

**IN THE COURT OF THE 11<sup>th</sup> METROPOLITAN  
MAGISTRATE, AHMEDABAD**

**MRS. ZAKIA AHSAN JAFRI**

**V/S**

**MR. NARENDRA MODI & OTHERS**

**PROTEST PETITION**

**ON THE COMPLAINT DATED 8.6.2006 &**

**AGAINST THE**

**FINAL REPORT**

**OF THE**

**SPECIAL INVESTIGATION TEAM DATED**

**8.2.2012**

**(PART II)**

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730. All the above-mentioned witnesses have deposed before the court wherein Accused No. 85 (Mr. Patel Prahladbhai Mohanbhai Gosa, MLA Visnagar) Accused No.84 (Mr. Patel Dahyabhai Tribhovandas, Municipal Councilor) were also sought to be arraigned. Evidence was led to show that they were inciting the mob saying: *“Why are you setting fire only to one house set fire to the whole mohalla. We have already managed the Police Station.”*
731. *The SIT deliberately ignored looking at the collusion and conspiracy between high political functionaries masterminded by A-1 Mr. Modi as Home Minister, which unfolded in sickening violence at Mehsana where sections of the police, fire brigade and administration had been successfully neutralized.*
732. The deposition of complainant PW.81, Exch.568, Mohammed Iqbal Ahmedkhan Baloch clearly states that at the time when he went to lodge his complaint, Accused No.84, and 85 were the present at the police station trying to influence functionaries. The evidence of Accused No.83 PI Mr. MK Patel was also recorded and he was subsequently convicted by the court. Evidence of the statewide criminal conspiracy is very evident in this case. The massacre site at Deepda Darwaza on 1.3.2002 is at a very close distance from the Police Station. Still, the police failed to provide protection to the victims and deliberately looked the other way because of instructions from the top, while the macabre dance of death was being perpetrated.
733. The evidence of PW-97, Exch.-613, Mr. Mohammed Hanif Dalubhai Sindhi is also relevant. He has stated that the accused MLA (Accused No.85) and the municipal corporator (Accused No.84) had pressurised the police in removing the offence of murder from the FIR registered subsequent to the violence. This is evidence of how the accused and police have conspired.
734. Witness PW-96, Exch.-610, Mr. Ibbrahimkhan Umarghan Baloch has clearly stated before the court that to seek police protection he approached Visnagar police station but PI Mr. MK Patel (late accused No. 83) clearly declined to give him any protection. He was attacked while returning from the police station where he had gone asking for protection by a mob armed with dangerous weapons. He was severely injured. When he opened his eyes, he was in hospital.

735. *SIT deliberately refused to investigate these ground level manifestations of the Conspiracy set in motion at Gandhinagar post-Godhra.*
736. Anand district was also among the worst affected post-Godhra. On 1.3.2002, three separate incidents at Odh village claimed a total of 27 lives. The Conspiracy unfurled at the very top echelons of the administration included not only allowing a free hand to rabid rabble-rousers of the VHP on 27.2.2002, breaching of Curfew and using the Bandh to allow bloodthirsty mobs to spill over and attack a terrorised minority, but systematically attempt the subversion of the criminal justice system by delaying registration of the crimes, diluting their magnitude and dropping the names of powerful accused. The very same pattern was manifest in Odh. *SIT simply failed to look at this as an instance of the high level conspiracy in operation.*
737. Mr. KR Bhuva and Mr. RG Patel delayed lodging of the FIR. Even when the Pan Parlour belonging to a Muslim was burnt (CR 27/02), the police deliberately did not deploy the force at the place of incident, nor arrest the accused who were part of the large mob. The same pattern followed for the offences at another location that took place (CR 23/02). To cover up their negligence, the police have recorded that the parlour was not burnt but caught fire as a result of a short circuit.
738. On 1.3.02, a large mob was allowed the free reign of the streets in violation of prohibitory orders (there on paper). This mob was allowed to assemble at Peerawali Bhagol near Jhapliwala building and with complete abdication of their statutory duty, policemen on the spot and higher ups in Anand and Gandhinagar conspired to let the mob set on fire the house of Muslims, and even burn to death 23 persons, including women and children. Police did not deploy any force in the Muslim locality to enable the incident. After this incident, all Muslims of Ode fled the village and took shelter nearby. The police, guilty of late registration of the offence created the climate for further subversion and the destruction of critical evidence. *The SIT simply did not probe this though it was part of the complaint dated 8.6.2006.* Police reached the spot only on the second day, performed the *panchnama* on the third/fourth day after the incident; it did not arrest a single person on the day of the incident. This deliberate inaction when crimes were being

committed was a result of the instructions that had been given from Gandhinagar and were operational on the ground. The free hand given to the perpetrators was carefully designed and executed. The subversion of the criminal justice system in this case also took the following form:

-- Police deliberately did not collect any of the remains of the persons who had died so that proper forensic examinations, including DNA sampling, could take place; no photographers were called to take photographs of the crime.

739. The second incident occurred at Malavvali Bhagol on 1.3.02. Again, as part of the high level conspiracy the police did not deploy the force at the place of the crime, did not even contact or help injured persons. The FIR was lodged 5 days after the incident. Why?

740. The police had deliberately not called the Fire Brigade, did not arrest a single person or recover any muddamal. I.O. Mr. Buva and the special public prosecutor together ensured anticipatory bail for the accused. The Home Department under A-1 Mr. Modi and A-5 Mr. Zadaphiya did not initiate any action against the officers for this criminal negligence.

### **Violence Continues even after 28.2.2002**

741. Just like in Ahmedabad, violence is allowed to continue as part of the conspiracy post-Godhra even in the Gandhinagar region close to the capital. At page 185 of Annexure III File XIX (D-163), the ACP (Int) from the Gandhinagar region informs DGP (Int) Gujarat State, Gandhinagar that is not far from the capital, that in Por village on from 27.2.2002 until 2.3.2002, attacks by Hindus on Muslim homes continued and that a mosque was still burning. The message is obviously sent by the ACP while the fire is still on. This attack on the Muslim area of Por village, according to the message, takes place after the Muslim population has fled to some other place. The remark section of this message clearly states that the homes were torched on 28.2.2002 but the fire was still on when the message was received/sent on 1.3.2002. The intensity of the fire can be gauged by these remarks. The remark further says that no efforts have been made by the local police or any of the local authorities which included the district magistrate of Gandhinagar, to douse the fire. The moot question for this Ld. Court to consider is whether the SIT has or whether it should have examined and

questioned the police authorities responsible for law and order in Por village? Both the district magistrate, Gandhinagar and the ADGP(Int), Gujarat to whom this message was sent are responsible to protect lives and property under Indian criminal law and the Constitution. According to the police procedure, messages thus sent by ACP to ADGP (Int), would have been forwarded to the DGP, Gujarat state. Was Mr. Chakravarti (Accused No. 25) questioned about this? Was he questioned about the continuing violence that reached unchecked all over Gujarat? Was he specifically questioned about the messages that came to him from SIB regional offices clearly recording that police is absent, the police is abdicating its duty? A careful reading of the DGP Mr. Chakravarti's (Accused No. 25) statement before the SIT shows that he was let off even before the questioning began. SIT apparently saw no need to put specific questions to him. Moreover a reading of the statement of the then ADGP(Int), A-60 Mr. GC Raigar recorded by SIT. This also clearly shows that from the beginning SIT was in no way motivated to carefully investigate the complaint. They obviously did not carefully go through even the official records prior to questioning any of the persons named by the complainant/petitioners in this case. The SIT has made a complete mockery of the investigation it was directed to do by the Hon'ble Supreme Court on 27.4.2009.

742. In another incident of communal mobilisation recorded by the SIB at D/9/HA/VHP/82/2000, 1.3.02 (Annexure III, File VIII of the SIT papers, page 273), sent from the Valsad office shows how the VHP had been given free reign to mobilize and make provocative speeches. On 1.3.02 at 11:00, VHP and Bajrang Dal leader, Mr. Sanatbhai Desai and Mr. Brijeshbhai Pandey incite about 200 workers gathered at a rally. At Dharampur, Laxminarayan Mandir, VHP workers lead by worker Mr. Mahavirsinh Raval assembled for a 'Bhajan kirtan' and to condole the death of Kar sevaks in the Godhra inferno from 1500 to 1700 hours. SIT sees no reason to investigate this aggressive communal mobilization despite the serious allegations in the complaint dated 8.6.2006.
743. Another message at 1.3.02 (Annexure III, File VIII of the SIT papers, page 329) from the Vadodara region (the day the Best Bakery incident takes place), reports on the breach of curfew. "Baroda Police commissioner order at 7:15 a.m. to the city police through wireless that the curfew order must be strictly implemented

and the police must not hesitate to open fire if necessary. Yet, mobs assembled anyway in large numbers, looted and set properties on fire, stabbed. Shoot at sight orders needed (which means they were not given) Today, at 10:30 to 11:00 a.m. a fire incident has occurred causing damages to Muslim properties.”

744. There is another serious message at page 346 of Annexure III, File VIII of the SIT papers from the Vadodara field office of the SIB stating that targeted violence is taking place in Vadodara, furniture shops are being looted and the Geban Shah Dargah has been set on fire. Rickshaws and ‘lorries’ are being burnt but the Police is not implementing curfew, not even carrying out a lathi charge.
745. *The SIT saw no reason to probe this with A-25 (then DGP, K. Chakravarti), A-28 (then Home Secretary, Ashok Narayan), A-48 (then Vadodara police commissioner, DD Tuteja) and others.*

**Did the violence stop on 2.3.2002?**

746. A reading of the SIB records indicates otherwise. At page 412 of Annexure III File XIX, Information Memo No.39 dated 2.3.2002, 1440 hrs, the message records that a 10,000 to 15,000 strong mob had surrounded Dholka village and the Muslim community living there. The message expressed apprehension that there would be huge casualty in the massacre that follows. Serious bouts of violence continue in Panchmahals and Vadodara right through March 2002; on 15, 22 and 24.3.2002.

**Annexure III File No.XXVIII D-170 Part-2**

5	334	D-2/com/ 319/02 2.3.02 22:02hrs	Asst. Comm. of Int. Vadodara Region, Vadodara	Addl. Dir. Of police Guj. State, G'nagar	Dist. Panchmahal Khanpur pol. Stat. at Pandharwada on dt. 1.3.02 during 13: 00 to 16:00 hrs about to 4,000 to 5,000 mob gathered with sharp weapons, damage the property, set a fire and 9 Muslims died as under 1.Aiyub Abil Saiyed (28) 2.Jabir Ganibhai Kharadi (32) 3. Adambhai ghanchi (45) 4. Noor Moh. Rasool Shaikh (30) 5. Multani (50) 6. Jabir Aiyub Diwean (25) 7. Saiyeed Yasin Seba (30) 8. Abbas Nathu (41) 9. One unknown person 52 Male and female, children were injured, shifted
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					to Lunavada for medical treatment, situation is tense. 45 houses of Muslims and 10 houses of Hindus were set on fire.
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No	Page No.	Message No.	From	Sent to Whom	Details	Remarks
1	259	D/9/H.M./VHP /141/02 15.3.02	PI State IB Bharuch	Addl. Dir. of Police, G'nagar	VHP secretary of Bharuch dist. Viralbhai Desai called all Talukas and villages to ring the bell "Ghantanaad" and Mahaarti on date 15.3.02 at 3:15. Curfew imposed as precaution.	-
472 473		D-2/IB/ Com/ Banav Info./ 602/02 Dt. 24.3.02	Asst. Comm. of Int. Vadodara Region, Vadodara	Addl. Dir. of police Int., Guj. State, G'nagar	PSI Shree Mirza noted a Vardhi to control at 21:45hrs as mentioned below: "This kind of vardhi sent in a seal cover said ACP control" to take action and not and inform to PI Giglani (this is a formality and throw it into a dustbin but try not to discriminate) so, as per reply by Baroda control Vardhi (Orders) are now not given to Baroda Control. Yet, it is to be noted that Baroda police raided at Rain Basera and recovered weapons. Because of communal riots in Baroda 6,000 to 7,000 Muslims belonging to UP left their houses and they came back. And there is information they will be attacked and their properties damaged tonight. As above mentioned fact fax message to Baroda control wide fax no. 524/28 dt.16.3.02 to your office. Next day a family goes to Avdhutnagar nr., Indiranagar, to collect their household things with police protection. Yet they were attacked and two persons died.	

## Serious Incidents of Violence March, April up to July 2002

Serious incidents that take place in April 2002 which the SIT does not bother to investigate

13	Fax IB/D-2/com/ Acc/720/ 02 01.4.02 11:41	Asst. Commis. Int., Vadodara	Addl. IG Int., G'nagar	In Kevadiya area one Bajrang Dal worker, Piyushbhai Premabhai Khatri and other workers arrested. Kevadiya market kept closed in protest till 6:10.	Hand written
16 17	Fax IB/D-2/com/ Inci./Info./ 735/02 02.4.02 16:58	Asst. Commis. Int., Vadodara	Addl. IG Int., G'nagar	VHP workers come in a mob and damage mutton and chicken shops.	Hand written
241	Fax IB/com/ Info./ 505/ 02 15.3.02 15:55	Asst. Commis. Int., Vadodara	Addl. IG Int., G'nagar	1. Today dtd 15.3.02, 15:10 – a procession of some VHP and RSS workers chanting 'Ramdhun' pass from the tower across the road from Raopura Vadodara to A'badi pole circle. 4. VHP leader Kevadiya Prakhhand Anirudhsinh Gohil arranged Ramjanambhumi Shiladan program at Kevadiya Narmadeshvar Mahadev mandir dt 15.3.02 time 14:15 to 15:15. 5. VHP leader Sambhu Prasad Shukla and Piyush Gandhi arranged program at Godhra Chhoriwad Ramji mandir dt 15.3.02 time 13:45 to 14:45.	Hand written. Police give the permission to the rally.
21 26	Fax IB/D-2/com/ Info./ Takedari/713/ 02 23.4.02 21:53	Asst. Commis. Int., Vadodara	Addl. IG Int., G'nagar	Recd. information that Hindu organisations are unhappy over Godhra incident. For this reason on Sunday at Kareli baug Bajrang Dal held a private meeting. They plan to attack the	Hand written

				Muslim community at Tandalja area after completion of exams. There is also a rumour about early elections.	
7	Fax IB/D-2/com/ Incident/990/ 02 30.4.02 23:17	Asst. Commis. Int., Vadodara	Addl. IG Int., G'nagar	At Kalol village a Muslim woman raped and killed by stone pelting.	Hand written Kalol PS I.C.R. No. 60/02 (IPC 376)

747. These messages contain serious implications about the spot functioning of the police at Vadodara under A-48 Commissioner of Police, Vadodara Mr. DD Tuteja and A-49 Mr. Bhagyesh Jha, DM & Collector Vadodara. Has SIT bothered to examine these at all?

**Violence in May 2002 un-probed by the SIT:**

**Annexure III File XXX D-172 Part-I**

Sr	PageNo.	Message No.	From	Sent to Whom	Message Instruction	Remarks
1	79	Fax IB/D-2/com /1076/02 9.5.02 20:24hrs	Asst. Commis. Int., Vadodara	Addl. IG Int., G'nagar	District Vadodara rural Ta. Jetpur. Muslims of Kathval village affected in riots are residing at Relief camps at Chhota Udaipur. They are trying to rehabilitate themselves and return to their native village but the Hindus are refusing to let them live there. So they have given a memorandum to the Resi. Collector, Chhota Udaipur.	-
2	183  184	1. Letter as per incident occurred dated 7.5.02  2. IB/671 /02 12.5.02	PI, Int. A'bad	Asst. Commi. Int., A'bad	Communal incident occurred at Shah Alam on dtd 7.5.02 at 21:00 to 23:30 hrs. In this incident, 25 Hindus injured 11 Muslims who were taken to hospital. Police fired 72 rounds of 303, 47 rounds 410 rifles, 7 rounds, revolver, 5 rounds 9 mm and SLR 28 of BSF and 59 SR and LR cell.	In this incident 6 Muslims and 1 Hindu died.  Nephew of Mohsin Kadri died in this incident.  26 Muslim's arrested in this incident.

**Aggressive Mobilisation Including Trishul distribution in May 2002 un-  
investigated by the SIT**

**Team-A**

**Annex.III File No. XXIX D-171 Part-I**

No	Page No.	Message No.	From	Sent to Whom	Details
1	23	Fax. Vardhi no.1825 12.5.02 18:05	D.O. A'bad	Int., A'bad	Akhtar Hussain Rahman Shaikh was going with Nizambhai Saiyed on scooter. Nr. Idgah at Kankariya 8 to 10 persons attacked them using <b>Trishul</b> and sharp weapons and injured them, They were sent to hospital were Nizambhai died.
2	181	Fax IB/misse /Arms/436 15.5.2002	PI Int., Rajkot	Addl. IG SIB, G'nagar; ACP Int., Rajkot	----- No details
3	183	Fax Com/1650/02 13.5.02	Asst. Commi. Int., CID, IB	Addl. IG SIB, G'nagar	At Sardarpura village Dist. Mehsana where 29 Muslims were burnt alive their religious book and other things were set on fire in the mosque of the village.
4	184	Fax Com/1651/02 13.5.02	Asst. Commi. Int. CID IB	Addl. IG SIB, G'nagar	Communal incidents continued in Ahmedabad city. In Kadi town, Sutdi bomb thrown on Aamitbhai's STD PCO cabin. At Himmatnagar, Hazrat Gulab Shah's dargah was set on fire. An incident occurred at Sardarpura village; mosque set on fire and damaged.

**Annex.III File No.XXX D-172 Part-II**

3	416	Fax IB/D- 2/com/Incident /Info./1205 /02 31.5.02 23:39	Asst. Commi. Int., G'nagar	Addl. IG Int. SIB, Guj.	Yesterday dtd 30.5.02 at 23:00 hrs some police men came in a vehicle to Memon colony. They damaged vehicles and mosque and threatened residents of the area to shoot at sight. They used abusive language against Muslim community. - Reaction about the above mentioned matter in the community is very strong. They have given memorandum to the CP of Vadodara. - Panchnama of the mosque attacked has not been done until today. Glasses of the windows/door were	Police officers involved in this incident: B.Kanani (PI), D.B.Shah (PSI), J.T.Rana(PSI), Sharma (PC), Pappu(PC), Mishra(PC) and DCB Staff.
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					broken at shelter. - Angry Muslims say they want to give chance to DD Tuteja (CP) to enact a second Jalianwala Baug, to become 'General Dyer' or 'General Tuteja'.	
4	423	Letter	Babu Shaikh Advocate	KPS Gill, Security adviser to CM.	Atrocity by police on innocent Muslims at Memon colony, Ajva road Baroda.	-
5	454	Fax IB/A.P./90/02 10.5.02	Asst. Int. Officer, State IB Chhota Udaipur	Addl. IG Int. SIB, Guj.	District Vadodara rural Ta. Jetpur, Villagers of Kathval, Muslim Community of this village are affected in riots in are residing at Relief camps at Chhota Udaipur. They are trying to rehabilitee their Native village but the Hindu community is refusing them entry So they given memorandum to the resi. Collector Chhota Udaipur.	This is a repeated of what has already appeared above.
6	455	Fax D-1/HA/846/02 15.5.02	Asst. Commi. Int., Junagadh	Addl. IG Int. SIB, Guj.	Fax no. incident/firing/841/02 5.5.02; Gujarat VHP Sec. Lalitbhai Bhimjibhai Suvaniya Re. Junagadh complaint about firing on him on 15.5.02. According to his complaint, Junagadh city B.Div. Noted ICR No. 123/02 of IPC 307 etc. Bajrang Dal worker Mansukh Kanjibhai Junagadh and Dinesh Hasmukhbhai of Rajkot were going to in Geep no.GJ3X 4027 on dtd 14/15 May-2002 with weapons like-225 swords, 200 guptis were arrested by Rajkot city police at Rajkot-Junagadh high way. They brought these weapons from Chotila to Junagadh. In his explanation he replied that situation in tense in Junagadh after incident of Godhra. So they supply the weapons to the societies. The VHP and BD hav elodged a false complaint about this. They are trying to build false sympathies among Hindus. The attacks on Muslim community cannot be denied. This also is a plan and trying to breach the peace so it is necessary to keep	

					bandobast in Muslim areas as per IB.	
7	458	Fax IB/com/107/02 20.5.02	State IB Center Office Chhota Udaipur	Asst. Int. Officer State IB Chhota G'nagar	80 days has passed the Godhra incident but incidents continue in Chhota Udaipur Center. Many Muslim are staying in camp run down Saba Charitable trust; 205 Muslims came back to Tejgadh. - Banners put up to irritate the community; identity of miscreants not known. - The aim is to disrupt the business and economical activity.	-

**Annexure III File XXXI D-173 Part-I**

Sr	PageNo.	Message No.	From	Sent to Whom	Message Instruction	Remarks
1	95	Fax HM/25/com /460 8.7.02	PI CID Int., Vadodara	Addl. PD state IB, G'nagar	Dabhoi Po.Sta. dist. Baroda at Shanor village After Godhra carnage on 7.3.02, at 13:00 to 13:30 hrs 70 houses of minority community were set on fire and damaged. - 12 accused arrested in this incident but released on bail. - After this incident, on 4.7.02 Ismailbhai and Noor Mohammed bhai returned to their home damaged in the communal incident, for repairs. At night about at 22:30, villagers of Shanor and Fulwadi attacked them with weapons and both killed.	Dabhoi I.C.R.No.32 /02, IPC 143, 307 etc.  Dabhoi I.C.R. No. 96/02 IPC 302 etc.

**1-3-2002, Bhavnagar where Violence was Attempted but Contained**

Analysis of Mr. Rahul Sharma's affidavit before the Nanavati Commission and his subsequent deposition.

748. The affidavit is dated 2.7.2002. This means that it was voluntarily made by Mr. Sharma the moment the Nanavati Commission came into effect and is accompanied by several pages of annexure. These annexures contained copies of the wireless messages,

statements related to police bandobast, bandobast arranged by SP, Mr. Rahul Sharma, statement of the striking force that was available with him, statement relating to tear gas fire made by officer under Rahul Sharma, and several other details relating to the force necessary which was used to disperse the mob at Madrasa Akwada. Annexure also contained details of curfew in this district. Meticulous information annexed by this officer also contain minutes of the crime analysis held by him and contain a very important report made by him to DGP, Gujarat on 24.3.2002. Mr. Rahul Sharma had also in this affidavit made public through the annexures the statement showing details of phone calls that came to him on his official mobile. Finally, and importantly, he included the newspaper cuttings printed in the newspaper *Sandesh*. *Sandesh* was one of the most important newspapers that maliciously furthered the conspiracy and regarding whose story the Gujarat police officers recommended strong punitive action. It is no wonder that A-1 Mr. Modi who in 2002 had occupied the post of State Cabinet Home Minister (he still does) did not grant any sanction for prosecution of this publication.

749. Mr. Rahul Sharma stated in his affidavit that he was performing his duty as SP Bhavnagar from 16.2.2002 to 26.3.2002. A total of 23 police stations were under his command. This officer was on casual leave at Vadodara on 27.2.2002 when he came to know about Godhra train burning incident when the Special I.G. Junagadh Range instructed him that pursuant to the incident that took place at Godhra and the call of the Gujarat Bandh the next day i.e. 28<sup>th</sup> February 2002 he should immediately resume duty. He therefore left from Vadodara and resumed as SP Bhavnagar at 17:13 p.m. on 27.2.2002 (Vadodara is about 1 ½ hours away from Godhra city headquarters). Immediately this officer went to his office and, as should have been done in every district of Gujarat, he called a meeting of police officers between 10:00 p.m. and 12:00 midnight; then again from 12:00 midnight to 2:00 a.m. on 28.2.2002. He gave clear and firm instructions on how the Gujarat Bandh calls should be tackled.

750. The SIT had full access to Mr. Rahul Sharma (they have recorded his statement) as well as affidavit and annexure. Bhavnagar was one district that despite heavy provocation by A-5 (MoS Home Mr. Gordhan Zadaphiya) did not burst into violence simply because of the exemplary leadership

shown by Mr. Rahul Sharma. The SIT ought to have insisted that through their investigation the kind of material placed on record by Mr. Rahul Sharma should have been placed by all other SPs of the relevant districts for the relevant period in 2002. They have not done so and this is yet another example of their shoddy and callous investigation.

751. Mr. Rahul Sharma outlined in his affidavit that he had given all necessary guidance to his officers of how to put into effect proper bandobast and continued to do this through the night. Not content with issuing instructions he was pro-active in questioning and cross-questioning as to how many people were placed in bandobast where, in which division. (SIT papers) The affidavit has been given without some key annexures.
752. The wireless message which Mr. Rahul Sharma sent to get additional police force from outside was also annexed to his affidavit as it must be. Mr. Rahul Sharma states that he remained in a position of high alert and he continued to personally supervise the bandobast. He came to know that there was a fire in the shop of a Muslim situated near Ghogha and immediately ordered that the FSL conduct an investigation. On going there, he found that the fire was at a shop named Goodluck Electronic and the shop belonged to Mr. Salim Mohd. Lakhani aged 40 years. Mr. Rahul Sharma personally explained to the police inspector of "C" division how this investigation should be conducted. Mr. Rahul Sharma records in his affidavit that on 1.3.2002, VHP and ruling BJP had called a Bharat Bandh and he remained present at his office. He found that on the morning of 1<sup>st</sup> March 2002, the newspaper *Sandesh* had published an article, which could incite people to violence. This article is annexed at State. C of his affidavit and can be read in the SIT papers. Immediately, Mr. Rahul Sharma spoke to Mr. Rajesh Joshi, resident editor of *Sandesh* at Bhavnagar and instructed him not to publish such news in the newspaper. Response from Mr. Rajesh Joshi was adamant and not surprising. Mr. Rahul Sharma states in his affidavit that Mr. Rajesh Joshi said that "what is written is proper and I actually wanted to write more, but since you are saying so I will not write hereafter". Mr. Rahul Sharma made a note of

this conversation and made a decision to inform his superior officer about this.

753. Mr. Rahul Sharma states that he was aware that on 1.3.2002 a rally of Sadhu Samaj was planning to bring a memorandum to the Collector, Bhavnagar. At this time, 17:10 pm he was informed by the police control room that such a rally had in fact been planned by the Sadhu Samaj to protest the Godhra massacre and after giving a representation to the Collector, had dispersed. However, barely half an hour after this, at 18:00 hours he was informed that in several areas of Bhavnagar city mobs had gathered. Mr. Rahul Sharma left his office with a striking force and first dispersed the mob that had gathered at Navrangpura and thereafter at Ghoghghat. Violence continued and all shops belonging to minority were burning even in Ladhil Bazar, Kantiwad where the SP then rushed. At this point he states that the Collector also arrived. By 20:15 p.m. when Mr. Rahul Sharma and Collector Bhavnagar remained present mob attack on different areas continued. Mr. Rahul Sharma in his affidavit states that he made an attempt to contact the fire brigade, which was again apparently unsuccessful. He states that he requested the Collector to call for more fire fighters because of this. Information of spreading violence and people trapped inside the White Rose Hotel continued for the next few hours of 1.3.2002 and kept the SP Mr. Rahul Sharma busy.

754. When Mr. Rahul Sharma reached near the Limdiwali Sadak he found a mob of both communities Hindu and Muslims gathered and were pelting stones at each other. He immediately tried to dispel the mob. He states in his affidavit that after he met persons from the Muslim mob they quietly dispersed and went away. However, on the other side mob belonging to Hindu community had begun rioting and burning shops and homes forcing the SP Mr. Rahul Sharma to give warning on a mike placed high and warned them of use of strike force if the mob did not disperse. Finally, DySP Mr. Jani was instructed to fire tear gas shells from his striking force and Mr. Rahul Sharma provided details of this in his affidavit. At this point Mr. Rahul Sharma states that he even spoke with his superior officer Mr. K Chakravarti, DGP,

Gujarat (A-25 in the Zakia Jafri case); he was assured that he would be sent one more company of SRP to control the situation.

755. Mr. Rahul Sharma kept receiving distress calls from members of the Muslim community including one Professor Sheikh and others. He tried his best as can be read in his affidavit to rescue them. One particular situation indicative of the grave of the situation that the affidavit of Mr. Rahul Sharma points out is the attack on minority dailies in Bhavnagar. A resident of Sana apartment, one Molai Ullah Rajila Mohd. Nazir), came rushing to him with news that 11 persons were trapped inside his flat and a mob of Hindus were trying to burn them to death. Mr. Rahul Sharma took Molvi Ulla with him along with his striking force and rushed towards Panchmahal, Tehad Chowk where a mob of about 1,000 persons had surrounded the burning Sana apartment. SP Mr. Rahul Sharma rose to the demand of his profession and with full use of his striking force and his mike tried to disperse the mob and finally he had to use firing to do so. This statement of the firing is also annexed to his affidavit. Statement E actually contains details of several incidents that took place in Bhavnagar in which Mr. Rahul Sharma had to use force. The incident relates to Sana apartment describing that totally the police had to fire 9 rounds, 7 rounds from a 303, and 2 rounds from 410 rifle. Through this proper and lawful action the mob was dispersed after which Mr. Rahul Sharma records that Molvi Ulla shouted and called 11 people from the terrace to come down. This included 7 men, one woman and 3 children. The tragedy that might have taken place but for the sensitive and proper action of Mr. Rahul Sharma can but be imagined.
756. At the same time that Mr. Rahul Sharma was performing his action at Prabhat, Tahed Chowk, he was informed about a rioting mob gathered near the corner of Arawad. He was also told that the Collector and the District Home Guard instructor were also trapped in between the mob. Mr. Rahul Sharma immediately went there with his staff and gave instructions through a mike that the striking force accompanying him should immediately disperse the mob. Despite these instructions the mob did not disperse following

which Mr. Rahul Sharma himself had to take steps to disperse the mob (Page 19, statement E annexed with his affidavit at filed in SIT paper). This statement gives details on how the firing was affected by the police and the mob was dispersed.

757. Thereafter Mr. Rahul Sharma continued patrolling throughout the city also visiting the injured persons who had sustained injuries, at the government hospital. Somewhere around this time he came to know that in the Kumbharwada area one Mr. Shafikhan had died after assault through blows by sharp weapons.
758. The mob was obviously on a rampage all over Bhavnagar and the details given by Mr. Rahul Sharma, methodically in his affidavit revealed this as much as also throw light to the atmosphere, and principled officers could tackle them through the night. All through the night of 1.3.2002 this rioting continued and several strategies were affected. Around 5:30 a.m. Mr. Rahul Sharma in his affidavit states there was some ease up in the violence as he went to this office to recharge his mobile with battery that had discharged.
759. Again at 7:00 a.m. he had begun patrolling and giving instructions directly to the mobile vans from his mobile to all officers and they could control the riot fairly. It was during this period after 7:00 a.m. that one company of SRP arrived. It may be recalled that the DGP had the night before promised two companies of SRP. Mr. Rahul Sharma made the allotment of the persons of the SRP in the area to make the bandobast stronger.
760. Mr. Rahul Sharma stated in his affidavit that after 8:30 a.m. the rioters had begun their violence again and the rioting mob was setting shops, homes on fire at Kumdiwali. Immediately he went there and found that shops, homes and cabins had already been burnt and the mob was trying to set more houses and shops on fire. Mr. Rahul Sharma states that he kept the PSI Mr. Chawda of the striking force with him at Santram Chowk and personally went towards the eastern side to disperse the rioting mob. He gave warning to

the mob to disperse through the mike of his own vehicle but he needed to use force before the rioters listened. This has also been detailed by him on page No 6 of the statement E annexed to his affidavit. **(This can be read in the SIT papers)**. While Mr. Rahul Sharma was returning from the eastern side he saw that PSI Mr. Chawda of the striking force who had given warning to the mob ahead of Kundwad to disperse on the western side, even fired tear gas shells. But the mob had not dispersed and instead was aggressively targeting the striking force of PSI Mr. Chawda. Mr. Rahul Sharma after obtaining permission of the Magistrate, Mr. Govil, who was present there fired one round from 303 rifle and Home guard Mr. Vijay Mansukhlal fired one round from his 303 rifle. The description in detail given by Mr. Rahul Sharma shows how aggressive mobs led by leaders of VHP and BJP was determined to cause violence in the city of Bhavnagar even at the cost of attacking and injuring those sections of police that responded to their lawful duty.

761. Mr. Rahul Sharma describes further his continued patrolling at Vithaleshwar road, where too force had to be used before the mob dispersed (page No 20 of statement E of his affidavit). Again a mob had gathered at and again firing had to be resorted to.
762. A little while later as SP was patrolling in the city of Bhavnagar he was informed that a mob of people were making concerted attack on the Akwada Madrasa and there was urgent need of more police force. As no police officer was present Mr. Rahul Sharma immediately sent inspector Mr. Bhatti of the B Division police station there and started to go there himself. Soon he got a phone from a person named Mr. Asif who called on his mobile in distress appealing that if Mr. Rahul Sharma immediately did not personally intervene the mob was determined to burn the Akwada Madrasa. The police inspector Mr. Bhatti of the B Division had already reached Akwada Madrasa and Mr. Rahul Sharma heard this on wireless set but the rioting Akwada madrasa mob had gathered near the workshop of Gujarat Travel and had already set a bus and a truck of his travel company on fire. After dispersing the mob and leaving 2 police constable and 2 home guards behind for bandobast, Mr. Rahul Sharma

rushed towards Limda Motors where the rioting mob was setting a cab on fire. When he warned the mob to disperse, one person from the mob tried to ignore the SP's instruction and when he was challenged by the SP he even assaulted Mr. Rahul Sharma. This forced Mr. Rahul Sharma to fire from the government pistol that he had below that man's waist and he sustained injury on his leg, after which he ran away and the mob dispersed. Thereafter Mr. Rahul Sharma rushed to Akwada where according to his affidavit more than 10,000 people had gathered and were attacking the Madrasa hurling stones and burning torches. They were trying to set it on fire. Mr. Rahul Sharma said in his affidavit that many persons from the mob had scythes, swords, pipes, axes etc. By this time DySP Bhavnagar city Mr. M D Jani also reached there and though a warning was given to the mob through a microphone from the government vehicle to disperse, members of the mob continued to challenge the police; there was even stone pelting on the police. Finally, as can be read from page 13 of statement E annexed to Mr. Rahul Sharma's affidavit the police had to use force to disperse the mob.

763. Detailed Note on police firing states that a total of 21 rounds, 17 rounds from 303, 3 rounds from 410 and 1 round from a pistol had to be fired. The statement also states that barely 9 persons apart from SP were on the spot. Yet the determined force risking their life managed to disperse a 10,000-strong riotous armed mob with dangerous weapons. Clearly any weakling response by A-25.DGP Mr. K Chakravarti or A-29 Commissioner of Police, Mr. P C Pande does not when A-36 SP, Mehsana Mr. Sharma and his men managed to save the life of the children inside the Madrasa.
764. As the mob continued with the attack, Mr. Rahul Sharma and police inspector Mr. Bhatti of Bhavnagar tried to call the Sarpanch to Akwada village. Since the Sarpanch was not present, Mr. Bhatti called Mr. Anirudh Singh Govil, a leader of the village. Mr. Rahul Sharma explained to him to tell the rioting mob at the village to stop blocking this road and stop attacking the police. He also warned them that if the mob did not disperse the police would take strict action. Thereafter

Mr. Rahul Sharma kept the police inspector Mr. Bhatti present at Akwada Madrasa and returned to Bhavnagar city for meeting of the peace committee at the Collector's office. He continued patrolling till midnight in the city. After his discussion with Mr. Jani he decided to shift 400 children staying at the Akwad Madrasa along with the teachers and residents to a safe place in the middle of the night and he discussed the situation with his colleagues. Pursuant to the collective decision between 11:00 p.m. and 2:00 a.m. on the night of 1.3.2002 and 2.3.2002, Mr. Rahul Sharma and his colleagues shifted all the residents residing at Akwada Madrasa to the Ibrahim masjid, Bhavnagar which is situated at Sheikh Vihar. While carrying out this action of shifting the 400 residents of Akwada Madrasa, SP Mr. Rahul Sharma and others was aware of the frightening situation that continued to prevail in Bhavnagar. The road towards the Madrasa had been closed down with burning tyres, big stones, wooden hurdles etc. due to which the police faced much hardship before they could reach the Madrasa. The murderous mob continued to function with impunity and even then the strong police was taking the residents of the Madrasa in batches. They had to face stone pelting on the government vehicles and buses. During the shifting of the residents of the madrasa, the police officer MD Mr. Jani, police inspector Mr. Bhatti and PSI Mr. Chawda were together. Throughout this dangerous period, SP Rahul Sharma remained present personally at the Akwada madrasa with his striking force guarding it as a safe place till the residents could reach Ibrahim Masjid. Mr. Rahul Sharma's conduct while the whole of the city of Bhavnagar was under riotous attack because of a political conspiracy to engine violence is highly commendable and should have received the government of Gujarat's particular attention and appreciation. Instead, Mr. Rahul Sharma is one of those persons who the Government of Gujarat under A-1 Mr. Modi and other co-accused are being victimised and charged even today as he remains in service. He is a targeted officer who was further singled out because he chose to speak the truth before the SIT appointed by the Supreme Court. Shamefully, the SIT has seen no merit in thoroughly examining Mr. Rahul Sharma's affidavit, annexure or his statement nor has it sought to compare those areas and

districts where violence was prevented actively by the lawful and constitutional behaviour of police officers with those officers and administrative heads who succumbed as part of a criminal conspiracy.

765. The Affidavit of Mr. Rahul Sharma continues in his narration to the ghastly incident that followed. Mr. Rahul Sharma states that even the next day i.e. on 2.3.2002 at 2:00 p.m. in the evening violence continued with rampaging mobs trying to attack different parts of the city. The situation continued to be dangerous for members of the minority community who owned buses and vehicles as they were running travel businesses. So SP Mr. Rahul Sharma instructed police inspector Mr. IK Jadeja that if such persons wanted to keep their vehicle in the premises of the SP's office, he would give them protection. All the luxury buses and trucks belonging to the minority community were thereafter kept in the safekeeping of SP's office as per the affidavit of Mr. Rahul Sharma.

766. The first time force of central paramilitary reached Bhavnagar was when one company BSF (Border Security Force) arrived at Bhavnagar city at 8:00 p.m. on the night of 3.3.2002. A flag march was performed by the company of BSF in all the sensitive areas. Thereafter at about 22:00 hours i.e. 10:00 p.m. on 3.3.2002 one column of the army came to Bhavnagar and again a flag march was performed. Late that night, one more column of the army according to the affidavit of Mr. Rahul Sharma came. Considering the safety of the Madrasa situated at Akwada the headquarters of both the columns of army were kept at Akwada Madrasa. Mr. Rahul Sharma states that on the early morning of 4.3.2002 one company of border wing also came to Bhavnagar city. Mr. Rahul Sharma has given details of the positioning of the army and the BSR column in Statement F annexed to his affidavit. This statement contains details of when the columns came and where they were situated in the various 23 police stations under SP Mr. Rahul Sharma's command. Incidentally a letter dated 11.3.2002 gives reference to a letter from SP's office dated 10.3.2002 and is written from the company commander of B Company No 3 Battalion of the Border Wing, Jamnagar. This letter mentions

that 30 more ---- (forces) have been given to Mr. Rahul Sharma as per his request. It appears clear from the detailed statement vis-a-vis the army deployment and BSF deployment that no real presence or deployment of the central paramilitary or the army was possible till late evening of 3.3.2002 and was actually operational from 4.3.2002 onwards. If this is the case for Bhavnagar which was a city that was clearly a target of the conspiracy to foment violence including attacks on the Madrasa what must have been the situation of other areas of Gujarat?

767. Mr. Rahul Sharma states that on 4.3.2002 the Central Home Minister Mr. LK Advani and Chief Minister Mr. Narendra Modi came together to Bhavnagar and he remained busy preparing the bandobast for them.

768. Twelve days after the shameful incident of the attack on the Madrasa and the sustained attack on the minority property and lives in Bhavnagar more incidents are recorded by Mr. Rahul Sharma on 23.3.2002. Mr. Rahul Sharma states that around 11:00 a.m. that morning he got a message on his wireless that a rioting mob had gathered near Chawdi gate near Imamwada Masjid and though BSF and police had warned the mob to disperse the mob had started pelting stones on the police and BSF itself. Therefore, the BSF had used all necessary force to disperse the mob. When SP Rahul Sharma immediately reached there after these developments, he was informed that the BSF and SRP personnel had arrested 21 persons from the mob and brought them to the A division police station and that police inspector Mr. TK Patel of A Division had lodged a complaint (ICR No 174 of 02) for offences punishable under sections 143, 146, 147, 148, 149, 189, 295, 336 of IPC and under section 135 of the Bombay Police Act. Mr. Rahul Sharma made a report about this incident to DGP Gujarat and IGP Gujarat dated 24.3.2002. This report is important. The letter to the DGP has been Annexed by us at **Annexure \_\_\_\_\_**. *Significantly though the SIT filed his affidavit with other annexures this communication to A-25 Chakravarti and another to A--61 CP Ahmedabad (from May 2002) Mr. KR Kaushik have in June 2002 not been filed by the SIT.* Mr. Rahul Sharma continues the narration of the

entire incident that took place thereafter and also calculated statement of police phone calls made from control room and received by the control room. Mr. Rahul Sharma states in his affidavit that till 26th of March 2002, a total of 278 complaints were registered related to communal violence. The deposition of Mr. Rahul Sharma before the Nanavati Shah Commission is equally revelatory. Mr. Rahul Sharma was one of the officers who were punitively transferred by the Gujarat government on 26.3.2002 even while violence continued to take place in Bhavnagar city. (See table on the rewards and punishment). As is revealed by Mr. Rahul Sharma in his deposition before the Nanavati Commission, one of the reasons for his transfer was his refusal to release those persons and 21 leaders of different organisations like the BJP, RSS, VHP etc. who had been arrested by the Bhavnagar police for violent attacks on the minorities in Bhavnagar.

769. On March 26, 2002 he was transferred out of Bhavnagar and was brought in to DCP, crime Branch, Ahmedabad. Even there his contribution to a fair and impartial investigation particularly in the revealing of phone call records and the charge sheet related to Naroda Patia and Gulberg incident made the State Government transfer him, once again, to the post of SRPF commandant. He is presently posted as DIG, Rajkot but the State Government has charge sheeted him for speaking to the Special Investigating Team (SIT).
770. Mr. Rahul Sharma gave his deposition before the Nanavati Commission on 30.10.2004. During this deposition he was closely questioned about the situation in Bhavnagar and thereafter while he was DCP, Crime Branch, due to his victimisation by the Gujarat Government, he was asked why he had produced the mobile phone details received by him and made by him and his unit when he was SP, Bhavnagar. In his reply to the Commission he stated that since there were some complaints from some quarters that complaints and information were not being received by the police in order to dispel the allegation he had produced these documents. He further stated that while he was returning (after the Godhra incident had taken place) and on his way to Bhavnagar while he was making enquiry about the ground

level situation in Bhavnagar he was not informed by anyone of any preparation for the violence that was to follow. He states that he was only told that there was likelihood of Sadhu Samaj rally to be taken out and since proper bandobast has been organised no problem occurred. He also stated that no emotional upsurge took place in the city of Bhavnagar after the Godhra incident on 27.2.2002. When asked about what triggered the violence in Bhavnagar he stated that the first factor was a news report published in Bhavnagar edition of *Sandesh* daily 1.3.2002. He has annexed his report to his affidavit.

771. The second factor for acting as a trigger to the violence according to Mr. Rahul Sharma was rally taken out by the Sadhu Samaj in early March 2002 and the third factor was the inflammatory speeches made by some persons who had gathered outside the Collector's office. On being asked to describe the item that appeared in the edition of *Sandesh* on 1.3.2002, Mr. Sharma stated that the contents of the article amounted to a criminal offence. He narrates that as per the provisions of the Gujarat Police manual, he was required to obtain the permission of the government before starting any criminal proceedings against the editor in charge of *Sandesh* daily. During his deposition before the Nanavati Commission he explained that the Gujarat police manual Vol. III rule 53(10) has this condition. He further adds that he did not take any preventive action pursuant to the news paper report because despite the publication of the report the situation in Bhavnagar was normal, shops were open and everything was done in a usual manner until 5:00 p.m. Further he had written to A-25 DGP Mr. K. Chakravarti about the action against *Sandesh* news reports. Despite his communication with DGP Chakravarti and the complaint of Mrs Zakia Jafri the issue of hate speech and its prosecution is left uninvestigated by the SIT. Mr. Rahul Sharma could not pursue his recommendation of filing a criminal case against the *Sandesh* newspaper because he was prematurely transferred from SP of Bhavnagar on March 26, 2002.

772. Mr. Rahul Sharma states in his deposition that it was one Mr. Kishore Bhatt who had given an inflammatory speech in Bhavnagar and he was the President of Bhavnagar unit of

the Shiv Sena. In his deposition he further elaborated on the arrangement he made which he had already been outlined by him in his affidavit. He clarifies that his prompt action including those followed by the head constable and constable pursuant to the direction issued by him were reminders to his subordinate on the directions contained in Rule 55 Vol. III of the Gujarat Police Manual.

773. Mr. Rahul Sharma states in his deposition on oath before the Commission that when he spoke to his superior officer DGP, Gujarat, A-25 on 1.3.2002 at about 10:22 p.m. to request more force available for him at Bhavnagar the DGP told him that he would be given one SRP company by the next morning and if possible he would make some Boarder Wing Home Guard and army columns available whenever they become available to him. Mr. Rahul Sharma states on oath that DGP Mr. K Chakravarti also told him that “the bureaucracy had become completely neutralised”. Mr. Rahul Sharma states on oath that he could not state what the DGP meant by stating that bureaucracy was completely neutralised.
774. Mr. Rahul Sharma clarifies that he did get one company of SRP on 2.3.2002 at 8:00 a.m. and then on the night of 3.3.2002 he received one company of BSF. As clarified by Mr. Rahul Sharma it was because of the firing resorted to by the police that they were able to control attack on the minority substantially between the night of 1.3.2002 and 2.3.2002.
775. During his deposition before the Nanavati Commission he states that A-5 in the present complaint, Mr. Gordhan Zadaphiya, MoS, Home had contacted him on 16.3.2002 at about 10:00 a.m. on his official phone. Mr. Rahul Sharma states that A-5 Mr. Gordhan Zadaphiya called to be briefed on his efforts at Bhavnagar. The MoS Home sent a controversial message by asking him to explain why the ratios of death as a result of police fire were not proper. Mr. Rahul Sharma stated that what he understood about this was that Mr. Gordhan Zadaphiya was complaining about more number of death of Hindus compared to Muslims in Bhavnagar. Mr. Rahul Sharma told him that this would

depend on who the rioters were. The deposition of Mr. Rahul Sharma before the Nanavati Commission on 30.10.2004 along with the annexures to his affidavit and affidavit itself should have provided enough material for the SIT to explore the possibility of conspiracy at the higher level and the political leaders' attitude towards police officers who were true to their constitutional obligation. However, the SIT has chosen not to explore this aspect of conspiracy at all. Mr. Rahul Sharma in his deposition describes a very serious incident that took place on 23.3.2002 in the Chawdi gate area. This was briefly referred to by him in his affidavit and he is questioned regarding this incident before the Commission. Mr. Rahul Sharma explains that after a mosque was attacked in Chawdi gate area, 21 persons were arrested by the police and the local leaders of powerful parties went to get them released on bail. Mr. Rahul Sharma came to know of this from the inspector in charge of the police station and stated on oath that apparently the DySP had promised these leaders that they would be released by evening. Mr. Rahul Sharma states that when he came to know about this he had made it very clear to his subordinates as also to the local leaders that accused would not be released on bail and even if there is an order of the court they would be arrested by him as a way of preventive measure. Mr. Rahul Sharma states that leaders did not like this consistent stand taken by him and therefore they arranged for "gherao" of the A Division police station by women. They had also threatened Mr. Rahul Sharma that this would lead to a bad situation and communal riot would break out again. Mr. Rahul Sharma stated on oath that in spite of these indirect threats from the local leaders he had instructed all the officers in charge of the police station to take strict action even against women if it became necessary. Mr. Rahul Sharma states that he had given these instructions in the presence of the trouble-makers and they had dispersed and possibly passed this information to the women of the police station. Mr. Rahul Sharma further adds that those who were dissatisfied with this order had contacted higher officers and that appears to be the reason why the DGP had asked for a report of the incident. Mr. Rahul Sharma discreetly says that he had some professional difference in opinion with higher officers as regards the

manner in which the release of the accused was to be handled. Mr. Rahul Sharma states that he sent the reports to the DG as directed by him through a letter, which is annexed with the affidavit. Mr. Rahul Sharma says that he had not identified those local leaders. Mr. Rahul Sharma also states that this entire development led him to inform that there was an organised attempt on the part of the local BJP leaders to keep the issue alive. It is reasonable to assume that this was one of the triggers apart from his upright behaviour during the violence that went against the objective of the conspiracy that was hatched to foment violence and that led to his premature transfer offers. The transfer order was issued on 27.3.2002, he was relieved the day before. He was transferred to the DGP Control Room, Ahmedabad and joined office on 8<sup>th</sup> April 2002.

776. Mr. Rahul Sharma states that the DGP had asked for the report regarding the incident on 23.3.2002 and subsequent arrest. Mr. Rahul Sharma also stated that he had a professional difference of opinion with the District Magistrate, Junagadh Range IG and the DGP of the State on the issue of release of the arrested persons. Mr. Rahul Sharma states that those other officers believed that if a person is not released on bail that itself would lead to more trouble. Mr. Rahul Sharma felt otherwise, that the only way to control violence is by observing the law.
777. Mr. Rahul Sharma states in his deposition made on 30.10.2004 that while he was working as DCP in Control Room at Ahmadabad he was instructed to assist with the investigation, which was being conducted by the Crime Branch of the Ahmadabad Police Commissionerate. Mr. Rahul Sharma states that he was deputed to assist the investigation by JtCP Mr. PP Pandey, on 7.5.2002. The investigation on Naroda Patia and Gulberg case were with Mr. SS Chudasama who was then ACP in the Crime Branch. Mr. Surolia was the supervising officer. Mr. Rahul Sharma was supposed to assist Mr. Surolia in supervising these cases. Mr. Rahul Sharma states during the course of investigation it became apparent that more and more political leaders were involved and therefore it was important to find out those who were actually involved and those who

were falsely being accused. Mr. Rahul Sharma states that he and his colleagues felt that being cases of highly specialised and sensitive nature they should first collect evidence before taking action. Mr. Rahul Sharma states that therefore they collected data from the AT & T and cell-phone company which gave details of all the calls received or made by persons holding mobile phones within the city of Ahmedabad.

778. Mr. Rahul Sharma states that the information that they sought from AT & T was received within one week's time and the information from the cell phone company took three weeks to come. Mr. Rahul Sharma explains that this information was received by the Crime Branch Joint Commissioner of Police Mr. PP Pandey and was handed over to him, i.e., Rahul Sharma. Mr. Rahul Sharma states that since CDs contained all the information received during investigation he had requested Mr. PP Pandey to keep the original CDs along with case file. Mr. Rahul Sharma prepared one copy of the CD which until the deposition of the Nanavati Commission had remained with him and on being asked by the Council these two CDs were taken on record of the Commission. There is a remark made during his deposition that it is clear that these are not the original CDs but they are copies made after zipping of the data.

