

Date:08-03-2010

**Statement of Shri Kuldip N. Sharma, S/o, Shri Nirankarnath
Sharma, aged 57 years, R/o,23, Duffnala, Shahibaug,
Ahmedabad.**

I was born, brought-up and educated in Gujarat State. I joined Indian Police Service in the year 1976 and was allotted to Gujarat cadre. In Gujarat State, I remained posted in different capacities at different places.

During the period 6-1-2001 to 25-4-2003, I remained posted as Inspector General of Police, Ahmedabad Range. From 27-2-2002 onwards, I was on casual leave and had gone to Delhi to attend some marriage. On 28.02.2002, the riots broke out in the State of Gujarat as a consequence of Godhra carnage. On 1-3-2002, I received instructions from the office of the DGP that my leave had been cancelled and there upon, I returned to Ahmedabad on the same evening at 2000 hours. I immediately thereafter, commenced visit and patrolling of the areas under my jurisdiction. Ahmedabad Range consisted of three districts viz., Ahmedabad Rural, Kheda and Anand. The following officers were posted as Superintendents of Police of the districts noted against each at the relevant time:-

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| 1. Ahmedabad Rural | : | Shri Vikas Sahay |
| 2. Kheda | : | Shri Manoj Aggrawal |
| 3. Anand | : | Shri B. D. Vaghela |

At the outset itself, the following instructions were immediately issued to all these Superintendents of Police:-

- (1) That, in all important towns and villages, prohibitory orders under Bombay Police Act, sections 37(i) & 37(iii) which prohibits carrying of weapons or assembly of more than four persons were to be promulgated.
- (2) All officers and policemen on leave were to be recalled at once.
- (3) Using both policemen and home-guards communal riots scheme of each police station was to be implemented.
- (4) Vehicles to be requisitioned so that all areas were covered by way of patrolling.
- (5) Peace Committee meetings in all sensitive towns and villages were to be held at once.

I undertook extensive patrolling of the Range and in the process had visited Dholka, Sarkhej, Kheda, Anand, Borsad, Vasad, Nadiad, Mehmedabad and Zinjar during the first 10 days. During the course of this visit, police officers and men were encouraged to take effective action against rioters and suitable guidance given to the Superintendents of Police, as to how to go about ensuring that communal situation was brought under control. In the initial days, there was more emphasis on maintenance of public order and investigation of



crime was also given due attention. Till 9.4.2002, preventive actions had been taken against 1671 persons in Ahmedabad Range, whereas 2412 persons were arrested for as many as 408 offences registered with regard to communal riots.

On 3.3.2002, while returning from Nadiad, I had received a telephone call from Shri Manoj Aggrawal, SP, Kheda, conveying that he was at that moment at Balasinor and far away and that a serious situation had arisen in Zinjar village under Mehmedabad taluka. According to the SP, a Sub-Inspector along with few policemen had reached the village, but because of huge and violent crowd, he was afraid and would not be able to deal with the situation and hence help was required. As the telephone message came, I saw Deputy SP (Head Quarters), Kheda, also passing by in a jeep and stopped. The Dy.SP (HQs.) also halted. I directed the Dy. SP (HQs.) assisted by my striking force, which was headed by Reader Police Inspector to Range IGP, to proceed at once to the village Zinjar to assist the PSI. After they left and while I was getting in my vehicle to proceed further on, I was informed by my gunman that while I was briefing the Dy.SP (HQs) and the PI in charge of the striking force, a citizen passing by had conveyed that a huge tragedy was about to take place in village Zinjar, as a big crowd had assembled to assault the Muslims residing over there. On hearing this, I at once changed my course and proceeded in the direction of the village Zinjar. Having overtaken, both the vehicles of Dy.SP (HQs.) and PI, striking force, I lead the reinforcement towards Zinjar. To my surprise, I found that all the roads towards the village from as far a distance of 10 to 15 kms. were blocked by cutting trees that had been laid on the road. On every alternative route we encountered the same problem thereby making access to the village very difficult. In the mean time, assistance of a local was taken, who took us through the country side towards the village Zinjar

