

[Tabular Presentation by Teesta Setalvad, Secretary Citizens for Justice and Peace before the Special Investigation Team \(SIT\) appointed by the Hon'ble Supreme Court through its Order dated 26.3.2008 following Part I, II and III Statements submitted at Gandhinagar on May 9, 2008](#)

Date of Tabular Presentation May 29, 2008

NARODA GAON AND PATIYA MASSACRES

-Subject	Investigation	Sections	Cross Referencing to TS Statement and Annexures Submitted on 9.5.2002
<p>Naroda: Faulty Investigation from the Recording of the Crime, i.e. the Deliberate Wrongful recording of FIRs and thereafter in four years deliberate subversion of evidence by superior officers and unlawful supervision of the investigators in this case.</p> <p>Naroda Statements of Witnesses are Recorded with Scant Regard to Thoroughness and Detail and hence are not substantive. SIT should compare earlier Police Statements with Statements Recorded Now and List and Enumerate Crucial Details Deliberately Omitted Earlier as also record motive behind protection of officers of the</p>	<p>Naroda</p> <p>PI KK Mysorewala of Naroda Police Station in 2002 MS (SS) Chudasama, (2002 ACP Crime Branch)</p> <p>AND PN Barot, ACP Crime.</p> <p>Following Senior IAS/IPS Officers Need to be Questioned by the highest echelons of SIT on the issues of Failure to Investigate and Punish the Guilty and thereby Obstruct the Deliverance of Justice</p> <p>SIT Must Interrogate Shri K Chakravarthi at the crucial moments in 2002 the DGP Gujarat needs to be Questioned by SIT; Shri K Nityananandam (IPS, 1977) who was Home Secretary from 2001-2005 needs also to be questioned;</p>	<p>Violation of 154 CrPC (procedure of registration of FIR) and worse the Suppression and Destruction of Evidence. This includes the fabricating of documents and causing disappearance of evidence immediately after the registration of the case and the continued the illegal act of causing disappearance of evidence till the dead bodies were buried. Further protecting the names of influential accused and arraigning wrong accused also amounts to a crime. Sections 120-B r/w 143, 147, 148, 149, 302, 376 (2) (e) and (g), 201, 217 and 218 IPC and substantive offences u/s 143, 147, 148, 149, 302, 376 (2) (e) and (g) and 201, 217, 218</p>	

<p>law who had committed unlawful and criminal acts</p>	<p>DR P.K. Mishra (IAS, 1972) then PS to the Chief Minister needs to be Questioned on the Overall Supervision of the Violence and Steps Taken (or Not) to Contain It; SIT needs to Question also Shri Subha Rao (IAS, 1965) then Chief secretary on the same issues; Shri Ashok Narayanan (IAS, 1966) Batch who was in 2002 ACS home also needs to be questioned on these Critical Issues; Then CP and today DGP Gujarat PC Pandey on his personal Failure as a Commissioner of Police and also on possible Instructions he received from top political brass to shield the guilty and not contain violence; Then Cabinet Ministers Ashok Bhatt (formerly minister for Health now for Law and Judiciary?) and IK Jadeja (Then and now minister) for sitting in the Ahmedabad City, Shahibaug and State, Gandhinagar Control Rooms to Assist/Obstruct the Constitutional Role of the Police; Gordhan Zadaphiya (former Minister for Home) on all these critical issues related</p>	<p>IPC are attracted in the commission of all these offences, and these offences get compounded again and again at various stages</p>	
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	<p>to 2002; Amit Shah presently Home Minister of Gujarat State on Issues of Subversion of Justice; Dr Kaushik Mehta, Jt. Sec, Vishwa Hindu Parishad who has filed an affidavit before the Commission; Rajendra Singh Rana, spokesperson of the ruling BJP; Shri K Srinivasan, former Collector of Ahmedabad; Shri KK Shastri Chairman of the Gujarat Unit of the VHP who claimed that they had detailed lists of Muslim areas to attack. SIT also needs to question Shri Maniram, IPS, then ADGP in charge of law and order; GC Raiger, IPS, 1972, then ADGP Intelligence; Nalin Bhatt, in 2002 General Secretary Bharatiya Janata Party</p> <p>Also Involved and Officers who need to be Interrogated are: MK Tandon, Jt Police Commissioner, PP Pandey, Kaushik, CP after Pandey, Rahul Sharma etc.</p>		
<p>Discrepancies in Chargesheets: There is almost a</p>	<p>Sit needs to examine who were the</p>	<p>Ibid.</p>	<p>See Details in Annexure 9 to Tabular Presentation dated</p>

