

STATUTORY BODIES & REFERENCES

National Human Rights Commission (NHRC)

1.5.2002 & July 2002 Interim and final report (April-May-July 2002) of National Human Rights Commission especially on the Gujarat Carnage of 2002. The Commission recorded strong findings on the complicity of the State Government in the continuing violence, subversion of the justice system, discriminatory mind-set of the top leadership and need for independent investigation and prosecution. The Commission therefore recommended that key cases should be transferred to the CBI, and a Special Court should be set up to investigate these cases and full protection should be given to all witnesses.

The report of the NHRC can be accessed at **Report of the NHRC at Annexure 'L' Pages 4234-4338** of the HC Record

In its Order, the NHRC had observed that

NHRC Observations

- i) “..Commission is Constrained to Observe that a Serious Failure of Intelligence & Action by the State Govt marked the events leading to the Godhra tragedy and the subsequent deaths and destruction that occurred.’ [**Annexure “L”, Page 4244, Para (vi)**]
- ii) ...”Commission is Constrained to observe that there is a widespread lack of faith in the integrity of the investigation process and the ability of those conducting investigations.” [**Annexure “L”, Page 4246 Para (viii)**]
- iii)Two Matters that raised serious questions of discriminatory treatment and led to most adverse comments in the country and abroad. The first related to announcement of Rs 2 lakhs as compensation to the next of kin for those who perished in the Sabarmati Express and Rs 1 lakh for those who died in the subsequent violence......Stating that serious issues of equity and non-discrimination as contained in provisions of Article 14 and 15 of the Constitution, the Report also refers to invocation of POTO in the Godhra case selectively. [**Annexure “L”, Page 4246 -4247 Para (xii)**]

- iv) No Visits to Relief Camps (even Shah-e-Alam by High Functionaries of the Govt and Inadequate Relief [**Annexure “L”, Page 4247 (xiii)**]

Recommendations Interim Report Annexure “L, Pages 4248-4251

- i) Poor Recording of FIRS and Investigation, Hence Transfer of Critical Cases to CBI
- ii) (These Include Godhra, Gulberg, Naroda Patiya, Best Bakery, Sardarpura) [**Annexure “L, Page 4248-4249**]
- iii) These Trials to be conducted in Special Courts by judges handpicked by the Chief Justice, Gujarat; Special PPs should also be appointed. [**Annexure “L, Page 4248-49**]
- iv) Time Bound Trials, Help Desks and Police Desks in Relief Camps for FIRs, Hate Speech to be Prosecuted. [**Annexure “L, Page 4249**]
- v) *“The Commission recommends that places of worship that have been destroyed be repaired expeditiously. Assistance should be provided, as appropriate, inter-alia by the State.”* [**Annexure “L, Page 4250**]

NHRC Report May 31, 2002

Observations

- i) :..."The Govt of Gujarat has sent its reply dated 13th April 2002 and MHA reply dated 15th April 2002..."The above reply of the Govt of Gujarat does not respond to the contents of the Confidential Report of the NHRC dated April 1, 2002." [Annexure "L, Page 4252]

Comments of the NHRC on the Response of the Govt of Gujarat

- i)"The facts speak for themselves...The Commission has therefore reached the definite conclusion that.....there was a comprehensive failure of the state to protect the Constitutional rights of the people of Gujarat [Annexure "L, Page 4256]
- ii) "Failure of Intelligence" [Annexure "L, Page 4256]
- iii) "Failure to Take Appropriate Action: failure to anticipate the violence or to take appropriate action" [Annexure "L, Page 4257]
- iv) ...Public Servants who had sought to perform their duties diligently and to deal firmly with those responsible for the violence had been transferred at short notice to other posts without consulting the Director General of Police and indeed, over his protests." [Annexure "L, Page 4257]
- v) ... Pattern of Arrests [Annexure "L, Page 4253]
- vi) "Uneven Handling of Major Cases (Gulberg, Chamanpura, Naroda Pariya and Best Bakery are specifically alluded to especially with regard to tardy action and arrests [Annexure "L, Page 4259]
- vii) " Distorted FIRs..looting in areas of rich people but failure to identify who these people are.[Annexure "L, Page 4259]

