

Citizens for Justice and Peace

17
April 18, 2014

To
KN Patel
ACP & IO Crime Branch
Ahmedabad

Dear Sir,

Reference: FIR No-1, DCB against Teesta Setalvad & Javed Anand, Trustees of Sabrang Trust under Sections 420, 406, 468, 120(B) of the IPC and section 72(a) of the Information technology Act registered at DCB, Crime Branch, Ahmedabad

Several of the Trustees of the Citizens for Justice and Peace (CJP) who are joint signatories of this letter, were in receipt of letters from the DCB, Crime Branch, Ahmedabad by registered post between Friday-Saturday, April 11-12, 2014. Even before this, we were aware of the ill-advised controversy created by the baseless FIR against two Trust functionaries, which we believe was motivated to hinder our principled and Constitutional support for the justice struggle of the survivors of 2002. The Trust issued a Public statement in support of the two abovementioned functionaries which we attach herein. The spurious allegations have also been contested by us vigorously in the Courts where the matter is still very much pending.

We are replying to your letter without prejudice to our contention that your questions travel way beyond the mandate of the factual context and applicable law.

For the record, many of the allegations, baseless and made with ulterior motive were made on affidavit before the Sessions Court, Ahmedabad, Bombay High Court. The matter for anticipatory bail for the two trust functionaries is currently pending before the Hon'ble Gujarat High Court (next hearing is on 23.04.2014) and a detailed additional affidavit with relevant records of both Trusts has also been placed therein.

Details of affidavits filed by us in response to your own affidavits are as under:-

- (i) Trust functionaries filed a rejoinder dated 15.03.2014. (Writ Petition No. 173/2014 and Writ Petition No 293/2014) in the Bombay High Court.
- (ii) Trust Functionaries filed a rejoinder to your affidavit dated 20.03.2014 (CRMA No. 761/2014) in the Ahmedabad Sessions Court
- (iii) Trust functionaries filed a detailed response in a rejoinder affidavit dated 24.03.2014 (Writ Petition No. 173/2014 and Writ Petition No 293/2014)
- (iv) Trust functionaries filed an additional affidavit dated 31.03.2014 in the Miscellaneous Criminal Application No 4677/2014 currently pending in the Hon'ble Gujarat High Court. This one even had attached sample project sanctions and resolutions which should be taken into account in this reply.

The reason for detailing this is merely to show that each and every allegation has been answered in detail by the Trust functionaries since late February 2014 and yet after four months of this undue harassment (FIR was lodged on 01.01.2014), the same questions are being put to individual trustees and auditors repetitively. None of whom has been cited a law

By the time individual letters addressed to individual Trustees had been received at the end of last week, our auditors for the period, Messrs Haribhakti & Co, Chartered Accountants had already received a communication with the same/similar queries following which the Trust had collectively resolved to make all documents available, after which examination of records was thereafter undertaken. Since the queries by yourself concern accounting practices and fund allocations, we enclose herewith the report of the auditors concluded following the re-examination of our records that in detail respond to each and every one of the malafide allegations made by the Crime Branch in its communication. This report may be treated as a collective response of the individual Board of Trustees to whom the letter of the ACP Crime Branch, KN Patel was addressed.

In addition:

1. Details of Trustees joining Trust

Fr Cedric Prakash and Mr. Rahul Bose joined as Trustees on 14.12.2005 and are Trustees to date. Mr IM Kadri, Mr Raghunandan Maluste and Mr Anil Dharker are founding Trustees of the Organisation. However, as is common, the initial filings of the organisations were signed by professionals who were replaced upon completion of the formalities in 2002.

2. Have you participated in all trust meetings and signed minutes book. What was the frequency of meetings? Were you getting regular notice of meeting from the Secretary of CJP in writing, with agenda of meeting?

Each of the Trustees have attended as many meetings as it was practical for them to do so. Not only were all of us informed about the meetings, we were consulted in advance to decide on a date convenient to the Board members. We signed the attendance register each time we attended the meeting. Minute books are not expected to be signed by all the members attending the meeting. Only the Chairperson and the Secretary sign the minute books. Even in respect of the meetings not attended by one or the other Trustees, minutes of meetings were read by each of us. We have found nothing problematic about these minutes.

