

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
SPECIAL LEAVE PETITION (CRL) No.1088 of 2008

IN THE MATTER OF:-

Jakia Nasim Ahesan & Anr.

...PETITIONERS

VERSUS

State of Gujarat & Ors.

...RESPONDENTS

NOTE BY THE AMICUS CURIAE

1. This Hon'ble Court vide order dated 27.04.2009 directed the SIT to "examine" the complaint submitted by the Petitioner on 08.06.2006. SIT was to "look into the matter" and give its report to this Hon'ble Court.
2. Pursuant to the aforesaid direction, Shri A. K. Malhotra, former DIG, CBI and a Member of SIT, has examined more than 160 witnesses and gone through a number of documents as made available to him, He has given his findings qua the 32 allegations made by the complainant. The Chairman, SIT has concurred with the findings of Shri Malhotra.
3. The enquiry conducted by Shri A.K. Malhotra was in the nature of a Preliminary Enquiry in which he has recorded statements of witnesses [which are signed by the witnesses] and also collected a number of documents.
4. In his report dated 12.05.2010, Shri A.K. Malhotra has *interalia* recommended further investigation under Section 173(8) Cr.P.C. against (1) Shri M.K. Tandon, the then Jt. Commissioner of Police, Ahmedabad City, (2) Shri P.B. Gondia, the then Dy. Commissioner of Police, Ahmedabad and (3) Shri Gordhan Zadafia, the then Minister of State of Home, Government of Gujarat. The subsequent investigation has been conducted by another officer, namely Shri Himanshu Shukla, DCP and supervised by Shri Y.C. Modi, IGP and Member, SIT. A

further report has been given to this Hon'ble Court on 26.11.2010, recommending departmental action against the police officials.

5. I had 2 meetings with Shri A.K. Malhotra and Shri Y.C. Modi in December, 2010 and January, 2011. I have had one meeting with Ms. Teesta Setalvad and Ms. Aparna Bhat. They have submitted a number of documents which has also been examined by me to the extent possible. Shri R.B. Sreekumar, former DGP, Gujarat has also submitted some documents which have been considered.
6. The major allegation in the complaint made by the complainant relates to the alleged involvement of Shri Narendra Modi, the Chief Minister of the State of Gujarat in the communal riots which took place in the City of Ahmedabad [and elsewhere] immediately after the Godhra incident. This is the 1st head under which some of the allegations can be classified. The 2nd head of allegations relate to the alleged role of the police officials at the time of the riots, the faulty investigation of the riot cases and the faulty prosecution of the accused. There are a number of other allegations which have been classified by me as falling in the 3rd category.
7. Though SIT has concluded that there is no material to indicate that Shri Narendra Modi, the Chief Minister had issued any instructions to the officers on 27.02.2002 to permit the Hindus to give vent to the anger of the majority community, there are a number of circumstances which *prima-facie* indicate that the matter requires a detailed investigation to examine the role of Shri Modi immediately after the Godhra incident to find out if there is any culpability to the extent that a message was conveyed that the State machinery would not step in to prevent the communal riots. Some of the circumstances which justify a more

detailed investigation into this aspect have been separately enumerated in Chart-A enclosed herewith. [Pertaining to the 1st head]

8. It would be appropriate if this aspect of the matter is examined by way of further investigation under Section 173(8) Cr.P.C. in the pending Gulberg Society and/or Naroda Patiya cases SIT may consider all evidence, including, but not limited to the statement of Shri Sanjiv Bhat, the then Dy. Commissioner (Intelligence) and the records of the State Government at the relevant time. Since a statutory investigation would confer powers under Cr.P.C. to the Investigating Officer, the investigation would be effective. I am fully conscious that nearly 9 years have passed since the incident, but the inquiry report of the SIT in respect of the allegations throws up a number of unanswered questions. It would also appear that Ms. Setalvad wanted to give further evidence which could not be looked into by the SIT as the report was under preparation. These could also be looked into by the SIT.
9. In so far as role of certain police officials and public prosecutors are concerned, the SIT has found that the conduct of certain police officers and public prosecutors to be deficient. The recommendations of the SIT and my suggestions are contained in Chart-B appended to this Note. [Pertaining to the 2nd head]
10. The other allegations, which are found to be proved [or not proved] by the SIT and my suggestions to this Hon'ble Court in relation to those findings are enclosed in Chart-C appended to this Note. [Pertaining to the 3rd head]

