REPORT IN COMPLIANCE TO THE ORDER DTD 12.09.2011 OF THE HON'BLE SUPREME COURT OF INDIA IN THE COMPLAINT DTD. 08.06.2006 OF SMT. JAKIA NASIM AHESAN JAFRI

Volume – II
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has narrated the various points indicative of normalcy as the law & order situation had more or less stabilised and the State remained relatively incident free, inmates in the relief camps declined from 1.33 lakh to 10000, all board examinations including (UPSC exams) were held with normal attendance, panchayat elections in nearly 1700 villages held without any major incident, all Haj yatris from State numbering about 6000 went back safely to their villages and all religious festivals like Rath-Yatra, Maha-Shivratri, Moharrum, Poonam Mela at Ambaji and Urs at Bhaliyad Pir-Durgah were held peacefully. Shri Subba Rao has further stated that based on the aforesaid indicators, it was submitted to the Election Commission that the State Administration was ready to discharge any task which might be entrusted to it. Further, Shri Ashok Narayan, the then ACS (Home) has stated that the Home Department was not anxious that the elections should be held at that time, but assured the Election Commission that given the necessary additional force from the Central Govt., Law & Order situation would be maintained and safety of voters ensured, in case the elections were held in near future. According to Shri Ashok Narayan the contention of Shri Sreekumar that 154 Assembly Constituencies out of 182 were affected by the Communal riots was arrived at by applying yardsticks, which were determined by the Govt. in Revenue Department in relation to distribution of foodgrains and other items of relief. Shri Ashok Narayan is of the view that these yardsticks were understandably liberal and that the actual number of constituencies affected by the communal riots in the context of the Law & Order situation relevant to holding of election were less. Last but not the least, their contention that the very fact that the elections were held in December, 2002 and the event passed off peacefully vindicates their stand and the same can not be rebutted by the arguments put forward by Shri Sreekumar. The allegation is, therefore, not established.

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- Speech on the occasion of Gaurav Yatra:

As regards the public speech delivered at Becharaji, Mehsana District on 09-09-2002, as a part of Gaurav Yatra, Shri Narendra Modi has explained that the speech did not refer to any particular community or religion. According to Shri Modi, this was a political speech in which he has pointed out the increasing population of India and had remarked that "can't Gujarat implement family planning?" Shri Narendra Modi has claimed that his speech has been distorted by some interested elements, who had misinterpreted the same to suit their designs. He has also stated that there were no riots or tension after his election speech. No criminality has come on record in respect of this aspect of allegation.

- Contact with controversial personalities:

Shri Narendra Modi has denied using the mobile phones of his personal staff at headquarters. He was allotted a mobile phone in the year 2002, but he rarely used the same, as landlines were installed at his residence as well as his office. He has denied that Dr. Maya Kodnani and Jaydeep Patel were in touch with him during the riots on 28-02-2002. He also denied to have known Babu Bajrangi. Shri Sanjay R. Bhavsar, OSD to CM has stated that Chief Minister had never used his mobile phone and in case any message was received on his mobile phone, the same was put up before CM either in writing or in the form of a titled note. Shri Tanmay N. Mehta, PA to CM has stated that he did not remember as to whether CM was having a mobile phone in February, 2002 or not. According to Shri Tanmay Mehta, CM normally never talked over his mobile phone, but sometimes, when he was on tour and stayed overnight, it was quite possible that he might have spoken over his mobile phone. However, he does not recollect any name or incident, when CM talked over his mobile phone. Shri Omprakash Singh, another PA to CM, has stated that he does not know whether CM was having any mobile phone or not and that he had never seen CM talking to any one over his

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mobile phone. He has also stated that sometimes , when CM was out of Gujarat and was staying overnight and the calls were received on his mobile phone, he handed over the same to CM after ascertaining latter's willingness to talk. As per Shri O.P. Singh, CM talked over his mobile phone only when there was an extreme emergency. Undoubtedly, some calls were received the mobile phone of Shri Tanmay Mehta from some BJP & VHP leaders and workers, but it cannot be proved that Shri Narendra Modi, Chief Minister spoke to them. In view of the aforesaid discussions, the allegation that Chief Minister was in touch with the controversial persons namely Smt. Maya Kodnani and Shri Jaydeep Patel during the riots is not established.

- Allegations carried by Tehelka magazine:

When confronted with the interviews given by Shri Haresh Bhatt, the then MLA, Babu Bajrangi and Rajendra Vyas, President, VHP Ahmedabad City to Shri Ashish Khetan, Special Correspondent, Tehleka, Shri Narendra Modi has stated that the allegations levelled against him were false and incorrect. He has further stated that this issue was raised in November, 2007, after about six years of incident and that too at the time of elections in December, 2007. Further, this issue was again raked up in April, 2008, when the SIT was appointed by the Supreme Court. Shri Modi has also stated that this issue was again raised on 22-02-2010, when he was to appear before the SIT for his examination. According to Shri Modi, the whole episode is motivated and stage-managed and that he had no personal knowledge about the authenticity of the said CD.

In this connection, it may be added here that Shri Haresh Bhatt, formerly MLA and Babu Bajrangi (accused in Naroda Patiya case) have admitted their voice as also the contents of the CD. Shri Haresh Bhatt has stated that one Shri Ashish had approached
273 him and informed that he wanted to write a thesis on Hindutva and wanted him to contribute some spicy material for the same, so that he could succeed in his mission. He has further stated that Ashish

visited him at his residence in Ahmedabad City as well as a Godhra at least 7-8 times in a month's time and when th reference came to Gujarat riots, he gave an imaginary story a Ashish wanted some spicy material for his thesis. He has state that the talks about a CBI inquiry, the fact that he owned a gu factory where diesel bombs and pipe bombs were made an distributed to Hindus, the fact about two truck load of sword ordered from Punjab and subsequently distributed amongs Hindus, making of a rocket launcher in his gun factory by fillin them with gun powder and lighting a 595 local made bomb to blas were absolutely false and baseless. He has also mentioned tha his talk about Shri Narendra Modi having openly said that we hac three days to do, whatever we could do and that he would not give us time after that, was an imaginary story and that Shri Modi hac never told these things to him.

Shri Babu Bajrangi has stated that Shri Ashish Khetan hac given him a script and he simply read out the same and that none of those facts were correct. Further, they were not questioned by Shri Ashish Khetan as to how and when Shri Narendra Modi gave them three days time. The facts about a gun factory owned by Shri Haresh Bhatt and change of judge thrice by Shri Narendra Modi are unacceptable by any stretch of imagination inasmuch as no such gun factory could be unearthed by the police and Shri Modi was not competent to transfer the Judges, as the same is the prerogative of the Gujarat High Court. There are many factual inaccuracies in the recorded statement of Babu Bajrangi inasmuch as he has stated that there were 700-800 dead bodies in Naroda Patiya and that the Commissioner of Police had instructed the policemen to throw it at different places in Ahmedabad City, as it would be difficult to explain the same. This is absolutely incorrect inasmuch as only 84 dead bodies were found at Naroda Patiya and 11 persons were reportedly missing. In any case this evidence has already been adduced in the Court and the matter is subjudice and hence no further comments.

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- Rewarding Civil servants, who played a dubious role during the riots:

On being questioned about the allegation that after the riots the public servants who connived with those responsible for carnage were doubly rewarded and those who tried to uphold the rule of law were punished in various ways by way of transfers and supersession in promotion and that this has allegedly sent a message to the Govt. functionaries to be committed to the political agenda of CM, rather than their constitutional obligation for which every Govt. servants had taken oath, Shri Narendra Modi stated that the allegation was vague, false and without any basis. Shri Narendra Modi has further stated that a serious attempt has been made by the complainant to attribute all the happenings in the Govt. to Chief Minister. Shri Modi has also stated that postings and transfers were the prerogative of the Govt. and in an election year those who had completed about three years of stay on a particular post are transferred by the Govt. itself. or otherwise the Election Commission would do that. According to Shri Modi, in this chain of transfers, those who had put in less than three years at a particular place were also transferred and it can not be said that the postings/transfers were punitive in nature.

Coming to another allegation that those public servants who toed the Govt. line were given lucrative post retirement occupation by the Govt., whereas those who have fallen out were not considered for any post retirement appointment, Shri Narendra Modi has stated that there are several posts in the Govt. institutions, in which there is a provision for the employment of the retired officers, like, Gujarat Electricity Regulatory Commission, State Election Commission, State Service Tribunal, Gujarat Public Service Commission, RTI Commission, State Vigilance Commission, Sales Tax Tribunal, Departmental Inquiry Officer, etc. Shri Modi has further stated that there is a long list of the departments in which only retired persons are appointed. His Educational Adviser Shri Kiritbhai Joshi, was earlier Adviser to

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Smt. Indira Gandhi, the then Prime Minister. Similarly, Shri Navalawala, formerly Secretary, Water Resources and Member of UPSC is now his Adviser on Water Resources, one Shri Bukhari, who was earlier a Govt. officer, was engaged by him to supervise the relief operations after the communal riots in 2002, Shri P.C. Pande, formerly DGP, Gujarat State appointed as Hony Chairman, Police Housing Corporation on a very nominal monthly honorarium. Further, Smt. Manjula Subramanium, IAS, who was formerly in the PMO with either Late Rajiv Gandhi or Late Narsimha Rao has been appointed as State Vigilance Commissioner in Gujarat after retirement. This tradition was being followed by all the State Govts./Central Govt. right after independence. Shri Modi has also stated that the allegation has no force and has been maliciously leveled against him.

On being confronted with the allegation levelled by Smt. Jakia Nasim that he being a Chief Minister and constitutionally elected head of the State unleashed, unlawful and illegal practices during the mass carnage and thereafter, protected the accused who played direct as well indirect role and abetted the Commission of Crime, Shri Narendra Modi stated that the allegations were general in nature, vague and baseless. As per Shri Modi, he had been performing his functions with utmost respect to the Constitution and rule of law and that the meeting, to take stock of the situation and review the law and order situation on 27-2-2002, with high officials of the State was his constitutional duty. He has further stated that for doing his constitutional duty to hold an emergency review meeting, the complainants are leveling wild allegations of criminal conspiracy and subversion of rule of law. Shri Modi further stated that he had been lawfully functioning as a CM and carried out his responsibilities for the safety, security and development of the people of Gujarat. He also stated that he had already clarified his stand on the said meeting that the law & order
276 be maintained at all costs and had also appealed to people to maintain harmony. According to Shri Modi, he had asked the concerned officials to keep in touch with local Army authorities and

had held series of such law and order review meetings thereafter and addressed the press also. Shri Modi has further stated that he had issued press statements appealing to people to maintain harmony and that his appeal to the public to maintain peace and communal harmony was aired through Doordarshan. Shri Modi has further stated that he had requested both the Union Home Minister and the Defence Minister to expedite deployment of Army. Relief and rehabilitation measures were put to operation immediately and all packages were declared and implemented. He has also stated that perhaps for the first time in the Country, a Committee was constituted under the Chairmanship of H.E. the Governor to review the rehabilitation efforts and that this High level committee included leader of the opposition, member from the Chamber of commerce, member from prominent NGO etc. Shri Modi has also stated that the allegation of protecting any criminal or accused is frivolous and without any basis. Shri Modi has claimed that in the history of communal riots in Gujarat, for the first time so many offences have been registered and as of now comparatively large numbers of cases have resulted in conviction. Shri. Narendra Modi has stated that the charges leveled and alleged therefore, deserve to be dismissed completely and such false and frivolous complainant should not be entertained.

In view of the evidence discussed above in detail and satisfactory explanation of the person involved, no criminal case is made out against Shri Narendra Modi.

A-2: Late Ashok Chandulal Bhatt, formerly MoS, Health.

Late Ashok C. Bhatt was a member of Bhartiya Jan Sangh, (now Bhartiya Janta Party) and was elected as MLA for the first time in 1975. Since then, he had contested seven more elections from Khadia constituency and had always won. In the midterm poll held in 1998, he was elected and appointed as Minister of Health & Family Welfare. During the period 2002-07, he was again elected and continued to be Minister of Health & Family Welfare

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with additional portfolio of Law. Before his death on 29.09.2010, he was the Speaker of Gujarat Legislative Assembly since 2007.

He had stated to have gone to Godhra by road on 27-02-2002, reached there between 1200 hrs to 1230 hrs and met Smt. Jayanti Ravi, the then Collector, Godhra either in civil hospital or in Collectorate, as both are nearby. According to Shri Ashok Bhatt, he had arranged for additional doctors including burn experts from Vadodara. He had further stated to have visited Godhra Railway Station along with Smt. Jayanti Ravi at about 1500 hrs. As per Shri Ashok Bhatt, he was present at Godhra Railway Station, when the Chief Minister arrived there. He remained at Civil Hospital till past midnight and then returned to Ahmedabad around 0500 hrs on 28-02-2002. He had stated to have attended the Assembly on 28-02-2002 morning, when the homage was paid to the victims of Godhra incident. He denied to have attended any law & order review meeting at the residence of CM on 28-02-2002 morning. However, he admitted to have visited Ahmedabad City Police Control Room for about 5-10 minutes on 28.02.2002, but did not interfere with the police work, as being a Senior Minister; he had to maintain his dignity and status. He had further admitted to have visited the Control Room on 01-03-2002, to meet Shri George Fernandes, the then Defence Minister at CP's office. He admitted to have attended the press conference of Chief Minister in Circuit House, Annexe in the evening. On being shown the call details of his mobile phone no. 9825039877 for the period 27-02-2002 to 04-03-2002, he stated that he was not in position to identify the persons who had called him or from whom he had received the calls. However, the location of his mobile phone has been noticed at Godhra from 1149 hrs on 27-02-2002 to 0108 hrs on 28-02-2002, and then at Ahmedabad at 0506 hrs, which more or less corroborated his version about his visit to Godhra. He had out rightly denied the allegations levelled by Smt. Jakia Nasim on the ground that the same are general and not specific and that the same had been made maliciously against him to spoil his name and reputation.