779. Mr. Rahul Sharma states that he was only given oral orders to assist the investigation. Thereafter after Mr. Surolia was transferred out of Gujarat and he stopped assisting the investigation. He states that on 27<sup>th</sup> May 2002 he was again called by the Joint Commissioner of Police Mr. PP Pandey and was told to assist the investigation again. Once again this was an oral order. Mr. Rahul Sharma states that on the night between 27.2.2002 and 28.2.2002 some accused involved in the Naroda Patia and Gulberg incident came to be arrested. Since Mr. Rahul Sharma had not been informed about the raid and the arrest Mr. Sharma stated that he met Mr. PP Pandey on 28.5.2002 and told him that if he had to be part of the investigation team, he should be informed about the important developments. Mr. Rahul Sharma states on oath that he had also met A-61 Mr. KR Kaushik who had taken over as Commissioner of Police, Ahmedabad by then

and told him that if he was not going to be allowed to be involved at all stages of investigation then he would like to withdraw from it. After this incident, A-61 Mr. KR Kaushik passed an order that from the day (28.5.02) for Mr. Rahul Sharma to assist the investigation in cases that has been entrusted to the Crime Branch. Mr. Rahul Sharma also states that it appeared to him that Mr. PP Pandey Joint Commissioner, Crime Branch was not happy with the order passed by A-61 Mr. KR Kaushik and therefore A-61 Mr. Kaushik says the charge sheet came to be filed in respect of to the Gulberg Society on 3.6.2002. Mr. Rahul Sharma states that he had conveyed his feeling to Mr. PP Pandey about the charge sheet after which he was contacted on the phone by Mr. Pandey on 4.6.2002 and called to see him immediately. Mr. Rahul Sharma thereafter he went to Mr. P C Pandey's office for the Naroda Patia case papers. All the investigation papers were shown to Mr. Rahul Sharma and he was asked to assess whether the investigation paper was proper. Mr. Rahul Sharma states that on a perusal of the charge sheet he found that wrong reasons for the attack on minorities at Naroda Patiya were given in the charge sheet. Mr. Rahul Sharma states that he did not agree with his assessment and he expressed his opinion. Mr. Rahul Sharma also states that there was serious difference of opinion between him, Mr. PP Pandey and other investigating officers Mr. Vanjara and Mr. Chudasama. Discussions lasted over two hours after which Mr. Rahul Sharma had told them that since they were the investigating officers and Mr. Pandey was his superior they should decide what to do. Mr. Rahul Sharma put down his difference in writing in a letter handed over to Mr. A-61 Mr. KR Kaushik on 4.6.2002. Mr. Rahul Sharma produced a copy of that letter during his deposition before the Nanavati Commission.

780. Mr. Rahul Sharma continued the narrative to state that it appeared to him that the Commissioner of Police, A-61 Mr. KR Kaushik was not satisfied with the charge sheet filed and therefore he had again called Mr. Rahul Sharma to meet him after 10 to 15 days. It is important to note that A-61 A-61 Mr. KR Kaushik had told Mr. Rahul Sharma to scrutinise the case papers related to both these cases thoroughly and point out the discrepancies to him. A-61 Mr. KR Kaushik has

also instructed Mr. PP Pandey to send the case papers of these two case papers to his office. Mr. Rahul Sharma states that after the case papers were brought, xerox copies were prepared and handed over to Mr. Rahul Sharma. Mr. Sharma also states that FIR and the charge sheet in the Gulberg case were not consistent with each other and that by the time the Crime Branch had made out a charge sheet the version seems to have changed. The charge sheet now states that it was a fire by Mr. Jafri that led to the attack on the residents of Gulberg society. Mr. Rahul Sharma during his deposition states that he had made his critical observation vis-a-vis both the charge sheet which has been supplied to him. Within 7 days of this, i.e. on 5.7.2002, Mr. Rahul Sharma who was raising voices about the nature of investigation into serious incidents was again summarily transferred. He was posted at Commandant, SRP 11 at Vav, Near Surat.

781. On 24.3.2002, Mr. Rahul Sharma while he was still SP Bhavnagar, addressed a letter to A-25 Mr. K Chakravarti, DGP Gujarat State. This has been annexed by the Petitioner at **Annexure** \_\_\_\_\_. The letter is in connection with telephonic conversation the two of them had regarding an incident that took place in Bhavnagar the day before. Mr. Rahul Sharma said in his letter that following the arrest of 21 accused in connection with the offences the DySP and the PI of A Division police station assured the leaders and the women folk that they would be released after being presented before the Magistrate on the same day. Mr. Rahul Sharma stated in his letter that there was something peculiar about this whole incident. He says that the day before the incident, i.e. on 22.3.2002 a rumour had been spread that Hindu children had been kidnapped from the school. Consequently all the business establishments in Bhavnagar had closed down and while there were only minor incidents roads were wearing a deserted look. The next day, i.e. 23.3.2002 people had come to know that this was only a rumour and therefore the situation was reported normal. This surprising incident took place in the Badva area that has population of the Vagdi Koli community. Mr. Rahul Sharma states in his letter to the A-25 DGP that there was no reason why suddenly this incident could have suddenly erupted but

for the context of the issue of early release of accused who had been arrested by the police this incident deserves a closer look. Mr. Rahul Sharma goes on to tell his superior that he was convinced that the whole incident was pre-planned and pre-meditated. He states that anti-social elements operating at the behest of the political masters who had assured them of all legal aid even after committing crime were behind this incident. Mr. Rahul Sharma states that he felt that it was a ploy to keep the communal issue alive.

782. (Mr. Sharma records in his letter to the superiors that one of the BJP leaders had come over to him and said that early elections would now be announced). Mr. Rahul Sharma stated that his many letters to A-25 DGP Mr. K Chakravarti are required to be looked into behind the incident of 23.3.2002 and what followed. Mr. Rahul Sharma makes a strong case that the police should be sending clear messages to anyone that is involved in rioting, arson, stone pelting or hate speech would not be allowed to get away with it and if the police succumb to political pressure and release persons after they were arrested an impression would be carried that the police is functioning under their political bosses and such an impression about the police would be catastrophic for the district.

783. Mr. Rahul Sharma explains that in view of his assessment that non-partisan behaviour was the need of the hour he simply put his foot down and said that the accused would have to spend a day in the police lock up and would be presented before the Magistrate only the next day. While this decision has been taken and conveyed to the parties concerned, Mr. Rahul Sharma says that he was approached by lawyers as well as some prominent political figures urging him to secure bail early for the accused. Mr. Rahul Sharma states clearly that he did not oblige. He also stated that these leaders while urging him to give early bail to the accused also kept on threatening the administration with the bogey of more communal violence. Mr. Rahul Sharma says that it was almost as if they were saying that if these accused were not released the consequences would be a fresh outbreak of communal riot. In the context of the fragile

situation their bluff had to be called and the SP did not succumb.

784. Mr. Rahul Sharma states in his letter that when the women folk came to know of his decision they organised themselves in smaller groups and started moving towards the A Division police station. Mr. Rahul Sharma had already made it clear to their leaders that should the police station be “gheraoed” the police has been given instruction to use force as they would normally do to disperse the assembly. It was also communicated that there was no legal provision that restrained a male policemen to use force against an illegal assembly consisting of women. Mr. Rahul Sharma stated that the pressure obviously worked and the women folk after persuasion from the saner elements returned to their homes in the night. The letter concludes by saying that on the day of writing the letter to the DGP, 23.3.2002, life in Bhavnagar including in the Vadodara area has returned to normal.
785. These developments in Bhavnagar are illustrative of the conspiracy in operation. The detailed affidavit and annexure of Mr. Rahul Sharma gives us a glimpse of the kind of situation on the ground which was prevailing even three or four weeks after the Godhra incident in Gujarat. Efforts were obviously being made repeatedly to continue to foment violence and pressurise and pull the police administration to succumb. A-25 DGP Mr. K Chakravarti who is the first officer in the administrative line to become part of the conspiracy and thus let down his men on the ground. SP Bhavnagar Mr. Rahul Sharma’s letter dated 24.3.2002 is a clear indication of how such a let-down officer feels.
786. The SIT records the statement of Mr. Rahul Sharma early on in the investigation on 2.7.2009. Though the affidavit of several officers given before the Nanavati Commission and their deposition are relied upon by SIT in the investigation, the detailed affidavit of Mr. Rahul Sharma described by and his deposition appear to have completely been ignored by the SIT.
787. The statement of Mr. Rahul Sharma recorded in 2009 runs into 8 pages. In the second paragraph itself he mentions the

report of *Sandesh* newspaper that was also mentioned in his affidavit dated 1.3.2002.

788. *The SIT however does not throw any light into why the higher ups responsible for granting prosecution of the newspaper did not do so. The higher ups concerned would have been following the accused in the complaint.*
789. *The A-25 DGP Mr. K Chakravarti, Chief Secretary A-27 Mr. Subha Rao, A-34 Mr. K Nityanandam, Home Secretary, A-28 Mr. Ashok Narayan, ACS, Home and most of all A-5 Mr. Gordhan Zadaphiya, MoS Home and A-1 Mr. Narendra Modi, cabinet minister for Home affairs are all accused.*
790. The statement before the SIT of Mr. Rahul Sharma also records that the MoS Home, Mr. Gordhan Zadaphiya dated 16.3.2002 had telephonically tried to influence him about who should or should not be at the receiving end of police stringency during communal violence. Even on this the SIT does not draw any conclusion on these observations.
791. The Statement of SIT also records details about the circumstances under which the CD of telephone call records were collected by the crime branch when Mr. Rahul Sharma was assisting them and how a copy of the CD remained with him. Several paragraphs of the SIT statement are devoid of this aspect. Finally in the last few paragraphs Mr. Rahul Sharma repeats the statement about the changes in the charge sheet related to the Naroda Patia and Gulberg Society and also mentions the letter written by him to Mr. KR Kaushik in this connection. *Though these facts substantially corroborate the prima facie information given by Mrs. Zakia Jafri in her complaint dated 8.6.2006, the SIT has chosen to completely ignore them.*

#### **Reprisals Killings Lash Ahmedabad Parading of Bodies that had arrived from Godhra**

792. *The deliberate parading of dead bodies of the Godhra victims brought to Ahmedabad by A-21 Mr. Jaydeep Patel and major conspirator A-1 Mr. Modi for aggressive funeral processions in Ahmedabad was a specific charge in the*

*complaint dated 8.6.2006. Evidence to establish this charge is available from the investigation papers which the SIT has cynically chosen to ignore. No wonder that the SIT was resisting the Complainant getting access to these investigation papers.*

793. A message No.5746 of Annexure IV File IV, dated 28.2.2002, at 1.10 a.m. describes that previous day, i.e., 27.2.2002, a mob of 200 persons had been pelting stones and burning properties, shops around the bus stop. (Bapunagar ICR No.64/02). This message from the record appears to have been sent at 1.10 a.m. in the night. Another message, at pages 5798, 5803 and 5804 from Annexure III File XIV, dated 28.2.2002, 0030 hrs records that a factory was burnt at Ambika Nagar on 27.2.2002/28.2.2002 at 0030 hrs (Odhav ICR, 80 of 2002). At page no.5768 of Annexure III, File XIV dated 28.2.2002 a message sent at 2.30 a.m. records that a 100 strong mob was stone pelting and burning houses, rickshaws and damaging public property on 27.2.2002 at 1715 hrs (Odhav ICR No.78 of 2002. **(See tables in the compilation of annexures at -----)**). There are as many as 14 FIRs related to violent incidents had already been recorded by different police stations in Ahmedabad on 27.2.2002 itself. The question then is why promptly prohibitory orders were not issued, curfew and preventive action were not taken in Ahmedabad city itself as also in the far flung districts in the state where too communal mobilisation was systematically being organised within hours of the Godhra incident. What were the senior echelons of the police administration doing? It is not as if there was peace anywhere in the State after Godhra. The criminal complaint dated 8.6.2006 urges strong punitive measures and prosecution of officers for their failure to perform their basic constitutional duties.
794. The only two arrests made on February 27 were those of Mr. Mohammed Ismail Jalaluddin and Mr. Fateh Mohammed, who were picked up at Astodia that night, for shouting slogans. On February 28, of the 40 persons shot dead by the police in Ahmedabad city, 36 were Muslims (See Annexures). PC Mr. Pande's comments, "These people also, they somehow get carried away by the overall general

sentiment. That's the whole trouble. The police are equally influenced by the overall general sentiments." Here we have a top police official being indulgent towards his policemen who "somehow" get carried away by "general sentiments", (*Times of India*, March 1 2002). *SIT has simply ignored all this critical evidence.*

### **Funeral processions far from peaceful**

795. At 12:30 p.m. on the 27th of February an SIB officer through fax No 525 communicated to the headquarters that there were reports that some dead bodies would be brought to Kalupur station in Ahmedabad city. "So communal violence will occur in the city of Ahmedabad; so take preventive action."
796. Another SIB message numbered as Out/184/02 again warned about communal incidents if bodies were brought to Ahmedabad. "Communal violence will occur in the city. So take preventive action". (Identical message to the one above?) The same message said that karsevaks had given explosive interviews to a TV station at Godhra and had threatened to unleash violence against the Muslims.
797. At 1:51 hours and again at 1:59 hours on the 28<sup>th</sup> of February there were panic messages by wireless police vans positioned at Sola Civil Hospital, Ahmedabad urging immediate protection from Special Reserve Police platoons and the presence of the DCP Zone 1.
798. Message at 2:44 hours on 28.2.2002 says the motor cavalcade has reached Sola Civil Hospital. **Page No. 5790 of Annexure IV, File XIV reveals that at 04:00 a.m.** a mob comprising of 3,000 swayamsevaks, that is the members of the Rashtriya Swayamsevak Sangh (RSS), had already gathered at the Sola Civil Hospital. **Page 5796 of Annexure IV, File XIV of the documents:** At 7:14 hours the PCR van again informs the Police Control Room that a large mob had assembled at the Sola Civil Hospital. **Page 5797 of Annexure IV, File XIV of the documents:** Yet another

message three minutes later at 7:17 hours says that a mob of 500 people was holding up traffic.

799. 10 bodies were taken to Ramol, an area near Naroda and a massive funeral rally of over 5,000 to 6,000 mourners took the bodies to Hatkeshwar crematorium in the afternoon. At 11:55 a.m. a PCR message is sent out saying that the Hindu mob had become violent and had set a vehicle on fire and was indulging in arson on the highway.
800. Message at 11.55 a.m. on 28.2.2002 (*Page No. 6162 Annexure IV File XV*) says that "Sayyed Saheb, the Protocol Officer, had informed Sola-1 that riots have started at Sola Civil Hospital at (near) the High Court where the dead bodies were brought."
801. Again, there is another message with no indication of time (*Page No 6172 of 28.2.2002*) that states that the officers and employees of the hospital had been surrounded by a mob of 500 and they could not come out. The message also demands more security for the Civil Hospital at Sola.
802. *Annexure IV File XIV- Message No. 5907 and 5925 dated 11:58 hours on 28.2.2002* show that when 10 dead bodies were taken from Jantanagar Ramol to the Hatkeshwar cremation ground, a crowd of 5,000 to 6,000 persons accompanied this procession.
803. On the morning of 28.2.2002, a SIB message on page 258 of Annexure III File XIX, message No. Com/538/28/2/02 says that a funeral procession was allowed to take place at Khedbrahma, a town in Sabarkantha district. The message adds that soon after the funeral procession, 2 Muslims on their way to Khedbrahma were stabbed and the situation had become very tense. The subsequent message at page No. 262 of the same file (**Annexure III File XIX**) mentions that 150 Bajrang Dal workers were on their way from Ayodhya to Khedbrahma.
804. Another message at page 254 (**Annexure III file XIX**) – Com/574/2002 sent out at 15:32 hours on 28.2.2002 states that one more victim of the tragic train burning at Godhra,

Mr. Babubhai Harjibhai Patel, resident at Vaghrol, Tal. Vadali in Sabarkantha was brought back and a funeral procession was organised in the town.

805. Muslim residential colonies, shops & establishments had been identified beforehand and these records were available with the marauding mobs. A-25 Mr. K Chakravarti, then DGP, because of the instruction he received from A-1 Mr. Modi at the controversial meeting the night before, he does not perform his duties as statutorily required. There is no detailed and thorough message from him after the said meeting to the police stations alerting them to deal with the law and order situations firmly. One message, which is on a blank paper, needs to be studied forensically for its authenticity. This shows that A- (what does he say abt Bhatt—change statement on Bhatt) was working for accused Nos 1 A- then Commissioner of Police Mr. PC Pande was integral to the Conspiracy as he was the one who effectively neutralized the entire police machinery in Ahmedabad leading to over 300 deaths on 28.2.2002. The vast majority of those who died in both police firing and subsequent targeted mass violence were Muslims belying what the conspirators have been stating. A-29, PC Mr. Pande in fact was evidently part of the close coterie working closely under A-1 Mr. Modi. He has been a major beneficiary of post-retirement jobs and postings.
806. Most significantly he was in close touch with the CMO (the chief minister's office) at critical hours while the massacres at Naroda and Gulberg were taking place on 28.2.2002, but also while aggressive funeral processions commandeered by the VHP of the dead bodies of the Godhra victims have been brought to Sola Civil Hospital and allowed to be paraded in a macabre fashion. Mr. Pande told the SIT there was no parading of dead bodies. He was not only stating a blatant falsehood. His statement stands exposed by a careful scrutiny of the PCR records of Ahmedabad (wireless messages) that were provided by him to the SIT only after 15.3.2011. SIT too has chosen to ignore the documentary evidence contained therein. These records show that a systematic swelling of a belligerent crowd from 3 a.m. onwards on 28.2.2002 at the Sola Civil Hospital in

anticipation of the bodies being brought there by VHP strongman and co conspirator A-21, Mr. Jaydeep Patel. This crowd swells to 5,000-6,000 by mid-day when a high court judge belonging to the minority community is also attacked. (The Gujarat High Court is situated close to Sola Hospital). There is a specific message also stating that riots have broken out. *Yet SIT concludes that the processions were peaceful.*

The following table reveals how A-29, Mr. PC Pande's claim that the funeral processions were peaceful makes a mockery of the truth.

**Annex IV File XIV (Page No.5713 to 6140)**

**Dead Bodies Message on Dt. 28.2.02**

Sr. No.	Page No	Date & Time	Message	Remarks
1	5752	28.2.02 1:51hrs	Zone-1 must be present at Sola Civil Hospital	Informed Zone-1 (Reply is not available in SIT records).
2	5752	28.2.02 1:59 hrs	Send SRP Platoon to the Sola Hospital immediately	Informed SRP Control Room (Reply is not available in SIT records).
3	5758	28.2.02 2:44 hrs	Dead bodies have reached Vinzol Patiya.	(Reply is not available)
4	5766	28.2.02 2:54 hrs	Police have been informed the name & address of the victims of Godhra train carnage & have been informed who received & took dead bodies.	Inform Sola-1 (Reply is not available).
5	5786	28.2.02 3:34 hrs	Dead-bodies have reached Sola Civil Hospital.	5787 Informed Sola-1, Zone-, VIP Channel State 335
6	5790	28/2/02 4:00hrs	3000 workers (Swayamsevaks) are present at Civil Sola Hospital	Informed Zone-1
7	5794	28/2/02 6:55 hrs	Dead body of Manglaben Harjibhai Patel residing at Ta. Kadi Dist. Mehsana, sent from Sola Civil Hospital to Kadi by Ambulance No. GJ-2Y- 9968	Informed State and Control room by Fax Reply HCR and Control message passed to Mehsana 5795
8	5796	28/2/02 7:14 hrs	Control room informed how a large mob has gathered at Sola Civil Hospital	
9	5797	28/2/02 7:17 hrs	About 500 persons block traffic at Sola hospital.	Reply Message of 5796
10	5826	28/2/02 8:10 hrs	King Shree informed that 3 SRP Commandant sent from police control to Sola Hospital for extra bandobast	5827 Informed Sola-1, Zone-1, Bekar 8:25

11	5836	28/2/02 8:20 hrs	Sola-1 incharge informed that unidentified dead bodies of karsevaks have left for cremation from the Sola hospital to Gota Housing cremation house at 15:00. Keep necessary bandobast.	5837 Fax sent to State IB, ADR copy SB
12	5842	28/2/02 9:01 hrs	PI-Sola informed that 26 dead bodies identified from 56 dead bodies, and their heirs have taken their dead bodies after the procedure of identification. Informed about where dead bodies have been sent.	Informed Sola-1 9:17 pg. 5843
13	5848	28/2/02 9:15 hrs	Amraiwadi -1; informed that 10 dead bodies have come to Ramol, Jantanagar. Informed Zone-5, Iwary, that situation is very tense in Ramol Jantanagar. Send ACP there.	Illegible
14	5865	28/2/02	Acharya Giriraj Kishorji Vice president of VHP has reached Ahmedabad airport. Send bandobast.	Time not shown Pg no.5866 Informed Naranpura -2 Depart from Akhbarnagar 10:02
15	5882	28/2/02 10:10 hrs	DGP Zone-3 informed that escort for Giriraj Kishore has not come. Send immediately	Reply is not confirmed
16	5894	28/2/02 11:55 hrs	Mr. V.V. Rabari DIG (Int.) has informed that a vehicle has been set on fire/arson on highway near Gujarat High Court. Take necessary bandobast for High Court judges.	PCB/P-1 Departure Reply is not confirmed
17	5907	28/2/02 11:58 hrs	Amraiwadi-1 incharge has informed that 10 dead bodies have been taken for cremation ceremony from Ramol Jantanagar to Hatkeshwar Cremation Centre with a crowd of 5 to 6 thousand accompanying them.	Informed Amraiwadi -2, Amraiwadi Mobile, Zone-5, Tiger, CP, State Control, Reply is not available
18	5925	28/2/02 12:50 hrs	Amraiwadi-1 informed that 8 dead bodies reached at Hatkeshwar cremation centre.	Informed Amraiwadi -1, 12:55 pg no.5926
19	5942	28/2/02 11:47 hrs	Send Fire Brigade immediately to Sola High Court Road... Processionists are setting fire and spreading violence	Reply is not available
20	6035	28/2/02 14:45 hrs	2 dead bodies have been found opp. Sola Hospital and Gota Cross Road. So, immediate action to move them should be taken otherwise it is difficult to reach Sola Hospital for post- mortem.	Reply is not available
6162		28/2/02 11:55 hours	Saiyed Sahib protocol officer informed Sola - 1 that riots had broken out at Sola Civil Hospital where dead bodies brought and near High Court.	
6172		28/2/02 Time not shown	As per above mentioned subject-stated, URGENT and IMPORTANT that they were at civil hospital Sola, and officers, employees had been surrounded by 500 strong mob and they could not come out. So, there was a request to provide them security to come out from the Civil Hospital at Sola.	Add DM informed to PC Ahmedabad Fax Message informed Zone-1, Sola-1, Bankar at 18:25 hours
6539		28/2/02 16:06 hours	Stated that City collector who waited for police force went to funeral ceremony of the unidentified dead bodies from Sola hospital. He was demanding but didn't get sufficient police bandobast.	Informed to Sola-1, Zone-1, Lion

### **Sola Civil Hospital Gota (Jurisdiction)**

807. Compare the hard data above contained in the PCR messages above with the conclusions drawn by Mr. Himanshu Shukla of the SIT in his final report dated 8.2.2002:

“On 28-02-2002, twelve (12) charred dead bodies of Godhra carnage were brought to Ramol, Ahmedabad City from Sola Civil Hospital. All these deceased persons belonged to Ramol-Khokhra area. Mr. MK Tandon, Jt. CP, Sector-II instructed Mr. RJ Savani, DCP, Zone-V to make efforts to ensure that the dead bodies were moved in vehicles and not by foot, as the same would have escalated the tension. It may be mentioned here that ten (10) kar-sevaks belonged to Ramol and two (2) kar-sevaks were from Khokhra. Mr. RJ Savani succeeded in persuading the relatives and the well-wishers of the deceased to take each body in a vehicle and the funeral procession was guarded by the police up to Hatkeshwar cremation ground, about 4 kms away from Ramol-Khokhra. The funeral was over by about 1400 hrs and the crowd which had gathered on the highway dispersed thereafter.”

808. *Mr. Malhotra's Report presented to the Hon'ble Supreme Court also shockingly ignores this. SIT had received from A-29 Mr. PC Pande the scanned copies of PCR messages after 15.3.2011. He did not see fit to scrutinise them at all preferring to rely on the following denial of A-29, Mr. PC Pande who was a key part of the Conspiracy and a co-accused in this case.*

809. “Mr. PC Pande has stated that there had been no parading of dead bodies inasmuch as the trucks carrying the dead bodies under police escort reached Ahmedabad City between 0330 hrs to 0400 hrs on 28-02-2002, which means they had started from Godhra at least three hours earlier and as such there was no one to see them on the highway at dead of the night. Mr. Pande has also stated that in Ahmedabad City, the dead bodies were kept in Sola Civil Hospital situated on the outskirts of the City and that most of

the dead bodies were handed over to their relations after proper documentation by 28-02-2002 morning. In view of the aforesaid discussions, the allegation that the CM's decision to bring the dead bodies of those killed in Godhra carnage to Ahmedabad was with a view to parade them in the City is not established". (Mr. Malhotra's report dated 12.5.2010)

### **Violence Begins from the afternoon of 27.2.2002**

810. Despite a spate of incidents taking place in different parts of Ahmedabad on 27.2.2002 itself, with violent VHP mobs on the rampage after the Sabarmati Express arrives from Godhra around 1600 hours, no curfew is declared by A-29 Mr. Pande nor A-38 Mr. Shivanand Jha who are statutorily bound to do so. Curfew is only declared too late and only in part the next day (28.2.2002) in Ahmedabad -- by 12.40 p.m. (one set of records) or 13.15 p.m. (another set of records). Maintenance of law and order and protection of lives and properties through the prevention of violence was clearly not the priority for top police officers Mr. Pande found enough force to provide rabble rouser from the VHP Acharya Giriraj Kishore escort from the airport to the Civil Hospital where he could deliver inflammatory speeches and accompany the funeral procession. These jurisdictional officers are also clearly responsible for the deliberate neutralization of the Fire Brigade in Ahmedabad that is seen consciously and deliberately not responding to calls **(See tables below and in Annexures)**.
811. SIB Messages are sent out on the afternoon of 27.2.2002 urging preventive action from the Ahmedabad police because the train full of injured VHP persons was expected to arrive at the Kalupur Railway Station, Ahmedabad **(See Annexure at .....)**
- Eight dead bodies of VHP workers to be brought to Ahmedabad from Godhra to the Kalupur railway station at 15:00hrs and then they will take these dead bodies to their areas and there might be a procession in their areas. So, communal incidents will occur in the city of Ahmedabad. So, take preventive action. The police,

paralysed by the conspiracy let loose from the top, did not act.

- Likely to be Gujarat Bandh called by VHP on 28.2.02, so take preventive actions. *This SIB message went unheeded. (Reference: Annexure III, File XIX, page 355 in SIT papers, (Fax/ Vardhi No.525 12:30 Hours)*
- Eight dead bodies of VHP workers are to be brought to Ahmedabad from Godhra, at Kalupur railway station at 1500hrs and when they are taken to their areas, there might be processions in their areas. So, communal incidents will occur in city, Ahmedabad. So, take preventive action. Likely to be Gujarat Bandh called by VHP on 28.2.02. So take preventive action.
- Dead-bodies after reaching at Kalupur railway station between 3.00 to 3.30hrs and then sent to Dhanvantri Hospital at Bapunagar; condolence meeting by Bajrang Dal workers and there is possibility to Gujarat Bandh by VHP.
- On 27.2.02, a mob has attacked an AMTS and ST buses at Bapunagar at 15.00hrs and broken glasses of buses. Shops are being shut down.
- Sabarmati express train arrived at 16.13hrs at platform number 1, kar sevaks are shouting slogans (1) "*Jai Shree Ram*" (2) "*Bharat Mata Ki Jai*" (3) "*Ram Mandir Vahin Banayenge*" (4) "*Khoon Ka Badla Khoon*". - Transport is being made for them to enable them to reach their areas. There are no dead bodies that have arrived in the train. Dead bodies were given to their heirs at Godhra Civil Hospital. Kar sevaks have given interviews to ETV stating, "*Amari Sathe Gaddari Karwama Avi Che, Miyao Amari Upar Tuti Padel Che, Ane Miyaone Kapi Nakho*". They have used abusive language in this interview. **(Reference: Annexure III, File XIX, page 356-360 in SIT papers, Fax Mes. Out/184/02 dt.27/2/02, V-1 Political V-2 Discrimination To DCP (C))**
- *The SIB has recorded in detail the aggressive mobilization of the VHP that was masterminded by A-1 Mr. Modi, A-5 Mr. Gordhan Zadaphiya A- 25 DGP Mr.*

*Chakravarti, A-29 PC Mr. Pande and A-28 Mr. Shivanand Jha among others. Murderous hate speeches are being delivered by kar sevaks and yet the SIT ignores this documentary evidence and does not at all question the top level accused about it.*

812. *The bloody intent of the VHP brigade that was given a free run of Ahmedabad and Gujarat's streets is evident from the slogans recorded above by a field officer of the Fire Brigade. "Amari Sathe Gaddari Karwama Avi Che, Miyao Amari Upar Tuti Padel Che, Ane Miyaone Kapi Nakho."*
813. *What did the SIT mean by ignoring this evidence, not interrogating the concerned officers, not countering the falsehoods of the Accused and thereafter filing a closure report?*

**Violence breaks Out in Ahmedabad on 27.2.2002 itself; Why no curfew?**

**Annex IV File XIV (5731 to 6140) about incident on Dt. 27/2/02**

Sr. No.	Page No	Date & Time	Message	Remarks
1	5746	28/2/02 1:10 hrs	In between 14:30 to 15:00 on dt.27.2.02 mob of 200 persons pelting stones and arson bus & shop.	Bapunagar ICR No. 64/02 No Reply
2	5749	28/2/02 1:21 hrs	Zone-1 visits arson of shop, Opp. Samrat Dairy, Nehru park, Vastrapur	
3	5750	28/2/02 1:54 hrs	Arrange SRP for bandobast at Sola hospital, because dead-bodies have arrived from Godhra.	
4	5754	28/2/02 1:55 hrs	Mob attacks rickshaw and injures 4 persons near Ratnasagar cross road, Meghaninagar on dt.27.2.02 at 22:00	Meghaninagar ICR No. 66/02 NO Reply
5	5757	28/2/02 2:05 hrs	1 Muslim injured by sharp weapons near Express Highway on 27.2.02 at 21.45. Victim Taushif Shaeb Ali Saiyed killed.	Amraiwadi ICR No.96/02 IPC 302 Reply on page 5758- no reaction to the death and no arrest of accused
6	5760	28/2/02 2:49 hrs	ASI Meghaninagar informed that Raj Cycle Store set on fire nr. Umiyanagar. Send Fire brigade.	Reply on page 5761-tyres outside fire not shop; no damages in shop.
7	5762	28/2/02 2:00 hrs	Mob commits nr. Maruti Complex bus stand and escapes on dt.27.2.02 at 19:45	No Reply
8	5768	28/2/02 2:38 hrs	A mob of 100 persons pelted stone pelting, burnt buses and rickshaws and damaged public property on dt.27.2.02 at 17:15	Odhav ICR No.78/02 No Reply

9	5771	28/2/02 3:00 hrs	Babubhai Trikambhai and other 8 persons gathered in an unlawful assembly; damaged rickshaw and trucks Nr. Lilanagar, N.H.-8, Odhav	Odhav ICR No.79/02 No Reply
10	5775	28/2/02 2:30 hrs	Mattresses shop burnt at Pashwanath Town Ship, Naroda	Naroda ICR No. 96/02 No Reply
11	5777	28/2/02 3:20 hrs	Stone pelting on ST Bus Nr. Paldi Cross Road, and damaged public property on dt. 27.2.02 at 19:10	Ellis Bridge ICR No. 112/02 No Reply
12	5779	28/2/02 3:30 hrs	H.M. returned from Godhra to Gandhinagar via Khatraj Cross Road, Hirapur Cross Road & Jashodanagar	Reply on page 5780
13	5783	28/2/02 3:06 hrs	4 Unknown persons burnt rickshaw and Injured one Muslim with sharp weapons Nr. C.T.M., Ramol on dt.27.2.02 at 21:45	Amraiwadi ICR No.97/02 Reply illegible 5784
14	5786 & 5788	28/2/02 3:40 hrs	50 to 60 persons pelting stone and arson car, two bikes & houses damaged. Incident occurred at Rajnagar, Paldi on dt.27.2.02 at 19:35	Ellis Bridge ICR No. 113/02 Reply illegible 5789
15	5792	28/2/02 3:45 hrs	Mattresses shop burnt at Vasna, Send police	Reply on page 5793 – Fire Brigade has reaced & fire put out
16	5798 5803 5804	28/2/02 00:30 hrs	Factory burnt at Ambikanagar on dt.27.2.02 at 00:30	Odhav ICR No.80/02 Reply on page 5806 – informed state CID & IB
17	5801	28/2/02 3:50 hrs	Mob attacked and Injured one Muslim Nr. Mahalaxmi Cross Road, Paldi on dt.27.2.02 at 20:30	Ellis Bridge ICR No. 114/02 Reply on page 5802- FAX TO STATE Home, IB & CID
18	5805 5806	28/2/02 4:20hrs	Mob attacked and Injured one Muslim, Nr. Law Garden on dt.27.2.02 at 20:15	Ellis Bridge ICR No. 116/02
19	5807 & 5808	28/2/02 4:28 hrs	4 unknown person attacked and Injured one Muslim, Nr. Kathwada Road, Naroda, on dt.27.2.02 at 19.30	Naroda ICR No. 97/02
20	5813	28/02/02 5:15 hrs	H.M. Reached home in Ahmedabad.	
21	5815	28/02/02 5:22 hrs	H.M. leaves Residence to go out in Gandhinagar.	
22	5840	28/02/02 8:45 hrs	13:10 injured Jafarbai died at 18:45 Nr. Rameshwer cross road, on dt. 27.2.02	Meghaninagar ICR No. 65/02 No Reply

### EXPLOSIVE CONTENT IN POLICE CONTROL ROOM RECORDS

814. Important data available from Annexure IV, File XIV, points to the further ingredient of a conspiracy in the inaction and complicity of the co-accused in the complaint. A detailed perusal of the records contained in this file that relates to the print out taken from the CD submitted by A-29 Mr. P.C. Pandey, former Commissioner of Police, Ahmedabad. It

contains scanned copies of the message of the police control room, Ahmedabad city for 28.2.2002. The content is explosive. It needs to be repeated here that these files containing valuable documents which are contemporaneous records were earlier concealed by A-29 Mr. P.C. Pandey from the investigation conducted by SIT between 2009 and March 2011. It is only after the Hon'ble Supreme Court directed SIT to conduct further investigation under Section 173(A) and further order that the Ld. Amicus Curie, Mr. Raju Ramachandran should independently evaluate evidence collected by SIT that A-29 Mr. PC Pandey, in a mysterious move, produced the scanned copies of the CDs containing 3,500 pages. Despite the fact that this was highly irregular, in fact downright illegal, the I.O. SIT, Mr. AK Malhotra chose not to question him about his concealment and subsequent disclosure of these documents. Moreover, Mr. Malhotra did not even register that a serious offence of concealment has been made out. It is this unaccountability by the SIT itself that is supposed to conduct investigation that has resulted in their present closure report. If they had inspected the records, done a careful analysis, evaluated the evidence available, they could never have come to the conclusion that prima facie the complaint is vindictive. (See Letter of co-petitioner in SLP 1088/2008, Ms. Teesta Setalvad, Secretary, Citizens for Justice and Peace at Annexure IV, File VII, Sr. No. 118).

**Stationing Ministers in the Control Room as Part of the Conspiracy Masterminded by A-1 Mr. Modi on 28.2.2002**

**This decision was obviously taken to:**

- to monitor riots/interfere in police functioning;
- to ensure police inaction;

815. A-29 Mr. P.C. Pande, the then CP, Ahmedabad City has stated before the SIT that it was incorrect to say that Mr. Ashok Bhatt, the then Health Minister (A-2) was stationed at Shahibaug Control Room on 28-02-2002 to guide the police force in controlling the Law & Order situation. He has further stated that Mr. George Fernandes, the then Union Defence Minister arrived at Ahmedabad on 01-03-2002 and directly

drove to CP office from the airport to find out as to whether Army had been deployed in the State or not. Mr. Fernandes reached CP's office around 1000 or 1030 hrs and asked Mr. Pande about the deployment of Army, to which latter said that they could check up from the Control Room. Both of them went to the Control Room downstairs. According to A-29 Mr. Pande, A-2 Mr. Ashok Bhatt, who had been waiting for Mr. Fernandes in the Circuit House, also came to CP's office to meet Mr. Fernandes and entered the Control Room. A-29 Mr. Pande has also stated that Mr. Fernandes and A-2 Mr. Ashok Bhatt remained in the Control Room for about 10 minutes and then left CP's office. According to A-21 Mr. Pande, during this visit to the Control Room, some of the press and media persons were also present and as such it was somehow made to appear that A-2 Mr. Ashok Bhatt had come to monitor the Control Room. Finally, A-29 Mr. Pande has stated that A-2 Mr. Ashok Bhatt was never deputed to Shahibaug Police Control Room to guide or advise the police. A-2 Mr. Ashok Bhatt stated before the SIT that he might have visited Ahmedabad City Control Room for about 5-10 minutes on 28-02-2002. However, he has denied to have interfered with the police work, as being a senior minister he had to maintain his dignity and status. Again on 01-03-2002, he admitted to have visited the Shahibaug Control Room for about 10 minutes to meet Mr. George Fernandes, who had gone to CP's office.

816. The fact of the presence of senior ministers of the cabinet of A-1 Mr. Modi in the two control rooms has not been disproved. A different interpretation is sought to be given. This was a very controversial decision taken by the Govt. to place two of its Ministers in the State Police Control Room as well as Ahmedabad City Police Control Room. Though evidence is available to establish that both the Ministers visited the respective Control Rooms, and the SIT is forced to acknowledge this. it in its bid to protect the accused it deliberately does not measure the allegation with the fallout and consequences of the direct interference in the city of Ahmedabad and state that has been charged.

817. *Surely the SIT should have evaluated this allegation in the light of the systematic attempts to ensure VHP marauders*

*the run of Ahmedabad ad Gujarat, the paralysis in the administration, the questionable and illegal decision of A-25, DGP Chakravarti, A-29, Mr. PC Pande and A-38, Mr. Shivanand Jha to allow the parading of the dead bodies and violent attacks, including the sinister design of holding back the Fire Brigade so it could not douse fires and save lives?*

### **Criminal Negligence of the Ahmedabad Fire Brigade under PC Mr. Pande**

818. At page 5939 in Annexure IV, File XIV dated 28.2.2002, a message timed at 1240 hrs records that a polytechnic college was set on fire but nobody was there in the Ahmedabad Fire Brigade to pick up the phone. The remark in this message states that Fire Brigade officer Mr. Jadeja was informed about this criminal lapse.
819. *Should he not have been penalised? SIT has not bothered either to investigate or answer. The SIT has simply not looked into why for hours on 28.2.2002, the Fire Brigade's phone calls were simply ringing and there was no reply and that Mr. Jadeja's refusal to depose was part of a criminal conspiracy to protect the lapses after the train burning at Godhra.*
820. Another message at page 5945 in annexure IV File XIX dated 28.2.2002 1220 hrs records a fire at Parikshit Nagar, Dani Limda. Again there was no response from the Fire Brigade despite the fact that repeated calls were made from the wireless phones of the local police. Neither the Gujarat police, nor its Crime branch that conducted the special investigation after June 2002, nor the SIT has interrogated Fire Brigade officials as to the reason behind not picking up the phone. A third message at page 5947 from Annexure IV File XIX, dated 28.2.2002, 1228 hours reports the fire at Sujata Flat, Shahibaug. (Office of the Commissioner of Police, Ahmedabad is also located at Shahibaug, not far away from Sujata flat. The wireless police van repeatedly calls the Fire Brigade to come to the rescue of the residents but yet again no one picks up the telephone. The police even inform Gordhanbhai from Shahpur Fire Brigade at 1330 hrs about this serious lapse. But neither the Gujarat police, nor

the crime branch nor the SIT do any investigation into this shocking conduct of the Fire Brigade.

821. At Page No.6138, even before the above mentioned incident at 1122 hrs on 28.2.2002 (Annexure IV File XIV), Samir Patel had informed Mr. Gordhanbhai, an officer from Shahpur Fire Brigade about the setting on fire of two restaurants at Ronak complex, Panjrapole, Navrangpura.
822. In continuation of the same pattern, another message in wireless van recorded at page 5948 Annexure IV, File XIV, dated 28.2.2002 1145 hrs states that the fire at Abilasha hotel, Panjrapole was fierce. But repeated calls to the Fire Brigade got no response. Then again in the same message at page no.5948, at 1152 hrs the wireless police message states that the Gujarat Auto workshop, Usmanpura, is on fire and the same Mr. Gordhanbhai of Shahpur Fire Brigade had been informed at 1313 hours. The question remains why Mr. Gordhanbhai was not questioned at all by the SIT.
823. At page 5950, Annexure IV File XIV, dated 28.2.2002 time 1236 hrs information of fire at Lati Bazaar, Kagdapeet is sent out by the wireless police van; and again there nobody picks up the telephone at the Fire Brigade station. Again Mr. Gordhanbhai of Shahpur Fire Brigade is informed but nothing is done. The SIT investigation does not investigate why the Fire Brigade at Ahmedabad between 10 a.m. to 9 p.m. on 28.2.2002 was simply not responding to the telephone calls.
824. Finally we have at page 5951, Annexure IV File XIV, a message recorded at 1240 hrs on 28.2.2002, stating that 'Gallant' has informed that the Fire Brigade has been sent. Did the investigating agencies, aware that the Fire Brigade was not responding for such a long time, investigate whether the Fire Brigade that had been sent actually reached the spot and douse the fire?
825. Page 5952 of Annexure IV File XIX at 1244 hrs indicates that the wireless police van has again informed Mr. Gordhanbhai at Shahpur Fire Brigade of the fire near Gawri cinema. We have no knowledge from the investigation whether Fire

Brigade was sent, whether it arrived and whether it put out the fire. There is another request sent to the Fire Brigade from Mrs. Mariam Beevi, sent at Meghaninagar at 1300 hrs on 28.2.2002 and the message at page 5972 of Annexure IV File XIV states that the Fire Brigade was informed about the fire at 1409 hrs. Similarly, at pages 5954–5955 of the same file dated 28.2.2002, 1300 hrs, the DCP informs the wireless van to get the Fire Brigade and wireless van records that Mr. Gordhanbhai from Shahpur has been informed of the same request at 1313 hours. Clearly, Mr. Gordhanbhai would be a critical witness to examine but he was not. Similarly, distress calls are made and recorded of fire all over Ahmedabad. A bakery is set on fire at 1308 hrs ( See page 5552 of Annexure IV File X), again Mr. Gordhanbhai from the Shapur Fire Brigade had been informed; wireless of Mani Nagar again request the Fire Brigade from Gandhinagar at 1313 hrs (Page 5856) dated 28.2.2002 1313 hrs); Page 5954-5955 Police constable Mr. Chaudhary informs Mr. Gordhanbhai of the fire at Drive-In at 1330 hrs; and at page 5974 of the same file there is evidence that a fire has occurred at shops at Sanjay Patel Cross Road near Ketan Cross Road and the Fire Brigade is also informed of these fires. There is demand for the Fire Brigade from all over the city; arson had been carried out as is evident from the tables below at 47 locations across the city. Surely it was the duty of the SIT to thoroughly investigate how many Fire Brigade vehicles the Ahmedabad city had, how many were commissioned, how many were used? For there to be no proper response from the Fire Brigade suggests something sinister.

826. A close look at the table recording messages by the Fire Brigade taken out from Annexure III, File XIV, several such calls were made which nothing in the investigation to show whether they were responded to and the fires doused. Which authority does the fire come under – the Commissioner of Police or the District Magistrate/Collector? Surely the concerned authorities should have been questioned about the shocking conduct of the Fire Brigade and their apparently wilful failure to respond to distress calls. This is also an aspect which requires detailed further investigation.

827. Of the 26 plus 21 calls desperately asking for the Fire Brigade from different parts of Ahmedabad (there may be many more but given the concealment and conspiracy all records have not been seized), at least 10 of the records clearly state that repeated calls elicited no response.

**Annexure IV File XIV**

**Callousness of the Fire Brigade**

**Date 28/02/2002**

Sr. No.	Page No	Date & Time	Message	Remarks
1	5939	28/2/02 12:40hrs	Arson at Polytechnic College; send Fire Brigade.	No one replies nor picks up the phone at the Fire Brigade. Then the caller informed Fire Brigade officer Jadeja about this matter. 5934 Reply Informed Naranpura-1 13:27
2	5945	28/2/02 12:20 hrs	Parikshitnagar, Dani Limda - there is a fire at the above mentioned place - send Fire Brigade	Caller calls again and again but no one answers the phone at the Fire Brigade 5934 Reply Informed Gordhanbhai Shahpur Fire Brigade, 13:30
3	5947	28/2/02 12:28 hrs	Opp. Sujata Flat, Shahibaug - fire at abovementioned place - send Fire Brigade.	Caller calls again and again no one take the call at Fire Brigade. Informed Gordhanbhai, Shahpur Fire Brigade at 13:30 hrs. Reply is not confirmed.
4	5957	28/2/02 12:20 hrs	Abhilasha hotel, Panjrapole cross road. - fire at above mention place. Send Fire Brigade.	Called 3 times but no one answered the telephone at the Fire Brigade. Informed Gordhanbhai, Shahpur Fire Brigade at 13:30 hrs.
5	5948	28/2/02 11:45 hrs	Abhilasha hotel, Panjrapole cross road. - Fire at above mentioned place. Send Fire Brigade.	Called again and again; no one answers the phone at the Fire Brigade
6	5948	28/2/02 11:52 hrs	Guj. Auto centre, Usmanpura. - fire at above mention place. Send Fire Brigade.	Informed Gordhanbhai, Shahpur Fire Brigade at 13:30 hrs. Pg no. 5949 Informed Naranpura-1-2, 12:45- 12:50
7	5950	28/2/02 12:36	Kagdapith-2 informed that Latibazar has been set on fire, Send Fire Brigade immediately.	Called again and again no one answers the telephone at the Fire Brigade. Informed Gordhanbhai,

				Shahpur Fire Brigade at 13:30 hrs. Reply is not available
8	5950	28/2/02 12:39 hrs	Kagdapith-2 informed that Salatwada set on fire; send Fire Brigade immediately.	Informed Gordhanbhai, Shahpur Fire Brigade at 13:30 hrs. Reply is not available
9	5951	28/2/02 12:40 hrs	'Galant' sends message for Fire Brigade	Informed Gordhanbhai, Shahpur Fire Brigade at 13:30 hrs. Reply is not available
10	5952	28/2/02 12:44 hrs	Informed that one jeep near Gauri cinema has been set on fire. Send brigade immediately.	Informed Gordhanbhai, Shahpur Fire Brigade at 13:30 hrs. Reply is available Pg no.5953
11	5952	28/2/02 13:08 hrs	Civil mobile informed that a Bakery has been set on fire. Send Fire Brigade.	Informed Gordhanbhai, Shahpur Fire Brigade at 13:30 hrs. Reply is available Pg no.5953
12	5954 5955	28/2/02 13:00 hrs	DCP asks for Fire Brigade to be sent to Naroda	Informed Gordhanbhai, Shahpur Fire Brigade at 13:30 hrs.
13	5954 5955	28/2/02 13:15hrs	P.U. Chaudhri informed Drive-in set on fire .....	Informed Gordhanbhai, Shahpur Fire Brigade at 13:30 hrs.
14	5956	28/2/02 .....hrs	Sabarmati-1 informed that shop Nr. Vallabhpark Sabarmati set on fire; send Fire Brigade.	Informed Gordhanbhai, Shahpur Fire Brigade at 13:30 hrs. Reply is not available
15	5956	28/2/02 13:13hrs	Mani Nagar-1 informed that ..... send Fire Brigade.	Informed Gordhanbhai, Shahpur Fire Brigade at 13:30 hrs. Reply is not available
16	5968	28/2/02 14:08 hrs	Send one RAF company to Shahpur	Informed Fire Brigade at 14:09 hrs. Reply is not available
17	5969	28/2/02 13:55 hrs	PC Jitendrabhai informed that 2 shops burnt at NID Circle, send .....	Informed Fire Brigade at 14:09 hrs. Reply Pg no.5970 Informed Ellis bridge-1-2 mobile, Zone-1, Bekar, 14:00
18	5969	28/2/02 14:04hrs	Lunsawad, Mithabhai Deha, Dariyapur. Fire at above-mentioned place	Informed Fire Brigade at 14:09 hrs. Reply Illegible
19	5971	28/2/02 13:50hrs	Sardarnagar-3 informed of a fire at Hansol Chandrabhaga send Fire Brigade; also informed that gas cylinder are also there and possibility that fire will intensify	Informed Fire Brigade at 14:09 hrs. Reply is not available
20	5971	28/2/02 13:32 hrs	Dariyapur V-1 informed that a Fire Brigade must be sent to Salatwad	Informed Fire Brigade at 14:09 hrs. Reply is not available

21	5972	28/2/02 13:00 hrs	Send Fire Brigade to Mariyambibi cross road, Meghaninagar	Informed Fire Brigade at 14:09 hrs. Reply Illegible
22	5972	28/2/02 13:35 hrs	Fire in shop at Pitaliyabamba. Send Fire Brigade	Informed Fire Brigade at 14:09 hrs. Reply pg no.5973 Informed Shahpur 1-2, 13:40
23	5974	28/2/02 13:30 hrs	A fire has occurred at a shop at Sardar Patel cross road, nr. Ketan Cross road. Send Fire Brigade immediately informed by Naranpura-I	Informed Fire Brigade at 14:09 hrs. Reply is not available
24	5974	28/2/02 13:55 hrs	Informed Fire Brigade that they should reach Anupam Fruit Market	Informed Fire Brigade at 14:09 hrs. Reply is not confirmed
25	5975	28/2/02 14:05 hrs	Informed Fire Brigade that a fire has burst out at the crackers shop at Delhi Darwaza	Informed Fire Brigade at 14:09 hrs. Reply is not confirmed
26	6138	28/2/02 11:22 hrs	Samir Patel informed that two restaurants near Raunak Complex have been set on fire; Panjrapole, Navrangpura,	Informed Gordhanbhai, Shahpur Fire Brigade at 13:30 hrs. Reply Pg no.6139 Informed Naranpura-1-2 mobile, Zone-1, Bekar, 12:35

**Annex IV File XVII (6941to 7368)**

**Fire Brigade Message on dt.28.2.02**

Sr. No.	Page No	Date & Time	Message	Remarks
1	6962	28.2.02 20:06hrs	Informed the Honda Show room has caught fire at above mentioned place.	Informed Fire Brigade 20:10hrs Reply Sent Fire Brigade At Pg. no.6963
2	6964	28.2.02 20:12	60 shops of Hindus have been set on fire at above mentioned place.	Informed the Fire Brigade 12:12hrs Reply Informed Fire Brigade Pg no.6965
3	6986	28.2.02 20:35	Dariyapur-1 stated that fire burst out at Saraspur Mandir. Send Fire Brigade immediately.	Informed the Fire Brigade and got reply that they would reach there. Reply Nr. Hindu Mandir gave reply immediately Pg no.6987
4	7084	28/2/02 21:24 hrs	Gomtipur informed that shops are being set on fire and are burning at above mention place. Send Gomtipur Mobile.	Informed Shahpur Fire brigade Reply Informed to Kalupur mobile Pg no.7085

5	7090	28/2/02 21:10hrs	Bh. Gujarat Boiling Co. Shreeji Estate, Maniyar Tailor Gali, Asarwa, Rakhial Informed that Fire at above mentioned place	Informed Rakhial Fire Brigade at 21:15 hrs Reply Informed Saher Kotda-1 Pg no.7091
6	7104	28/2/02 21:40hrs	Rakhial Opp. Pritam Hotel, Maha Gujarat Bakery, Rakhial Po. Stat. Informed that place set on fire there; violence and stone pelting at above mention place	Informed to Rakhial I,II, Zone-5, Informed to Fire Brigade Reply Send to Fire Brigade from Rakhiyal-1 Pg no.7105
7	7130	28/2/02 21:50hrs	Opp. Pritam Hotel, Maha Gujarat Bakery, Rakhial police station set on fire there, violence and stone pelting at above mentioned place	Informed Rakhial I,II, Zone- 5, Informed Fire Brigade No Reply
8	7136	28/2/02 21:55hrs	Astodia Road, Nr. Municipal Kotha, Colour Merchant CO. Bank (Astodia) Informed that bank burnt at the above mention place. Send Fire Brigade immediately Informed to Khadia-1	Informed Fire Brigade Reply Informed Khadia -1 Pg no.7137
9	7138	28/2/02 21:26hrs	Rakhial Cross Road Informed that fire and stone pelting at the above mentioned place. Informed to Rakhial I, II	Informed to Shahpur Fire Brigade No Reply
10	7148	28/2/02 21:08hrs	Girdharnagar, Makubhai chawl, behind Water Tank, Shahibaug Fire at abovementioned place Informed Shahpur Mobile	Informed Shapur Fire brigade at 21:20 hrs Reply Informed Shahpur mobile Pg no 7149
11	7152	28/2/02 20:05hrs	Jagannath Road, Nr. Lathi Bazar, Kagdapith – a Maruti Van being burned and there is stone pelting. Informed Kagdapith I, II	Informed Fire Brigade Reply Informed Haveli mobile Pg no.7153
12	7213		Asarwa Railway Colony. Houses are set on fire at above mentioned place	Informed Shahpur Fire Brigade at 22:20hrs <i>Note:- date, time tele no. not mentioned</i> No Reply
13	7222	28/2/02 22:23hrs	Naranpura Alka Stores Cross Road - Fire in shop at above mentioned place – Informed Naranpura I,II	Informed Fire Brigade Reply Informed Naranpura-1 Pg no. 7223
14	7233	28/2/02 22:52hrs	Behind Traffic Booth, Delhi Darwaza - Houses are set on fire at above mentioned place Informed Dariya I,II, Shahpur I II	Informed Fire Brigade Reply Informed Shahpur mobile Pg no.7234
15	7247	28/2/02 22:55hrs	State Bank of Saurashtra, Kankariya Branch, Pushpakunj Society, Kagdapith Bank burnt at above mentioned place. Informed to Kagdapith I,II, Kite Zone VI	Informed Fire Brigade by telephone No Reply
16	7251	28/2/02 22:5 0hrs	Opp. PD Pandya College, Vatwa Fire at the above mentioned place and	Informed Fire Brigade Reply

			people injured Informed Vatwa I,II	Informed Vatva 1-2 Pg no.7252
17	7260	28/2/02 22:30hrs	Send Sab Vahini at Idgah Chowky for carrying dead body from Pathan's chawl, Asarwa. Send Fire Brigade	Informed Shahpur Fire Brigade 23:25 hrs called again and again - no one pick up Reply Informed Suroliya Saheb on mobile Pg no.7261
18	7297	28/2/02 11:10hrs	Send Fire Brigade immediately because fire has broken out at Railway colony behind Asarwa Bridge Corner.	No one responding at Fire Brigade Shahpur Reply Informed Fire Brigade mobile Ishvarbhai Pg no.7298
19	7297	28/2/02 23:10hrs	PSI AL Raol from Ellis Bridge police station stated that send Sab Vahini to bring a dead body from Paldi chowk to VS Hospital	Tried phoning again & again but no response from Fire Brigade Shahpur at 23:25hrs Reply Informed Fire Brigade mobile Ishvarbhai Pg no.7298
20	7301	28/2/02 23:28 hrs	Fire at Royal Building, near Zakariya Masjid, Opp. Matumal Tanumal's shop, Kalupur. Informed Kalupur I II, Dollar Zone-III	Informed Fire Brigade Reply Informed Kalupur-1-2 mobile Pg no.7302
21	7318	28/2/02 23:00hrs	Dharmbhumpark Society, PD Pandya College Road, Ghodasar – set on fire informed Vatwa I,II	Informed Fire Brigade no one responding on telephone Reply Informed Ishvarbhai Pg no.7319

### **FAILURE TO ORDER ADEQUATE BANDOFAST EVEN AFTER THE MASSACRES ON 28.2.2002**

828. The State Intelligence Bureau's messages show that even after the ghastly killings on 28.2.2002 in Ahmedabad city (adjacent to the state capital, Gandhinagar), police bandobast was far from adequate. The Accused No.1 Mr, Modi and the co-accused in the police administration are clearly implicated for their failure to effectively police these areas even after over 300 people had been massacred. Specifically accused no.29, Mr. PC Pandey, Commissioner of Police, Ahmedabad, Mr. Shivanand Jha, accused no 38, additional Commissioner of Police, Ahmedabad, Mr. MK Tandon, accused no.33, JtCP, Ahmedabad , Mr. MT Rana, accused no.57, ACP, Ahmedabad and P.B. Gondia, Mr.

