intelligence ought to have been informed of them and acted on this earlier. In the 'All India Services (Discipline and Appeal) Rules, 1969, Part III – Penalties and Disciplinary Authorities' there exist provisions for the sacking from service of IAS and IPS officials guilty of "any act or omission which renders him liable to any penalty specified in the rule 6". The police had enough evidence of incendiary and provocative pamphlets circulated in large numbers in the state in the name of various hindu outfits (V.H.P., Bajrang Dal), exhorting cadres to rape, humiliate, destroy and kill. That some writing was etched on the wall but the police buried its face, ostrich-like, in the sand. On February 28, of the 40 persons shot dead by the police in Ahmedabad city, 36 were Muslims. This despite the fact that it was

minority community that was being targeted by huge and well-armed mobs. The police was effectively aiding an attacking mob that was pelting stones on the hapless Muslim residents in the area. Even minors were shot at, a few fatally, by the police. Why? The Gujarat police instituted a 'Cell to Monitor Inter Community Marriages', a step that is a gross violation of the Indian Constitution. Mr. Praveen Gondia, DCP Zone IV, Ahmedabad City: Mr. Gondia registered FIRs against prominent BJP and VHP leaders for their role in rioting. He has been transferred to Civil Defence. Mr. Himanshu Bhatt, SP Banaskantha: He suspended a sub inspector who had let a Hindu mob plunder a village in the district. The PSI is close to several political leaders. Mr. Bhatt has been transferred to the Intelligence Bureau. Mr. Manoj Antane, SP Bharuch: He came down fast and hard on rioters all across the communally sensitive district. He has been transferred as SP, Narmada, a less important, smaller district. Mr. Shivanand Jha and Mr. VM Parghi, additional police commissioner and deputy police commissioner of Ahmedabad, were transferred on April 8 and appointed as DIG, Armed unit, Rajkot and commandant of SRP, Group Eight, Gondal, respectively. That Mr. Parghi was the officer who actually beat up journalists while Mr. Jha had pulled him up. Mr. Keshav Kumar, additional police commissioner, Vadodra, replaced Jha in Ahmedabad while SM Katara, additional SP of

Kutch takes the place of Mr. Parghi. Mr. Rakesh Asthana, who was on deputation, is DIG (crime) in state police, according to an official release. That PC Valera would replace Mr. Keshav Kumar as deputy police commissioner (administration). The post had been downgraded.

(62) Thus, it is submitted that the police acted as a mute spectator to acts of lawlessness and negligence in handling the riots situation. That the offences were not investigated properly and were treated partially as real culprits were not arrested and no timely preventive action was taken to prevent further escalation of the riots. That no specific instructions were given to see that the accused responsible for the crime should be arrested on priority basis. Since the situation had deteriorated in the State during the Bandh observed on 28th February, no specific directions were given to take effective action to book the persons creating communal discord. That the assistance demanded by the affected people of minority community was not available to the minimum extent possible subject to overall requirements and constraints. The police received numerous calls of distress from affected persons of minority community but no effective response was given. Deliberately inadequate police force was supplied in various affected areas due to which massive destruction happened. Thus, it can be said that the civil service was paralyzed, as was the police

machinery, which was influenced, manipulated and bullied into singing to Hindutva's murderous tune.

(63) This FIR deals with the sinister and conscious actions of the elected head of the Gujarat Government, his cabinet colleagues, aided and abetted by top level bureaucrats to ignore their oaths taken to the Indian constitution. In effect this subversion of the Constitutional mandate amounts to an active subversion of the rule of law, the operation of the law and order machinery and the administrative machinery, a violation of Indian Criminal Law and the fundamental right to life, equality, dignity and freedom of the Indian Citizen living in Gujarat.

(64) The subversion acts of the abovementioned figures who also constitute among some of the accused of this complaint were not simply limited to a false interpretation of the arrival of the *karsevaks* by Sabarmati express to Godhra but began in fact before this ghastly incident of mass arson took place claiming innocent lives, and has continued until today with the state of Gujarat being in the unseemly position of openly and actively subverting due process of law, the road to correction of wrongs, the deliverance of justice . The subversion acts amounting to a criminal conspiracy against the supreme democratic secular Indian State and Constitution.

(65) It is humbly submitted that there is ongoing subversion of

the rule of law and criminal justice system in the state of Gujarat. The partisan and diabolical role of the Chief Minister (CM) Shri Narendra Modi and members of the political party that he represents and ideologically affiliated organizations like the Bajrang Dal [BD], Vishwa Hindu parishad [VHP] and the Rashtriya Swayam Sevak Sangh [RSS] Sangh Parivar, in conspiring, planning, preparing and perpetrating inhuman atrocities against the Muslim minority community was exposed by the media and indicted by the Courts, the National bodies like the Central Election Commission, NHRC, Minority Commission, etc. It is pertinent to note that the Hon'ble Supreme Court (SC) entrusted the investigation of one case of mass rape (Bilkisbanu's case) to CBI (which resulted in arrest of police officers for suppression of evidence) and transferred the trial of one mass carnage case (Best Bakery case) to Maharashtra State. Moreover, in August, 2004, the SC had ordered review of 2000 odd riot cases (unprecedented in the judicial history of India) closed by the Gujarat Police, as the accused in bulk of these cases are drawn from Hindu communal elements. Even after the Hon'ble SC's order of re-opening cases, the Government of Gujarat continues to subvert this judicial directive as can be seen from the progress of these cases. Recently, the SC had scolded (August, 2005) the State Administration and Gujarat police for their failure to arrest the main accused in the

notorious Naroda patia (Ahmedabad city) carnage case who jumped the bail granted by the lower courts. In Naroda patia nearly 200 persons belonging to Muslim community were killed, during the post Godhra riots, due to police inaction/connivance.

- (66) The complainant states that the NHRC in its numerous reports, delineating the subversion of the bureaucracy and police by Modi Govt., during the riots and afterwards suggested for rewarding those Govt. functionaries, (a few of them) who have done good work and suitably punishing others for their acts of omission and commission.

These recommendations had been formally accepted by the Gujarat Govt., who reported to the NHRC accordingly. But on the ground, a diametrically opposite response was made by Modi Government. Those who connived with the carnage were doubly rewarded and those, who tried to uphold the Rule of law, were punished in various ways by utilizing the Governmental instruments of (1) transfer, (2) promotion and (3) supersession - - Of course for sending a message to the Govt. functionaries to be committed to the political agenda of the CM than their Constitutional obligations, for which every Govt. servant had taken oath. Consequently, the Govt. officials are bending backwards to toe the political line of the CM, rather than performing duties as per the law and regulations. The net result is that justice is still denied to the victims of post Godhra riots and further, true facts are not revealed to the Justice Nanavati Commission.

- (67) Cases of punishment, ill treatment, etc.

- (1) Shri Rahul Sharma, IPS, 1992 Batch, the then SP of Bhavnagar, was transferred to the unimportant post of DCP Control Room, Ahmedabad city, in the thick of the riots in March, 2002, for his "sin" of saving a Madrasa, housing nearly 200 Muslim children, in Bhavnagar city from attacking Hindu crowds, by opening fire at them.

Later, he was transferred to lesser important post of SRPF Commandant, for opposing the anti minority investigation of Ahmedabad city cases by Ahmedabad city Crime Branch. He had revealed these facts to the Nanavati Commission, with supporting documents, in September, 2004. He has gone on deputation to CBI, in 2003.

- (2) Shri Vivek Srivastava, IPS , 1989 Batch, was transferred from the post of SP Kachchh for arresting Home Guard Commandant, (pro BJP) for his involvement in riots, despite instructions from the CM office, in March, 2002.
- (3) Shri Himanshu Bhatt, IPS, 1996 Batch, was transferred from the post of SP, Banaskantha district, in March, 2002, for initiating action against a Sub Inspector, who joined with rioting Hindu crowd. Strangely the SI was reinstated from suspension and posted in the same Police Station. Shri Bhatt is now on long study leave.
- (4) Shri M.D.Antani , IPS, 1990 Batch, transferred from Bhruach district for taking action against BJP supporters, in March, 2002. He is now on deputation to Central Govt.
- (5) Shri R.B.Sreekumar , IPS, 1971 Batch, the then ADGP (Int.), from 9.6.2002 to 17.9.2002 – has been continuously harassed, for his "crimes" of (1) reporting to State Govt. about the involvement of Sangh Pariwar activists in the post Godhra riots, (2) providing realistic assessments to the Election Commission in August, 2002, which led to the postponement of Gujarat Assembly Election, (3) reporting to the State Home Deptt. about the details of the Hon'ble CM Narendra Modi's speech containing objectionable remarks about the Muslims in September, 2002 , (4) filing 3 Affidavits to the Nanavati Commission and informing the Commission about the illegal activities of Hindu communal elements, during the cross examination, despite intimidation by officials of the State Home deptt., etc. His explanation has been asked on many trivial issues. Moreover, without any valid grounds he has been superseded in promotion to the rank of DGP in February, 2005.

On 6.9.2005, the State Govt. served charge sheet on Sreekumar initiating Departmental Proceedings (DE) on alleged misconduct and misbehavior - an extremely vindictive action as

Sreekumar deposed revealing the unlawful and unethical role of the State Govt. officials and ruling party members before the Nanavati Commission. Charges against Sreekumar are (1) for keeping a diary containing adverse comments about Hon'ble CM and senior officers, (it was a regularly kept Register / diary, sealed & signed by IGP, to record the verbal instructions of senior authorities and so it was official) (2) disclosing the contents of the diary to the Press, (the disclosure was done by the Advocates of Sreekumar and so he has no vicarious liability) (3) disclosure done with intention to malign reputation of the State Govt., (disclosure contains details of illegal orders by CM and certain other officers and they do not personify the State Govt., so a false allegation; it also establishes the misdeeds of the CM and his close officials, who were collectively subverting the Constitution and breaking and bending the Administrative machinery from within, for serving the political, electoral and personal requirements of the CM) (4) revelation in the diary capable of embarrassing the relations between the Central and State Govts., (the Central Govt., on its own, is enquiring into the contents of the Diary, and so the charge is baseless) (5) illegally recording conversation with Secretary (Law & Order), Home Deptt., Shri Murmu, IAS, (Murmu intimidated and threatened Sreekumar, forcing him to commit perjury before the Nanavati Commission and so it is not a misconduct to record such illegal instructions; actually Murmu committed the offences U/s of 193 r/w 114 IPC, 186 & 153 A, IPC, but the State Govt. shielded him and did not initiate any action so far) (6) sharing the recorded conversation to the Press, (it was done by the Advocates) (7) maligning the Secretary Home, (false allegation, it was the Home Secretary (Murmu), who committed gross misconduct and offences under IPC) (8) sharing secret documents of Central Govt with the Justice Nanavati Commission (secret documents were enclosed in the First Affidavit of Sreekumar as early as July, 2002 and Sreekumar requested the Nanavati Commission to treat these as privileged but the Commission declassified the documents and released these to the Press, the authorities kept quiet on this issue for a long time, and now raised it as Sreekumar submitted three Affidavits to the Commission containing facts and data adversely affecting the CM, Modi) and (9) Keeping secret IB documents in his custody. (these relevant documents were kept for answering any query from the Commission, during a deposition, as these are relevant to the Affidavits filed). The above charges are served to intimidate Sreekumar from revealing more adverse facts to the Nanavati Commission, in the event of his summoning for cross-examination, against the interests of the CM and other officials, as their role was already censured by the judiciary and national level bodies, during riots.