- viii)Senior Political Personalities –who have been named—were seeking to influence the functioning of police station..”...”Victims having great difficulties getting FIRs recorded, in naming accused and getting copies of the FIRs [**Annexure “L, Page 4259-60]**
- ix) Powerful Accused Not Named in FIRs/ Let Off [**Annexure “L, Page 4260-61]**

“Almost 90% of those arrested even in heinous offences like murder, arson, etc have managed to get bailed out as soon as they were arrested.” Reports have also appeared in the media that those who have been released on bail were given warm public welcomes by some political leaders. This is in sharp contrast to the assertion made by the State Government in its Report of 12th April 2002 that “bail applications of all accused persons are being strongly defended and rejected.”

Lack of Faith in Integrity of Investigation Process; [**Paras 20 (iv), (vi), (vii), (viii)]**

NHRC refutes GOG claim that situation was brought under control in 72 hours [**Para 20 (x)]**

Discriminatory Attitude of the State Government [**Para 20(xii)]**

NHRC to monitor [**Para 20(xiii), (xiv)]**

Detailed Recommendations on Setting up of Special Courts, Transfer of Investigation and Rehabilitation of Displaced Persons [**Para 21]**
- x) Pervasive Insecurity of Justices Kadri & Divecha [**Annexure “L, Page 4260]**
- xi) Letter of Justice AN DIVECHA (retired, HC) to Justice Verma, Chairperson of the NHRC. Speaks of the All Pervasive Violence; the Inability of Influential Persons Including Ministers to Save Him etc; and the Need for Rehabilitation without Ghheotisation. [**Annexure “L, Pages 4301-4306]**

NHRC- Recommendations- May 31, 2002:

- i) Once again Transfer of Investigation to CBI Urged though Govt of Gujarat and Govt of India have resisted/not agreed [**Annexure “L, Page 4262-63]**
- ii) Special PPs of Integrity be appointed especially since Questionable PPs had ensured ‘easy bail to accused.’ [**Annexure “L, Page 4266]**
- iii) Survey of Affected Persons Recommended [**Annexure “L, Page 4267]**
- iv) “Commission Requests Detailed Reports on prosecution of Hate Speech by Persons, Politicians & Organisations.” [**Annexure “L, Page 4268-69]**
- v) Commission Recommends Action Against Delinquent Public Servants.” [**Annexure “L, Page 4268-69]**

2.5.2002

Citizens of Gujarat and Mumbai filed a Criminal Writ Petition in the Supreme Court based on the report of the NHRC praying inter alia for transfer of the investigation to the CBI. The case No. is Writ Petition (Cri) No.37-52/02 Devendrabhai Pathak & Ors v/s. State of Gujarat & Ors and it is on this petition that finally the Hon'ble Supreme Court appointed the SIT on 26.3.2008.

31.7.2002

Date of Report of the SIB given by ADGP(Int) R.B. Sreekumar to Chief Election Commissioner J.M. Lyngdoh on his team's visit to the State. As many as 152 of the 182 assembly constituencies in the State had been affected. (Para 524 at pages 231 of the Protest Petition). A closer scrutiny has led to the conclusion that out of 26 police districts, 4 commissionerates, and 11 districts had no deaths due to riots and in the five districts of Bharuch, Junagadh, Patan, Vadodara rural and Bhavnagar and the Commissionerate of Rajkot and Surat there was relatively less violence. This was because of the lawful and constitutional behaviour of the police in charge.

Women's Parliamentary Committee" 'Violence Against Women During Riots'

8.8.2002

Report of the Women's Parliamentary Committee" 'Violence Against Women During Riots'

WPC-Mandate

- i) The Committee visited Vadodara, Panchmahal and Ahmedabad from 2nd to 4th July, 2002 and went to three Relief Camps viz. Lunawada Relief Camp, Panchmahal, the Shah Alam Relief Camp, and Dariyakhan Ghummat Relief Camp at Ahmedabad.. Finally, the committee held discussions with the Chief Secretary, Government of Gujarat, Additional Chief Secretary, Home Department , Principle Secretary, Revenue Department and Secretaries, Department of Women and Child Development, Social Justice and Empowerment, Health Department and other officials of Government of Gujarat and representatives of the Ministry of Human Resource Development (Department of Women and Child Development).’ [Annexure “L”, Page 4392 Para (5)]