DCP, Zone IV, (inadvertently not made an accused in the complaint) are directly and criminally culpable.

829. By 1030 hrs on 1.3.2002, the details relating to the tragic Gulberg Society massacre are also recorded through a message available at page 340 of Annexure III File XIX. In this message the SIB records that as many as 76 persons have been killed (the charge sheet only speaks of 69); that 18 out of the 21 dead bodies had died by burning; 31 died in police firing, 13 have been injured by police, 9 have been injured by private firing; 14 persons injured through stone pelting; 25 Muslims were missing (the bodies had been possibly charred beyond recognition). The use of 18 tear gas shells, 34 SR and 28 hand grenades are also mentioned in this message.

#### **VIOLENCE CONTINUES EVEN AFTER 28.2.2002**

830. The message at page 480, Annexure III File XIX, Fax Mes. Vardhi/No.624 dated 2.3.2002 states that at 1230 hrs a mob of 200 to 250 persons had broken into and burnt shops at Rammanohar chowk at Meghani Nagar. Not a single policeman was on the spot. The remark made by the SIB officials state that even after the Golibar incident in the same area the day before, neither the government nor the police administration had done anything to ensure that law and order was restored. The conspiracy to allow targeted and perpetrated violence to continue unhindered is borne out through evidence from the official records.
831. Again on page 431 of the same file, Annexure III File XIX, message No. Vardhi/100 /618 dated 1.3.2002, 1327 hrs again send form the D.O. (Int), Ahmedabad to the ACP, Mr. SB Trivedi's Intelligence office, Ahmedabad, it is clear that the situation was not only explosive in the Dani Limda area but there was serious apprehension that further violence could take place both in Meghaninagar (where Gulberg society massacre had been allowed in broad day light on 28.2.2002) and also at Naroda (where two massacres at Naroda Patia and Naroda Gaon had also been allowed in broad day light on 28.2.2002). The SIB message warned the

police to take necessary and immediate action. Obviously the warning fell on deaf ears.

832. Incident after incident continued to take place in the Meghani Nagar area of Ahmedabad on 1.3.2002. It must be sated here that deliberately not arresting culprits after allowing violence against innocent members of the minority community was very much a part of the plot. Despite the fact that on 28.2.2002 the ghastly and shameful incident at Naroda and Gulberg had taken place in broad day light (from 8.30 and 9.00 a.m. right until 9 p.m. in the evening), not a single person in the mob or any mob leader was arrested that day. Was this omission of the police or calculated connivance? This is what the Ld. Court has to decide.
833. At page 423 of Annexure III File XIX, message no. Vardhi No.621 dated 1.3.2002 at 1528 hrs gives further evidence of the lawlessness that was allowed uninhibited and uncontrolled. The message said that mob of 500-600 had broken shops and burnt shops at Laxminagar also in Meghaninagar police station area; again not a single police man was sighted. Was the Gujarat police on leave, holiday? The remark in the message states that even after the Gulberg incident the police had not maintained proper bandobast.
834. The same message at page 406 of Annexure III File XIX, message No.Vardhi/630 dated 1.3.2002 at 2138 hrs records that a total of 14 unidentified bodies from the Gulberg society massacre area had been brought to the Ahmedabad civil hospital for post-mortem on 1.3.2002 and the day before; on 28.2.2002, 21 unidentified dead bodies had been brought. This made a total of 35 identified dead bodies on whom post-mortem had been conducted from Gulberg massacre (the government of Gujarat in its refusal to admit to the massacre had until 2007 in the hearing of BN Pathak/Satya Prakash/CJP case in the Supreme Court (Writ Petition – Criminal, 37– 52/2002) This denial of the tragedy is also part of the conspiracy to mislead constitutional and statutory bodies which is a continuing part of the conspiracy alleged in Mrs. Zakia Jafri's complaint dated 8.6.2006.

835. The unidentified bodies from the Naroda police station area are brought to the Ahmedabad civil hospital for post-mortem only on 2.3.2002. A message of the State Intelligence Bureau at page 390, Fax/Vardhi/ No.662, dated 2.3.2002 at 2027 hrs records that 4 such bodies were brought.
836. Two critical messages from the SIB records, sent on 28.2.2002, one at 14.50 hours and the other at 17.00 hours inform the SIB headquarters, the DGP and the state home department of the attack on Gulberg Society. (They are found in **Annexure III, File XVIII, D-160 (SIB) which is a compilation of** 'Copies of fax messages sent by the regional officers of State IB to Addl. DGP (Intelligence) Gujarat for the month of February 2002. (Volume-I)'. The message, at page 94 of the file, sent by Mr. KK Sonara to Mr. CJ Bharwad states that, "an unruly mob had rushed into Gulberg society and seized the society". This message first disclosed by former DCP-(S) Int. Mr. Sanjiv Bhatt has not been denied by the SIT. Another message at page 105, time 17.00 hours talks of the burning alive for former parliamentarian Mr Ahsan Jafri after he was attacked by dead weapons. None in Gandhinagar can deny knowledge of the perpetrated attack on Gulberg society.
837. *Yet the SIT has chosen to let the accused off lightly. On the day of the massacres as detailed herein, A-3 Mr. IK Jadeja (15:56:40 hours) and A-5 MOS Home Mr. Gordhan Zadaphiya (17:02:38) are found through their mobile phone locations to be in the Meghaninagar area, Why? SIT has not bothered to investigate the reasons.*

### **Delinquency of Public Servants**

838. As regards the situation on 28/02/2002 about Gujarat Bandh it is stated that on the same day, since the morning only, incidents started taking place at various places and losses of lives also took place on large-scale in which major incidents took place at places like Naroda Patia, Gulberg Society, Naroda Gaam. It is pertinent to note here

that all the above areas belong to the same sector and same zone under jurisdiction of the following officers in the descending order of the high ranking officers:-

1. P.C. Pandey – Police Commissioner.
2. M.K. Tandon – Joint Police Commissioner.
3. P.B. Gondiya – Deputy Commissioner of Police.
4. M.T. Rana – Assistant Commissioner of Police.
5. K.G. Erda – Meghaninagar Police Inspector.
6. K.K. Mysorewala – Naroda Police Inspector.

839. Thus, viewed from offences-point of view, the vital major incidents have taken place in the jurisdictions of the above officers and it also remains a fact that at the time of each major incident, not a single senior officer was present at the place of incident. And whenever they were given messages for rushing to the critical trouble spots, they chose to be somewhere else. Thus their conduct clearly indicates that they behaved exactly as decided in the top-level meeting held at the residence of the Chief Minister on the previous night. These officers arrived on the scene of violence only after the carnage was over.

840. In view of the above facts, on the important incidents, no formality was completed by any police officer as it appears. Further, they have only tried to shift the basket of blunder on one another and they have only attempted to ward off their individual responsibilities and their evasive replies have been accepted by the SIT officers and they have not considered the evidences placed before them.

841. If the above facts are taken into consideration, various police officers have not discharged their following respective duties and by doing so, they have helped and abated directly and indirectly in the commission of the crimes / offences.

**842. The Chain of Command Responsibility that emerges in the first instance is as follows (for Ahmedabad City):**

**Politicians (CM Mr. Modi, Ministers), IAS Officers and IPS Officers and Other Policemen)**

**Police:**

**Accused No 29, Commissioner of Police, Mr. PC Pande**

**Accused No 38, Additional Commissioner of Police, Mr. Shivanand Jha**

**Accused No 33, Joint Commissioner of Police, Mr. MK Tandon**

**DCP Zone IV, Mr. PB Gondia**

**Accused No 57, ACP Zone IV Mr. MT Rana**

**Accused No 56, PI Mr. KK Mysorewala**

(Statements against Mysorewala by witnesses recorded by SIT).

**Accused Nos 55, PI Mr. KG Erda (Gulberg; he has been made an accused)**

**All the three officers (Accused Nos 29 Mr. PC Pande, Accused Nos 38, Mr. Jha and Accused Nos 33 Mr. Tandon) had their offices in the same building – the office of the Commissioner of Police, Ahmedabad City.**

**Analysis of phone records of Mr. PC Pande**

**Analysis of Documentary Evidence**

**How Mobile Towers Work**

- a) A Mobile Tower Covers a Radius of 16 kilometres (10 miles in circumference)
- b) In normal times, the nearest tower would pick up the signal from a mobile number located within its area
- c) When there is heavy congestion, the tower, next in proximity could pick up the signal from the same mobile
- d) That is to say that even within the distance of say the Meghaninagar area (where Gulberg Society) is located, the towers that could pick up signals could be the one showing Shayona Plaza, Meghaninagar or the one showing Kedar Towers, Shahibaug, Kubernagar near Sardarnagar.

**843. Accused Nos 29 Commissioner Mr. PC Pande:**

He was in his office till about 1:00 am on the night of 27.2.2002 that is the early morning of 28.2.2002. In normal times, he used to leave office at around 7 p.m. every evening. It was an apprehension of trouble and a seasoned

assessment that after the Godhra incident, some trouble may break out that on 28.02.2002 that made him stay so late. This clearly suggests that he was aware of the gravity of the situation following the Godhra carnage on 27.02.2002.

844. He arrived at his office in the morning of 28.2.2002 at around 8:00 am. His normal schedule shows that he used to arrive at his office at about 10:30 a.m. His early arrival again shows that he was aware of the gravity of the situation.
845. Mr. Pande left his office at around 9:45 a.m. and went towards Gota. This is likely to be his visit to the Sola Civil Hospital, where the dead bodies of the Godhra victims had been kept. He returned and reached office at around 10:50 am. He was confined to his office for the whole of the day and did not move out till about 19:10 hrs, when he probably went to Gulberg Society, Meghaninagar.
846. The important point to be noted is that during the peak period of the communal violence, he did not move out of his office. (It also appears that he did not issue any instructions to any of his officers and let things take their own course. However, this aspect would be discussed later.)
847. An Analysis of the phone records of Mr. PC Pande presented by the co-petitioners to SIT shows that on 28.02.2002 he had received/dialed a total of **302 calls on his mobile phone**. He had dialed **39 numbers** from his mobile phone. Out of these 39 calls, he had called up the DGP, Mr. K. Chakravarti, 6 times, Mr. Shivanand Jha 8 times, and his DCPs 8 times. He had called DCP, Zone IV, Mr. PB Gondia only twice: at 15:16:12 hrs and 15:54:39 hrs. **DCP Mr. Gondia was specifically responsible for the Gulberg society, Meghaninagar and Naroda areas.**
848. **Chief Minister's Coterie (15 Calls received)**  
**Significantly, from the critical calls received on his mobile phone by Mr. Pande from political superiors who are from the close confidential coterie of the chief minister, there are as many as 15 calls received and made to the men who moved with the CM.**

1. Firstly, there are 5 incoming calls received by Mr. PC Pande from the PA to the chief minister, Mr. Tanmay Mehta on February 28, 2002 (at 11:14 hours 13:21 hours, 15:38 hours, 15:57 hours, and 19:26 hours). This was the time of the peak violence when neither Mr. PC Pande, nor any political heavyweight in the state moved to the affected areas.
  2. Mr. PC Pande received 2 calls from Mr. Sanjay Bhavsar, OSD to chief minister's phone number, once at 13:07 hours and then at 14:22 hours.
  3. Mr. PC Pande receives and makes 7 calls from Mr. Anil Mukim, Additional Principal Secretary to the chief minister on that day. His call records show that at 13:09 hours, 13:12 hours, 15:43 hours, 15:50 and 21:14 hours there were four incoming calls recorded to the number of Mr. Mukim. At 20:09 hours and then at 21:03 hours he made calls to Mr. Mukim's number.
  4. Mr. PC Pande receives one call from Mr. AP Patel, PA to the chief minister's mobile at 17:17 hours on February 28, 2002.
  5. Mr. PC Pande is in touch with Mr. Ashok Narayan (then Additional Chief Secretary, Home) 8 times during the day. Each time it is he who calls the number (outgoing calls) at 13:52 hours, 14:17 hours, 14:19 hours, 15:02 hours, 15:25 hours, 20:11 hours and 23:26 hours and 23:42 hours.
  6. Mr. PC Pande is in touch with Mr. SK Nanda, Secretary Health and Family Welfare Board once during the day at 15:05 hours.
849. Mr. PC Pande (Accused No. 29) was Commissioner of Police, Ahmedabad City. The above narration clearly shows that Mr. Pande was directly in touch with CMO and another Minister, Mr. Gordhan Zadaphia, MOS, Home. He did not take any action, has shown absence of superior command. But SIT has suppressed his role in the conspiracy. **Note: The three men close to the chief minister, Mr. Tanmay Mehta, Mr. Sanjay Bhavsar and Mr. OP Singh (PA to the CM) did not file any affidavits before the Nanavati-Shah-Mehta Commission till after the co-petioners in SLP 1088/2008 submitted analysis and data on phone call records of the CMO to SIT in 2010.**
850. Mr. Mehta filed his two page affidavit dated January 22, 2010, Mr. Bhavsar on January 22, 2010 and Mr. OP Singh on February 1, 2010 For eight years after the carnage, they had found no reason to file an affidavit. In these two page

affidavits, they have explained away the calls made or received from Mr. Zadaphiya (MOS Home) and Mr. Jaideep Patel saying they were probably official and due to passage of time they do not recall what was spoken.

### **Other Politicians**

851. Mr. PC Pande received six calls from Accused No. 5, MOS Mr. Home Gordhan Zadaphiya on February 28, 2002: 11:31hours, 14:20 hours, 14:5 hours, 16:20 hours, 17:16 hours and 19:11 hours.
852. Mr. PC Pande spoke to Mr. Narottam Patel, minister at 13:56 hours from his office landline number. Mr. PC Pande spoke to Mr. Ashok Bhatt, state health minister twice, first at 15:09, second time 18:31 hours (both are incoming calls).
853. The phone call records of the chief of police, Mr. PC Pande need to be collated with wireless communications, control book records, message books and phone records. **This has been studiously avoided by the SIT.**
854. Mr. PC Pande's Phone records need especially to be collated closely with the records of both the Police Inspector in Charge of Meghaninagar police station (**Gulberg massacre**), **Mr. KG Erda** and that of Police Inspector of Naroda police station area (**Naroda Patia and Naroda Gaam**), **Mr. KK Mysorewala.**
- 855. Mr. PC Pande's Role as Revealed After an Analysis of the CD** (This has been analysed by the co-petitioners and submitted to the SIT and is part of the Investigation Papers). The phone call records of both Mr. PC Pande and Joint Commissioner of Police Mr. MK Tandon show that at the critical time when the latter visits Gulberg Society (between 11:43 a.m. and 12:42 p.m.), when the mob build up is at its height, the **two speak to each other six times.** For Mr. Pande or the latter to say that he was not aware of what happened is a bare untruth.

856. The SIT tried to rush through recording the evidence of Joint Commissioner Mr. MK Tandon – under whose jurisdiction both Gulberg and Naroda fall – despite the fact that an application under section 319 of the CrPC has been filed against him asking him to be arraigned as accused in the Gulberg Massacre Case.

857. Worse, the SIT has sought to record one more **161 statement of this retired officer recently. But none of the statements reflect interrogation on the gross lapses committed under his jurisdiction especially the fact that:**

- a) Adequate forces failed to reach Gulberg society despite repeated calls made to the Police Control Room (PCR) that are part of official records.
- b) He as Commissioner would get intimations every 15 minutes of the PCR information.
- c) The first time that the Fire Brigade was called to Gulberg Society was at 1855 in the evening when the massacre had been completed and all homes were burning. Despite this call, the official panchnama shows that the fire inside Mr. Ahsan Jafri's home was burning for three-four days after the crime.

**858. Mr. Pande Speaks to Accused**

Accused No. 29 Mr. PC Pande speaks to Accused No 21 Mr. Jaideep Patel, VHP Gujarat general secretary and accused in the Naroda Patiya and Gaam massacres once during the day at 19:31 ours (incoming call).

859. Analysis of calls made from his landline in office to mobiles of officers show that he connected to **mobiles operating in Ahmedabad City only 13 times** (out of 302 calls). Out of these 13, 12 were incoming calls on his landline phone. He made just one phone call from his landline number and that too was probably not to an officer. In addition, this single call was made at 20:10:56, when most of the action had already taken place. **It can be concluded that he did not use the landline to pass orders or instructions to his field officers. Why did Mr. Pande not contact officers on Mobiles regularly on 28.2.2002?**

860. As reported in the newspapers at the time, Mr. Pande had claimed that he had no information of the happenings in Naroda Patiya or Gulberg Society. This is virtually impossible in field situations. Further, his knowledge of the two incidents gets support from call details, as has been explained above. It must also be that since Mr. Pande was not informed of the incidents, he would not have sent any message to the officers in the field. Thus, it can be concluded that there was virtually no instruction from Mr. Pande to take action against the violent mobs at different places.
861. The statement of Mr. Pande before a prominent television channel only speaks his mind and his deep involvement in the conspiracy. He had said, during the riots, *“Where the whole society has opted for a certain colour in a particular issue, it’s very difficult to expect the policemen to be totally isolated and unaffected.”*
862. **Was Mr. Pande speaking of his own state of mind when he said this? Did he also want this (the communal pogrom) to happen?** The SIT has concluded that Mr. Pande was busy handling the dead bodies of the victims of Godhra Carnage. There are two aspects of this. Firstly, cell phone records show that he was sitting in his office all day long. He hardly seems to have done anything with respect to the dead bodies except paying a visit in the morning to the Sola Civil Hospital. Secondly, is it a priority for a police officer to “handle” the dead bodies when the whole city is burning? Should he omit his basic duty to protect human life and property and, instead, go about “handling” dead bodies? If he was so sensitive about the dead bodies, why did he allow the bodies to be brought all the way from Godhra by road through the streets of Ahmedabad? Did he also want the passions to flare up? The whole story of Mr. Pande attending to the dead bodies of the Godhra train carnage victims seems to be maliciously cooked up. At best this is a lame alibi.

863. The inaction on the part of Mr. Pande is very apparent. The question that arises is regarding the cause of this inaction. Did he omit to take necessary measures out of his own volition? Or was he coerced into doing this? The first option is less likely because Mr. Pande had nothing to gain from this. The second option is more likely. If this were so, who could have “pushed” Mr. Pande into such gory acts of omission? It could only have been someone who was significantly more powerful than him. The needle of suspicion points towards the political leadership, which had everything to gain in view of the impending elections and the poor electoral fortunes of the BJP.
- 864. The failure to act by Mr. Pande surely amounts to criminal negligence.** A quick perusal of the statements of PC Mr. Pande, Mr. MK Tandon and many other senior officers recorded by the SIT under section 161 of the Code of Criminal Procedure, are perfunctory and superficial. There appears no desire at all to get to the root of the failure to protect lives of the police and administration.
- 865. On the evening/night of 27.02.2002, a meeting was held under the chairmanship of the CM, Mr. Narendra Modi. Mr. Pande was one of the officers who attended the meeting. What instructions were given to him in the meeting? Were the officers instructed to take firm action? If that was so, then would any officer have dared to disobey the CM over a legal order? And above all disobey the present CM? It is most unlikely.**
866. The government, till this day, has also not taken any disciplinary action against any officer for not following its legal orders. This suggests that it is not agitated by the intentional lack of compliance of its legal orders. Hence, that such a thing would have happened is most unlikely – almost impossible.
867. The other possibility is that the officers were instructed to “let things happen”? This instruction seems to be consistent with the conduct of the officers and very much in the interest of the political party in power. It is also consistent with the conduct of the government in the whole issue – officers who

supported the 'mission' were suitably rewarded with important postings; officers, who stood up for their call of duty, were shifted to insignificant and difficult posts.

868. The mind of the political leadership can also be established by the manner in which the whole of the Godhra Carnage was handled personally by the CM – the bringing of the dead bodies by road through the busy areas of cities including Ahmedabad is just one example. Other acts intended to “provoke” would certainly be within the knowledge of the SIT.

**869. PC Pande has been one of the most crucial collaborators who have *post facto benefitted for his criminal negligence.***

a) Phone call record analysis of Mr. PC Pande for the whole of Ahmedabad city but especially for the Naroda Patiya and Gaam charge sheets suggest that key questions needed to have been put to him by the investigation agencies which have not.

**b) Has his statement as CP Ahmedabad even been recorded by the SIT in the Naroda Patia case?**

The phone call records of both Mr. PC Pande and Joint Commissioner of Police Mr. MK Tandon (below) show that at the critical time when the latter visits the worst affected areas (between 11:43 a.m. and 12:42 p.m.) when the mob build up is at its height, the **two speak to each other six times.** For Mr. Pande or the latter to say in affidavits before the Commission that he was not aware of what happened is a bare untruth.

**870. Accused Nos 38, Mr. Shivanand Jha:**

He, too, was in his office late in the night till about 1:15 am on 28.02.2002. Normally, he used to leave office at around 7:00 pm. Further, he arrived at his office at about 5:10 am on the morning of 28.02.2002. As in the case of Mr. PC Pande, his being in his office till late hours and arriving very early suggests that he, too, was aware of the gravity of the situation.

871. It is seen that both the sector heads – Mr. MK Tandon (see below) and Mr. Shivanand Jha did not move out of their offices till about 11:00 a.m. despite mounting tensions and reports of gathering mobs and skirmishes. Even Mr. PC Pande, who had gone to Sola Civil Hospital, does not appear to have been involved in the control of riots. He probably was more concerned with his visit to the dead bodies at Sola Civil Hospital. As has been discussed earlier, all the three officers did not take early action to nip the riots in the bud, as has been provided for in the Gujarat Police Manual.
872. If this is true, then the acts of omission on the part of Mr. PC Pande and Mr. Jha could be part of a larger conspiracy to allow the mobs to kill and plunder. Consequently, he would stand as an accused in all the major riot cases being investigated by the SIT, namely, the massacres at Gulberg Society, Naroda Patiya and Naroda Gaam.
- 873. Analysis of Calls and Location of Mr. Shivanand Jha:**  
On February 27, 2002 Mr. Shivanand Jha receives **68 phone calls**, mostly from numbers out of the official government directories. This suggests they are phone numbers either owned by politicians or officials (unofficially) or they were using phones actually in other's names. On the next day, that is, February 28, 2002 Jha records as many as **192 calls** in his phone records of which four calls are ones he has made to then Gujarat Power Minister, Mr. Kaushik Jamnadas Patel (an MLA elected from his area) and another three are those that he makes to then MLA, Dr. Maya Kodnani, who was an MLA from an area outside his jurisdiction.
874. Mr. Jha's phone call records show that he speaks to Joint Commissioner Mr. MK Tandon once at 18:16 hours (Jha calls Tandon). Mr. Jha and Mr. PC Pande are in touch 9 times during the day which shows that they are clearly aware of the inaction of the police and action of the mob.

### **Mr Jha and the Chief Minister's Coterie**

875. Mr. Jha is also in touch with Mr. Harsh Brahmbutt a close aide of the chief minister from whose number the chief minister could have made calls at 19:35 hours.

#### **Mr. Shivanand Jha**

- a. He was posted as the Additional Commissioner, Sector-I, Ahmedabad City during the riots of 2002. He had not moved out of his office till about 11.00 a.m. despite reported large-scale violence within his jurisdiction. Proof of this is found from the CDR analysis of the CD submitted by Mr. Rahul Sharma to the Nanavati-Shah Commission, which has also been submitted to the SIT. By not taking prompt action, he permitted the riots to grow in their intensity. Widespread rioting, looting and arson took place in his jurisdiction. The deaths were, however, less in number because of geographical and demographic factors. He took no preventive actions during the previous night. Therefore, he is as much a party to the riots and ironically, his name was proposed by the State Government for inclusion in the SIT.
- b. He was considered very close to Mr. PC Pande and key to exploring the complicity of the chain of command responsibility in the violence. Mr. Pande stands seriously indicted for the failure to control the violence in Ahmedabad city, the delayed imposition of curfew, the participation in illegal acts at the best of the state government issues in unminuted meetings on the evening of February 27, 2002 and early morning of February 28, 2002. Under the circumstance, he could not be seriously expected to interrogate Mr. PC Pande and investigate his role, which are borne by the subsequent acts of omission of the SIT.
- c. The phone call records of Mr. Jha for February 28, 2002, the day of the worst violence in Ahmedabad city reveal that among other persons he did make 3 calls to MLA, Dr. Maya Kodnani who was an accused in the Naroda Patiya (since convicted) and Gaam (trial ongoing) massacres though she was not an elected representative of the zone under his jurisdiction.
- d. When he was posted to Rajkot in 2002, he managed to stay in Ahmedabad, where his family was, almost all through his tenure of more than a year with the blessings of Mr. PC Pande.

- e. He continued as a favoured officer of Mr. Pande even till the latter's tenure as DGP. He has held the most influential postings (e.g. a secretary in the Home department, IG of Police, Surat Range). He continued as the head of the Surat Range even after his promotion to the rank of Additional DGP, which has never been heard of. He was posted as Commissioner of Police, Surat City. This demonstrates that he has been consistently close to and is a trusted person of the political executive.
- f. As per his own admissions, in confidence, before some of his colleagues, he claims that he had been directed not to move out of his office and let the riots fester by Mr. PC Pande. It is only natural that the SIT chose to ignore the role Mr. PC Pande in the communal violence in Ahmedabad City given Mr. Jha's role in the SIT.
- g. He had also brought the Police Control Room, Ahmedabad City, under his charge with the permission of Mr. PC Pande. Therefore, for this reason the SIT omitted to investigate as to why politicians were sitting in the Ahmedabad City Police Control Room and whether they had any role to play in the major massacres.
- h. He was a Secretary in Home Department of the Government of Gujarat for nearly three years while the present complaint was pending before the Supreme Court when he consistently took the position and was a party to the affidavits on behalf of the State that the investigations of these cases should not be handed over to the CBI or transferred out of the State. Although it can be argued on his behalf that he was voicing the position of his Government, it cannot be denied that in him the Government had found a trustworthy and reliable instrument for its unethical and crafty manoeuvres.
- i. He is the person who personally cleared all the affidavits that had been filed by police officers, who had been employed in Ahmedabad City at the relevant time, before the Nanavati-Shah Commission enquiring into the Gujarat riots. Many of these affidavits contain false declarations and had his conscious approval.  
Mr. Shivanand Jha should have been questioned on this.  
Was this done?

**876. Accused No. 33, Mr. MK Tandon:**

He, too, was in his office late in the night till about 1:15 am on 28.02.2002. In normal times, he also used to leave office at around 7:00 pm. Further, he arrived at his office at about 8:30 a.m. on the morning of 28.02.2002. As in the case of Mr. PC Pande, his being in his office till late hours and arriving early suggests that he, too, was aware of the gravity of the situation.

Analysis of the cell phone data shows that Mr. MK Tandon was confined to his office till about 11:25 a.m. after which he probably visited the Gulberg Society.

**Tandon at Gulberg Society**

877. In a parallel trial of the Gulberg society massacre, through the evidence led there -- police witnesses Mr. Arvind C Vaghela and Mr. Dhanaysigh Becharsingh, Mr. Tandon did not order the Force available with him at the time he went to Gulberg Society to fire and disperse the mob. It is clear that Mr. Tandon had visited Gulberg society at around 11:25 am on the morning of 28.02.2002 but as police witness testimonies reveal before the trial court, despite coming with a striking force and faced with a restive and violent mob met him, junior officers pleaded with him to send men and arms, he left with this well equipped force to another location.

878. At 12:06:57 p.m. (afternoon), Mr. Tandon received a phone call from Mr. PC Pande. Mr. Tandon was around Meghaninagar at that time. They talked for about 75 seconds. What they talked about is not known? While just outside Gulberg society, Mr. Tandon receives this call from Commissioner of Police, Mr. PC Pande and it is assumed that the two would have spoken about the violence and restiveness of the mob at Gulberg eases a bit. This means that when Mr. Tandon got a call from Mr. Pande, police had either already resorted to firing or the mob surrounding the Gulberg Society had become so restive that police firing was imminent. In such a situation, Mr. Tandon would certainly have mentioned to Mr. Pande the grave environment prevailing at the Gulberg Society. **This does not happen.**

879. Inexplicably, after talking to Mr. Pande, Mr. Tandon heads for Naroda Patiya. If this movement was on the instructions

of Mr. Pande, it shows that Mr. Pande, who pleaded ignorance of the incidents at Gulberg Society and Naroda Patiya before the Commission of Inquiry, was actually fully aware of the entire happenings. And that he committed perjury when he wilfully misled the Commission.

**880. At 11:34 a.m. he makes a call to his DCP, Mr. PB Gondia when he is located under the Shayona Plaza Tower Area which is within 1.5 kilometres of the Gulberg Society, Meghaninagar. Eye-witnesses and police witnesses have testified to Mr. Tandon's visit. This has not been denied by Mr. Tandon on oath.**

Did Mr. Gondia and Mr. Tandon also move on and visit Naroda Patia area?

881. Then again at 11:43 a.m. he makes a call to Mr. Pande on the latter's mobile no. He makes a call thereafter to the Police Control Room at 11: 47 a.m. He then receives a call at 11:48 from an undisclosed landline number and 10 minutes later he makes another call, and again at 11:58 a.m. He receives another call from an undisclosed number to the Control Room landline. At 12:06 p.m., he receives a call from Mr. PC Pande (mobile). Thereafter he makes a call to Mr. RJ Savani, DCP Zone V (a neighbouring zone) at 12:09 p.m. He is still in this area when he makes a call to Mr. Pande at 12: 37 p.m. In between at 12: 11 pm he makes a call to DCP Mr. Jabelia of Zone VI while his location shows at Kailash Complex, Naroda. When he receives a call from Mr. Savani at 12:13, he is at the same location but a minute later at 12:14 when he calls Mr. PC Pande his location shows up at Kubernagar. There are other calls including two calls made to Mr. PC Pande at 12:18 p.m. when he is at the Kubernagar location. Between 12:11 p.m. to 12:33 p.m. when he receives and makes a call his location is shown as Kailash Complex Naroda. But thereafter at 12:41 and 12:42 he is shown at Vishal Diamond Factory near New India Colony at Bapunagar. This could be at a location near a factory owned by MOS Home Mr. Gordhan Zadaphiya. This needs to be investigated through an Inquiry held by the Court. Then he is out of the affected area and is shown to be in the vicinity of or at the Bora marriage Hall, Rakhial, Char Rasta (12:44) p.m.

882. The phone call records of both Accused No. 29 Mr. PC Pande and Accused Nos 33 Joint Commissioner of Police Mr. M.K. Tandon show that at the critical time when the latter visits Meghaninagar, Gulberg Society (between 11:43 a.m. and 12:42 p.m.) when the mob build up is at its height, the **two speak to each other six times**. For Tandon to explain away his departure without leaving behind the striking force that he had come with (evidence before the Trial Court) is inexplicable. At 12:06:57 p.m. (afternoon), Mr. Tandon received a phone call from Mr. PC Pande. Mr. Tandon was at Gulberg Society at that time. They talked for about 75 seconds. What they talked about is not known?
883. Mr. Pande can also not absolve himself of this criminal inaction on the part of his deputy.
- **What were they conversing about?**
  - **Are they not responsible for the death and destruction?**
884. Mr. MK Tandon's phone call records show that he also received many calls from both political bigwigs and some accused. **Was his decision to leave Gulberg society unprotected a professional decision or governed by political pressure?**
885. At around 12:10 pm, there is wireless message from the vehicle of Meghaninagar Police Station to the Police Control Room informing that police had resorted to firing at Gulberg Society. Now, someone familiar with police operations would agree that it is not that police fires and rushes to inform the Police Control Room. Police would fire and then would inform the Control Room only when the situation eases a bit. This means that when Mr. Tandon got a call from Mr. Pande, police had either already resorted to firing or the mob surrounding the Gulberg Society had become so restive that police firing was imminent. **In such a situation, Mr. Tandon would certainly have mentioned to Mr. Pande the grave environment prevailing at the Gulberg Society.**

**886. Mr. Tandon Converses with Co Accused Politicians around the same time.** Mr. MK Tandon's phone calls records show that he received many calls from both political bigwigs and some accused:

887. At 00:00:32 on 28.2.2002 he received a call from Mr. Gordhan Zadaphiya, MOS, Home (Accused No 5) and later in the day around 5 pm. a call from Mr. Kaushik Jamnadas Patel, state minister for power (Accused No 7). Mr. Nimesh Patel, accused of killing eight people was also in touch with him at 22:28:34 on 28.2.2009.

**888. When does Mr. Tandon Reach Adjoining Naroda Patiya**  
Mr. Tandon reaches Naroda Patiya at around 12:15 pm, imposes curfew at 12:29 pm in Naroda Patiya (wireless message records of the same are available), and then leaves Naroda Patiya at about 12:33 pm – **within 4 minutes of imposing the curfew!** At this point a huge mob had already gathered at Naroda Patiya and its intentions to kill and plunder were apparent. It was for this reason that Mr. Tandon had to order the imposition of the curfew. However, Mr. Tandon made no effort to implement the curfew. He left the place leaving the hapless residents of Naroda Patiya undefended.

889. After leaving Naroda Patiya, Mr. Tandon goes to Dariapur & Revdi Bazaar areas where nothing is happening and all is quiet. Thus, Mr. Tandon is neither at Gulberg Society nor at Naroda Patiya despite having full knowledge of the prevailing situation at the two places. He is not present at the place where the crime is taking place despite having sufficient police force at his disposal. He, thus, intentionally abdicates his responsibility and abets the commission of the crime by the riotous mob.

890. Was this omission on the part of Mr. Tandon a mere act of cowardice or was it an intentional omission to leave the mob to kill, rape and loot? Given that he had earlier been instructed by Mr. PC Pande to "let things happen", it is most likely that he fell in line and allowed the pre-planned pogrom to be executed without any obstruction or resistance. It is *only after talking to Pande*, his superior in the chain of

command responsibility that Mr. Tandon heads for Naroda Patiya. If this movement was on the instructions of Mr. Pande as the records of the PCR and Phone analysis show, they also reveal that Mr. Pande, who pleaded ignorance of the incidents at Gulberg Society and Naroda Patiya before the Commission of Inquiry, was actually fully actually aware of the entire happenings. And that he committed perjury when he wilfully misled the Nanavati Shah Commission.

**Evidence led against Mr. Tandon accused for part of his role in Sessions Case Nos 152/2002 (Gulberg Trial):-**

891. The relevant statements from the Gulberg trial are:  
Police Witnesses PW 7 Arvindsinh Vaghela's statements dated 7.3.2009 and his deposition dtd 10.9.2009, PW 13 Gunman Umavat's statement dated 7.3.2009 and Deposition dated 9.2.2010; PW 269 Natwarsinh Bhatte's statement dated 7.3.2009 and deposition dated 9.2.2010; Similarly the statements and Depositions of Fire Brigade officials outlining Mr. Tandon's role as in PW 271 Himmatsinh Bharatsinh Sisodia statement dtd 27.9.2008 and deposition dated 10.2.2010; PW 270 Anwarmiya Balumiya Shaikh's statement dtd 27.9.2008 and deposition dated 10.2.2010; PW 272 Rewabhai Krishnabhai Rathod's statement dated 29.9.2008 and deposition dated 10.2.2010; Tandon's personnel gunmen i.e. PW 316 Ramubhai Naghbai Vada's statement dated 20.12.2009 and deposition dated 6.9.2010, PW 317 Navalsinh Ramsinh Baria's statement dated 1.11.2009 and deposition dated 6.9.2010. The statements and depositions of eyewitnesses implicating Mr. Tandon in the Gulberg case include those of PW 106 Imtiyazkhan Pathan, PW 116 Saeedkhan Pathan statement dated 22.5.2008 and depositions around October-December 2009. Fakir Mohammed statement dated 23.5.2008 and deposition in the Trial Court.

892. **DCP Mr. PB Gondia, Zone IV (Meghaninagar and Naroda Areas) DCP Zone IV Mr. PB Gondia was in touch with key accused, Dr. Maya Kodnani, Mr. Jaideep Patel and Mr. Nimesh Patel seven times through the day on 28.2.2002.**

**Details:**

Analysis of DCP Zone IV, Mr. Praveen B Gondia's Phone Call Records:

On the morning of 28.2.2002 at 10:30:11, Gondia receives a call from Dr. Maya Kodnani's mobile (09825006729). Mr. Gondia receives two further calls from Maya Kodnani at 10:39 hours and 17.05 hours. Mr. Gondia receives three calls from Mr. Jaideep Patel of the VHP and accused in the Naroda Gaam and Patia Cases at 11:40 hours, 11:52 hours, 12: 20 hours. **This is a crucial time when the violence is building up, mobs are attacking Naroda Patiya, Gaon and Gulberg Society.**

893. Mr. Gondia speaks to Mr. Nimish Patel an accused, six times during the day at 13:53 hours, 14"13 hours, 15:01, 18:55, 21:43 hours, and 22:10 hours.

**Other Politicians**

Mr. Gondia receives two calls from state minister Mr. Kaushik Kumar Patel (Accused No. 7) at 17:24 hours and 17:29 hours. Mr. Gondia also receives three calls from Mr. K. Nityanand, Secretary Home department at 19:40 hours, 23:15 hours and 23:16 hours.

**Location Analysis**

Mr. Gondia's records show that from 12:35 hours to 22:01 hours on February 28, 2002 he was in the Narol and Meghaninagar areas and yet did nothing to dispel the mob, call the Fire Brigade or stem the violence.

At 18:55:59 and then again at 21:43:23 P B Gondia (9825049197) received a call from Mr. Nimesh Patel (9824255788). It appears as if this officer was regularly reporting to these two. Mr. PB Gondia (9825049197) made a call to 09824255788 (Mr. Nimesh Patel) and then at 11:40:02 he (09825049197) received a call from Mr. Jaideep Patel (9825023887).

**894. PI Mr. KG Erda**

**(Now accused by SIT in its charge sheet dated May 16, 2009 after protests from victims)**

Analysis of the Calls Made and Received by Mr. KG Erda, I.O. Meghaninagar (Lowest in the Chain of Command vis a vis Gulberg Society)

- Mr. Erda's phone call records show that he had been in constant touch with the Control Room through 27.2.2002 and 28.2.2002. In fact even the day of the Godhra Train Burning tragedy, PI Mr. Erda had been in touch with the Control Room from 1.21 p.m. to 11.10 p.m., even being in touch with his immediate superior, Mr. Gondia.
- On 28.2.2002, of the 28 logged calls made and received by him, 13 were made by him to the police; 10 calls logged on his mobile show that he called the Control Room 10 times speaking for a total of 688 seconds that is about 11 minutes; three Calls were made by him to the local, Meghaninagar Police Station during which he spoke a total of 65 seconds that is a little over a minute; 2 calls were made to DCP Mr. Gondia and 2 calls to Joint Commissioner of Police, Mr. M.K. Tandon.
- **The fact that this police officer, the man on the spot, the PI was in touch with the Control Room except between 15:33 p.m. and 17:52 p.m. (that is for a period of two hours and twenty minutes), when he preferred to call his immediate bosses DCP Mr. Gondia and Joint CP Mr. MK Tandon could also lead to some revelations. This is because this was a critical period of the killing and carnage at the Gulberg Society when frantic messages to the Control Room could have yielded more immediate help and results.**
- In Police and Law Enforcement language, a call to the Control Room means a call to the Commissioner of Police, Ahmedabad in this case. Various officers in charge of the Control Room are expected, area wise to report to the CP every 15 minutes. A close scrutiny of the Phone Call login records of the various Police Stations connected with these trials, the Police Control Room, Shahibaug Ahmedabad, and State Control Room, Gandhinagar would reveal which officers had performed their duties and informed their superiors. If these records then show that after having received such critical information from a close coterie of senior officers who were in touch with the CMO, they did not act, then allegations of conspiracy get substantiated. It

was expected that SIT would ruthlessly investigate these records to arrive at a watertight conclusion, one way or another. SIT's failure to do so and to submit charge sheets in the critical Gulberg Massacre case without any of these investigations being attempted leave alone completed, suggests a desire to cover up what all along the Gujarat Police and State of Gujarat have been trying to do.

- To top it all, the phone call records of PI Meghaninagar Mr. KG Erda also reveal that on 28.2.2002 he was in touch with influential and key accused at various times of the day. At 15:20:35: Erda (98250116221) receives a call from 792682186 (then MLA Dr. Maya Kodnani's Office No.), a call lasting 19 seconds. Dr. Kodnani was Minister Women and Child Development in 2009 when she was given notice of arrest by SIT. She then absconded for several days before surrendering to be arrested. Mrs. Kodnani thereafter resigned her position and was refused bail by the Gujarat high court (She has since been convicted and given life sentence in the Naroda Patia case). At 18:20:31 Mr. Erda (98250116221) again called 09825006729 (Dr. Maya Kodnani's mobile) and speaks for 93 seconds again from the Meghaninagar area.
- Mysteriously, PI Mr. Erda, at 17:59:24 on 28.2.2002, (98250116221) also called 09824255788, a mobile number of accused Mr. Nimesh Patel, who is accused of killing 8 people in Naroda Gaam. The call lasted 24 seconds. In what could be the strangest co-incident or have the ingredients of a sinister conspiracy, the accused Mr. Nimesh Patel spoke from his mobile number (098242255788) four times on 28.2.2002, at 12:40, (for 29 seconds), at 10:03 (for 32 seconds) at 20:58 (22 seconds) and at 12:21 (154 seconds) to Accused No. 16 (in Mrs. Jafri's complaint) former MLA and Minister Dr. Maya Kodnani on 28.2.2002 as well.

**896. Accused No. 56, PI, Mr. KK Mysorewala, PI Naroda Police Station**

- The analysis of the mobile phone records of this policeman, in charge of a police station area where the worst carnage took place yields a curious result: His phone call records show a strange absence of calls.
- He received only two calls on 28.2.2002 on his mobile. First at 10:55 hours from Mr. Jaideep Patel, VHP general

secretary Gujarat and accused in the Naroda Gaam and Patiya massacres. The second call he has received at 21:54 hours from an unidentified mobile number. An analysis of the call details of PI Mr. KK Mysorewala (09825190775) (now promoted) show that on 27.2.2002 there is only one call received by him on his official number. The number calling was 09825047044. On 28.2.2002, his phone records show that he (Mysorewala, a policeman) was in touch with VHP accused, Mr. Jaideep Patel, accused in the Naroda Gaam and Patia cases. He received a call from Mr. Jaideep Patel (09825023887) at 10:55:20 for 28 seconds. He was shown in Narol, Naroda at the time and this was when the massacre was at a feverish pitch.

**897. The moot question is whether the failure of the Ahmedabad police was due to the fact that they were ill-equipped to handle an explosive situation or whether the attacks on Naroda Patia Society were motivated by a murderous and well-calculated desire to massacre, burn, rape, loot and kill.**

898. Eyewitnesses and victim survivors have spoken of the anguished calls made by them for help. Was the failure to respond a genuine human lapse or a pre-planned conspiracy at the very highest levels to allow people to be raped, molested, burned and killed at Naroda Patia after the attack started around 9 a.m. and went on until late evening?

#### **Other Evidence from Naroda Patia Trial**

899. While SIT has arraigned second PI from the Naroda police station as accused, despite crucial criminal lapse being attributed by half a dozen witnesses to first PI Mr. KK Mysorewala (promoted after 2002 and is now SP) no moves have been made to charge him until recently when some witnesses who were attacked allegedly at the behest of Dr. Maya Kodnani complained of this lapse to SIT;

900. Fifteen witnesses in their statements both before SIT and made earlier, at the minimum have named accused number one Mr. Babu Bajrangi Patel (Accused no. 22 in Mrs. Jafri's complaint) as not just accused but leader of the mob,

mastermind etc. He is a key person behind the massacre that led to 95 (non-official figures state 110) persons being slaughtered. His Bail was not cancelled during Trial (**His Phone call Record Analysis and Locational Analysis will follow**). **While the trial was on, he threatened advocates appearing for the witnesses.** (Along with Dr. Kodnani, he too has been convicted in the Naroda Patia case and given life imprisonment).

901. Mr. Suresh Langda Richard Chara, another accused named by as many as 53 witnesses as also an accused figuring on a self-confession of heinous crimes in *Tehelka's 'Operation Kalank'* for murder rape and ghastly crimes similarly was not sought to be re-arrested by SIT; (He, too, has been given life imprisonment in the Naroda Patia case).