On arriving at the village, it was seen that approximately 1200 Muslims had gathered on a small hillock with the Sub-Inspector of Police with a vehicle and few policemen. The Police officer had shown great presence of mind in collecting the minority community of the village at one place, where he could protect them all. Surrounding hillock almost entirely, except a *kachha* road going up, were at least 10 to 15 thousand members of the majority community armed with weapons. It was also found that PSI had limited ammunition left with him. I, at once directed the Dy.SP (HQs.) and PI, striking force to clear the crowd towards the right flank. Both these officers did so, but found that the crowd was unyielding. In view of the small number of policemen and the huge crowd decisive action was required to be taken and it became necessary to open fire. The crowd could be dispersed after more than three hours. Initially, the person injured in the police firing was not handed over to the police and instead taken to a nearby place by the villagers. I had also contacted Shri Vikas

Sahay, SP, Ahmedabad rural and asked him to reach with reinforcement from the rear of the crowd in the north. The SP eventually arrived and the whole situation was brought under control resulting in the prevention of a massacre of at least 1200 human beings. Thereafter, I had got in touch with the Revenue Department and arranged for buses to evacuate the Muslims of this village to a refugee camp in Mehmedabad.

I am since aware that in two publications brought out by the **Concerned Citizens Tribunal** and **Communalism Combat** the above action of the police, which prevented a massacre, has been acknowledged.

During the course of the riots, I had on one night broadcasted a detailed message to all Superintendents of Police, Deputy Superintendents of Police, SDPOs, Police Inspectors, and Sub-Inspectors of Ahmedabad Range telling them in no uncertain terms that the communal riots were to be dealt with severely and firing should be effective and decisive. In this broadcast heard simultaneously by all the aforesaid officers, examples were given and specific directions conveyed with regard to a specific town or a village. This had instilled a great sense of courage and confidence in all officers.

Apart from maintenance of public order, duties pertaining to maintenance of law and order were also not neglected. Whereas public order especially meant for dealing with communal riots and ensuring restoration of peace in all areas under my command, law and order called for effective supervision of various crimes registered. To this effect, the following actions were taken:-

I. On 13.3.2002, through a fax message addressed to all Superintendents of Police of the Range, the following information was called for the purpose of scrutiny, analysis so that further directions could be given:-

- (a) Details of all offences registered from 27.2.2002 onwards
- (b) Number of Hindus and Muslims killed gender wise
- (c) Number of people killed in police firing
- (d) Details of establishments damaged in arson
- (e) Details of houses, business establishments damaged during riots
- (f) Details of temples and mosques damaged during riots
- (g) Details of preventive action taken under u/s 107, 151, 109, 110 CrPC and sec. 56 of Bombay Police Act. These details were called community wise and gender wise. A copy of the said FAX is being handed over to you today. (Annexure I)

II. On 13.4.2002, I had called a meeting of all Superintendents of Police of the Range to review the progress of investigation of cases registered till then during the communal riots. During this meeting, it was conveyed that true competence lay in arrest of true culprits in the various cases registered in the Range. They were reminded of a letter issued vide IGP, Ahmedabad, letter No. G-144/Criminal Activities/871/02 dated 5.3.2002 in which seven points were conveyed for the purpose of preventing riots and investigating the crime. All Superintendents of Police were asked to comply with it scrupulously. Detailed discussions of district-wise offences registered vide Sarkhej PS I CR No.

35/202, 58/02, Bawla PS CR No. 39/02, Mandal PS CR No. 9/02, Dholka PS CR No. 13/02, Kanbha PS CR No. 31/02, Viramgam PS CR No. 13/02, Aslali PS CR No. 33/02, Sarkhej PS CR No. 64/02, Nadiad Town PS CR No. 92/02, 94/02, 98/02, 135/02, Nadiad Rural PS CR No. 43/02, Chaklasi PS CR No. 44/02, Thasara PS CR No. 35/02, Khambhat City PS CR No. 19/02, Mehlav PS CR No. 25/02, Borsad PS CR No. 56/02, Anand Town PS CR No. 90/02 were undertaken. In addition to the discussions, of all cases during the review meeting, district-wise and police station-wise review, regarding the persons arrested and those yet to be arrested was also carried out and strict directions given not only to arrest the accused, but also to recover the weapons used for committing the crime. Wherever the police officers had done good work in investigating a serious crime for instance, the one committed at Village Ambasan, Detroj Police station, the same was commended.