WPC-Observations

- i) The Committee having taken note of the serious nature of the Violence against Women during the recent prolonged riots in Gujarat as projected in the Media and in the reports submitted to the Committee by the National Commission for Women and some NGOs/women activists who had visited Gujarat and heard the problems/grievances of the women who were victims of violence, the Committee took a decision to study the situation in Gujarat in detail and prepare their Report on the ‘Violence against women’ and steps taken for their rehabilitation.’ [Annexure “L”, Page 4392 Para (3)]
- ii) Relief, Rehabilitation, Compensation: Women unaware of Relief Packages, compensation not paid.’ [Annexure “L”, Page 4394 Para ‘(ii)]

- iii) Housing Compensation – Inadequate payment.' [Annexure “L”, Page 4394 Para (iii)]
- iv) Demand for comprehensive survey for compensation.' [Annexure “L”, Page 4394 Para (iv) & (v)]
- v) Fear and Insecurity.' [Annexure “L”, Page 4394 Para (vi) & (vii)]
- vi) Sexual Assaults Testimonies.' [Annexure “L”, Page 4394 Para (ix)]
- vii) FIRs of Women and Girls not Recorded.' [Annexure “L”, Page 4394 Para (x)]
- viii) Women Demand the Camps should not be closed before Monsoon or before proper Rehabilitation.' [Annexure “L”, Page 4395 Para (xiii) & (xiv)]
- ix) Home Secretary admits that FIRs too general and proper, Detailed FIRs needed to be recorded.' Annexure “L”, Page 4399: '(21) List of 58 Women Assaulted given to Committee by Shah-e-Alam.' [Annexure “L”, Page 4399 Para (19)]

WPC-Findings

- i) The Committee note that 185 cases of attacks on women have been registered of which 100 are in Ahmedabad City. A total of 57 attacks on children have also been registered of which 33 are registered in Ahmedabad City. Rape cases of 11 women have also been registered. Of these 3 cases are from Dahod, 1 from Anand, 4 in Panchmahals and 3 in Ahmedabad City.' [Annexure “L”, Page 4401 Para (33)]
- ii) The Committee feel that it is in the bounden duty of every State machinery to take pre-emptive steps to prevent spread of violence. For this purpose, the intelligence services have to always remain vigilant and cautious. The Committee regret to note that the failure to anticipate the potential dangers of the situation by the intelligence services was responsible for the violence, death and destruction of the magnitude that was witnessed in Gujarat.' [Annexure “L”, Pages 4401-4402 Para (34)]

- iii) The Committee feel that effective and preventive steps ought to have been taken to ensure that riots of such intensity did not spread.' [Annexure "L", Page 4402 Para (35)]
- iv) Discrimination in Payment of Relief.' [Annexure "L", Page 4402 Para (38)]
- v) Inadequate Housing Compensation Paid.' [Annexure "L", Page 4402 Para (39)]
- vi) Forcible Closure of Relief Camps: The Committee noted that in comparison with the figures of number of Relief Camps and the inmates in the peak period in April, 2002, there is reduction of Relief Camps by 111 Camps and reduction in the number of inmates by 1,19,839. Relief Camps have been closed down in Anand, Kheda, Panchmahal, Sabarkantha, Vadodara and Mehsana.' [Annexure "L", Page 4403 Para (40)]

WPC- Recommendations

- i) Rectify improper FIRs registered and protect women who are threatened to withdraw FIRs; Ensure FIRs registered where still not done.' [Annexure "L", Page 4403 Para (ii)]
- ii) Security to be provided to women and children so they can return home.' [Annexure "L", Page 4405 Para (vii)]
- iii) Provide enough Milk, Food and Bedding in Relief Camps.' [Annexure "L", Page 4405 Para (ix)]
- iv) Inaction on Hate Speech: The Committee have noted with regret that no efforts have been made to confiscate the hate literature that has been widely circulated in the State or to identify those responsible for its preparation, printing and circulation. The Committee hope that the law enforcement machinery acts effectively in this regard.' [Annexure "L", Page 4406 Para (44)]
- v) Special Courts/Impartial Investigation.' [Annexure "L", Page 4406 Para (45)]

Central Election Commission (CEC)