Raju Ramchandran
Sr. Advocate

With
Gaurav Agrawal
Advocate

NEW DELHI
DATED: 20.01.2011

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CHART-A

ALLEGATIONS	FINDINGS	OBSERVATIONS
<p><u>I & IV:</u> A statement was made by Shri Narendra Modi on 27.02.2002 in a meeting in his residence instructing the senior officers to allow the Hindus to give vent to their anger. This is also supported by late Shri Haren Pandya.</p>	<p>1. None of the officers that attended the meeting on 27.02.2002 have confirmed the alleged statement made by Shri Narendra Modi. [p.19]</p> <p>2. The statement of Shri R.B. Sreekumar is hearsay. [p.19]</p> <p>3. Sanjiv Bhatt, D.C. (Int.) was not present at the meeting. [p.19]</p> <p>4. None of the Cabinet Ministers, including Shri Haren Pandya, attended the meeting on 27.02.2002. Testimony of Shri Haren Pandya before the Citizen's Tribunal is unreliable. [p.19]</p>	<p>1. It would be impossible to get anyone present in the meeting on 27.02.2002 to speak against Shri Modi, especially the bureaucracy and police officials.</p> <p>2. The other circumstances would also have to be taken into account. There is nothing to show that the CM intervened on 28.02.2002 when the riots were taking place to prevent the riots. The movement of Shri Modi and the instructions given by him on 28.02.2002 would have been decisive to prove that he had taken all steps for the protection of the minorities, but this evidence is not there. Neither the CM nor his personal officials have stated what he did on 28.02.2002. Neither the top police or bureaucrats have spoken about any decisive action by the CM.</p> <p>3. It may not be correct to rule out the presence of Sanjiv Bhat, IPS, D.C. [Intelligence] since ADGP [Intelligence] Shri G.C. Raigar was not available. There is no reason for him to make a wrong statement. He was willing to make a statement if he was protected from legal repercussions of disclosing what transpired in the meeting.</p> <p>4. It is difficult to believe that when the C.M. came back after the Godhra trip, no Minister was present at his residence. Hence, it may not be totally unbelievable that Shri Haren Pandya was present. Shri Haren Pandya is unfortunately dead, but the statements made by Late Shri Haren Pandya to Justice P.B. Sawant [Retd] and Justice H. Suresh [Retd] can be used, even if his statement is not been formally reproduced in the writing by the Citizen's Tribunal.</p> <p>5. It has also been brought out that an enquiry was made from CM's office as to the identity of the Minister who had deposed before the Citizen's Tribunal and that the State Intelligence</p>

		<p>Bureau had verified the identity as that of Shri Haren Pandya. This also gives some corroboration to the fact that the CM's office was uncomfortable with the disclosure made by an unidentified Minister to the Citizen's Tribunal.</p> <p>6. The statement of Shri R.B. Sreekumar cannot be discarded as hearsay, in the light of Section 6 of the Evidence Act.</p> <p>7. Another aspect is the fact that VHP General Secretary Jaydeep Patel and Shri Modi were at Godhra on 27.02.2002. The statement of Jaydeep Patel that he did not meet Shri Narendra Modi at Godhra does not inspire confidence. This has to be examined as the Mamlatdar would not have handed over the dead bodies to a non-government person i.e. Jaydeep Patel until and unless somebody very high told him to do so.</p>
<p>V. That Cabinet Ministers Shri I.K. Jadeja and Shri Ashok Bhatt were positioned in DGP's office and Ahmedabad City Control Room on 28.02.2002.</p>	<p>The SIT concludes that this was a "controversial decision" taken by the Government to place two ministers in the DGP's office and Ahmedabad City Control Room. However, SIT concludes that there is no evidence that the 2 Ministers passed on any instructions to the police to deal with riots in a particular manner. Therefore, the allegation is only partially proved as per SIT. [p.32]</p>	<p>8. The positioning of 2 Cabinet Ministers having nothing to do with the home portfolio in the office of DGP and the State Police Control Room respectively is another circumstance which reflects that there was a direct instruction from the Chief Minister. Though Shri Jadeja says that he had gone to the DGP's office on instructions of Shri Gordan Zadafia, MoS [Home] this is highly unbelievable. It is obvious that the Chief Minister had positioned these 2 Ministers in highly sensitive places which should not have been done. Infact, these 2 Ministers could have taken active steps to defuse the riots, but they did nothing, which speaks volumes about the decision to let the riots happen. It does not appear that these 2 Ministers immediately called the C.M. and told him about the situation at Gulberg and other places.</p> <p>9. SIT merely relied upon the statements of the police officers to conclude that these 2 Ministers did not give any instructions to Police Department, but it appears highly unlikely that 2 Cabinet Ministers of the Government of Gujarat would have not given some kind of directions when the CM had directed them to remain present.</p> <p>10. It is obvious that the 2 Ministers were fully aware of the developing situation in Gulberg Society, Naroda Patya etc. in Ahmedabad City. They were duty bound to convey the situation to the Chief Minister and were required to do everything possible to save loss of lives. If the stand of the CM that these 2 Ministers were positioned so as to effectively control the law and order situation is correct, then there would have been a far quicker action to control the riots in Gulberg Society and Naroda Patya atleast.</p> <p>11. No tangible action seems to have been taken</p>