- (6) Shri Satishchandra Verma, IPS , Batch 1986, the then Range DIGP, Kachchh (Bhuj) was shifted in last week of March, 2005 to the unimportant post of incharge of SRP Training Chowky. Sorath, Junagadh (which was a post for SP rank officer), by upgrading the post from SP to DIGP. Shri Verma's fault was ordering the arrest of a BJP MLA, belonging to Banaskantha District, namely, Shankarlal Chaudhary, for his direct involvement in the murder of two Muslims boys, during 2002 riots. Shri Verma has done it as part of the review work of 2000 odd cases, entrusted to him as per the Hon'ble Supreme Court's orders.
- (68) Rewards" for collaborating with the illegal plans of the CM/BJP during 2002 riots and afterwards.
- (1) Shri G.Subba Rao, IAS , 1965 Batch, the then Chief Secretary during riots, was given 3 months extension and also posting as Chairman, Electricity Regulatory Authority for 6 years from May 2003. He coerced officials to support illegal policies of Modi Govt. and has even instructed to eliminate minorities. (See entry against dates of 17/4/2002, 22/4/2002, 1/5/2002, 28/6/2002, 9/8/2002 and 19/9/2002, in Sreekumar Register viz. Annexure F of Sreekumar Third Affidavit).
- (2) Shri Ashok Narayan, IAS , 1966 Batch, the then ACS (Home), was given 2 years extension after retirement, in the post of State Vigilance Commissioner. He had supported the Modi Govt. to carry out its anti Minority policies. His conduct and performance of duties as ACS (Home) is now under scrutiny of the Nanavati Commission, still he was selected and posted in the sensitive post of the State Vigilance Commissioner. He favored Hon'ble C.M., Modi by not revealing anything adverse in his Affidavit to the Commission and during cross-examination in August, 2004. He also did not file the Second Affidavit covering 2nd terms of reference of the Commission. Details about his undesirable role can be seen in Sreekumar Register (Annexure F of Third Affidavit).
- (3) Dr.P.K.Mishra , IAS , 1972 Batch, the then P.S. to CM, inducted in the important post of Addl. Secretary (MHA). He also was given many foreign trips, in his capacity as Director, Gujarat State Disaster Management Authority, for the services of remaining a total collaborator of the CM, in his anti Minority drive. Details about his undesirable role can be seen in Sreekumar Register (Annexure F of Third Affidavit).
- (4) Shri A.K.Bhargava, IPS , posted as DGP, in February, 2004, and allowed to hold the additional charge of MD, Housing Corporation, with a budget of Rs.200 Crores per year. He fully cooperates with the Govt. for looking after the political interests of

BJP, in the matter of review of 2000 odd cases, harassment of officers, agreeing to illegal directives of the Govt., etc.

- (5) Shri P.C.Pande, IPS , 1970, the Commissioner of Police, Ahmedabad city, during 2002, was inducted in the Central Govt., in the prestigious post of Addl. Director, CBI, in March, 2004 by NDA Govt.
- Now in February, 2005, Modi Govt. promoted him as DGP (ACB), though he was not relieved from Central Govt., at that time. It is relevant to note that these are rewards for his services for facilitating the massacre of nearly 1000 persons in Ahmedabad city, 95 % of whom are Muslims, during 2002 riots and safeguarding the Hindu goons from arrest during investigation of cases . During the riots in 2002, he even gave an interview to electronic media telling that "policemen are part of the society", an oblique justification to police inaction in the carnage against Muslims by Sangh Parivar. He had also pretended amnesia before the Nanavati Commission and did not reveal even basic facts about 2002 riots, either in the Affidavit or during the cross-examination. He openly favored the Hindu Communal elements in the matter of registrations of cases, arrests, prosecution, etc., which was also responsible for the Hon'ble Supreme Court ordering the Review of investigation of 2000 odd riot cases.
- (6) Shri Kuldeep Sharma, IPS , 1976, rewarded for facilitating riots in Rural areas of his Ahmedabad Range (Districts of Ahmedabad Rural, Kheda and Anand), while he was Range incharge IGP. He did not even file any Affidavit in the Commission. He was posted as ADGP (Crime) on promotion. Interestingly, in July, 2005, he was shifted to the post of ADGP (Training) as he did not agree to book Mallika Sarabhai d/o of the Late Vikram Sarabhai in a false case, and also did not oblige to save one Minister in Modi Cabinet – Prabhatsing Chauhan – involved in a case of criminal misappropriation.
- (7) Shri M.K.Tandon, IPS , 1976, transferred to the "prosperous" Range of Surat, in May, 2002 and later promoted as ADGP, for his "services" in the carnages of Gulbarg Society, Naroda Patia, in Ahmedabad city, etc. (where 100s of Muslims were killed) in the capacity of the then Addl.CP, Ahmedabad city, during the riots. In July, 2005, he is posted as ADGP (Law & Order) in State Police Headquarters, having State wide jurisdiction.
- (8) Shri Deepak Swaroop, IPS , 1976, was posted as Commissioner of Police, Vadodara, in Feb., 2005, for his "services" of remaining inactive as Range officer of Vadodara Range having

districts of Vadodara Rural, Godhra, Dahod and Narmada, under him, during 2002 riots .

- (9) Shri K.Nityanandam, IPS , 1977, promoted and posted as Commissioner of Police, Rajkot city, in Feb., 2005, by upgrading that post by two levels i.e. DIG to ADGP for rewarding his services as Home Secretary from 2001 to 2005, for manipulating statistics, fabricating and drafting pro Govt. reports for sending to NHRC, the Courts and other higher bodies.
- (10) Shri Rakesh Asthana, IPS , 1984, has been posted in the important Vadodara Range, though he was a junior IG, reportedly for pursuing the Govt. line of conspiracy theory in Godhra incident , as the Chief Investigator of the case.
- (11) Shri A.K.Sharma, IPS , 1987, was posted to important Range of Ahmedabad, even downgrading the post, for his services during the riots as Mehsana SP.
- (12) Shri Shivanand Jha, IPS, 1983, was posted as Home Secretary, in February, 2005, in view of his services during 2002 riots and not revealing anything adverse against the Govt., before the Nanavati Commission. At present he is making reports to the Courts and other higher bodies defending the Govt. in all matters relating to 2002 riots and subsequent developments.
- (13) Shri S.K.Sinha, IPS, 1976, was posted as Commissioner of Police, Surat city, in Feb., 2005, the most "rewarding" post in Gujarat police for his "services" in turning Zahira Shaikh, the key prosecution witness of Best Bakery case hostile , during his tenure as Commissioner of Police, Vadodara city.
- (14) Shri D.G.Vanzara, IPS, 1987, He was posted as DIG, Anti Terrorist Squads, in July, 2005, even downgrading the post from the rank of IGP to DIGP, for his services in killing many Muslims in police encounters during his tenure as DIGP, Ahmedabad city Crime Branch from May, 2002 to July, 2005.
At lower levels also most of the officers from PSI to Dy.SP , who were in areas of major riots against minorities are posted in "lucrative" posts.
- (15) Other senior police officers and members of bureaucracy also played highly unethical role by remaining collaborative to the designs of Modi, during riots, subsequent investigation of riot cases (by favoring the Hindu communalists) and not implementing sincerely the Recommendations of NHRC & National Commission of Minorities, etc. Please note that the mosques, madrasas, etc.

destroyed / damaged in Riots are not yet rebuilt, despite Recommendations of the above Commission. In many riot-affected villages, the Muslims are yet to be fully rehabilitated.

(69) Subservience of IPS Association

The terrorization of bureaucracy is evident in the matter of IPS Association not daring to convene a meeting for the last 3 years. Recently, a meeting of the IPS Association Gujarat Unit was convened (August, 2005), after a gap of 3 years, with the objective of installing a pro-Govt. (Pro-Modi) group of officers as Office Bearers. A campaign was made to install D.G.Vanzara (1987 Batch) as Secretary – (the most important functional post in the Association) by avoiding election. Fortunately, Vanzara was defeated by DIGP Satish Varma (1986 Batch) by a margin of 13 votes (18 v/s 31)

(70) Role of IAS officers:

Practically no Collector / District Magistrates, who are bound by police acts and regulations to maintain law and order had initiated any action to contain riots, especially where mass killings had taken place, during 2002 riots.

Secondly, DMs had recommended even office bearers of Sangh Parivar as Public Prosecutors, to present cases against Hindu rioters !!!!! – These prosecutors acted as defence lawyers and this matter has been highlighted by the SC in Best Bakery case.

Thirdly, most of the DMs had forcibly closed down relief camps meant for riot victims, mostly Muslims, in August, 2002, in order to project an image of normalcy to the Chief Election Commissioner, for facilitating early Assembly Elections. The above items have been covered / reported by Sreekumar, the then ADGP (Int.), in his Affidavits to the Nanavati Commission, who is now victimized and superseded in promotion.

(71) The Gujarat Government and the Nanavati Commission

The Govt. officers going as witnesses to the Commission inquiring into Godhra incident and post Godhra riots were tutored by senior Home Department officer, Shri G.C.Murmu, IAS, 1985 Batch and the Govt. Advocate Shri Arvind Pandya and witnesses were intimidated also for ensuring that they will not speak out the truth harming the political interests of Narendra Modi. (See the newspaper reports on 4th March, 2005 and Electronic Media reports on 3rd March, 2005, afternoon). This action by the Govt. Home Department is amounting to offences of conspiracy, perjury,

etc. punishable U/s 193, 114, 186, 153 A IPC.