16.8.2002

Report of the Central Election Commission (CEC)

CEC has pointed out these major default of officers in its order dated 16.8.2002 *(Para 1036 - 1051 at pages 470 to 478 of the Protest Petition)*. **(CEC Report at Annexure “L”, Pages 4339- 4378 of the HC Record)**

Gujarat Assembly was promulgated by April 2002 as part of a cynical design to use the widespread displacement of affected persons from the minority community (the displaced were admittedly 1,68,000 between February 28 2002 and December 2002) to advantage. The circumstances created by the systematic battering of the minority community were sought to be electorally manipulated. The CEC squarely held that under the circumstances Article 324 that required the EC to hold “free and fair elections” and in circumstances where election could be neither free not fair Article 174 of the Constitution (that required elections to be held within six months of the legislature being suspended) needed to necessarily bow to Article 324 of the Constitution.

Critical Paras of the CEC Report:-

- i) Independent assessment plus meeting with State Government officials including DGP and Chief secretary; Team concludes that situation in state bad and not conducive to hold elections.”The Full Commission found that the situation was indeed as bad as reported by the team and that the conditions in the State were not conducive at all for holding free and fair election in the state.”**
[Annexure “L, Page 4348 Para 16]
- ii) “Extent of Affected Areas” EC contests the claim of the Gujarat government that only few areas are affected [Annexure “L, Page 4348; Para 18]**
- iii) Order of the CEC states that information given by the state on the extent of affected areas was mutually contradictory; comments on the inconsistency of the relief package. [Annexure “L, Page 4352; Para 19]**

- ix)** Circular of the Gujarat Government admits that 20 out of 25 districts in the state are disturbed. [**Annexure “L, Page 4356, Para 23]**
- x)** Electoral ID cards destroyed along with other ID documents by displaced persons. [**Annexure “L, Page 4358, Para 27]**
- xi)** “Law and Order” : Atmosphere of fear and rioting has gone up by 13.66%. [**Annexure “L, Page 4359, Paras 28-29]**
- xii)** Critical Observations about the Subversion of the Justice Process; Impunity to Perpetrators Continuance of Curfew etc (**whole Para important**) [**Annexure “L, Page 4360-62]**
- xiii)** Again the contradictory versions between the senior and accused administrators and policemen is given and pitted against ADGP RB Sreekumar and CP, Ahmedabad KR kaushik who speak of undercurrent of communal tension and need for additional forces. [**Annexure “L, Page 4362-63, Para 32]**
- xiv)** EC concludes that the law and order situation is far from normal. [**Annexure “L, Page 4363-64, Para 33]**
- xv)** GOG circulars admit that Elections 22 District Panchayat, 15 Taluka Panchayat and 81 Municipalities have been postponed to October 2002. [**Annexure “L, Page 4364-65, Paras 34, 35, 36]**
- xvi)** EC quotes from GOG Orders postponing local body elections and concludes (Para 40) that “if the state government is not in a position to hold elections to local bodies, that too in urban areas, how can it hold a general election to the State Assembly which requires far greater mobilisation and effort..is beyond one’s comprehension” comments the EC. [**Annexure “L, Page 4365-67, Paras 37, 38, 39, 40]**
- xvii)** Deals with the poor conditions of the internally displaced persons and the status of refugees in all parts of Gujarat. [**Annexure “L, Page 4368, Para 41]**
- xviii)** Critically comment on the state government’s deliberate denial of basic relief measures to those refugees not living in officially designated relief camps. [**Annexure “L, Page 4369-4373, Paras 43-52]**
- xix)** **Conclusions are very critical of the atmosphere prevalent.** [**Annexure “L, Page 4373, Para 53]**

xx) Directions of the Commission that include special revision of electoral roles, house to house surveys in “20 Affected Districts.”