<p>deliberate mixing up of records related to both chargesheets. Madinaben Arifbhai Malek's injury certificate has been included wrongly in the chargesheet related to 100/2002 incident. Madinaben has no relation with 100/2002 incident. She is resident of Naroda Gaon that is covered in 98/2002.</p>	<p>IOs/Medical Dictors/Superior Officers Involved when this Doctoring Took Place?</p>		<p>May 29, 2002</p>
<p><u>I.D. Naroda Gaon & Patiya</u> Summary Date February 28, 2002; Time 9 a.m.-2 a.m. (March 1) A 112 persons were brutally massacred, girls and women gang raped in this area on the outskirts of Ahmedabad, Naroda Goan and Patiya. Not only were policemen accused of abject complicity with powerful politicians who had planned and perpetrated the carnage but subsequent investigations have also revealed this complicity. Arising out of F.I.R. No. 100/2002 date 28.2.2002 of Police Station Naroda, Ahmedabad; Criminal Case No. 982/2002 pending in the Metropolitan Magistrate Court</p>	<p>SIT: An analysis of these documents submitted before the SC shows that original complaints/FIRs filed by witness complainants have been dropped. These include powerful accused including the ruling</p>	<p>Ibid.</p>	<p>Annexure P Pages 61-83 (Internally Numbered Pages) of Setalvad/Citizens for Justice and Peace's Affidavit dated 21-9/2006</p>

<p>No. XI, Ahmedabad (titled State Vs. Naresh Amarshingh Chhara & Ors); and Criminal Case No. 1662/2002 pending in the Metropolitan Magistrate Court No. XI, Ahmedabad (titled State Vs. Padmendra Singh & Ors.)</p> <p>Chargesheet Submission Dates Chargesheets have been Filed 1924/2002 & 1662/2002 Chargesheet No 1 39/04 filed by Naroda Police in Ahmedabad City on 2/2/04</p> <p>Chargesheet No 1 94/02 filed by Naroda Police Ahmedabad City on 19/8/2002</p> <p>Discrepancies Include: Statement of Dilawar Quresihi, Affidavit of Yunismiya Kureshi before the Crime Branch</p> <p>Affidavit of Maqsudmiya Qureishi on 12/4/2003</p> <p>Affidavit of Nanumiya Qureishi dated 13/4/2003</p>	<p>party MLA and general secretary of the Vishwa Hindu Parishad.</p> <p>Similar Issues and Questions of State Complicity in Protecting the Powerful' Hasty Granting of Bail etc are Raised here.</p> <p>Station Diary Entries; Control Room Phone Records and the Phone Records of all these officers and the Residents of Naroda Gaon and Patiya to be seized and Examined; Dying Declarations and records of the Civil Sola Hospital and VS Hospital also need to be scrutinized closely.</p> <p>Phone calls of Residents and Politically Powerful Accused like Dr Mayabehn Kotdani, Babu Bajrangi, Dr Jaideep Patel need to be seized and examined.</p> <p>Fire Brigade Records of Calls from Naroda Need to Be scrutinized and the Fire Brigade Officers also need to be examined.</p>		<p>Annexure P Pages 1-7 of Volume II of Criminal Application No. 9934-9939 in Writ Petition Criminal No. 37-52 of 2002 (Devendrabhai Pathak and Others v/s State of Gujarat)</p> <p>Annexure P Pages 27 and 30-34 of Volume II of Criminal Application No. 9934-9939 in Writ Petition Criminal No. 37-52 of 2002 (Devendrabhai Pathak and Others v/s State of Gujarat)</p> <p>Annexure P Pages 64-68 of Volume II of Criminal Application No. 9934-9939 in Writ Petition Criminal No. 37-52 of 2002 (Devendrabhai Pathak and Others v/s State of Gujarat)</p> <p>Annexure P Pages 89-93 of Volume II of Criminal Application No. 9934-9939 in Writ Petition Criminal No. 37-52 of 2002 (Devendrabhai Pathak</p>
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<p>Copy of FIR CR No 98/2002</p> <p>Statement of Kamruddin Qureishi</p> <p>Statement of Sakinabehn Ayubkhan Abdulkhan made before Assistant Police Commissioner on 21/4/2002</p>			<p>and Others v/s State of Gujarat)</p> <p>Pages 94-101 of Volume II of Criminal Application No. 9934-9939 in Writ Petition Criminal No. 37-52 of 2002 (Devendrabhai Pathak and Others v/s State of Gujarat)</p> <p>Annexure P Pages 102-108 of Volume II of Criminal Application No. 9934-9939 in Writ Petition Criminal No. 37-52 of 2002 (Devendrabhai Pathak and Others v/s State of Gujarat)</p> <p>Annexure P Pages 109-112 of Volume II of Criminal Application No. 9934-9939 in Writ Petition Criminal No. 37-52 of 2002 (Devendrabhai Pathak and Others v/s State of Gujarat)</p>
<p>Naroda Powerful accused protected</p>	<p>The officers of the investigating agency surreptitiously removed from the array of accused all those offenders who held official or political positions of influence and whose being implicated would reveal the deep rooted and wide spread involvement of the State's political and executive machinery as prime movers of the riots. In the</p>	<p>Ibid.</p>	