This matter was reported to the Govt. and Nanavati Commission by one of the IPS officers, through affidavit, but no action is initiated either by the Commission or the Govt. against those who had intimidated Sreekumar and other witnesses. The audio tapes of the illegal briefing sessions convened by Murmu to pressurize and intimidate Sreekumar is a reliable material evidence, still no action from the Nanavati Commission.

(72) This attitude of the State Government in steamrolling the Nanavaty-Shah Commission has in effect prevented the Commission from probing the depositions of then Addl. Chief Secretary (Home), Ashok Narayan, the DGP, K.Chakravarthy, CP Ahmedabad, P.C.Pande, other senior officers of Ahmedabad city police during 2002 riots especially when they stood in the witness box claiming amnesia, not even referring to relevant documents to answer the questions put by a human rights advocate. Serious issues were therefore deliberately prevented from being probed by the Commission due to the active interference in the fair deliverance of justice by the Gujarat Government.

(73) Practically all of the above-mentioned officers from Home and police department did not file additional Affidavits, with reference to the additional terms and reference formulated by the Govt., which include enquiring into the role of the CM and senior officers . The Commission did not even move to summon any of them, without whose depositions the true facts about the role of the CM and senior officers could never be known.

(74) Shri Rahul Sharma , in his capacity as S.P. Bhavnagar and DCP Ahmedabad city revealed many facts calling for further inquiry, in his Affidavit and cross examination before the Nanavati Commission. He even submitted a CD ROM containing the call details of senior police officers and politicians belonging to ruling

party during the riots. An independent analysis by the newspaper (The Indian Express), reported from 21st Nov. to 27th November, 2004, proved that the claims of many police officials and politicians about their location during the most violent days of the 2002 riots are totally false and misleading. And in this process they had committed the offence of perjury by filing false Affidavits before the Commission. Strangely, the Commission so far did not order any inquiry in this significant matter revealed by Rahul Sharma. Even, the police officers reviewing the 2000 odd cases, as per the SC orders also did not bother to inquire into the aspects relating to the above CD ROM.

(75) Shri R.B.Sreekumar , filed his second (in Oct., 2004) and third Affidavits (in April, 2005) to the Nanavati Commission, containing many facts about the criminal and unethical role of the CM, Narendra Modi and certain senior officers. But the Nanavati Commission did not move for either calling Sreekumar for further inquiry or ordering/conducting independent inquiry about the allegations made and facts revealed in the Affidavits of Sreekumar. It is pertinent to note that Sreekumar is, perhaps, the only senior officer, who filed Affidavits relating to additional terms of reference regarding role of the CM in the riots.

(76) The Nanavati Commission has to get documents from Govt. files to formulate its views regarding the terms of reference. But the Commission so far did not ask any Govt. officials to submit any important relevant documents to the Commission, even during the cross examination. Curiously, Shri Rahul Sharma and R.B.Sreekumar, suo moto, submitted certain relevant documents from the Govt. records, about which, however, the Nanavati Commission did not so far initiate any further inquiries.

(77) Some crucial and pertinent issues that have therefore, as a result been left unexamined by the Commission and which have a

direct relevance to the both terms of reference to the Commission, dtd. (1) 6th March, 2002 and (2) 20th July, 2004 are:

- (a) Why no minutes of the meetings held by the CM and other senior officers for review of the situation from 27th Feb., 2002, onwards were prepared and circulated to the concerned officials?
- (b) Why dead bodies of the Godhra train fire victims were paraded through the streets of Ahmedabad city and that too when over 50 % of the deceased persons belonged to places out side Ahmedabad city and a few dead bodies were not even identified at that juncture ?
- (c) Did CP, Ahmedabd (PC Pandey) or DGP, Gujarat (K Chakravarty) report to CM or higher officers about the possible adverse repercussions on law and order about parading of dead bodies ?
- (d) Why was no preventive action against communal elements taken on February 27/28, 2000, even after the announcement of Bandh call by the Sangh parivar on 27th February, 2000 ?
- (e) Why was the Communal Riot scheme was not put into operation in relevant areas, from 27th Feb., 2002, evening onwards ?
- (f) Why was no prompt and effective action against the rioters by the officers of the rank of Dy.SP and above, particularly in Ahmedabad city (nearly 40 of them) and Vadodara city (nearly 30), who were having striking forces of additional policemen moving with them ?
- (g) Why was no action by nearly 100 police mobiles on the move in Ahmedabad city and similarly in Vadodara city against crowds which congregated in small numbers in the morning of 28th February, 2002 onwards?
- (h) Why was no action taken, when the enforcers of the Bandh

indulged in traffic disturbance and petty nuisance, more for testing the mood and strategy of police, on the morning of 28.2.2002 ?

- (i) Why was there an inordinate delay on the imposition of curfew, particularly in Ahmedabad city ? (In Ahmedabad city curfew was imposed as late as 13.00 hrs on 28th February, 2002)
- (j) Despite regulations, why there was no arrangement for videography of the violent mobs ?
- (k) Why police failed to videograph mobs, while electronic media succeeded ? Was There any constraint from higher authorities ?
- (l) Why wasno effective action by policemen in static points and by mobile patrolling groups, both by vehicles and on foot, against rioters from 27th Feb., 2002, evening onwards?
- (m) Why was there such delayed response in distress calls from prominent Muslim citizens, like Ahsan Jafri, (Ex.MP), despite their contacting the Chief Secretary, the DGP, the CP Ahmedabad city, etc.
- (n) Why were there higher casualties of police firing and riots among the Muslims communities?
- (o) Why were the instructions in the compilation of Circulars captioned "Communal Peace", issued to all District Magistrates and police officers in the rank of SPs and above not implemented ?
- (p) Why "Instructions to deal with communal riots (strategy and approach)" prepared by Shri Z.S.Saiyed, IPS Retd., Officer on Special Duty and forwarded to all executive police officers for strict implementation, vide DGP, K.V.Joseph's, No. SB / 44 / OSD / 1175, dtd. 19.11.1977, had not been implemented ?
- (q) Why no monitoring of the implementation of instructions issued by the Chief Secretary, Home Department, DGP and other higher officers, from 28th Feb., 2002 onwards ?

- (r) Why no action against vernacular press publishing communally inciting news and articles, despite proposals from SP Bhavnagar, CP Ahmedabad and ADGP (Int.), Sreekumar ? Please note that ADGP (Int.), Sreekumar had even presented one of such reports as an exhibit to the Nanavati Commission, on 31.8.2004, during his cross-examination ?
- (s) Why no action or enquiry against police officers, to date, for their alleged failure to record FIRs and provide proper response to the complaints of riot victims, mostly minorities, though this matter was reported graphically and repeatedly by ADGP (Int.), R.B.Sreekumar , in his reports to Govt. dtd. (1) 24.4.2002, (2) 15.6.2002, (3) 20.8.2002 and (4) 28.8.2002, etc. ?
- (t) Why no action or enquiry against officers of the Executive Magistracy, particularly, the District Magistrates of the Districts, who failed to initiate prompt action against rioters, particularly, from 27th Feb., 2002 to 4th March, 2002 ? Similarly, why no action or enquiry against the DM and his staff for recommending pro BJP, VHP advocates for appointment as Public Prosecutors, to present cases against Hindu rioters ?
- (u) Why no action on Supervisory Officers, i.e. from Supdt. of Police of Districts, Range IGs / DIGs, Commissioners of Police and the DGP, who violated Rules 24, 134, 135 and 240 of Gujarat Police Manual, Vol. III, by not properly supervising investigation of serious riot-related crimes and thereby committing culpable omission and grave misconduct ?
- (v) Why no action on the supervisory officers i.e. the Range IG, Vadodara Range and CP Vadodara, who had done the misconduct of negligent supervision of Bilkis Banu and Best Bakery cases, whose trials had been transferred by the Hon'ble Supreme Court to the Maharashtra State?
- (78) There has been a culpable omission and misconduct on the

part of senior officers by not filing their affidavits. It is learnt that on the verbal instructions from the Chief Minister, Senior Officers deliberately avoided filing their Affidavits on the Second terms of reference to the Nanavati Commission issued under Govt. Notification, dtd. 20.7.2002. This Notification requested the Commission to enquire into "the Role and conduct of the then Chief Minister (Narendra Modi) or any other Ministers in his Council of Ministers, Police Officers, other individuals and Organisations" relating "to the facts, circumstances and course of events of the subsequent incidents in the aftermaths of the Godhra incidents"

(79) The Chief Secretary is the bridge and link between the political echelon of the Govt. and the bureaucracy, including the police. But the then Chief Secretary, Shri G. Subba Rao, (1965 Batch) did not care to file any Affidavit so far. It is relevant to note that Modi Govt. gave 3 months extension to Shri Subba Rao, as Chief Secretary and later in April, 2003, he had been posted as Chairman – Electricity Authority, with the tenure of 6 years.

(80) Other senior officials, who had done this gross dereliction of duty of not filing on Affidavit relating to second terms of reference to the Commission, are:

(1) Shri Ashok Narayanan, IAS (1966), the then Addl. Chief Secretary (Home)

– He also was given the post retirement benefit of tenure posting as State Vigilance Commissioner.

Kindly note that the post retirement assignments, given to these two IAS officers, while the Nanavati Commission is inquiring into their role also in the riots, is highly unethical and an act of favoritism for the "services" rendered by them to the CM – Modi, during the riots and the subsequent months.

- (2) Dr.P.K.Mishra – Principal Secretary to the CM Modi during the critical days. He was instrumental in giving illegal verbal instructions to Govt. functionaries.
- (3) Shri K.Chakravarthi, IPS (1965) the then DGP
- (4) Shri K.Nityanandam, IPS (1977) the then Home Secretary – who often
briefed the Media about the riots.
- (5) Shri P.C.Pande, IPS (1970) the then Commissioner of Police, A'bad city
- (6) Shri K.R.Kaushik, IPS (1972), in his capacity as ADGP (Crime), who supervised Godhra incident investigation and later as CP, Ahmedabad in May, 2002.
- (7) Shri A.K.Bhargava, IPS (1967) the then ADGP (Crime), who supervised Godhra investigation
- (8) Shri Maniram, IPS (1971) the then ADGP, incharge of Law & Order of the whole State during the protracted riots in 2002
- (9) Shri G.C.Raiger, IPS (1972) the then ADGP – Intelligence, during the crucial period of riots viz. from 27th February, 2002 to 9th April, 2002. He attended meetings convened by the CM, the Chief Secretary and Addl. CS. But, there are no notes or records about the proceedings in these meetings, nor there is any minutes issued.
- (10) Shri Sanjeev Bhatt, IPS (1988), who was Supdt. of Police (Security) and
attended many meetings convened by the higher authorities, as staff officer to Shri Raiger.
- (11) Dr.K.N.Sharma, IPS , the then Range IGP of Ahmedabad Range, in whose jurisdiction many people were killed in riots.
- (12) Shri Deepak Swaroop, IPS (1976) the then Range IG of Vadodara Range, in

whose jurisdiction Godhra incident had taken and more over, there were many incidents of mass killings and other atrocities on minorities during riots.