3. Have the board of trustees ever authorized Ms Teesta Setalvad and Javed Anand to meet such personal expenses from the trust funds which were received for specific purposes? If yes, provide the copy of all such resolutions. Have you ever approved and signed any such resolution?

At none of the meetings attended by us, have Ms. Teesta Setalvad and Mr. Javed Anand ever sought any such authorization. So the question of the trustees authorising such personal expenses does not arise. Both Ms. Setalvad and Mr. Anand were only reimbursed to the extent of expenses incurred on legitimate activities of Citizens for Justice and Peace (CJP) and such vouchers were verified by a member of the Board other than the two of them. Expenses incurred out of the personal credit cards of Ms. Setalvad and Mr. Anand were reimbursed only for those items of expenditure which pertained to legitimate activities of CJP. This has been dealt with in detail in the Auditor's Report enclosed.

4. Was the secretary of the trust always placing statement of "Receipts and Payments" in every Board meeting for ratification? Have you ever ratified such expenses?

The Board had appointed a 5-member Working Committee and all expenses incurred were verified/authorised with the signatures of any two of the 5 Working Committee members.

5. Have the board of trustees authorised accused no 1 and 2 to draw a monthly salary from the trust? If yes, please provide copies of all such resolutions.

Mr. Javed Anand has not received any remuneration/salary from CJP since its inception in 2002. Ms Teesta Setalvad was paid a modest honorarium from January 2010 onwards out of the funds received from the United Nations Voluntary Fund for Victims of Torture (UNVFVT)

as it was part of the budget sanctioned by the UNVFVT. The honorarium paid to her per month as per the sanctioned UNVFVT budget varied from Rs. 9,030 p.m. from January 2011-December 2011 to Rs. 24,400 p.m. from January 2013-December 2013.

6. Have you ever noticed that the accused no 1 and 2 are using the trust fund for the purpose other than charitable? If yes, please provide details?
No such case has ever come to our notice.

7. As a trustee, have you ever claimed/received any remuneration/honorarium/travelling expenses and/or any other expenses from the CJP? If yes, please provide such details.
As trustees, we have never ever claimed or received any payments as a trustee by way of any remuneration/ honorarium/travelling expenses and/or any other expenses from the CJP. On one occasion, when Mr. Maluste had represented the CJP at a meeting in New Delhi, the Trust covered his travel expenses to and fro and the stay for a night.

We have responded to all queries made repeatedly and separately to us by the DCB Crime Branch (as also made to our auditors Messrs Haribhakti & Co).



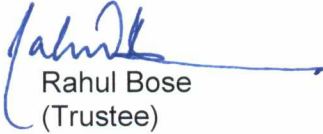
IM Kadri
(Trustee)



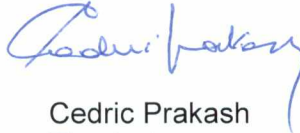
Raghunandan Maluste
(Trustee)



Anil Dharker
(Trustee)



Rahul Bose
(Trustee)



Cedric Prakash
(Trustee)



Attached:

Copy of CJP Public Statement dated 28.3.2014
Copy of the Report of Messrs Haribhakti & Company

Citizens for Justice and Peace

Press Release

Statement issued by Board of Trustees of Citizens for Justice and Peace

1. Citizens for Justice & Peace (CJP) is a trust registered with Charities Commissioner, Mumbai. It has for over a decade been exempted from income tax and permitted by Home Ministry to accept donations under the Foreign Contributions Regulation Act. As audited by a reputable firm of Chartered accountants, CJP has continuously complied with the requirements of all these agencies and all decisions on activities and expenses are taken with the full knowledge and sanction of its 12-member Board of Trustees.
 2. At no point has CJP received any funds, either by way of foreign contributions or donations from within India, for the 'Memorial of Resistance', at Gulberg Society, Ahmedabad proposed by Sabrang Trust. Though it was supportive of the proposal, CJP received no funds for the same. The allegation that CJP received "huge funds" for the proposed Memorial is totally baseless and is emphatically denied.
 3. Teesta Setalvad, Secretary, CJP, is effectively the chief functionary of the organisation. Apart from detailed reports at Board meetings, she and Javed Anand have kept all Board members regularly updated on progress of activities through emails, text messages and telephonic communication.
 4. From 2002, when CJP was founded, until December 2009 Teesta Setalvad neither asked for nor was paid any amount by way of fee or salary. Since January 2010, when CJP began receiving support from the United Nations Voluntary Fund for Victims of Torture, Ms. Setalvad was paid modest remuneration in accordance with the terms of the UNVFVT grant.
- Similarly, since CJP's inception till date, Javed Anand has not been paid a single rupee by way of remuneration or salary.
5. The support to CJP since January 2010 by this UN fund, administered by the Office of the UN's High Commissioner for Human Rights, Geneva, for CJP's Free