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Shri P.C. Pande, the then CP, Ahmedabad City has stated that it was incorrect to say that Late Ashok Bhatt, the then Health Minister remained stationed at Shahibaug Control Room on 28-02-2002 to guide the police force in controlling the law & order situation. He specifically asserted that Late Bhatt did not visit CP's office Control Room on 28-02-2002. He has further stated that Shri George Fernandes, the then Union Defence Minister arrived at Ahmedabad on 28-02-2002 night. Shri Fernandes reached CP's office on 01-03-2002 around 1000 or 1030 hrs and asked Shri Pande about the deployment of Army, to which the latter said that he would check up the same from the Control Room. Both of them went to the Control Room downstairs. According to Shri Pande, Late Ashok Bhatt, who had been waiting for Shri Fernandes in the Circuit House, also came to CP's office to meet Shri Fernandes and entered the Control Room. Shri Pande has also stated that Shri Fernandes and Late Ashok Bhatt remained in the Control Room for about ten minutes and then left CP's office. According to Shri 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 Late Ashok Bhatt had come to monitor the Control Room. Finally, Shri Pande has stated that Late Ashok Bhatt was never deputed to Shahibaug Police Control Room to assist the police.

According to Shri Ashok Narayan, he does not recall any instructions given by Chief Minister, which were conveyed by him either to the DGP or CP, Ahmedabad City to the effect that Late Ashok Bhatt and Shri I.K. Jadeja would sit in the Ahmedabad City Police Control Room, Shahibaug and State Control Room, Gandhinagar respectively and assist/ help the police.

Late Ashok Bhatt had earlier stated 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

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visited the Shahibaug Control Room for about 10 minutes to meet Shri George Fernandes, who had gone to CP's office. The call detail records of mobile phone no. 9825039877 of Late Ashok Bhatt show that he returned from Godhra to Ahmedabad on 28-02-2002, at about 05:16:51 hrs. Thereafter, the call details do not show its location till 15:50:43 hrs on 28-02-2002, when the location was traced to Koba Circle, Gandhinagar. During this period, it is presumed that he was at Gandhinagar. His location on 28-02-2002 at 16:16:37 hrs to 17:47:22 hrs was shown as Shahibaug Kedar Tower, Ahmedabad City, which would conclusively prove that during this period he attended CM's press conference at Circuit House Annexe, Shahibaug, Ahmedabad City. Thereafter, again the location was seen at 17:59:22 hrs at Koba Circle, Gandhinagar, which shows that he was returning to Gandhinagar. These call details would go to show that he did not visit Shahibaug Police Control Room on 28-02-2002. In view of the aforesaid oral and documentary evidence, the allegation that Late Ashok Bhatt was positioned in the Ahmedabad City Police Control Room to monitor the police action is, therefore, not established.

A-3: Shri Indravijaysinh K. Jadeja, formerly Minister of Urban Development, Gujarat.

Shri I.K. Jadeja is a member of BJP since 1980 and had been elected as MLA in 1995, 1998 & 2002, but lost election in the year 2007. He has stated that he was appointed as Minister of Urban Development and Urban Housing in October, 2001. However, in December, 2002, he was made the Minister for Health & Family Welfare, Urban Development and Urban Housing, Road, Buildings and Capital projects, but after three years the Health & Family Welfare portfolio was withdrawn from him.

He has stated that on 28-02-2002, Shri Gordhan Zadafia, the then MoS (Home) had requested him to remain present in the 280 DGP office in the Gandhinagar to see that, in case any information was received in the Control Room about any rioting incident or seeking extra police force or any other issue of importance, then

the same should be passed on to the DGP, Home Minister etc. He has further stated that in view of his request made by MoS (Home), he remained present in the office of DGP Shri Chakravarthi for 3-4 hours for next three or four days. He does not recollect the exact work done by him, but in case some information was received about some incident from his worker/common man, the same was passed on to DGP for further necessary action. He has also stated to have discussed these issues with Shri Gordhan Zadafia, when he met him in the evening. He has denied to have contacted/instructed any police officers over telephone installed in the office of the DGP to take action in a particular manner. He has further denied to have interfered in the work of the DGP or any other police officers or disturb them in the discharge of their official duties. According to Shri Jadeja, Shri Chakravarthi did not object to his presence in his office. He has admitted to have attended the meeting/press conference called by CM in Circuit House, Annexe between 1600 to 1730 hrs on 28-02-2002. On being shown the call details of his Govt. mobile phone no. 9825000618 for 27 & 28-02-2002, he could identify some of the persons to whom the calls were made or from whom the calls had been received, but could not recollect the purpose of calls or the subject matter discussed.

Shri I.K. Jadeja, the then Urban Development Minister has stated that it was an established norm in Gujarat State that in case of any natural calamities or serious law & order situation the Ministers of various departments extend their help in handling the crisis. According to his recollection on 28-02-2002, he had volunteered himself, if he could be of any help in the prevalent situation, to which Shri Gordhan Zadafia, the then MoS (Home) had told him to remain present in the Police Bhavan and to see that in case any information was received in the State Control Room about any rioting incident and any information was received seeking extra police force, then the same should be passed on to
281 the Home Department. Consequent to these instructions, he went to DGP's office around 1100 hrs and stayed there for 2-3 hours. He has stated to have interacted with the DGP and informed him

that if and when his help was required he could ask him. He has denied to have entered the State Police Control Room and has stated that there was no question of any interference. However, Shri Gordhan Zadafia, the then MoS (Home) has denied to have any given any suggestion to Shri I.K. Jadeja. He has further stated to have visited the DGP's office on the next one or two days also, but stayed there for few minutes only. He has also stated that the DGP had not shared any information with him and therefore, he left Police Bhavan in few minutes on both these occasions.

According to Shri Chakravarthi, Shri I.K. Jadeja, the then Minister came to his office in the forenoon of 28-02-2002 and sat in his chamber for about 15-20 minutes. Shri Chakravarthi could not attend to him, as he was awfully busy with the telephone calls being received by him from all over the State. According to his recollection, he had asked someone to shift the Minister to an empty chamber in his office and this was done. He has also stated that he was not aware as to what Shri Jadeja did while he was in the DGP's office as he was extremely busy with his work on that day as rioting was taking place at many locations. Later, Shri Chakravarthi came to know that Shri Jadeja had left his office. Shri Chakravarthi has categorically stated that his enquiries with the staff of the State Control Room had revealed that Shri Jadeja did not interfere with the functioning of the Control Room in any manner.

In view of the aforesaid discussions, it is established that as per his own version, Shri I.K. Jadeja visited State Control Room in DGP office, Gandhinagar for 3-4 hours on 28-02-2002 onwards, whereas Shri Chakravarthi and others have stated that Shri Jadeja visited State Control Room only on 28-02-2002. However, the fact remains that he did not interfere with the functioning of police or Control Room in any manner and, therefore, the allegation about the positioning of Shri Jadeja in the Control Room to influence the working of the police is therefore, not established.

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A-4: Shri Prabhatsinh P. Chauhan, the then Minister of State, Cow Breeding & Shrine Development, Gujarat.

He has stated that he was earlier in Congress Party and had been elected twice as MLA in 1980 & 1985. He left Congress in 1990 and joined BJP. He has further stated that he was elected as a MLA from in 1995, 1998 & 2002, but was defeated in the year 2007. However, he was elected as a Member of Parliament from Panchmahals constituency on BJP ticket in the year 2009.

He has further stated that during 2001 to 2002, he was appointed as Minister of State for Cow Breeding and Shrine Development. According to Shri Chauhan, on 27-02-2002 at about 1100 hrs, he came to know about the Godhra carnage near Godhra Railway Station. Being an MLA and Minister from Kalol constituency of Panchmahal District, he left for Godhra by road at about 1100 hrs, but on the way waited for Shri Bhupendrasinh Solanki at Sevaliya as the latter was to accompany him to Godhra. He has further stated that he along with Shri Bhupendrasinh Solanki reached Godhra in the afternoon and went to Godhra Railway Station. He has stated to have went inside the burnt coach and after seeing the dead bodies he started vomiting and stayed at Godhra Railway Station, till Chief Minister arrived. He has denied to have visited civil hospital and Collectorate. Since, he was unwell and the vomiting was continuing, he went to his native place Mehlol and rested. He has further stated that he returned to Gandhinagar and switched off his mobile phone while going to Gandhinagar from Godhra. On being shown call details of his Govt. mobile phone no. 9825037438 for the period 27-02-2002 to 04-03-2002, he has identified some of the calling/ called numbers. However, the location of his mobile phone has been noticed at Godhra from 1256 hrs to 2031 hrs on 27-02-2002. On 28-02-2002, his mobile phone location was noticed at Godhra at 1152 hrs, which more or less confirms his stay at Godhra on 27-02-2002. He has out rightly denied the allegations levelled by Smt. Jakia Nasim on the ground that the same are general and not specific and that

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the same had been made maliciously to spoil his name and reputation.

It may be mentioned here that the Concerned Citizen Tribunal in their report had levelled an allegation against Shri Prabhatsinh Chauhan having attended a meeting at Lunawada at an undisclosed place late in the evening of 27-02-2002, where detailed plans were made for the use of kerosene, petrol for arson and other methods of killing. It has been established from the call detail records of Shri Prabhatsinh Chauhan, as well as the evidence of other witnesses, that he remained at Godhra and as such could not have attended any such alleged meeting at Lunawada situated at a distance of 43 kms from Godhra. The other allegations levelled by Smt. Jakia Nasim are totally vague and general in nature and as such not established.

A-5: Shri Gordhan Pragjibhai Zadafia, formerly MoS, Home.

He is an RSS worker since 1975 and had joined Bhartiya Janta Party in 1990. He has stated to have contested the elections on BJP ticket from Rakhial constituency in 1995, 1998 & 2002, when he was elected as MLA. In or about July, 2007, he resigned from BJP and started Maha Gujarat Janta Party on 25-09-2008, but failed to win any seat in the Parliamentary elections held in April-May, 2009.

Shri Zadafia has stated that he became the Minister of State for Home in October, 2001 after Shri Narendra Modi took over as Chief Minister and remained as till December, 2002. He has further stated that the information about the burning of two railway coaches of Sabarmati Express near Godhra Railway Station was received by him at about 0730 hrs from Shri Ashvinbhai Patel, a VHP activist, who had informed him through telephone from Godhra. Shri Zadafia in turn informed Chief Minister. Shri Zadafia, thereafter spoke to Shri Raju Bhargava, SP, Godhra and Shri Deepak Swaroop, the then IGP, Vadodara Range to make available the additional force/SRP. Shri Zadafia has further stated that on 27-02-2002, he attended the Assembly session as there

was a call attention motion on Godhra incident moved by Shri Punjabhai Vansh, MLA. He has further stated to have made a statement in the Assembly on the basis of the information available with the Home Department. Shri Zadafia has further stated that he left for Godhra around 1400 hrs by road and reached there around 1630 hrs. Shortly, thereafter, he went to helipad to receive Chief Minister and by that time Shri Ashok Bhatt, the then Health Minister, Shri Bhupenra Lakhawala, the then in charge Minister for Godhra had already arrived. He has stated to have visited civil hospital as well as Godhra Railway Station along with Chief Minister. Shri Zadafia has also stated to have seen Jaydeep Patel, a VHP activist near the railway track at Godhra Railway Station. According to Shri Zadafia, Chief Minister left around 1930 hrs, but he stayed back and held meetings with the police officers and was informed that 40-45 suspects had been rounded up.

On being shown the call details of his Govt. mobile phone no. 9825049145 for the period 27-02-2002 to 03-03-2002, Shri Gordhan Zadafia has identified some of the numbers. The location of his mobile phone is noticed at Ahmedabad till 1445 hrs on 27-02-2002 and subsequently at Godhra at 1619 hrs on 27-02-2002. The call details further show Shri Zadafia's location was at Godhra till 0304 hrs on 28-02-2002 and then at Ahmedabad at 0506 hrs. It may be mentioned here that Shri Jaydeep Patel had made three phone calls to Shri Zadafia on his mobile on 27-02-2002 night at 2039 hrs, 2113 hrs & 2120 hrs at Godhra and Shri Zadafia also made a phone call to Shri Jaydeep Patel at 2003 hrs. The call details of Govt. mobile phone no. 9825049145 of 27-02-2002 show that 12 calls were exchanged with accused Jaydeep Patel (Mobile No. 9825023887), 2 calls from accused Dr. Mayaben Kodnani (Mob. No. 9825006729), 26 calls with Shri R.J. Sawani, DCP, Zone-V, Ahmedabad City (Mob. No. 9825049198), 7 calls from accused Bipin Panchal. In addition, 13 calls were made by Shri Zadafia to CM's office. Shri Zadafia has admitted to have known Dr. Mayaben Kodnani, Bipin Panchal, Raju Chomal, Kishan

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Korani and Babu Bajrangi, who are the main accused persons in Naroda Patiya and Naroda Gam cases. Shri Gordhan Zadafia has not been able to satisfactorily explain the calls made by the key accused persons to him on 28-02-2002, when the riots were at their peak and even thereafter. As regards the Babu Bajrangi's disclosure to Tehelka that after the riots that Babu Bajrangi told everything to him about his role in Naroda Patiya case, to which he advised him to run away and go underground, Shri Zadafia has denied to have advised Babu Bajrangi on those lines.

It has further come to light that Shri Bipin Panchal, one of the main accused in Naroda Patiya case, who had been evading arrest from 01.03.2002 onwards, was directly in contact with Shri Gordhan Zadafia on the day of riots (5 calls were received by Shri Zadafia on 28.02.2002; 04.03.2002 and 07.03.2002). As Minister of State for Home, Zadafia was supposed to know that Bipin Panchal was a wanted accused. However, no evidence could be gathered during investigation to prove knowledge on the part of Shri Gordhan Zadafia to the effect that Shri Bipin Panchala had been made as an accused in the FIR of Naroda Gam case and had been absconding. Further, the phone calls were made by Shri Bipin Panchal on the mobile phone of Shri Gordhan Zadafia and not vice-versa. Besides that Shri Bipin Panchal had claimed that he had spoken to Shri Gordhan Zadafia to seek help in expediting police action in connection with an arson case of his motorcycle show room in Naroda Patia. In view of the aforesaid facts no case u/s 221 IPC is made out against Shri Gordhan Zadfia.