(13) Shri M.K.Tandon, IPS (1976) the then Addl.C.P., Ahmedabad city in whose jurisdiction many gruesome mass murders (Naroda Patia, Gulburg Society, etc.) had taken place.

(14) Shri Amitabh Pathak, IPS (1977) the then Range IG of Gandhinagar Range, in whose jurisdiction many people were killed in riots, i.e. Sardarpura in Mehsana District and many places in Sabarkantha District.

(15) Shri Shivanand Jha, IPS (1983) the then Addl.C.P., A'bad city in whose jurisdiction many notorious atrocities on minority community were committed.

(16) Shri D.D.Tuteja, IPS the then C.P. Vadodara

(17) Superintendents of Police of Districts of Mehsana, Banaskantha, Sabarkantha, Patan, Gandhinagar, Ahmedabad Rural, Anand, Kheda, Vadodara Rural, Godhra, Dahod, where mass killings during the riots were reported.

(18) District Magistrates / Collectors of the Districts mentioned in No. 14.

By avoiding throwing light on the above points many Govt. officials had deliberately deprived the Commission, of indispensable and cardinal facts, figures and assessment. I humbly submit this aspect of grave omission by Govt. officials, which the Commission may kindly and suitably look into." In these communal clashes 963 people were killed, which includes 200 persons killed in police firing. Large sections of the minorities, being the major victims of the recent riots, (117 Muslims killed in police firing as against 83 Hindus & 587 Muslims killed by rioters as against 177 Hindus Killed which includes 59 in Godhra train tragedy also)

(81) It is relevant to note that the DGP Shri A.K.Bhargava in his letter (1) No: G-2 / 1927 / Tapas Panch / Affidavit / 1690 / 2004, dtd. 16.9.2004 and (2) No: G-2 / 1927 / Tapas Panch / Affidavit / 1711 / 2004, dtd. 21.9.2004, directed all police officers, who filed the First Affidavit to submit Affidavits on second terms of reference, positively. He had even instructed that it was the duty of the current incumbent in a post to ensure that his predecessor would file the Second Affidavit. Still, none of the above police officer complied with his directives. Strangely, the Govt. had ignored this misconduct of insubordination and disobedience of DGP's orders by his juniors.

(82) The Govt. did not take notice of this culpable omission and misconduct by these officers, done with the intention of starving of the Nanavati Commission of the relevant data, because this was suiting to the political interests of the ruling party and the CM. This will establish that the Govt. is not keen and sincere in bringing out truth before the Nanavati Commission. In contrast one should see that ADGP (Int.) Sreekumar, filed a detailed Affidavit on 6.10.2004, covering the second terms of reference of the Commission and producing copies of documents, revealing the undesirable role played by senior officers. Sreekumar's Third Affidavit filed on 9.4.2005 also had confirmed the above points. This is a major factor for initiating a DE against Sreekumar on flimsy grounds (as narrated earlier) on 6.9.2005.

(83) In the Register of the then ADGP (Int.) Shri Sreekumar (See Annexure F of Sreekumatr Third Affidavit to Nanavati Commission), the details of illegal instructions given by officers viz. the Chief Minister Modi, the Chief Secretary, Subba Rao, ACS, Shri Ashok Narayanan, DGP, Shri Chakravarthi, Principal Secretary to the CM, Dr.P.K.Mishra, Home Secretary Shri K.Nityanadam, etc.

are narrated. These data graphically disclose, the subversion of the CJS and Constitutional machinery, indulged in by the CM and many senior officers. If veracity of the entries are questioned by these officers, they along with Sreekumar be put through modern scientific test like narco analysis, polygraph, Brain finger printing, etc

(84) Slack review of post riot cases as ordered by the Hon'ble Supreme Court in August, 2004.

It is learnt that the review of post riot cases under the supervision of DGP, Shri A.K.Bhargava, IPS, is done to favour political interests of BJP and Narendra Modi. One illustrative instance is that Dr.Nirja Gotru, IPS, 1993 Batch, now on deputation to CBI, (posted in CBI Hqrs., New Delhi) arrested a few Hindu leaders and certain policemen, while she was reinvestigating certain 2002 riot cases relating to atrocities on women, but she was abruptly asked to discontinue her work and disassociate with the cases connected with post Godhra riots, in the middle of 2004 (a clear case of victimizing an officer for performing her legal role).

It is also relevant that Shri S.S.Khandwawala, IPS, (1973 Batch), Addl.DGP (Training), entrusted with the task of the above review work is under the total mercy of the Chief Minister, because Shri Khandwawala is continued in service though he has been convicted in a criminal case by the Court, in early 2004, but the sentence only is suspended. It is left to the State Govt. to remove him from service on grounds of conviction by the Court and so he is fully cooperating with the Hindu bodies interests in the review of riot cases, in which the Muslims are the victims / complainants. The Govt. also is using Shri Khandwawala for political mileage and propaganda, as he is the senior most IPS officer of Gujarat Cadre belonging to Muslim religion.

Kindly note that the partisan role of the Investigation officers, who are reviewing the cases, is further established in the revelation of Shri Rahul Sharma, the then SP of Bhavnagar, before the Nanavati Commission on 30.10.2004.

It is humbly submitted that the Subversion of the Constitutional machinery is still on in Gujarat State by the Modi Govt. and the intimidation of witnesses, transfer, supersession of officers, etc. are illustrative cases.

(85) Nepotism practiced by the Modi Govt. in postings, transfers, promotions, recommendations for foreign training, deputation postings, etc. has taken a heavy toll of the professionalism, prevention and detection of crimes, maintenance of law and order and all facets of police functions. Secondly, arrest of a Dy.SP and other officials, for slack supervision and suppression of evidence, in the Bilkis Banu case investigated by CBI, in contrast to the keenness of the State Govt. to protect senior supervisory police officers viz. Supdt. of Police to DGP, has added to the frustration in the lower ranks.

Thirdly, the Gujarat police has nearly, 8000 vacancies in the rank of Constabulary and nearly 950 in the rank of Police Sub Inspectors. These ranks are crucial functional posts and such an inadequacy of trained and skilled human resources is telling upon the efficiency, dedication and professionalism of Gujarat police, besides affecting the quality of service delivery to the people. The policemen at Constabulary and PSI level is over worked and stressful, consequently they take the line of least resistance in

matter of policing vis-à-vis the interests of ruling party (BJP). Submitting to illegal directives of Ruling Party leaders has become the only way of survival. The harassment and victimisation of officers like Sreekumar, for not obliging to the political leaders, instead, discharging duties as per law, is serving as a sad but stern warning for avoiding confrontation with the Ruling party and Modi Regime. A stifling ambience of fear psychosis is pervading among bureaucracy in Gujarat, particularly the police.

Fourthly, the Govt., as part of economy measure had started a cadre of "Lok Rakshak " – a sort of contract labour, on the payment of Rs. 2500/- per month. They will replace the Constabulary in the long run. A group senior citizens, headed by a respected Rtd. DGP, Shri P.B.Malia, has filed a petition in the Hon'ble High Court of Gujarat (Copy enclosed), requesting for declaration of the scheme as illegal.

Vacancy statement as on 31/7/2005, is enclosed.

Please note that this manpower is sanctioned as per 1960 norms, so actual requirement on the ground would be quite high. Even otherwise, as per the BPR & D, publication, "Crime in India, 2002", the ratio of policemen vis-à-vis area quite insufficient, in Gujarat. The number of policemen per 100 Sq.k.m. of area in Gujarat comes to 30.4, which is lower than the ratio in U.P. (54.8), Punjab (135.5),

Maharashtra (43.2), Bihar (54.6) and Kerala (108.8) and a couple of other States. Maharashtra, which had similar ratio as Gujarat, at the time of bifurcation has added to the manpower and so Maharashtra is nearly 13 points ahead of Gujarat, as on today.

<u>Vacancy position in Gujarat Police, as on 31.7.2005</u>	
Sr. No.	
Police Wing	
1	Police S
2	Police S
3	Assistan
4	Head Co
5	Police C
TOTAL	
SRPF Wing	

1	Assistan
2	Head Co
3	Police Co
T O T A L	

Present Situation in Gujarat

1. Terror Reigns with Key Witnesses

Affidavits filed before Supreme Court from September 2003 right upto December 2004 show how continuing threats, lack of adequate protection affect and impinge on the survival of key witnesses of the Sardarpur, Gulberg, Naroda Gaon and Naroda Patiya and Ode Massacres. Affidavits filed by Hindu victims of the Godhra mass arson and relatives of illegal accused also show gross partsinship and influence in investigation also supporting case for transfer. Victims of Mass Carnages Cannot go back to their place of residence. WHY?

2. Absconding Accused. Even today four accused relating to the BEST Bakery re-trial are absconding; our information is that nine accused from the Gulberg massacre are absconding as also one from he Deodhar killings and 3 from Santrampur. This is quite apart from the fact that names, powerful and influential accused of other carnages have been granted bail, even anticipatory bail by the courts.