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Legal Aid to victims-survivors of the 2002 communal carnage in Gujarat is but one indicator of the national and international recognition of CJP's sustained legal interventions to ensure justice and rule of law. Successes have included the convictions in the Best Bakery case, and life sentences to 117 perpetrators of violence, including a former BJP MLA and Cabinet Minister of Gujarat.

Ms. Setalvad has been recognised by a Padma Shri in India and the 'City of Nuremberg (Germany) award for Human Rights'. In public memory the city is associated with the 'Nuremberg Trials' following the defeat of the Nazi regime. Mr. Anand is a recipient of the Minorities Rights Award instituted by the National Commission for minorities and was named a *Chevalier d'Honneur* by the French government.

6. Teesta Setalvad and Javed Anand have been accused of "siphoning off" crores of funds received by CJP. They have filed affidavits in court refuting all the allegations as false and baseless. We must add that since CJP's inception, all payments are verified by a Board member other than Teesta Setalvad or Javed Anand.

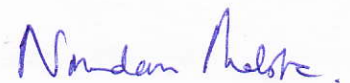
7. The entire Board of Trustees of CJP affirms its full confidence in and stands fully behind Teesta Setalvad and Javed Anand. Each of us is confident that this prosecution will fail and that Ms. Setalvad & Mr. Anand will stand vindicated.



Iftikhar M. Kadri
Trustee



Alyque Padamsee
Trustee



Nandan Maluste
Trustee



Cyrus Guzder
Trustee



Anil Dharker
Trustee

Mumbai; March 28, 2014

BY SPEED POST**14-4-2014**

Shri K. N. Patel
Assistant Commissioner of Police,
Cyber Cell, Crime Branch,
Ahmedabad 380 001.

Dear Sir,

Re : Audit reports of Citizens for Justice & Peace (CJP), Mumbai.
FIR No.-1, DCB-I/14 against Teesta Setalvad & Javed Anand, Trustees of CJP,
u/s 420, 406, 468, 120 etc. of IPC registered @ DCB, Police Station, Ahmedabad.

We refer to your letters dated 27-03-2014 and 7-4-2014 on the subject matter. We have carefully gone through the contents of your letter. You have asked us to furnish to you by 16-4-2014 various details and information with regard to certain transactions and other matters of CJP for the period from 31-03-2004 to 31-03-2012.

We have again examined the relevant books of account and other records of CJP for the above period and our response on each of the six points mentioned in your letter dated 27-03-2014 is as under:

1. Personal expenses of the above trustees :

We understand that the personal expenses of the above trustees of CJP are those described in your letter (beginning from "*purchases of branded and costly shoes*" and ending with "*movie tickets & regular grocery purchases*") for which the payments have been made through their credit cards. In this regard we have observed that none of such personal expenses has been debited in the books of account of CJP.

The details of expenses aggregating Rs. 13,26,960/- debited in the books of account of CJP during the above period, which were initially incurred through the credit cards of the above trustees of CJP and then were paid to them by CJP are as per Annexure 1. These expenses were towards the 'Objects' of CJP.

2. As explained above, no such personal expenses have been debited in the books of account of CJP.

3. All the relevant records such as vouchers/bills, books of account, minutes book etc. which were required to enable us to issue our audit report on the financial statements of CJP were made available to us by the management of CJP for our verification.



4. We have not noticed that the funds of CJP were used by its trustees for the purpose other than its 'Objects'. In view of this, there has not been any need for us to put any audit qualification on the financial statements of CJP for the above period.
5. The expenses of Rs. 13,26,960/- explained in para 1 above were through the notice and concurrence of the Board of Trustees of CJP through the resolutions for adoption of audited financial statements of CJP for the respective year. Certified true copies of the relevant resolutions for adoption of financial statements for FY 2008-09, 2009-10, 2010-11 and 2011-12 are enclosed herewith as Annexure 2A to 2D.
6. There is no other relevant information.