		by the police high ups in the Police Department, namely Commissioner of Police, to control the riots at Gulberg Society. Gulberg Society is not very far away from the Office of Commissioner of Police, Ahmedabad.
<u>XI.</u> The allegation is that Shri Narendra Modi did not visit the riot affected areas of Ahmedabad immediately, though he visited Godhra on the day of the incident.	The SIT has come to the conclusion that the action of Chief Minister appeared to be discriminatory.[p.67]	12. This is one of the circumstances which indicates that the Hon'ble Chief Minister had not taken enough steps to ensure that riots in Ahmedabad city were immediately controlled by his direct intervention.
<u>XII.</u> It is alleged that on 01.03.2002, Shri Narendra Modi said in a television interview that the reaction of the Hindus was due to the action by the Muslims, which seems to justify the riot.	The SIT has come to the conclusion that the reaction of the Chief Minister to violence at Gulberg Society and Naroda Patiya was not serious. However, the SIT has concluded this would not be sufficient enough make out a case against Shri Modi. [p.69]	13. The observation of Shri Modi in a television interview on 01.03.2002 clearly indicates that there was an attempt to justify the violence against the minority community. This indicates a certain approach. The statement made by Shri Modi cannot be seen in isolation. It has to be seen in conjunction with other facts mentioned hereinabove which provides sufficient justification for a detailed investigation in the matter.

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CHART-B

ALLEGATIONS	FINDINGS	OBSERVATIONS
<p><u>VII.</u> The allegation is that 13 IAS/IPS officers were rewarded for their support during the post Godhara riots.</p>	<p>The finding of the SIT is that there was nothing to indicate that the 13 officers had been rewarded with postings for their support to CM. However, at page 44 to 49, the SIT had concluded that the conduct of Shri M.K. Tandon, the Joint Commissioner of Police, Sector-II, Ahmedabad, was not satisfactory. It is also mentioned that he received calls from Jaydeep Patel and Mayaben Kodnani, who are accused in Naroda case. Similarly, the SIT had concluded that the role played by Shri P.B. Gondia DCP Zone-VI, was suspicious and he also received calls from Mayaben Kodnani and Jaydeep Patel. In the subsequent report dated 26.11.2010, it has been advised that Departmental action be taken against them.</p>	<p>1. The major massacres in Ahmedabad City took place in Gulberg Housing Society, in Naroda Patya and Naroda Gam. Hence, the actions of Shri M.K. Tandon, the Jt. Commissioner of Police, Sector-2 and that of P.B. Gondia, the DCP, Zone-VI, cannot be termed as mere failure to discharge their duties as both the officers were not present at any of these places despite the fact that they were fully aware of the possibility of loss of lives. It appears that if these officers had been present at the spot or had taken effective steps in time, the massacres could have been avoided and lives could have been saved. A case of criminal negligence is made out against these 2 officers. Further, they have received calls from accused who are facing trial in Naroda massacre i.e. Mayaben Kodnani and Jaydeep Patel. Therefore, it does not appear to be a simple case of mere dereliction of duty. Section 304A IPC would be squarely attracted in such a case.</p> <p>2. In so far as promotion of other IAS and IPS officers are concerned, the view taken by SIT seems to be acceptable.</p>
<p><u>IX.</u> The allegation is that the Government of Gujarat has been seriously indicted by this Hon'ble Court due to fresh investigation in <i>Bilkisbano case</i> by CBI and retrial of <i>Best Bakery case</i> outside the State of Gujarat.</p>	<p>1. The SIT has concluded that the trials in both the cases are over. Some accused have been convicted and some accused have been acquitted and the appeals are pending before the High Court.</p> <p>2. The SIT has recommended that the matter requires to be handled by State of Gujarat to take departmental action for major penalty against K.</p>	<p>1. The investigative agencies let off the accused in <i>Bilkisbano case</i>. If the CBI had not stepped in, the accused would have gone unpunished. Similarly, in <i>Best Bakery case</i>, it appears that the prosecution was done in a shoddy manner to protect the accused.</p> <p>2. The recommendations of the SIT that the Government of Gujarat should set up a committee perhaps needs to be reconsidered. It would be appropriate if these two cases are examined by SIT so as to fix responsibility on the investigating/prosecuting officials and suitable directions can thereafter be issued by this Hon'ble Court</p>