3. State Government Actively Conspiring to Starve Nanavaty-Shah

Commission:

These officers have, despite the directions of the former Gujarat Director General of Police Bhargava by **not filing their affidavits** starved the Nanavaty Shah Commission of necessary and relevant data violating Section 6 of the Commission of Inquirt Act and actually subverting the state government appointed commission rendering its functioning to a formality. The officers are :

Shri Ashok Narayanan, IAS (1966), (2) Dr.P.K.Mishra, IAS (1972) (3) Shri K.Chakravarthi , IPS (1965) the then DGP(4) Shri K.Nityanandam, IPS (1977) the then Home Secretary – who often briefed the Media about the riots.(5) Shri P.C.Pande , IPS (1970) the then Commissioner of Police, A'bad city(6) Shri K.R.Kaushik, IPS (1972), in his capacity as ADGP (Crime), who supervised Godhra incident investigation and later as CP, Ahmedabad in May, 2002.(7) Shri A.K.Bhargava, IPS (1967) the then ADGP (Crime), who supervised Godhra investigation(8) Shri Maniram, IPS (1971) the then ADGP, incharge of Law & Order of the whole State during the protracted riots in 2002(9) Shri G.C.Raiger, IPS (1972) the then ADGP – Intelligence, during the crucial period of riots viz. from 27th February, 2002 to 9th April, 2002. He attended meetings convened by the CM, the Chief Secretary and Addl. CS. But, there are no notes or records about the proceedings in these meetings, nor there is any minutes issued.(10) Shri Sanjeev Bhatt, IPS (1988), who was Supdt. of Police (Security) and attended many meetings convened by the higher authorities, as staff officer to Shri Raiger.(11) Dr.K.N.Sharma, IPS, the then Range IGP of Ahmedabad Range, in whose jurisdiction many people were killed in riots.(12) Shri Deepak Swaroop, IPS (1976) the then Range IG of Vadodara Range,

in whose jurisdiction Godhra incident had taken and more over, there were many incidents of mass killings and other atrocities on minorities during riots. (13) Shri M.K.Tandon, IPS (1976) the then Addl.C.P., Ahmedabad city in whose jurisdiction many gruesome mass murders (Naroda Patia, Gulburg Society, etc.) had taken place.(14) Shri Amitabh Pathak, IPS (1977) the then Range IG of Gandhinagar Range, in whose jurisdiction many people were killed in riots, i.e. Sardarpura in Mehsana District and many places in Sabarkantha District. (15) Shri Shivanand Jha, IPS (1983) the then Addl.C.P., A'bad city in whose jurisdiction many notorious atrocities on minority community were committed. (16) Shri D.D.Tuteja, IPS the then C.P. Vadodara(17) Superintendents of Police of Districts of Mehsana, Banaskantha, Sabarkantha, Patan, Gandhinagar, Ahmedabad Rural, Anand, Kheda, Vadodara Rural, Godhra, Dahod, where mass killings during the riots were reported.

4. Public Prosecutors

Prosecutors in Gujarat who are handling the riot cases are either members of or supporters and sympathizers of the organizations widely believed to be involved in the carnage. It is also widely believed that there is a deliberate attempt to scuttle most of these cases. In Gujarat there has been a tendency to appoint public prosecutors who are either card holders or sympathizers of the ruling party or its *sangh parivar*. The complainant craves leave to refer to and rely upon the relevant press clippings when produced.

HM Dhruv defended Chetan Shah in TADA matter in 1987 Shri Chetan Shah who, to the best of the knowledge of the complainant, was charge sheeted in for killing 9 Muslims in an earlier riot case registered as Terrorist Case No.1 of 1987 before the Hon'ble Special Court, Ahmedabad

City; has been appointed as a District Government Pleader and the existing junior prosecutor from the office of the government pleader namely Mr. Atre has been appointed as the special public prosecutor for the Gulberg Society i.e. Ehsan Jafri's case Mr. Atre will have to execute the work under directions of Mr. Chetan Shah. Atre has hardly 40 per cent visibility

a. Shri Raghuvir Pandya, the public prosecutor in the case relating to Best Bakery is a member of the Rashtriya Swyam Sevak Sangh is also a card-holding member of the ruling Bharatiya Janata Party (BJP) and contested elections from Ward 20, Corporation Majalpur in 1996. He has been District Government Pleader for Two Years and is a Notary in the BJP Government in Gujarat. Interestingly In the Fast track court of Judge H.U. Mahida, all matters were handled by Public Prosecutor, Mr. Gupta. But at the time of interrogation of witnesses Mr Raghuvir N. Pandya was suddenly appointed as public prosecutor.

b. Chetan Shah, an Ahmedabad-based criminal lawyer, is an ardent Vishwa Hindu Parishad (VHP) supporter. He was appointed main public prosecutor for the state for major cases. Until September 2003, Shah was defending all the 35 accused in the Gulberg Housing Society Massacre. All the accused are out on bail. Later on he transferred the case to another prosecutor.

. Chetan Shah has been on the Vishwa Hindu Parishad (VHP) panel of lawyers for over two decades.

. In 1986, Chetan Shah was named in an FIR in connection with burning alive seven Muslims, was charged and tried as an accused in Terrorist Case No. 1/87 by the Ld. Designated

Judge, Ahmedabad City.

He was acquitted in that case for "lack of evidence."

In June 2003, eye-witnesses from the Gulberg massacre, including Firoz Mohammed Gulzar Pathan who lost 5 family members in the massacre, case officially protested against his appointment because of his antecedents. An official protest letter to state Law Minister Ashok Bhatt, the Law Secretary and the principal judge, City Sessions Court was sent against his appointment. The government of Gujarat simply did not respond nor did the Sessions Court was assisted to take any steps or give any directions. It was only after the sharp directions by the Honorable Supreme Court in the BEST Bakery Case on September 12, 2003 that Firozmohammed Gulzarmohammed Pathan and another witness Sairabehn Salimbhai sandhi received a letter from the Registrar of the City Civil Court Ahmedabad, Mr. JH Champavat dated september 16, 2003 stating that Shri VP Atre has been appointed instead. In fact Mr. VP ATRE is the assistant prosecutor working under the main government pleader Mr.Chetan Shah. The government of Gujarat simply did not respond.

It was only after the sharp directions by the Honorable Supreme Court in the BEST Bakery Case on September 12, 2003 that Firozmohammed Gulzarmohammed Pathan and another witness Sairabehn Salimbhai sandhi received a letter from the Registrar of the City Civil Court Ahmedabad, Mr. J.H.Champavat dated September 16, 2003 stating that Shri V.P. Atre has been appointed instead.

c. In Mehsana District Mr.Dilip Trivedi, who is the general secretary of the District VHP, heads the 12 member prosecutor's panel of that district. Mr.Trivedi is the prosecutor in the Sardarpura carnage in which 33 persons were burnt alive on Feb 28, 2002 and in which all 46 accused are out on bail. He was also the prosecutor in another incident in the same town wherein 11 persons were hacked to death in Dipda Darwaja area of Visnagar and trial is pending (Of the 45 accused, 38 are out on bail). I have been informed that when the complainants filed an application in the Gujarat High Court objecting to Trivedi's role, Additional Public Prosecutor S J Dave said that the government would consider the appointment of a special public prosecutor but it could not give a commitment. Thereafter Mr. Trivedi has been removed from the Dipda Darwaja case and replaced with Mr. Rajendra Darji, another lawyer who is sympathetic to the VHP.

d. In Panchmahals District some of the worst Carnages have taken place, the complainant is informed that one of the Public prosecutors, Mr.Piyush Gandhi is the president of the Panchmahals District of the VHP unit.

4. Bonafides of the Government

The stance of the present Gujarat Government towards the victim survivors and eye witnesses of the massacres can be deduced from the callous treatment they receive; they are still threatened and attempts made to tamper with evidence. Accused who are on bail, like Babu Bajrangi freely attempt to intimidate witnesses. Even the protection given to witnesses, by the SRP, as order by the Hon'ble Supreme Court is casual. But for the interventions of Higher Courts the state has been uninclined to even appeal acquittals like those that took place in Pandharwada and Kidiad.

5) There has been little or no actual work done by the State Government towards rehabilitation, including paying adequate compensation amounts for lost properties, homes and businesses; the assistance provided for widowed women and orphaned children and steps taken by the State Government are meager and reluctant. Women survivors of sexual violence do not even figure on the official scheme of rehabilitation. Affected districts of Gujarat state are several, the state government has concealed its own reports and even today there has not been adequate rehabilitation. Agricultural lands have been taken over by powerful and influential accused and this is another manner in which the economic deprivation and targeting of a community has taken place.

6) The Government of Gujarat has been active through mal-influence on the police force and administration *in falsifying FIRs, registering wrong names of the accused*. That these aspects are the subject matter of judicial scrutiny related to the mass carnages but have also taken case related to *all the mass crimes of 2002*. For

example the non registration of Section 376 offences when over 150 cases of sexual violence against women were recorded and reported to the Parliamentary Committee of Women Parliamentarians in 2002 is a stark case in point.

(7) Over 270 Mosques and Durgahs and other shrines belonging to the minority community were destroyed by mass violence and a conniving police and administration. To date, the state of Gujarat has done nothing to restore these. Where they have been restored it is through the private efforts of the community.

[86] Specific and sharp queries that this FIR addresses are:

[a] There are some State Intelligence Reports of a VHP meeting in Ahmedabad around 4 p.m on February 27, 2002. Who attended this meeting? Were any elected members of the Gujarat legislature, and the state cabinet present?

b] Why were there no minutes of the meetings held by the CM and other senior officers for review of the situation from 27th Feb., 2002, onwards prepared and circulated to the concerned ?

[c] Why are there no copies of such minutes, if any existed, were not presented to the Nanavaty-Shah Commission of Inquiry?

[d] Why were the dead bodies of Godhra train fire victims brought in a motor cavalcade to Ahmedabad despite the local administration advising otherwise, paraded through the streets of Ahmedabad city and that too when many of the deceased persons belonged to places out side Ahmedabad city and a few dead bodies were not even identified at that juncture ?

[e] Did CP or DGP report to CM or higher officers, in writing, about the possible adverse repercussions on law and order about parading of dead bodies ? In case any such letters were sent to higher authorities, why these were not informed to the Nanavaty-Shah Commission ?

[f] Why was no preventive action against communal elements on February 27/28, 2000 strictly enforced and taken, even after the announcement of Bandh call by the Sangh parivar on 27th February, 2002 ?

[g] Why the Communal Riot scheme was not put into operation in relevant areas, from 27th Feb., 2002, evening onwards? [h]

Why was no prompt and effective action against the rioters by the officers of the rank of Dy.SP and above, particularly in Ahmedabad

city (nearly 40 of them) and Vadodara city (nearly 30), who were having striking forces of additional policemen moving with them?

[i] Why was no action taken by nearly 100 police mobiles in Ahmedabad city and similarly in Vadodara city against crowds which congregated in small numbers in the morning of 28th February, 2002 ?

[j] Why was no action taken when the enforcers of the Bandh indulged in traffic disturbance and petty nuisance, more for testing the mood and strategy of police, in the morning of 28.2.2002?

[k] Why was there such preposterous delay in the imposition of curfew, particularly in Ahmedabad city? In Ahmedabad city curfew was imposed as late as 13.00 hrs on 28th February 2002?

[l] When was curfew imposed in different parts of Gujarat on February 28, 2002?

[m] Despite regulations, why there was no arrangement for videography of the violent mobs in all districts? Why police failed to videograph mobs, while electronic media succeeded ? Was there any constraint from higher authorities ?

[n] Why was there no effective action by policemen in static points and by mobile patrolling groups, both by vehicles and on foot, against rioters from 27th Feb., 2002, evening onwards ?