[Annexure “L, Page 4374, Para 56]

xxi) Situation Far From Normal, Wounds raw, tensions high. **[Annexure “L, Page 4377, Para 59]**

NHRC Annual Report 2004-2005 Excerpts handed over to the Court – Paras 2.10, 2.11, 11.13 (d), 11.14 & Conclusions at Page 330 of the Report. **(Copy to be handed over to the Court)**

Findings

- i) ‘It found 4,545 families comprising around 30,000 persons still living in very difficult conditions in 81 relief colonies. **[Annexure “L”, Page 4411]**
- ii) Pathetic Rehabilitation: The study found that none of the colonies had been set up or assisted by the state government. Only five of the 81 colonies had government or government recognised schools and only four served midday meals to the children. Only five had ICDS centres, of which four served supplementary nutrition to the children, and one to nursing and expectant mothers. Only three had PDS shops and only 725 out of 4,545 families were recognised as BPL although their intense poverty as internally displaced persons facing economic boycott was acute. People who had APL cards are reluctant to apply to apply for a transfer of the card because they fear that this may be cancelled.’ **[Annexure “L”, Page 4411]**

Recommendations

- i) Contempt of court notices are issued to the chief secretary and other official of the government of Gujarat for misrepresenting facts and furnishing incomplete and inaccurate information to the commissioners appointed by the Supreme Court.' [Annexure "L", Page 4412 Para (1)]
- ii) Antyodaya Cards must be given.' [Annexure "L", Page 4412 Para (2)]
- iii) Primary schools should be opened.' [Annexure "L", Page 4412 Para (3)]
- iv) 'ICDS Centres for 81 colonies.' [Annexure "L", Page 4412: Para (4)]
- v) 'PDS.' [Annexure "L", Page 4412 Para (5)]
- vi) 'Widow Pensions.' [Annexure "L", Page 4412 Para (6)]
- vii) 'MNREGA enrolment.' [Annexure "L", Page 4412 Para (7)]
- viii) 'Chief Secretary personally liable.' [Annexure "L", Page 4412 Para (8)]

13-17.10. 2006

National Commission of Minorities Visit to Gujarat

Findings

- i) 'Four years Down Livelihood issues and no proper Jobs/Businesses.' [Annexure "L", Page 4411]
- ii) 'Abject Poverty, No Issuance of BPL Cards.' [Annexure "L", Page 4411]

19.3.2007

Food Commissioner of the Supreme Court's Report to the Supreme Court regarding the Implementation of the Food Schemes in Relief Colonies of Displaces Persons (Carnage of Gujarat 2002); Refers to the NCM Report of 2006. **Contempt of Court Notices Issued to the Chief Secretary, Gujarat Government.**

Findings

- (i) 'It found 4,545 families comprising around 30,000 persons still living in very difficult conditions in 81 relief colonies. **Annexure “L”, Page 4411]**
- (ii) 'Pathetic Rehabilitation: The study found that none of the colonies had been set up or assisted by the state government. Only five of the 81 colonies had government or government recognised schools and only four served midday meals to the children. Only five had ICDS centres, of which four served supplementary nutrition to the children, and one to nursing and expectant mothers. Only three had PDS shops and only 725 out of 4,545 families were recognised as BPL although their intense poverty as internally displaced persons facing economic boycott was acute. People who had APL cards are reluctant to apply to apply for a transfer of the card because they fear that this may be cancelled.' [Annexure “L”, Page 4411]

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- (vii) 'MNREGA enrolment.' [Annexure “L”, Page 4412 Para (7)]
- (viii) 'Chief Secretary personally liable.' [Annexure “L”, Page 4412 Para (8)]

References from SIT Investigation, Statements, Protest Petition & Criminal Revision Application 205/2014

12.5.2010	Malhotra Report Page 79 - 86 CEC Page 159 - 160 CEC
8.2.2012	SIT Final Report <u>Relevant Pages:-</u> Volume I Pages 13-14 Volume 1 Pages 147-156 (SIT on Misinforming CEC) @ pages 150-152 confirms RB Sreekumar but @ 156-157 concludes to the contrary Volume 1, Page 270 - 272 (Spills over into Volume II)
SIT Investigation 27-28.3.2010	A-1 Modi statement recorded by Malhotra of SIT. The entire statement is in Q & A format. Of the total of 71 questions put to him SIT has not thought it fit to interrogate him on the NHRC 2002 & 2004 Report and Conclusions, the CEC report and the SC Strictures in the Best Bakery case dated 12.4.2004. (Statement given to the Court). Q & A Nos 51 is about the 28.8.2002 Report then ADGP-Int RB Sreekumar on the Law and Order Situation vis a vis elections which he (Modi) simply denies. [Annexure “H”, Pages 3472-3509]
23.3.2010	Statement of A-27, then Chief Secretary Subha Rao is recorded wherein he refers to the “official” version given by him and other officers to the Chief Election Commissioner Shri Lyngdoh on 9.8.2002. He is not interrogated by SIT about the sever conclusions in the CEC Order dated 16.8.2002 on the inconsistencies in the official version nor the Election Commission’s own assessment of the situation that went contrary to the official version. [Annexure “L”, Pages 4413-4420]
16-17.12.2009, 24.3.2011, 30.1.2012	Dates of A-25 DGP Chakravarthi statements recorded by SIT. He is not asked any questions about the Misrepresentation by Higher Officers to the CEC as Commented upon by the CEC. [Annexure “M-1”, Pages 4837-4897]
12.12.2009, 13.12.2009	