**902. Detailed Phone Call Records of First PI Mr. KK Mysorewala (9825190775)  
28<sup>th</sup> February 2002-**

1. At 21:54:02 9825013220 made a call to PI Mr. KK Mysorewala, (9825190775)- duration 1 second- location Kothari Tower,Sabermati-2. The owner of the phone is unidentifiable and the I.O.s need to be queried in this regard.
2. At 10:55:20 VHP General Secretary (Mr. Jaideep Patel 9825023887) made a call to PI Mr. K.K. Mysorewala (09825190775)- duration 28 seconds- location Kailash Complex, Shop no.105, Naroda-Narol H/W, Abad.-1.
3. Evidence led against this accused for part of his role in Sessions Case No. 235/2009 PW 52, Amina Abassbhai Belim's statement dated 30.5.2008 and deposition dated 18.1.2010; PW 143 Dildar Umrav Saiyed's statement to police and the SIT dated 4.5.2002, 3.6.2008 and 14.9.2009 and deposition dated 24.6.2010; PW 157 Mohammed Shafi Allahbux Mansuri's statement dated 14.9.2008 and deposition dated 27.8.2010; PW 73 Babubhai Maiyuddin Saiyed's statement dated 12.5.2002 and deposition dated 15.2.2010; PW 136 Bashirkhan Nanhekhani Pathan's

statements to the police and the SIT dated 18.3.2002 and 17.5.2008 and deposition dated 19.5.2010; PW 138 Mohmedbhai Abdulhamid Shaikh's statements to the police and SIT dated 12.5.2002 and 13.5.2008 and deposition dated 27.5.2010; PW 149 Faridabanu Abdulkader Khalifa's statements to the police and SIT dated 12.5.2002 and 3.6.2008 and deposition dated 26.7.2010; PW 37 Salim Roshan Ali Saiyed's statement dated 25.6. 2002 and deposition dated 27.11.2009; PW 243 Shabbirali Nivasali Ansari's statement dated 4.6.2008 and deposition dated 28.6.2011.

### **Accused to Accused Contact**

903. Mr. Atul Vaidya accused in the Gulberg Society Massacre was in touch with VHP leaders Mr. Kamlesh Agarwal, Mr. Ajaysingh Balisatarsinh Rajput, Mr. Dinesh Bhoidas Patel and Mr. Babu Bajrangi. Annexed hereto is the Graph and Analysis of Phone Call Analysis of accused Mr. Babu Bajrangi.

### **Phone Call Records Analysis:**

904. The Phone Call records of 5 lakh phone calls on the CD collected by the Crime Branch, Ahmedabad (June 2002) The Police Control Room Records concerned with the Meghaninagar Area, the Naroda Area log the calls received by senior and responsible officers and the response to the calls.

The Fire Brigade Registers, the Case Diaries Etc

905. Have all the above been covered by the SIT? Already we have identified several areas in which serious questions arise and point towards the likely confirmation of a pre-planned conspiracy.

### **Top Level Conspiracy**

906. Three eyewitnesses since November 2, 2009 in the Gulberg Society case have deposed that Mr. Ahsan Jafri made frantic phone calls to the powerful before he was abused and gave

himself up for the massacre. Our investigations into the Cell phone Records provided by former DCP Crime Branch, Mr. Rahul Sharma to the Nanavati Shah Commission (in 2002) show that these testimonies of key eyewitnesses are supported by hard documentary evidence. Specifically, our inquiries show that Mr. Jafri (from his landline number 0792125166 made several calls that day. **Two were critical, one made at 11:31 am and another at 13:42, that is just before he was killed. Though a statement of Mr. JS Gedon, police sub inspector ATS dated 24.3.2009 supports these findings, SIT continues to deliberately deny knowledge of such calls.**

### **Gulberg Conspiracy**

907. Godhra incident occurred on 27.2.02 and violent reactions started the same day in Ahmedabad city and another districts.

- Some incidents made out in the Meghaninagar P.S. Jurisdiction for this incident police didn't take any precaution and not arrest the anti social elements.
- Conspiracy of Gulberg started on 27.2.02 as location of Mr. Anil Mukim (PS of CM) found in Meghaninagar. Mr. Mukim also talked with DGP Mr. K. Chakravarti at 3:33 pm from Meghaninagar and at 4:00pm he talked with Mr. Tanmay Mehta (PA to CM from Meghaninagar At 10:00pm his location according to call details shows that he was still in Meghaninagar. This presence of Mr. Anil Mukim in Meghaninagar on 27.2.02 was presumably part of the conspiracy for what was to follow the next day, 28.2.02, at Gulberg Society. This shows that it was a plan to destroy the entire society and kill Mr. Jafri.

908. Details of the Mysterious Presence of Powerful Persons close to A-1 (Mr. Narendra Modi and A-2 (Mr. Ashok Bhatt) and even Police officials at Meghaninagar (scene of Gulberg massacre) and Narol (near Naroda, scene of Naroda Patiya massacre) are given again, below. A-2 Ashok Bhatt and PS to CM when they were supposed to be in Godhra were found (at least their

mobile phone locations at the above-mentioned places. What does this mean? Were they not at Godhra? Or were their official phones actually given for the use of others, obviously not in government?

#### **LOCATIONS OF POWERFUL PERSONS AND ACCUSED AT NARODA**

##### **NAROL, NARODA 27.2.2002**

909. At 05:10:53 Mr. Ashok Bhatt, cabinet minister for health accused of sitting in the city control room and preventing policemen from doing their duty was at Naroda-Narol. At 09:55:24 on 28.2.2002 around the time the massacre began, Mr. Ashok Bhatt was again at Narol, Naroda. He received three calls there. Another key person from the coterie of the chief minister was at this location, Mr. Tanmay Mehta, PA to the Chief Minister. He was there at Naroda at 16:02. Mr. O. P. Singh, PA to the chief minister, was also there at 16:02:25 and they were in touch with each other. Mr. Ashok Narayan, Additional Home secretary, also accused in the Mrs. Zakia Jafri Complaint (accused no. 28) was also present here at 5:41:32 (Narol, Naroda) as was Mr. IK Jadeja, minister (accused no. 3) at 17:35:25.

#### **Analysis of Location of Key Persons at Meghaninagar**

##### **MEGHANINAGAR 27.2.2002**

910. Close members of the chief minister's cabinet and coteries were at Meghaninagar on 27.2.2002. At 15:48:39 Mr. Ashok Bhatt (919825039877), minister for health was here and around the same time Mr. Anil Mukim, Additional Principal Secretary to the chief minister was also here.(15:33: 40). Mukim was also here at 16:02:02 and then again that night at 22:01:18. Others at Meghaninagar which is the jurisdiction area where the Gulberg society is located the day the chief minister was in Godhra, was Mr. OP Singh, PA to the chief minister at 15:48:16. Dr. PK Mishra, Personal Secretary to the chief minister is also present at Meghaninagar at 15:48:11 on 27.2.2002 and so also is Mr. Tanmay Mehta, PA to the chief minister (at 15:35:01). **Interestingly among policemen who are in the same area on 27.2.2002 are Mr. PB Gondia, DCP Zone IV who is there at 00:36:26 that is late in the night of 27.2.2002/28.2.2002.**

## 28.2.2002

911. On the day of the massacres at Gulberg society and Naroda Patia and Gaam, IK Jadeja, cabinet minister for urban development was at the Meghaninagar area at 15:56:40. MOS Home, Mr. Zadaphiya was there at 17:02:38.

### ***Suggested Course of Action:***

The above suspicious information would require a sustained interrogation of all those concerned.

- Officers like Commissioner of Ahmedabad City Mr. PC Pandey, Jt. CP Mr. MK Tandon, and DCP Mr. Gondia kept themselves idle. All the officers were receiving repeated messages of the ugly build-up at Gulberg Society from 10:00 am to 3:00 pm on 28.2.02. All the officers were in touch with each other and appeared to be awaiting the completion of the crimes at Gulberg. Only when they got confirmation of the massacre having run its full course did they reach at the spot. None of these officers performed their constitutional obligation of protecting lives and ensuring rule of law. Therefore it is reasonable to presume that were all part of a pre-planned conspiracy.
- Mr. Erda sent frequent messages to the police control room detailing the ugly developments at Gulberg society. Even then, none of the senior officers took effective measures.
- It is also evident from the sting operation of Mr. Ashish Khaitan that all the police officers, including Mr. Erda, had any intention of saving the hapless residents of Gulberg society. It is only their good fortune that 150 residents of Gulberg society managed to stay alive.
- Police action such as it was only on paper, presumably for the record in order to escape any accountability.
- Even after the completion of incident, lodging of complaint and recording the statement of witnesses, preparing panchnamas, all were done in favour of the perpetrators. The statements of victims-witnesses were deliberately distorted, prominent persons named by simply not included. All these acts of police and police officers show a continuation of the conspiracy of police.
- According to Log Book (P.874), curfew was imposed by Addl.PC G-Division at 13:15 pm. Butr according to log book page no.885, message given by B-Division at 3:13 pm says the

order of curfew should be strictly carryout. The point to note is that by 3:15 p.m. the carnage at Gulberg society was more or less over. Mobs had been on the rampage since the morning but no attempts were made to deal with or disperse the mob, make arrests, impose curfew until it was all too late.

**Details of vehicle bandobast at Gulberg**

No.	NAME	VEHICLE	TIME
1	<b>K.G. Erda (First PI)</b> 1. Rameshbhai Nagjibhai(H.C.) 2. Babubhai Nathabhai(H.C.) (Operator) 3. Mavjibhai Jakshibhai 4. Sureshbhai Navjibhai 5. Adesingh Saradhbhai 6. Bhupendrasingh Karansingh 7. Shaileshkumar Kalusingh	Meghaninagar One Van	
2	<b>N.D. Parmar ( Second PI)</b> 1. Ashok Jinjar (Driver)	Meghaninagar Two Van (On Dt. 28/2/02 Bandobast at Dariapur police Station)	
3	<b>N.J. Bhati (PSI)</b> 1. Prahladji Mangalji 2. Gyansingh Morpalsingh 3. Kiritbhai Punjabhai 4. Dhanesingh Becharsingh 5. Kawaji Rupaji 6. Arvindsingh Shankarsingh	Meghaninagar Three Van	
4	<b>B.C. Dabhi (PSI)</b> 1. Rajendrasingh Kallusing 2. Nathusinh Narsinh 3. Indrasinh Himmatsinh 4. Lalitkumar Ramanbhai 5. Vijaysinh Vikramsinh (Private Driver)	Requisite Vehicle No. GJ-2-K-6079	
5	<b>R.B. Chavda (PSI)</b> 1. Anupsingh Nansingh 2. Ramsingh Vajisingh 3. Ashokkumar Natwarlal 4. Dilipsinh Joravarsinh	Requisite Vehicle No. GJ- 1-BP-8855	
6	<b>P.S. Vaghela (PSI)</b> 1. Bhikhusinh Khatusinh 2. Baldevbhai Jivabhai 3. Bharatkumar Manilal 4. Harishkumar Labhshankar 5. Ganpatsinh Bhawansinh	Requisite Vehicle No. GJ-2-A- 5972	
7	<b>R.R. Pathak (PSI)</b> 1. Rajeshkumar Kuberdas 2. Chandubhai Vashrambhai 3. Dhananjay Bhashkarrao 4. Bhagvan Gangaji Kalal (Private Driver)	Requisite Vehicle No. GJ-2- K- 392	

8	R.G. Katara (PSI)	(On Dated 28/02/2002 Bandobast at Dariapur police Station)	
9	Police Station Inve. Reserved	Requisite Vehicle No. GJ-16-C-4026	
10	Meghaninagar Mobile (Two Shift) 1. Ranchhodbhai Ramjibhai 2. Rameshbhai Somabhai 3. Dolatsinh Padamsinh 4. Jagatsinh Moolsinh 5. Dharmabhai RamjiBhai 6. Pashabhai Galabhai	GJ-1- G- 3084	
11	<b>Govindsinh Durgasinh Solanki</b> (DySP.) (SRP-7) (Nadiad) 1. Anantsinh Kalyansinh Rathod 2. Karsanbhai Hirabhai (PC) 3. Chandrabhan Mangalram Yadav (Driver)	GJ- 7-G-185	At 14:00
12	<b>Ajtkumar A. Gupta</b> (DySP.) (SRP-12) (Gandhinagar) 1. Prataprai Chhaganlal Joshi (HC) (Driver) 2. Bachubhai Dungarbai Parmar 3. Ramkubhai Nagbhai Vala <b>With</b> <b>A.B. Qureshi</b> (P.I. C.I.D. Crime)	Gypsy Vehicle No. GJ-1-G- 2776	At 14:00
13	1. Devidatt Nathuram Pant (ASI) ( <b>CISF</b> ) 2. Babulal Chokharam Bishnoi 3. Georgekujar Abbarekujar Christian	???	At 14:00
14	<b>P.B. Gondia</b> <b>(D.C.P.) (Zone-4)</b> 1. Yatnabhai Ruparelia (Arm P.C.) 2. Kanjibhai Virjibhai ( , ) 3. Hemubhai Somabhai ( , ) 4. Kishrbhai Sanjabhai ( , ) 5. Babubhai Harjibhai ( , ) 6. Laxman Ramabhai ( , ) 7. Manubhai Karsanbhai ( , ) 8. Sirajuddin Gulabmiya (HC) (Driver) 9. Shridharan Narayan Nayar (Operator) 10. Bhikhubhai Shurubhai (PC) (Wireless Operator)	1. Ambassador 2. Vehicle with Striking Force 3. Requisite Vehicle	At 15:45
14	<b>M.K. Tandon</b> <b>(J.C. P.) (Sec-2)</b> 1. Shaktisinh Managalsinh	1. Ambassador 2. TATA 407 (SRP)	At 10:30 & 16:00

	Parmar (PSI) 2. Dilipsinh Babubhai Jadeja (PSI) 3. Govaji Kanaji (ASI) 4. Gautam Amrutlal (ArmP.C.)  5. Kantibhai Jyotibhai ( , ) 6. Navalsinh Ramsinh ( , )	3. Gypsy 4. Vraj Vehicle	
15	<b>M.T. Rana (ACP 'G' Div.)</b> 1. Kismatsinh Halusinh Solanki (Arm P.C.) 2. Sureshbhai Govabhai Chaudhry (Arm P.C.) 3. Poonam Shakrabhai (Operator) 4. Rajendrabhai Bhashkarbhai (Driver)	???	At 18:00
16	<b>P.C. Pande (Police Com.)</b> 1. Salim Kasambhai Chauhan (Driver) 2. Vijaypal Ramanand (ArmP.C.) 3. Jujarsinh Lalsinh Sisodia (Driver) 4. Ratanbhai Gurjibhai Rathva (Arm P.C.)	1. Ambassador GJ-1-G-3581	
17	A.C.P. Crime Branch	???	

**Police did have sufficient force, arms and ammunition, vehicles. Why didn't they use it at the time of Gulberg Society incident?**

No.	NAME	ARMS	FIRING TIME	ROUND FIRING
1	<b>K.G. Erda (First PI) (Meghaninagar One Van) (Accused)</b>	<b>Service Revolver and 30 Rounds cartridge</b>	12 to 13 13 to 14 14 to 15	2 2 2
2	Rameshbhai Nagjibhai (H.C.)	Gas gun (Cell - ?)	12 to 13 13 to 14 14 to 15 15 to 16 16 to 17 17 to 18	4 6 3 5 4 2 (12 S R, 10 L R, and 2 hand g.)
3	Babubhai Nathabhai			
4	Mavjibhai Jakshibhai	<b>Muscat-410 and 20 Round cartridge</b>	12 to 13 13 to 14 14 to 15 15 to 16	2 4 5 3
5	Sureshbhai Navjibhai			

	(PC)			
6	Adesingh Saradhbai			
7	Bhupendra sin Karansinh (A. PC)			
8	Shaileshkumar Kalusingh (A. PC)			
9	<b>N.D. Parmar ( Second PI) (Meghani nagar -Two van)</b>	Service Revolver and... <b>28/02/02 Bandobast at Dariapur P. St.</b>		
10	<b>R.G. Katara (PSI)</b>	<b>-Do-</b>		
11	<b>N.J. Bhati (PSI) (Meghani nagar -Three Van)</b>	Service Revolver and 30 Rounds cartridge	12 to 13 13 to 14 14 to 15	2 2 2
12	Prahladi Mangalji			
13	Gyansingh Morpalsingh	Gas gun ( <b>Cell - ?</b> )	12 to 13 14 to 15 15 to 16 16 to 17	2 1 2 1
14	Kiritbhai Punjabhai			
15	Dhanesingh Becharsingh (H.C.)	Gas gun and 10 Hand Grenade	12 to 13 14 to 15 15 to 16 16 to 17	2 1 2 1
16	Kawaji Rupaji			
17	Arvindsingh Shankarsingh			
18	<b>B.C. Dabhi (PSI) (Requisite Vehicle No. GJ-2-K-6079)</b>	Service Revolver and Round - ?.		
19	Rajendrasinh Kallusinh			
20	Nathusinh Narsinh			
21	Indrasinh Himmatsinh (P.C.)	Gas gun and ..... Hand Grenade <b>(Cell- ?)</b>	12 to 13 13 to 14 14 to 15 15 to 16 16 to 17 17 to 18	2 1 3 2 1 1
22	Lalitikumar Ramanbhai (A PC)			
23	<b>R.B. Chavda (PSI) (Requisite Vehicle No. GJ-1-BP-8855)</b>	Service Revolver and... Round - ?		
24	Anopsinh Nansinh			
25	Ramsingh Vajisingh			
26	Ashokkumar Natwarlal			
27	Dilipsinh Joravarsinh			
28	<b>P.S. Vaghela (PSI)</b>	Service Revolver		

	<b>(Requisite Vehicle No. GJ-2-A- 5972)</b>	and ... Round - ?		
29	Bhikhusinh Khatusinh			
30	Baldevbhai Jivabhai (A. PC)			
31	Bharatkumar Manilal			
32	Harishkumar Labhshankar (HC)			
33	Ganpatsinh Bhawansinh (A. HC)			
34	<b>R.R. Pathak (PSI)</b> <b>(Requisite Vehicle No. GJ-2- K- 392)</b>	Service Revolver and Round - ?.		
35	Rajeshkumar Kuberdas (A.S.I)			
36	Chandubhai Vashrambhai (A. PC)			
37	Dhananjay Bhashkarrao (PC)			
	<b>Meghani</b> <b>nagar Mobile (Two</b> <b>Shift) GJ-1- G- 3084</b>	<b>Muscat-410 and</b> <b>20 Round</b> <b>cartridge</b>		
38	Ranchhod bhai Ramjibhai (A.S.I) (M. nagar Mobile)			
39	Rameshbhai Somabhai (A. PC)(M. nagar Mobile)			
40	Dolatsinh Padamsinh (A. PC) (M. nagar Mobile)			
41	Jagatsinh Moolsinh (A.S.I) (M. nagar Mobile)			
43	Dharmabhai RamjiBhai (Arm HC) (M. nagar Mobile)			
44	Pashabhai Galabhai (A. PC) <b>(Meghani nagar</b> <b>Mobile)</b>	Gas gun and... <b>(Cell - ?)</b>	12 to 13 13 to 14 14 to 15 15 to 16 16 to 17 17 to 18	3 2 4 2 4 1  (8 LR 8 SR)
45	Puransingh Ramsingh (Arm ASI) (Driver) (M. nagar Mobile)			
46	<b>Govindsinh Durgasinh</b> <b>Solanki (D.C.P.) (SRP-</b> <b>7) (Nadiad)</b> <b>GJ- 7-G-185</b>	Service Revolver and... <b>Round - ?.</b>		
47	<b>Anantsinh Kalyansinh</b>	<b>303 Rifle &amp;.....</b>		

	<b>Rathod (A.S.I)</b>	<b>Round - ?</b>		
48	<b>Karsan bhai Hirabhai Vantar (A.S.I)</b>	<b>303 Rifle &amp;..... Round - ?</b>		
49	<b>Ajitkumar A. Gupta (D.C.P.) (SRP-12) (Gandhi nagar) Jepssy No. GJ-1-G-2776</b>	Service Revolver and... <b>Round - ?.</b>		
50	Bachubhai Dunagarbhai Parmar (HC)	Gas gun. <b>(Cell - ?)</b>		
51	<b>Ram Kumar Ramkubhai Vala</b>	<b>303 Rifle &amp; 50 Round</b>		
52	Prataprai Chhaganlal Joshi (HC) (Driver GJ-1-G-2776)			
53	<b>A.B. Qureshi (P.I.)(C.I.D) Crime)</b>	Service Revolver and... <b>Round - ?</b>		
54	<b>Devidatt Nathuram Pant (ASI)(CISF)</b>	Service Revolver and... <b>Round - ?</b>	17 to 18	3
55	<b>Babulal Chokharam Bishnoi (PC) (CISF)</b>	Rifles ? <b>Round - ?</b>	17 to 18	7
56	<b>Georgekujar Abarekujar Christian (CISF)</b>	<b>SLR Rifles, Round - ?</b>	17 to 18	7
57	<b>P.B. Gondia (D.C.P.) Zone -4, Ambassador with Striking Force</b>	Service Revolver and... <b>Round - ?</b>		
58	Yatnabhai Ruparelia (Arm. P.C.)	<b>303 Rifle &amp; Round - ?</b>	About 16.00 16 to 17	6 3
59	Kanjibhai Virjibhai (Arm. P.C.)	<b>303 Rifle &amp; ... Round - ?</b>	About 16.00 16 to 17	2 4
60	Hemubhai Somabhai (Arm. P.C.)	<b>303 Rifle &amp; .... Round - ?</b>	About 16.00 16 to 17	4 3
61	Kishorbhai Sanjabhai (Arm. P.C.)	<b>303 Rifle &amp; ..... Round - ?</b>	About 16.00 16 to 17	4 5
62	Babubhai Harjibhai (Arm. P.C.)	<b>303 Rifle &amp; ..... Round - ?</b>	16 to 17	2
63	Laxmanbai Ramabhai (Arm. P.C.)	Gas gun <b>(Cell - ?)</b>	15 to 17	25 (10 SR AND 15 LR GAS)
64	Sirajuddin Gulabmiya (HC)(Driver)			
65	Shridharan Narayan Nayar (Operator)			
66	Manubhai Karsanbhai (Arm. P.C.)	<b>9 MM CARBON MACHINE GUN &amp;.... Round - ?</b>	15 to 17	18
67	<b>M.K. Tandon</b>	Service Revolver		

	<b>(J. C. P.) Sec-2,</b> Ambassador with <b>Striking Force</b>	and... <b>Round - ?.</b>		
68	<b>Shankarsinh Mangalsinh Parmar (PSI) (Jepssy)</b>	Service Revolver and... <b>Round - ?</b>		
69	<b>Dilipsinh Babubhai Jadeja (PSI) (Light van)</b>	Service Revolver and..... <b>Round - ?</b>		
70	Gautam Amrutlal (Arm. P.C.)	Gas gun &. <b>(Cell - ?)</b>	11.00	6 (LR CELL)
71	Govaji Kanaji (ASI)	Gas gun &. <b>(Cell - ?)</b>	About 16.30 17 to 18	15 17 (16 SR AND 16 LR GAS)
72	<b>Kantibhai Joytibhai (Arm.PC)</b>	<b>9 MM CORBON GUN &amp; Round - ?</b>		
73	<b>Navalsinh Ramsinh Bariya (Arm.PC)</b>	<b>9 MM CORBON GUN &amp; 40 ROUNDS</b>		
74	<b>M.T. Rana (ACP 'D' Div.) ( ? ? ? )</b>	Service Revolver and... <b>Round - ?</b>		
75	<b>Kismatsinh Halusinh Solanki</b>	<b>9 MM CORBON GUN &amp; 20 ROUNDS</b>		
76	Sureshbhai Govabhai Chaudhri	Gas gun. <b>(Cell - ?)</b>		
<b>OTHERS</b>				
77	Vinubhai Haribhai (A. P.C.) (Point Near Chamanpura Chakla)	<b>Muscat-410</b> and 10 Round cartridge	12 to 13	4 (Firing at Chamanpura)
78	Udesinh Prbhatsinh (ASI) (Point Near Chamanpura Chakla)			
79	Sajjansinh Jorubha (H.C.) (Point Near Dhupsinh Chawl)			
80	Motibhai Dahyabhai (A PC) (Point Near Dhupsinh Chawl)	<b>Muscat-410</b> and 10 Round cartridge	13 to 14 14 to 15	2 2
81	Indrasingh Mansingh (Point Near			

	Gulberg Soc.)			
82	Pradipsingh Shetansingh (P.C.) (Point Near Gulberg Soc.)	<b>Muscat-410</b> and 10 Round cartridge	13 to 14 14 to 15	2 4
83	Somabhai Bhembhai (ASI) (Point Near Patrawali & Hasanjiva Chawl)			
84	Kismatsingh Kalusingh (PC) (Point Near Patrawali & Hasanjiva Chawl)	<b>Muscat-410</b> and 10 Round cartridge	13 to 14	5 (Firing at Hasan jiva Chawl)
85	Mansingh Andarsingh (ASI) (Point Near Ratan sagar cross road)			
86	Ashvin kumar Maneklal (HC) (Point Near Ratan sagar cross road)	<b>Muscat-410</b> and 10 Round cartridge		
87	Lalajibhai Kalaji (ASI) ( Prisonsal Van )	<b>303 Rifles &amp; ..... Round - ?</b>	18 to 19	9

- Police force had sufficient arms and ammunition at the Gulberg Society then why they didn't use it?
- Some policemen examined in Gulberg Trial (1) Arvindsinh Shankarsinh Vaghela (PW.7) (2) Dhanesinh Becharsinh (PW.13) (3) Natwarji Jawanji Bhati (PW.269). They all deposed in the court at the time of trial. They did not use their arms and ammunition at Gulberg Society because there were no such orders from their seniors.
- Dead bodies were recovered till as late as 8.3.02. Police made no serious effort to look for missing persons. No samples were collected from the society and the dead bodies for forensic analysis, No videography was done wither.

- *(Information has also been received that heavy firing shown to have been done by the police during the riots was all bogus. In reality, police had “adjusted” the fired bullets by firing in dug-up pits on the bank of the Sabarmati river. In actuality very few bullets were actually fired on the mob.)*

912. The data collected during trial suggests that orders from above precluded these officers from using the firearms even at their disposal. Why did SIT not interrogate whether this deliberate and criminal inaction by all these persons was as a result of Conspiratorial and Illegal Orders from the very top? What was the motive of the SIT in ignoring this? It is a matter that calls for serious examination and further investigation.

### **Naroda Gaon Conspiracy**

913. Incidents of violence began at Naroda Gaon on 27.2.2002 itself. The first incident was in Pashwanath Township, where one Paras cotton works was burnt down by unknown persons and a Muslim was assaulted by unknown persons near Haridarshan Society. (Annex IV File XIV Page no. 5775). As a result of several such incidents the atmosphere in the area was very tense but no bandobast was arranged.

10	5775	28/2/02 2:30 hrs	Mattresses shop burnt at Pashwanath Town Ship, Naroda	Naroda ICR No. 96/02
19	5807 & 5808	28/2/02 4:28 hrs	4 unknown person attacked and Injured one Muslim, Nr. Kathwada Road, Naroda, on dt.27.2.02 at 19.30	Naroda ICR No. 97/02

914. Then, on 27.2.02 the accused of Naroda Patia and Naroda Gaon, Babu Bajrangi and others got together and collected 23 revolvers for the massacre the next day. This and other gory details are highlighted in PW. 322 Mr. Ashish Khaitan’s deposition in Naroda Patiya case (Sting Operation, Operation Kalank).

915. The attack on Muslims of Naroda Patiya and Naroda Gaon for which all preparations had been done the previous night began 8.30 a.m. on 28.2.2002. The police claims no force was deployed there as it was not a sensitive area. When PI Mr. KK Mysorewala was patrolling the area around 9:00 a.m. the attack on Noorani Masjid had started but he did nothing to stop the violence. The previous evening Mr. KK Mysorewala had met local Muslim leaders gave them his mobile number and told them: "Why you are worried?"
916. At about 9.30 to 10.00 a.m, the MLA of the area Dr. Maya Kodnani arrived in a white Maruti came, addressed the mob in an excited voice. She pointed towards the Muslim locality and told the mob: "Why you are worried? I told you, you can do it, do not worry? Police is with us". Soon thereafter Dr. Jaideep Patel, VHP leader arrived and he too instigated the mob. Mr. Vallabh Bhai Patel and Mr. Fulabhai Vyas, both BJP corporators also arrived to lead the violent mob. It is important to note that the Naroda Po.Stat. is situated barely a stone's throw away from the Muslim locality.
917. On receiving a distress call around 10.25 a.m., Mr. KK Mysorewala came to Naroda but did nothing to control the mob and left the area. That was sufficient signal for the mob led by BJP, VHP, RSS leaders to launch their full-scale, day-long assault on the Muslims. Though the Naroda Fire station is also close by, the police did not summon the fire brigade, and they did not come.
918. By evening over 100 men, women and children had been mercilessly butchered, women gang-raped before being thrown to the flames. As in case of Gulberg Society, the police arrived on the scene once the carnage had run its full course. No forensic samples were collected from the crime spot, or the dead bodies, no videography was done.
- 919. Mr. Ashish Khaitan's Statement on 19.1.09 before SIT:**  
I met Haresh Bhatt for the first time on 29<sup>th</sup> May 2007, I learnt that he had fire arms (crackers) producing factory at Ahmedabad. He had made bombs there and distributed them at Ahmedabad.

**920. Mr. Ashish Khaitan's Statement on 12.3.09 before SIT**  
**Excerpts from what Mr. Babu Bajrangji said during the**  
**sting operation:**

- 1) During his visit to Godhra following the train burning incident he had taken an oath that, "He would kill four times Muslims in Naroda on his return.
- 2) 23 fire arms were collected by him demanding them from the people.
- 3) That Modi government had given him free hand on the day of incident of 'Patiya Kand.'
- 4) Through the Patia incident he was in touch with Mr. Jaydeep Patel on phone giving him a blow by blow account.
- 5) That even police men who are present at Naroda had assisted him and his associates and did not prevent them.
- 6) That in a ditch at Patiya many Muslims were killed by Mr. Bajrangji and his associates.
- 7) PI Mr. Mysorewala PI of Naroda Po.Stat. escorted him out of the area after the killings.
- 8) After the incident, Ahmedabad JtPC, Mr. PP Pandey arrested him as per plan.
- 9) After the incident he informed Gordhan Zadaphiya on phone and gave detailed of the killings. Zadaphiya asked him to immediately run away.
- 10) After the incident for many days he hid himself at Mount Abu and in his hiding Narendra Modi helped him.
- 11) That during the Patia carnage, a diesel tanker full was dashed against the local Masjid to set it on fire.

12) Some petrol pump owners gave them petrol and diesel for free.

13) JtPC, Mr. PP Pandey during the interrogation fully co-operated with him and no recovery of any arm from him was shown.

14) That he had ripped open the stomach of a pregnant woman using a sword.

**921. Excerpts from what Mr. Prakash Chara told Mr. Ashish Khaitan in the sting operation:**

1) During the massacre, then BJP MLA, Dr. Maya Kodnani was herself involved, instigating the mob.

2) Mr. Bipin Panchal came in one Maruti van and distributed weapons to the rioters.

3) We massacred people right from the morning till the evening.

4) In the evening police told us that some Muslims were hiding in a gutter. We went and packed the gutter with stones.

5) Policemen helped us.

6) For the entire day Dr. Maya Kodnani was seen moving in an open jeep. She told us to do our job and she was fully with us.

7) He had raped a woman and then killed her.

8) A day after the killings, Mr. Narendra Modi himself came to Patiya and congratulated the rioters.

922. *The Special Investigation Team (SIT) appointed specifically to investigate without fear or favour was expected to thoroughly go into all this documentary evidence to arrive at its conclusion. However as this detailed Protest Petition lays out, there is a marked reluctance by SIT to get into any controversial aspects of investigations especially connected to either Tehelka's 'Operation Kalank', Mr. Rahul Sharma's CDs of telephone records and the four critical affidavits filed by the former ADGP Gujarat Mr. RB Sreekumar before the Nanavati-Shah Commission. This failure has now reached unprecedented proportions. On 7.09.09, after advocates for witnesses had filed an application before the trial court for ordering re-investigation into phone call records, Fire*

*Brigade records, station diary and case diary entries, the SIT was forced to submit some documents in response a month later. A perusal of these documents reveals a blatant desire by SIT to fool the courts and not investigate the cell phone records of the accused caught on camera by Tehelka. The IO Mr. JM Suthar has deliberately not investigated the phone call records detailed by Mr. Khaitan and instead chosen to mislead the court(s). Mr. Ashish Khaitan, who was responsible for 'Operation Kalank' and has been examined in three of the ongoing trials has contributed to critical evidence in some of these cases especially in the Complaint dated 8.6.2006. Yet the SIT has completely ignored this evidence. During his examination in the Gulberg trial, dated 19.1.2009 and 12.3.2009, IO Mr. Sutar's gave his response to the order dated 7.9.2009 by the Trial Court by filing first on 7.9.2009 and then on 2.11.2009 detailed documents showing numbers that he had investigated. He has in this further investigation ordered by the court investigated the then phone number of former Godhra MLA Mr. Haresh Bhatt (for whom we are told that 'no call details are available'). However, this IO, Mr. JM Suthar for SIT appears to have deliberately avoided investigating those numbers available in Mr. Ashish Khaitan's statement recorded on 19.1.2009 at Gandhinagar. For instance, Mr. Suthar does not record those numbers relevant to the case, that of Mr. Prahlad Raju, (09377197926) as stated in Mr. Ashish Khaitan's statement nor Mr. Mangilal Jain (094263667633) and Mr. Madan Dhanraj (09377456091), the very accused caught on camera by Tehelka admitting to and gloating on the heinous crimes committed. On 14.11.2009, advocates for the victims and witnesses made a formal application before SIT to arraign former DCP Crime Branch, Mr. Rahul Sharma as witness in the Gulberg Case.*

923. *In his deposition before the Nanavati-Shah Commission, Mr. Sharma had deposed about the time he was DCP Crime Branch Ahmedabad in 2002. He had been brought in by then Commissioner of Police, Mr. Kaushik, to be part of the investigations into the Gulberg, Naroda Patia and Naroda Gaam cases which were then being investigated by the Crime Branch, Ahmedabad. While deposing, Mr. Sharma had produced a copy of AT & T and Cellforce Phone*

*Records (five lakh) procured by the Crime Branch and which he felt would be relevant to the investigations into the role of politicians and powerful accused. In their application dated 14.11.2009 made to SIT, witnesses have pointed out the testimony of this officer and the evidence he had elicited and presented (that is available with SIT) would be critical for the Gulberg trial, too. Specifically this evidence would be critical in corroborating phone calls made by accused, influential politicians, victims etc and to evaluate the effectiveness of the response. Mr. Sharma had, on 7.05.02 in a letter to then Commissioner Mr. Kaushik (a copy of which he produced before the Commission), detailed the questionable manner in which investigations into these three cases were being carried out.*

924. *In response to the court's order for further investigations passed by the Trial Courts in this case, SIT has responded, rather blithely stating that the landline phone call records of the brutally slain former Parliamentarian Mr. Ahsan Jafri, 'have been destroyed.' In this connection, since 2.11.2009 at least three crucial eyewitnesses have deposed stating that Mr. Jafri made frantic calls, including one to the chief minister, he was roundly abused after which he decided to give himself up to the mob so that other innocent lives would be saved. SIT could have been systematic in its investigations and delved deep into how and why Mr. Jafri's records were destroyed, by whom and under whose instructions or orders. On May 9 and 28, 2008 when CJP Secretary, Ms. Teesta Setalvad, was asked to tabulate detailed points for further investigation before SIT, she had specifically stated that investigation into Mr. Jafri's calls, and Mr. Sharma's testimony and the CD produced by him are mandatory. A copy of her statements made before SIT have been appended in Volume II of the aforesaid application. Yet this was not done and the requisite investigations are lacking. This reluctance by SIT to get to the bottom of critical communications between those in power, those in responsible positions of law enforcement and administration and key accused guiding, leading attacks while actually ensuring that killings, rape and arson take place appears to stem from a calculated design to shield, not punish the guilty.*

**Ahmedabad City: Sector, Zone, Division & Police Station 2002 Table**

Sector-1	Zone-I	Zone-II	Zone-III
Shivanand Jha	V.M. Pargi	D.J. Patel	R.D. Mankdiya
Satish Sharma	S.M. Katara	K.C. Patel	Vikas Sahay
		A.K. Pandya	
Sector-2	Zone-IV	Zone-V	Zone-VI
M.K. Tandon	P.B. Gondia	R.J. Savani	Jebaliya

	"A"-Division	"B"-Division
Zone-I	C.P.	A.C.P.
V.M. Pargi	P.N. Barot	P.N. Barot
S.M. Katara	J.K. Vaschha	Navrangpura
	Vejalpur Po.St.	Naranpura
	Ellis Bridge Po.St.	Ghatlodia
	Satellite Po.St.	Sola

	"C"-Division	"L"-Division
Zone-II	A.C.P.	A.C.P.
D.J. Patel	I.C. Raj	M.T. Mehta
K.C. Patel	Shahpur Po.St.	Sabarmati Po.St.
A.K. Pandya	Karanj Po.St.	Madhupura Po.St.

	"D"-Division	"E"-Division
Zone-III	A.C.P.	A.C.P.
R.D. Mankdiya	D.K. Bava	S.K. Dave
Vikas Sahay	N.P. Rajjada	Khadia Po.St.
	Kalupur Po.St.	Gaykavad Haveli Po.St.
	Saher Kotda Po.St.	

	"F"-Division	"G"-Division
Zone-IV	A.C.P.	A.C.P.
P.B. Gondia	R.M. Parmar	M.T. Rana
	Dariyapur Po.St. (PI R.H. Rathod)	Meghaninagar Po.St. (PI K.G. Erda)

	Shahibaug Po.St. (N.N. Pathan)	Naroda Po.St. (PI K.K. Mysorewala)
		Sardarnagar Po.St.

	<b>"H"-Division</b>	<b>"I"-Division</b>
<b>Zone-V</b>	A.C.P.	A.C.P.
R.J. Savani		
	Gomtipur Po.St.	Amraiwadi Po.St.
	Bapunagar Po.St.	Odhav Po.St.
	Rakhiyal Po.St.	

	<b>"J"-Division</b>	<b>"K"-Division</b>
<b>Zone-VI</b>	A.C.P.	A.C.P.
Jebaliya		
	Vatva Po.St.	Dani Limda Po.St.
	Vatva GIDC Po.St.	Kagdapith Po.St.
	Maninagar Po.St.	

### **Police Officers on Duty in 2002 in Ahmedabad City**

<b>Sr. No.</b>	<b>Officer Name</b>	<b>Designation</b>	<b>Duration</b>
1	P.C. Pande	Police Commissioner	27.2.02 to 10.5.02
2	K.R. Kaushik	Police Commissioner	10.5.02 to 31.5.02
3	Keshavkumar	Joint Police Commissioner (Sector-1)	27.2.02 to 10.5.02
4	Satish Sharma	Joint Police Commissioner (Sector-1)	10.5.02 to 31.5.02
5	V.M. Pargi	Deputy Police Commissioner (Zone-1)	27.2.02 to 10.4.02
6	S.M. Katara	Deputy Police Commissioner (Zone-1)	10.4.02 to 31.5.02
7	P.N. Barot	Assistant Police Commissioner (A-Div.)	27.2.02 to 24.4.02
8	J.K. Vachhani	Assistant Police Commissioner	24.4.02 to 31.5.02

		(A-Div.)	
9	N.S. Joshi	Senior Police Inspector Vejalpur Police Station (A-Div.)	27.2.02 to 31.3.02
10	J.A. Upadhyay	Senior Police Inspector Vejalpur Police Station (A-Div.)	31.3.02 to 31.5.02
11	V.M. Barot	Second Police Inspector Vejalpur Police Station (A-Div.)	27.2.02 to 19.4.02
12	K.J. Soni	Second Police Inspector Vejalpur Police Station (A-Div.)	31.3.02 to 31.5.02
13	P.M. Bhaliya	Senior Police Inspector Satellite Police Station (A-Div.)	27.2.02 to 20.4.02
14	V.M. Barot	Senior Police Inspector Satellite Police Station (A-Div.)	20.4.02 to 31.5.02
15	P.D. Patil	Senior Police Inspector Satellite Police Station (A-Div.)	27.2.02 to 31.5.02
16	K.J. Vachhani	Senior Police Inspector Ellis Bridge Police Station (A-Div.)	27.2.02 to 24.4.02
17	N.H. Joshi	Senior Police Inspector Ellis Bridge Police Station (A-Div.)	24.4.02 to 31.5.02
18	J.J. Patel	Second Police Inspector Ellis Bridge Police Station (A-Div.)	27.2.02 to 31.5.02
19	P. M. Barot	Assistant Police Commissioner (B-Div.)	27.2.02 to 31.5.02
20	A.C. Jadeja	Senior Police Inspector Navrangpura Police Station (B-Div.)	27.2.02 to 31.5.02
21	O.N. Majumdar	Second Police Inspector Navrangpura Police Station (B-Div.)	27.2.02 to 31.5.02
22	D. S. Mehta	Senior Police Inspector Ghatlodiya Police Station (B-Div.)	27.2.02 to 31.5.02
23	J.D. Katara	Second Police Inspector Ghatlodiya Police Station (B-Div.)	27.2.02 to 31.5.02
24	B.D. Tandel	Senior Police Inspector Naranpura Police Station (B-Div.)	27.2.02 to 23.4.02
25	N. D. Jetavat	Senior Police Inspector Naranpura Police Station (B-Div.)	23.4.02 to 31.5.02
26	B.M. Ansari	Second Police Inspector Naranpura Police Station (B-Div.)	27.2.02 to 31.5.02
27	M.D. Lathiya	Police Inspector (B-Div.)	27.2.02 to 31.5.02

28	D.J. Patel	Deputy Police Commissioner (Zone-2)	27.2.02 to 30.3.02
29	K.C. Patel	Deputy Police Commissioner (Zone-2)	30.3.02 to 10.5.02
30	A.K. Pandya	Deputy Police Commissioner (Zone-2)	11.5.02 to 31.5.02
31	M.T. Mehta	Assistant Police Commissioner (L-Div.)	27.2.02 to 31.5.02
32	P.R. Mehra	Senior Police Inspector Sabarmati Police Station (L-Div.)	27.2.02 to 31.5.02
33	G.J. Barad	Senior Police Inspector Sabarmati Police Station (L-Div.)	8.4.02 to 25.4.02
34	H.C. Pathak	Senior Police Inspector Sabarmati Police Station (L-Div.)	25.4.02 to 31.5.02
35	G.J. Barad	Second Police Inspector Sabarmati Police Station (L-Div.)	27.2.02 to 31.5.02
36	G.C. Ravat	Senior Police Inspector Madhupura Police Station (L-Div.)	27.2.02 to 31.5.02
37	V.D. Vanar	Senior Police Inspector Madhupura Police Station (L-Div.)	20.5.02 to 31.5.02
38	U.N. Trivedi	Second Police Inspector Madhupura Police Station (L-Div.)	27.2.02 to 31.5.02
39	I.C. Raj	Assistant Police Commissioner (C-Div.)	27.2.02 to 31.5.02
40	K.M. Patel	Senior Police Inspector Shahpur Police Station (C-Div.)	27.2.02 to 31.5.02
41	R.M. Desai	Second Police Inspector Shahpur Police Station (C-Div.)	27.2.02 to 31.5.02
42	L.G. Zala	Third Police Inspector Shahpur Police Station (C-Div.)	23.4.02 to 31.5.02
43	K.C. Patel	Senior Police Inspector Karanj Police Station (C-Div.)	27.2.02 to 21.4.02
44	N.H. Joshi	Senior Police Inspector Karanj Police	22.4.02 to 23.4.02

		Station (C-Div.)	
45	B.D. Tandel	Senior Police Inspector Karanj Police Station (C-Div.)	23.4.02 to 31.5.02
46	P.S. Parmar	Second Police Inspector Karanj Police Station (C-Div.)	27.2.02 to 31.5.02
47	R.D. Makadiya	Deputy Police Commissioner (Zone-3)	27.2.02 to 10.5.02
48	Vikash Sahay	Deputy Police Commissioner (Zone-3)	10.5.02 to 31.5.02
49	D.K. Bava	Deputy Police Commissioner (D-Div.)	27.2.02 to 25.4.02
50	P.N. Rayjada	Deputy Police Commissioner (D-Div.)	27.4.02 to 31.5.02
51	G.B. Darji	Senior Police Inspector Kalupur Police Station (D-Div.)	27.2.02 to 31.5.02
52	B.J. Vasava	Second Police Inspector Kalupur Police Station (D-Div.)	27.2.02 to 31.5.02
53	S.D. Sharma	Senior Police Inspector Saher Kotda Police Station (D-Div.)	27.2.02 to 31.5.02
54	N.K. Desai	Second Police Inspector Saher Kotda Police Station (D-Div.)	27.2.02 to 31.5.02
55	S.K. Dave	Assistant Police Commissioner (E-Div.)	27.2.02 to 31.5.02
56	B.D. Siyoni	Senior Police Inspector Khadiya Police Station (E-Div.)	27.2.02 to 15.5.02
57	B.K. Aayar	Senior Police Inspector Khadiya Police Station (E-Div.)	15.5.02 to 31.5.02
58	D.L. Dodiya	Second Police Inspector Khadiya Police Station (E-Div.)	27.2.02 to 15.5.02
59	A.M. Jadeja	Senior Police Inspector Gayakavad Haveli Police Station (E-Div.)	27.2.02 to 31.5.02

60	B.K. Aayar	Second Police Inspector Gayakavad Haveli Police Station (E-Div.)	27.2.02 to 15.5.02
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**Police Officers on Duty in 2002 in the districts**

Sr. No.	Officer Name	Designation	Name of City
1	Manoj Agrawal	DSP	Kheda
2	D.D. Vaghela	DSP	Anand
3	Upendrasingh	DSP	Rajkot
4	P.N. Patel	Collector	Rajkot
5	M.D. Antani	DSP	Bharuch
6	Vivek Shrivastav	DSP	Bhuj
7	Raju Bhargava	DSP	Panchmahal
8	D.H. Brahmbhatt	Collector	Panchmahal
9	Anupamsingh Gehlot	DSP	Mehsana
10	Amrutlal Patel	Collector	Mehsana
11	Deepak Swaroop	CP	Vadodara
12	K. Kumar Swami	Joint CP	Vadodara
13	Rakesh Asthana	SP IGP	Vadodara
14	Sudhir Sinha	CP	Vadodara

**Jurisdictional Responsibilities**

**Ahmedabad (Gulberg, Naroda Patiya, Naroda Gaam)**

1. D.G. & I.G. : A-25 K. Chakravarti (GB, NP, NG)
2. Comm. Of Police A'bad : A- 29 P.C. Pandey
3. Joint Comm. Of Police : A-33 M.K.Tandon (GB, NP, NG), Sector-2
4. Depy. Comm. Of Police : P.B. Gondia (GB, NP, NG), Zone-4
5. Addl. Comm. Of Police : A-57 M.T.Rana (GB, NP, NG), G-Division
6. Police Inspector : A-55 K.G. Erda (GB)  
A-56 K.K. Mysorewala (NP & NG)

**Sardarpura**

1. D.G. & I.G. : A-25 K. Chakravarti

2. SP Mehsana : A-36 AK Sharma
3. DSP Mehsana : Anupamsinh Gehlot
4. Dy. SP (Visnagar Div.) : B.V. Jadeja
5. Circle Inspector & IO : K.R. Vaghela  
(Vijapur Police Station)
6. Circle Inspector & IO : R.D. Baranda
7. PSI : G.K. Parmar
8. PSI : M.L. Rathod

**Deepda Darwaza**

1. D.G. & I.G. : A-25 K. Chakravarti
2. SP : A-36 AK Sharma
2. DSP Mehsana : Anupamsinh Gehlot
3. Dy. SP (Visnagar Div.) : B.V. Jadeja
4. Circle Inspector : M.K. Patel

**Ode**

1. D.G. & I.G. : A-25 K. Chakravarti
2. ACP : Wabang Zamir
3. Dy. SP : Vaghela
4. Circle Inspector : K.R.Bhuwa
5. PSI : R.G.Patel

925. The Following aspects and documents need to be examined and Investigations completed. This is not exhaustive. There are also references throughout the Petition:

- (1) The police wireless messages for the year 2002 that are with the GOG though in some official statements they have said they have been destroyed. Information that they are all available now, were withheld from the SIT earlier by A-29 Mr PC Pande (CP for Ahmedabad) and thereafter produced only post 15.3.2011 has not been taken seriously by the SIT at all. PCR and Wireless messages of other districts and commissionerates too have deliberately not been summoned by the SIT. The responses to the PCR messages and action taken also need to be collected and collated during further investigation
- (2) Records / documentation / minutes of the crucial law & order meetings held by Government, their follow up and monitoring by concerned authorities.
- (3) Records of police exchanges and Hot Lines specially set up by the state government in February-March 2002.
- (4) Phone call records of fixed land lines of crucial persons (which apparently were not maintained by the telephone exchanges)
- (5) Detailed analysis of even the mobile phone records of the crucial persons that gradually became available to the SIT during the course of inquiry.
- (6) The directories of the Mobile phone Companies (AT & T and Celforce).
- (7) The phone call records of A-1 Chief Minister Mr Narendra Modi including that of his mobile phone of which the number “he did not remember” when the SIT spoke to him on 27-28.3.2010.
- (8) The recordings of television channels of the critical events – especially Sola Civil Hospital in Ahmedabad on 28-2-2002 and from 27.2.2002, especially coverage of Godhra mass arson, transportation of dead bodies to Ahmedabad, funeral processions, interviews of political functionaries, heads and also

senior members of the administration and police. These are available and ought to have been formally seized by the SIT to independently corroborate events of nine plus years ago.

(9) Log books / Case diaries maintained by Police Officers Investigating Violence/ Riots / Case diaries of beat constables of not just a select police stations in Ahmedabad (as has been done) but of all districts and jurisdictions that were affected and not affected to enable a detailed and proper assessment and analysis of whether a vicious fallout of the Conspiracy hatched on 27.2.2002 took place or not.

(10) Government Files relating to appointments of public prosecutors as also Statements of DMs/ Committees that are responsible for these appointments since partisan PPs were appointed.

(11) Files relating to transfers of relevant police officers during the period not just extracts of files.

(12) Documents and records of intelligence inputs of the State and Central Intelligence of that period (27.2.2002-31.5.2002) and Study of Reports/Comments of MHA. The Intelligence wing of government provides an independent assessment of political decisions and conduct that are particularly crucial when mass violence of the kind experienced in Gujarat 2002 takes place and serious evidence and examples of high level complicity are alleged. Specifically C/Dir/Shamshan Yatra/176/2002 dtd 2002 marked to the chief minister's office and senior police officers. Also SIB Reports of bodies dumped in the Well in Naroda Patiya and investigation of allegations (Chara in *Tehelka*, 2007) of CP Mr PC Pande's scattering of the bodies dumped in this well, all over Ahmedabad.

(13) SIB Messages recovered by the SIT are only in part. The DGP has submitted 17 files in January 2010 to the SIT which are only a one way communication, the Reports of the Field/Regional Officers of the SIB. The SIB Control at the state control room would have an Inward register and an Outward register recording receipt and responses to these messages. Such a Register has neither not been recovered by the SIT or not supplied to the Court and Petitioner/Complainant. Such an

Inward and Outward register of all departments of the Police are critical to recover as it would allow an assessment as to the Higher Up (many of whom are accused) responses to the Godhra incident, the bandh call supported by the government, the decision to transport bodies to Ahmedabad and the subsequent parading of bodies; the state-wide communal mobilisations and use of aggravating speech and incendiary pamphlets; the conduct of the police and administration, the behaviour of the ruling party and fraternal organisations like the RSS, VHP and Bajrang Dal etc. This is a serious matter for further investigation.