Investigation revealed that Vishwa Hindu Parishad was playing an active role in mobilizing Karsevaks to Ayodhya and Shri Jaydeep Patel was its Joint General Secretary, Ahmedabad City. Shri Gordhan Zadafia has not denied his acquaintances with VHP leaders as he himself had been associated with this organization. Though Shri Zadafia and Shri Jaydeep Patel could not recall the exact contents of their conversation on 27.02.2002, yet he claimed that in all probability it should be regarding one of the deceased in Godhra train incident. Shri Zadafia stated that Dr. Mayaben

Kodnani was an MLA and she must have called regarding law and order situation at Naroda. Significantly, both these calls made by Dr. Mayaben Kodnani were incoming calls on the mobile phone of Zadafia. All the phone calls from VHP activists who were accused in Naroda Patiya / Gaam cases on 28.02.2002 were also incoming calls on the mobile phone of Mr. Zadafia. In the absence of any other evidence, these calls made on the mobile phone of Shri Zadafia by itself would not be sufficient to make out a case of conspiracy against Shri Gordhan Zadfia.

As regards the Sting Operation carried out by Tehelka on Shri Babu Bajrangi, FSL Jaipur has confirmed that the voice in Tehelka CD is that of Babu Bajrangi, an accused in Naroda Patiya case. Both Shri Gordhan Zadafia and Shri Babu Bajrangi have denied the conversation in question. At the best, the disclosure made by Shri Babu Bajrangi in the sting operation could be termed as extra-judicial confession. However, there is no corroborative evidence to support the disclosures made by Shri Babu Bajrangi. On the contrary, the claims made by Shri Babu Bajrangi have been found to be false. In view of this the so-called the extra-judicial confession of Babu Bajrangi and Zadafia's, telephonic contact with the VHP leaders is not sufficient to make out a case of prosecution of Shri Gordhan Zadafia.

As regards, the triangular communication between Shri Gordhan Zadafia, Shri R.J. Savani, the then DCP, Zone-V and Shri M.K. Tandon, the then Jt. CP, Sector-II, Ahmedabad City, it has come to light that Shri Zadafia contested election to Gujarat Assembly from Rakhial Constituency, which fell under the jurisdiction of Shri R.J. Savani and Shri M.K. Tandon. Both S/Sh. Savani and Tandon have claimed that these conversations over mobile phone related to law & order situation in the constituency of Shri Zadafia, which was critical on that day. Even otherwise, just the large number of calls amongst the aforesaid three persons would not constitute an evidence for conspiracy for communal riots. Significantly, no major incident took place in the jurisdiction of Mr. R. J. Savani, DCP. No other incriminating evidence could be

found during investigation against Shri Gordhan Zadafia and as such the allegations against him are not established.

A-6: Shri Ranjitsinh Naharsinh Chawda, the then MoS for Cottage Industries & Shri Vajpaee Swarojgar Yojna.

Shri R.N. Chawda was a Mamalatdar in Gujarat Govt., who took premature retirement, joined BJP and contested Gujarat Assembly Election from Himmatnagar on BJP ticket in 1995 and was elected. He again contested midterm poll in 1998 and was elected and appointed as Minister for Cottage Industries & Shri Vajpaee Swarojgar Yojna. In December, 2002, he again contested Assembly election from Himmatnagar constituency on BJP ticket and was elected. However, he was denied ticket in the Assembly elections in the year 2007 and therefore, he did not contest. At present, he is not a member of BJP.

Shri R.N. Chawda has stated to have attended Assembly on 27-02-2002, and the news regarding Godhra carnage was received by him during the day in the Assembly, as budget session was going on. Again on 28-02-2002, he attended the Assembly when the homage was paid to the victims of Godhra incident. He has further stated that thereafter, he returned to his home town Himmatnagar for 2-3 days. Further according to him, there had not been any major riot incident in his constituency and there was no loss of life. Shri Chawda has further stated that there were some incidents of arson and looting of the shops and establishments and that he had contacted the Collector and District SP Shri N.D. Solanki and requested them to take all necessary steps to maintain Law & Order in the District to ensure that there was no loss of life and property of either Muslims or Hindus. Shri Chawda has also stated that he had appealed to BJP, Bajrang Dal and VHP workers to maintain peace and as per his recollection the situation was brought under control within 2-3 days after 27-02-2002. As regards the allegation levelled by Smt. Jakia Nasim, Shri R.N. Chawda has denied the same, as the same are general in nature and not specific and claimed that the same

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had been maliciously made to spoil his image. Since the allegations levelled against Shri Chawda, are vague and general, the same are not established.

A-7: Shri Kaushikkumar Jamnadas Patel, the then MoS for Energy & Urban Development, Gujarat.

Shri Kaushikkumar J. Patel had joined BJP in 1987 and had contested elections in 1990, 1995, 1998 & 2002 on BJP ticket and was elected. However, in the Assembly polls in 2007, he was defeated and at present he is Vice President of BJP, Gujarat State since 2008. He was appointed as a Cabinet Minister for Energy & Urban Development during 1998 to 2002.

Shri Kaushik Patel has stated to have attended Assembly on 27-02-2002, and the news regarding Godhra carnage was received by him during the day in the Assembly, as budget session was going on. Again on 28-02-2002, he attended the Assembly when the homage was paid to the victims of Godhra incident. He has further stated that as per his recollection there was no major riot incident in his constituency. He does not recollect whether he attended the press conference held by Chief Minister in Circuit House Annexe on 28-02-2002 evening. He has also stated that he does not remember having attended any meeting held by Chief Minister in connection with the ongoing riots in Gujarat State. He has denied the allegations levelled by Smt. Jakia Nasim as general, vague, false and baseless. In view of the fact that there is no specific allegation against Shri Kaushik Patel, the allegation is therefore, not established.

A-8: Shri Chandrakant Dahyabhai Patel, formerly Chairman, Kheda District Co-operative Union, Nadiad, Gujarat.

Shri C.D. Patel has stated that he contested election to the Gujarat Legislative Assembly in December, 2002 and was elected. He further stated that he was appointed as a Minister of State for Tourism, Holy Places, Pilgrimage Development & Co-operation on 01-08-2005. He has also stated that he did not contest the Assembly election in 2007.

Shri C.D. Patel has further stated that he was Director of Amul Dairy, Anand during 1995 to 1999, Chairman of Nagarik Sahakari Bank, Petlad from 1998 to 2004 and Chairman of Kheda District Co-operative Union from 2002 to 2010 and at present, he was Chairman of Gujarat State Co-operative Housing Finance Corporation, Chairman of Petlad-Sojitra Taluka Co-operative Sales and Purchase Union Ltd. Petlad and Agriculture Produce Market Committee, Petlad. He has further stated that the news regarding burning of a railway coach near Godhra Railway Station on 27-02-2002, was received by him through electronic media. He has also stated that some riots took place in Petlad Town in which both Hindus and Muslims were affected. According to Shri C.D. Patel, some of the Hindus residing near Kazipura, Krishnapura were so badly affected from the attack by Muslims that they sold of their residential properties and shifted near village Sekhdi situated on the outskirts of Petlad town. He has also stated that Hindus had even shifted their temples from the aforesaid area, but there was no big incident. As regards the allegations levelled by Smt. Jakia Nasim, he has stated that he was not an elected MLA in February, 2002 and became MLA in December, 2002 only. According to Shri C.D. Patel that he was neither MLA nor a Minister in February, 2002 and as such he could not have used the political influence either on administration or on police. As per Shri Patel, the allegations are wild, false and baseless and therefore, denied. The allegations levelled by Smt. Jakia Nasim are therefore without any basis.

A-9: Shri Nitinbhai Ratibhai Patel, formerly Minister of Finance, Gujarat.

Shri Nitin R. Patel has stated that he had joined Bhartiya Janta Party in the year 1980 and was elected as MLA in 1990, 1995 & 1998. However, in the election held in December, 2002, he was defeated. In 2007, he was again elected from Kadi Assembly constituency, Mehsana District. In 2001, when Shri Narendra Modi became Chief Minister, he was appointed as Finance Minister. At

present, he is Minister for Water Supply, Water Resources, Urban Development & Urban Housing.

Shri Nitin Patel has further stated the on 27-02-2002, he presented his first budget as a Finance Minister in the Gujarat Assembly and came to know about Godhra carnage in the Assembly only. He has also stated that his speech continued throughout the afternoon and after the Assembly, he held the press conference with the Finance Secretary. According to Shri Patel, he had high blood pressure on that day and his doctor advised him rest. On 28-02-2002, he attended the Assembly, when the homage was paid to the victims of Godhra incident. Further, Shri Patel has stated that the Assembly remained suspended, but he used to attend his office regularly and also visited his native place Kadi for a few days. He has also stated that two women belonging to Jaydevpura village under Kadi District had been burnt alive in the railway coach at Godhra, but he did not take part in their cremation. As per Shri Patel, during the riots he used to do up and down from Kadi, as his children were studying at Kadi. He has also stated that two deaths took place in Kadi town in addition to a few incidents of arson and looting. However, after few days, the situation was under control and no major incident took place in Kadi town. He has denied to have taken part in any violence in Kadi town being a sitting MLA and Minister from the constituency and claimed that on the contrary, all efforts were made by him to bring normalcy and peace in his constituency. He has claimed to have used his Govt. car with escort for the transportation of the State Govt. employees belonging to Kadi. He has further denied the allegation that he led the violence, arson and sexual violence against women at Kadi. He has also denied the allegation that anti-Muslim atmosphere has created under his direct supervision and instructions. As regards the allegation levelled by Smt. Jakia Nasim, Shri Patel has stated that the same are far fetched and totally false. He has also stated that he had been elected as MLA from Kadi constituency four times and being a representative of the people to the Gujarat

Assembly, he could not have assaulted his own voters. He has also stated that allegations have been wrongly levelled against him with a view to harm his reputation. The allegations levelled against Shri Nitin R. Patel are general and vague and no evidence could be found to establish the same.

A-10: Shri Amit Anilchandra Shah, formerly MoS for Home.

Shri Amit A. Shah has stated to have become a Member of BJP in 1980 and held different posts of BJYM (Youth wing of BJP). He became MLA in 1997, 1998, 2002 & 2007 from Sarkhej constituency on BJP ticket. He has further stated that in December, 2002, he was appointed as MoS Home, Transport and Border Security.

Shri Amit Shah has further stated that he was a MLA in February, 2002 and had attended the Assembly on 27-02-2002. Shri Shah received the news about the Godhra carnage from some party worker and later confirmed the same from Shri Gordhan Zadafia, the then MoS (Home). He remained in the Assembly till about 1500 hrs or so. On 28-02-2002, he again attended the house, when homage was paid to the victims of Godhra incident. He has stated to have visited Sola Civil Hospital, where the dead bodies of the victims had been brought by road from Godhra. He has further stated that he remained at the hospital for about half an hour or so and that Dr. Maya Kodnani, MLA was also present there, when the crowd started hooting them. He has also stated that a police jeep dropped him at his residence. According to Shri Shah, he attended a condolence meeting in a temple near to his house, in which homage was paid to the Godhra victims. Shri Shah has also informed that the Assembly did not meet till 13-03-2002, as the administration as well as police was busy in dealing with the riots and therefore, it was not proper for the House to keep them busy for the Assembly work. He has stated that there was no loss of life in his constituency during the riots and that there had not been any personal attack on anybody. He has denied the allegations made

by Smt. Jakia Nasim and has stated that the same had been maliciously levelled to spoil his reputation. In view of the fact that the allegations against, are vague and general in nature, no evidence is available to establish the same.

A-11: Shri Anil Tribhovandas Patel, formerly Minister of Industries, Mines, Minerals, Tourism, Civil Aviation & Cottage Industries, Gujarat.

Shri Anil T. Patel has stated to have joined BJP only in the later part of 2002 and contested Assembly election in December, 2002 on BJP ticket from Mehsana constituency, when he was elected and appointed as Minister of Industries etc. He contested election again in December, 2007 and was elected for the second time and is at present MLA in Gujarat Assembly. He has stated that the allegations against him are vague, false and without any basis. He has further stated that Smt. Jakia Nasim in her allegation probably refers to the role played by him during the communal riots in February, 2002, which is absurd, because at that time, he was neither in politics nor a MLA/Minister in the Govt. Shri Patel has also stated that in view of this a question of his playing any role or using any political influence to prevent the administration or Law & Order machinery from carrying out their constitutionally bound duty to prevent violence and protect the citizen does not arise, as he was not holding any public office at that time. In view of the fact that he was not in politics in February, 2002, the allegation levelled against him, is not established.

A-12: Shri Narayan Lalludas Patel, formerly Minister of Industries, Mines, Minerals, Tourism, Civil Aviation & Cottage Industries, Gujarat.

Shri Narayan L. Patel is a member of Bhartiya Jan Sangh since 1963, which subsequently became BJP. He has stated to have contested and won four Assembly elections from Unjha constituency in 1995, 1998, 2002 & 2007 on BJP ticket. He was appointed as Minister of Panchayati-Raj in Keshubhai Patel's cabinet, but Shri Narendra Modi in the year 2001 changed his portfolio to Transport. At present, he is MLA and Chairman of

Unjha Khetiwadi Utpan Bazar Samiti, Unjha, which is the biggest market of Asia for spices.