We hope that our above submissions shall meet with your requirements.

Thank you.

Yours faithfully,

For Haribhakti & Co.
Chartered Accountants


Chetan Desai
Partner

Encl : as above.

CITIZENS FOR JUSTICE AND PEACE**DETAILS OF EXPENSES FOR PAYMENTS FOR TRANSACTIONS MADE INITIALLY THROUGH
CREDIT CARDS OF TWO TRUSTEES
DURING THE PERIOD FROM 31-3-2004 TO 31-03-2012**

	TRAVELLING, LODGING & BOARDING RS.	MEETING ROOM RENTALS ETC. RS.	BOOKS RS.	MEMENTOS, SOUVENIRS, GIFTS TO LAWYERS, CONSULTANTS RS.	OTHERS : LESS THAN RS. 1,000/- EACH RS.	TOTAL RS.
FY 2004-05	NIL	NIL	NIL	NIL	NIL	NIL
FY 2005-06	NIL	NIL	NIL	NIL	NIL	NIL
FY 2006-07	NIL	NIL	NIL	NIL	NIL	NIL
FY 2007-08	NIL	NIL	NIL	NIL	NIL	NIL
FY 2008-09	2,27,773	NIL	NIL	NIL	NIL	2,27,773
FY 2009-10	6,23,724	1,260	2,385	845	962	6,29,176
FY 2010-11	1,51,944	6,356	10,669	7,880	1,495	1,78,344
FY 2011-12	2,55,241	NIL	NIL	34,749	1,677	2,91,667
TOTAL RS.	12,58,682	7,616	13,054	43,474	4,134	13,26,960



Citizens for Justice and Peace

True copy of resolution passed at the meeting of the Board of Trustees held on September 15, 2009 at 6 p.m. at the office of Mr. I.M. Kadri, 4A, Shivsagar Estate, Dr. AB Road, Worli, Mumbai

Board members present: I.M. Kadri, Cyrus Guzder, Nandan Maluste, Teesta Setalvad and Javed Anand.

Resolution: Resolved that the audited accounts of Citizens for Justice and Peace for the financial year ending March 31, 2009 is hereby approved.



Iftikhar M. Kadri
Chair

Citizens for Justice and Peace

True copy of resolution passed at the meeting of the Board of Trustees held on November 9, 2010 at 6.30 p.m. at Christmas Eve, 3rd floor, Opp. Warden Road, Westfield Estate, Mumbai

Board members present: IM Kadri, Alyque Padamsee, Arvind Krishnaswamy Anil Dharker, Javed Anand, Teesta Setalvad.

Resolution: Resolved that the audited accounts of Citizens for Justice and Peace for the financial year ending March 31, 2010 are hereby approved and adopted.



Iftikhar M. Kadri
Chair

Citizens for Justice and Peace

**True copy of resolution passed at the meeting of the Board of Trustees
held on November 14, 2011 at 6 p.m. at 4A, Shivsagar Estate,
Dr. AB Road, Worli, Mumbai - 400018**

Board members present: I.M. Kadri, Cyrus Guzder, Alyque Padamsee, Rahul Bose, Javed Anand and Teesta Setalvad.

Resolution: *Resolved that the audited statement of accounts of CJP for the year ending March 31, 2011 is hereby approved and adopted.*



Iftikhar M. Kadri
Chair

Citizens for Justice and Peace

**True copy of resolution passed at the meeting of the Board of Trustees
held on October 24, 2012 at 8 p.m. at Swapna Lok,
Napean Sea Road, Mumbai - 400036**

Members present: I.M. Kadri, Alyque Padamsee, Anil Dharkar, Arvind Krishnaswamy, Gulam Peshimam, Javed Anand, Nandan Maluste, Taizoon Khorakiwala and Teesta Setalvad.

Resolution: Resolved that the audited accounts of Citizens for Justice and Peace for the financial year ending March 31, 2012 are hereby approved and adopted.



Iftikhar M. Kadri
Chair