The Superintendents of Police were even questioned, as to why several instances occurring in different areas were clubbed together in a single FIR and suitable directions given to deal with such matters. The Superintendents of Police were also instructed to add fresh names to the list of persons, who were known to have communal bent of mind and this was required to be done within 15 days. Directions were given that every communal incident must be recorded in Village Crime Note Book Part IV of each police station. This is a confidential record and records the history of noteworthy and sensitive activities in the police station area. Supervisory officers were told to call for this VCNB and check the correctness of the entries made in the same. Similarly, the Superintendents of Police were also directed to make personally entries in the confidential files C-1, C-2 & C-3 maintained by them. One of the most important directions given in this review meeting was that all communal cases were to be investigated properly, so that no evidence is ignored and that all charge sheets of these cases were to be scrutinized by SDPO concerned and the same sent up only after the proper evaluation of evidence.

In those cases which were undetected, the final reports were to be approved by the Superintendent of Police himself. Finally, they were told that if after such scrutiny they felt further investigation was necessary, the case should be transferred to local crime branch. Copies of the minutes issued in this regard vide Ahmedabad Range No. G-144/Communal/ramkhan /meetin /1640/02 dated 30.4.2002 has been handed over to you today. **(Annexure- II)**

III. Detailed instructions were issued about the manner, in which petitions received from citizens regarding communal incidents were to be dealt with. A copy of the message dated 13.4.2002 has been handed over to you today. **Annexure-III**

IV. During my visit to Petlad on 30.3.2002, it had come to my notice that SDPO, Petlad, had deleted section 395 IPC in five cases registered at that Police Station. This pertained to the offences registered vide Petlad PS CRs No. 23/02, 24/02, 27/02, 28/02 and 29/02. The action was done without having examined either the victims of the crime or eye witnesses. Through letter dated 1.4.2002, explanation of the SDPO was called for and subsequently through IGP, Ahmedabad Range letter No.G/144/Tapas/1486/2002 dated 17.4.2002, a preliminary inquiry was ordered against SDPO and entrusted to the Superintendent of Police, Anand. A copy of the said letter dated 13-4-2002 is being handed over to you today. **(Annexure-IV)** On receipt of the report from the SP, the matter was reported to DGP on 22.5.02 recommending departmental action against SDPO, Petlad, for gross negligence in supervision and for giving improper directions/guidance for deletion of Section 395 IPC which made it easier for the accused to get bail. A copy of the said report is being handed over to you today. **(Annexure-V)**

V. As a part of ongoing process and proper supervision and also to ensure competence, a conference of Superintendents of Police of Ahmedabad Range was called on 21.5.2002. During the course of this meeting, while discussing

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undetected cases of communal riots, it was directed that all such cases should now be handed over for investigation to the Circle Police Inspectors. A copy of the minutes of the meeting held on 3-6-2002 is being handed over to you today. **(Annexure-VI)**

VI. On 1.6.2002, Superintendent of Police, Ahmedabad rural, was conveyed in writing to pay proper attention to petitions received with regard to communal riots in his district and he was separately told to see that these applications are inquired into under his personal supervision. A copy of the said report is being handed over to you today. **(Annexure-VII)**

VII. On 14.6.2002, a meeting all Superintendents of Police was called to review the petitions received with regard to communal incidents. In this meeting, it was emphasized that in order to accord top priority to complaints made by minor community, all correspondence with regard to these petitions be labeled as "**Communal Incidents—Top Priority—Time Limit**". A copy of the minutes of the said meeting is being handed over to you today. **(Annexure-VIII)**

VIII. Serious crime as defined in Rule 134 in Gujarat Police Manual Vol. III, is required to be visited by SDPO in a methodical, thorough and competent manner. Through Ahmedabad Range IGP's letter dated 27.8.2002, preliminary inquiry was ordered with regard to Vasad Police Station CR No. 51/02, in which case only one accused had been arrested on 7.3.2002, taken on a day's police remand and later released on bail on 13.3.2002, despite this being a crime punishable u/s 302 IPC. A copy of the said report is being handed over to you today. **(Annexure-IX)**

IX. With regard to Khambolaj Police Station I CR No. 23/02, the explanation of Superintendent of Police, Anand, was called as to why separate offences were not registered when the two incidents had taken place on 1/3/2002 and 2/3/2002. He was asked to explain as to why despite the instructions given from time to time by the Range IGP, he had failed to supervise adequately the investigation of this crime. Through a separate letter, preliminary inquiry was ordered for committing serious mistakes in investigation of this case against Police Inspector Shri K.R. Bhuwa and Sub-Inspector Shri R.G. Patel. A copy of the aforesaid two letters is being handed over to you today **(Annexure-X)**. The explanation of SDPO, Anand, was called separately and a copy of the same is being handed over to you today. **(Annexure-XI)**