(14) Security logs of the CM and other relevant senior officials of the relevant period showing their movements.

(15) The records of the Army and Central Paramilitary forces showing not just their deployment but their permissions from civil authorities to use force and firearms. The Statement in this regard of the head of the Armed Forces which were reportedly deployed in Ahmedabad and the rest of the State. Reports related to the Army Operations in Gujarat and statements of the Army officer in charge Major Zameeruddin Shah should have been recorded. The report of the Army in terms of the 2002 operation should have been sought.

(16) The Statement of Mr KPS Gill who was sent by the Central Government on 4.5 2002 or thereabouts needs to be recorded. He played a key role in ordering the reshuffle of key police officers deployed in the State, after which the riots appeared to have subsided. Violence was really contained only after the arrival of Mr KPS Gill.

(17) One of the stated reasons why some of these notes could not be accessed was the claim of the Gujarat Government that the records relating to meetings, police log books, wireless messages etc. were destroyed or were not kept. Official searches and seizures for these records / documents are vital as also prosecution of those senior or junior responsible for evidence destruction while the Supreme Court was monitoring this case.

- (18) Examination of Documents on Communication between the Chief Minister's office, Home department, DGP office, offices of the Commissioners of Police Ahmedabad, Vadodara and all others.
- (19) Fax and Other Communications Received by the Chief Minister's office, the Home Minister's office and the Home Department from victims, citizens and other official and non-official sources.
- (20) Examination and analysis of documents on Communication between DGP's State Control Room Gandhinagar with Commissionerates all over Gujarat, SPs of districts and ADGP Intelligence that have been reluctantly provided which the SIT has completely bypassed and ignored in its Investigations.
- (21) Procurement of all data and representations/memorandum sent by riot affected persons to Central and State statutory authorities including the office of the Governor and President between 27.2.2002 onwards that will reveal the depth and gravity of the violence and the brazen subversion.
- (22) Examination of all official records related to preventive detention in all cities and districts on the crucial dates of 27.2.2002 (Refer A- 38 Additional CP Mr Shivanand Jha cross examination before the Nanavati Shah Commission paragraph 3.08 and A-29 Mr PC Pande's affidavit and deposition (paragraphs 5.11, 5.8, 6.5 and 6.43). Also SIB document C/Prevention/177/2002 dated 28.2.2002 that records HP/BJP men in mobs and attacking innocent members of the minority community.
- (23) All Official Videography of the Statewide Violence beginning with Godhra and post Godhra reprisal incidents as is mandatory to be collected under law and the Communal Violence – Maintenance of Peace Circulars issued by the Government of Gujarat from time to time.
- (24) Co-Relation of the Conduct of Partisan Public Prosecutors appointed because of their membership to supremacist organisations like the Rashtriya Swayamsevak Sangh (RSS), Vishwa Hindu Parishad (VHP) etc. and the non prosecution of

the critical cases including not opposing easy bail (including anticipatory bail) to the accused. Partisan PPs Best Bakery Case where the courts says, "The prosecutor who does not act fairly and acts more like the counsel for defence is a liability to the fair judicial system and courts should not also play into the hands of such prosecuting agency showing indifference or adopting an attitude of total aloofness." Similarly the Gujarat High Court has ordered the replacement of Public Prosecutors in the Sardarpura case.

(25) The rigorous authentication of the CD of Phone Records as supplied by Mr Rahul Sharma to the Nanavati Commission and thereafter of Godhra Phone Call Records supplied by Mr Sanjiv Bhatt to ensure proper authenticated or otherwise by the SIT as was done by the NHRC through its authentication of the *Tehelka Tapes* on 8.3.2008.

(26) Analysis and Examination between the execution of the Conspiracy in outbreaks of violence in several districts pursuant to a decision taken at the highest level on 27.2.2002 and 28.2.2002 and in Districts where violence was substantially controlled. An intrepid and high level investigation of this nature should have co-related the above facts with which officers in Jurisdictional Charge were Rewarded for allowing violence to spread as is being alleged and those who resisted execution of the criminal Conspiracy were in 2002 and since (between 2002-2003) until now being consistently persecuted by a vindictive administration.

(27) Requisition or seize the records and are filed relating to the transfer of these and other officers since the Transfers, Rewards and Punishments are under the complete jurisdictional and political control of A-1 Mr Modi as Home Minister of the State. That he holds control over them to the extent of okaying their OCRs/ACRs that have a bearing on their service record, post retirement pensions etc.

All those public servants who were given reward postings and extensions after retirement, and have been accused of failing in their statutory and Constitutional duty, and are therefore logically, obliged to the State government and the present Chief

Minister should have been carefully probed including their financial assets/bank accounts as also those of their close relatives.

(28) Detailed Examination of Hate Speech of A-1 and other accused as well as influential members, ringleaders etc. of both the RSS, VHP and the ruling BJP in the state that worked in close collusion before, during and after the execution of the Conspiracy to ensure that the atmosphere in the state remains aggressively polarised to induce attacks on a hapless minority.

(29) Failure of the Gujarat Government to act against the print media making communally inciting reports, though such action was recommended by some field officers as well as the State Intelligence Bureau. (The Editor's Guild, which had been provided to the SIT, which mentioned that, the CM, had in fact issued selective congratulatory letters to those papers that had carried inflammatory coverage of the riots. Such letters were not sent to those Gujarat newspapers that had acted responsibly. (*Indian Express* of April 9 2002 and Editor's Guild excerpts. Page 27—part of the SIT records). Need to study comparatively the coverage of *Sandesh* and *Gujarat Samachar* that functioned in one way, the *Sandesh* as a virtual as arm of the government (inflaming passions) and other publications like *Sambhav* (four editions), *Prabhat* (Ahmedabad and Mehsana) and *Gujarat Today* that were more balanced.

(30) The SIT also needed to record statements of RE *Times of India* Mr. Kingshuk Nag and RE *Indian Express* Mr. Virendra Kumar. The *Prabhat* newspaper's Director Mr Ashish Kothari who had told the Editor's Guild that swords and liquor had been distributed in areas on February 27.2.2002.

(31) Analysis and Assessment of the government decision supporting the Bandh and its political and legal implications.

(32) Analysis during Investigation of the utter disregard for Law and the Constitution shown by A-1 Mr. Modi and his government to date by not ordering any penal action against officers who subverted investigation and did not name accused in 2002 and until 2012 when SIT submitted its final report.

(33) Serious Note should have been taken by the SIT on the fact that the A-1 Mr. Modi under whose charge the Home Department expressly falls, cheerfully and brazenly destroyed crucial Records while Critical Cases related to 2002 were pending in the Honourable Supreme Court since May 2002. The explanation of the State officials that these were routinely destroyed after 5 years is too facile to accept in the light of the fact that several investigations / inquiries relating to these records were in progress, including the pendency of these very cases before this court. In these investigations coercive measures like searches and seizures may be required.

(34) Investigation of the mobilisation of arms and ammunition allegedly by individuals of the supremacist and right wing groups before the Godhra incident. These have been mentioned by persons belonging to these organisations to *Tehelka* in the sting operations. The SIT has not treated this investigation with any seriousness at all. The *Tehelka* tapes have been authenticated by the CBI following an order of the NHRC on 5.3.2008. The SIT does not appear to have given due weight to the extra judicial confessions of the Hindu extremist groups in these tapes. (Mr. Haresh Bhatt etc.) Even the Fax allegedly sent from the ADGP SIB's office to the Ahmedabad police commissioner saying that their intelligence shows that Sabarkantha unit of the VHP had supplied weapons to their Ahmedabad unit which led to an inquiry and arrest (*Indian Express, April 2002, Editor's Guild Report...page 27*). The SIB of the Gujarat police too had before 27.2.2002 warned consistently of the communal and aggressive build up by the VHP all over Gujarat.

(35) Non arraignment of those complicit whose roles and acts arise out of the further investigation and the narration of the Protest Petition.

(36) **What should be done to analyse the CD:**

1. Collect all communications made between police officials/Ahmedabad City Police Control Room/State Control Room/ Police Stations for the period 27.02.2002 to 04.03.2002.
2. Every police officer of or above the rank of a DCP has with him a wireless operator who writes down all messages pertaining to the officer he is attached with in a book. Collect all

such books of all officers of the rank of DCP and above. (The Gujarat Police have submitted partial records to the Trial Courts hearing. In defence of their stand in not producing the entire record they have produced official letters stating that these records were “DESTROYED IN 2007.”

### **The Integrity of the CD**

The CD submitted by Mr Rahul Sharma contains call details of all mobile phones that were operating from Ahmedabad City areas for the period 25.02.2002 to 04.03.2002. Along with the regular details of numbers to which phones are dialled and from which they are received, the data also contains the approximate location of the mobile phone from which the call was made.

926. At that particular point of time, only two mobile phone operators were in existence – Cellforce (now Vodafone) and AT&T (now Idea). Information was called for from both the mobile phone service providers and received in separate CDs. The phone data from these separate CDs were then zipped and copied on to one single CD. Thus, to that extent, the CD produced by Mr Rahul Sharma, per se, is not an exact copy of the CDs provided by the cell phone providers.

*The SIT deliberately chose not to perform these tasks in a calculated bid to leave the phone call records unauthenticated as evidence.*

### **927. Service Providers and Senior Policemen need to be summoned to Verify and Authenticate the CD**

A) It is also submitted that efforts should be made to locate the office copies of the CDs provided by the mobile phone providers. In any case, if data is provided by a mobile phone company, they should be keeping an office copy of the data provided by them. Else, how would they prove the data sent by them? The inside information is that the cell phone companies have the data but they are “scared” of coming up with it under political/police pressure.

B) Efforts should also be made to recover the original CDs, which are lying with the Crime Branch of Ahmedabad City.

C) Senior functionaries of the mobile phone companies should be summoned and made to hand over their directories and identify over 2/3rds of the phone that are unrecognisable/ unidentifiable in the SIT records. This phenomenon clearly establishes that

several of the powerful politicians, policemen and possibly even the accused were using non-official phone connections not registered in their names. They have to date not been asked to give a full list of the numbers in their use. Even A-1 Mr Modi was not asked this question. This further points to a Conspiracy behind the post Godhra violence.

928. During Further Investigation, the following clear investigations need to be made thoroughly:

- Why were no minutes prepared of the meetings held by the Chief Minister and other senior officers to review the situation from February 27, 2002 onwards? Why were such minutes not circulated to concerned officials?
- If such minutes were prepared, why were no copies of such minutes submitted to the Commission?
- Why were the dead bodies of the Godhra arson victims paraded through the streets of Ahmedabad city, especially when many of the deceased belonged to places outside Ahmedabad city and a few had not even been identified at that juncture?
- Did the CP, Ahmedabad, or the DGP, Gujarat, report in writing to the Chief Minister or their superiors in government and administration on the possible adverse repercussions on law and order by this parade of dead bodies?
- If any such letters were sent to higher authorities, why were they not placed before the commission?
- Why was no preventive action taken against communal elements on February 27/28, 2000 even though the call for a *Bandh* (on February 28) by the Sangh Parivar and the BJP was issued on February 27, 2002 itself?
- Why was the Communal Riot Scheme not put into operation in relevant areas from the evening of February 27, 2002 onwards?
- Why was no prompt and effective action taken against the rioters by officers of the rank of DSP (deputy superintendent of police) and above (who had additional forces of armed policemen moving with them), particularly in Ahmedabad city that has about 40 such DSPs and Vadodara city, which has about 30?
- Why was no action taken by the policemen in approximately 100 police mobile vans stationed in Ahmedabad city, as also in

Vadodara city, against crowds that first began to congregate in small numbers on the morning of February 28, 2002 onwards?

- Why was no action taken when enforcers of the *Bandh* created traffic disturbances and indulged in petty crimes on the morning of February 28, 2002 so as to test the mood and strategy of the police?
- Why was there a delay in the imposition of a curfew, particularly in Ahmedabad city? (In Ahmedabad, curfew was imposed as late as 1:00 p.m. on February 28, 2002.)
- Why were no arrangements made for videography of the violent mobs despite regulations to this effect?
- How or why did the police fail to video-graph mobs even as the electronic media succeeded in doing so? Were there any orders to prevent this?
- Why was no effective action taken against rioters by policemen at specific locations and in mobile patrolling groups, both in vehicles and on foot, from the evening of February 27, 2002 onwards?
- Why was there such a delayed response to distress calls from prominent Muslim citizens such as former member of parliament, the late Mr Ahsan Jafri, despite their having made frantic calls to the chief secretary, the DGP, the CP, Ahmedabad city, etc. and possibly even the Chief Minister?
- Why were there higher casualties of police firing and riots among Muslims?
- Why were the instructions contained in the compilation of circulars entitled “Communal Peace”, issued to all district magistrates and police officers of the rank of SP and above, not implemented?
- Why were the “Instructions to deal with Communal Riots (Strategy and Approach)”, prepared by Mr. ZS Saiyed, former officer on special duty, and forwarded to all executive police officers for strict implementation, not enforced?
- Why was there no monitoring of the implementation of instructions issued by the chief secretary, the home department, the DGP and other higher officers from February 28, 2002 onwards?
- Why was no action taken against the vernacular press publishing communally inflammatory news reports and articles despite clear reports from the SP, Bhavnagar (Mr Rahul

Sharma), the CP, Ahmedabad (Mr P C Pande) and the ADGP (Int.), Mr RB Sreekumar, that such action should be initiated?

- Why was no action taken or any enquiry instituted against police officers for their alleged failure to record FIRs and conduct proper investigations into complaints of riot victims, largely minorities, although this matter was emphasised by ADGP Mr R B Sreekumar in his reports to the government dated (1) April 24, 2002 (2) June 15, 2002 (3) August 20, 2002 and (4) August 28, 2002?
- Why was no action taken or any enquiry instituted against officers of the executive magistracy, particularly district magistrates, who failed to initiate prompt action against rioters, especially between February 27 and March 4, 2002? Similarly, why was no action taken or any enquiry instituted against district magistrates and their staff who recommended the appointment of pro-BJP/VHP advocates as public prosecutors in a bid to subvert the trials that would follow?
- Why was no action taken against supervisory officers (i.e. DSPs, Range IGs/DIGs, CPs and the DGP) who violated Rules 24, 134, 135 and 240 of the Gujarat Police Manual-Vol. III by not properly supervising the investigation of serious riot related crimes and who were thereby guilty of culpable omission and grave misconduct?
- Why was no action taken against supervisory officers (i.e. the Range IG, Vadodara range, and the CP, Vadodara city) who were guilty of gross misconduct and negligent supervision in the Bilkees Bano and Best Bakery cases, trials of which had been transferred from Gujarat to Maharashtra by the Supreme Court?
- Why was no investigation conducted into the deposition by Mr. Rahul Sharma, the then SP, Bhavnagar, before the commission on October 30, 2004, about the location of BJP leaders and senior officers in Bhavnagar while a Madrassa was being attacked? (In November 2004, the English daily, *The Indian Express*, published a three-part investigative report that exposed revealing conversations between influential politicians and policemen).
- Why was no clarification provided on the government's inadequate implementation of recommendations made by the National Human Rights Commission, the National Commission for Minorities and even the Supreme Court?

929. Further this Court also needs to ensure that the following Nine Persons from the Chief Minister's Office (CMO) who's numbers are available should be thoroughly checked and scrutinised and analysed and co-related with their locational details and who spoke to whom. Three persons Mr. Sanjay Bhavsar, Mr. Tanmay Mehta and Mr. OP Singh have at a belated stage (January 2010) filed brief affidavits before this Commission simply on questions about their phone calls made to one Dr. Jaideep Patel an accused in the Naroda Patiya and Gaam Investigations.

930. No relevant questions raised in our **Detailed Phone Call Records Analysis have been put to them by the SIT**. Hence we urge that the Commission asks them to file more detailed affidavits about those phone call details and also summons them again before the Commission.

#### **Application & Noting on Discrepancies in SIT Record**

##### **Important Noting from File Annexure IV File No XVIII.**

931. Certain messages in many of these files are not in the official format. There is a possibility that these have been inserted by some of the accused subsequently. We have prepared special table listing how many files are in the official format and how many are on random pieces of paper without official format (**See Annexure\_\_\_\_\_**). This ought to have been a matter of investigation by SIT, which again SIT has mysteriously overlooked. In any event they could be aspects of further investigation that this learned Court should order.

#### **NOTE on DOCUMENTS COLLECTED BY THE SIT:**

932. Annexure IV File XIV, Annexure IV, File XV, Annexure IV File XVI and Annexure IV File XVII are all files containing print outs taken from a CD submitted by A-29, the former commissioner of police Ahmedabad, Mr PC Pande. Mr PC Pande is one of the favourite coterie of officers close to A-1 who had been repeatedly promoted despite being seriously indicted for his failure to contain, control, prevent or fairly investigate the incidents of violence under his jurisdiction. The Honourable Supreme Court on a petition challenging his induction into the Central Bureau of Investigation ordered that he should do

nothing to do with the Gujarat cases. His induction to the CBI in February 2004 was controversial because of a pending Writ Petition in the Honourable Supreme Court that had been praying for the transfer of all major carnage cases to the CBI. It may be recalled that this was a substantial recommendation of the National Human Rights Commission in its special report on Gujarat, May to July 2002. The National Human Rights Commission was then headed by former Chief Justice JS Verma. Coming back to the file mentioned above, Mr PC Pande whose repeated statements had been recorded by the SIT between May 2009 and May 2010 when the report was finally submitted to the Honourable Supreme Court which for reasons best known to him concealed these CDs (whose print outs are in the file mentioned above) at that stage. It was only after the Honourable Supreme Court thought it fit to order further investigation into the reports submitted by SIT moreover made an observation that "SIT evidence do not match the inferences" and finally when they brought in the Amicus Curie Mr. Raju Ramachandran independently collected evidence assisted by SIT that Mr. PC Pande in a sudden turn around after 15.3.2011 produced this material. This fact was communicated to co-petitioner in SLP No 1088 Ms Teesta Setalvad by I.O., SIT Mr. A K Malhotra when he recorded her statement under Section 161 in Mumbai in April 2011. Ms. Teesta Setalvad wrote a letter to Mr. AK Malhotra dated April, 2011 seeking special investigation by SIT into how a senior police officer of the Gujarat administration, moreover an accused in the complaint of Mrs. Zakia Jafri in the first instance sought to conceal vital documents and thereafter under what circumstances he produced them. (Please see the letter at Serial No 118, Annexure IV, File VII, pages 2798-2812, letter dated 21.4.2011. Despite this the SIT in its analysis of the furtherance of investigation paper have not only ignored vital clues provided by the wireless messages that clearly show aggressive communal planning and mobilisation after the critical cabinet meeting of 27.2.2002 on Godhra but also record huge crowds being present at the funeral processions before the cremations. The SIT simply filed a closure report ignoring this voluminous evidence.

## **Curfew**

933. Breach of Curfew Orders as Part of Conspiracy: This is also a point for Further Investigation - why no body was arrested anywhere at all for breach of curfew, how many times and where at which locations they took place.

## **Deployment of Army**

934. Army – Police Station-wise intensity of violence needs to be compared to the location where the flag marches took place and where army was deployed. Reference Serial No 143, Annexure III, File XII, Page 254 9.3.2002 point for further investigation – then DGP and Officer in charge of two Commissionerates and Nine District should be asked to provide information which they have sent, according to this message, in response to the 9.3.2002 letter mentioned above in serial No 143.

## **Situation Reports**

935. Reference Serial No 31, file XLI Annexure-III, Page 52 D-196 2.3.2002 – Statement of Mr. Prabhari Sachiv (Visiting in charge Secretary of All District) should be recorded in further investigation to bring out the point wise complete action initiated by them in complaint of instructions in this letter.

936. Reference Serial No 32 file XLI Annexure-III, Pages 53-54, 2.3.2002 – point for further investigation – Statement of Mr. Arun Sutaria, Settlement Commissioner, Ahmedabad, Mr SC Sanehi, Commissioner Land Reform Banaskantha, Mr. IP Gautam, Director (Finance) SSNNL, Sabakantha, Mr. KC Kapur Managing Director SSNNL, Mehsana, Mr. NR Vasani, Secretary (Co-op) Kheda-Nadiad, Mr. Arjun Singh P S (Lab & Emp) Ahmedabad, Mr. PK Laheri, PS (Rural Development) Panchayat Dept. Anand, Dr KN Shelat Commissioner for handicapped, Bharuch, Mr. HK Dash, Sec. Food & Civil Supp. Panchmahal, Mr. PK Pujari, Secretary, NRI, GAD, Bhavnagar.

937. The further point in the investigation is to interrogate whether all the directions sent by Chief Secretary ACS Home, and DGP were monitor for their implementation. The Naroda Patiya of judgment dated 29.8.2002 as also the report of the state

intelligence in bureau dated 24.4.2002, 15.6.2002, 20.8.2002 and 28.8.2002 clearly established that no such monitoring took place. A-28 the then ACS (Home) Mr Ashok. Narayan Adm. This in his conversation with Mr. Sreekumar i.e. on the record of Nanavati Commissioner of Mr. RB Sreekumar. This is also been given to the SIT in evidence.

938. There are messages sent by the Home department of the GOG directly headed by A-1 Mr. Modi at **serial No 29 & 30 (Pages 50 & 51) Annexure III. File XL I** sent by the Governor of Gujarat to the A-28 Mr. Ashok Narayan, the then ACS Home and A-27 Mr. Subha Rao, the then Chief Secretary. The first paragraph of the letter states that the Gujarat Home Department should pay attention on ensuring the dependability and credibility of reports sent to Governor of Gujarat. There is further evidence to suggest a doctoring of the ground level situation by the Gujarat Home Department headed by A-1 Mr. Modi. A message contained at serial No 34 at page 56 at Annexure III. File XL I, page says in its last paragraph that “there is a difference in the sets of figures of persons killed and attacked” between what the State IB was sending New Delhi and what the State Control Room under the Accused mentioned above were doing. Further investigation demands that A-60 Mr. GC Raiger, Mr. PS Shah and the then Joint Secretary, MHA Mr. Haldar are questioned on this.

939. Serial No 37, Annexure III, File XLI at page 60. Mr. PS Shah Addl. Secretary Home Department deliberately avoided indication of community wise of people killed and injured in police firing and riots as the SIB had provided to the MHA. Why? Mr. PS Shah should also provide information in further investigation as to what decision the CM had taken at the review meeting and also provide minutes of the meeting. Further monitoring of the instructions meted out also needs to be investigated. A-1 and Mr. BK Haldar the then Joint Sec MHA should be questioned on these points.

940. Serial No 50 at page 83-84, Annexure III, File XLI date 4.3.2002 which contains memorandum of distressed citizens of Dahod. Point for further investigation about the followed action taken on direction of Home Department on the points of repudiation of made by Dahod.

941. Reference serial No 49 at page 82, Annexure III, File XLI – which is the violence message dated 4.3.2002 from ACS Home to All Field Officers. ACS Home should be asked for explanations as to why no instructions to order the arrest and prosecution of those responsible for extent violence. Field officers should be asked to explain follow up action.

942. Reference Serial No 52 at page 87-88, Annexure III, File XLI – this is a letter dated 4.3.2002 sent from Mr. PS Shah Home Department to Mr. BK Haldar MHA. He says that the days were peaceful and then proceeds to narrate several incidents.

### **Shrines Destroyed**

943. Serial No 78 at page 129, Annexure III, File XLI dated 6.3.2002, A-28 Mr. Ashok Narayan makes special reference to the Religious Places of Act 1991 and mentions that many shrines of minority community have been taken over. Why was this aspect not investigation by SIT? Why was no case registered under the places of worship act, 1991 by the state police? Have they been restored? This point needs further investigation. This allegation needs to be seen in light of the High Court of Gujarat's judgement of 8.2.2012.

### **Translations Not Available/ Needed**

#### **SIT Statements Provided which are only in Gujarati**

944. Several of the files given to the Complainant/Petitioner are entirely in Gujarati; the translations not provided to the complainant. Since the SIT has arrived at its conclusions to file a closure report on the basis of these Translations provided to senior members Mr. AK Malhotra, Mr. YC Modi and Mr. RK Raghavan, for the complainant and this Court to arrive at a correct appreciation of whether or not the translations reflect the contents of the original in Gujarati, the copies of the Translations used by the SIT need to be made available to the Complainant and of course, the Court.

945. (Only to give some examples the following files are entirely in Gujarati -- files Annexure III, File VII (D-159) Annexure III, File VIII (D-160), Annexure III File XIX (D 161), Annexure III, File

XIX (D-161), Annexure III, File XX (D-162), Annexure III, File XXI (D-163), Annexure III, File XXI (D-164), Annexure III, File XXII (D-164), Annexure III, File XXIII (D-165), Annexure III, File XXIV (D-166), Annexure III, File XXV (D-167), Annexure III, File XXVI (D-168), Annexure III, File XXVII (D-169), Annexure III, File XXVIII (D-170), Annexure III, File XXIX (D-171), Annexure III, File XXX (D-172), Annexure III, XXXI (D-173), Annexure III, File XXXII (D-174) and Annexure III (D-165) XLI 174-175]. Besides all the PCR Messages and several statements provided are also in Gujarati.

### **Allegation by Allegation Rebuttal**

#### **Conspiracy In Action**

#### **Statewide Outbreaks of Violence Not Spontaneous but Fuelled**

*950. The SIT has simply not charted the outbreak of violence after 27.2.2002 and connected it logically and analytically to the blatantly criminal and conspiratorial acts of A-1 Mr. Modi of distorting the Godhra incident and misinforming the people and the state assembly about the provocative behaviour of kar sevaks, ordering and directing hasty post-mortems out in the open, Conspiracy and Collaboration with the VHP – an extremist organisation known for its Criminal and Communal tendencies, allowing the free distribution and publication of gory photographs of the burnt bodies, meeting VHP men in Godhra itself and giving them a signal that they would not be stopped and could have free rein of the streets, towns and villages, allowing hate speech to be the norm rather than an exception that needs to be criminally prosecuted, paralysing and intimidating the administration into not performing its statutory functions, delaying and then neutralising the functioning of the Army, ignoring statutory interventions and strictures such as those from the Supreme Court, NHRC and the CEC, appointing partisan lawyers in the critical job of prosecution of the guilty, forcibly closing down relief camps, indulging in hate speech himself and carrying out a bitter policy of reward for collaborators and punishments for any and all of those officers and others who functioned as per the law. Critical records were destroyed at the behest of A-1 Mr. Modi way back in 2005 and 2007 when the Supreme Court had been seized of the matter since 2002. The SIT has simply closed its eyes to this.*

*Investigation papers themselves reveal critical documents that establish the various ingredients of this sinister conspiracy.*

*951. The SIT has purposefully ignored linking the various ingredients of the chain of conspiratorial crimes in a logical and dispassionate manner, looking at the mens rea of A-1, phone contacts between accused conspirators, the empirical fallout of events that led to mass-scale violence right from late February 2002 up to May 2002, the subversion of criminal justice, investigations and prosecutions that continues right until today. All this was done with a desire to protect A-1 Mr. Modi and other collaborators and conspirators. Despite its best efforts to reduce this sensitive investigation to a sham, the tenacity of the Complainant and co-petitioners ensured that critical documents related to the investigation, etc were made available. From these, as the Protest Petition has meticulously shown, the state's own Intelligence Reports and the PCR (police control room) records reveal a chilling tale; a corroboration of all the allegations, detail by detail.*

*952. Bodies of the hapless Godhra victims were not only handed over to A-21 Dr. Jaideep Patel – a VHP strongman who was subsequently named as a rabid instigator in the mobs that attacked the minorities at Naroda on 28.2.2002, but these were also paraded in macabre fashion, allowing a tragedy at Godhra to be carried, amplified, to the rest of Gujarat thus ensuring the statewide attacks, massacre and brutalisation of Muslims.*

953. The conspiracy, meeting of minds and common intent is clear: that A- 1 Mr. Modi conspired before the incident, during the incident and thereafter, masterminding a coldly calculated conspiracy, the guilty mind of a criminal and abetment in all the series of crimes that were unleashed under his watch. Since 2002 he has retained rigid control of the state's home department to continue the subversion of justice delivery related to the violence of 2002 and ensure that the guilty are not punished. Whatever justice has been possible has happened due to the direct interventions of the Hon'ble Supreme Court and the witness protection given by the Court, the monitoring of key trials, the tenacity of survivors and the rigorous presence of

survivor witness advocates and rights groups to assist the prosecutions and face the trials in a hostile environment.

954. On the basis of the above narration of incidents involving the Accused as Conspirators and Abettors, the Complainant now wishes to consolidate all the relevant material which exists against each one of the accused.

955. *The SIT has gone out of its way to protect the accused. At page 64, Allegation II, related to the parading of dead bodies, the SIT deliberately and in a culpable manner ignored the documentary evidence that was at its disposal. This has been laid down in great detail and at great depth through the body of the Protest Petition.*

**Messages related to funeral processions deliberately ignored by SIT**

956. *As early as 12:30 p.m. on 27.2.2002, an SIB officer through fax No. 525 communicated to the headquarters that there were reports that some dead bodies of Godhra victims would be brought to Kalupur Railway Station in Ahmedabad city. "So communal incidents will occur in Ahmedabad city. So take preventive action."*

957. *Another SIB message numbered as Out/184/02 again warned about communal violence if the bodies were brought to Ahmedabad. "Communal incidents will occur in Ahmedabad city. So take preventive action." The same message said that kar sevaks had given explosive interviews to a TV station at Godhra and had threatened to unleash violence against the Muslims. At 1:51 hours and again at 1:59 hours on 28.2.2002 there were panicked messages by wireless police vans positioned at Sola Hospital, demanding immediate protection from Special Reserve Police platoons and the presence of the DCP Zone 1.*

958. *A Message at 2:44 hours on 28.2.2002 stated that the motor cavalcade had reached Sola Civil Hospital.*

**Page No. 5790 of Annexure IV, File XIV of the SIT documents reveals that at 4:00 a.m. a mob comprising of 3,000**

*swayamsevaks, that is the members of the Rashtriya Swayamsevak Sangh (RSS), had already gathered at the Sola Civil Hospital.*

**Page 5796 of Annexure IV, File XIV of the documents.** At 7:14 hours the PCR van again informs the Police Control Room that a large mob had assembled at the Sola Civil Hospital.

**Page 5797 of Annexure IV, File XIV of the documents.**

959. Again, another message, three minutes later – at 7:17 hours, says that a mob of 500 people was holding up traffic.

10 bodies were taken to Ramol, an area near Naroda, and a massive funeral rally of over 5 to 6,000 mourners took the bodies to Hatkeshwar crematorium in the afternoon.

At 11:55 a.m. a PCR message is sent out saying that the Hindu mob had become violent and had set a vehicle on fire and was indulging in arson on the highway.

960. A message is sent out at 11.55 a.m. on 28.2.2002 (Page No. 6162 **Annexure IV File XV**), saying that “Sayyed Saheb, the Protocol Officer, had informed Sola-1 that riots have started at Sola Civil Hospital at (near) the High Court where the dead bodies were brought.”

961. Again, there is another message with no indication of time (Page No 6172 of 28.2.2002), which states that the officers and employees of the hospital had been surrounded by a mob of 500 and they could not come out. The message also made a demand for more security for the Civil Hospital at Sola. **Annexure IV File XIV-** Message Nos. 5907 and 5925 dated 11:58 hours on 28.2.2002) show that when 10 dead bodies were taken from Jantanagar, Ramol, to the Hatkeshwar cremation ground, a crowd of 5 to 6,000 persons accompanied this procession.

962. On the morning of 28.2.2002, an SIB message on page 258 of **Annexure III File XIX**, Message No. Com/538/28/2/02 says that a funeral procession was allowed to take place at Khedbrahma, a town in Sabarkantha district. The message cited above states that soon after the funeral procession, 2 Muslims on their way to Khedbrahma were stabbed and the situation had become very tense.

963. A subsequent message at page No. 262 of the same file (**Annexure III File XIX**) mentions that 150 Bajrang Dal workers were on their way from Ayodhya to Khedbrahma.

Another message at page 254 (**Annexure III File XIX**) – Com/574/2002 sent out at 15:32 hours on 28.2.2002 states that one more victim of the tragic train burning at Godhra, Mr. Babubhai Harjibhai Patel, resident of Vaghrol, Tal. Vadali in Sabarkantha was brought back and a funeral procession was organised in the town.

964. The SIT also did not probe into media reports about parading of dead bodies about which there was sufficient coverage in the electronic and print media of those days. Militant Hindu crowds following the dead bodies on the roads of Ahmedabad were shouting anti-Islamic slogans containing a lot of communal hatred, culpable under section 153-A IPC.

965. The assessment of the Complainant, as detailed in her complaint dated 8.6.2002, repeated communications to the investigating agency by her and co-petitioners in SLP 1088/2008, Ms. Teesta Setalvad of Citizens for Justice and Peace, and now with additional force and rigour following access to critical documents in this Protest Petition, of criminal negligence by the State Government Officials, was further reiterated by the Hon'ble Supreme Court in its following decisions, a) Transfer of investigation of Bilkis Bano mass rape case to the CBI, b) Transfer of trial of 2 cases (Bilkis Bano and Best Bakery) to Maharashtra, c) Ordering reopening and reinvestigation of 2,000-odd closed riot-related cases (closed by the State Police for favouring the accused belonging to the Sangh Parivar). (Even statutory notice was not issued to the complainants who filed the FIRs, before closing the cases. This was an unprecedented move by the Supreme Court, for the first time in the judicial history of India), d) Appointment of the SIT to reinvestigate major genocide cases and to probe Mrs Jafri's complaint, and e) the Gujarat High Court in February 2012 had assailed the State Government for its failure to protect historical monuments and religious centres of the Muslim community during the riots. Significantly, Special Courts hearing cases investigated by the SIT headed by Dr. RK Raghavan had reportedly passed strictures against unprofessional investigation of riot cases by the Gujarat police. The Court had particularly

censored one Police Inspector Mr. Patel, who investigated the Deepda Darwaza case of Mehsana District. In all these judicial directions, the higher judiciary made critical observations against the State Government functionaries.

966. The reports by NHRC, National Minorities Commission, etc had also echoed the assessments made by the State Intelligence Bureau (SIB) about the subversion of the CJS and failure of the Government to take remedial measures but these charges have been utterly ignored by the SIT.

967. The most ghastly massacre (96 people killed and 125 injured) during the 2002 anti-minority genocide was enacted in the Naroda Patiya locality of Ahmedabad city.

The judgement of the Sessions Court on this man-made tragedy pronounced by Judge Mrs. Jyotsna Yagnik, the Special Court Judge on August 29, 2012, contains many crucial findings aspects with regard to the criminal justice system. Criminology predicates the imperative convergence and collaboration of five categories of criminals for the devilish execution of mass crimes especially with relation to a criminal conspiracy of this scale and magnitude.

They are (1) Planners, (2) Organisers, (3) Ground-level mobilisers, (4) Perpetrators or foot soldiers (those who inflicted physical violence literally), and (5) Facilitators or enablers.

968. In the Naroda Patiya case, the Court had punished, besides the masterminds, A-1 and his cabinet colleagues A-2 (now deceased), A-3, A-4, A-5, A-6, A-7, A-8, A-9, A-10, A-11, A-12, A-13, A-14, A-15, A-21 (among others of the VHP and BJP) the actual executors of violence, an organiser (former State Minister), A-16, A-21, A-19 among others and ground-level mobiliser (Bajrang Dal/ Vishwa Hindu Parishad leader), A-22. The Court had also confirmed, (1) The premeditated conspiracy, (2) Sequential and steady preparatory efforts, (3) Actions towards mobilisation of violent mobs, (4) Conspicuous collaborative acts by the police and so on. The moot question before us in this case is, did then the conspiracy stop at the level of an MLA of the ruling party and her co-conspirators from the BJP, VHP and Bajrang Dal including A-21 Dr. Jaideep Patel who was in close touch with A-1 Mr Modi since the morning of 27.2.2002? Or does it, as this complaint has charged, extend far

further and go deeper?

### **Hate Speeches Uninvestigated**

969. The state government under A-1 Mr. Modi as cabinet minister for home, A-5 Mr. Gordhan Zadaphiya, A-2 Mr. Ashok Bhatt, A-25 Mr. K. Chakravarti, A-29 Mr. PC Pande, Range Officers laid out in the Complaint/FIR dated 8.6.2006 as also SPs/DMs also laid out as accused, were delivered deliberately as part of the conspiracy to allow hate speech to foment hatred and violence, did not take action on many proposals sent by the State Intelligence Bureau (SIB) against media, publishers and distributors of materials containing ingredients of communal incitement and aggravation of hatred between communities.

970. The details and the copies of these proposals were included in the first and second affidavits of former DGP Gujarat Mr. RB Sreekumar and repeated in his deposition before the Nanavati Commission dated 31.08.2004 in cross-examination. Officers In-charge of the Home Department A-28 Mr. Ashok Narayan, A-34 Mr. K. Nityanandam, Mr. KC Kapoor, IAS (1973), and Mr. Balwant Singh, IAS (1975), and Secretary Legal Department, Mrs. Bela Trivedi and her successors are responsible for this dereliction of duty.

971. The SIT did not suggest any action against any government official for not acting on the former ADGP Mr. Sreekumar's recommendations for legal action against the media. Why was this criminal negligence not treated as an offence u/s 166, 217, IPC? The Amicus Curiae, Mr. Raju Ramachandran has recommended the prosecution of A-1 Mr. Modi under Sections 166 and 153A and 153B of the IPC.

972. The SIT has observed that some of the material provided as evidence of hate speech was not sufficient to make out a criminal case. The SIT did not see anything wrong in the inaction of the DGP and Home Department in not ordering a deeper probe based on the suggestion through jurisdictional officers for getting relevant evidence and prosecuting the culprits. The large volume of hate speech material that the SIT should have summoned and scrutinised (part of the Concerned Citizens Tribunal, part of the CDs of television records available

with the Nanavati Commission and the hate pamphlets deliberately distributed by the VHP that were given to the SIT) was wilfully and purposefully ignored by the SIT. These should have been studied and analysed professionally and are the subject matter for further investigation.

973. Consequently, the publishers of communally inciting material continue to enjoy immunity from legal action.

**Messages related to mass mobilisations and hate speeches**

At page 365 of **Annexure III File XXI (D-166)** message No. 73/02 dated 28.2.2002 sent by the ACP (Intelligence) Surat Region to State Intelligence Bureau Headquarters at Gandhinagar says that between 9:00 to 10:00 hours on the morning of 28.2.2002 a meeting was held at Sardar Chowk in Vapi Town where Mr Dinesh Kumar Behri of VHP and Mr. Acharya Brahmhatt of Bajrang Dal, Mr. Jawahar Desai of BJP and Mr. Vinod Chowdhary of RSS made inflammatory speeches regarding the incident at Godhra and called upon the Hindus to unite.

974. Another message at page 188 in Annexure III, File XVIII sent at 20:38 hours on the day of the Godhra train burning tragedy, i.e., 27.2.2002, mentions the following: “Mr. Dilip Trivedi the General Secretary of VHP and Joint Secretary A-21 Dr. Jaideep Patel and A-19, Mr. Kaushik Mehta in a Joint Statement issued by them have declared that innocent Ram Bhakt’s have been attacked and hence Gujarat Bandh has been declared.” They have also stated that the attack on the Ramsevaks returning from Ayodhya was pre-planned by the Muslims. “Innocent ladies were molested and compartments were set on fire and Ramsevaks were burnt alive.”

975. The joint statement issued by the three senior-most office bearers of Gujarat VHP’s unit was clearly designed to stoke communal passion. A reasonable response would have been an immediate government clampdown on such public utterances and if required putting all these trouble makers under preventive detention. But no such action was taken. The VHP called for a Bandh on 28.2.2002 and the BJP, the ruling party, openly supported the call for a Bandh. The State instead of clamping down on the call for a Bandh, gave the VHP leaders and its cadres a free reign and a license to kill.

976. *The SIT has not dealt with the serious implications of the state and ruling party's support for the band substantively, at all.*

**Evidence of Criminal Mobilisations by the VHP, RSS, BD, BJP etc**

977. *Despite the SIT papers containing documentary evidence of such more instances of hate speech, the SIT has concealed these in its final report and deliberately avoided any conclusions. At page 345, the message titled Vardhi No. 24 contained in Annexure III File XIX dated 27.2.2002 of the SIT papers, sent from D.O., Ahmedabad to the Intelligence Office at Virangam (Virangam is in the rural district of Ahmedabad) stated that 50 to 75 members of the VHP and Bajrang Dal had gathered at Virangam town Chali and in the Golwada area and the situation was very tense.*

978. Another message in the same file, i.e., Annexure III, File XVIII (D-160) at Page No. 19 Message No. 531 is from SIB Police to Mr. KR Singh at 18:10 hours on 27.2.2002 said that, *"on 27.2.2002 at 4.30 p.m. when the train arrived at the Ahmedabad Railway station, the karsevaks were armed with 'dandas' and shouting murderous slogans 'khooon ka badla khooon' and 'Bharat Mata ki Jai'."*

979. Fax Message D-1/ HA/ Jaher Sabha/ Junagadh/ 311/02 dated 27.2.02 at 10.12 p.m. sent by PI, CID, Int. Bhavnagar to IG, Gujarat. State IB, Gandhi Nagar said that the Sadhu Samaj president Mr. Gopalnandji gave an agitated speech at Junagadh Kadva Chowk, on 27.2.02 between 19:30 to 21:00 hours. The message then goes on to name specific local VHP leaders and says that they expressed their condolences to Karsevaks and then delivered hate speeches and called to unite all Hindus and told the audience to cut the hands and legs of our enemies. They said in their speech that the incident occurred at Godhra in the morning at 7:30 a.m. but yet no reaction was seen from the Hindus, which was very unfortunate. *"Muslims who live in India with sincerity and patriotism, we don't have any agitation against them. But we have objections against those who live in India and favoured Pakistan and carried out activities against the country. Anti- national activities are being done in the*

*Madrasas. We have objections against it. We do not have any kind of objection against spiritual religious education for the children. Pooja prarthna at the temple and praying at the Masjid is all right but Pakistan Zindabad is not right. Above mentioned ideas were expressed by them.”*

980. Fax Message Com/HM/550/ 02 Dt. 27.2.02 23:59 Out No 398 from ACP, Int. Gandhinagar Region to IG, Gujarat. State IB, Gandhinagar says that 50 Karsevaks travelling by a special bus from Ahmedabad reached Modasa centre in village Vadagam at Taluka Dhansura at around 18:30 p.m. on 27.2.2002.

“They were received by a mob of 500 people and these karsevaks addressed the mob and told the people how the compartment of Sabarmati Express was attacked. People present in the mob got excited and 21:30 hours people from around the village gathered and the mob swelled to a huge size. To maintain order the force was not sufficient and about 10 paan bidi shops were set on fire. Vehicles like the Jeep, Maruti and Ambassador were set on fire. These vehicles and shops seemed to belong to Muslims. One Mr. Yasinbhai Multani’s shop at Kalol centre Tal. Kadi and Bavlu PS village Kalyanpur was burnt down by the mob.

*981. This action of the SIT was true to its strategy to keep the complicity level of government officials at as low a level as possible, in the commission of any offence related to the 2002 riots. Intelligence officials do not have power to investigate crimes yet they did the best they could, intimating the police and recommending prosecution.*

*982. The SIB has compiled a list of over 106 persons belonging to the RSS, VHP, BD and others who has been seriously implicated in the 2002 Violent incidents. This has been annexed herein at **Annexure** \_\_\_\_\_.*

*Yet the SIT ignored all this material.*

983. At pages 47 and 48 of **Annexure III File XIX** of the SIT papers, the State IB officers take note of inflammatory pamphlets distributed by the VHP in Vadodara city. This

logically should have led to action under the relevant section of the IPC. The fax message, Mes. IB/D-2/com/Info Patrika/Vadodara/974 and Mes. /SB/Patrika/ 1247/ 02. At Page 53 of **Annexure III File XIX** there is a chilling account of how 8 persons (Muslims) are burnt alive by accused and they even destroyed evidence. This message was sent from the Vadodara region to Gandhinagar on 7.3.2002 at 13:08 hrs. Mess. IB/com/38/02. (Sant Rampura police station ICR No. 43 of 2002). The anger of the minority community against the publication of communal writing by mainline Gujarati newspapers in 2002 had led to several memorandums being submitted to the authorities. (See sections on hate speech in the Protest Petition). From 27.2.2002 onwards, Sandesh newspaper had played the role of assisting the enveloping conspiracy to spread communal violence hatched by A-1 Mr. Modi. The IB message (Mes. IB/Mahiti/383/02) dated 7.3.2002, 11:30 hrs, at page 58 of **Annexure III File XIX**, records that Muslims of Tandalja area in Vadodara had boycotted the *Gujarat Samachar* and *Sandesh* newspapers because they had printed inflammatory news that went against the public order. This message also records that the anger of the minority went so deep that despite the Chief Minister, A-1, visiting Vadodara, no one from Tandalja met him or even submitted a memorandum.

*984. Yet the SIT made a mockery of investigating this charge by ignoring a large volume of evidence. See Allegations No. XVII, Page 147 of the SIT Report – former DGP Mr. Sreekumar had during his cross-examination dated 31.8.2004, on the contents of his first affidavit, submitted as exhibit, a copy of his proposal to the DGP and Home Department recommending action against the publication of anti-minority pamphlets. This proposal is besides those mentioned in the First Affidavit with copies as Appendix-26. This material was all available with the SIT but has been wilfully ignored by it.*

#### **Ambivalence of the SIT on the Meeting of 27.2.2002 at the residence of A-1 Mr. Modi**

985. To date, as regards the meeting chaired by the CM on 27.02.2002 (first revealed in the report of the Citizens Tribunal and then in the fourth affidavit of Mr. Sreekumar and in four

other ways mentioned in the Protest Petition at the start), the fact of this meeting had been omitted from disclosure by senior officers of the government who filed affidavits before the Commission. How could the senior officers ignore the importance of a chief minister-chaired meeting on 27.02.2002, when there were numerous Intelligence reports from state and central Intelligence on the possibility of extreme and extensive violence against minorities on the day of the VHP-sponsored bandh on 28.02.2002? *Why has the SIT religiously avoided probing this major culpable omission by officers?*

### **Deliberate Subversion: Non-maintenance of Minutes of Meetings**

986. The non maintenance of minutes of any of the Law and Order review meetings chaired by the Chief Minister, other Ministers, the Chief Secretary, the ACS Home, DGP etc. since 27.2.2002 right up to 31.2.2002 (the crucial period of riots), had largely confirmed the validity of representation by riot victims and observations by national bodies like NHRC, National Commission for Minorities (NCM), CEC etc. about the State sponsored, patronised, promoted, facilitated, aided, abetted and enabled character of 2002 anti-minority carnage. Those who presided over these meetings, reportedly, were keen to violate the inalterable principles of transparency and creation of documents for any future probe, review or study of performance of functionaries mandated to enforce Law for upkeep of normalcy during 2002 riots. Notwithstanding the inference of criminal designs behind non-maintenance of minutes of crucial meetings, this lapse per se is an unwarranted avoidable procedural omission, violating rule-3 of AIS (conduct) rules and provisions of Office Procedure quoted in AIS rules. Minutes are critical to ensure due diligence in administration and governance.

987. Clearly the real motive behind the non-maintenance of minutes appears to be subtle dismantlement of responsibility and accountability to the masterminds behind the Conspiracy, the higher echelons of the State Administration and those responsible relating to communal disturbances. The SIT failed to investigate the motives and connections and patterns behind these lapses.

**Allegation No. XXVI Page 210.**

988. The SIT has simply accepted the version and explanations of the accused for not maintaining minutes of meetings. SIT should have questioned them about modality of monitoring of implementation of decisions taken in a meeting. At least participants must have kept rough notes of the proceedings and thereafter issued instructions to concerned officers for initiating actions toward implementation of decisions taken in the meetings. If there are no records about follow-up actions also, SIT should have drawn adverse inferences against the accused persons. With the overwhelming evidence available on the subversion of CJS to deny justice delivery to riot victims, hostile attitude of the Police Officers and other functionaries to Muslims etc. It should have been presumed that in the review meetings convened by seniors under the tutelage of A-1 Mr. Modi no purposeful decision was taken for improving the ground situation. In this connection the Register of former DGP Gujarat and ADGP Intelligence at the time Mr. RB Sreekumar would have been critical. The police department needs to record all actions in the streamlined systems based on Standard Operational Procedure (SOP) enshrined in the Gujarat Police Manual, DGP circulars, government resolutions etc. Why has SIT deliberately avoided examination of such records? Was SIT apprehensive that such a probe would throw up evidence against the accused regarding their culpable acts during the riots and subsequent days?

**Allegation No. XIII**

**989. Ambivalence of the SIT in State Support to the Bandh Call.** The SIT has not found anything objectionable in the State Government's failure to oppose the bandh call given by the VHP on 28.2.2002. The CM also did not oppose the bandh. This act is in gross violation of a ruling by the Kerala High Court. It is a culpable act especially when the bandh becomes an excuse for allowing consciously marauding mobs to have free play of the streets, illegal funeral processions and the parading of dead bodies. The SIT avoided making any observations against even home department and police officers also on this criminal negligence. A-28 Mr. Ashok Narayan admits that "The bandh

call was also the reason for taking place of violence on large scale.” (Deposition before the Nanavati Commission).

**990. Stationing of Two Ministers/Party functionaries in the Ahmedabad and City Control Rooms o 28.2.2002**

These illegal actions were part of the Conspiracy hatched by A-1 Mr. Modi and at his behest:

- to monitor riots/ interfere in police functioning
- to ensure police inaction
- Muslim residential colonies, shops and establishments had been identified beforehand and these records were available with the marauding mobs.

991. A-25 Mr. K. Chakravarti – because of the instruction he received from A-1 at the meeting, he does not perform his duties as statutorily required. There is no message from him after the said meeting to the police stations with detailed statutorily required instructions on curfew and its strict implementation, preventive arrests, action against hate-mongers, arrest of culpable persons on the spot, etc, alarming them to specifically deal with the law and order situations. The statement of a police officer Mr. Sanjiv Bhatt as also his affidavit before the Hon’ble Supreme Court, which has led to the Amicus Curiae clearly recommending the charge-sheeting of and prosecution of A-1 Mr. Modi, clearly shows that A-25 Mr. K. Chakravarti was working for A-1. The fact that because of the clear instructions of A-1 Mr. Modi, A-3 Mr. IK Jadeja was allowed to take control of the state control room at Gandhinagar on 28.2.2002 shows that A-25 Mr. Chakravarti was effectively neutralised and A-1 had put his own man to direct what policemen should do/ should not do. A-28 Mr. Ashok Narayan, ACS Home, manipulated the first information – as an abettor in the neutralisation process, in carrying out what A-1 said. No specific instructions were given by A-1, A-5, A-28 or A-25 to concerned police stations or officials about strict deterrent measures for maintenance of law and order.