6.4.2011, 17.1.2012 Dates of A-28, ACS (Home) Ashok Narayan recorded by the SIT. In his statement dated 13.12.2009, Ashok Narayan admits @ internal page 38 -39 of Annexure A Colly of statements (given to the Court on 18.7.2013) **(He corroborates the fact that RB Sreekumar gave a distinct version.**
RB Sreekumar's contemporaneous affidavit before the Nanavati Shah Commission mentions the deliberate misleading of the CEC by higher laced officials of the State Government. [**Annexure "M-1", Pages 4900-4923]**

08.06.06

Zakia Jafri Complaint

- i) Para (40) and (41), Pages 40, 41 and 42 of the Zakia Jafri Complaint dated 8.6.2006
- ii) Para (57) at Pages 55-56, of the Zakia Jafri Complaint dated 8.6.2006
- iii) Para 58, Page 56, of the Zakia Jafri Complaint dated 8.6.2006
- iv) Para (66), Pages 62-63 of the Zakia Jafri Complaint dated 8.6.2006
- ii) Paras (65) and (66) at Pages 61-63 of the Zakia Jafri Complaint dated 8.6.2006

15.4.2013

Protest Petition

Relevant Pages

- i) Volume I, Internal Pages 5 Onwards Deals with the Background to the Zakia Jafri Criminal Complaint dated 8.6.2006
Where observations of the Supreme Court are mentioned
- ii) Volume I, Internal Pages 10, Report of the 1, June 2002 of the Women's Parliamentary Committee is mentioned
- iii) Volume I, Internal Pages 5, NHRC Report and Order dated May 31, 2002 mentioned
- iv) Para 273-282, Pages 131-134, Protest Peition, Volume 1 (Misleading CEC)
- v) Volume II, Paras 950, 1036-39, Paras 1042-43 –Attitude of State Govt to Statutory Bodies like NHRC/CEC etc dealt with

Submitted misleading reports about normalcy in public order to CEC [**Para 950]**

A-27, A-28, A-34, submitted scanty, defective, misleading and ambiguous inputs to the CEC regarding rehabilitation of riot victims.
[**Para 1036]**

SIT did not record 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. 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 BUT A-28 Mr. Ashok Narayan in his statement to the SIT had objected to Mr. Sreekumar's act.

-State Government ignored the SIB messages and records that show a build-up prior to 27.2.2002. [**Para 1037**]

Manipulation of facts presented to the Central Election Commission (CEC) [**Para 1039**]

SIT has blindly accepted the versions of accused persons. [**Para 1042**]

--SIT ignored the well-focused and graphic order by the Central Election Commission dated 16.8.2002. Central Government (NDA) had challenged the CEC order dated 16.8.2002 (Presidential reference) to the Hon'ble Supreme Court. Court gave a verdict in favor of the CEC. The Court had asserted that the CEC had full authority to fix the election schedule.

--SIT did not see anything adverse in the actions of the State Government

Paras for chart on SIT Court ignoring evidence of NHRC, NCM, PWC, CEC [**Para 1043**]

15.3.2014

Criminal Revision Application 205/2014

Relevant Pages

- i) Internal Page A-12-A 19; List of Dates
- ii) Para 90 at A 239
- iii) Para k at A 259
- iv) Pages A 348 – A 360
- v) Para 177 at Page 374
- vi) Para 181 at Page 377
- vii) Para 185 at A381
- viii) Para 191
- ix) Page A 416