He has further stated that on 27-02-2002, he came to know about Godhra carnage in the Assembly. He has stated to have attended the Assembly on 27 & 28-02-2002. He has denied having seen any incident of rioting and arson in Unjha. He has also stated that he was Chairman of Krushi-mandi and wanted to save Mandi from riot/arson. He has denied the allegations that he inspired and abetted mob, violence, sexual assault and arson against the Muslims. As regards the allegations levelled by Smt. Jakia Nasim, he has stated that the allegations are vague, false and baseless. Keeping in view the nature of allegations levelled against Shri Narayan Patel and also the fact that no evidence is available in this regard, the allegations are not substantiated.

A-13: Shri Kalubhai Hirabhai Maliwad, formerly Taluka Panchayat Pramukh, Lunawada, Distt. Panchmahals.

Shri Kalubhai Maliwad has stated that he is a teacher by profession but left his job in 1990 and thereafter, joined his father in the agriculture profession at home. However, in 1990, he was selected as Principal of the High School in a village in Sabarkantha District in 1994 and continued there till 2004. He has further stated that he remained in Congress from 1981 to 1998, but was denied a ticket by the Congress party from Lunawada Assembly constituency. According to Shri Maliwad, under pressure from his supporters, he contested as an independent candidate, but was defeated. Thereafter, he joined BJP in 1998 and became the President of Khanpur Taluka Panchayat in 2000.

Shri Kalubhai Maliwad has further stated that on 27-02-2002, he was at home in Rehman village of Khanpur taluka and had come to know about the Godhra carnage through radio news on 27-02-2002 evening. On 28-02-2002, he has stated to have gone to Khanpur in the morning and returned in the afternoon and came to know from public that the communal riots had spread in Gujarat. On 01-03-2002, he stayed at home due to riots. However, on 02-

He has further stated that he had come to know about the Godhra carnage on 28-02-2002. He has further stated that he had been running Pooja cold storage, Nadiad, Kheda District since 1998, in partnership with Shri Anvarbhai Limboowala and his brother Noormohammad. On 28-02-2002, he was present in his village Karamsad, when his partner Anwarbhai telephoned him that their Pooja cold storage had been set on fire. He has further stated that he rushed to his cold storage, which was about 20 kms from his village. On reaching there, he has stated to have dispersed the mob with the help of his village man, who had accompanied him, as his partner had run away. He has also stated that he called for fire-tenders from Anand, Nadiad and Petlad and that the fire could be controlled after about six hours or so. As per Shri Patel, another godown about 300 meters away from the cold storage, had also been set on fire. He has stated to have reported to the police and a case was registered in this connection. He does not know the fate of the said case as he had received the compensation from the insurance company. Shri Dilip Patel has stated that after 28-02-2002 he remained at Nadiad guarding his cold storage for about 10-12 days. He has further stated that he had a house in Vidyanagar at Anand, in which one flat had been let out to a Muslim tenant, a dealer of BATA Shoe Company, who had stocked shoes inside the flat. According to Shri Patel, a mob broke open the said flat and looted some of the shoes. However, when he came to know about the incident, he rushed to his place, dispersed the mob and locked the house. He has denied his involvement in any rioting incident. He has denied the allegations levelled by Smt. Jakia Nasim in her complaint. He has further stated that he himself was a victim of riots and suffered because of the Muslim partners and that he prevented the riots and protected the Muslims. In view of the nature of the allegations and the fact that no evidence is available, the allegations are not substantiated. This would go to show that the allegations have been levelled by the complainant without any personal knowledge.

A-15: Shri Madhubhai Babubhai Srivastava, MLA, Waghodiya, Vadodara.

Shri Madhu B. Srivastava is a farmer by profession and owns 27 bighas and a hotel in Baroda District. During 1980 to 1990, he had contested corporation election as independent as well as on BJP ticket and was elected. He contested Gujarat Assembly elections as an independent candidate in 1990 from Waghodiya constituency, but lost by a narrow margin. In 1995, he again contested Gujarat Assembly elections as an independent candidate from the same constituency and was elected by a big margin. In 1998, 2002 & 2007, he again contested elections to Gujarat Assembly on a BJP ticket from the same constituency and was elected.

He has stated that in 2004, Ms. Zahira Sheikh and Ms. Teesta Setalvad, a Human Right activist had filed an appeal against him and State of Gujarat in Supreme Court regarding a case registered in Baroda City relating to death of a few persons in Best Bakery during the riots on 1st or 2nd March, 2002, which had ended in acquittal and the appeal before the High Court had also been dismissed. Ms. Zahira Sheikh had stated in her affidavit before the Supreme Court that she was a star witness in this case and had been intimidated, threatened and forced not to speak the truth in the court, as a result of which the said case ended in acquittal. The Supreme Court, after hearing the appeals, ordered for the retrial of this case under the jurisdiction of the Bombay High Court. During retrial, Ms. Zahira Sheikh made a press statement on 03-11-2004, that her earlier statement made before the trial court was correct. Shri Srivastava has further stated that thereupon, Contempt petition was filed before the Supreme Court of India on the ground that Ms. Zahira Sheikh had changed her version, and disowned her statement made before the Supreme Court of India and NHRC. According to Shri Srivastava, the Hon'ble Supreme Court of India ordered an inquiry into the matter vide its order dated 21-02-2005 and after the inquiry the Inquiry

Officer came to the conclusion that Ms. Zahira Sheikh changed her statement at different stages and also departed from her statement made before Supreme Court. The Inquiry Officer had further come to the conclusion that Ms. Zahira Sheikh had not been able to explain the assets in her possession. During enquiry, Shri Srivastava was confronted with the CD indicating that money was paid to Zahira Sheikh to change her statement. However, after the enquiry, it was concluded that though material exists that money played a vital role in the change of stand by Zahira Sheikh, yet it could not be linked to Shri Madhu Srivastava and his brother Shri Bhattoo Srivastava. Shri Srivastava has also stated that the Supreme Court vide its order dated 08-03-2006 sentenced Ms. Zahira Sheikh to undergo imprisonment for one year and also to pay a cost of Rs. 50,000/- and in default to undergo further imprisonment for one year. As per Shri Srivastava, the Income tax authorities were also directed to conduct inquiry about the alleged payments made by him to Zahira Sheikh. However, nothing adverse came to light. He has denied the allegations made by Smt. Jakia Nasim and alleged that these allegations have been maliciously made by Smt. Jakia Nasim at the instance of Congress party for political reasons because the BJP had returned to power in Gujarat for the fourth time. Shri Madhubhai Srivastava has also alleged that this was a well calculated move and conspiracy on the part of Congress to defame Shri Narendra Modi, CM, who has led the State to the path of development and prosperity. Since there is no evidence available against Shri Madhubhai Srivastava and the allegations against him are general in nature, therefore, the same are not established.

A-16: Dr. Mayaben Kodnani, MLA, Naroda, Ahmedabad City, Gujarat.

Dr. Mayaben Kodnani has stated that she joined BJP in 1995 and was elected as Corporator of Ahmedabad Municipal Corporation in May, 1995. She has further stated that she was elected as MLA in 1998, 2002 & 2007 from Naroda constituency

on BJP ticket. In 2007, she was appointed as Minister of State for Higher Education, Woman and Child Welfare resigned in the end of March 2009, but she continues to be a MLA.

Dr. Maya Kodnani has since been arrested and charge-sheeted in Naroda Gam and Naroda Patiya cases by SIT. However, she denied to have led or instigated the mob in Naroda Gam/Naroda Patiya and has taken the plea that she has been falsely implicated. She has denied the allegations levelled by Smt. Jakia Nasim and has stated that the allegations had been maliciously levelled against her to spoil her reputation. Since the matter is subjudice and Dr. Mayaben Kodnani is already facing trial in two riot cases relating to Naroda Gaam and Naroda Patiya, no action is called for in the matter.

A-17: Shri Nalinbhai Kantilal Bhatt, formerly MLA, Padra, Baroda, Gujarat.

Shri N.K. Bhatt has stated that he had joined RSS in 1968-69 and became a member of BJP in 1980. Initially, he was elected as a Corporator three times in Baroda Municipal Corporation. He has further stated that he was elected as a MLA in 1990 & 1995 and was appointed as Minister. However, in the midterm poll, he lost elections from Padra constituency in 1998 and was appointed as Chairman of Gujarat State Electricity Board for three years, which was extended by one year. He has also stated that from 2001 to December, 2002, he worked as General Secretary and Spokesman of BJP and did organisational work.

He has further stated that on 27-02-2002, he received the information about the Godhra carnage at about 0900 hrs and left for Godhra by car. He reached Godhra at about 1200 hrs, went to civil hospital and talked to the injured persons. He returned to Baroda by car at about 2100 hrs. He has further stated that on 28-02-2002 and 01-03-2002, he remained at Baroda due to Gujarat banch and Bharat bandh as the situation was very tense and curfew imposed in the town. He has also stated that as General

Secretary of BJP, he had appealed to all the workers not to indulge in any violence and had come to Ahmedabad sometime in March, 2002 and participated in a peace march organised by the Govt. He has stated to have filed an affidavit before the Nanavati Commission on 09-06-2002, as General Secretary of BJP and had been called for cross examination on 05-02-2005. He has further stated that it was mentioned in the affidavit that one of the accused of Godhra carnage was a Congress Corporator from Godhra and that he had been indulging in antisocial and illegal activities. He had also mentioned in his affidavit that one Shri Mohmmad Hussain Kalota, President of Godhra Municipality and main accused in Godhra carnage had been felicitated by Shri Udesinh Baria, MLA and Shri Rajendrasinh Patel of Congress and had enclosed a CD in respect of the said function with the affidavit for the information of the Commission. In his affidavit, he had also highlighted the instances, in which the lives of innocent Muslims had been saved by the leaders of BJP, in which Shri Rajendrasinh Rana, MP & the then President, BJP, Gujarat State, Shri Suni Oza, the then MLA, Bhavnagar and Late Suryakant Acharya, the then Vice-President, BJP had played a lead role. He has also stated that he did not apply for BJP ticket for the elections held in December, 2002 and resigned from BJP primary membership in September, 2006 against the style of functioning of Shri Narendra Modi, CM. He has denied the allegations levelled by Smt. Jakia Nasim and stated that the allegations are general and not specific. In view of the fact that there is no evidence to support these allegations, the same are not substantiated. Since no allegation has been levelled against him in the complaint, no action is warranted in the matter.

A-18: Shri Rajendrasinh Rana, MP, Bhavnagar, Gujarat.

Shri Rajendrasinh Rana has stated that he had joined BJP in 1996 and had contested Parliament elections from Bhavnagar constituency on BJP ticket and was elected. He has further stated that he was elected again as MP from Bhavnagar constituency on

BJP ticket in the general elections held in 1999, 2004 & 2009. He has also stated that he remained President of BJP, Gujarat State from 1998 to 2004.

Shri Rajendrasinh Rana has further stated that on 27-02-2002, he had attended the Parliament and came to know about the Godhra carnage from TV news at about 0930 hrs and came to Ahmedabad by evening flight at about 1930 or 2000 hrs. He has further stated that the incident was discussed by him with his party men and office bearers and it was decided to support the Gujarat bandh and Bharat bandh calls given by VHP on 28-02-2002 & 01-03-2002 respectively. He has also stated that he remained at Ahmedabad on these two days and used his good offices and gave directions to the party workers not to indulge in violence. According to Shri Rana, he remained at Ahmedabad for about 2-3 days and then returned to Delhi to attend the Parliament session. He has stated that on 01-03-2002, he came to know that around 400 Muslim children residing in a Madarsa were trapped inside the Madarsa Islamia Ghogha, Akwada, Bhavnagar, which was surrounded by a mob, bent upon setting fire to it and that he immediately telephoned Shri Rahul Sharma, the then SP, Bhavnagar, who reached the spot, dispersed the mob and shifted the children to a safer place. He also produced a copy of a letter dated 10-11-2004 from Master Ahmed of Akwada Madaresa of Bhavnagar, in which the latter had thanked him regarding the timely action taken by Shri Rahul Sharma, SP at his instance, which could save the lives of the innocent children. He has also produced a copy of Diwali greetings sent to him by Master Ahmed. He has denied the allegations levelled by Smt. Jakia Nasim and stated that he was not the Spokesman of BJP as alleged and that Shri Nalin Bhatt was the Spokesman at that time. He has further stated that it has been wrongly alleged that BJP had given a call for the Bandh, whereas the bandh call had been given by VHP and BJP only supported it. In view of the fact that the allegations levelled against him are general in nature and there is no evidence

available to support the same, therefore, the same are not substantiated.

A-19: Dr. Kaushikbhai Jamnashankar Mehta, General Secretary, VHP, Gujarat.

Shri Kaushikbhai J. Mehta has stated that he is a teacher in Unnati Vidyalaya, Paldi, Ahmedabad. He has further stated that he became a member of VHP in 1990, Joint Secretary in 1999 and subsequently, General Secretary, VHP, Gujarat State in 2007. He has also stated that his duties are to look after propaganda, publicity and publishing work of the Parishad and that he was the Editor of "Vishwa Hindu Samachar", a monthly VHP magazine.