X. It was found that two public prosecutors viz., Shri V.G. Purohit and Shri M.S. Pathak were not presenting the cases of the State properly and were supporting the accused persons. This was noticed in connection with offences registered vide Khambholaj PS CR No. 27/02, pertaining to Ode village. Therefore, vide IGP, Ahmedabad Range letter dated 19.9.2002, a report was sent to DGP, Gujarat State, recommending action against both the public prosecutors and requesting him to move the Government in this regard. A copy of the said report is being handed over to you today **(Annexure-XII)**. Separately, a chargesheet was issued on 25.9.2002 to Police Inspector for committing serious mistakes pertaining to investigation of CR No. 27/02 of Khambholaj Police Station. A copy of the chargesheet is also being handed over to you today. **(Annexure-XIII)**

Between 28.2.2002 and 31.5.2002, a total number of 475 offences regarding communal riots were registered in Ahmedabad Range and 5397 people were arrested in connection with these cases. Preventive action was taken against 3729 persons under u/s 107, 109, 110, CrPC, sections 56 & 57 of Bombay Police Act, Section 93 of Bombay Prohibition Act and PASA. A total number of 104 persons (Kheda-31, Ahmedabad Rural-32, Anand-41) were killed during the riots which included 22 persons killed in police firing. Departmental action was initiated against those police officers, who were found

wanting in their duties. It may be mentioned here that I was transferred out of Ahmedabad Range on 25.4.2003 and many reports on which action was sought against delinquent officers and policemen must have been received subsequently.

I have been shown a paragraph of the complaint made by Smt. Zakia Naseem w/o Ahasan Jafri, which contain certain allegations against me. In view of the thorough and detailed action taken as brought out above, it is difficult to understand, how as an IPS officer I had not discharged genuinely my duties to protection of life and property of the citizen. The duties of Range IGP are provided in Rule 29 of the Gujarat Police Manual Volume I. A perusal of the rule will reveal that Range IGP will perform such duties as that of delegated from time to time by the DGP and the Government. Whenever neglect of order or want of a system or diversions from orders is observed, it is expected of the Range IGP to point out the same to the SP, the proper method of conducting his duty. Rule 24 of the Gujarat Police Manual Volume III requires the Range IGP or the Dy.IGP to assist or control the SP in order to establish uniformity of procedure, harmonious co-operation between districts and to oversee the prevention, registration, inspection or detection of crime within his jurisdiction. It may be seen that all my actions during the course of communal riots have adhered to the Police Manual provisions in letter and spirit.

Since the Range IGP is a supervisory link between the SP and the DGP and since the SP is in charge of the district were to file the affidavits in addition to affidavits being filed by the police station in charge and the SDPO, it was not considered necessary to file an affidavit by the Range IGP. There was nothing sinister about it. If the Commission had considered it important, as in the case of other officers, I could have been called upon to file an affidavit as well. It is therefore not clear to me as to why Smt. Zakia Naseem had mentioned that no affidavit had been filed by me especially, in the light of the quality and details of work done by me as stated above.

On the contrary such was the intensity of effective action being taken by the undersigned that shortly after the Zinjar incident referred to above, I had received a call from my younger brother, Shri Pradeep Sharma, IAS, stating that he had received a call from Shri Arvind Sharma, IAS, the Secretary to the Chief Minister, Narendra Modi. Shri Arvind Sharma had conveyed to my brother that I was acting too strongly and that I needed to exercise restraint. Needless to say that I took no notice of such calls and my subsequent actions enumerated above endorse the same. This would clearly show that I had throughout acted in a professional manner and discharged my duties impartially and in accordance with the law.

It has also been mentioned in the complaint about my not toeing the Government's line with regard to the investigation of two cases pertaining to Mallika Sarabhai and Prabhasinh Chauhan, former Minister, while I was posted as Addl. DG (Crime & Railways), resulting in my transfer as Addl.DG(Training). The averments only go to prove the neutrality and impartiality of my action in discharge of my duties. I have nothing further to say in this matter.

Read over and admitted to be correct.

Typed by
V. S. Dasan
(V. S. DASAN)

[Signature]
8/3/10

Before me
[Signature]
8/3/2010
(A. K. Malhotra)
Member, SIT,
Gandhinagar