	Kumaraswamy, Jt. C.P. Baroda City and Ramjibhai Pargi, former ACP, in light of observation of the learned Sessions Judge, Greater Bombay. It also recommends setting up of a Committee by Government of Gujarat to fix responsibility on the officials. [pg.238]	to take action, either under the Indian Penal Code [depending on whether it reveals offences under IPC] or departmental action for misconduct. The acts of the investigating/prosecuting agencies may attract Section 201 of IPC.
<u>X.</u> The allegation is that the investigations were partial in nature and there was prejudice against the riot victims.	The finding of the SIT is that supplementary chargesheets have been filed in Gulberg Society case and Naroda Patiya case, but that by itself cannot be a reason to hold that investigations were conducted in a partial manner. [p.67]	The grievance of the Petitioner may not survive after the SIT has conducted fresh investigations, but it would be unjust to spare those people who conducted partisan or negligent investigation. Hence, this issues needs to be addressed. The role of the officials in the Crime Branch, especially DCP Vanzara and ACP Chudasama needs to be inquired into especially in light of the statement of Rahul Sharma, DCP, Control Room, Ahmedabad. To that extent the finding of SIT is not acceptable.
<u>XV.</u> The allegation is that pro VHP lawyers were appointed as public prosecutors which had adverse affect on the trial of the riot accused.	The finding of the SIT is that though the political affiliation of the advocates weighed with the government in their appointment as Public Prosecutors, there is no specific allegation in showing favour by them to any of the accused persons involved in the riots, either at the time of grant of bail or during the trial.	The issue may not survive because of the intervention by this Hon'ble Court whereby Public Prosecutors have been appointed in an independent manner. However, this may be required to be looked into further in light of the subsequent letter of Ms. Teesta Setalvad. [p.244]
<u>XXI & XXII.</u> These allegations relates to in action against senior police officers as they did not carry out proper investigation of riot related cases, especially the <i>Bilkisbano rape case</i> .	The SIT has stated that the allegations were vague and general and there was nothing against any specific officer. It is further stated that the CBI had not recommended any action against Shri Jadeja, SP Dabhod in the <i>Bilkisbano case</i> . [p.101]	In so far as Shri Jadeja is concerned, the documents relating to <i>Bilkisbano case</i> need to be scrutinized by SIT. The basis on which the CBI has concluded that no departmental action is required to be taken against Mr. Jadeja has to be examined before any conclusion be drawn.
<u>XXIII.</u> The allegation is that the CD relating to telephonic calls of BJP leaders and police officers were not looked into by the Investigating Officers of Gulberg Society and Naroda Patiya.	The SIT has found that Shri Tarun Barot, the Investigating Officer of the case and Shri G.S. Singhal, the ACP, Crime Branch intentionally did not examine the cell phone records, though it was available to them, and therefore, major penalty departmental proceedings should be initiated against them. [105]	The Government of Gujarat may be directed to take departmental actions against these two officers immediately within a time bound manner.
<u>XXV.</u>	The SIT has found this	1. Shri M.K. Tandon, Jt. CP, said that he