[o] Why was there such a delayed response in distress calls from prominent Muslim citizens, like Ahsan Jafri, (Ex.MP), despite their contacting the Chief Secretary, the DGP, the CP Ahmedabad city, etc.

[p] Why were there more casualties of police firing and riots among the Muslims ?

[q] Why were the instructions in the compilation of Circulars captioned "Communal Peace", issued to all District Magistrates and police officers in the rank of SPs and above were not implemented ?

[r] Why were the "Instructions to deal with communal riots (strategy and approach)" prepared by Shri Z.S.Saiyed, IPS Retd., Officer on Special Duty and forwarded to all executive police officers for strict implementation, vide DGP, K.V.Joseph's, letter No. SB / 44 / OSD / 1175, dtd. 19.11.1977, not been implemented ?

[s] Why was there no monitoring of the implementation of instructions issued by the Chief Secretary, Home Department, DGP and other higher officers, from 28th Feb., 2002 onwards ?

[t] Why was and has then and has not been since, no action against vernacular press publishing communally inciting news and articles, despite proposals from SP Bhavnagar, CP Ahmedabad and ADGP (Int.), Sreekumar ? Please note that ADGP (Int.), Sreekumar had even presented one of such reports as an exhibit to the

Nanavati Commission, on 31.8.2004, during his cross-examination?

[u] Why was no action taken or any enquiry held against police officers for their alleged failure to record FIRs and provide proper response to the complaints of riot victims, mostly minorities, though this matter was reported graphically and repeatedly by ADGP (Int.), R.B.Sreekumar, in his reports to Govt. dtd. (1) 24.4.2002, (2) 15.6.2002, (3) 20.8.2002 and (4) 28.8.2002, etc. ?

[v] Why was no action taken or enquiry held against officers of the Executive Magistracy, particularly, the District Magistrates of the Districts, who failed to initiate prompt action against rioters, particularly, from 27th Feb., 2002 to 4th March, 2002 ? Similarly, why no action or enquiry against the DM and his staff for recommending pro BJP, VHP advocates for appointment as Public Prosecutors, to present cases against Hindu rioters ?

[w] Why was no action taken against Supervisory Officers, i.e. from Supdt. of Police of Districts, Range IGs / DIGs, Commissioners of Police and the DGP, who violated Rules 24, 134, 135 and 240 of Gujarat Police Manual, Vol. III, by not properly supervising investigation of serious riot-related crimes and thereby committing culpable omission and grave misconduct ?

[x] Why was no action taken on the supervisory officers i.e. the Range IG, Vadodara Range and CP Vadodara, who had done the misconduct of negligent supervision of Bilkis Banu and Best Bakery cases, whose trials had been transferred by the Hon'ble Supreme Court to the Maharashtra State?

[y] Why has there been no further investigation on the deposition of Shri Rahul Sharma, IPS, the then S.P., Bhavnagar, on 30.10.2004, before the Commission, about the location of BJP leaders and senior officers ? In November, 2004, the newspaper Indian Express, published a investigative report in this matter ? Why no clarification on inadequate implementation of recommendations of NHRC, National Commission for minorities, etc.?"

[z] Repeated phone calls made to Chief Minister Modi, Ahmedabad Police Commissioner PC Pandey, then DGP Chakravarti and senior policemen, cabinet ministers and officials. Phone records of these top men would be critical in unearthing aspects of the criminal conspiracy.

(87) The Principal Secretary, Home, Mr. K.C. Kapoor is presently, one of the senior men 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. His response to the allegations of criminal conspiracy and breakdown are vital to understanding the situation.

The then SP, Mehsana district in 2002, namely A.S. Gehlot (Anupam) is at present SP, Western Railway. An IPS officer who was in a responsible position in 2002 and thereafter and who would offer, as, key insights into the breakdown of constitutional governance in the state of Gujarat

The Additional Director General of Police [Police Reform] Police Bhawan, Gandhinagar, namely R.B. Shreekumar. An IPS officer who was in a responsible position in 2002 and thereafter and who would be in a position to impart key insights into the breakdown of constitutional governance in the state of Gujarat. This officer through four affidavits filed by him before the Nanavaty Shah Commission, his deposition before then Chief Election Commissioner (CEC) James Lyndoh has observed strict principles of ethics and Constitutional Governance.

Mr. Rahul Sharma, IPS, 1992, SP Bhavnagar in 2002 thereafter DCP Control and today with CBI (Gujarat) is an officer who has been privy to breakout of unimagineable violence in Bhavnagar, but who personally contained it in one of the stark and unusual examples of independent ethical behaviour and has since, been 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, is today on deputation to the CBI, and thereafter and who would impart key insights into the breakdown of constitutional governance in the state of Gujarat

Mr. Vivek Srivastava, IPS 1989, formerly SP Kutch, is an officer who has been privy to breakout of unimagineable violence in parts of Gujarat 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 would can provide key insights into the breakdown of constitutional governance in the state of Gujarat

Mr. Himanshu Bhatt, 1989 Batch, formerly SP Banaskantha on study leave at present. He is an officer who has been privy to breakout of unimagineable violence in parts of Gujarat 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 can provide key insights into the breakdown of constitutional governance in the

state of Gujarat.

Mr. M.D. Antani, is a IPS, 1990 batch formerly in Bharuch district now on deputation to the Central Government. An officer who has been a witness to breakout of unimagineable violence in parts of Gujarat 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 would be in a position to impart key insights into the breakdown of constitutional governance in the state of Gujarat

Mr. Piyush Patel, formerly SP Vadodara, presently Border Range, Kutch Bhuj. An officer who has been a witness to breakout of unimagineable violence in parts of Gujarat 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 should offer, key insights into the breakdown of constitutional governance in the state of Gujarat

Mr. Maniram, then Addl.D.G.of Police (Law & Order), IPS 1971 in 2002. and Mr. Vinod Mall, SP Surendranagar in 2002, now with Central Intelligence who can provide critical information to the investigation;

Mr. Sanjeev Bhatt, IPS (1988), who was Supdt. of Police (Security) and attended many meetings convened by the higher authorities, as staff officer to Shri Raiger in 2002.

Smt Jayanti Ravi, IAS then Collector of Godhra in 2002 responsible for all administrative decisions in Godhra in 2002.

Smt Neerja Gotru, IPS, first assigned to reopen 2,000 cases and thereafter removed. These are names of some of the officers who were holding responsible office in the year 2002 and thereafter and therefore are required to be called as witnesses by the investigating officer during the investigation of this complaint.

(88) The present accused no. 1 is The . Chief minister, Mr. 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 architect of a Criminal Conspiracy to subvert Constitutional Governance and the rule of law; unleash 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.

The accused no. 2 namely Ashok Bhatt, then Minister for health, Presently Minister for Law and Judiciary, Health and Family Planning, Parliamentary affairs, NGOs etc Mobile no.9427306021. Then and Now Cabinet Minister 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 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. Thereby aided and abetted the commission of serious offences leading to death of several people and thereafter systematically trying to safeguard the interest of the accused persons.

The accused no. 3 namely Indravijaysinh Jadeja, then Minister of Urban Development Add. Health & Family Welfare Presently Minister for Road and Buildings, Capital Projects, etc Mobile no.9427306026. Then and Now Cabinet Minister 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 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.

The accused no. 4 namely . Prabhatsinh Pratapsinh Chauhan, Former Minister for transport, Presently Minister for Cow breeding, Devasthan Managment & Pilgrimage, Tribal Development and MLA from Kalol Sachivalaya, Gandhinagar Mobile no.9427306037. Then and Now Cabinet Minister 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 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.

The accused no. 5. namely Gordhan Zadaphiya, MLA and Former Minister for home, Government of Gujarat and presently MLA from Rakhial, Ahmedabad, having his residence at B/4 Aksharnagar, A/1/U, Pramukh Swaminagar, Artex Compound, Bapunagar, Ahmedabad-380025. Then and Now Cabinet Minister 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 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

The accused no. 6. namely Ranjitsingh Naharsinh Chawda, MLA and Former Minister for cottage industries, & Shri Vajpayee Swarojgar Yojna. Then, in 2002, Cabinet Minister 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 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

The accused no. 7 namely Kaushikkumar Jamnadas Patel, Kaushikkumar Jamnadas Patel, presently Minister for Revenue and Disaster Management, Sachivalaya, Gandhinagar, Gujarat,; in 2002 an elected MLA from the Shahpur, Ahmedabad Then Minister of Energy, Mobile no.9427306789. Then in 2002 an MLA and Now Cabinet Minister 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 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

The accused no. 8 herein Mr. C.D. Patel, presently Minister for Tourism, Holy Places, Pilgrimages and Cooperation Sachivalaya, Gandhinagar, Gujarat,; in 2002 an elected MLA from the Petlad constituency, Gujarat. Then in 2002 an MLA and Now Cabinet

Minster 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 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

The accused no. 9 namely Niteenbhai Ratibhai Patel, former MLA in 2002 Mehsana Minister of Finance. Then in 2002 an MLA under oath of the Indian Constitution to defend the Fundamental Rights, the Right to Life and Property of every citizen regardless of caste, creed 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

The accused no. 10 namely Amitbhai Anilchandra Shah, presently Home Minister, Government of Gujarat and MLA from Sarkhej constituency Ahmedabad (O) 23225920 (R) 23232453 Mobile no.9427306029. Presently a Cabinet Minister 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 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

The accused no. 11 namely Anil Tribhovandas Patel (Apollo Group) and MLA from Mehsana, Gujarat. Minister of Industries, Mines Mineral, Tourism Civil aviation, Cottage Industries. Mantrinivas Sector-19, Gandhinagar (Ph) 23222208, 23222102 Mobile. 9427306032. Presently a Cabinet Minister 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 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.

The accused no. 12 namely Mr. Narayan Lalludas Patel, MLA from Unjha, Then Minister of Transport (Independent Charge), 25, Sardar Co-operative Society, Molutpur Nr. Unjha police Station Post. Ta. Unjha Dist: Mehsana. Then a Cabinet Minister of the Gujarat Government in 2002 and Now an elected Member of the

Gujarat Legislative Assembly, 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 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

The accused no. 13 namely .Kalubhai Hirabhai Maliwad, MLA from Lunawada Former Taluka Panchayat Pramukh, Presently BJP MLA Lunawada. Residing at Jain Society. Opp. Saifi Hospital, Lunawada, Panchmahal- 389230. Then and Now an elected Member of the Gujarat Legislative Assembly, 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 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.

The accused no. 14 namely Mr. Dilipbhai Manibhai Patel, MLA from Anand Vidhyanagar- Kamarsad Road, Kramsad, Dist. Anand Pin Code.388325. Then and Now an elected Member of the Gujarat Legislative Assembly, 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 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.