Shri Mehta has stated that on 27-02-2002, he attended the school as usual and came to know at about 0930 hrs from a colleague hailing form Panchmahal district that a train carrying Ram-sevaks from Ayodhya had been attacked and set on fire near Godhra Railway Station, but no details were available. He has further stated that around 1700 hrs, Professor K.K. Shastri, Chairman, VHP, Gujarat Unit informed him that in order to pay homage to Ram-sevaks killed in Godhra incident, a call for Gujarat bandh be given for 28-02-2002. Accordingly, Shri Mehta came to VHP office, where media persons had assembled to know the details of the incident, and informed them that all programmes would proceed as per schedule and Ram-mandir constructed as decided. He has also stated that on 28-02-2002, he attended school, but no students had turned up and therefore, he left and reached VHP office. In VHP office, he was informed that Acharya Giriraj Kishor would be visiting Ahmedabad to attend the funeral of Ram-sevaks to be performed in Amraiwadi cremation ground. Accordingly, he accompanied Acharyaji to Amaraiwadi cremation ground, but was stopped by the police, on the ground that it was not safe to go ahead and therefore, they returned. He has further stated to have briefed Acharyaji about the programme of Ram-sevaks, who had visited Ayodhya in connection with purn-ahuti of Ram-Yagna and then returned to VHP office at about 1530 hrs. He

remained at VHP office till about 2030 hrs and attended to the visitors and press about the incident. He returned to his residence at about 2100 hrs, because curfew had been imposed. He has denied to have taken part in the violence. He has admitted to have filed an affidavit before Nanavati Commission on 10-06-2002, as Joint Secretary, VHP, in which VHP had given its own view point in connection with Godhra incident and the communal riots thereafter. He has also informed that he was called by the Nanavati Commission on 05-02-2005 for his deposition. Though he has been listed as an accused by Smt. Jakia Nasim, yet no allegation had been levelled against him. In view of this, no action is called for against him.

A-20: Shri Pravin Togadiya, International General Secretary, Vishwa Hindu Parishad.

Shri Pravin Togadiya has stated that he did his MBBS & MS (Cancer Surgery) from Ahmedabad and had run his own 'Ami' surgical hospital during the period December, 1985 to Dec. 1998 and then sold off the hospital. Thereafter, he had been doing surgery on charitable basis and visiting different hospitals. He further stated that he joined Vishwa Hindu Parishad in June, 1986 and remained General Secretary of VHP, Gujarat till 1998 and thereafter became Secretary General, VHP, International.

He has further stated that on 27-02-2002, he received the news relating to the burning of a railway coach of Sabarmati Express near Godhra Railway Station from one of his colleagues, while he was conducting Ram Maha-Yagna ceremony at Ayodhya. He has also stated that the same afternoon he learnt from his colleague that Sabarmati Express going to Ahmedabad was stopped and surrounded by a Muslim mob at about 0800 hrs, which set fire to it resulting in the death of 59 persons. According to Shri Togadiya he had contacted late K.K. Shastri, the then President of VHP, Gujarat State on 28-02-2002, and the latter had informed him that the survivors of Godhra carnage were gradually returning to their native places, wherein injured had been

hospitalized. He has stated that he visited Gujarat only in May, 2002 and was not concerned with the communal riots. He has denied to have contacted any VHP activists. He could not recollect his mobile number being used by him at that time.

He has denied the allegations levelled by Smt. Jakia Nasim and has stated that he was not present in the Gujarat during the riots period and as such there was no question of giving any speeches. He has also stated that Dhanwantri hospital was not owned by him and that the allegations are frivolous and maliciously made with a view to defame him. No evidence is available against Shri Pravin Togadiya and as such the allegations against him, being general in nature are not substantiated.

A-21: Shri Jaydeep Patel, Gujarat Secretary, VHP, Gujarat.

Shri Jaydeep Patel has stated that he joined VHP in 1988 and remained Joint Secretary, VHP from 1995 to 2005. He has further stated that during 2005 to 2007, he remained General Secretary of VHP, Gujarat from 2005 to 2007. He has narrated other details about his visit to Godhra along with Shri Hasmukh Patel, Secretary, Eastern Zone, VHP, Gujarat. He has further stated that he had met some local administrative and police officials and requested them to hand over the dead bodies of kar-sevaks and accordingly, a letter was given to him by Mamaldar, Godhra. He has also stated that 54 dead bodies were kept in the five trucks arranged by the District Administration for transportation to Ahmedabad under police escort. He has further stated to have left Godhra around 2330 or 2400 hrs and has stated to have reached Sola Civil Hospital between 0330 to 0400 hrs on 28-02-2002. He has also stated to have handed over the letter to Shri Prajapati, the then Deputy Collector and that the police and administrative officials got busy with the preparation of panchnama and other papers. According to Shri Patel, 35 dead bodies were identified and handed over to their relatives by about 1300 hrs. As per Shri Patel, the remaining unidentified 19 dead bodies were cremated at Gota cremation ground by the district authorities and

police by 1830 hrs. He has denied to have used his mobile phone no. 9825023887 as it remained in the car. He has further stated that he remained present in the Sola Civil Hospital through out the day and was not present in Naroda Gam/Naroda Patiya, when the riots took place. He has pleaded that he has been falsely implicated by the extremist and Muslims in Naroda Gam case.

It may be mentioned here that Shri Jaydeep Patel has already been arrested and charge sheeted by SIT in Naroda Gam case
(I CR No. 98/2002 of Naroda P.S.). Since the matter is sub-judice no further action is called for in the matter.

A-21: Shri Babu Bajrangi Patel, Member, Bajrang Dal.

Shri Babu Bajrangi has stated that he joined Bajrang Dal in 1995, later got introduced to Shri Pravin Togadia, Shri Jaydeep Patel and Home Minister Shri Gordhan Zadafia and also came in contact with other Sangh Parivar activists. He has stated to have come to know about the Godhra carnage through TV news on 27-02-2002, in which one of the kar-sevaks, namely, Shri Bhimjibhai K. Patel belonging to his community was also killed, whereas other kar-sevaks form his village namely Shri Dharmendra Patel and others survived. He has further stated that his nephew Shri Bharat R. Patel had visited Godhra on 27-02-2002, by car on that day and returned to Ahmedabad in the night. He has taken the plea that mobile phone no. 9825020333 was used by his nephew Shri Bharat Patel. He has further stated that he went to Sola Civil Hospital on 28-02-2002 at about 0700 hrs and the dead body of Bhimji K. Patel was identified by Shri Vashrambhai, uncle of Bhimji Patel, taken by them to their village, and they arrived at about 1330 hrs. The funeral of Late Bhimjibhai Patel was over at about 1530 hrs and thereafter, he has stated to have gone to Khedbrahma along with Shri Dharmendra Patel. He has further stated that he stayed at Khedbrahma on 28-02-2002, as the communal riots had erupted and no transport was available. According to Shri Babu Bajrangi, he returned to Naroda on 01-03-

2002 late in the night and was informed by his family members that he had been named as an accused in Naroda Gam and Naroda Patiya carnage cases. Thereafter, he has stated to have left for his elder sister Laxmiben's house on 02-03-2002, who stays in village Kevdia-kampa and stayed there for about three or four months. As per Shri Bajrangi, he was arrested by the Crime Branch, Ahmedabad City on 28-05-2002, taken on remand for 10 days and then sent to jail. Subsequently, he was released on bail on 19-10-2002.

He has admitted that Shri Ashish Khetan met him as Piyush Agarwal and informed him that he was making a film on Hinduism and that he has to play a role in it and speak some dialogues. He has admitted his voice and the conversation held with Shri Ashish Khetan, but has taken the plea that he had read the dialogues as per a written script given by Shri Ashish Khetan. However, he has stated that all these facts were incorrect and that he had spoken the same, as Shri Ashish Khetan asked him to do so.

It may be mentioned here that Shri Babu Bajrangi has already been charge sheeted in Naroda Patia case (Naroda P.S. I CR No. 100/2002) as well as Naroda Gam case (Naroda P.S. I CR No. 98/2002) and is facing trial. In view of the fact that the matter is sub-judice, no action is called for in the matter.

A-23: Professor Keshavram Kashiram Shastri, formerly Chairman, VHP, Gujarat Unit.

Professor K.K. Shastri expired on 09-09-2006.

A-24: Shri Babubhai Rajput, BJP worker, Pt. Dindayal Bhavan, Khanpur Ahmedabad City, Gujarat.

No such person could be traced at the given address. In view of this Ms. Teesta Setalwad was contacted and requested to give his latest address to enable us to contact him. Ms. Teesta Setalwad informed through an email dated 31-03-2010 that Babubhai Rajput is a senior BJP worker living in the Asarva area of Ahmedabad and had much to do with the serious meetings planned in Ahmedabad and around on 27-02-2002. In view of this

communication, a letter was sent to BJP City Pramukh, Ahmedabad on 01-04-2010, to let us know the address and other details of Shri Babubhai Rajput. However, BJP Office Secretary, Karnavati Mahanagar (Ahmedabad) has informed vide his letter dated 06-04-2010 that no such person by the name Babubhai Rajput is an active member of BJP in Asarva area and as such no particulars in this regard are available with them. In view of this Shri Babubhai Rajput could not be traced or contacted.

A-25: Shri K. Chakravarthi, formerly DGP, Gujarat State.

Shri K. Chakravarthi has stated that he remained posted as DGP, Gujarat State from 01-04-2001 to 31-01-2004. He has further stated that in February, 2002, intelligence reports had been received about the movements of kar-sevaks from Gujarat to Ayodhya, in connection with Ram Maha-Yagna to be held on 15-03-2002. Further, a specific intelligence report was sent to IG (CI), U.P., Lucknow by SP, Western Railway, Vadodara vide fax message dated 16-02-2002 that Shri Prahlad J. Patel, President, Bajrang Dal, Mehsana with a group of 150-200 Bajrang Dal workers would be going to Ayodhya for Maha-Yagna on 22-02-2002, from Mehsana Railway Station for Ahmedabad and further on 24-02-2002, from Ahmedabad to Ayodhya by Sabarmati Express of 24-02-2002. It was further intimated that the said group would return on 26-02-2002, from Ayodhya at night for Ahmedabad and would reach Ahmedabad on 28-02-2002 morning. According to Shri Chakravarthi, no specific information regarding the movements of kar-sevaks on return journey was received till 27-02-2002 and that a wireless message dated 27-02-2002 was received from IG (CI), Lucknow only on 28-02-2002 at 0815 hrs. Shri Chakravarthi has further stated that on 27-02-2002, he had received telephonic information from State Police Control Room that Sabarmati Express had been stoned at Godhra Railway Station and subsequently, a bogie in the train had been set ablaze. Shri Chakravarthi has stated to have contacted Shri Deepak Swaroop, the then IGP, Vadodara Range and directed

him to proceed to Godhra immediately and also gave instructions to State Control Room to rush one platoon available at SRP Group-V headquarters to Godhra Railway Station to assist the SP. Shri Chakravarthi has stated to have held an emergency meeting with Chief Secretary and ACS (Home) and it was learnt around 1200 hrs that the burnt coach had been detached from the main train at Godhra Railway Station and that the train had already proceeded on its onward journey for Ahmedabad via Vadodara. Shri Chakravarthi sent Shri Maniram, the then Addl. DG (Law & Order) and Shri Vipul Vijoy, the then IGP, ATS to Godhra for supervision and investigation. Further, Shri P.P. Agja, the then IGP, CID Crime & Railways, Gandhinagar was deputed to Godhra for supervision of the investigation of the case.

Shri Chakravarthi has further stated that considering the seriousness of the Godhra incident all CsP, SsP and Range Heads were instructed through a fax message dated 27-02-2002 to take precautionary measures to avert any fall out effects in their jurisdiction, strict vigil kept at all sensitive points, their forces mobilised and vehicles requisitioned. Shri Chakravarthi also sent a fax message to all the jurisdictional officers to thwart any attempt by communal or antisocial elements to prevent communal trouble in the jurisdiction and instructions were given to make preventive arrests of such elements, so that they might not take advantage of the situation to spread communal hatred. On 27-02-2002 evening, VHP had given a call for Gujarat Bandh on 28-02-2002, which was supported by BJP and as such Shri Chakravarthi had given an interview on Door-Darshan and appealed to public to maintain peace during bandh on 28-02-2002. According to Shri Chakravarthi, CM went to Godhra on 27-02-2002, and returned late in the night and thereafter a meeting was called by him, which was attended by CS, ACS (Home), CP, Ahmedabad, Secretary Home Department, Principal Secretary to CM and other staff of CM had also joined. Shri Chakravarthi has added that he does not recollect that Shri G.C. Raiger, the then Addl. DG (Int.) contacted him over phone and informed him about his arrival at Ahmedabad.

Shri Chakravarthi has categorically stated that Shri Sanjiv Bhatt, the then DCI (S),did not attend the said meeting on 27.02.2002 night at CM's residence. According to Shri Chakravarthi, Shri Raiger was available at Ahmedabad, he would have given instructions to him to attend this meeting through State Control Room rather than asking Shri Sanjiv Bhatt to attend. Even otherwise, as per Shri Chakravarthi, Shri O.P. Mathur, the then IGP (Admn. & Securtiy) was available and could have been called in the meeting, instead of calling a Junior Officer of SP level i.e. Shri Sanjiv Bhatt. He has further stated that on politician/ Minister was present in the said meeting. In this meeting, CM had asked Shri Chakravarthi about the arrangements made by him for the bandh call, given by VHP to which latter narrated the arrangements made by him, instructions given to the jurisdictional officers and also about the mobilisation of the forces. Further, Shri Ashok Narayan informed CM about the 10 companies of RAF requisitioned from the Central Govt. As per Shri Chakravarthi, CM said that the Godhra incident was very serious and bound to affect the people at large and hence, adequate arrangements should be made. Shri Chakravarthi has also stated that CM had stated that it was a Govt. decision to transport the dead bodies of Godhra victims from Godhra to Ahmedabad by road and to keep them at Sola Hospital, which was then located on the outskirts of Ahmedabad City. According to Shri Chakravarthi, this decision was not opposed by anyone in the meeting as a considerable number of victims belonged to Ahmedabad and nearby places. Regarding the allegation against Chief Minister for speaking in the terms that for too long the Gujarat Police had been following the principle of balancing the action against the Hindus and Muslims etc. and the Hindus be allowed to vent their anger, Shri Chakravarthi has denied any such utterances by Chief Minister in the meeting.