<p>The allegation is that the police at Gulberg Society and Naroda Patya did not take action and acted as mute spectators to the acts of lawlessness. Real culprits were not arrested and no preventive action was taken.</p>	<p>allegation to be incorrect.</p>	<p>reached Gulberg Society 4:00 p.m. and ordered CISF firing. It is not clear why CISF could not reach earlier, though it had been sent at 1:45 p.m. It is not clear why the other officers, namely GD. Solanki, Dy. SP etc. could not reach Gulberg Society on time. It appears that nothing was done by the police personnel present at Gulberg Society and Naroda Patya to dispel the gathering mob. It would appear that the mob was being permitted to gather at these two places. Hence, there is substance in the allegation of police inaction.</p> <p>2. It is not clear what action was taken by Shri M.T. Rana, then ACP G-Division who was present at Naroda Patiya to prevent the mishap from happening. This aspect also needs to be looked into.</p>
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SPECIFIC RECOMMENDATIONS FOR SIT:

1. Shri M.K. Tandon and Shri P.B. Gondia be prosecuted under Section 304A IPC.
2. The SIT may examine the role of the Investigating Agency in the *Bilkisbano rape case* and make recommendations to this Hon'ble Court, whether it reveals commission of any criminal offence or misconduct.
3. The SIT may be directed to look into the role of the Crime Branch officers, namely DCP Vanzara and ACP Chudasama as to their role in the investigation of Gulberg Society and Naroda Patiya cases.
4. The SIT may examine the role of the prosecuting agency in *Best Bakery case* and recommend suitable action against those who are responsible.
5. SIT may look into the role of police officials in the Gulberg Society and Naroda Patya cases [apart from those who are already facing charges].

SPECIFIC RECOMMENDATIONS IN RELATION TO GOVERNMENT OF GUJARAT:

1. Departmental action, as suggested by the SIT, be taken against K. Kumaraswamy, the then Jt. CP Baroda City and Ramjibhai Pargi, former ACP.
2. As recommended by the SIT, departmental action be taken against Shri Tarun Bharot, Inspector and Shri G.S. Singhal, ACP Crime Branch for faulty investigation of the riots cases.

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CHART-C

ALLEGATIONS	FINDINGS	OBSERVATIONS
<p><u>II.</u> Alleged decision of the CM to transport dead bodies from Godhra to Ahmedabad with a view to parade them</p>	<p>SIT has concluded that the decision was taken with a view that the train was heading towards Ahmedabad. Therefore, the relatives of the deceased would be residents of Ahmedabad and nearby areas and it would be easy for them to collect the bodies. The dead bodies were not paraded as alleged. Therefore, the allegation is not established. [p.23]</p>	<p>The findings of the SIT appear to be justified.</p>
<p><u>III.</u> It is alleged by Shri R.B. Sreekumar there were a number of verbal instructions given by Chief Minister, which were illegal.</p>	<p>It is concluded by SIT that the allegation of Shri R.B. Sreekumar is based upon the entries made by Shri Sreekumar in his register which was a personal register maintained by him in which he allegedly recorded the illegal instructions received by him. The SIT had stated that there is doubt about the genuineness of the entries made by Shri Sreekumar in the register, in view of the fact that this register was revealed for the first time in 2005 [after the supersession of Shri Sreekumar by the Government] and there is further no corroboration of the statements made by Shri RB Sreekumar from any other source. [p.28]</p>	<p>It may not be possible to prove the so called illegal instructions in absence of any other material, except the statements of Shri RB Sreekumar himself. Hence, though the finding of the SIT be accepted, it may not be appropriate to say that the register is motivated.</p>
<p><u>VI.</u> The allegation is regarding transfer of 6 police officers by Hon'ble Chief Minister during the thick of riots to facilitate placement of pliable</p>	<p>The finding of the SIT is that this allegation could not be proved. [p.33-36]</p>	<p>It does not appear that any of the 6 officers were deliberately posted out with a view to facilitate placement of pliable officers so as to encourage the riots. Hence, we may</p>