The accused no. 15 namely Madhu Babubhai Srivastava, MLA from Waghodiya constituency Prabhat Nagar Society, Waghodiya Road, Vadodara-390019. Then and Now an elected Member of the Gujarat Legislative Assembly, 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 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.

The accused no 16. Dr Maya Kodnani, elected MLA in 2002 and presently from Naroda, Ahmedabad, Res- B-Block c/1/2 Om Tower, Shahibaug, Ahmedabad-380004; Phone : 079-2686136.

Then and Now an elected Member of the Gujarat Legislative Assembly, 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 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.

The accused no. 17 namely Nalin Kantilal Bhatt, General Secretary, Bhartiya Janata Party, Pandit Din Dayal Bhavan, Khanpur (Karnavati) Ahmedabad-380001 Res: 45, Shivkumud Society, Akota, Vadodara. The office bearer of the BJP and the author of the affidavit of the party before the Nanavaty-Shah Commission (annexed hereto)

The accused no. 18 namely Rajendra Sing Rana, Spokesperson of the Bharatiya Janata Party Then and Presently Member of Parliament from Bhavnagar, Gujarat. The official spokesperson of the Bharatiya Janata Party who called the 'bandh' the day after the Godhra mass arson on February 27, 2002.

The accused no. 19 namely Dr. Kaushikbhai Jannashanker Mehta, Joint Secretary, Vishwa Hindu Parishad, Gujarat. Vishwa Hindu Parishad, Gujarat, the office of which is situated at 11, Mahalaxmi society, Near Mahalaxmi four roads, Paldi, Ahmedabad.

The accused no. 20 namely Dr Praveen Togadia, International general secretary, VHP c/o Dhanwantri Hospital, Ahmedabad; Res. 50, Vaibhav Bunglow -2, Nr. Gulab Tower, Memnagar, Ahmedabad-380061. Off. 11, Mahalaxmi Society, Near Mahalaxmi Four Roads, Paldi, Ahmedabad-380007. The international general secretary of the Vishwa Hindu Parishad, the owner of Dhanwantri Hospital, Ahmedabad and the proud author, verbal and written of several incendiary speeches that have breached criminal law by inciting violence against the religious minority.

The accused no. 21 namely Dr. Jaideep Patel, Gujarat Secretary, Vishwa Hindu Parishad, Gujarat, Naroda Gaon, Ahmedabad; Res: 18/A, Ramyakunj Society, Nr. Galaxy Cinema, Naroda. Ahmedabad-382325 *Gujarat, Lab: Bharat Pathology Laboratory, Opp. Naroda Police Station, Mahipatram Chambers,

Naroda Gam. A leading office bearer of the Vishwa Hindu Parishad, who accompanied the road procession of the victims of the Godhra massacre from Godhra to Ahmedabad and who has been alleged to have incited crowds to violence against residents of Naroda Gaon and Naroda Patiya

The accused no. 22 namely Babu Bajrangi Patel, Member Bajrangdal, VHP.Bhagyoday (Kachhi) Society, B/s Kankuva Wadi, Naroda, Ahmedabad. A leading office bearer of the Bajrang Dal and Vishwa Hindu Parishad, the accused number one in the Naroda Patiya massacre and also responsible for publicly intimidating victim survivors and eye witnesses outside the premises of the Nanavaty-Shah Commission in August 2004 and thereafter (press clippings attached).

23. Professor Keshavram Kashiram Shastri, Chairman of the Gujarat unit of the Vishwa Hindu Parishad, Editor, Viswa Hindu Samachar. 11, Mahalaxmi society, Near Mahalaxmi four roads, Paldi, Ahmedabad 380007
Leading voice of the Gujarat Unit of the Vishwa Hindu Parishad who in an interview to Sheela Bhatt of Rediff.com detailed how the VHP had plans, and electoral rolls to target the lives and establishment of Muslims in the state.

The accused no. 24 namely Babubhai Rajput, BJP Worker, Bhartiya Janata Party, Pandit Din Dayal Bhavan, Khanpur (Karnavati) Ahmedabad-380001. A worker of the BJP involved in the criminal conspiracy and violence.

The accused no 25. namely K Chakravarti; Former Director General of Police, Government of Gujarat. In 2002, the chief of the Gujarat police and 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 Nanavaty-Shah Commission not conducive to transparency and exposure of what went thoroughly wrong in 2002 violating the Commission of Inquiry Act.

The accused no 26. namely Shri A. K. Bhargava, Former DGP/IGP of Police, Sachivalaya, Gandhinagar, Ahmedabad (Mobile:

98250-48301). Presently MD Housing Corporation. Thereafter, until 2006, the chief of the Gujarat police and 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 subversion of the justice process from 2004-2006. 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 Nanavaty-Shah Commission not conducive to transparency and exposure of what went thoroughly wrong in 2002 violating the Commission of Inquiry Act

The accused no 27 namely Subha Rao, IPS, 1965, Former Chief secretary, Government of Gujarat. At present posted as Chairman Electricity Regulatory Authority from 2003 (6 year posting). In 2002, the top 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 Nanavaty-Shah Commission not conducive to transparency and exposure of what went thoroughly wrong in 2002 violating the Commission of Inquiry Act

The accused no 28 namely Ashok Narayan, 1966 IAS Batch, Former Home secretary, Government of Gujarat. In 2002, the top man of the Gujarat bureaucracy in charge of law and order, 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 Nanavaty-Shah Commission not conducive to transparency and exposure of what went thoroughly wrong in 2002 violating the Commission of Inquiry Act

The accused no 29 namely P.C. Pande, Former Commissioner of police, Ahmedabad. Then on Deputation to the Central Bureau of

Investigation. New Delhi; now DGP, Gujarat Police Bhuvan, Gandhinagar; (Mobile 98250-48313??).

In 2002, the chief of the Amedabad police, now the DGP and 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 Nanavaty-Shah Commission not conducive to transparency and exposure of what went thoroughly wrong in 2002 violating the Commission of Inquiry Act

The accused no 30 namely K Srinivasan, Former Collector, of Ahmedabad. In 2002, as collector, responsible, for the lack of adequate relief operations and hence part of the overall, hierarchically dictated criminal conspiracy that strikes at the very root of constitutional governance. Not filed any say before the Nanavaty-Shah Commission not conducive to transparency and exposure of what went thoroughly wrong in 2002 violating the Commission of Inquiry Act

The accused no 31 namely Dr PK Mishra, IAS, 1972, then PS to the Chief Minister also Director, Gujarat State Disaster Management Authority, today Additional Secretary Ministry of Home Affairs, Gujarat Government. In 2002, one of the senior men of the Gujarat bureaucracy, closest to the chief minister, 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 Nanavaty-Shah Commission not conducive to transparency and exposure of what went thoroughly wrong in 2002 violating the Commission of Inquiry Act

The accused no 32 namely Kuldeep Sharma, IPS, 1976, in 2002 Range Incharge Ahmedabad Range, presently ADGP(training). In 2002, the chief of the Amedabad Rural police, and in the pyramid of authority *the* man from the police administration responsible for ensuring that the rule of law is preserved in Kheda and other parts of Ahmedabad rural. Bound by the 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. Not filed any affidavit before the Nanavaty-Shah Commission not conducive to transparency and exposure of what went thoroughly wrong in 2002 violating the Commission of Inquiry Act.

The accused no 33 namely M.K. Tandon, IPS 1976, then in 2002 Additional CP Ahmedabad, Range Incharge Surat today. In 2002, one of the senior officers of the Ahmedabad police, and 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 Nanavaty-Shah Commission not conducive to transparency and exposure of what went thoroughly wrong in 2002 violating the Commission of Inquiry Act. Was in charge of areas like Naroda Gaon and Patiya and hence his response to the allegations of criminal conspiracy and breakdown are vital to understanding the situation

The accused no 34 namely K. Nityananand IPS 1977, former Home Secretary, presently Commissioner of Police Rajkot city. Through 2004 and 2005 one of the senior men 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 Nanavaty-Shah Commission not conducive to transparency and exposure of what went thoroughly wrong in 2002 violating the Commission of Inquiry Act. his response to the allegations of criminal conspiracy and breakdown are vital to understanding the situation

The accused no 35 namely Rakesh Asthana, IPS, 1984, then Vadodara Range. In 2002, the chief of the Vadodara Range where the Godhra mass arson took place and in the pyramid of authority *the* man from the police administration responsible for ensuring that the rule of law is preserved in his jurisdiction, 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. Not deposed before the Nanavaty-Shah Commission and this factor is not conducive to transparency and exposure of what went thoroughly wrong in 2002 violating the Commission of Inquiry Act

The accused no 36 namely A.K.Sharma, IPS 1987 former SP Mehsana now promoted to Range Ahmedabad. In 2002, the chief of the Mehsana Range where some ghastly mass carnages took place and in the pyramid of authority *the* man from the police administration responsible for ensuring that the rule of law is preserved in his jurisdiction, 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. Not deposed before the Nanavaty-Shah Commission and this factor is not conducive to transparency and exposure of what went thoroughly wrong in 2002 violating the Commission of Inquiry Act

The accused no 37. namely G.C. Murmu, Secretary, Law and Order, Sachivalaya, Gandhinagar, Gujarat; Mobile: 9427306119. Presently, one of the senior men 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 along with advocate Arvind Pandya to issue illegal instructions to more than one bureaucrat and policeman to give false evidence, which is a crime before the Nanavaty Shah Commission Not filed any say before the Nanavaty-Shah Commission not conducive to transparency and exposure of what went thoroughly wrong in 2002 violating the Commission of Inquiry Act. His reponse to the allegations of criminal conspiracy and breakdown are vital to understanding the situation.

The accused no 38 namely Shivanand Jha, Secretary, Home, Sachivalaya, Gandhinagar, Gujarat. Presently a 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. His reponse to the allegations of criminal conspiracy and breakdown are vital to understanding the situation.

The accused no 39 namely D.H. Brahmbhatt, Collector,

Panchmahals District D.H. Brahmbhatt, Collector, Panchmahals District, Collector Compound, Collector House Godhra –389001. Collector of the District where the Mass Graves were discovered in December 2005 and a vital accused to understand allegations of continuing subversion of the law and order machinery in the state.