Shri Chakravarthi has further stated that Shri Ashok Narayan had told him on 28.02.2002, that it was decided by the Govt. that Shri I.K. Jadeja, Minister would sit in his office to get information

about law & Order situation in the State and that Shri Ashok Bhatt would similarly sit in the office of CP, Ahmedabad. According to Shri Chakravarthi, Shri I.K. Jadeja visited his office on 28-02-2002 (F.N.) and sat in his chamber for about 15-20 minutes and thereafter, shifted to a vacant chamber in his office. Shri Chakravarthi has denied that Shri Jadeja had interfered in the functioning of State Control Room. Shri Chakravarthi has further stated that on 28-02-2002 morning onwards, unprecedented mobs had gathered in the streets all over the State and started targeting the minority community and their property. Shri Chakravarthi has further stated that on this occasion outer areas of Ahmedabad were affected during the riots and that the violence got spread over the villages also. He has given a detailed account of the Gulberg Society and Naroda Patiya incident on 28-02-2002. He has also given date wise account of the instructions given by him to the jurisdictional officers from 28-02-2002 to 31-03-2002. He has also given the details of the meetings held with Shri K.P.S. Gill, retired DGP, Punjab and also about the transfer of the jurisdictional officers by the end of first week of May, 2002, when the riots almost came to standstill. He has denied the allegations levelled by Shri R.B. Sreekumar against him. He has also denied the allegations levelled by Smt. Jakia Nasim against him. Keeping in view the fact that the allegations are vague and general in nature and no evidence is available to support the same, the same are not substantiated.

A-26: Shri A.K. Bhargava, formerly DGP, Gujarat State.

Shri A.K. Bhargava has stated that he was posted as Addl. DG (Admn.) in the year 2002, but in the later part of 2002, he was transferred as Addl. DG (CID Crime & Railways) and thus had an occasion to supervise Godhra carnage case, which was partly charge sheeted during his tenure of about one year. He has further stated that he did not advise Shri R.B. Sreekumar to go according to the briefing of Shri G.C. Murmu, the then Home Secretary and Shri Arvind Pandya, Advocate in Nanavati-Shah

Commission of Inquiry. He has confirmed that Shri Sreekumar approached him for guidance, but he (Shri Bhargava) did not give him any instructions and asked him to seek clarification from Govt. Advocate. He has further stated that he had asked Shri Sreekumar to inform him of the action taken in the matter, but Shri Sreekumar never reverted to him. He has further stated that in February, 2002, he was posted as Addl. DG (Admn.) and not directly connected with any of the related events in the State and therefore did not file the first affidavit. He has also stated that he did not file the second affidavit, as he did not have any personal knowledge about any of the events. As regards the allegations that he had fully co-operated with the Govt. in looking after the interest of BJP in the matter of review of 2000 odd cases, harassment of officers and agreed with the illegal directions of the Govt., he has stated that the allegation is vague and baseless as he was directly responsible to the Supreme Court and had submitted quarterly progress reports, which were duly accepted and never adversely commented upon. As regards not compelling the officers to file the second affidavit, Shri Bhargava has stated that he had sent two fax messages dated 16-09-2004 & 21-09-2004, but it was not his duty to force anyone to file second affidavit or a joint affidavit. As regards the allegation relating to slack review of post riot cases as ordered by the Hon'ble Supreme Court of India in August, 2004, he has stated that the quarterly progress report was being submitted to the Hon'ble Supreme Court of India and regular meetings were held with the members of 2002 Riot Cell and instructions issued. He has also stated that the all information had been put on the website and everyone had access to the same. Regarding the allegation that Dr. Nirja Gotru, the then SP, who was looking into the review of post Godhra riot cases was disassociated in the middle of 2004 and victimised, Shri Bhargava has stated that the allegation is false and baseless inasmuch as the factual position is, she had completed her job and was thereafter relieved of her assignment. He has denied the allegations levelled by Smt. Jakia Nasim on the ground that he

had participated in the alleged meeting, in which some illegal instructions were allegedly issued by CM. As per evidence available on record, he was not present in the alleged meeting called by Chief Minister on 27.02.2002 night. He has denied having persuaded Shri R.B. Sreekumar to avoid filing his second affidavit, on the ground that he himself had issued instructions to everyone to file second affidavit. In view of the aforesaid discussion and the clarifications given by Shri Bhargava, the allegations levelled against him are not established.

A-27: Shri G. Subba Rao, formerly Chief Secretary, Gujarat.

Shri G. Subba Rao has stated that he had fulfilled the minimum qualifications for appointment as Chairman/Member of the GERC and that he was appointed through a properly laid down procedure. Shri Rao has denied to have put pressure on Govt. officials to support any illegal policy of the Modi Govt. Further, he has denied to have instructed Shri R.B. Sreekumar to eliminate the minorities. The authentication of the entries made by Shri R.B. Sreekumar in a register maintained by him has not been established, as there is no independent corroboration of the same besides the fact that such a register was being maintained not according to the existing rules making it unnatural and suspicious. The register, therefore, cannot be relied upon as a documentary evidence to support the version of Shri R.B. Sreekumar. In view of this the allegation that Shri Rao coerced officials to support the illegal policies of the Modi Govt. and even instructed Shri R.B. Sreekumar to eliminate the minorities is not established.

He has denied that he had participated in a meeting (presumably held on 27-02-2002) with CM, Shri Narendra Modi where illegal instructions were allegedly issued by the constitutionally elected CM and has stated that he had gone abroad on 22-02-2002 and returned only on 01-03-2002 and as such could not have participated in any such meeting. He has further stated that he always acted within frame work or rules and regulations and as per prescribed official procedure. As regards

not filing an affidavit before Nanavati-Shah Commission of Inquiry, he has stated that Chief Secretary as the administrative head of the Govt. has only overall guiding and coordinating role and primary function about the Law & Order matters are handled by the Home Department, DGP and Police formations etc. The details of the duties performed by them were covered in the affidavit filed by ACS (Home) on 01-07-2002 and DGP on 31-01-2004 before Nanavati-Shah Commission and as such there was no need for him to file a separate affidavit.

In view of the position explained by Shri G. Subba Rao, and the fact that the allegations against him are vague and general, the same are not established.

A-28: Shri Ashok Narayan, the then ACS (Home), Gujarat.

Shri Ashok Narayan has stated that he took over as ACS (Home) on 01-01-2002, and continued to function as such till 23-05-2003 and, thereafter, appointed as State Vigilance Commissioner. He attained the age of 60 years as on 31-07-2004, but as a State Vigilance Commissioner, he was granted an extension of two years till 30-06-2006. Subsequently, he was granted four extensions of six months each till 31-12-2008 or further orders. However, before his extension could be completed, Shri Ashok Narayan retired on 01-10-2008 after a suitable incumbent had been appointed. It has been alleged that he had supported the Modi Govt. to carry out its anti-minority policies. It is not understood that in what manner he supported the anti-minority policies. As regards the entries made by Shri R.B. Sreekumar, Shri Ashok Narayan has stated that the register had been maintained by Shri Sreekumar in his personal capacity and can not form the official record as the same had never been submitted to any of the senior officers for their perusal/information. He has further stated that the said register can not be taken as an authentic document, because the entries were made by him of his own will and at his convenience. However, he has denied to have given any instructions to Shri Sreekumar for not making any comments or

any presentation, which would go against the formal presentation prepared by Shri K. Nityanandam. In view of the aforesaid position, the contents and the views expressed by Shri R.B. Sreekumar in his register can not be accepted as reliable evidence. Another allegation by Shri Sreekumar that Shri Ashok Narayan was selected and posted in the sensitive post of State Vigilance Commissioner at the time, when his conduct and performance of duty was under scrutiny by the Nanavati-Shah Commission, it has come to light that Shri Narayan was the senior most IAS officer in the State as on 23-05-2003 and was the only Additional Chief Secretary in rank and as per rules eligible for promotion to the rank of Chief Secretary. However, the Govt. chose to promote one Shri P.K. Lahiri of 1969 batch IAS as Chief Secretary. It may be mentioned here that two other officers of 1968 batch namely Shri Sunil Sood and Shri C.K. Koshy were senior to him, but none of these three officers were holding the rank of Addl. Chief Secretary and thus, not eligible to be promoted as Chief Secretary. All these three officers were together promoted as Addl. Chief Secretary. Shri Sunil Sood was promoted and posted out as Chairman, Agro Industries Corporation and Shri C.K. Koshy was posted as Chairman, Gujarat State Power Corporation. Shri Narayan wanted to be posted out of the State Govt. and as such he was appointed as State Vigilance Commissioner, a post normally held by a person of the rank of retired Chief Secretary, as the conduct of the officers of the rank of the serving Chief Secretary also came under his purview. It may thus be seen that Shri Narayan was posted as State Vigilance Commissioner, as this was the only post equivalent to the rank of Chief Secretary, outside the Govt., where he could be posted, as he did not want to work under his junior Shri P.K. Lahiri, who had been appointed as Chief Secretary. As regards the allegation that he favoured Shri Narendra Modi, Chief Minister by not stating anything adverse in his affidavit to the Commission and during his cross examination in August, 2004, there is no evidence to show that he omitted to mention certain things in his affidavit. As regards

the cross examination, Shri Ashok Narayan has stated that the replies of the witness are restricted to the questions put to him by the counsel and it has not been observed by the Commission that he had evaded any of the issues or gave evasive replies. Coming to the allegation of not filing the second affidavit covering second terms of reference of the Commission, it may be mentioned that the second affidavit was to be filed only if one had knowledge about the involvement of any politician or Chief Minister.

As regards that allegation levelled by Smt. Jakia Nasim, Shri Ashok Narayan has admitted to have participated in a meeting with Shri Narendra Modi, CM, on 27.02.2002 night where allegedly illegal instructions were issued by the constitutionally elected CM, but has denied that any such instructions were issued by CM. As regards not filing an affidavit before the Nanavati-Shah Commission, Shri Narayan has stated that he had filed an affidavit on 01.07.02, before the Commission. Other allegations are vague and general in nature and in view of the explanation given by Shri Narayan, the same are not substantiated.

A-29: Shri P.C. Pande, formerly Commissioner of Police, Ahmedabad City, Gujarat.

Shri P.C. Pande has stated that he had been inducted in the Central Govt. to the prestigious post of Addl. Director, CBI in March, 2004 by NDA Govt. Further as per Shri Pande, it is preposterous to say that he was shown a favour as he had not asked for a Central Deputation and it was a Central Govt. decision to take him in the CBI, where appointment required merits, efficiency, integrity and previous experience of the CBI and no appointment is done without the approval of the CVC. According to Shri Pande, the panel invariably consists of empanelled officers duly cleared by a top level screening committee and he had previous experience of CBI from 1981 to 1986 having served as SP, CBI, Ahmedabad.

It may be mentioned here that in February, 2005, Shri Pande was promoted to the rank of DGP and posted as Director, ACB,

which he joined in April, 2005 only. Along with Shri Pande, Shri K.R. Kaushik, a two batches junior officer was also promoted. In fact, Shri Pande had already been empanelled to hold a DG level post in Govt. of India by an order issued in August, 2004 and the State Govt. had shown no favour by promoting him along with his junior.

Shri Pande has further stated that he remained posted as Commissioner of Police, Ahmedabad City till 10th May, 2002 and that it is incorrect to say that 1000 people lost their lives in Ahmedabad City during the riots of 2002. Shri Pande has given the actual number of deaths between 28-02-2002 to 30-04-2002 as 442, of which 113 were Hindus and 329 Muslims. These figures included over 100 dead in police firing and over 33 in private firing. Shri Pande has further stated that during this period 780 criminal cases were registered and 2862 persons arrested of whom 1755 were Hindus and in police firing on 28-02-2002, 17 persons died of whom 11 persons were Hindus. Shri Pande has also stated that all offences committed were duly and properly registered including by sending police officers to relief camps and therefore, no important crime remained unregistered and that over 2800 persons were arrested for various offences registered during the riots. Shri Pande had filed an affidavit before Nanavati-Shah Commission and also appeared before the Commission and subjected himself to cross examination. He has further stated that it is incorrect to allege that he did not reveal basic facts about 2002 riots in his affidavit or cross examination. According to Shri Pande, the allegation that he favoured Hindu communal elements in registration of cases, arrest, prosecution etc. and thus the Supreme Court ordered a review of 2000 odd riot cases is preposterous and vague and had been maliciously made against him. As regards the review of 2000 odd cases ordered by the Supreme Court, Shri Pande has added that a quarterly progress report was being submitted to the Hon'ble Supreme Court of India and also placed on the website created for the purpose and that the progress reports submitted to the Supreme Court had never

been adversely commented upon and were accepted. Shri Pande has further added that the review of 2000 odd cases by the Supreme Court included 349 cases pertaining to Ahmedabad City and after sustained investigation only 4/5 cases were charge sheeted in the Court. In view of the aforesaid position the connected allegations are not established.

As regards the allegations levelled by Smt. Jakia Nasim against Shri P.C. Pande, the same are not only vague but have not been substantiated from the evidence collected during investigation.

A-30: Shri K. Srinivas, formerly Collector, Ahmedabad City.

Shri K. Srinivas has stated that during 9th June 2000 to 4th October, 2002, he remained posted as Collector & District Magistrate, Ahmedabad. He has further stated that the news about the burning of a coach of Sabarmati Express near Godhra railway station was received by him around 1230 hrs on 27-2-2002, when the monthly meeting of the Revenue Officers of the district was going on and that since, most of the Revenue Officers happened to be Executive Magistrates and Sub Divisional Magistrates of their area; he gave instructions to them to get back to their HQ's, take necessary precautions and be alert to avoid any untoward incident. He has futher stated that thereafter, an information was received from the Govt. that the Sabarmati Express involved in the Godhra incident would be reaching Ahmedabad some time in the evening and that all necessary bandobast be made. Accordingly, one of his Deputy Collectors was asked to go to the Maninagar Railway Station and he personally went to Ahmedabad main railway station at Kalupur. At the railway station they got in touch with the railway authorities as well as the GRP and made arrangements for food/refreshment/water and medical team to provide assistance to the passengers, if required. They also made arrangements for the transportation of the passengers to their respective places including for those who wanted to go out side Ahmedabad.