992. The fact that A-3 Mr. IK Jadeja was allowed to take control of the state control room at Gandhinagar on 28.2.2002 shows that A-25 Mr. Chakravarti was effectively neutralised and A-1 had put his own man to direct what policemen should do/ should not

do. A-25 Mr. Chakravarti stated that A-28 Mr. Ashok Narayan had informed him of the government's decision that A-3 Mr. IK Jadeja, the then Minister for Urban Development, would sit in his office about the law and order situation. Mr. Ashok Narayan says that no such instruction was given by A-1, the chief minister. A-3 Mr. IK Jadeja in his statement said that A-5 Mr. Gordhan Zadaphiya had told him to remain present in the Police Bhavan (Gandhinagar, Police HQ) to receive information and if extra police forces were required, to pass on the same request to the Home Department. Mr. Zadaphiya denied having given any such instruction. However, the fact remains that A-3 Mr. IK Jadeja was present in the State control room at Gandhinagar.

*993. The statement of Mr. Sanjiv Bhatt regarding the presence of Mr. IK Jadeja in the state police HQ has been referred to and accepted by the SIT. However, the SIT brushes aside the presence of Mr. IK Jadeja in the control room by stating that there is no evidence to prove that he interfered or gave any direction with regard to maintenance of law and order and therefore no offence is made out.*

994. On 28.2.2002, as a carefully planned part of the conspiracy, mass killings were engineered in 30 different locations all over the state, two senior cabinet ministers sat in the police control room in Ahmedabad and the state police control room in Gandhinagar and directly influenced police action, or inaction. Gujarat's former health minister, A-2 Mr. Ashok Bhatt – who, incidentally, before his death in 2010, faced a criminal charge for the murder of a police head constable, Desai, on April 22, 1985 at Khadia in Ahmedabad – was in the police control room (PCR) at the Ahmedabad police commissionerate in Shahibaug for more than three hours on 28.2.2002. (Concerned Citizens Tribunal)

*995. The SIT does not say that even the very presence of the minister in the police control room was illegal and questionable and that it was part of a planned conspiracy because A-3 Mr. IK Jadeja was sent to the police headquarters, according to Mr. Jadeja's own statement, by the MoS Home, A-5 Mr. Gordhan Zadaphiya. A-1 Mr. Modi was the Cabinet Minister for Home and has been since 2002.*

996. Similarly, A-2 Mr. Ashok Bhatt was also in the City Control Room at Shahibaug, Ahmedabad, and A-25 Mr. K. Chakravarti had stated about his presence in the control room. A- 29 Mr. PC Pande denied that A-2 Mr. Ashok Bhatt was present but admits that he had come to the Control Room with the Union defence minister (Mr. George Fernandes).

997. The SIT on the basis of a man criminally culpable for concealing information from a Supreme Court-appointed team, has gone to the extent of saying that Mr. Ashok Bhatt did not visit the Shahibaug Police Control Room on 28.2.2002. The same logic that was applied to Mr. IK Jadeja was also applied to Mr. Ashok Bhatt.

998. A-29 Mr. PC Pande, the then Commissioner of Police, Ahmedabad, too gave no specific directions for the prevention of violence, arrest of accused and in fact holed himself up inside the Commissioner's office when macabre mayhem erupted throughout Ahmedabad. He gave no directions to police officers, did nothing when the murderous crowds tried to attack the staff at the Sola Civil Hospital, and did nothing when High Court judges of the minority community were targeted but made sure that he was in close touch with A-1 Mr. Modi at least fifteen times at critical hours of the day.

999. What were A-31 Dr. PK Mishra, PS to CM doing? What about A-34 Mr. K. Nityanandam, Home Secretary? *Has SIT bothered to investigate?* The consequence of two top-level politicians being stationed in the State and City (Ahmedabad) Police Control Rooms was that of direct interference in the independent functioning of the state police, criminal intent, and negligence for the lives of Citizens and at the core a violation of the Constitutionally guaranteed Fundamental Rights, the Right to Life (Article 14 and Article 21 of the Indian Constitution).

1000. Curfew was not declared in Ahmedabad City until almost all the attacks were well underway, i.e. at about 12:40 p.m. and there is absolutely no suitable explanation in the statements collected nor any explanation given about this in the SIT's opinion submitted before this Court on 8.2.2012. The widespread violence, especially in districts where Ministers from the State Cabinet were (in 2002) elected as MLAs, points

directly to a common mind behind the violence in the state administration (See **Concerned Citizens Tribunal Report Crimes Against Humanity March 2002**)

1001. Influential persons, including MLAs and policemen, have been arraigned as Accused (Judgements are still awaited) in the cases being monitored by the Hon'ble Supreme Court – Gulberg Trial (Mr. Atul Vaidya and Mr. KG Erda arraigned as accused subsequently); Naroda Patiya Trial (Dr. Maya Kodnani and Mr. Babu Bajrangi arraigned as accused); Naroda Gaam Trial (Dr. Jaideep Patel arraigned as accused); Deepda Darwaza Trial (Mr. Prahlad Ghosa arraigned as accused).

### **Eyewitnesses' Statements on Records of the Trial Court**

1002. Eyewitnesses and victim survivors have spoken of the anguished calls made by survivors from Naroda Patiya and Gulberg Society (by Mr. Ahsan Jafri personally for help from the highest levels in government that neither he nor others received).

Were these a genuine human lapse or a pre-planned conspiracy at the very highest levels to allow people to be raped, molested, burnt and killed at Naroda Patiya and Gulberg Society on February 28, 2002 after the attacks started i.e. between 10 a.m. and 5.30-6 p.m.? This pre-planned conspiracy carried on virtually unchecked until May 18, 2002.

1003. A-3 State Cabinet Minister in-charge of Urban Development Mr. IK Jadeja and Health Minister Mr. Ashok Bhatt had positioned themselves in the DGP's office and in the Control Room, Ahmedabad city, from forenoon on the day of the VHP-sponsored bandh on 28.02.2002.

1004. Their unauthorised presence in offices of supervisory police officers was illegal, unethical, even under the verbal orders of the Chief Minister because these Ministers did not have the powers to interfere in the policing work being done by officers who were statutorily empowered to maintain law and order. Their acts do amount to offences punishable under section 186, IPC – obstructing Government servants in the discharge of their duties. The question of evidence about these Ministers' active interventions or meddling with police operations carried out from the operational HQ of the DGP and

CP, Ahmedabad, is not required to establish their culpability in this matter.

1005. The very act of remaining present in police offices without authority, agenda or roles in police work would satisfy the ingredients of section 186, IPC to proceed against them. The DGP and CP, Ahmedabad, are responsible for this major dereliction of duty of permitting the unauthorised positioning of these Ministers in the operational centres of the Gujarat police on the crucial bandh day. Further, as per the Rules of Business, only the Governor of Gujarat has the authority to entrust the functions of the Home Department to these Ministers. Nevertheless, powers mandated by the CrPC to police officers can never be provided to them even by the Governor. It is relevant to note that on that fateful day of 28.02.2002, the largest number of Muslims were killed during the 2002 riots, allegedly by marauding crowds of the Sangh Parivar.

**Allegation No XIV, Allegation No XI**

**Regarding deployment of Army, Central Paramilitary Forces (CPMF)**

1006. The SIT has again, without examining relevant records of the Ministry of Defence, Ministry of Home Affairs, Army and CPMF tried to give a clean chit to the accused persons that to by simply accepting their version about the timing, procedure, requisition and deployment of the Army and CPMF. This does not seem convincing given the serious contradictions that exist on the record on this issue. SIT has simply accepted the statements of accused in this matter. SIT should have recorded the statements of officials from the Army and CPMF who were actively engaged in assisting the state police for maintenance of law and order. SIT should also have brought on record as part of evidence all documents maintained by the Army and CPMF.

1007. The ground level experience of the survivors of the carnage and their version about role of the Army and CPMF was also not given due credence. SIT has ignored the specific suggestions made by co-petitioners in SLP 1088, Ms. Teesta Setalvad to examine the documents of the Army, CPMF, and

record the statements of relevant officers including those in charge of the Army operations in the state. The suggestion that the SIT should obtain reports given by the Army and CPMF officers to their higher officers about their role during riots while they were assisting the Gujarat Police was deliberately and with malicious intent ignored by the SIT.

1008. A-28 Mr. Ashok Narayan (ACS, Home) says in his statement that he had a meeting with the DGP and other senior officers and gave instructions about the course of action to be followed including request for 10 companies of Central Para-military forces on 27.2.2002. It is not clear from the statement whether this course of action taken by him was approved in the meeting with A-1 Mr. Modi. The reason for saying this is that in fact the central Para-military forces came only on 1.3.2002. Before the Nanavati Commission, he made a statement that the decision to transfer the dead bodies from Godhra to Ahmedabad was made by the A-1 Mr. Modi. The Officer in charge of the Control room at the time (2002) Mr. VV Rabari deposed before the Commission on 4.8.2004 affidavit dated 27.6.2002 (page eleven is about deployment of the army). He states that he was never associated with the process of taking a decision on deployment. The statement regarding the force produced was produced with his affidavit and indicates the figures as to first company, platoon and section and deployment.... He states clearly that there are a total of 69 different SRP companies in the State of Gujarat. 52 companies were allotted in the districts on 26-02-02 and 17 companies had been allotted in Ahmedabad city. Thereafter, 7 additional companies had been allotted on 27-02-02 but *no increase had been made in deployment of the said 17 companies in Ahmedabad even after the Naroda Patiya and Gulberg incidents (28.2.2002) right up to 28.2.2002.* SIT has not probed this issue further. He says that he did not have anything to do with the Army Deployment. A-28 Mr. Ashok Narayan in his deposition before the Nanavati Commission states that whatever forces, Army or Paramilitary were available were placed at the disposal of the DGP. Mr. Rahul Sharma states in his affidavit before the Nanavati Commission that he did not get any assistance from the Army despite A-25 DGP Mr. K. Chakravarti being petitioned by him until 2.3.2002. A-25 Mr. K Chakravarti had also told him at the time that the "bureaucracy had been neutralised." There

is similar ground level information from Panchmahal, Mehsana etc. that proper and prompt deployment was not effected. It was therefore imperative for the SIT to independently investigate and assess from the statements of the Army and Paramilitary officers and their records as to whether or not this was part of the criminal conspiracy and hence there was a deliberate delay in deployment of the army so bloodshed and mayhem could continue unchecked.

1009. A-28 Mr. Ashok Narayan is diffident about any details about the Army deployment (there are many references in letters from the Governor of Gujarat etc. contained in the SIT papers) that there were serious lacunae in Army deployment and that this was deliberate. The documents supplied by SIT are incomplete and not convincing. There are serious contradictions on army deployment. Even the DM of Panchmahal's statement on Army deployment in a district that was worst affected after Ahmedabad establishes that they arrived too late.

1010. A detailed scrutiny of A-28 Mr. Ashok Narayan's deposition before the Commission is interesting. "The decision of calling the military was taken at 2:30 hours on 28-2-02 but it was deployed on the next day. The reason behind it is such that at that time the Army was not present in Ahmedabad and the Government of India was informed about the same and the military personnel had started coming in Ahmedabad from the night on 28-2-02. The military required time for carrying out their functions. Therefore, their actual deployment was not made before 11.00 o'clock in the morning on the next day." This flies in the face of the claim of A-1 Mr. Modi that has been mala fide endorsed by the SIT.

1011. SIT should have questioned A-1 Mr. Modi and A-28 Mr. Ashok Narayan and A-25 DGP Mr. K. Chakravarti on why no preventive deployment was ordered either specifically in Panchmahal (where Godhra is located and or Ahmedabad). SIT has shown a callous disregard for the *Build Up of Communal Atmosphere, details of which are available with it and were specifically averred to in the statements of Ms. Teesta Setalvad.*

1012. Prior to 27-2-02, A-1 Mr. Modi was fully aware of the communal mobilisations by the karsevaks and VHP and should have thought of adequate deployment of forces for preventive measures. A-1 Mr. Modi and his cabinet colleagues allowed these mobilisations to go unchecked and made no inquiries, no appeals for peace and calm, gave no orders for preventive arrests etc. in the wake of the detailed SIB message coming to them (mentioned above) of the aggressive communal mobilisations by the RSS, VHP and BJP.

1013. *The charge that Army Deployment officially was sanctioned only formally around March 4, 2002 in Ahmedabad and for the initial days the armed forces had the ignominy or indignity of being given “dumpers “ of the AMC to travel in and not act to save lives has not been conclusively disproved. Fires were burning at Gulberg society until 8.3.2002. Mobs were allowed to further dismember bodies. By not recording any independent investigation, the SIT has not given any conclusive evidence to indicate otherwise.*

1014. *File notings on the decision to call the army and the timings and dates are not available; sheets of paper with incomplete timings are all that has been provided by the SIT in its papers. Casual and benign questioning of A-1 Mr. Modi on this and other issues further exposes the culpability of the SIT.*

#### **Violent Reprisals State-wide from 27.2.2002 Onwards right until May 2002**

1015. The blatant unprofessionalism and unwarranted prejudice practiced by series of Investigating Officers (IO) – all from Gujarat police - against victims of the perpetrated carnage who belonged to the minority Muslim community, obviously had the tacit support of senior supervisory officers in the ranks of Dy. SP to Commissioner of Police in Ahmedabad city. These linear supervisory officers had abdicated their statutory responsibility and authority vested on them under sections 36, 129, 131, 144 and 154 of the CRPC and duties assigned to them under the provisions of the Indian Police Act 1861, the Bombay Police Act, GPM Vol – III Rule No. 22 to 30, 33, 34, 36, 113, 114, 134, 135 and 240 and numerous DGP circulars. The Commissioners of Police in Ahmedabad city during the relevant

period from 27-02-2002 to June 2008 – Mr. PC Pande IPS – 1970, and Mr. KR Kaushik – IPS – 1972 and their junior officers in the line of command were responsible for unprofessional supervision of the IO's of 2002 riot crimes like Naroda Patiya carnage and others. They had committed serious dereliction of duties and misconduct violating All India Service (AIS) conduct rules, rule-3 particularly, and are liable to be dealt with through departmental action. The state service officers are chargeable for misconduct and slack supervision of cases under Gujarat Civil Service Rules (GCSR).

1016. The culpable criminal negligence of even SIT as an investigating agency can be understood when the charges mentioned above and observed through a case by case analysis of various criminal cases etc. some of which were and are being investigated by the SIT itself. In the course of the investigation into the present complaint however more and incontrovertible documentary evidence has substantiated the charges made in the complaint. Yet the SIT has chosen to ignore it.

**Statements of Mr. PC Pande, Mr. Kuldeep Sharma, Mr. MK Tandon etc. Page 91 to 105 of the SIT Report.**

1017. Yet despite this evidence of collusion mentioned above, the SIT avoided interrogating or eliciting explanations from officers like A-29 Mr. PC Pande the then CP Ahmedabad city about their serious acts of omission and commission which provided a free hand to rioters; not registering FIR as complained by riot victims properly etc. Their failure to respond to intelligence reports from the State and Central Intelligence, non-implementation of instructions contained in Gujarat Police Manual, Booklet by DGP Mr. KV Joseph, circular bunch captured "communal peace", non-enforcement of Communal Riot Scheme etc. were also not explained by them. Whenever vague clarifications are given by them, SIT did not make any ground level probes through scrutiny of relevant police records, case papers etc.

1018. The SIT also did not make any effort to expose the failure of officers like A-29 Mr. PC Pande to control riots and acting as collaborators of A-1 Mr. Modi in the context of the

comparable and laudable performance by the SP Bhavnagar, Mr. Rahul Sharma who held his own despite violence being consistently attempted and pressures put, the Commissioner of Police of Surat City, Rajkot City and Superintendent of Police of 16 districts where the violence was negligible. There should have been a rational and analytical comparison of provocations (by conspirators and criminals) and responses (from the law enforcement agencies and administration) by the SIT that should have been attempted to adjudge on the extent of failure, where it occurred where it did not. This would have helped them make a comparative and realistic assessment as the factors for the failures and successes (to maintain law and order). Instead of doing this, the SIT has believed each and every one of those accused charged in the complaint and concluded with a superficial, unprofessional and biased report.

1019. Such a comparative analysis was specifically suggested by whistleblower witness former DGP Mr. RB Sreekumar in his letter dated 25.10.2011. (Annexed in the SIT papers) Why did accused officers like A-29 Mr. PC Pande, A-48 Mr. DD Tuteja etc. fail where others had succeeded and effectively contained violence?

1020. No clarification was sought by SIT from the concerned about their failure (DGP and Home Department officials) in acting upon the proposals from the SIB against those circulating communally inciting pamphlets, handbills and publications.

1021. All offences related to communal crimes are grave crimes, whose investigation has to be supervised by officers of the rank of Dy. SP and above as per rule-134 and 135 of GPM Vol-III. Chapter IV and V of the GPM Vol-III captioned 1) Investigation of Crimes and 2) Detailed procedure regarding investigation, respectively had delineated nugget by nugget and point by point, sequential steps to be taken in the course of investigation of various types of crimes. Specific supervisory duties by Dy. SP to DGP are also listed. But in most of the riot related cases, the police officials unabashedly violated this standard operational procedure (SOP) that resulted in strictures by the NHRC and the Supreme Court, (petitions and orders for transfer of investigation etc.) and by survivors and civil rights groups. The very appointment of the SIT in March 2008 by the Honourable Supreme Court was an outcome of these petitions.

## Conspiracy As Subversion of the System

1022. The damage done by the poor quality of investigation to the dispensation of justice to riot victims was primarily due to the illegal and unprofessional stance of police and administration. Among other instances, this has been severely criticised by the court in the Naroda Patiya judgment dated 29.8.2012. This had confirmed the fact that the Home department and A- DGP Mr. K. Chakravarti did not take follow up action on several state intelligence bureau reports. The observations of the Sessions Court in the Naroda Patiya case judgment at pages 269, 270, 273, 274, 275, 289, 291, 292, 293, 294, 295, 314, 372, 489, 491, 495, 503, 504, 510, 511, 513, 515, 1497, 1501, 509, 1547 and 1564 should be referred to. At page 487, paragraph C – 6, the Court observed “while people were flocking the streets (as curfew was not deliberately enforced) leaving their households inside, inspector Shri K. K. Mysorewala has reported to the Control Room (Ahmedabad city) that “everything is ok” (*Khariat hain – There is peace and happiness in Patiya area*) it was like “when Rome was burning, Nero was playing fiddle”. At page 1497, the Court has said, “the court has not held the previous investigation to be such on which implicit reliance can be placed, more particularly for not recording true statements of the victims. At times, attempts have been confirmed to be made to see to it that presence and participation of certain VIP accused does not come on record. Not only that, but attempts have been made to project entire communal riots to have been created because of the occurrence of rash and negligent driving of TATA 407, free fight took place at the site between Hindus and Muslims and murder of Mr. Ranjit Singh etc.” At page 1564, the Court has concluded “it seems that all previous investigators from Gujarat police were lacking sensitivity, were not entirely fair to the process, were seemed to be overpowered by someone, were aimed to protect some person, were not quality conscious, but were harping upon the quantity, at times were doing haphazard investigations, over distribution of work to many assignee officers has de-shaped the investigation, they were “soft to loss of property but hard to vibrant human hearts”, they were lacking necessary care and seriousness which such sensitive cases deserve.”

1023. *The SIT's deliberate failure to closely examine the response of the administration and law enforcement to the deliberately perpetuated violence conspired to at the very top masterminded by A-1 Mr. Modi is apparent.*

1024. *The SIT simply did not analyse how officers (Commissioners of Police, Dist. Magistrate, Superintendent of Police) in two cities and seventeen districts had succeeded in effectively maintaining law and order even in traditional sensitive areas like Surat city and Veeraval (Junagadh district) and why in other eleven places, nine districts and two Commissionerates rioters were given a free hand – has not yet been done by the Govt. for fixing up responsibility for culpable negligence of not implementing SOP by relevant officers. It is notable that in many areas of low level violence in 2002 there were higher casualties during the post Babri Masjid demolition riots and earlier – were reported. In this context departmental probe should be started against District Magistrates, SPs, CPs and police range officers of nine districts and two Commissionerates.*

1025. In fact most of the officers who contained violence were harassed and four of them were transferred in the thick of riots despite, reportedly, DGP Mr. K. Chakravarti's objection. They were not posted back despite specific directions by CEC in its order dated 16-08-2002.

1026. There are many specific instances of misconduct, display of inadequate integrity and devotion to duty (as per rule-3 of AIS [conduct] rules and corresponding provisions in GCSR for state government officials), which had aggravated the agony and material loss of riot victims and unethically benefited those responsible for the 2002 communal blood bath. The competent authority had turned a Nelson's Eye to those defaulters. These delinquencies include the following:

**Illegal verbal instructions by A-1 as Home Minister and Chief Minister of Gujarat**

1027. SIT could have systematically evaluated the Register maintained by Mr. RB Sreekumar, instead (as dealt with in detail above) it chose to deliberately trivialise it. Suggestions

had been made to the SIT by the complainant, co-petitioners and witnesses as to the steps that could be taken in this connection the letter dated 30.11.2010 by former DGP Mr. RB Sreekumar to the SIT is relevant. (Available in the SIT papers) Unfortunately the SIT has deliberately chosen to ignore these concrete suggestions that would have enabled an objective analysis. The SIT has shown an unhealthy faith in the version of those accused of serious mass crimes.

### **VHP's Communal Record**

1028. The SIB statistics provided to the SIT included data on the number of RSS, VHP, BJP and Bajrang Dal cadres directly involved in crimes in 2002. The list is long, it has 106 items (**See Annexure \_\_\_\_\_**). If the SIT had conducted an honest and independent investigation, it should have analysed what happened to those cases; did the police prosecute them or were they allowed to drop?

*The SIT failed to interrogate this issue in a bid to protect accused.*

### **Hate Speech and the SIT**

1029. On 10.9.2002, the National Commission for Minorities (NCM), sent a fax message to the Chief Secretary asking for a full text of inflammatory speeches against the Muslim community during the Gaurav Yatra (Pride Procession) led by A-1 Chief Minister Mr. Narendra Modi. A copy of this fax message was sent to Mr. RB Sreekumar, then ADGP (Int.), with a written order by the DGP for immediate compliance. In response, he had sent a general report on the Gaurav Yatra, including the gist of the speeches made by the CM in the yatra, to the DGP and Home Department on 12.9.2002. In this report, he had observed that the style of language used by the CM at Becharaji (Mehsana district) and Chanasma (Patan district) had wounded the feelings of the minority community and due to this reason there was a likelihood of intensification of communal tension. Soon he was called by A-25 Mr. K. Chakravarti, the then DGP, and he was verbally instructed to avoid sending a report on the full text of the CM's controversial speech at Becharaji and its audio cassette. He resisted these orders as it was against the charter of duties of the SIB. He also told the DGP that A-1 Mr. Narendra Modi was one of the persons whose

speeches were to be covered and recorded verbatim by the SIB as per existing orders and therefore once he received the material, he would send the text and cassette to the DGP and Home Department. On the afternoon of 13.9.2002, A-25 Mr. Chakravarti, DGP, had sent another copy of the NCM fax message with a written instruction, in his own handwriting, as follows: "ACS Home told me on 11<sup>th</sup> that we do not have to send any report in this regard. ADGP (Int.) be informed accordingly". This order was totally in violation of Rule 461 of the Gujarat Police Manual (GPM), Vol. III, and other general instructions on SIB duties regarding communal situations and the supervisory responsibility of the ADGP (Intelligence). So ignoring this unethical and illegal written order of the DGP, he had sent the text of the above-mentioned speech by the CM at Becharaji in the Gujarati language along with an English translation as well as the audio cassette, on the evening of 16.9.2002. On the night of 17.9.2002 he was served with a transfer order, transferring him from the post of ADGP (Intelligence) to the post of ADGP (Police Reforms), an assignment without any charter of duties, where he continued up to the date of his superannuation on 28.2.2007. He was posted as in-charge of the SIB on or about 9.4.2002 and his transfer, effective from 17-18.9.2002, was in violation of the State Government resolution dated 29.06.2002, fixing a minimum tenure of 3 years for IPS officers posted in the SIB.

For issuing illegal orders to Mr. RB Sreekumar, ADGP (Int.), instructing him not to send the text of the CM's controversial speech despite orders from a national body, NCM, A-25 Mr. K. Chakravarti, DGP, and A-28 Mr. Ashok Narayan, ACS Home, were responsible and for this delinquency, action should be taken against them under the All India Services (Conduct) rules.

### **Destruction of Records**

1030. The story of the post-Gujarat carnage 2002 misgovernance and subversion of justice covers the meticulous and cynical destruction of vital records and evidence. This has been done wilfully by the Home Department under A-1 Mr. Modi, A-5 Mr. Gordhan Zadaphiya, at the time MOS Home, A-34 Mr. K. Nityanandam, then Home Secretary, A-28 Mr. Ashok Narayan, then ACS Home, and whoever else may have

been in charge when the acts actually happened. Masterminding the destruction is a serious charge that only A-1 Mr. Modi can answer to. Luckily for him, a complicit SIT has not bothered to investigate this aspect.

1031. Right through its investigation (read introductory pages of the SIT reports dated 12.5.2010 and 8.2.2012) the SIT has listed the difficulties faced by it including specifically being denied access to records, or certain records having been destroyed. Should not the SIT have investigated this destruction, given the fact that destruction of evidence is a specific criminal offence especially when committed by public servants? The SIT has not done this.

1032. Despite repeated information coming before the SIT, the SIT wilfully ignored the realities and motivations behind this concealment and destruction of records. An example of this is provided below: Following the 15.3.2011 order of the Hon'ble Supreme Court in SLP 1088/2008, in the course of the SIT recording the statement of co-petitioner, Ms. Teesta Setalvad, she had requested that they specifically record the crucial fact of destruction of records and investigate the same. The SIT Investigating Officer (IO) Mr. AK Malhotra told Ms. Setalvad that this would not be necessary since, following the Hon'ble Supreme Court order, A-29 Mr. PC Pande, former CP, Ahmedabad, had suddenly produced CDs with 3,500 scanned pages of PCR (police control room) records that he had earlier claimed were destroyed. Shocked by this, Ms. Setalvad had through a letter indicated that such a concealment and then production were themselves offences under the law when committed by a public servant. The SIT however deliberately chose to ignore these criminal lapses. Incidentally, these were among the records that the SIT vociferous resisted from sharing with the Complainant. They contain hard documentary evidence of the Ahmedabad police wireless records themselves recording that 3,000 RSS workers, a crowd that swelled to 5-6,000 by afternoon, lay waiting from 4 a.m. onwards at the Sola Civil Hospital that this crowd had turned murderous, rioting and burning. These records also contain evidence of bloodthirsty speeches by VHP men on 27.2.2002 as they got off the train (coming from Godhra) at the Kalupur Railway Station. No wonder that A-29 Mr. PC Pande first wanted to conceal them and later produced them.

1033. Inexplicably, the SIT has not hauled him up for these acts. They constitute offences under sections 175, 201, 203 and 204 of the Indian Penal Code. Refer specifically to Annexure III, File XV (D-156 ---of the SIT papers) which contains 45 pages on the issue of destruction of records. These documents establish the following: a) Page 21 of the file: as per statements recorded of those in charge of the control room, records were destroyed, which included crucial documents related to 2002, 2001-2004 and also 1991-2005. While the State Government is trying to make out that these are routine acts, it is imperative to note that the Hon'ble Supreme Court had been seized of cases related to active subversion on the basis of the reports of the National Human Rights Commission (NHRC), Survivors and citizens' rights groups since May 2002. Could then have the state Home Department directly under A-1 Mr. Modi destroyed them "in routine course"?

1034. If this destruction was routine, why was one such batch destroyed on 31.3.2008, just five days after the appointment of the SIT by the Hon'ble Supreme Court on 26.03.2008? If this was destruction in the routine course, why did A-29 Mr. PC Pande seek to keep a copy even after his retirement from the force and suddenly produce them when things got awkward with the Hon'ble Supreme Court expressing dissatisfaction with the investigation by the SIT on 15.3.2011? One set of letters/documents claims that the records were destroyed in 2007, another 2008. *Why has the SIT deliberately not bothered to investigate?* The fact of A-29 Mr. PC Pande suddenly producing them means that not all of the records were destroyed, some have been kept. Why? It is relevant here to refer to the specific statutory rules and obligations of public servants with relation to the preservation and destruction of records (Gujarat/Bombay Police Manual, Chapter 8, Rule 62). Under the circumstances, specifically it must be recalled that survivors and civil rights groups had petitioned the Hon'ble Supreme Court on 2.5.2002 itself for a transfer of investigation away from the Gujarat police (Writ Petition-Criminal 37-52/2002, DN Pathak, Teesta Setalvad v/s State of Gujarat ) and hence the Government of Gujarat under A-1 Mr Modi was completely in the know and therefore the destruction of crucial records was not a routine but a malicious and wilful act.

**Nepotism – Rewarding civil servants who played a dubious role during the riots. Page 275 of the SIT report (8.2.2012).**

1035. A close reading of the affidavits and statements of senior Government servants, including co-accused A-25 Mr. K. Chakravarti, the then DGP, and A-28 Mr. Ashok Narayan, the then ACS Home, clearly establishes that a spate of transfers that took place in March 2002 (especially of those officers who had resisted falling prey to the Conspiracy that was hatched by A-1 Mr. Modi) were done against the advice and suggestions of both A-25 Mr. Chakravarti and the Home Department. Which is to say that A-1 Mr. Modi overruled advice and was responsible for these. The officers involved in gross dereliction of duty and criminal offences under the law, incidentally, did not meet the same fate; they were treated with care and only transferred after Mr. KPS Gill, who had been sent by the Centre, recommended their transfer. Predictably, the statement of Mr. KPS Gill has not been recorded by the SIT. The

decision to transfer A-40 Mr. Deepak Swaroop, the then IGP, Vadodara Range, according to A-28 Mr. Ashok Narayan (in his deposition), was taken by A-1 Mr. Modi. It is therefore more than reasonable to assume that all decisions on this issue were taken by A-1 Mr. Modi as head of the Home Department. A-28 Mr. Narayan also admits in this deposition that such large-scale transfers took place in March 2002: is it a coincidence that all these related to officers who may have had an independent functioning that mitigated against the Conspiracy? Mr. Rahul Sharma, the then SP, Bhavnagar, was thus transferred (27.3.2002) so was Mr. Vivek Srivastava, the then SP, Kutch. It is clear therefore that all these good officers who had maintained law and order and not allowed criminal organisations like the VHP to have a free run of the streets were all transferred as a mala fide action by A-1 Mr. Modi in 2002 itself. A-28 Mr. Ashok Narayan is specific in his deposition yet the SIT has not drawn any adverse conclusions. He says that: "It is true that the Home Department had not made the proposal to transfer Shri Vivek Srivastava who was in Kutch and Rahul Sharma who was in Bhavnagar. It is true that after the issuance of transfer, the DGP had written a letter to the Government that some of the transfers be stopped. It is true that I had also made such suggestion. It is true that the Government had not accepted that suggestion. It is true that as per the information available with me, those two officers had performed well in their areas." Errant and criminally negligent officers like A-29 Mr PC Pande were transferred only after Mr. KPS Gill came to Ahmedabad. He was specially deputed by the Central Government. Despite repeated requests and suggestions made during the investigation, the SIT has deliberately not recorded the statement of Mr. KPS Gill either. Details of these transfers, as gleaned from the SIT papers **(Annexure IV File VII (Sr No. 113) Page No. 2633-2735)** and can be seen at **Annexure \_\_\_\_\_**.

### **Misleading Statutory Bodies – NHRC, CEC**

1036. Misleading reports about normalcy in public order, the preparation of electoral rolls, the standard of rehabilitation of riot victims, were presented by the Home and Revenue departments before the full bench of the Central Election Commission (CEC) on 09.8.2002. The CEC pointed out this major default of officers in its order dated 16.8.2002 (see page Nos. 16, 20, 21, 22, 23, 30, 31, 32, 39, 44, 45, 46, 47, 48 49, 50, 51, 52, 53, 59 and 60 of the CEC Order).

1037. A-28 Mr. Ashok Narayan and A-34 Mr. K. Nityanandam, IPS (1977), who made these evasive and misleading presentations on Law and Order, those in charge of the rehabilitation of riot victims particularly, SMF Bukhari, IAS (1982), and A-27 Mr. G. Subha Rao, former Chief Secretary, who made presentations on many aspects, are responsible for submitting scanty, defective, misleading and ambiguous inputs to the CEC. The observations against the State Government officials by the CEC, a Constitutional body, had exposed the intellectual dishonesty, slackness and insincerity to the Constitution of India of the above-mentioned officers. Suitable action is required to be taken against them.

**Allegation No. XVIII Page 147 Misinforming/Misleading  
Statutory Bodies like the CEC, NHRC**

1038. The SIT should have recorded the statements of the Chief Election Commissioner Mr. JM Lyngdoh and 2 other Commissioners to find out the sequence of discussions in this meeting held at Ahmedabad on 9.8.2002 by the Full Bench of the Central Election Commission. In this case also, the SIT had fully accepted the statements of the accused persons, viz. A-27 Mr. G. Subha Rao, A-28 Mr. Ashok Narayan and A-25 Mr. K. Chakravarti. Please note that the open order issued by the CEC on 16.8.2002 had fully supported the then ADGP (Int.) Mr. RB Sreekumar's assessment of the law and order situation in Gujarat and had rejected the version of the State Government. A-28 Mr. Ashok Narayan in his statement to the SIT had objected to Mr. Sreekumar's act of contradicting the DGP and ACS (Home) in his presentation to the Chief Election Commission on 09.08.2002.

1039. Does this mean that he was against anybody speaking the truth? Should not the ADGP (Int.) give an accurate picture to a Constitutional authority, given the fact that the SIB messages and records show a build-up prior to 27.2.2002 – a build-up that the State Government ignored, hate speech as a tool of communal mobilisation, hate speech that is being deliberately not prosecuted, the illegal decision for open post-mortems, handing over bodies to a VHP rabble-rouser A- 21 Dr. Jaideep Patel, parading of these bodies in an illegal procession, etc?

1040. The National Human Rights Commission (NHRC) in its interim and final reports of 2002 as also their reports post 2002 have been critical of the Gujarat Government's handling of the situation and worse, responses to the Commission. The Petitioner craves leave to file a compilation of the Orders of the NHRC at the time of hearing of this Protest Petition.

1041. *The SIT appears keen to ensure that senior officers become handmaidens of the criminal mechanisms of the Government rather than preserving the law and acting as bound to do by the Indian Constitution.*

1042. The elections were held peacefully because the specific preconditions laid down by the Central Election Commission were complied with by the State Government. So the charge of the State Government giving misleading reports, as observed by the CEC, based on this presentation with specific ground-level details in the CEC-chaired meeting in Ahmedabad city on 9.8.2002, is fully established. How then could the subsequent holding of elections peacefully brush aside the charge of giving misleading reports to the CEC by the State Government earlier?

**Manipulation of facts presented to the Central Election Commission (CEC) Page 270**

1043. In this matter also, the SIT has blindly accepted the versions of accused persons. The SIT ignored the well-focused and graphic order by the Central Election Commission dated 16.8.2002 (SIT papers ) in which the Commission had accepted Mr. Sreekumar's assessment of the law and order situation and had directed the State Government to initiate measures as a precondition for holding the Assembly elections. The CEC had also refused to accept the time frame of the election schedule suggested by the State Government. Afterwards, on receipt of the compliance report by the Gujarat Government only, the CEC had announced the election schedule. It is also pertinent to note here that the Central Government led by the NDA had challenged the CEC order dated 16.8.2002 and had made a Presidential reference to the Hon'ble Supreme Court which, however, gave a verdict in favour of the CEC. The Court had asserted that the CEC had full authority to fix the election schedule and the Court did not want to interfere in this matter.

1043. The SIT, true to its approach of not seeing anything adverse in the actions of the State Government, had ignored these facts which had fully vindicated Mr. Sreekumar's assessment of the situation and had concluded that the above allegation is not established. Interestingly, A- 28 Mr. Ashok Narayan stated that Mr. Sreekumar's entries in the Register, relating to the meeting convened by the Central Election Commission on 9.8.2002, "are broadly true".

### **Subversion of the Criminal Justice System**

#### **Failure to Respond to Strictures by the Court**

1044. The State Administration, particularly functionaries from the Chief Secretary downwards, are duty-bound to take a serious and responsible view on any observation by the Courts of all levels and thereafter initiate follow-up action in the form of departmental action against delinquent officers, besides taking corrective measures in tune with the Courts' views. Rule 271 and 272 of the GPM, Vol. III, have laid down action to be taken after scrutiny of judgements. Unfortunately, the Gujarat State authorities have not taken any action against any Government functionary so far, in pursuance to critical remarks in judgements of the higher courts.

1045. These judgements uncover a series of conscious, calculated and purposeful derelictions of duties and misconduct. The misdemeanours by officers were in flagrant violation of the supervisory and regulatory architecture designed in the GPM, Vol. III, Rules 24, 134, 135 and 240. Comments against the police in the Naroda Patiya judgement dated August 29, 2012 were also ignored by the Government. The officers in charge of the Home Department, Legal Department, General Administration Department (GAD), and the DGP, from the time of the 2004 judgement of the Hon'ble Supreme Court indicting State Government officers in the Best Bakery case (Zahira Habibulla H. Sheikh & Anr v/s State of Gujarat & Ors), are liable for this major default intentionally committed for saving officers whose deviant ways and actions had evoked strictures from various Courts. A-1 Mr. Modi, A-2 Mr. Ashok Bhatt, A-5 Mr. Gordhan Zadaphiya are also directly responsible for this.

1046. *The SIT has deliberately not scrutinised the repeated strictures passed by the Higher Courts and the implications of this systematic*

**Excerpts from the Judgement, 2004**

1047. *When the ghastly killings take place in the land of Mahatma Gandhi, it raised a very pertinent question as to whether some people have become so bankrupt in their ideology that they have deviated from everything which was so dear to him. When large number(s) of people including innocent and helpless children and women are killed in a diabolic manner, it brings disgrace to the entire society. Criminals have no religion. No religion teaches violence and cruelty-based religion is no religion at all, but a mere cloak to usurp power by fanning ill-feeling and playing on feelings aroused thereby. The golden thread passing through every religion is love and compassion. The fanatics who spread violence in the name of religion are worse than terrorists and more dangerous than an alien enemy."* — *From the Supreme Court Judgement in the Best Bakery case. Justices Doraiswamy Raju and Arijit Pasayat, 12.4.2004* "When a large number of witnesses have turned hostile it should have raised a reasonable suspicion that the witnesses were being threatened or coerced....

"... Strangely, the relatives of the accused were examined as witnesses for the prosecution obviously with a view that their evidence could be used to help the accused persons.

"... If the State's machinery fails to protect (a) citizen's life, liberties and property, and the investigation is conducted in a manner to help the accused persons, it is but appropriate that this Court should step in to prevent undue miscarriage of justice that is perpetrated upon the victims and their family members.

"... Right from the inception of the judicial system it has been accepted that discovery, vindication and establishment of truth are the main purposes underlying (the) existence of Courts of Justice.

"... If a criminal Court is to be an effective instrument in dispensing justice, the Presiding Judge must cease to be a spectator and a mere recording machine by becoming a participant in the trial.

"... Failure to accord fair hearing either to the accused or the prosecution violates even minimum standards of due process of law. It is inherent in the concept of due process of law that condemnation should be rendered only after the trial in which

the hearing is a real one, not sham or a mere farce and pretence.

“... Time has come when serious and undiluted thoughts are to be bestowed for protecting witnesses so that ultimate truth is presented before the Court and justice triumphs and the trial is not reduced to mockery.

“... Legislative measures to emphasise prohibition against tampering with witness, victim or informant have become the imminent and inevitable need of the day. Conducts which illegitimately affect the presentation of evidence in proceedings before the Courts have to be seriously and sternly dealt with.

“...Witness Protection Programme(s) are imperative as well as imminent in the context of (the) alarming rate of somersaults by witnesses with ulterior motives and purely for personal gain or fear for security. It would be a welcome step if something (on) those lines (is) done in our country.

“... The entire approach of the High Court suffers from serious infirmities, its conclusions lopsided, and lacks proper or judicious application of mind. Arbitrariness is found writ large on the approach as well as the conclusions arrived at in the judgement under challenge.

“... When the ghastly killings take place in the land of Mahatma Gandhi, it raised a very pertinent question as to whether some people have become so bankrupt in their ideology that they have deviated from everything which was so dear to him.

“... If one even cursorily glances through the records of the case, one gets a feeling that the justice delivery system was being taken for a ride and literally allowed to be abused, misused and mutilated by subterfuge. The investigation appears to be perfunctory and anything but impartial.

“...The golden thread passing through every religion is love and compassion. The fanatics who spread violence in the name of religion are worse than terrorists and more dangerous than an alien enemy.

“... It is no doubt true that the accused persons have been acquitted by the trial Court and the acquittal has been upheld, but if the acquittal is unmerited and based on tainted evidence, tailored investigation, unprincipled prosecutor and perfunctory trial and evidence of threatened/terrorised witnesses, it is no acquittal in the eye of law.

“... The modern day “Neros” were looking elsewhere when Best Bakery and innocent children and women were burning, and

were probably deliberating how the perpetrators of the crime can be saved or protected.

“... The High Court appears to have miserably failed to maintain the required judicial balance and sobriety in making unwarranted references to personalities and their legitimate moves before the competent Courts – the highest Court of the nation, despite knowing fully well that it could not deal with such aspects or matters.

“... We are satisfied that it is (a) fit and proper case, in the background of the nature of additional evidence sought to be adduced and the perfunctory manner of trial conducted on the basis of tainted investigation, a re-trial is a must and essentially called for in order to save and preserve the justice delivery system unsullied and unscathed by vested interests.”

“... No person, however big he may assume or claim to be, should be allowed, irrespective of the position he may assume or claim to hold in public life, to either act in a manner or make speeches which would destroy secularism recognised by the Constitution of India.

“... Communal harmony should not be made to suffer and be made dependent upon (the) will of an individual or a group of individuals, whatever be their religion, be it of minority or that of the majority.

“... Religion cannot be mixed with secular activities of the State and fundamentalism of any kind cannot be permitted to masquerade as political philosophies to the detriment of a welfare State. Religion sans spiritual values may even be perilous and bring about chaos and anarchy all around.

#### The Charge Sheet in the Bilkis Bano Case

“.....A-13 to A-18 (all policemen) started fabricating false evidence and causing disappearance of evidence immediately after Bilkis lodged an oral complaint giving the names of the assailants and the details of the incident, with the intention of causing disappearance of evidence to screen the offenders.

“... The two doctors conducting post-mortem did not discharge their duties truthfully, sincerely and strictly in accordance with rules and procedure. By not collecting valuable pieces of evidence such as vaginal swabs, saliva, nail clippings and clothes of the deceased, A-19 and A-20 caused disappearance of evidence with the intention to screen the offenders.

1048. On 19.9.2003, during the hearing of the Best Bakery case, the Chief Justice of India examined A-25 Mr K. Chakravarti, DGP, in open court about the lapses by him (**Annexed is the Order at \_\_\_\_\_**). This was a matter of serious note. *The SIT has however simply ignored the serious strictures passed from time to time against A-1 Mr. Modi and his Government on the deliverance of justice related to 2002, as if they did not happen. This avoidance by the SIT was done with a view to protect powerful accused.*
1049. A year later, in 2004, the Supreme Court again pulled up the Government of Gujarat under A-1 Mr. Modi for misleading the Court in respect of facts regarding easy and early bail sought and obtained by powerful accused. The petitioners in that case, Citizens for Justice and Peace, had pointed out that while in many cases bail had been refused by the Sessions Court to those accused of heinous crimes, in some, due to the active connivance of the State under A-1 Mr. Modi and the special public prosecutors (PPs) appointed by his Government, accused persons responsible for heinous crimes were even given anticipatory bail. Others were released within six-eight months by the High Court. When this was pointed out to the Hon'ble Supreme Court, the Court had passed orders on this misleading conduct.
1050. Then again, as recently as 8.2.2012, on the very day that the SIT through Mr. Himanshu Shukla decided to file its final report, the Gujarat High Court had passed serious strictures on the partisan attitude of the Gujarat Government under A-1 Mr. Modi for not rebuilding over 250 religious places of worship that had been wilfully destroyed in 2002. The complainant craves leave to produce the judgement at the time of arguments.
1051. In September 2003, Justice VN Khare, the then Chief Justice of India, heading a three-Judge Bench of the Supreme Court, put the Narendra Modi Government in Gujarat in the dock and made scathing observations about the State Government and the way it was handling the riot cases. Justice Khare even advised it to follow the **"raj dharma" or quit.**
1051. Modi reacted sharply to this indictment and stated: **"He can't distinguish between khare (just) and khote (unjust) but I would not like to make any statement against him."** (Reference: "Justice Khare's remarks irk Gujarat CM", *The Times of India*; 4

May, 2004) In an interview on the eve of his retirement in 2004, Chief Justice Khare had said: ***“I found there was complete collusion between the accused and the prosecution in Gujarat, throwing rule of law to the winds. The Supreme Court had to step in to break the collusion to ensure protection to the victims and the witnesses.”***

### **Partisan Role of Public Prosecutors Allegation No. XV**

1052. In an early assessment of the ground-level situation, in the SIB report dated 24.4.2002 to the Government and DGP (this report was appended to Mr. RB Sreekumar’s first and second affidavits), the undesirable, partisan role of public prosecutors (see para 7 of the report) had been pointed out. But no remedial measures were taken. The SIT should have examined the performance of PPs in respect of the important riot cases before the Supreme Court intervened, especially with relation to anticipatory bail, thorough prosecution and so on. Instead, while accepting that PPs were members of the organisations as charged, no adverse finding was made related to that fact.
1053. The Government of Gujarat under A-1 Mr. Modi has found another unique way of defending the indefensible actions of the accused collaborator organisations, VHP etc. Several of those defence counsel appearing for the accused in 2002-related cases are now being patronised by the State Government, through their appointment as special prosecutors in heavily paid, other criminal cases. This too is an aspect that needs further investigation.

#### **Allegation in the complaint dated 8.6.2006**

##### **Rewards and Punishment**

- **Policemen who behaved Legally and Constitutionally Punished**
- **Policemen who Broke the Law and allowed Death and Destruction Rewarded**

(i) The SIT report does record how compliant police officers were rewarded by Mr. Modi. It also records how upright police officers were punished instantly for doing their job, sending out a stark message.

##### **(ii) Upright officers penalised**

The upright officers who were penalised for performing their constitutional obligation include IPS officers Mr. Rahul Sharma,

Mr. Vivek Srivastava, Mr. Himanshu Bhatt and Mr. Satish Chandra Verma.

“It is true that there were a few such transfers which were in fact questionable, especially because they came immediately after incidents in which the officers concerned had known to have antagonized ruling partymen..... Neither police officer would however admit he had been victimized”. (*Pages 32-36 of the Preliminary Report, 12.5.2010 and page 8 of the chairman’s comments, 14.5.2010*). (Is it any surprise given the fact that a highly vindictive government was in power?).

**(iii) Guilty cops rewarded**

1054. The SIT preliminary report admits to the allegation that police officers who allowed riots to fester were rewarded with lucrative postings. Mr. MK Tandon, who was the joint commissioner of police of Sector 2, Ahmedabad and in whose region more than 200 Muslims were butchered to death, was given the important posting of IG, Surat Range, soon after the riots. In July 2005, he was appointed to the post of ADGP (law & order) at the state police headquarters, a position with state-wide jurisdiction. Mr. Tandon retired from the same position. Mr. PB Gondia, deputy to Mr. Tandon, was DCP Zone IV at the time. He now enjoys the powerful post of inspector general of police of State CID. In addition to these police officers, there were other controversial bureaucrats who have remained in high government favour despite their black track-records. Among them are Mr. G Subha Rao (then chief secretary); Mr. Ashok Narayan (then ACS, Home); Dr. PK Mishra (then PS to Modi); Mr. PC Pande (then Ahmedabad CP); Mr. Deepak Swaroop (then IGP, Vadodara Range); Mr. K. Nityanandam (then secretary, Home); Mr. Rakesh Asthana (presently commissioner of police, Vadodara city) and Mr. DG Vanzara (now in jail for staging encounter killings).

(iv) The SIT notes that while conducting the trial of the Best Bakery case the additional sessions judge of Greater Bombay had made adverse comments and passed strictures against Mr. K. Kumaraswamy (then joint CP, Vadodara city) and Mr. Ramjibhai Pargi (then ACP, Vadodara city) for attempting to subvert justice.

## **1056. Allegation in the complaint dated 8.6.2006**

### **Partisan prosecutors appointed**

(i) One of the unique aspects of the Gujarat 2002 riots was the subversion of the post-violence justice process by the very government meant to protect life and punish the perpetrators. In a concerted bid to ensure that the guilty are not punished, the government of Gujarat's powerful functionaries appointed lawyers as public prosecutors who were from organizations who had called the Bandh and sponsored the post Godhra violence.

## **1057. SIT's Contradictory Conclusions**

(ii) "It appears that the political affiliation of the advocates did weigh with the government for the appointment of public prosecutors." (*Page 77 of SIT Preliminary Report*). The allegation is partly substantiated. (*Page 238 of SIT Preliminary Report*). Also, "It has been found that a few of the past appointees were in fact politically connected, either to the ruling party or organisations sympathetic to it." (*Page 10 of Chairman's comments*). On page 157 of his preliminary report, Malhotra records that a pro-VHP advocate, Mr. Raghuvir Pandya, was appointed as government pleader in the Vadodara district and sessions court in 2002. Mr. Pandya conducted the trial of the infamous Best Bakery case which resulted in the acquittal of all the accused. Mr. Malhotra's remarks: "Supreme Court of India had passed serious strictures on the role played by Pandya in this trial which deserves to be brought to the notice of the Bar Association for suitable action as deemed fit." In his report Mr. Malhotra lists five more instances of VHP or RSS leaders being appointed as public prosecutors: "Political consideration and affiliation of the advocates weighed heavily with the government" in these appointments. But he contradicts himself saying, "No specific allegation of professional misconduct on the part of any of the public prosecutors has come to light". (*Page 158 of the Preliminary Report, 12.5.2010*).

(iii) This observation is despite the hasty anticipatory bail being granted to many of the accused in the Sardarpura and Odh cases with special public prosecutors not opposing it. This was a serious consideration that weighed with the Supreme Court when it ordered further investigation into the cases.

1058. SIT also found that Gujarat VHP general secretary Mr. Dilip Trivedi was a public prosecutor in Mehsana district between April 2000 and December 2007, with more than a dozen public prosecutors working under him. Mehsana was among the worst riot affected areas. Two riot cases in Mehsana in particular — the Deepda Darwaza killings in Visnagar town and the Sardarpura massacre — were most horrific.

1059. During *Tehelka* magazine's sting investigation, 'Operation Kalank', in a conversation with the undercover reporter, Mr. Trivedi had boasted about how he had camped in every district of Gujarat holding meetings with government prosecutors, VHP workers, police officers and defence advocates to ensure bail and acquittals for the Hindu accused. He had proudly told *Tehelka* that out of a total 74 riot-related cases in Mehsana, only two had resulted in conviction.