officers.		accept SIT's recommendations. There are 3 instances which are far too remote to lead to any conclusion.
<u>VIII.</u> The allegation is that no follow up action was taken up by the Gujarat Government on the reports sent by Shri R.B. Sreekumar.	The finding of the SIT is that the file of the State Government relating to the concerned subject had not been produced, and therefore, it has not clear how the Government dealt with the letters of Shri RB Sreekumar. The SIT further observes that from the evidence of witnesses, it is incorrect to say that the letters of Shri RB Sreekumar were not acted upon by the Government. [p.60]	The findings of the SIT may be correct. The letters of Shri RB Sreekumar were written after the riots had got over. Secondly, the contents of these letters appear to be of general nature. The subsequent developments have supported the findings of the SIT that some action was taken by the Government. Hence, we may accept SIT's recommendation.
<u>XIII.</u> The allegation is that Shri Narendra Modi did not give a direction declaring as <i>Bandh</i> called by VHP on 28.02.2002 illegal.	The SIT has found that the <i>Bandh</i> was not declared illegal by the Government of Gujarat and hence the allegation is proved.	This issue does not a very material bearing. Nothing would turn upon the fact whether the <i>Bandh</i> was declared illegal or not.
<u>XIV.</u> The allegation is that there was undue delay deployment of army.	The SIT has come to a conclusion that there was no undue delay in deployment of the Army.	The factual records are the matter of investigation and if the records are correct, than the SIT finding may also be correct.
<u>XVI.</u> The allegation is that police officials were not transferred until the arrival of Shri KPS Gill.	The SIT has found this allegation is not correct.	The finding of the SIT may be accepted.
<u>XVII.</u> The allegation is that no action was taken against media for publishing communally inciting reports.	The SIT has found that the allegation to be true.	Action should have been taken against the Media, but due to lapse of more than 8 years, it is not advisable to pursue this matter any further.
<u>XVIII.</u> This allegation relates to misleading reports submitted by the State Home Department regarding normalcy in the State so as to persuade the Election Commission to hold early elections.	The SIT has concluded that the allegation is not conclusively established in view of the fact that the elections were subsequently held within 3-4 months in December, 2002 and passed off peacefully.	This issue may not survive any further and it would not serve any purpose to examine this issue in detail. Hence, it is recommended that this issue be dropped.
<u>XIX & XX.</u> That Shri G.S. Murmu, Home Secretary, was deputed to tutor the witnesses who were to depose before Nanavati Commission.	The SIT has found this allegation is not established as the version given by Shri RB Sreekumar is motivated and cannot be relied upon. [p.97]	The allegation is found not proved by SIT, which recommendation be accepted. It may not be justified to say that the version of Shri Sreekumar is motivated.
<u>XXIV.</u> Allegation is that the Gujarat government did	The SIT has found this allegation is not correct as it is believes that the government did everything for	This conclusion may be accepted.

not provide conducive atmosphere for rehabilitation of riot victims.	rehabilitation. [p.117]	
<u>XXVI.</u> This allegation relates to non-preparation of Minutes of meeting.	SIT has found that in Gujarat Government, no Minutes of meeting are prepared in case of law and order review meets.	Since the minutes of the meeting have not been prepared, nothing would come out in further investigation. In any event, the minutes of the meetings would never be prepared to implicate any Minister/official directly or indirectly. Therefore, this issue can be closed.
<u>XXVII.</u> This allegation relates to not taking action against officers for filing incorrect affidavits before the Nanavati Commission.	SIT has concluded that this matter has to be dealt with by the Nanavati Commission which has still to submit its report.	The view taken by the SIT appears to be correct.
<u>XXVIII.</u> It is alleged that the review of post trial cases was slack and the officers acted according to the political interests of BJP and the CM.	SIT has held that this allegation is not established.	The recommendations of the SIT be accepted.
<u>XXIX.</u> The allegation is regarding nepotism in posting, transfer etc.	SIT has found that this allegation is very vague and general and it is not possible to conduct any inquiry in the said allegation.	The finding of the SIT seems to be correct and may be accepted.
<u>XXX.</u> That only Muslims were victims of riots and police firing due to collaboration between rioters and the administration.	SIT has found that this allegation is not substantiated.	This aspect may get covered if the request for further investigation is accepted by this Hon'ble Court.
<u>XXXI.</u> It is alleged that there was a secret meeting in Lunawada where 50 top people alleged met and made out a plan for rioting and use of violence.	The SIT has examined this issue in detail and found that the information was a figment of imagination of some interested elements, based on rumors and therefore, not established.	The view taken by SIT be accepted.
<u>XXXII.</u> It is alleged that on 28.02.2002, 5,000 <i>Bajrang Dal</i> activists met at Village Borbai in which attack on minorities was planned.	SIT has conducted investigation in detail and found that this is a cooked up story and the information given by Shri Mahboob Rasool was not correct.	The view taken by the SIT may be accepted.

PS: The SIT conducted investigation under Section 173 (8) Cr. P.C. against Shri. Goardhan Zadafiya and has concluded in its report dated 26.11.2010 that there is lack of evidence to suggest his involvement in the riots in Ahmedabad. This finding based on the evidence collected by the SIT appears to be acceptable.