	<p>course of investigation and even after the filing of charge sheets, the police sedulously avoided arresting persons who were members of the political party or of a private army owing allegiance to that political party which held the reins of government in the State. So much so, that the charge sheets conveniently failed to mention those of such persons whose names and roles in the commission of the offences figured in the statements of witnesses recorded under Section 161 CrPC.</p>		
<p>Naroda: Swift Bail sought by accused and not opposed by PPs and police are a shocking reality related to the Naroda massacres. Seven persons are still shown as absconding and no attempts have been made to try and arrest them.</p>	<p>Bail not given to Godhra accused but given swiftly to post Godhra carnage accused. Is this part of a wider motive and mind of the current state government and political dispensation? Discrepancies (Godhra trial v/s post Godhra trial cases) – bail in post Godhra cases, no bail for accused in Godhra; properties of Godhra accused attached; not only are the properties of post-Godhra carnage accused not attached, they roam</p>	<p>Violation of 154 CrPC (procedure of registration of FIR) and worse the Suppression and Destruction of Evidence. This includes the fabricating of documents and causing disappearance of evidence immediately after the registration of the case and the continued the illegal act of causing disappearance of evidence till the dead bodies were buried. Further protecting the</p>	<p>Please refer Annexure Compilation B of All Bail Orders with Summary Bail Orders to Part 1 of TS Statement dated 9.5.2008 made before SIT that also gives an idea of the bail conditions, some of which are being violated.</p>

	<p>free, commit further crimes</p> <p>Example: (Babu Bajrangi accused No 1 in Naroda Patiya indicted for kidnapping of Patel Girls and by <i>Tehelka</i>) and even go abroad; rigorous investigation and further investigation in Godhra trial even after the SC stay; nothing in post Godhra carnage cases.</p>	<p>names of influential accused and arraigning wrong accused also amounts to a crime. Sections 120-B r/w 143, 147, 148, 149, 302, 376 (2) (e) and (g), 201, 217 and 218 IPC and substantive offences u/s 143, 147, 148, 149, 302, 376 (2) (e) and (g) and 201, 217, 218 IPC are attracted in the commission of all these offences, and these offences get compounded again and again at various stages.</p>	
<p>Naroda: Subversion of the Deliverance of Justice Process through the appointment of Compromised Public Prosecutors that continues until this day.</p>	<p>Sit should Interrogate Babu Bajrangi Accused NO 1 of Patiya Massacre who has stated on Video that he was allowed by Modi to do what he willed and Three Judges Changed in the Gujrat High Court to get one (Justice Akshay Mehta) who would grant him Bail, Justice Dholakia had refused him Bail. SIT needs to examine both Shri Modi and Bajrangi to ascertain their connection why an accused who slaughtered and Raped (including slicing open the womb of a Pregnant woman enjoys the Patronage and Protection of Chief Minister Narendra Modi who is sworn</p>	<p>Violation of 154 CrPC (procedure of registration of FIR) and worse the Suppression and Destruction of Evidence. This includes the fabricating of documents and causing disappearance of evidence immediately after the registration of the case and the continued the illegal act of causing disappearance of evidence till the dead bodies were buried. Further protecting the names of influential accused and arraigning wrong accused also amounts to a crime. Sections 120-B r/w 143, 147, 148, 149, 302, 376 (2) (e) and</p>	