(iv) During the sting operation, special prosecutor Mr. Arvind Pandya, who had given a detailed account of the systematic subversion of justice by VHP and RSS-affiliated prosecutors across the state had also been exposed and was forced to quit as advocate for the government before the Nanavati Commission.

(v) The SIT has in fact found allegations against many of the other prosecutors to be true: Mr. Chetan Shah, a VHP member who, at one point, had faced trial under Terrorist and Disruptive Activities (Prevention) Act (TADA) for the alleged killing of nine members of a Muslim family, was appointed as public prosecutor in June 2003 for a period of three years. (*Page 156 of the Preliminary Report, dated 12.5.2010*). Mr. HM Dhruv, who had defended Mr. Chetan Shah in the TADA case, was appointed as a special prosecutor in the Gulberg Society and Naroda Patiya cases.

1060. Mr. Piyush Gandhi, an ABVP and VHP leader, was appointed as public prosecutor in Panchmahal in March 1996 and he continued in the same post till 1 September 2009. Mr. Gandhi conducted the trial of several riot cases

including that of the Shabana-Suhang gang rape and murder case. (Pages 157-158 of the Preliminary Report, 12.5.2010).

1061. The SIT report was submitted before the Hon'ble Supreme Court dated 12.5.2010 along with the depth and scale of violence that was consciously perpetrated on and from 27.2.2002. Between the various crimes and information of crime laid out in the first information by Mrs. Zakia Jafri dated 8.6.2006, there were allegations related to the deliberate conspiracy evolved before and after Godhra to prevent the police and administration from performing their duty. How could or how can any investigating agency assess whether –

- (a) the decision to transport the bodies of the Godhra victims from Godhra to Ahmedabad was aimed at taking the violence beyond Godhra to different districts;
- (b) meeting held at the Chief Minister's residence where unlawful instructions not to protect lives were issued;
- (c) positioning of two ministers in the State police and city police control room and
- (d) the subsequent subversion of public justice in terms of registration of doctored FIRs and poor investigation?

What would be the method of evaluating? Whether such crime as per the laid down practice in the first information provided by Mrs. Zakia Jafri were substantial or needed prosecution? The only way to assess the series of illegal acts named in the complaint dated 8.6.2006 were by the impact of such a conspiracy and illegal orders at the ground. The only manner in which an honest investigation could have arrived at an assessment of whether such a conspiracy took place or not could have been through evaluating the number of incidents; the spread of violence, the concerted attempts by the ruling party and organisations like the VHP and RSS to politically capitalise on the Godhra incident, with the help of hate speeches made; robustness and readiness of the police bandobast, the promptness of the fire brigade's response. All these would have been a measure whether such a conspiracy was in action.

1062. *The SIT completely and utterly failed to do this either in its preliminary report to the Hon'ble Supreme Court or in its final*

*closure report dated 8.2.2012. The abject reluctance of the SIT to assess the impact of a political crime can be gauged from its failure to pursue or interpret the documentary evidence.*

### **1063. Cases related to 2002**

The State Government's non-seriousness in the pursuance of justice for the victims is evident from its contempt of the judicial process. No initiative appears to have been taken by the State Government to scrutinise the judgements in the riot cases from the level of Sessions Courts to the Apex Court. This is in violation of general instructions of the GAD and Rules 271 and 272 of the GPM, Vol. III. Secretaries in charge of the Legal, Home and GAD departments, and the DGP and his jurisdictional junior officers who were responsible for investigation of riot-related cases, about which strictures were passed, should be held responsible for this grave omission which could have a long-term impact on the interface between the Judiciary and the Executive wings of the Government. Moreover, a casual, cynical and unresponsive approach to the Courts' adverse observations about Government functions would affect the quality of professionalism in the police and the standard of justice delivery to the victims of crimes, besides the pitfall of police officers becoming apathetic to the Courts' remarks. The State Government functionaries should have become agile and proactive about observations by the Court since the days of the Apex Court judgement in the Best Bakery case (Zahira H. Sheikh v/s State of Gujarat) in April 2004. In this judgement, the Court had referred to the Gujarat State officials as "modern day 'Neros'". The star witness and her family who turned hostile did so after A-15 Mr. Madhu Srivastava was found to have lured/induced them (Supreme Court Registrar General BN Gupta's Inquiry report, August 2005 after which through an Order of the Hon'ble Supreme Court dated 8.3.2006 an Income Tax Inquiry was ordered); A-10 Mr. Amit Shah a close conspirator of A-1 Mr. Modi was according to evidence led during the re-trial in Mumbai behind the bid to ensure they turn hostile and affect the prosecution's case, A-54 Mr. VM Parghi and A-40 Mr. Deepak Swaroop were severely criticised in the final judgement after re-trial dated February 2006, yet the SIT deliberately ignored these wilful subversions by the government of Gujarat under A-1 Mr. Modi. As serious, A-41 Mr. Sudhir Sinha gave, on behalf of the Gujarat state commando protection

to the star witness and her family after they turned hostile in November 2004 making a mockery of the delivery of public justice. The state government that is meant to be the custodian of the law and fundamental rights of every individual, rich or poor, woman or man, Dalit or Brahmin, Hindu or Muslim, has in the case of the 2002 related cases, been the instrument of illegalities and deliberate subversion of justice delivery.

1064. *Yet the SIT finds nothing to investigate or interrogate at all.*

The SIT should also have scrutinised the progress of other critical carnage cases where, with no backing from civil or legal rights groups, mass acquittals have taken place. Particularly, the Abasana case, and the **Ghodasar Case** (ICR No. 57/05 S.C. No. 222/02) where after the convictions by Judge CK Rane, recently the High Court has acquitted the accused, stating non-reliability of witnesses. In another serious case, the Eral case, bail has been granted in a case of serious crimes (S.C. No. 160/02 Chandrasinh Ramsinh & Others). Similarly, the SIT should have looked at the charges contained in the complaint and analysed them after co-relating them to what had happened in major cases. Kidiad (11/2002), Pandharwada (13/2002), Panchmahals, Sesan, Banaskantha (142/02), Anjanwa (142/2002, 55/03 and 256/03), Santrampur, Panchmahals, Ambika Society carnage case (189/03), Kalol. Only such a close scrutiny would have provided a proper assessment and analysis on this charge. The issue of Missing Bodies and the Government of Gujarat's attitude in helping victims of mass crimes to find them should also have been investigated.

### **Two Thousand Cases**

#### **Allegation No. XXVIII Page 211**

1065. Instead of fully accepting the self-justifying version of accused officers responsible for slack supervision, the SIT should have examined the case papers of 2,000-odd cases reinvestigated upon the Supreme Court order. The riot victims extensively complained that state police had intimidated complainants and witnesses, resulting in their turning hostile and thereupon the accused getting the benefit of exoneration from charges and prosecution. It is also learnt that as a precondition for rehabilitation and resettlement of riot victims to the status quo ante situation, they had to reverse and disown their complaints against the rioters. Mr. SS Khandwawala.

the then DGP, who had been favoured by the Government by posting him on promotion as DGP though he was convicted in a criminal case u/s 326 IPC, had done everything possible during his tenure as DGP, Gujarat, to help the accused persons figuring in the 2,000-odd reinvestigated cases.

1066. There was an inglorious instance of the police filing closure reports in 2,000-odd riot cases as undetected, by not issuing even statutory notice under the CrPC to complainants who registered the FIR. The Apex Court in August 2004 had ordered reinvestigation of all these cases. This is an instance of deliberate slack supervision of riot cases by officers from the rank of DySP to DGP. Unfortunately, the State Government through their chosen police officers had torpedoed the investigation of these 2,000-odd cases by pressurising the complainants and witnesses to go against their complaints and statements against the accused persons. This had been made a condition precedent on the riot victims for their rehabilitation and resettlement in pre-riot habitats and vocations. Consequently, 90% of such reinvestigated cases, reportedly, had ended in non-arrest of the accused or their acquittal.
1067. The Police officers in the upward supervisory ladder in the posts of SP, Range DIG/ IG and DGP also did nothing substantial to ensure proper investigation of riot cases, including the reinvestigated cases as per the Apex Court's orders, through the proper use of the system of perusal of case diaries and crime memos of such cases, periodical crime reviews and crime conferences, police station and SP offices inspection etc. All relevant jurisdictional officers from DySP to DGP should be made accountable for this delinquency of violating the laid down procedures and be dealt with suitably.
1068. The SIT did not care to study relevant case papers to decide as to whether the former DGP, A-26 Mr. AK Bhargava's claims about reinvestigation of 2,000-odd cases (as ordered by the Apex Court in 2004) were correct or not. The riot victims have consistently petitioned authorities saying that in practically all the cases, witnesses or complainants had turned hostile under intimidation, threat or inducement by police and the Sangh Parivar. Resultantly, all accused from Hindu antisocial groups could escape prosecution.

1069. If the SIT had conducted an honest investigation, the SIT would have noticed that practically all 2,000-odd cases reinvestigated upon the Apex Court's orders were subverted by making the complainants and witnesses hostile. Does not the SIT see that such developments have a pattern and that these are due to the failure of the Police hierarchy and Government in improving the quality of supervision over investigation of riot cases? Did SPs, Range officers, etc issue directions on case diaries of major cases to the Investigating Officers? Why has the SIT failed to detect slackness of Senior Officers in rectifying defects in the investigation of anti-minority crimes through the well-oiled procedural systems of Crime review meetings, periodical Crime conferences, scrutiny of case papers, etc?
1070. Significantly, throughout Gujarat, those who succeeded in maintaining law and order and had upheld the Rule of Law during the 2002 riots had acted according to the imperative efficacious strategy and the Standard Operating Procedure (SOP) elaborated with sequential drills and exercises in the CrPC, the Bombay Police Act, the GPM, Vol. III, Chapter 2, secret circulars captioned "Communal Peace", Government directives on implementation of the Justice Reddy (1969 riots) and Justice Dave (1985 riots) recommendations on duties of Police and Executive Magistracy during riots, pinpointed instructions in former DGP Mr. KV Joseph's order "Instructions to deal with Communal Riots (Strategy and Approach)" dated 19.11.1997, periodically revised area-specific Communal Riot Schemes, etc.
1071. It is noticed that widespread mass violence against Muslims was noticed only in those areas where jurisdictional officers from the police and the executive magistracy had intentionally avoided adherence to the above-listed SOP, and acted in tune with the alleged covert scheme of political leadership in the State Government, for achieving Hindu communal mobilisation to get electoral dividends. This contention can be illustrated with facts and statistics of riot violence.

**Allegation No. XVI Pages 145 to 147**

1072. The SIT has simply accepted A-25 Mr. Chakravarti (the former DGP)'s version about the State Government's follow-up action in implementation of remedial measures for improving the situation,

such as transfer of officers. The SIT has accepted the former DGP's statement without scrutinising relevant records. Why did the SIT not record the statement of Mr. KPS Gill on this point and on the material in the Register of Mr. RB Sreekumar relating to Mr. KPS Gill?

**Not filing Affidavits before the Nanavati Commission**

**Allegation No. XX Page 172**

1073. A-26 Mr. AK Bhargava, the then DGP, claimed that he had not committed any dereliction of duty by not filing his Second Affidavit before the Commission as he had not submitted his First Affidavit. As ADGP (Crime), he was supervising investigations of riot cases and it was his responsibility to file an affidavit. But without checking up this aspect, the SIT had simply accepted Mr. Bhargava's statement. Further, the SIT had conveniently avoided questioning Mr. Bhargava about his orders dated 16.9.2004 and 21.9.2004 in which he ordered that all jurisdictional officers should file affidavits regarding the additional terms of reference of the Commission and also that incumbents of relevant posts should contact those who had filed First Affidavits and get their Second Affidavits filed before 30.9.2004. So he was also duty-bound to get his predecessor, A-25 Mr. K. Chakravarti, to file a Second Affidavit, but Mr. AK Bhargava did nothing in this direction nor did he give any explanation to the SIT in this matter. So he violated his own instructions, and ignored administrative obligation, so as to favour the accused.
1074. A-25 Mr. K. Chakravarti has said to the SIT that nobody asked him to file a Second Affidavit. Why did the SIT not question A-26, Mr. AK Bhargava in the context of A-25 Mr. K. Chakravarti's statement? How can the SIT accept misleading and contradictory statements from both Mr. Bhargava and Mr. Chakravarti? The SIT did not act professionally in this matter. The SIT did not find anything illegal or improper in jurisdictional officers, in whose areas genocidal crimes had taken place, not filing a Second Affidavit on the additional terms of reference of the Commission i.e. on the role of the CM and others in the riots.
1075. Similarly, A-27 Mr. G. Subha Rao, the then Chief Secretary, the only link between the bureaucracy and the State Cabinet, did not file any affidavit. Strangely, the SIT did not get an explanation from Mr. Subha Rao in this connection.

1076. A-25 Mr. K. Chakravarti (then DGP, Gujarat), A-26 Mr. AK Bhargava (former DGP & IGP, Gujarat), A-29 Mr. PC Pande (then Commissioner of Police, Ahmedabad), A-32 Mr. Kuldeep Sharma (then IGP, Ahmedabad Range), A-33 Mr. MK Tandon (then Joint Commissioner of Police, Ahmedabad), A-35 Mr. Rakesh Asthana (then IGP, Vadodara Range), A-36, Mr. AK Sharma (then SP, Mehsana), and A-40, Mr. Deepak Swaroop (then IGP, Vadodara Range).

1077. These accused, being public servants, are duty-bound to reveal the truth to the Commission, a body appointed by the State Government. Practically no officer had filed Affidavits covering the Commission's additional terms of reference about the role of the Chief Minister, A-1 Mr. Modi, in the riots. As per instructions issued by the General Administration Department, the All India Services (AIS) (Conduct) Rules and the GCSR, Government servants are duty-bound to extend all assistance to Government-appointed Commissions of Inquiry. As per the first terms of reference to the Justice Nanavati Commission dated 6.03.2002 and the second dated 20.07.2004, the relevant Government servants should have submitted their Affidavits to the Commission. The Notifications by the Commission had also called for relevant materials in the form of Affidavits from all concerned. The then DGP Mr. K. Chakravarti, as per his orders dated 18.06.2002 and the then DGP Mr. AK Bhargava, as per his orders dated 16.09.2004 and 21.09.2004 directed all officers to file Affidavits to the Commission. Numerous officers, particularly those in charge of areas affected by ghastly violence, DMs and SPs and CPs (two Commissionerates and nine districts), reportedly did not file Affidavits covering the first and second terms of reference of the Commission as issued by the Government. Strangely, it is reported that no State Government officer had filed Affidavits regarding the second terms of reference dated 20.07.2004 which had tasked the Commission to probe into "the role and conduct of the Chief Minister, other Ministers, police officers, etc". They had chosen the safe path of denying the Commission germane inputs and data on the riots. Moreover, section 6 of the Commissions of Inquiry Act, 1952, provides blanket protection to all witnesses from any civil or criminal proceedings based on the statements made by them before the Commission.

1078. The most unpardonable delinquency, by failing to provide pertinent information to the Commission, was committed by the Chief Secretaries, Ms. Swarna Kanta Verma, IAS (1965) and A-27 Mr. G. Subha Rao, IAS (1965). It is a self-evident truth that the Chief Secretary, as head of bureaucracy, including the police, is the only bridge linking the state administration with the political leadership in the Government. How could the Commission finalise its report about the role of the CM and Ministers (as per the terms of reference), without information from the Chief Secretary, the only bureaucrat attending the State Cabinet meetings, and also from those in charge of the Legal department and departments of Home, Health, Transport, Revenue, Panchayat, etc. While the Home Department is directly responsible for policing, the Legal department is accountable for appointment of public prosecutors, giving legal opinions for proposals in initiating actions against media and publishers of objectionable materials, etc and the Health, Transport, Revenue, Panchayat, departments are tasked to do the needful for relief, reconciliation, rehabilitation and resettlement in a post-riot situation (the standard of relief and rehabilitation is part of the terms of reference dated 20.07.2004 issued to the Commission). Reportedly, relevant officers in charge of these departments did not file Affidavits before the Commission, particularly on the Terms of Reference dated 20.07.2004. All of these officers are delinquents in this matter.

*1079. This was the reason why they were named as Accused in the complaint dated 8.6.2006; questioning them on grounds of transparency and violation of the provisions of the Commission of Inquiry Act is quite appropriate.*

*1080. The State Government officers whose action was criticised by the higher Judiciary, and national bodies like the NHRC, NCM, etc, is wrongly deemed by the SIT as proper and ideal. These accused had violated their oath to the Constitution of India. Does the SIT deem that they are models to be emulated by all Government servants?*

#### **Failure to Heed the reports of the Intelligence Bureau**

1081. Numerous suggestions were made by the then ADGP (Intelligence) Mr. RB Sreekumar in his reports dated (1) 15.6.2002, (2) 20.8.2002

and (3) 28.8.2002 relating to law and order situations prevailing as an aftermath of the protracted riots. But no follow-up action was taken. For covering up this major criminal negligence of the authorities, the SIT had sought their clarification on the suggestions regarding cancellation of the Rath Yatra only and not on anti-minority prejudice at all.

1082. In para 112 of the SIT report, A-28 Mr. Ashok Narayan had admitted that he was not aware of any follow-up action taken on Mr. Sreekumar's intelligence report dated 24.04.2002. But the SIT did not care to get relevant records from the Home Department or DGP to establish the truth in this matter. Strangely, the SIT did receive numerous petitions in the course of its investigation, of the Naroda Patiya and other cases, in which the riot victims complained about police not recording statements as were spoken by them. They also charged the police, saying that descriptions of accused given in their FIRs were not written properly. In short, their complaints have been "defectively noted and not noted as per their say" (see para 3, sub para ii, page 269 and 270 of the Naroda Patiya judgement). This bias of the police was pointed out by Mr. Sreekumar in his 24.04.2002 report to the Government and DGP – see para iii, sub para 128. Though the Court accepted these complaints of the riot victims, why has the SIT ignored them?
1083. Strangely, in the concluding para by the SIT on Allegation No. VIII, the SIT arbitrarily reached the conclusion that "it cannot be said that no action had been taken on letter dated 24.4.2002, 15.6.2002, 20.8.2008 and 28.8.2002". How could the SIT make such a baseless observation by simply depending on the statement of accused persons in the Complaint dated 8.6.2006?
1084. Why has the SIT religiously avoided scrutiny of relevant records of the Home Department, DGP's office and the office of the ADGP (Int.)? Even the Central IB sends periodical assessment reports about the state of law and order, the health of the criminal justice system, people's attitude and response to the Government, but the SIT avoided studying these. Moreover, the Home Department also sends reports to MHA in the relevant matters. Similarly the Governor also sends assessment reports. But being apprehensive about any incriminating material coming up in these important official documents -- IB reports, Home Departments' reports to the MHA and the Governor's report to the President of India against the

accused persons, the SIT had avoided their scrutiny. These reports would have definitely thrown light on the state of health of the CJS, and law and order situation and thereby the SIT could have really known the truth about the state or stage of implementation of Mr. Sreekumar's above-mentioned assessment reports. Strangely, the SIT did not scrutinise the minutes of law and order and crime review meetings convened by the Supts. of Police, Range DIGs, IGP, DGPs, ADGP (Crime), etc – as these meetings are held as per the stipulations in the Gujarat Police Manual. Mr. Ashok Narayan's admission about the failure of the Government to take action on these crucial intelligence reports was ignored by the SIT. With regard to specific reasons narrated in the 24.4.2002 report on "extreme loss of faith in the State Administration" of the Muslim Community (para III sub para 1 to 8, para IV to XI in the SIB report dated 24.4.2002), the SIT did not peruse the case diaries of important riot cases; interview riot victims in the worst riot-affected areas; interrogate the Investigating Officers (IOs) of these cases and their hierarchical seniors who were bound by Rules of the Gujarat Police Manual, Vol. III, to give day-to-day guidance to the IOs, as such an exercise would have confirmed that Mr. Sreekumar's assessment in his report was truthful and demolished the false claims of accused persons, particularly the DGP, Home Department officials, etc about taking action on my reports.

Why has the SIT failed to probe into reasons behind the numerous strictures by the Higher Judiciary against the Gujarat Police?

#### **Allegation No. XXIX page 216**

1085. In Mr. Sreekumar's Sixth Affidavit dated 3.09.2010, specific instances of nepotism practised in posting, transfers, etc were detailed. But the SIT ignored the data as any analysis of this would adversely affect the accused persons.

#### **Intimidation of Officers to prevent them from telling the truth**

1086. The Commission probing into the 2002 riots is a fact-finding body and not a trial Court hearing the prosecution side and defence in a criminal case. Since the Commission is tasked to comment on the conduct of the Chief Minister and bureaucrats during the riots as per the Terms of Reference dated 20.07.2004, no Government

official can come in the way of free flow of information to the Commission. So attempts by Government officials with or without the directions of the higher authorities to brief, tutor, cajole, direct, pressurise and intimidate a witness who was summoned by the Commission for cross-examination is a gross misconduct and an act of obstructing a public servant in discharge of his lawful functions and also his commitment to truth and integrity. This being the position in the perspective of substantial law and administrative procedural directives, the act of persuading and cajoling Mr. Sreekumar by Mr. Dinesh Kapadia, Under Secy., Home Department, (the supervisory department of all police officers), before his cross-examination by the Commission, was a clear case of misconduct. Mr. GC Murmu, Secy., Home Department, and Mr. Arvind Pandya, Government Pleader to the Commission, had jointly tutored, pressurised and intimidated him to speak in favour of the Government during his cross-examination before the Commission. The audio cassette of both interactions was submitted, along with verbatim versions to the Commission and the SIT, for necessary further investigations. In a confession to Mr. Sreekumar by A-28 Mr. Ashok Narayan, ACS Home, in August 2004, the anti-Muslim bias of the administration including judiciary is nicely portrayed. He i.e. Mr. Sreekumar had presented this audio recording to the Commission. The relevant conversation runs thus: "Ashok Narayan – "Now I am telling you the environment at that time. All the *vakeels* on VHP side. All judges, many of the judges, were also on VHP side, right. Doctors also did not treat patients because they were Muslims. In that situation, what can be done? Tell me. Bail applications neglected. What can we (Home Department) stay on? What can we say? The entire society is like that. PP again... discussion held with Law Minister." (Audio recording of the conversation is also available).

1087. In fact, the above picture presented by Mr. Ashok Narayan is almost like an extrajudicial admission which would totally falsify the claims of the Government and Home Department about their effective implementation of the SOP. Yet the SIT has chosen to vilify Mr. Sreekumar and disregard this evidence.

1088. The delinquent officers responsible for numerous defaults as narrated above cannot take the defence for their numerous omissions and commissions, that they had used discretion and followed the principal of subjective satisfaction in following the SOP

regarding their alleged deviant actions because all such actions had facilitated, promoted, aided and abetted anti-minority violence and enabled the rioters to carry out an anti-minority pogrom in Gujarat. The question as to why the officers who enforced the SOP and maintained public order effectively in two commissionerates and seventeen police districts did not use their discretion in favour of anti-minority brigands remains unanswered.

1089. Justification of defaults on the ground of verbal orders from higher authorities are also unconvincing because, as per conduct rules, the officers have to get written orders confirming verbal instructions before carrying out actions beyond their authority and jurisdiction as per AIS rules.

### **Allegation No. XXI**

1090. *SIT avoided any probe about non-compliance of Gujarat Police Manual Vol III instructions and other regulations, as mentioned in para 94 of Mr. RB Sreekumar's Fourth Affidavit (At\_\_\_\_\_). SIT took shelter behind the lame excuse that the allegations are vague and general. SIT ignored numerous strictures by the Courts including the Hon'ble Supreme Court of India on faulty investigations by Gujarat Police. The very reason for appointment of SIT was to overcome this malady. Without checking up the relevant case papers, documents and getting response from the complainants of anti-minority crimes, how could SIT brush aside Mr. Sreekumar's reports on lacunae in investigation?*

1091. *Over 90% of riot cases were in the category of grave crimes - called 'visitable offences' in Gujarat - whose investigation had to be personally supervised by officers of the rank of DySP and above. These supervisory visiting officers submitted Crime memos narrating the role played by them in the investigation. Why did the SIT fail to scrutinize the Crime Memos and record statements of a cross section of supervisory officers?*

(a) The belligerence of Hindu mobs in Ahmedabad city against the Muslims and depth of cruelty on the victims was of very high voltage in comparison to other cities. Is it coincidental that several Commissioners of other cities and district Superintendents of Police, who did not attend the meeting convened by the CM on 27/2/2002, acted firmly and did not give total freedom to rioters as they were allowed in Ahmedabad city.

- (b) Buckling under the pressure of the A-1 Mr. Modi, A-29 CP Ahmedabad city, Mr. PC Pandey did not implement the Communal Riots Scheme, did not take action as per rules of Gujarat Police Manual (booklet on communal riot action-strategy by former DGP Mr. KV Joseph and numerous government regulations. In contrast in Surat city, on account of effective action against attacking Hindu mobs (in police action 11 persons injured – 10 Hindus and 1 Muslims) and death in rioting was only 7, while in Ahmedabad city 114 people died in police firing (36 Hindus and 78 Muslims) and in rioting 326 died (75 Hindus and 251 Muslims). It is important to recall that during the post Babri Masjid demolition riots in 1992-93 nearly 300 people were killed in Surat city. In its eagerness to save the accused persons from any blame SIT had not bothered to analyse the statistics of riots in the whole Gujarat State dispassionately and draw the right conclusions.
- (c) In Ahmedabad City, on the Bandh day of 28.2.2002, being enthused by the friendly and collaborative stance of police, the anti-Muslim mobs had shouted slogans like “*Yeh Andhar Ki Bath Hai. Police Hamare Sath Hai*”. (*“It is internal matter, police is with us”*).
- (d) As testified in the letters by A-29 Mr. PC Pandey (2 letters to DGP by him appended in the Affidavit by ADGP, Mr. J. Mahapatra to the Commission) though the police knew about culpable actions by VHP and the State Minister Mr. Bharat Barot in instigating crowds to attack Muslims, no action was taken by Ahmedabad city police against the violent mobs and the instigators.

1092. Note:

**1. Mr. Satish Verma has been erroneously listed in the Complaint as Accused No. 45 and 63. Mr. Rahul Sharma too has been erroneously somewhere mentioned at Accused. Both are Witnesses.**

***“Smt. Zakia Nasim Jafri, Complainant and Ms. Teesta Setalvad, Co-complainants have stated that they are witnesses and have been inadvertently listed as accused persons. “ (Malhotra Report dated 12.5.2012)***

**2. A-2 Mr Ashok Bhatt and A-23 Professor KK Shastri, both deceased so though the roles they played is elaborated they are not in the list below. The numbers of the rest remain as they are in the complaint.**

Hence, in conclusion, barring Accused-45 (wrongly listed) and Accused 63 (also wrongly listed as stated above), the Petitioner wishes to provide a comprehensive List of the Accused from the Complaint/FIR dated 8.6.2006 who in her opinion after the evidence collected in investigation there is enough to proceed against. The following accused need to be arraigned and charged on the FIR dated 8.6.2006 and the Final Report dated 8.2.2012 rejected in toto:

**1. Mr. Narendra D. Modi as in FIR dated 8.6.2006**

1. Section 120 B, 114 r/w 302 IPC
2. Section 116, IPC;
3. Section 119, IPC;
4. Section 166, IPC,
5. Section 167, IPC
6. Section 175, IPC
7. Section 176, IPC
8. 177 IPC
9. Section 179, IPC
10. Section 182, IPC; 186 IPC; 187 IPC
11. Section 188, IPC
12. Section 191, IPC
13. Section 192, IPC
14. Section 193, IPC
15. Section 195A, IPC
16. Section 196, IPC
17. 199 IPC
18. Section 200, IPC
19. Section 201, IPC
20. 203 IPC
21. Section 204, IPC
22. 217/218 of the Indian Penal Code Section 217
23. 295 IPC, 295 A. IPC
24. 298 IPC
25. 153 A (IPC)
26. 506 IPC
27. Section 3 of the prevention of damage to public property Act 1984

**3. Mr. IK Jadeja as in FIR dated 8.6.2006**

1. Section 120 B, 114 r/w 302 IPC
2. Section 116, IPC
3. Section 119, IPC
4. Section 166 – IPC
5. Section 167, IPC
6. Section 175, IPC
7. Section 176, IPC
8. 177 IPC
9. Section 179, IPC
10. Section 182, IPC; 186 IPC; 187 IPC
11. Section 188, IPC
12. Section 191, IPC
13. Section 192, IPC
14. Section 193, IPC
15. Section 195A, IPC
16. Section 196, IPC
17. 199 IPC
18. Section 200, IPC
19. Section 201, IPC
20. 203 IPC
21. Section 204, IPC
22. 217/218 of the Indian Penal Code Section 217
23. 295 IPC, 295 A. IPC
24. 298 IPC
25. 153 A (IPC)
26. 506 IPC
27. Section 3 of the prevention of damage to public property Act 1984

**4. Mr. Prabhat Singh Chauhan as in FIR dated 8.6.2006**

1. Section 120 B, 114 r/w 302 IPC
2. Section 116, IPC
3. Section 119, IPC
4. Section 166 – IPC
5. Section 167, IPC
6. Section 175, IPC
7. Section 176, IPC
8. 177 IPC
9. Section 179, IPC
10. Section 182, IPC; 186 IPC; 187 IPC
11. Section 188, IPC
12. Section 191, IPC
13. Section 192, IPC
14. Section 193, IPC
15. Section 195A, IPC
16. Section 196, IPC
17. 199 IPC
18. Section 200, IPC
19. Section 201, IPC
20. 203 IPC
21. Section 204, IPC
22. 217/218 of the Indian Penal Code Section 217
23. 295 IPC, 295 A. IPC
24. 298 IPC
25. 153 A (IPC)
26. 506 IPC
27. Section 3 of the prevention of damage to public property Act 1984

**5. Mr. Gordhan Zadaphia as in FIR dated 8.6.2006**

1. Section 120 B, 114 r/w 302 IPC
2. Section 116, IPC
3. Section 119, IPC
4. Section 166 – IPC
5. Section 167, IPC
6. Section 175, IPC
7. Section 176, IPC
8. 177 IPC
9. Section 179, IPC
10. Section 182, IPC; 186 IPC; 187 IPC
11. Section 188, IPC
12. Section 191, IPC
13. Section 192, IPC
14. Section 193, IPC
15. Section 195A, IPC
16. Section 196, IPC
17. 199 IPC
18. Section 200, IPC
19. Section 201, IPC
20. 203 IPC
21. Section 204, IPC
22. 217/218 of the Indian Penal Code Section 217
23. 295 IPC, 295 A. IPC
24. 298 IPC
25. 153 A (IPC)
26. 506 IPC

27. Section 3 of the prevention of damage to public property Act 1984
6. **Mr. Ranjit Singh N. Chawda as in FIR dated 8.6.2006**  
 1. Section 120 B, 114 r/w 302 IPC      2. Section 116, IPC      3. Section 119, IPC  
 4. Section 166 – IPC      5. Section 167, IPC      6. Section 175, IPC  
 7. Section 176, IPC      8. 177 IPC      9. Section 179, IPC  
 10. Section 182, IPC; 186 IPC; 187 IPC      11. Section 188, IPC  
 12. Section 191, IPC      13. Section 192, IPC      14. Section 193, IPC  
 15. Section 195A, IPC      16. Section 196, IPC      17. 199 IPC  
 18. Section 200, IPC      19. Section 201, IPC      20. 203 IPC  
 21. Section 204, IPC      22. 217/218 of the Indian Penal Code Section 217  
 23. 295 IPC, 295 A. IPC      24. 298 IPC      25. 153 A (IPC)      26. 506 IPC  
 27. Section 3 of the prevention of damage to public property Act 1984
7. **Mr. Kaushik Kumar J. Patel as in FIR dated 8.6.2006**  
 1. Section 120 B, 114 r/w 302 IPC      2. Section 116, IPC      3. Section 166 – IPC  
 4. Section 167, IPC      5. Section 176, IPC      6. 177 IPC      7. Section 179, IPC  
 8. Section 182, IPC; 186 IPC; 187 IPC      9. Section 188, IPC  
 10. Section 191, IPC      11. Section 192, IPC      12. Section 193, IPC  
 13. Section 195A, IPC      14. Section 196, IPC      15. 199 IPC  
 16. Section 200, IPC      17. Section 201, IPC      18. 203 IPC  
 19. Section 204, IPC      20. 217/218 of the Indian Penal Code Section 217 21.  
 295 IPC, 295 A. IPC      22. 298 IPC      23. 153 A (IPC)      24. 506 IPC  
 25. Section 3 of the prevention of damage to public property Act 1984
8. **Mr. CD Patel as in FIR dated 8.6.2006**  
 1. Section 120 B, 114 r/w 302 IPC      2. Section 116, IPC      3. Section 119, IPC  
 4. Section 166 – IPC      5. Section 167, IPC      6. Section 175, IPC  
 7. Section 176, IPC      8. 177 IPC      9. Section 179, IPC  
 10. Section 182, IPC; 186 IPC; 187 IPC      11. Section 188, IPC  
 12. Section 191, IPC      13. Section 192, IPC      14. Section 193, IPC  
 15. Section 195A, IPC      16. Section 196, IPC      17. 199 IPC  
 18. Section 200, IPC      19. Section 201, IPC      20. 203 IPC  
 21. Section 204, IPC      22. 217/218 of the Indian Penal Code Section 217  
 23. 295 IPC, 295 A. IPC      24. 298 IPC      25. 153 A (IPC)      26. 506 IPC  
 27. Section 3 of the prevention of damage to public property Act 1984
9. **Mr. Niteenbhai R. Patel as in FIR dated 8.6.2006**  
 1. Section 120 B, 114 r/w 302 IPC      2. Section 116, IPC      3. Section 119, IPC  
 4. Section 166 – IPC      5. Section 167, IPC      6. Section 175, IPC  
 7. Section 176, IPC      8. 177 IPC      9. Section 179, IPC  
 10. Section 182, IPC; 186 IPC; 187 IPC      11. Section 188, IPC  
 12. Section 191, IPC      13. Section 192, IPC      14. Section 193, IPC  
 15. Section 195A, IPC      16. Section 196, IPC      17. 199 IPC  
 18. Section 200, IPC      19. Section 201, IPC      20. 203 IPC  
 21. Section 204, IPC      22. 217/218 of the Indian Penal Code Section 217 23.  
 295 IPC, 295 A. IPC      24. 298 IPC      25. 153 A (IPC)      26. 506 IPC  
 27. Section 3 of the prevention of damage to public property Act 1984
10. **Mr. Amitbhai A. Shah as in FIR dated 8.6.2006**  
 1. Sec.120 B, 114 r/w 302 IPC      2. Section 116, IPC      3. Section 119, IPC  
 4. Section 166 – IPC      5. Section 167, IPC      6. Section 175, IPC  
 7. Section 176, IPC      8. 177 IPC      9. Section 179, IPC  
 10. Section 182, IPC; 186 IPC; 187 IPC      11. Section 188, IPC  
 12. Section 191, IPC      13. Section 192, IPC      14. Section 193, IPC  
 15. Section 195A, IPC      16. Section 196, IPC      17. 199 IPC  
 18. Section 200, IPC      19. Section 201, IPC      20. 203 IPC  
 21. Section 204, IPC      22. 217/218 of the Indian Penal Code Section 217 23.  
 295 IPC, 295 A. IPC      24. 298 IPC      25. 153 A (IPC)      26. 506 IPC  
 27. Section 3 of the prevention of damage to public property Act 1984
11. **Mr. Anil T. Patel as in FIR dated 8.6.2006**

1. Sec.120 B, 114 r/w 302 IPC    2. Section 116, IPC    3. Section 119, IPC  
4. Section 166 – IPC    5. Section 167, IPC    6. Section 175, IPC  
7. Section 176, IPC    8. 177 IPC    9. Section 179, IPC  
10. Section 182, IPC; 186 IPC; 187 IPC    11. Section 188, IPC  
12. Section 191, IPC    13. Section 192, IPC    14. Section 193, IPC  
15. Section 195A, IPC    16. Section 196, IPC    17. 199 IPC  
18. Section 200, IPC    19. Section 201, IPC    20. 203 IPC  
21. Section 204, IPC    22. 217/218 of the Indian Penal Code Section 217 23.  
295 IPC, 295 A. IPC    24. 298 IPC    25. 153 A (IPC)    26. 506 IPC  
27. Section 3 of the prevention of damage to public property Act 1984
12. **Mr. Narayan L Patel as in FIR dated 8.6.2006**  
1. Sec.120 B, 114 r/w 302 IPC    2. Section 116, IPC    3. Section 119, IPC  
4. Section 166 – IPC    5. Section 167, IPC    6. Section 175, IPC  
7. Section 176, IPC    8. 177 IPC    9. Section 179, IPC  
10. Section 182, IPC; 186 IPC; 187 IPC    11. Section 188, IPC  
12. Section 191, IPC    13. Section 192, IPC    14. Section 193, IPC  
15. Section 195A, IPC    16. Section 196, IPC    17. 199 IPC  
18. Section 200, IPC    19. Section 201, IPC    20. 203 IPC  
21. Section 204, IPC    22. 217/218 of the Indian Penal Code Section 217  
23. 295 IPC, 295 A. IPC    24. 298 IPC    25. 153 A (IPC)    26. 506 IPC  
27. Section 3 of the prevention of damage to public property Act 1984
13. **Mr. Kalubhai Hirabhai Maliwad as in FIR dated 8.6.2006**  
1. Sec.120 B, 114 r/w 302 IPC    2. Section 116, IPC    3. Section 119, IPC  
4. Section 166 – IPC    5. Section 167, IPC    6. Section 175, IPC  
7. Section 176, IPC    8. 177 IPC    9. Section 179, IPC  
10. Section 182, IPC; 186 IPC; 187 IPC    11. Section 188, IPC  
12. Section 191, IPC    13. Section 192, IPC    14. Section 193, IPC  
15. Section 195A, IPC    16. Section 196, IPC    17. 199 IPC  
18. Section 200, IPC    19. Section 201, IPC    20. 203 IPC  
21. Section 204, IPC    22. 217/218 of the Indian Penal Code Section 217 23.  
295 IPC, 295 A. IPC    24. 298 IPC    25. 153 A (IPC)    26. 506 IPC  
27. Section 3 of the prevention of damage to public property Act 1984
14. **Mr. Dilipbhai Manubhai Patel as in FIR dated 8.6.2006**  
1. Sec. 120 B, 114 r/w 302 IPC    2. Section 116, IPC    3. Section 119, IPC  
4. Section 166 – IPC    5. Section 167, IPC    6. Section 175, IPC  
7. Section 176, IPC    8. 177 IPC    9. Section 179, IPC  
10. Section 182, IPC; 186 IPC; 187 IPC    11. Section 188, IPC  
12. Section 191, IPC    13. Section 192, IPC    14. Section 193, IPC    15.  
Section 195A, IPC    16. Section 196, IPC    17. 199 IPC  
18. Section 200, IPC    19. Section 201, IPC    20. 203 IPC  
21. Section 204, IPC    22. 217/218 of the Indian Penal Code Section 217 23.  
295 IPC, 295 A. IPC    24. 298 IPC    25. 153 A (IPC)    26. 506 IPC  
27. Section 3 of the prevention of damage to public property Act 1984
15. **Mr. Madhubhai B. Srivastava as in FIR dated 8.6.2006**  
1. Sec.120 B, 114 r/w 302 IPC    2. Section 116, IPC    3. Section 119, IPC  
4. Section 166 – IPC    5. Section 167, IPC    6. Section 175, IPC  
7. Section 176, IPC    8. 177 IPC    9. Section 179, IPC  
10. Section 182, IPC; 186 IPC; 187 IPC    11. Section 188, IPC  
12. Section 191, IPC    13. Section 192, IPC    14. Section 193, IPC    15.  
Section 195A, IPC    16. Section 196, IPC    17. 199 IPC  
18. Section 200, IPC    19. Section 201, IPC    20. 203 IPC  
21. Section 204, IPC    22. 217/218 of the Indian Penal Code Section 217 23.  
295 IPC, 295 A. IPC    24. 298 IPC    25. 153 A (IPC)    26. 506 IPC  
27. Section 3 of the prevention of damage to public property Act 1984
16. **Dr. Maya Kodnani as in FIR dated 8.6.2006**  
1. Sec.120 B, 114 r/w 302 IPC    2. Section 116, IPC    3. Section 119, IPC  
4. Section 166 – IPC    5. Section 167, IPC    6. Section 175, IPC

7. Section 176, IPC 8. 177 IPC 9. Section 179, IPC  
 10. Section 182, IPC; 186 IPC; 187 IPC 11. Section 188, IPC  
 12. Section 191, IPC 13. Section 192, IPC 14. Section 193, IPC 15.  
 Section 195A, IPC 16. Section 196, IPC 17. 199 IPC  
 18. Section 200, IPC 19. Section 201, IPC 20. 203 IPC  
 21. Section 204, IPC 22. 217/218 of the Indian Penal Code Section 217 23.  
 295 IPC, 295 A. IPC 24. 298 IPC 25. 153 A (IPC) 26. 506 IPC  
 27. Section 3 of the prevention of damage to public property Act 1984
17. **Mr. Nitin Kantibhai Patel as in FIR dated 8.6.2006**  
 1. Sec. 120 B, 114 r/w 302 IPC 2. Section 116, IPC 3. Section 119, IPC  
 4. Section 166 – IPC 5. Section 167, IPC 6. Section 175, IPC  
 7. Section 176, IPC 8. 177 IPC 9. Section 179, IPC  
 10. Section 182, IPC; 186 IPC; 187 IPC 11. Section 188, IPC  
 12. Section 191, IPC 13. Section 192, IPC 14. Section 193, IPC 15.  
 Section 195A, IPC 16. Section 196, IPC 17. 199 IPC  
 18. Section 200, IPC 19. Section 201, IPC 20. 203 IPC  
 21. Section 204, IPC 22. 217/218 of the Indian Penal Code Section 217 23.  
 295 IPC, 295 A. IPC 24. 298 IPC 25. 153 A (IPC) 26. 506 IPC  
 27. Section 3 of the prevention of damage to public property Act 1984
18. **Mr. Rajendra Singh Patel as in FIR dated 8.6.2006**  
 1. Sec. 120 B, 114 r/w 302 IPC 2. Section 116, IPC 3. Section 119, IPC  
 4. Section 166 – IPC 5. Section 167, IPC 6. Section 175, IPC  
 7. Section 176, IPC 8. 177 IPC 9. Section 179, IPC  
 10. Section 182, IPC; 186 IPC; 187 IPC 11. Section 188, IPC  
 12. Section 191, IPC 13. Section 192, IPC 14. Section 193, IPC 15.  
 Section 195A, IPC 16. Section 196, IPC 17. 199 IPC  
 18. Section 200, IPC 19. Section 201, IPC 20. 203 IPC  
 21. Section 204, IPC 22. 217/218 of the Indian Penal Code Section 217 23.  
 295 IPC, 295 A. IPC 24. 298 IPC 25. 153 A (IPC) 26. 506 IPC  
 27. Section 3 of the prevention of damage to public property Act 1984
19. **Dr. K. J. Mehta as in FIR dated 8.6.2006**  
 1. Sec.120 B, 114 r/w 302 IPC 2. Section 116, IPC 3. Section 166 – IPC  
 4. Section 167, IPC 5. Section 176, IPC 6. 177 IPC 7. Section 179, IPC  
 8. Section 182, IPC; 186 IPC; 187 IPC 9. Section 188, IPC  
 10. Section 191, IPC 11. Section 192, IPC 12. Section 193, IPC  
 13. Section 195A, IPC 14. Section 196, IPC 15. 199 IPC  
 16. Section 200, IPC 17. Section 201, IPC 18. 203 IPC  
 19. Section 204, IPC 20. 217/218 of the Indian Penal Code Section 217 21.  
 295 IPC, 295 A. IPC 22. 298 IPC 23. 153 A (IPC) 24. 506 IPC  
 25. Section 3 of the prevention of damage to public property Act 1984
20. **Dr. Praveen Togadia as in FIR dated 8.6.2006**  
 1. Sec.120 B, 114 r/w 302 IPC 2. Section 116, IPC 3. Section 166 – IPC  
 4. Section 167, IPC 5. Section 176, IPC 6. 177 IPC 7. Section 179, IPC  
 8. Section 182, IPC; 186 IPC; 187 IPC 9. Section 188, IPC  
 10. Section 191, IPC 11. Section 192, IPC 12. Section 193, IPC  
 13. Section 195A, IPC 14. Section 196, IPC 15. 199 IPC  
 16. Section 200, IPC 17. Section 201, IPC 18. 203 IPC  
 19. Section 204, IPC 20. 217/218 of the Indian Penal Code Section 217 21.  
 295 IPC, 295 A. IPC 22. 298 IPC 23. 153 A (IPC) 24. 506 IPC  
 25. Section 3 of the prevention of damage to public property Act 1984
21. **Dr. Jaideep Patel as in FIR dated 8.6.2006**  
 1. Sec. 120 B, 114 r/w 302 IPC 2. Section 116, IPC 3. Section 166 – IPC  
 4. Section 167, IPC 5. Section 176, IPC 6. 177 IPC 7. Section 179, IPC  
 8. Section 182, IPC; 186 IPC; 187 IPC 9. Section 188, IPC  
 10. Section 191, IPC 11. Section 192, IPC 12. Section 193, IPC  
 13. Section 195A, IPC 14. Section 196, IPC 15. 199 IPC  
 16. Section 200, IPC 17. Section 201, IPC 18. 203 IPC

19. Section 204, IPC            20. 217/218 of the Indian Penal Code Section 217 21.  
295 IPC, 295 A. IPC            22. 298 IPC 23. 153 A (IPC)    24. 506 IPC  
25. Section 3 of the prevention of damage to public property Act 1984
22. **Mr. Babu Bajrangi Patel as in FIR dated 8.6.2006**  
1. Sec.120 B, 114 r/w 302 IPC    2. Section 116, IPC 3. Section 166 – IPC  
4. Section 167, IPC 5. Section 176, IPC 6. 177 IPC    7. Section 179, IPC  
8. Section 182, IPC; 186 IPC; 187 IPC    9. Section 188, IPC  
10. Section 191, IPC            11. Section 192, IPC            12. Section 193, IPC  
13. Section 195A, IPC          14. Section 196, IPC            15. 199 IPC  
16. Section 200, IPC            17. Section 201, IPC            18. 203 IPC  
19. Section 204, IPC            20. 217/218 of the Indian Penal Code Section 217 21.  
295 IPC, 295 A. IPC            22. 298 IPC 23. 153 A (IPC)    24. 506 IPC  
25. Section 3 of the prevention of damage to public property Act 1984
24. **Mr. Balubhai Rajput as in FIR dated 8.6.2006**  
1. Sec. 120 B, 114 r/w 302 IPC    2. Section 116, IPC 3. Section 119, IPC  
4. Section 166 – IPC            5. Section 167, IPC 6. Section 175, IPC  
7. Section 176, IPC 8. 177 IPC    9. Section 179, IPC  
10. Section 182, IPC; 186 IPC; 187 IPC 11. Section 188, IPC  
12. Section 191, IPC            13. Section 192, IPC            14. Section 193, IPC 15.  
Section 195A, IPC 16. Section 196, IPC            17. 199 IPC  
18. Section 200, IPC            19. Section 201, IPC            20. 203 IPC  
21. Section 204, IPC            22. 217/218 of the Indian Penal Code Section 217 23.  
295 IPC, 295 A. IPC            24. 298 IPC 25. 153 A (IPC)    26. 506 IPC  
27. Section 3 of the prevention of damage to public property Act 1984
25. **Mr. K. Chakravarti as in FIR dated 8.6.2006**  
1. Sec. 120 B, 114 r/w 302 IPC    2. Section 116, IPC 3. Section 119, IPC  
4. Section 166 – IPC            5. Section 167, IPC 6. Section 175, IPC  
7. Section 176, IPC 8. 177 IPC    9. Section 179, IPC  
10. Section 182, IPC; 186 IPC; 187 IPC 11. Section 188, IPC  
12. Section 191, IPC            13. Section 192, IPC            14. Section 193, IPC 15.  
Section 195A, IPC 16. Section 196, IPC            17. 199 IPC  
18. Section 200, IPC            19. Section 201, IPC            20. 203 IPC  
21. Section 204, IPC            22. 217/218 of the Indian Penal Code Section 217 23.  
295 IPC, 295 A. IPC            24. 298 IPC 25. 153 A (IPC)    26. 506 IPC  
27. Section 3 of the prevention of damage to public property Act 1984  
28. Sec. 129, Sec. 144 CRPC    29. Circular captioned “Communal peace”  
30. GPM vol-III, Chapter II, Chapter III, Chapter IV  
31. DGP K. V. Joseph’s booklet (Instruction to deal with communal riots -  
strategy of approach) – 1997    32. All India Service (AIS) conduct rules.  
33. Section 166 IPC 34. Communal Riot Scheme  
35. Article 51A of the Constitution of India.  
36. Recommendations of Justice Reddy (1969 riots) and Justice Dave (1984 –  
85 riots).    37. Rule 59 (9) GPM – Vol III    38. Press Council Act – 1965  
39. Prevention of Objectionable Matter Act – 1976  
40. Circular Bunch – Communal Peace  
41. All India Service (AIS) conduct rules.  
42. CRPC provisions particularly sections 36, 129, 131, 144 and 154.  
43. Indian Police Act – 1861  
44. Directions in chapters I to VI of GPM volume III.    45. Section 186 IPC  
46. Rules of Business framed by the Governor  
47. Notification of allotment of portfolios by the Governor  
48. All India Service Rules 49. General instructions form GAD  
50. All India Service Rules            51. GCSR  
52. Govt. notification regarding Constitution of the Commission and Terms of  
Reference.  
53. The Commission’s notification calling for data relevant to Terms of Reference  
54. Govt. instructions to implement orders of the High Court and the Apex Court.  
55. Section 188 IPC  
56. General instructions of GAD about maintenance of records

- 57. Manual of Office Procedure
- 58. Circular captioned "Communal peace"
- 59. General instructions of GAD about maintenance of records
- 60. Govt. orders regarding providing information to NCM and other national bodies.