According to Shri Srinivas, the train arrived some time in the evening and the passengers were safely transported to their respective places and as per his recollection, 27-2-2002 passed of peacefully and there were no major incidents. As per Shri Srinivas, it was sometime late in the evening that an information was received from Collector, Panchmahal Mrs. Jayanti Ravi that the dead bodies of the kar-sevaks and others who died in the Godhra carnage would be sent by road to Ahmedabad and thereafter, he was regularly in touch with her over phone and that the dead bodies were received by the Hospital and Police authorities in Sola Civil Hospital, Ahmedabad between 0300 hrs to 0400 hrs on 28-2-2002. He has also stated that he had remained present at Sola Hospital till about 0630 hrs or 0700 hrs on 28-2-2002, and that the dead bodies claimed by their relations were got identified by the hospital and police authorities and handed over to them.

He has further stated that late in the evening of 28-02-2002, he received an information that Army was being requisitioned and so he rushed back to Ahmedabad to make arrangements for the Executive Magistrates, mobile phones, jeeps, buses and other necessary equipments so that the Army could carry out a flag march on the next day i.e. 1-3-2002. According to Shri Srinivas, a flag march was carried out by the Army on 1-3-2002 in Ahmedabad city and since, he was responsible for the maintenance of Law & Order in the Rural areas of Ahmedabad city, adequate arrangements had been made and apart from a few sporadic incidents Ahmedabad Rural was by and large peaceful.

Shri Srinivas has further stated that his successor Mrs. D. Thara had filed an affidavit before the Nanavati Commission on the basis of records available in the Collectorate. After going through the affidavit, he has stated that altogether 469 persons lost their lives during the communal riots in Ahmedabad district, out of which 409 pertain to the City Taluka alone which was primarily within the Law & Order jurisdiction of Commissioner of Police and that the number of deaths that had taken place in the

Ahmedabad Rural areas were much less as compared to the City area. Further, a total number of 1376 individuals suffered injuries during the riots in Ahmedabad district out of which Ahmedabad City Taluka alone accounted for 1327.

Shri Srinivas has further stated that the function of providing relief to those who suffered loss of property, of life, injury and employment within the jurisdiction of Ahmedabad District, was the responsibility of the Collectorate of Ahmedabad. As a District Collector, he discharged this duty to the best of his ability in an efficient, impartial and sympathetic manner and the extent of relief and the manner of providing relief was governed by various orders of the State Govt., which were implemented in a professional and efficient manner with an objective of providing maximum relief to the affected people as quickly as possible.

Shri Srinivas has also stated that in the immediate aftermath of the ongoing riots to provide emergency relief, he got in touch with the nearby Mother Dairy, Gandhinagar so that milk supplies could be made available to the civilian population. Accordingly, milk tankers and large quantities of subsidized potatoes and onions were distributed in the affected areas under police escort on 2/3-2-2002. He has further stated that during the long period of disturbances, a large number of people were dislocated from their homes. Hence, relief camps were opened to accommodate them. According to Shri Srinivas, as early as 1-3-2002, 40 relief camps were opened on a war footing and thereafter, when the numbers of people who were displaced started increasing, more relief camps were opened and altogether 77 camps were operative. In these camps, full provisions were made for providing food, water, sanitation & medical facilities and the officers of the rank of Deputy Collector were appointed as Liaison Officer and each camp had an officer of the rank of Dy. Mamalatdar as a camp officer. All these relief camps were personally visited and supervised frequently by him and the complaints made by the occupants if any, were looked into immediately. He has also stated that when the camps were

opened, he got made 27192 kits comprising of clothes for the occupants of the camps, out of the material that was available with them from the earthquake relief stock and these were distributed in 23 camps.

Shri Srinivas has further stated that altogether, 71744 persons were provided relief in the camps between 1-3-2002 to 31-12-2002 and these camps were provided Government Assistance in the form of essential commodities such as wheat, rice, dal, oil, milk powder, sugar, onions, potatoes, tea, turmeric powder, salt, toothpastes and soaps for a total amount of Rs. 6,89,57,547.50. Further, in addition to meet the miscellaneous expenses towards vegetables, masalas etc. Govt. assistance of Rs. 4,10,08,042/- (at the rate of Rs.5 per head till 31-3-2002 and thereafter, at the rate of Rs. 7 per head per day was provided to each occupant) was disbursed. Also, as per the scheme of relief, each camp was run by a registered NGO who were the delivery points of all Govt. aid for the purpose of the camps.

Shri Srinivas has further stated that when the disturbances showed downward trend, Government by its order formulated a scheme for those who wanted to voluntarily leave the camp and go back to their homes. Further, in the implementation of the scheme Rs. 4,24,44,334/- were disbursed by providing essential commodities and others as a part of the scheme.

According to Shri Srinivas, in the case of assistance for partial or total loss of house, Govt. orders contained in Revenue Department GR dated 20-3-2002 and others were implemented effectively and impartially, and after carrying out detailed survey and assessment of damage, compensation was paid. Further, to carry out this huge task, Dy. Collectors were pressed into service with designated jurisdiction and they had large numbers of survey teams made available to them. Also, each survey team consisted of one Dy. Mamalatdar, one technical officer and the local Talati (Patwari). Shri Srinivas has stated that after detailed survey, a total of 13,723 cases were sanctioned and Rs. 8.53 crore

approximately was disbursed as housing compensation and the quantum of compensation was as per the Relief scheme of the Government.

Shri Srinivas has further stated that in the case of loss of Income Generating Assets, such as cabins, hand carts, etc. Revenue Department GR dated 09-04-2002 governed the same and in order to implement this Dy. Collectors assisted by the survey teams were pressed into service. As per Shri Srinivas, altogether 6171 cases were sanctioned for Rs. 1.79 crore and the quantum of assistance being, again, governed by the Relief scheme of the Government.

Shri Srinivas has further stated that in the case of assistance for loss of household goods as per the scheme contained in Revenue Department GR dated 05-03-2002 and 22-05-2002, for loss of household articles 24079 cases were sanctioned and Rs.5.72 crore approximately were released. Further, in the case of death compensation, Revenue Department GR dated 09-03-2002 specified Rs.1.5 lac as compensation. Accordingly, 469 cases of death compensation were sanctioned and Rs.7.03 crore were disbursed. In addition, Shri Srinivas while acting as Chairman of the District level Committee set up to identify next of kin for Missing Persons, 110 cases were sanctioned and Rs. 1.51 crore was disbursed and in the case of compensation on injuries altogether 1376 cases were sanctioned and Rs. 1.38 crore was disbursed as assistance.

Shri Srinivas has concluded that all the relevant orders of Govt. for providing assistance for various types of sufferings of the affected persons during the riots were implemented diligently, impartially and sympathetically with a view to maximizing the reach of relief to the suffering people. He has denied that he was a part "of overall, hierarchically dictated criminal conspiracy that strikes at the very root of constitutional governance" as alleged against him. He has further denied that no affidavit was filed before the Nanavati Commission,inasmuch as a detailed affidavit was filed by

his successor Smt. D. Thara on 30-9-2004 before Nanavati-Shah Commission. He has also denied the allegation that adequate relief operations were not carried out in the Ahmedabad District.

In view of the explanation given by Shri Srinivas, the allegations levelled by Smt. Jakia Nasim against him are not substantiated.

A-31: Shri P.K. Mishra, formerly Principal Secretary to Chief Minister, Govt. of Gujarat.

Shri P.K. Mishra has stated that the allegation against him that he had been given foreign trips by the Govt. as CEO, Gujarat State Disaster Management Authority (GSDMA) as a favour for being a total collaborator of CM in his alleged anti minority drive was totally absurd and ridiculous. He has admitted that undoubtedly, he made some visits abroad, but most of it were as a part of Govt. of India delegations. He has further stated that one of these visits was to receive the United Nations Award, because of the reconstruction work of GSDMA, was rated outstanding by the United Nations. He has claimed that all these foreign visits were on account of Disaster Management work, which had been widely acclaimed nationally and internationally. He has also stated that while he was on Central deputation, he had been invited to several international conferences, because of his successful work and expertise on the subject. He has claimed to have written a book on the experience of the Gujarat earth quake reconstruction. Apart from that he had also been invited to international conferences on agriculture insurance, in which he had obtained his Ph.D. degree and also written two books. In view of the explanation offered by Shri Mishra, the allegation is not established.

As regards the entries made by Shri R.B. Sreekumar in his diary/register, Shri Mishra has stated that he never held any formal/informal meeting with Shri R.B. Sreekumar, the then Addl. DG (Int.). He has further stated that the entries made by Shri Sreekumar in his so called diary/register maintained by him, had no basis. As regards the enquiries regarding Late Haren Pandya

and his mobile phone records, Shri Mishra has stated that he does not recollect anything about it, but has stated that no phone call details of Late Haren Pandya were made available to him by either Shri Sreekumar or Shri O.P. Mathur. According to Shri Mishra, Shri Sreekumar has claimed to have maintained the said register of his own, which has no authenticity and had been circulated for the first time after the latter, was denied promotion and as such he would not like to comment upon the register, which has no basis or authenticity. In view of this the claims made by Shri Sreekumar against Shri Mishra are not established.

As regards the allegations levelled by Smt. Jakia Nasim that he had participated in the meeting, in which alleged illegal instructions were given by CM, Shri P.K. Mishra has stated that in the meetings attended by him, no illegal instructions were given by Shri Narendra Modi. As regards the allegation of not filing any affidavit before the Nanavati-Shah Commission, Shri Mishra has stated that he did not have any personal knowledge about the various incidents that took place after the Godhra carnage and as such he was not required to file any affidavit nor was he called by the Commission for his deposition/cross examination. Shri Mishra has also stated that he did not give any illegal verbal instructions to any of the Govt. functionaries. In view of this the allegations levelled against Shri P.K. Mishra are not only vague but the same are not established from the evidence collected during investigation.

A-32: Shri Kuldeep Sharma, the then IGP, Ahmedabad Rural Range, Gujarat.

Shri Kuldeep Sharma has stated that though on one hand it has been alleged that he had been rewarded for facilitating riots in the rural areas of Ahmedabad Range as in charge IGP, yet on the other hand, it has been stated in the complaint made by Smt. Jakia Nasim, that in July, 2005 he was shifted to the post of Addl. DG (Training) as he did not agree to book Mallika Sarabhai in a false case and also did not oblige to save Shri Prabhatsinh

Chauhan, a Minister in Modi cabinet, who was involved in a case of criminal misappropriation. According to Shri Sharma, both these averments are contradictory. Shri Kuldeep Sharma has stated that these averments only go to prove the neutrality and impartiality of his action in the discharge of his duties and that he has nothing further to say in the matter.

Shri Kuldeep Sharma has further stated that in the book entitled "Crime Against Humanity" Volume-I (page 185) published by Concerned Citizens Tribunal- Gujarat 2002, it has been mentioned that one Shri S. Mansuri, a witness and others from Mehmadabad had stated before the tribunal that tremendous pressure was put on the police and Revenue Department to let the mobs do their work unhampered, but he and others were full of praise for DIG (IGP Ahmedabad Rural Range) Shri Kuldeep Sharma, who resisted the pressure. Further, in another English monthly titled as "Communalism Combat" for March-April, 2002 of which Shri Javed Anand and Ms. Teesta Setalvad are the editors, it has been mentioned again that Shri Shafibhai Mansuri, Ex-President of the Municipal Corporation that the DIG of Memdabad Range Shri Kuldeep Sharma reached within an hour of the incident. This documentary evidence contradicts the allegation that Shri Sharma had been rewarded for facilitating the riots in the rural areas of Ahmedabad Range. As regards allegation relating to not filing an affidavit before Nanavati-Shah Commission, Shri Sharma has explained that since, the SsP in charge of the Districts were to file affidavits in addition to the affidavits being filed by the police station in charge and the SDPO, it was not considered necessary to file an affidavit by the Range IGP. In view of the aforesaid facts, the allegations levelled against Shri Kuldeep Sharma are not established.

Shri Kuldeep Sharma has further stated that shortly after the Zinjar (Mehmdabad) incident referred to above, he had received a call from his younger brother, Shri Pradeep Sharma, IAS, stating that he had been informed over telephone by Shri Arvind Sharma,

IAS, the Secretary to Chief Minister, Narendra Modi to convey to him that he was acting too strongly and that he needed to exercise restraint. Shri Sharma has further stated that he did not take notice of such calls and his subsequent actions endorse the same.

Shri Pradeep Sharma, younger brother of Shri Kuldeep Sharma has stated that Shri Arvind Sharma IAS, Secretary to Chief Minister had rung him up sometime in the first week of March, 2002 on his official mobile no. 98250 50666 and had spoken to him in Hindi that *"Pradip, mein Arvind Sharma bol raha hu, mein CM sahab ke chamber se bol raha hu, CM sahab samne bethe hai. Jara Kuldip (my elder brother) ko bolna, ki jyada proactive hone ki jarurat nahi hai, Muslims ko protection dene ki jarurat nahi hai. Jo ho raha hai, woh hone de".* He has further stated that he does not recall his reply to him at this stage. However, the very next moment, he called up his elder brother Shri Kuldeep Sharma IPS, who was then posted as IGP, Ahmedabad Rural Range on his official mobile phone and narrated the conversation held with Shri Arvind Sharma to him, to which his brother replied something that "I am a Police Officer in uniform, saving lives and properties of people is my duty and that is exactly what I am doing".

Shri Arvind Sharma has stated that he was on leave and away to Uttar Pradesh in connection with his sister's marriage with effect from 19-02-2002 to 06-03-2002, which was subsequently reduced by a day to 05-03-2002. He has further stated that he had resumed duties on 06-03-2002. He has denied to have rung up Shri Pradip Sharma in the first week of March, 2002 and asked him to tell his elder brother Shri Kuldeep Sharma, the then IGP, Ahmedabad Rural Range not to be proactive that there was no need to give protection to the Muslims and that whatever was going on should be allowed to go on. He has also stated that he was not dealing with the affairs of the Police and the same were being dealt with by Shri Anil Mukim, the then Addl. PS to CM. He has categorically denied that he spoke to Shri Pradip Sharma in

connection with some incident that had taken place at Zinger somewhere in Kheda District on 03-03-2002 and asked him to convey to his elder brother Shri Kuldeep Sharma, the then IGP, Ahmedabad Rural Range to exercise some restraint and that he should not act too strongly.