	to Uphold the Indian Constitution.	(g), 201, 217 and 218 IPC and substantive offences u/s 143, 147, 148, 149, 302, 376 (2) (e) and (g) and 201, 217, 218 IPC are attracted in the commission of all these offences, and these offences get compounded again and again.	
<p>PC Pandey's Deposition loss before the commission</p> <p>Deposing before the Nanavati-Shah Commission on August 18, 2004, former CP, Ahmedabad city, PC Pandey said he only heard about the Naroda Patiya violence at 9.30 p.m. on February 28, 2002, when "I received information that some persons had been killed there". And it was only when he went there at around 10 or 11 p.m. that he realised the "gravity" of the situation. The loss of memory of this senior officer needs to be interrogated by SIT.</p> <p>However, by 9.30 p.m., the Naroda massacre was long over. Eighty-three persons had already been killed and Pandey's cellphone records show that right through the</p>	<p>Tehelka's Operation kalank exposes PC Pandey's role in not performing Post Mortem on dozens of bodies of the Naroda Massacres.</p> <p>The Real issue before SIT is who will examine PC Pandey; in IPS Hierarchical Terms he is senior to the Gujarat IGs who are part of SIT. It is in the fitness of things therefore that the Senior most Echelons of SIT Examine Senior Gujarat officers and Politicians.</p>	<p>Violation of 154 CrPC (procedure of registration of FIR) and worse the Suppression and Destruction of Evidence. This includes the fabricating of documents and causing disappearance of evidence immediately after the registration of the case and the continued the illegal act of causing disappearance of evidence till the dead bodies were buried. Further protecting the names of influential accused and arraigning wrong accused also amounts to a crime. Sections 120-B r/w 143, 147, 148, 149, 302, 376 (2) (e) and (g), 201, 217 and 218 IPC and substantive offences u/s 143, 147, 148, 149, 302, 376 (2) (e) and (g) and 201, 217, 218 IPC are attracted in the commission of all</p>	<p>(See Annexure VII to Part Three of the Statement before SIT)</p>

<p>afternoon, from 2.30 to 9 p.m., he was, in fact, in regular touch with two police officers in charge of the areas under which both Naroda Patiya and Gulberg Society fall.</p> <p>During the last half hour of the massacre at Naroda, Pandey even received a call from VHP state general secretary and riot accused, Jaideep Patel. Nevertheless, in his deposition before the Nanavati-Shah Commission, Pandey said that he had not been “receiving any information regarding the serious incidents which followed after 2.30 p.m.”.</p> <p>Another point on which Pandey claimed memory loss was the meeting called by the chief minister, Narendra Modi, on the night of the Godhra arson, hours after the VHP and the BJP had declared a <i>bandh</i> for the next day.</p>		<p>these offences, and these offences get compounded again</p>	
<p>Intimidation of Witnesses and Threat to Those Fighting the Case Continues</p>	<p>SIT should Independently Ascertain whether Free and Fair Trial can ever be a reality in Gujarat given the fact that Politically</p>	<p>Ibid.</p>	

	Patronised Accused Roam Free, enjoy the Protection of the Powerful and the Judiciary at the Highest Level too is Sought to Be Compromised Again and Again		
<p>Godhra and Post Godhra</p> <p>The Unspoken /Hidden Unexplored Connection</p> <p>Dr Jaideep Patel and Babu Bajrangji both accused of Mass Murder in the Naroda Massacres we Not only present at Godhra on 27.2.2002 but part of Chief Minister Narendra Modi's Innermost Coterie who took the Decision to take the Burnt and Charred Bodies by Motor Cavalcade to Ahmedabad; Keep them at Civil Sola Hospital and Parade them in the City Inflaming Communal Feelings.</p>	<p>SIT Needs to Interrogate the Issues on the Hatching of the Conspiracy to Use the Tragedy of the Burnt Bodies to Cynical and hate Driven political Advantage;</p> <p>Who took the decision to take the bodies to Ahmedabad despite DM Jayanthi's Ravi's refusal to allow the Coach to go?</p> <p>Who took the Decision to publicly Display them and Parade them near the Hospital and through the Streets?</p> <p>Where was the Police when These Decisions were Taken?</p> <p>Were any Objections Recorded?</p> <p>Again these Issues Need to be Interrogated at the Very Highest Level within SIT since those in positions of Political and Administrative Power in 2002 enjoy and Wield Power</p>	<p>Violation of 154 CrPC (procedure of registration of FIR) and worse the Suppression and Destruction of Evidence. This includes the fabricating of documents and causing disappearance of evidence immediately after the registration of the case and the continued the illegal act of causing disappearance of evidence till the dead bodies were buried. Further protecting the names of influential accused and arraigning wrong accused also amounts to a crime. Sections 120-B r/w 143, 147, 148, 149, 302, 376 (2) (e) and (g), 201, 217 and 218 IPC and substantive offences u/s 143, 147, 148, 149, 302, 376 (2) (e) and (g) and 201, 217, 218 IPC are attracted in the commission of all these offences, and these offences get compounded again</p>	

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