26. **Mr. AK Bhargava the then DGP as in FIR dated 8.6.2006**

- 1. Sec. 120 B, 114 r/w 302 IPC
- 2. Section 116, IPC
- 3. Section 119, IPC
- 4. Section 166 – IPC
- 5. Section 167, IPC
- 6. Section 175, IPC
- 7. Section 176, IPC
- 8. 177 IPC
- 9. Section 179, IPC
- 10. Section 182, IPC; 186 IPC; 187 IPC
- 11. Section 188, IPC
- 12. Section 191, IPC
- 13. Section 192, IPC
- 14. Section 193, IPC
- 15. Section 195A, IPC
- 16. Section 196, IPC
- 17. 199 IPC
- 18. Section 200, IPC
- 19. Section 201, IPC
- 20. 203 IPC
- 21. Section 204, IPC
- 22. 217/218 of the Indian Penal Code
- 23. Section 217
- 24. 295 IPC, 295 A. IPC
- 25. 298 IPC
- 26. 153 A (IPC)
- 27. 506 IPC
- 27. Section 3 of the prevention of damage to public property Act 1984
- 28. Sec. 129, Sec. 144 CRPC
- 29. Circular captioned "Communal peace"
- 30. GPM vol-III, Chapter II, Chapter III, Chapter IV
- 31. DGP K. V. Joseph's booklet (Instruction to deal with communal riots - strategy of approach) – 1997
- 32. All India Service (AIS) conduct rules.
- 33. Section 166 IPC
- 34. Communal Riot Scheme
- 35. Article 51A of the Constitution of India.
- 36. Recommendations of Justice Reddy (1969 riots) and Justice Dave (1984 – 85 riots).
- 37. Rule 59 (9) GPM – Vol III
- 38. Press Council Act – 1965
- 39. Prevention of Objectionable Matter Act – 1976
- 40. Circular Bunch – Communal Peace
- 41. All India Service (AIS) conduct rules.
- 42. CRPC provisions particularly sections 36, 129, 131, 144 and 154.
- 43. Indian Police Act – 1861
- 44. Directions in chapters I to VI of GPM volume III.

27. **Mr. G. Subha Rao as then Chief Secretary as in FIR dated 8.6.2006**

- 1. Sec. 120 B, 114 r/w 302 IPC
- 2. Section 116, IPC
- 3. Section 119, IPC
- 4. Section 166 – IPC
- 5. Section 167, IPC
- 6. Section 175, IPC
- 7. Section 176, IPC
- 8. 177 IPC
- 9. Section 179, IPC
- 10. Section 182, IPC; 186 IPC; 187 IPC
- 11. Section 188, IPC
- 12. Section 191, IPC
- 13. Section 192, IPC
- 14. Section 193, IPC
- 15. Section 195A, IPC
- 16. Section 196, IPC
- 17. 199 IPC
- 18. Section 200, IPC
- 19. Section 201, IPC
- 20. 203 IPC
- 21. Section 204, IPC
- 22. 217/218 of the Indian Penal Code
- 23. Section 217
- 24. 295 IPC, 295 A. IPC
- 25. 298 IPC
- 26. 153 A (IPC)
- 27. 506 IPC
- 27. Section 3 of the prevention of damage to public property Act 1984
- 28. General instructions form GAD
- 29. All India Service Rules
- 30. GCSR
- 31. Govt. notification regarding Constitution of the Commission and Terms of Reference.
- 32. The Commission's notification calling for data relevant to Terms of Reference
- 33. Govt. instructions about taking care and cautions in preparation/ presentation of data to the Constitutional bodies like CEC
- 34. Instructions of Revenue Dept. about relief and rehabilitation.
- 35. Directives of CEC about preparation of reports and revision of electoral roles
- 36. Article 51A of the Constitution of India
- 37. General instructions of GAD about maintenance of records
- 38. Manual of Office Procedure
- 39. Circular captioned "Communal peace"

28. **Mr. Ashok Narayanan as in FIR dated 8.6.2006**

- 1. Sec. 120 B, 114 r/w 302 IPC
- 2. Section 116, IPC
- 3. Section 119, IPC
- 4. Section 166 – IPC
- 5. Section 167, IPC
- 6. Section 175, IPC
- 7. Section 176, IPC
- 8. 177 IPC
- 9. Section 179, IPC
- 10. Section 182, IPC; 186 IPC; 187 IPC
- 11. Section 188, IPC
- 12. Section 191, IPC
- 13. Section 192, IPC
- 14. Section 193, IPC
- 15. Section 195A, IPC
- 16. Section 196, IPC
- 17. 199 IPC
- 18. Section 200, IPC
- 19. Section 201, IPC
- 20. 203 IPC

21. Section 204, IPC
22. 217/218 of the Indian Penal Code Section 217
23. 295 IPC, 295 A. IPC
24. 298 IPC
25. 153 A (IPC)
26. 506 IPC
27. Section 3 of the prevention of damage to public property Act 1984
28. Sec. 129, Sec. 144 CRPC
29. Circular captioned "Communal peace"
30. GPM vol-III, Chapter II, Chapter III, Chapter IV
31. DGP K. V. Joseph's booklet (Instruction to deal with communal riots - strategy of approach) – 1997
32. All India Service (AIS) conduct rules.
33. Section 166 IPC
34. Communal Riot Scheme
35. Article 51A of the Constitution of India.
36. Recommendations of Justice Reddy (1969 riots) and Justice Dave (1984 – 85 riots).
37. Rule 59 (9) GPM – Vol III
38. Press Council Act – 1965
39. Prevention of Objectionable Matter Act – 1976
40. Circular Bunch – Communal Peace
41. All India Service (AIS) conduct rules
42. General instructions form GAD
43. All India Service Rules
44. GCSR
45. Govt. notification regarding Constitution of the Commission and Terms of Reference.
46. The Commission's notification calling for data relevant to Terms of Reference
47. Govt. instructions to implement orders of the High Court and the Apex Court
48. Section 188 IPC
49. General instructions of GAD about maintenance of records
50. Manual of Office Procedure
51. Circular captioned "Communal peace"
52. Article 51A of the Constitution of India
53. Govt. instructions about taking care and cautions in preparation/ presentation of data to the Constitutional bodies like CEC.
54. Instructions of Revenue Dept. about relief and rehabilitation.
55. Directives of CEC about preparation of reports and revision of electoral roles
56. Govt. orders regarding providing information to NCM and other national bodies.

29. **Mr. P. C. Pande as in FIR dated 8.6.2006**

1. Sec. 120 B, 114 r/w 302 IPC
2. Section 116, IPC
3. Section 119, IPC
4. Section 166 – IPC
5. Section 167, IPC
6. Section 175, IPC
7. Section 176, IPC
8. 177 IPC
9. Section 179, IPC
10. Section 182, IPC; 186 IPC; 187 IPC
11. Section 188, IPC
12. Section 191, IPC
13. Section 192, IPC
14. Section 193, IPC
15. Section 195A, IPC
16. Section 196, IPC
17. 199 IPC
18. Section 200, IPC
19. Section 201, IPC
20. 203 IPC
21. Section 204, IPC
22. 217/218 of the Indian Penal Code Section 217
23. 295 IPC, 295 A. IPC
24. 298 IPC
25. 153 A (IPC)
26. 506 IPC
27. Section 3 of the prevention of damage to public property Act 1984
28. Sec. 129, Sec. 144 CRPC
29. Circular captioned "Communal peace"
30. GPM vol-III, Chapter II, Chapter III, Chapter IV
31. DGP K. V. Joseph's booklet (Instruction to deal with communal riots - strategy of approach) – 1997
32. All India Service (AIS) conduct rules.
33. Section 166 IPC
34. Communal Riot Scheme
35. Article 51A of the Constitution of India.
36. Recommendations of Justice Reddy (1969 riots) and Justice Dave (1984 – 85 riots).
37. Rule 59 (9) GPM – Vol III
38. Press Council Act – 1965
39. Prevention of Objectionable Matter Act – 1976
40. Circular Bunch – Communal Peace
41. All India Service (AIS) conduct rules.
42. CRPC provisions particularly sections 36, 129, 131, 144 and 154.
43. Indian Police Act – 1861
44. Directions in chapters I to VI of GPM volume III
45. Section 186 IPC
46. Rules of Business framed by the Governor
47. Notification of allotment of portfolios by the Governor
48. All India Service Rules

30. **Mr. K. Srinivas as in FIR dated 8.6.2006**  
 1. 120 B, 114 r/w 302 IPC 2. Section 116, IPC 3. Section 119, IPC  
 4. Section 166 – IPC 5. Section 167, IPC 6. Section 175, IPC  
 7. Section 176, IPC 8. 177 IPC 9. Section 179, IPC  
 10. Section 182, IPC; 186 IPC; 187 IPC 11. Section 188, IPC  
 12. Section 191, IPC 13. Section 192, IPC 14. Section 193, IPC 15.  
 Section 195A, IPC 16. Section 196, IPC 17. 199 IPC  
 18. Section 200, IPC 19. Section 201, IPC 20. 203 IPC  
 21. Section 204, IPC 22. 217/218 of the Indian Penal Code Section 217 23.  
 295 IPC, 295 A. IPC 24. 298 IPC 25. 153 A (IPC) 26. 506 IPC  
 27. Section 3 of the prevention of damage to public property Act 1984
31. **Dr. P. K. Mishra as in FIR dated 8.6.2006**  
 1. Sec. 120 B, 114 r/w 302 IPC 2. Section 116, IPC 3. Section 119, IPC  
 4. Section 166 – IPC 5. Section 167, IPC 6. Section 175, IPC  
 7. Section 176, IPC 8. 177 IPC 9. Section 179, IPC  
 10. Section 182, IPC; 186 IPC; 187 IPC 11. Section 188, IPC  
 12. Section 191, IPC 13. Section 192, IPC 14. Section 193, IPC 15.  
 Section 195A, IPC 16. Section 196, IPC 17. 199 IPC  
 18. Section 200, IPC 19. Section 201, IPC 20. 203 IPC  
 21. Section 204, IPC 22. 217/218 of the Indian Penal Code Section 217 23.  
 295 IPC, 295 A. IPC 24. 298 IPC 25. 153 A (IPC) 26. 506 IPC  
 27. Section 3 of the prevention of damage to public property Act 1984  
 28. General instructions of GAD about maintenance of records  
 29. All India Service Rules 30. GCSR  
 31. Manual of Office Procedure 32. Circular captioned “Communal peace”  
 33. Article 51A of the Constitution of India
32. **Mr. Kuldeep Sharma as in FIR dated 8.6.2006**  
 1. Sec. 120 B, 114 r/w 302 IPC 2. Section 116, IPC 3. Section 119, IPC  
 4. Section 166 – IPC 5. Section 167, IPC 6. Section 175, IPC  
 7. Section 176, IPC 8. 177 IPC 9. Section 179, IPC  
 10. Section 182, IPC; 186 IPC; 187 IPC 11. Section 188, IPC  
 12. Section 191, IPC 13. Section 192, IPC 14. Section 193, IPC 15.  
 Section 195A, IPC 16. Section 196, IPC 17. 199 IPC  
 18. Section 200, IPC 19. Section 201, IPC 20. 203 IPC  
 21. Section 204, IPC 22. 217/218 of the Indian Penal Code Section 217 23.  
 295 IPC, 295 A. IPC 24. 298 IPC 25. 153 A (IPC) 26. 506 IPC  
 27. Section 3 of the prevention of damage to public property Act 1984
33. **Mr. M. K. Tandon as in FIR dated 8.6.2006**  
 1. 120 B, 114 r/w 302 IPC 2. Section 116, IPC 3. Section 119, IPC  
 4. Section 166 – IPC 5. Section 167, IPC 6. Section 175, IPC  
 7. Section 176, IPC 8. 177 IPC 9. Section 179, IPC  
 10. Section 182, IPC; 186 IPC; 187 IPC 11. Section 188, IPC  
 12. Section 191, IPC 13. Section 192, IPC 14. Section 193, IPC 15.  
 Section 195A, IPC 16. Section 196, IPC 17. 199 IPC  
 18. Section 200, IPC 19. Section 201, IPC 20. 203 IPC  
 21. Section 204, IPC 22. 217/218 of the Indian Penal Code Section 217 23.  
 295 IPC, 295 A. IPC 24. 298 IPC 25. 153 A (IPC) 26. 506 IPC  
 27. Section 3 of the prevention of damage to public property Act 1984
34. **Mr. K. Nityanandam as in FIR dated 8.6.2006**  
 1. Sec. 120 B, 114 r/w 302 IPC 2. Section 116, IPC 3. Section 119, IPC  
 4. Section 166 – IPC 5. Section 167, IPC 6. Section 175, IPC  
 7. Section 176, IPC 8. 177 IPC 9. Section 179, IPC  
 10. Section 182, IPC; 186 IPC; 187 IPC 11. Section 188, IPC  
 12. Section 191, IPC 13. Section 192, IPC 14. Section 193, IPC 15.  
 Section 195A, IPC 16. Section 196, IPC 17. 199 IPC  
 18. Section 200, IPC 19. Section 201, IPC 20. 203 IPC  
 21. Section 204, IPC 22. 217/218 of the Indian Penal Code Section 217 23.  
 295 IPC, 295 A. IPC 24. 298 IPC 25. 153 A (IPC) 26. 506 IPC

27. Section 3 of the prevention of damage to public property Act 1984  
 28. Govt. instructions about taking care and cautions in preparation/ presentation of data to the Constitutional bodies like CEC  
 29. All India Service Rules 30. GCSR  
 31. Instructions of Revenue Dept. about relief and rehabilitation.  
 32. Directives of CEC about preparation of reports and revision of electoral roles  
 33. Article 51A of the Constitution of India
35. **Mr. Rakesh Asthana as in FIR dated 8.6.2006**  
 1. Sec. 120 B, 114 r/w 302 IPC 2. Section 116, IPC 3. Section 119, IPC  
 4. Section 166 – IPC 5. Section 167, IPC 6. Section 175, IPC  
 7. Section 176, IPC 8. 177 IPC 9. Section 179, IPC  
 10. Section 182, IPC; 186 IPC; 187 IPC 11. Section 188, IPC  
 12. Section 191, IPC 13. Section 192, IPC 14. Section 193, IPC 15.  
 Section 195A, IPC 16. Section 196, IPC 17. 199 IPC  
 18. Section 200, IPC 19. Section 201, IPC 20. 203 IPC  
 21. Section 204, IPC 22. 217/218 of the Indian Penal Code Section 217 23.  
 295 IPC, 295 A. IPC 24. 298 IPC 25. 153 A (IPC) 26. 506 IPC  
 27. Section 3 of the prevention of damage to public property Act 1984
36. **Mr. A. K. Sharma as in FIR dated 8.6.2006**  
 1. Sec. 120 B, 114 r/w 302 IPC 2. Section 116, IPC 3. Section 119, IPC  
 4. Section 166 – IPC 5. Section 167, IPC 6. Section 175, IPC  
 7. Section 176, IPC 8. 177 IPC 9. Section 179, IPC  
 10. Section 182, IPC; 186 IPC; 187 IPC 11. Section 188, IPC  
 12. Section 191, IPC 13. Section 192, IPC 14. Section 193, IPC 15.  
 Section 195A, IPC 16. Section 196, IPC 17. 199 IPC  
 18. Section 200, IPC 19. Section 201, IPC 20. 203 IPC  
 21. Section 204, IPC 22. 217/218 of the Indian Penal Code Section 217 23.  
 295 IPC, 295 A. IPC 24. 298 IPC 25. 153 A (IPC) 26. 506 IPC  
 27. Section 3 of the prevention of damage to public property Act 1984
37. **Mr. G. C. Murmu as in FIR dated 8.6.2006**  
 1. Sec. 120 B, 114 r/w 302 IPC 2. Section 116, IPC 3. Section 119, IPC  
 4. Section 166 – IPC 5. Section 167, IPC 6. Section 175, IPC  
 7. Section 176, IPC 8. 177 IPC 9. Section 179, IPC  
 10. Section 182, IPC; 186 IPC; 187 IPC 11. Section 188, IPC  
 12. Section 191, IPC 13. Section 192, IPC 14. Section 193, IPC 15.  
 Section 195A, IPC 16. Section 196, IPC 17. 199 IPC  
 18. Section 200, IPC 19. Section 201, IPC 20. 203 IPC  
 21. Section 204, IPC 22. 217/218 of the Indian Penal Code Section 217 23.  
 295 IPC, 295 A. IPC 24. 298 IPC 25. 153 A (IPC) 26. 506 IPC  
 27. Section 3 of the prevention of damage to public property Act 1984  
 28. Instructions of GAD to assist Govt. appointed Commissions.  
 29. Govt. notification regarding Constitution of the Commission.  
 30. Notification of the Commission calling for relevant data.  
 31. All India Service Rules 32. Article 51A of the Constitution of India  
 33. The Advocates Act
38. **Mr. Shivanand Jha as in FIR dated 8.6.2006**  
 1. Sec. 120 B, 114 r/w 302 IPC 2. Section 116, IPC 3. Section 119, IPC  
 4. Section 166 – IPC 5. Section 167, IPC 6. Section 175, IPC  
 7. Section 176, IPC 8. 177 IPC 9. Section 179, IPC  
 10. Section 182, IPC; 186 IPC; 187 IPC 11. Section 188, IPC  
 12. Section 191, IPC 13. Section 192, IPC 14. Section 193, IPC 15.  
 Section 195A, IPC 16. Section 196, IPC 17. 199 IPC  
 18. Section 200, IPC 19. Section 201, IPC 20. 203 IPC  
 21. Section 204, IPC 22. 217/218 of the Indian Penal Code Section 217 23.  
 295 IPC, 295 A. IPC 24. 298 IPC 25. 153 A (IPC) 26. 506 IPC  
 27. Section 3 of the prevention of damage to public property Act 1984
39. **Mr. D. H. Brahmhatt as in FIR dated 8.6.2006**

1. Sec. 120 B, 114 r/w 302 IPC
  2. Section 116, IPC
  3. Section 119, IPC
  4. Section 166 – IPC
  5. Section 167, IPC
  6. Section 175, IPC
  7. Section 176, IPC
  8. 177 IPC
  9. Section 179, IPC
  10. Section 182, IPC; 186 IPC; 187 IPC
  11. Section 188, IPC
  12. Section 191, IPC
  13. Section 192, IPC
  14. Section 193, IPC
  15. Section 195A, IPC
  16. Section 196, IPC
  17. 199 IPC
  18. Section 200, IPC
  19. Section 201, IPC
  20. 203 IPC
  21. Section 204, IPC
  22. 217/218 of the Indian Penal Code
  23. Section 217
  24. 295 IPC, 295 A. IPC
  25. 153 A (IPC)
  26. 506 IPC
  27. Section 3 of the prevention of damage to public property Act 1984
40. **Mr. Deepak Swaroop as in FIR dated 8.6.2006**
1. Sec. 120 B, 114 r/w 302 IPC
  2. Section 116, IPC
  3. Section 119, IPC
  4. Section 166 – IPC
  5. Section 167, IPC
  6. Section 175, IPC
  7. Section 176, IPC
  8. 177 IPC
  9. Section 179, IPC
  10. Section 182, IPC; 186 IPC; 187 IPC
  11. Section 188, IPC
  12. Section 191, IPC
  13. Section 192, IPC
  14. Section 193, IPC
  15. Section 195A, IPC
  16. Section 196, IPC
  17. 199 IPC
  18. Section 200, IPC
  19. Section 201, IPC
  20. 203 IPC
  21. Section 204, IPC
  22. 217/218 of the Indian Penal Code
  23. Section 217
  24. 295 IPC, 295 A. IPC
  25. 153 A (IPC)
  26. 506 IPC
  27. Section 3 of the prevention of damage to public property Act 1984
41. **Mr. Sudhir Sinha as in FIR dated 8.6.2006**
1. Sec. 120 B, 114 r/w 302 IPC
  2. Section 116, IPC
  3. Section 119, IPC
  4. Section 166 – IPC
  5. Section 167, IPC
  6. Section 175, IPC
  7. Section 176, IPC
  8. 177 IPC
  9. Section 179, IPC
  10. Section 182, IPC; 186 IPC; 187 IPC
  11. Section 188, IPC
  12. Section 191, IPC
  13. Section 192, IPC
  14. Section 193, IPC
  15. Section 195A, IPC
  16. Section 196, IPC
  17. 199 IPC
  18. Section 200, IPC
  19. Section 201, IPC
  20. 203 IPC
  21. Section 204, IPC
  22. 217/218 of the Indian Penal Code
  23. Section 217
  24. 295 IPC, 295 A. IPC
  25. 153 A (IPC)
  26. 506 IPC
  27. Section 3 of the prevention of damage to public property Act 1984
42. **Mr. K. Kumarswamy as in FIR dated 8.6.2006**
1. Sec. 120 B, 114 r/w 302 IPC
  2. Section 116, IPC
  3. Section 119, IPC
  4. Section 166 – IPC
  5. Section 167, IPC
  6. Section 175, IPC
  7. Section 176, IPC
  8. 177 IPC
  9. Section 179, IPC
  10. Section 182, IPC; 186 IPC; 187 IPC
  11. Section 188, IPC
  12. Section 191, IPC
  13. Section 192, IPC
  14. Section 193, IPC
  15. Section 195A, IPC
  16. Section 196, IPC
  17. 199 IPC
  18. Section 200, IPC
  19. Section 201, IPC
  20. 203 IPC
  21. Section 204, IPC
  22. 217/218 of the Indian Penal Code
  23. Section 217
  24. 295 IPC, 295 A. IPC
  25. 153 A (IPC)
  26. 506 IPC
  27. Section 3 of the prevention of damage to public property Act 1984
43. **Mr. B.S. Jabaliya as in FIR dated 8.6.2006**
1. Sec. 120 B, 114 r/w 302 IPC
  2. Section 116, IPC
  3. Section 119, IPC
  4. Section 166 – IPC
  5. Section 167, IPC
  6. Section 175, IPC
  7. Section 176, IPC
  8. 177 IPC
  9. Section 179, IPC
  10. Section 182, IPC; 186 IPC; 187 IPC
  11. Section 188, IPC
  12. Section 191, IPC
  13. Section 192, IPC
  14. Section 193, IPC
  15. Section 195A, IPC
  16. Section 196, IPC
  17. 199 IPC
  18. Section 200, IPC
  19. Section 201, IPC
  20. 203 IPC
  21. Section 204, IPC
  22. 217/218 of the Indian Penal Code
  23. Section 217
  24. 295 IPC, 295 A. IPC
  25. 153 A (IPC)
  26. 506 IPC
  27. Section 3 of the prevention of damage to public property Act 1984
44. **Mr. D. G. Vanzara as in FIR dated 8.6.2006**
1. Sec. 120 B, 114 r/w 302 IPC
  2. Section 116, IPC
  3. Section 119, IPC
  4. Section 166 – IPC
  5. Section 167, IPC
  6. Section 175, IPC

7. Section 176, IPC 8. 177 IPC 9. Section 179, IPC  
10. Section 182, IPC; 186 IPC; 187 IPC 11. Section 188, IPC  
12. Section 191, IPC 13. Section 192, IPC 14. Section 193, IPC 15.  
Section 195A, IPC 16. Section 196, IPC 17. 199 IPC  
18. Section 200, IPC 19. Section 201, IPC 20. 203 IPC  
21. Section 204, IPC 22. 217/218 of the Indian Penal Code Section 217 23.  
295 IPC, 295 A. IPC 24. 298 IPC 25. 153 A (IPC) 26. 506 IPC  
27. Section 3 of the prevention of damage to public property Act 1984

45. -----

46. **Mr. Raju Bhargava as in FIR dated 8.6.2006**

1. Sec. 120 B, 114 r/w 302 IPC 2. Section 116, IPC 3. Section 119, IPC  
4. Section 166 – IPC 5. Section 167, IPC 6. Section 175, IPC  
7. Section 176, IPC 8. 177 IPC 9. Section 179, IPC  
10. Section 182, IPC; 186 IPC; 187 IPC 11. Section 188, IPC  
12. Section 191, IPC 13. Section 192, IPC 14. Section 193, IPC 15.  
Section 195A, IPC 16. Section 196, IPC 17. 199 IPC  
18. Section 200, IPC 19. Section 201, IPC 20. 203 IPC  
21. Section 204, IPC 22. 217/218 of the Indian Penal Code Section 217 23.  
295 IPC, 295 A. IPC 24. 298 IPC 25. 153 A (IPC) 26. 506 IPC  
27. Section 3 of the prevention of damage to public property Act 1984  
28. Rule 223 of GPM Vol-3 29. DGP K. V. Joseph's booklet (Instruction to  
deal with communal riots – strategy of approach) – 1997  
30. All India Service (AIS) conduct rules  
31. Circular captioned “Communal peace”

47. **Mr. Anju Sharma as in FIR dated 8.6.2006**

1. Sec. 120 B, 114 r/w 302 IPC 2. Section 116, IPC 3. Section 119, IPC  
4. Section 166 – IPC 5. Section 167, IPC 6. Section 175, IPC  
7. Section 176, IPC 8. 177 IPC 9. Section 179, IPC  
10. Section 182, IPC; 186 IPC; 187 IPC 11. Section 188, IPC  
12. Section 191, IPC 13. Section 192, IPC 14. Section 193, IPC 15.  
Section 195A, IPC 16. Section 196, IPC 17. 199 IPC  
18. Section 200, IPC 19. Section 201, IPC 20. 203 IPC  
21. Section 204, IPC 22. 217/218 of the Indian Penal Code Section 217 23.  
295 IPC, 295 A. IPC 24. 298 IPC 25. 153 A (IPC) 26. 506 IPC  
27. Section 3 of the prevention of damage to public property Act 1984

48. **Mr. D. D. Tuteja as in FIR dated 8.6.2006**

1. Sec. 120 B, 114 r/w 302 IPC 2. Section 116, IPC 3. Section 119, IPC  
4. Section 166 – IPC 5. Section 167, IPC 6. Section 175, IPC  
7. Section 176, IPC 8. 177 IPC 9. Section 179, IPC  
10. Section 182, IPC; 186 IPC; 187 IPC 11. Section 188, IPC  
12. Section 191, IPC 13. Section 192, IPC 14. Section 193, IPC 15.  
Section 195A, IPC 16. Section 196, IPC 17. 199 IPC  
18. Section 200, IPC 19. Section 201, IPC 20. 203 IPC  
21. Section 204, IPC 22. 217/218 of the Indian Penal Code Section 217 23.  
295 IPC, 295 A. IPC 24. 298 IPC 25. 153 A (IPC) 26. 506 IPC  
7. Section 3 of the prevention of damage to public property Act 1984

49. **Mr. Bhagyesh Jha as in FIR dated 8.6.2006**

1. Sec. 120 B, 114 r/w 302 IPC 2. Section 116, IPC 3. Section 119, IPC  
4. Section 166 – IPC 5. Section 167, IPC 6. Section 175, IPC  
7. Section 176, IPC 8. 177 IPC 9. Section 179, IPC  
10. Section 182, IPC; 186 IPC; 187 IPC 11. Section 188, IPC  
12. Section 191, IPC 13. Section 192, IPC 14. Section 193, IPC 15.  
Section 195A, IPC 16. Section 196, IPC 17. 199 IPC  
18. Section 200, IPC 19. Section 201, IPC 20. 203 IPC  
21. Section 204, IPC 22. 217/218 of the Indian Penal Code Section 217 23.  
295 IPC, 295 A. IPC 24. 298 IPC 25. 153 A (IPC) 26. 506 IPC  
27. Section 3 of the prevention of damage to public property Act 1984

50. **Mr. Niraj Solanki as in FIR dated 8.6.2006**  
 1. Sec. 120 B, 114 r/w 302 IPC 2. Section 116, IPC 3. Section 119, IPC  
 4. Section 166 – IPC 5. Section 167, IPC 6. Section 175, IPC  
 7. Section 176, IPC 8. 177 IPC 9. Section 179, IPC  
 10. Section 182, IPC; 186 IPC; 187 IPC 11. Section 188, IPC  
 12. Section 191, IPC 13. Section 192, IPC 14. Section 193, IPC 15.  
 Section 195A, IPC 16. Section 196, IPC 17. 199 IPC  
 18. Section 200, IPC 19. Section 201, IPC 20. 203 IPC  
 21. Section 204, IPC 22. 217/218 of the Indian Penal Code Section 217 23.  
 295 IPC, 295 A. IPC 24. 298 IPC 25. 153 A (IPC) 26. 506 IPC  
 27. Section 3 of the prevention of damage to public property Act 1984
51. **Mr. Amrutlal as in FIR dated 8.6.2006**  
 1. Sec. 120 B, 114 r/w 302 IPC 2. Section 116, IPC 3. Section 119, IPC  
 4. Section 166 – IPC 5. Section 167, IPC 6. Section 175, IPC  
 7. Section 176, IPC 8. 177 IPC 9. Section 179, IPC  
 10. Section 182, IPC; 186 IPC; 187 IPC 11. Section 188, IPC  
 12. Section 191, IPC 13. Section 192, IPC 14. Section 193, IPC 15.  
 Section 195A, IPC 16. Section 196, IPC 17. 199 IPC  
 18. Section 200, IPC 19. Section 201, IPC 20. 203 IPC  
 21. Section 204, IPC 22. 217/218 of the Indian Penal Code Section 217 23.  
 295 IPC, 295 A. IPC 24. 298 IPC 25. 153 A (IPC) 26. 506 IPC  
 27. Section 3 of the prevention of damage to public property Act 1984
52. **Mr. Upendra Singhas in FIR dated 8.6.2006**  
 1. Sec. 120 B, 114 r/w 302 IPC 2. Section 116, IPC 3. Section 119, IPC  
 4. Section 166 – IPC 5. Section 167, IPC 6. Section 175, IPC  
 7. Section 176, IPC 8. 177 IPC 9. Section 179, IPC  
 10. Section 182, IPC; 186 IPC; 187 IPC 11. Section 188, IPC  
 12. Section 191, IPC 13. Section 192, IPC 14. Section 193, IPC 15.  
 Section 195A, IPC 16. Section 196, IPC 17. 199 IPC  
 18. Section 200, IPC 19. Section 201, IPC 20. 203 IPC  
 21. Section 204, IPC 22. 217/218 of the Indian Penal Code Section 217 23.  
 295 IPC, 295 A. IPC 24. 298 IPC 25. 153 A (IPC) 26. 506 IPC  
 27. Section 3 of the prevention of damage to public property Act 1984
53. **Mr. P. N. Patel as in FIR dated 8.6.2006**  
 1. Sec. 120 B, 114 r/w 302 IPC 2. Section 116, IPC 3. Section 119, IPC  
 4. Section 166 – IPC 5. Section 167, IPC 6. Section 175, IPC  
 7. Section 176, IPC 8. 177 IPC 9. Section 179, IPC  
 10. Section 182, IPC; 186 IPC; 187 IPC 11. Section 188, IPC  
 12. Section 191, IPC 13. Section 192, IPC 14. Section 193, IPC 15.  
 Section 195A, IPC 16. Section 196, IPC 17. 199 IPC  
 18. Section 200, IPC 19. Section 201, IPC 20. 203 IPC  
 21. Section 204, IPC 22. 217/218 of the Indian Penal Code Section 217 23.  
 295 IPC, 295 A. IPC 24. 298 IPC 25. 153 A (IPC) 26. 506 IPC  
 27. Section 3 of the prevention of damage to public property Act 1984
54. **Mr. V. M. Pargi as in FIR dated 8.6.2006**  
 1. Sec.120 B, 114 r/w 302 IPC 2. Section 116, IPC 3. Section 119, IPC  
 4. Section 166 – IPC 5. Section 167, IPC 6. Section 175, IPC  
 7. Section 176, IPC 8. 177 IPC 9. Section 179, IPC  
 10. Section 182, IPC; 186 IPC; 187 IPC 11. Section 188, IPC  
 12. Section 191, IPC 13. Section 192, IPC 14. Section 193, IPC 15.  
 Section 195A, IPC 16. Section 196, IPC 17. 199 IPC  
 18. Section 200, IPC 19. Section 201, IPC 20. 203 IPC  
 21. Section 204, IPC 22. 217/218 of the Indian Penal Code Section 217 23.  
 295 IPC, 295 A. IPC 24. 298 IPC 25. 153 A (IPC) 26. 506 IPC  
 27. Section 3 of the prevention of damage to public property Act 1984
55. **Mr. K. G. Erda as in FIR dated 8.6.2006**

1. Sec.120 B, 114 r/w 302 IPC 2. Section 116, IPC 3. Section 119, IPC  
4. Section 166 – IPC 5. Section 167, IPC 6. Section 175, IPC  
7. Section 176, IPC 8. 177 IPC 9. Section 179, IPC  
10. Section 182, IPC; 186 IPC; 187 IPC 11. Section 188, IPC  
12. Section 191, IPC 13. Section 192, IPC 14. Section 193, IPC 15.  
Section 195A, IPC 16. Section 196, IPC 17. 199 IPC  
18. Section 200, IPC 19. Section 201, IPC 20. 203 IPC  
21. Section 204, IPC 22. 217/218 of the Indian Penal Code Section 217 23.  
295 IPC, 295 A. IPC 24. 298 IPC 25. 153 A (IPC) 26. 506 IPC  
27. Section 3 of the prevention of damage to public property Act 1984

**56. Mr. K. K. Mysorewala as in FIR dated 8.6.2006**

1. 120 B, 114 r/w 302 IPC 2. Section 116, IPC 3. Section 119, IPC  
4. Section 166 – IPC 5. Section 167, IPC 6. Section 175, IPC  
7. Section 176, IPC 8. 177 IPC 9. Section 179, IPC  
10. Section 182, IPC; 186 IPC; 187 IPC 11. Section 188, IPC  
12. Section 191, IPC 13. Section 192, IPC 14. Section 193, IPC 15.  
Section 195A, IPC 16. Section 196, IPC 17. 199 IPC  
18. Section 200, IPC 19. Section 201, IPC 20. 203 IPC  
21. Section 204, IPC 22. 217/218 of the Indian Penal Code Section 217 23.  
295 IPC, 295 A. IPC 24. 298 IPC 25. 153 A (IPC) 26. 506 IPC  
27. Section 3 of the prevention of damage to public property Act 1984

**57. Mr. M. T. Rana as in FIR dated 8.6.2006**

1. Sec. 120 B, 114 r/w 302 IPC 2. Section 116, IPC 3. Section 119, IPC  
4. Section 166 – IPC 5. Section 167, IPC 6. Section 175, IPC  
7. Section 176, IPC 8. 177 IPC 9. Section 179, IPC  
10. Section 182, IPC; 186 IPC; 187 IPC 11. Section 188, IPC  
12. Section 191, IPC 13. Section 192, IPC 14. Section 193, IPC 15.  
Section 195A, IPC 16. Section 196, IPC 17. 199 IPC  
18. Section 200, IPC 19. Section 201, IPC 20. 203 IPC  
21. Section 204, IPC 22. 217/218 of the Indian Penal Code Section 217 23.  
295 IPC, 295 A. IPC 24. 298 IPC 25. 153 A (IPC) 26. 506 IPC  
27. Section 3 of the prevention of damage to public property Act 1984

**58. Mr. Tarun Barot as in FIR dated 8.6.2006**

1. Sec. 120 B, 114 r/w 302 IPC 2. Section 116, IPC 3. Section 119, IPC  
4. Section 166 – IPC 5. Section 167, IPC 6. Section 175, IPC  
7. Section 176, IPC 8. 177 IPC 9. Section 179, IPC  
10. Section 182, IPC; 186 IPC; 187 IPC 11. Section 188, IPC  
12. Section 191, IPC 13. Section 192, IPC 14. Section 193, IPC 15.  
Section 195A, IPC 16. Section 196, IPC 17. 199 IPC  
18. Section 200, IPC 19. Section 201, IPC 20. 203 IPC  
21. Section 204, IPC 22. 217/218 of the Indian Penal Code Section 217 23.  
295 IPC, 295 A. IPC 24. 298 IPC 25. 153 A (IPC) 26. 506 IPC  
27. Section 3 of the prevention of damage to public property Act 1984

**59. Mr. Narendra Amin as in FIR dated 8.6.2006**

1. Sec. 120 B, 114 r/w 302 IPC 2. Section 116, IPC 3. Section 119, IPC  
4. Section 166 – IPC 5. Section 167, IPC 6. Section 175, IPC  
7. Section 176, IPC 8. 177 IPC 9. Section 179, IPC  
10. Section 182, IPC; 186 IPC; 187 IPC 11. Section 188, IPC  
12. Section 191, IPC 13. Section 192, IPC 14. Section 193, IPC 15.  
Section 195A, IPC 16. Section 196, IPC 17. 199 IPC  
18. Section 200, IPC 19. Section 201, IPC 20. 203 IPC  
21. Section 204, IPC 22. 217/218 of the Indian Penal Code Section 217 23.  
295 IPC, 295 A. IPC 24. 298 IPC 25. 153 A (IPC) 26. 506 IPC  
27. Section 3 of the prevention of damage to public property Act 1984

**60. Mr. G. C. Raiger as in FIR dated 8.6.2006**

1. Sec. 120 B, 114 r/w 302 IPC
2. Section 116, IPC
3. Section 119, IPC
4. Section 166 – IPC
5. Section 167, IPC
6. Section 175, IPC
7. Section 176, IPC
8. 177 IPC
9. Section 179, IPC
10. Section 182, IPC; 186 IPC; 187 IPC
11. Section 188, IPC
12. Section 191, IPC
13. Section 192, IPC
14. Section 193, IPC
15. Section 195A, IPC
16. Section 196, IPC
17. 199 IPC
18. Section 200, IPC
19. Section 201, IPC
20. 203 IPC
21. Section 204, IPC
22. 217/218 of the Indian Penal Code
23. Section 217
24. 298 IPC
25. 153 A (IPC)
26. 506 IPC
27. Section 3 of the prevention of damage to public property Act 1984
28. Sec. 129, Sec. 144 CRPC
29. Circular captioned “Communal peace”
30. GPM vol-III, Chapter II, Chapter III, Chapter IV.
31. DGP K. V. Joseph’s booklet (Instruction to deal with communal riots – strategy of approach) – 1997
32. All India Service (AIS) conduct rules.
33. Section 166 IPC
34. Communal Riot Scheme
35. Article 51A of the Constitution of India.
36. Recommendations of Justice Reddy (1969 riots) and Justice Dave (1984 – 85 riots).
37. General instructions form GAD
38. All India Service Rules
39. GCSR
40. Govt. notification regarding Constitution of the Commission and Terms of Reference.
41. The Commission’s notification calling for data relevant to Terms of Reference

**61. Mr. K. R. Kaushik as in FIR dated 8.6.2006**

1. Sec.120 B, 114 r/w 302 IPC
2. Section 116, IPC
3. Section 119, IPC
4. Section 166 – IPC
5. Section 167, IPC
6. Section 175, IPC
7. Section 176, IPC
8. 177 IPC
9. Section 179, IPC
10. Section 182, IPC; 186 IPC; 187 IPC
11. Section 188, IPC
12. Section 191, IPC
13. Section 192, IPC
14. Section 193, IPC
15. Section 195A, IPC
16. Section 196, IPC
17. 199 IPC
18. Section 200, IPC
19. Section 201, IPC
20. 203 IPC
21. Section 204, IPC
22. 217/218 of the Indian Penal Code
23. Section 217
24. 298 IPC
25. 153 A (IPC)
26. 506 IPC
27. Section 3 of the prevention of damage to public property Act 1984
28. CRPC provisions particularly sections 36, 129, 131, 144 and 154.
29. Indian Police Act – 1861
30. Directions in chapters I to VI of GPM volume III.
31. Circular Bunch – Communal Peace
32. DGP K. V. Joseph’s booklet (Instruction to deal with communal riots - strategy of approach) – 1997
33. All India Service (AIS) conduct rules
34. Article 51A of the Constitution

**62. Mr. Amitabh Pathak as in FIR dated 8.6.2006**

1. Sec. 120 B, 114 r/w 302 IPC
2. Section 116, IPC
3. Section 119, IPC
4. Section 166 – IPC
5. Section 167, IPC
6. Section 175, IPC
7. Section 176, IPC
8. 177 IPC
9. Section 179, IPC
10. Section 182, IPC; 186 IPC; 187 IPC
11. Section 188, IPC
12. Section 191, IPC
13. Section 192, IPC
14. Section 193, IPC
15. Section 195A, IPC
16. Section 196, IPC
17. 199 IPC
18. Section 200, IPC
19. Section 201, IPC
20. 203 IPC
21. Section 204, IPC
22. 217/218 of the Indian Penal Code
23. Section 217
24. 298 IPC
25. 153 A (IPC)
26. 506 IPC
27. Section 3 of the prevention of damage to public property Act 1984

1093. New Accused to be arraigned for several offences outlined within the entire Protest Petition based on available evidence and further investigation. Evidence of the involvement of others, too may come in through the further investigation, therefore it

may be stated that this list is not exhaustive. Specifically for those public servants who specifically failed their calling the issues would include:

A. Inaction on specific intelligence assessment reports for countering subversion of Criminal Justice system (CJS) dated to Home department and DGP, submitted by the State Intelligence Branch (SIB).

- 1) 24-04-2002
- 2) 15-06-2002
- 3) 20-08-2002
- 4) 28-08-2002

**1. Principal Secretary Home – Mr. K. C. Kapoor, IAS (1973)**

- (i) Sec. 129, Sec. 144 CRPC, Section 166 IPC
- (ii) Article 51A of the Constitution of India
- (iii) Circular captioned “Communal peace”
- (iv) GPM Vol-III, Chapter II, Chapter III, Chapter IV.
- (v) DGP Mr. KV Joseph’s booklet (Instruction to deal with communal riots - strategy of approach) – 1997
- (vi) All India Service (AIS) conduct rules.
- (vii) Communal Riot Scheme & Recommendations of Justice Reddy (1969 riots) and Justice Dave (1984 – 85 riots).

B. Failure to take action on publishers and distributors of communally inciting material and media reports.

1. Principal Secretary Home – Mr. K. C. Kapoor, IAS (1973).

2. Principal Sec. Home – Mr. Balwant Singh

3. The Sec. Legal Dept., Mrs. Bela Trivedi and her successors.

- (i) Article 51A of the Constitution of India
- (ii) Press Council Act – 1965
- (iii) Article 51A of the Constitution of India
- (iv) Prevention of Objectionable Matter Act – 1976
- (v) Circular Bunch – Communal Peace
- (vi) DGP K. V. Joseph’s booklet (Instruction to deal with communal riots - strategy of approach) – 1997
- (vii) All India Service (AIS) conduct rules.

C. Numerous strictures in Naroda Patia massacre judgment dated 31-08-2010 about unprofessional investigation and betraying bias against riot victims.

1. DGP Mr. S. S. Khandwawala IPS (1973)

They were DGPs till SIT took over investigation of Naroda Patia case in April 2008.

2. Officers who supervised Naroda Patia massacre investigation in the ranks of Inspector to DIG to IGP.

- (i) CRPC provisions particularly sections 36, 129, 131, 144 and 154.
- (ii) Indian Police Act – 1861
- (iii) Directions in chapters I to VI of GPM volume III.
- (iv) Circular Bunch – Communal Peace
- (v) DGP K. V. Joseph's booklet (Instruction to deal with communal riots - strategy of approach) – 1997
- (vi) All India Service (AIS) conduct rules.
- (vii) Article 51A of the Constitution of India
- (viii) GCSR
- (ix) System of review of case papers, and periodical conferences and inspections Rule 272 and 271 of GPM Vol-III.

**D.** Numerous general and specific critical observations against dereliction of duty by Govt. functionaries by the sessions Court to the Apex Court who had dealt with riot related cases (see para 9 of this representation).

- 1. Secretaries in-charge of General Administration Department (GAD) and Legal and Home Depts.
- 2. DGs P from 27-02-2002 onwards.
- 3. Jurisdictional Officers junior to DGP who supervised the investigation of riot cases about which adverse observations were made by the Courts.
  - (i) Instructions issued by GAD to Govt. officials to comply with Court's instruction.
  - (ii) Rule 271 and 272, GPM Vol-III
  - (iii) Numerous acts of omission and commission by police officers and Executive Magistrate in nine districts and Commissioners of Police of Ahmedabad city and Vadodara city – these eleven places out of 30 police units in the state had recorded high voltage violence – which resulted in promotion and facilitation of anti-Muslim violence and abetment to violence.

**E.** SPs and District Magistrates of nine districts i) Godhra district (93), ii) Western Railway (64), iii) Mehsana (61), iv) Ahmedabad Rural District (33), v) Sabarkantha (32), vi) Kheda (31), vii) Dahod (24), viii) Banaskantha (20) and ix) Anand (15) and CP Ahmedabad city (326) and CP Vadodara city (36).

- (i) Range police officers of i) Vadodara range (125), ii) Gandhinagar (97), iii) Ahmedabad Rural (79), iv) Western Railway (64), and v) Border (24)
- (ii) Sec. 129, Sec. 144 CRPC
- (iii) Circular captioned "Communal peace"
- (iv) GPM vol-III, Chapter II, Chapter III, Chapter IV.
- (v) DGP K. V. Joseph's booklet (Instruction to deal with communal riots – strategy of approach) – 1997
- (vi) All India Service (AIS) conduct rules.

- (vii) Section 166 IPC
- (viii) Communal Riot Scheme.
- (ix) Article 51A of the Constitution of India.
- (x) Recommendations of Justice Reddy (1969 riots) and Justice Dave (1984 – 85 riots).

**F.** Entrusting dead bodies of 54 Hindus killed in Godhra train fire incident to VHP leaders, while Govt. officials could have taken the bodies to the relatives.

- (i) District Magistrate Godhra, Smt. Jayanti Ravi IAS (1991)
- (ii) Rule 223 of GPM Vol-3
- (iii) DGP K. V. Joseph's booklet (Instruction to deal with communal riots – strategy of approach) – 1997
- (iv) All India Service (AIS) conduct rules.
- (v) Circular captioned "Communal peace"

**G.** Non-submission of affidavits regarding 1<sup>st</sup> and 2<sup>nd</sup> Terms of Reference to the Commission dated.

1. 06-03-2002

20-07-2002

- 1. The Chief Sec. Ms. Swarna Kant Verma.
- 2. ADGP Law and Order, Maniram
- 3. CPs of Ahmedabad city and Vadodara city and DMs and SPs of nine violence affected districts as indicated in para-28 above.

- (i) General instructions form GAD
- (ii) All India Service Rules
- (iii) GCSR
- (iv) Govt. notification regarding Constitution of the Commission and Terms of Reference.
- (v) The Commission's notification calling for data relevant to Terms of Reference

**H.** No action to inform or implement, Hon' Kerala High Court Orders banning observance of bandh and disruption of normal public life.

- 1. Chief Secy. Ms. Swarna Kant Verma
- 2. Sec. Legal Dept. Smt. Bela Trivedi

- (i) Govt. instructions to implement orders of the High Court and the Apex Court.
- (ii) All India Service Rules
- (iii) GCSR
- (iv) Section 188 IPC

**I** Appointment of pro-Sangh Parivar advocates and even office bearers of VHP as Public Prosecutors to present cases against Hindu accused.

1. Sec Legal Dept. Smt. Bela Trivedi.
2. Collectors who recommended appointment of pro-Sangh Parivar advocates as Public Prosecutors
  - (i) Govt. instructions to implement orders of the High Court and the Apex Court.
  - (ii) All India Service Rules
  - (iii) GCSR
  - (iv) Circular captioned "Communal peace"
  - (v) Article 51A of the Constitution of India

**J** Presentation of misleading reports before CEC on 09-08-2002 about Law and Order situation and rehabilitation

1. Sec. Revenue Dept.
2. Relief and rehabilitation in-charge of State Govt. Shri. S.M. F. Bukhari IAS (1982)
  - (i) Govt. instructions about taking care and cautions in preparation/ presentation of data to the Constitutional bodies like CEC.
  - (ii) All India Service Rules
  - (iii) GCSR
  - (iv) Instructions of Revenue Dept. about relief and rehabilitation.
  - (v) Directives of CEC about preparation of reports and revision of electoral roles
  - (vi) Article 51A of the Constitution of India

**K** Deliberately avoiding maintenance of minutes of Law and Order review meetings chaired by the CM, other Ministers, the Chief Secy., ACS Home, Secretaries of Legal, Revenue, Health and Transport Depts., DGP and other Senior Police officers.

1. Chief Secy. Smt. Swarna Kant Verma.
2. Secretaries of Departments of Revenue, Law, Health, Transport from 27-02-2002 to 31-05-2002.
3. Range officers, SPs, DMs of riot affected areas.
  - (i) General instructions of GAD about maintenance of records
  - (ii) All India Service Rules
  - (iii) GCSR
  - (iv) Manual of Office Procedure
  - (v) Circular captioned "Communal peace"
  - (vi) Article 51A of the Constitution of India

**L** Serious lapses in investigation of riot related cases by the investigating officers (SHO) and their supervisors form Dy. SP to DGP.

SPs, CPs and Range Officers of the riot affected areas, ADGP Crime and DGP where Cases were not investigated.

- (i) Directions in chapter 4 and chapter 5 of GPM vol-3
- (ii) Circular captioned "Communal peace"
- (iii) DGP K. V. Joseph's booklet (Instruction to deal with communal riots - strategy of approach) – 1997
- (iv) All India Service Rules
- (v) GCSR
- (vi) Recommendations of Justice Reddy (1969 riots) and Justice Dave (1984 – 85 riots).
- (vii) Article 51A of the Constitution of India

**M.** Illegal and unethical acts of tutoring, cajoling, pressurizing and intimidating a witness to the Commission, Mr. RB Sreekumar, when Commission summoned him for Cross Examination.

1. Dinesh Kapadia, Under Secy. Home Dept.
2. Arvind Pandya, Govt. Pleader in the Commission

- (i) Instructions of GAD to assist Govt. appointed Commissions.
- (ii) Govt. notification regarding Constitution of the Commission.
- (iii) Notification of the Commission calling for relevant data.
- (iv) All India Service Rules
- (v) Article 51A of the Constitution of India
- (vi) The Advocates Act

#### **1094. Final Submissions:**

The Petitioner further submits that some amount of material which ought to have been gathered and used by the Investigating Agency was not so gathered or used. The Petitioners are filing the said material along with this Protest Petition so as to ensure that this Hon'ble Court is appraised of the full facts while adjudicating in the matter.

It is possible that some material may still come to light during the pendency of this Petition and the Petitioner craves leave of this Hon'ble Court to bring the same on record as and when it becomes available. It is also possible that given the voluminous record supplied by the investigating agency, and partial records therein that some vital documents that are later found not to be there but should be there are produced by the Petitioner.

The Petitioner also submits that while the Complaint dated 8.6.2006 was against 62 persons (two of whom are dead by now) our analysis of the evidence shows that many more persons are involved in the offences narrated in the Complaint. Two wrongly mentioned as witnesses and accused should obviously remain only as witnesses. Some of them are listed in the present Petition and they ought to be arraigned as accused. Besides, during further investigation involvement of other accused may come to light and it is necessary to direct the Investigating Agency to arraign them also as accused if the need arises.

The Petitioner therefore Prays that

In the circumstances, the Petitioner submits:

- (a) that the closure report dated 8.2.2012 be rejected and the present Protest Petition be allowed:
- (b) that this Hon'ble Court take cognizance of offences under various Sections of the Indian Penal Code and Other relevant sections of the law against all the accused (or we can say that this Hon'ble Court take cognizance against 59 of the accused including A-1 in respect of the offences set out in the Paras Nos 1092 above
- (c) that further investigation be directed in respect of the offences set out in the Complaint dated 8.6.2006 as also in respect of the issues, events and individuals more particularly set out in the Petition.
- (d) such further investigation be handed over to an independent body (not being the present SIT).
- (e) that the accused not named in the Complaint but against whom investigation reveals evidence be arraigned as accused in the present case.

**Advocates for the Petitioner Mrs Zakia Jafri**

**Mumbai, Ahmedabad**

**Filed on 15.4.2013 before the 11<sup>th</sup> Metropolitan Magistrate's Court, Ahmedabad**