The accused no 40 namely Deepak Swaroop, IPS 1976 presently Commissioner of Police, Vadodara; formerly Range Officer at Vadodara Range. In 2002, the man in charge of an area of jurisdiction that saw ghastly violence (Vadodara rural and Panchmahals, Dahod) and thereafter critical to understand how marauding mobs took to the streets with impunity. In the pyramid of authority *the* man from the police administration responsible for ensuring that the rule of law is preserved in his jurisdiction, 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. Not deposed before the Nanavaty-Shah Commission and this factor is not conducive to transparency and exposure of what went thoroughly wrong in 2002 violating the Commission of Inquiry Act Since 2005, responsible for the further subversion of evidence during the BEST Bakery re-trial as commented upon in the Judgement of Judge Abhay Thipsay

The accused no 41 namely Sudhir Sinha, presently Commissioner of Police, Surat. In 2004, Commissioner of Police, Vadodara, when prime witness in the BEST Bakery case, Zahira Shaikh turned hostile and it was with the police protection granted by this officer that she held her much celebrated press conference in Vadodara on November 3, 2004. Key accused who abetted the continuing subversion of justice.

The accused no 42 namely Shri K. Kumarswami, IGP Int. GS, G'nagar; 98250-49189. Former Additional CP, Vadodara and an officer who had been found guilty of unprofessional practices in the subversion of justice by Judge Abhay Thipsay in the BEST Bakery judgement of February 24, 2006

The accused no 43 namely Shri B. S. Jabaliya, District Police Chief, Anand (Mobile 9825049306). 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 the breakdown of constitutional governance in the state of Gujarat

The accused no 44 namely D.G.Vanzara, IPS, 1987 formerly DIGP Ahmedabad Crime Branch from May 2002 to July 2005 presently posted as DIG Anti Terrorism Squads, State of Gujarat
An officer of the Gujarat police who has been involved in many of the 'encounter' killings in the state.

The accused no 45 namely Rahul Sharma, IPS, 1992, SP Bhavnagar in 2002 thereafter DCP Control and today with CBI (Gujarat). An officer who has been privy to breakout of unimagineable violence in Bhavnagar, but who personally contained it in one of the stark and unusual examples of independent ethical behaviour and has since, been 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, is today on deputation to the CBI, and thereafter and who abetted the breakdown of constitutional governance in the state of Gujarat

The accused no. 46 namely Raju Bhargava, then SP, Superintendent of police (SP) PANCHMAHAL DISTRICT, Khanpur Police Station ,Babaliya Police Station, Panchmahal; now at SP Sabrakantha (Mobile: 98250-07278). An officer who has been privy to breakout of unimagineable violence in parts of Gujarat 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 q responsible position in 2002 and thereafter and who aided and abetted the breakdown of constitutional governance in the state of Gujarat

The accused no 47namely Smt Anju Sharma, then Collector Bharuch District. In 2002, as collector, responsible, for the lack of adequate relief operations and hence part of the overall, hierarchically dictated criminal conspiracy that strikes at the very root of constitutional governance. Not filed any say before the Nanavaty-Shah Commisison not conducive to transparency and exposure of what went thoroughly wrong in 2002 violating the Commission of Inquiry Act

The accused no 48 namely DD Tuteja, (IPS) now retired then Commissioner of Police, Vadodara city; Res: 33, Dinesh Tara Nr. Pavanpir Appartment, Pratap Ganj, Vadodara-390002, Tel. 0265-2787899, (M) 94263 72273. In 2002 Commissioner of Police, Vadodara and in an officer who has been privy to breakout of unprecedented violence in parts of Gujarat 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 aided and abetted the breakdown of constitutional governance in the state of Gujarat.

The accused no 49 namely Bhagyesh Jha, former Collector of Vadodara; Presently Director of Information, I & B Department, Sachivalaya, Gandhinagar, Gujarat. In 2004, as collector, Vadodara, responsible, for the grant of protection to witnesses turning hostile during the BEST Bakey re-trial in Mumbai. In 2002 too he was collector of Vadodara and responsible for the lack of adequate relief operations and hence part of the overall, hierarchically dictated criminal conspiracy that strikes at the very root of constitutional governance. Not filed any say before the Nanavaty-Shah Commisison not conducive to transparency and exposure of what went thoroughly wrong in 2002 violating the Commission of Inquiry Act

The accused no 50 namely Nitiraj Solanki, then in 2002 SP, Sabrakantha District. An officer who has been privy to breakout of unimagineable 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.

The accused no 51 namely Amrutlal Patel, then in 2002, Collector Mehsana District; Presently Collector of Administration Indian Space Research Organisation (IPRO) Jodhpur Tekra Ahmed-380053. In 2002, as collector, responsible, for the lack of adequate relief operations and hence part of the overall, hierarchically dictated criminal conspiracy that strikes at the very root of constitutional governance. Not filed any say before the Nanavaty-Shah Commisison not conducive to transparency and exposure of what went thoroughly wrong in 2002 violating the Commission of Inquiry Act

The accused no 52 namely Upendra Singh, then in 2002 SP,

Rajkot District. 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

The accused no 53 namely PN Patel then in 2002, Collector, Rajkot District. In 2002, as collector, responsible, for the lack of adequate relief operations and hence part of the overall, hierarchically dictated criminal conspiracy that strikes at the very root of constitutional governance. Not filed any say before the Nanavaty-Shah Commission not conducive to transparency and exposure of what went thoroughly wrong in 2002 violating the Commission of Inquiry Act.

The accused no 54 namely V. M. Pargi; Then in 2002 DCP (Deputy commissioner of police) Parghi then with Ellis Bridge Police Station; Presently Addl. C. P. Vadodara City (Mobile: 98250-49189). Part of the Vadodara police in 2003-2004 and his role as police officer has been seriously questioned in the BEST Bakery judgement of February 24, 2006 for trying to manufacture evidence

The accused no 55 namely Police inspector KG Erda, then at Meghaninagar Police Station; Former PI C.I.D Intelli. Viramgam. Presently P.I. (L.C.B) Tithal Road, Valsad. In 2002, the Inspector in Charge of the Meghaninagar police station, present and watching at the spot of Gulberg Society where violence continued unabated and unchallenged from about 7.30 a.m. until about 5 p.m. in the evening.

The accused no 56 namely Police Inspector Kerman Khurshed Mysorewala, then PI Naroda Police Station, Ahmedabad, at present Reader to D.I.G.P, Gandhinagar Range. Residential address: Sabarmati, Ahmedabad District: Ahmedabad. In 2002, the Inspector in Charge of the Naroda police station where violence continued unabated and unchallenged from about 9 a.m. until 2 a.m., the next day

The accused no 57 namely M.T. Rana, Assistant Police Commissioner, G-Division, Ahmedabad City. An officer of the Gujarat police who has been involved in some of the controversial mass carnage investigations that have serious allegations of subversion of justice and tampering of evidence

The accused no 58 namely Tarun Barot, Crime Branch Former & Presently Police Inspector. 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.

The accused no 59 namely Narendra Amin, DCP Crime Branch 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. A senior official of the Gujarat cadre who was privy to discussions at the top level of the Government.

The accused number 60, namely G.C.Raiger, IPS (1972) the then ADGP – Intelligence, during the crucial period of riots viz. from 27th February, 2002 to 9th April, 2002.

The accused no. 61. Shri K.R.Kaushik, IPS (1972), in his capacity as ADGP (Crime), who supervised Godhra incident investigation and apparently connived with the real accused and later continued to commit as well as abetted the commission of the offences as CP, Ahmedabad in May, 2002.

The accused no. 62 namely Mr. Amitabh Pathak, IPS (1977) the then Range IG of Gandhinagar Range, in whose jurisdiction many people were killed in riots, i.e. Sardarpura in Mehsana District and many places in Sabarkantha District merely because of his deliberate and willful act of conniving with the offenders.

The accused no 63 namely Shri Satish Verma, Batch 1986 IPS formerly Range DIGP Kutch now. SRP Training Centre, Sorath, Junagadh (Mobile 9426510307). An officer who has been privy to breakout of unimaginable violence in parts of Gujarat 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 aided and abetted the breakdown of constitutional governance in the state of Gujarat

The witnesses in the above case are those named in this complaint and those who the investigating officer deems it fit to name during the course of investigation. The complainant shall furnish more details during the course of the investigation, alongwith evidence and material upon which the complainant herein relies. as well as those named below:-

- (i) R.B. Shreekumar, Additional DGP, State of Gujarat
- (ii) K.C. Kapoor
Principal Secretary, Home, Sachivalaya, Gandhinagar,
Gujarat, Principal Secretary, Home, Sachivalaya,
Gandhinagar, Gujarat
Mobile: 9427306117
- (iii) Manoj D. Antani, in 2002 SP ,BHARUCH DISTRICT
Presently Addl. CP, Spl. Br. A,Bad (Mobile: 98250-
48306)
- (iv). A.S. Gehlot (Anupam)
SP, Western Railway (Mobile: 98250-07285) then in
2002 SP, Mehsana district
- (v) Rahul Sharma, IPS, 1992, SP Bhavnagar in 2002
thereafter DCP Control and today with CBI (Gujarat)
- (vi) Vivek Srivastava, IPS 1989, formerly SP Kutch
- (vii) Himanshu Bhatt, 1989 Batch, formerly SP Banaskantha
now on study leave.
- (viii) Piyush Patel, formerly SP Vadodara, presently Border
Range, Kutch Bhuj (Mobile 98250-49386)
- (ix) Maniram, then Addl. D.G. of Police (Law & Order), IPS
- (x) Vinod Mall, Former, SP Surendranagar now with
Central Intelligence.
- (xi) Sanjeev Bhatt, IPS (1988), Residing Opp. Gandhi
Labour Institute, Drive-In Road, Ahmedabad.
- (xii) Smt Jayanti Ravi, IAS then Collector of Godhra in 2002
responsible for all administrative decisions in Godhra in
2002.
- (xiii) Smt Neerja Gotru, IPS, first assigned to reopen 2,000 cases

and thereafter removed.

(xiii) Firoz khan Gulzar khan, Resident Of D-3, Siddiqabad Colony, Opp. Amber Tower, B/h, Man Pasand Parlour, Sarkhej Road, Juhapura, Ahmedabad- 380055.

I am therefore requesting you to kindly register the FIR and investigate the same in accordance with law at the earliest.

Jakia Nasim Ahesan Hussain Jafri.

(Complainant)

Copy of this First Information Report to:

- (1). Mr. D. A. Vaghela, P.I.
Sector: 21 Police Station,
Opp. Old Sachivalaya, Gandhinagar.
- (2) The Chief Secretary,
The State Of Gujarat,
Sachivalaya, Gandhinagar.
- (3) The Home Secretary,
The State Of Gujarat,
Sachivalaya, Gandhinagar.