There are material omissions and improvements in the statements made by Shri Kuldeep Sharma and Shri Pradeep Sharma. The vary fact that Shri Arvind Sharma was on leave till 05.03.2002, resumed duties on 06.03.2002 and the Zinger incident took place on 03.03.2002, would go to show that Shri Arvind Sharma could not have spoken to Shri Pradeep Sharma till 05.03.2002. Further, Shri Kuldeep Sharma has since been charge-sheeted departmentally and has not been promoted, despite being the senior most officer in the IPS cadre of the Gujarat State. On the other hand a number of criminal cases had been registered against Shri Pradeep Sharma and he remained in jail in 2010 for about 8 months and at present he is in judicial custody in some case since 14.02.2011. In view of these facts both Sharma brothers have an axe to grind against the State Govt. and as such their testimony is not trustworthy. There is no independent evidence to establish this allegation.

A-33: Shri M.K. Tandon, formerly Joint CP, Sector-II, Ahmedabad City.

The role played by Shri M.K. Tandon has already been discussed in great detail under the head "ALLEGATION NO-VII" and does not need any repetition. It is reiterated that no criminal case is made out against him.

A-34: Shri K. Nityanandam, formerly Secretary, Home Department, Govt. of Gujarat.

Shri K. Nityanandam has stated that during December, 1998 to February, 2005, he remained posted as Secretary in the Home Department. He has admitted to have attended a Law & Order review meeting held on 27-02-2002 at about 2300 hrs, at CM's residence at the instance of Shri Ashok Narayan, the then ACS

(Home). According to Shri Nityanandam, Smt. Swarna Kanta Verma, Shri Ashok Narayan, Shri K. Chakravarthi and Shri P.C. Pande also attended the said meeting, but as per his recollection Shri G.C. Raiger was not present in the said meeting. He has categorically stated that Shri Sanjiv Bhatt, the then DCI (S) was not present in the said meeting. He has further stated that as far as he recollects, none of the Cabinet colleagues of Chief Minister attended the said meeting, which lasted for 30 to 45 minutes. Shri Nityanandam has also stated that law & order situation prevalent in the State pursuant to Godhra incident was discussed. As per Shri Nityanandam, Shri K. Chakravarthi, DGP had briefed them about certain incidents affecting law & order situation pursuant to the Godhra carnage. Shri Nityanandam has further stated that the law & order situation in the forth coming days especially in the light of bandh call and the strategy to tackle the same was also discussed. However, he has denied recollection about individual views expressed by the participants to the said meetings. Shri Nityanandam has also stated that CM listened to all of them and instructed that the law & order situation should be handled professionally. Shri Nityanandam has denied to have contributed anything to the said meeting as Law & Order was not his subject. He has denied that any illegal instructions were given by CM. He has further denied to have filed any affidavit before the Nanavati Commission, as he was not required to do so. In view of the aforesaid facts and there being no evidence against Shri Nityanandam, the allegations against him are not established.

A-35: Shri Rakesh Asthana, formerly IGP, Vadodara Range.

Shri Rakesh Asthana has stated that he remained on Central Deputation from 04-05-1992 to 31-01-1992. He has further stated that he remained on leave for about two months thereafter and reported for duty in Gujarat on 04-04-2002 and was posted as DIG, CID (Crime & Railways) on 09-04-2002.

He has further stated that he took over the supervision of Godhra carnage case and was promoted as IGP on 25-04-2003

and posted as Spl. IGP, Vadodara Range, where he joined on 28-04-2003.

As regards the allegation levelled by Smt. Jakia Nasim, Shri Asthana has denied the allegation that he was the Chief of Vadodara Range in 2002, when the mass arson took place and stated that he was posted as Spl. IGP, Vadodara Range only after the riots i.e. with effect from 28.04.2003. He has further stated that he did not file any affidavit before Nanavati-Shah Commission as he was not posted in Gujarat State during the communal riots. He has also stated that he was not summoned by the Nanavati-Shah Commission, as he was not posted in Gujarat at the time of riots. He has denied the other allegations and the same being vague, are therefore, not established.

A-36: Shri A.K. Sharma, formerly SP, Mehsana District.

Shri A.K. Sharma has stated that during the period 29-12-2001 to 26-03-2002, he remained posted as DCP, Rajkot City. He has further stated that pursuant to the Godhra carnage on 27-02-2002, the riots had erupted in Rajkot City on 28-02-2002, as a repercussion to the said incident. He has also stated that during the period 25-02-2002 to 01-03-2002, he was on medical leave and had been recalled from leave and reported from duty on 02-03-2002. He has further stated that four columns of Army were deployed during 1600 hrs to 2400 hrs in addition to curfew enforcement in city area. According to Shri Sharma, some stray incidents were reported in Rajkot area on 03-03-2002, but it was by and large peaceful and as such curfew was relaxed between 1000 hrs to 1500 hrs. He has also stated that 04-03-2002 & 05-03-2002, the city remained peaceful, but as a precautionary measure a curfew was continued between 0000 hrs to 0600 hrs, but completely lifted from 05-03-2002 at 0600 hrs. He has also stated to have conducted the peace committee meetings from 02-03-2002 to 05-03-2002 in the different parts of Rajkot city, in which Hindus and Muslims participated and were persuaded to maintain

the communal harmony. Thereafter, Rajkot City remained peaceful.

He has further stated that he was transferred to Mehsana and took charge on 27-03-2002. He has stated to have made police bandobast at Mehsana for the Holi festival to be celebrated on 29-03-2002. He has given the detailed account of the riots and arson incidents reported from Kadi town and other areas on 29-03-2002, 30-03-2002, 31-03-2002, 01-04-2002, 02-04-2002, 3-04-2002, 06-04-2002 & 21-04-2002. He has further stated that during 27-03-2002 to 29-05-2002, 80 rounds and 142 teargas cells were fired by the police and in all 4 persons (3 Muslims & 1 Hindu) died.

He has denied the allegations levelled by Smt. Jakia Nasim that ghastly mass carnage took place in Mehsana district during his tenure, inasmuch as only 4 deaths were reported. He has further denied that there was an utter collapse of constitutional governance inasmuch as the situation had been brought under control by adopting preventive measures. He has also denied the allegation that he did not depose before the commission inasmuch as he was examined and cross examined by the Commission on 30-12-2004, and had filed separate affidavits for his tenure in Rajkot City and Mehsana. In view of the explanation given by Shri A.K. Sharma, the allegations levelled against him are not established.

A-37: Shri G.C. Murmu, Secretary (L&O), Home Department, Govt. of Gujarat.

Shri G.C. Murmu has stated that he had joined as Secretary (Law & Order) in Home Department on 16.07.2004, and used to look after a small cell for complying with the directions and the requirements relating to the court cases, which was a part of his training abroad to facilitate the preparation of his dissertation. He has further stated that durlng the course of hearing some of the Govt. officials, who had filed affidavits, were summoned for their deposition/cross examination. According to Shri Murmu, some of the Govt. officials summoned used to meet the Advocates

concerned for briefing and he used to be present along with the Govt. records for their reference. He has admitted to have attended a conference with Shri R.B. Sreekumar and Shri Arvind Pandya, Govt. Advocate to the Nanavati-Shah Commission on 25-08-2004, in GNFC guest house, Paldi, Ahmedabad City along with the records. As per Shri Murmu, Shri R.B. Sreekumar was briefed by Shri Pandya about the modalities for his deposition. He has further stated that since Shri Pandya was not good at English and Shri R.B. Sreekumar was not very good at Gujarati communication problems arose and he intervened sometime to translate from Gujarati to English and vice versa. He has denied to have tutored Shri Sreekumar to follow a particular line. He has further denied his role in this conference or otherwise Shri Sreekumar must have complained against him to the higher authorities about the alleged tutoring. Shri Murmu has further stated that Shri Sreekumar never disclosed these facts before the Commission, when he appeared before the Commission on 31-08-2004. Shri Murmu has also pointed out that even in the second affidavit on 06-10-2004, he did not disclose that he had been pressurised/tutored to depose before the Commission in a particular manner. Shri Murmu has further stated that he came to know that Shri R.B. Sreekumar had clandestinely recorded the conversation held during the conference without his knowledge as well as that of the Advocate, when Shri Sreekumar made a reference to the said conversation in his third affidavit filed before the Commission on 09-04-2005 and enclosed a transcript thereof. Shri Murmu has clarified that he had not been asked by anyone to brief Shri Sreekumar or any other witness appearing before the Commission. He has further stated that it was a general practice for the Govt. Advocates to brief them at their request so that they could appropriately depose/answer the questions in the cross examination. As per Shri Murmu, the conference had been arranged with the Advocate as Shri Sreekumar indicated his interest to meet the Advocate before his cross examination by the Commission. Shri Murmu has alleged that the authenticity of the CD had not been established

and there was every chance for Shri Sreekumar for tampering with the same as it remained in his (Shri Sreekumar) possession for a very long time. He has disputed the genuineness of the CD and has stated that the alleged transcript made out of this CD had also not been authenticated and therefore, he was not in a position to comment upon the same.

It may be mentioned here that initially both, Shri Murmu and Shri Pandya briefed Shri Sreekumar about the modalities for his examination and advised him about the do's and don'ts. Rest of the conversation is totally absurd, confusing and does not make any sense. However, Shri R.B. Sreekumar has given his own views, drawn his own conclusions, filled in the gaps on assumptions and presumptions and has interpreted the things to support his version that he was pressurised, threatened, given illegal directions, intimidated to avoid revealing the truth to harm the Govt. interests and to conceal the facts from the Commission. Shri Sreekumar in his statement has given his own comments, observations, conclusions and has also appreciated his statement in his own manner, which shows that he is not a genuine witness and that he wanted to influence the Inquiry. Surprisingly, Shri Sreekumar did not reveal these facts before the Nanavati-Shah Commission of Inquiry, when he appeared on 31-07-2004, for his cross examination. Obviously, Shri R.B. Sreekumar had kept it secret with a view to use the same as and when the need arose. He did not reveal these facts even in his second affidavit filed on 06-10-2004. Shri R.B. Sreekumar was superseded in his promotion to the rank of DG on 23-02-2005, when his junior Shri K.R. Kaushik, an IPS officer of 1972 batch was promoted. It was only on 09-04-2005, that Shri R.B. Sreekumar suo-moto filed his third affidavit before Nanavati-Shah Commission, when he enclosed the transcript of the recordings of the conversations with Shri G.C. Murmu and Shri Arvind Pandya. All these facts would go to show that Shri R.B. Sreekumar had anticipated these events and with a view to embarrass the Govt., he had recorded these conversations clandestinely and used the same when he was

superseded in promotion. This would prove that actions on the part of Shri Sreekumar were motivated with a view to embarass the Govt. after his supersession in promotion. In all the three affidavits filed on 06-10-2004, 09-04-2005 & 27-10-2005 before the Commission, Shri R.B. Sreekumar had made a request to be summoned before the Commission and remedial measures ordered as early as possible so that he was not harassed by the Govt. However, the Commission did not accede to his request.

In view of the aforesaid facts and evidence, the allegation is not established.

A-38: Shri Shivanand Jha, formerly Addl. CP, Sector-I, Ahmedabad City.

Shri Shivanand Jha was Additional Commissioner of Police, Sector-I, Ahmedabad during the period 25-09-1999 to 09-04-2002. Smt. Jakia Naseem, the complainant, had raised several issues and accused Shri Shivanand Jha of inaction. During his examination, Shri Jha accounted for almost all that he did during the relevant period, viz.,27-02-2002 till 07-04-2002 supported by documentary evidence.

On 27-02-2002, Shri Jha received the information relating to the burning of the railway coach near Godhra Railway Station at 0839 hrs and the message was passed on immediately to all Police Inspectors to remain present and alert. At 0911 hrs, he collected information about the location of each police officer. Again at 0951 hrs, he informed all the Assistant Commissioners of Police and Deputy Commissioners of Police to remain present and alert in the respective areas under their jurisdiction and to take all necessary action to maintain law and order. Later on, when he received information that the ill-fated Sabarmati Express was to arrive in Ahmedabad sometime late in the afternoon, instructions were passed on to the Dy.Ss.P and PI of Railway police at 1225 hrs to take necessary steps so as to avoid any untoward incident after the train had arrived at Ahmedabad Railway Station. Though the Railway station did not fall within his jurisdiction of Shri

Shivanand Jha, this step was taken as a precautionary measure to avoid any untoward incident in the adjoining area of Kalupur, which was communally sensitive and any incident in that area would have had far reaching repercussions. At about 1230 hrs, again messages were flashed by Shri Jha to all the Police stations to go for intensive patrolling, so that any untoward incident could be avoided. At about 1245 hrs another message was sent by Shri Jha that vehicles be requisitioned and wireless sets be installed on all the requisitioned vehicles and that no vehicle should be plied without wireless sets. At about 1300 hrs PI Sola Police Station, IInd PI Satellite Police station and IInd PI of Haveli Police station were asked to report to DCP Zone-III and deputed to make necessary bandobast under the jurisdiction of Kalupur police station and PSI Sola Police station was asked to remain present at the police station. Again, at 1410 hrs., Shri Jha informed the PIs of Kalupur, Karanj, Shahpur and Madhupura police stations to deploy adequate bandobast at sensitive points. He learnt that some of the persons of Vijay Mill area had received burn injuries in the Godhra carnage, and as such, PI Shaherkotda was alerted at 1430 hrs to maintain adequate bandobast in the Vijay Mill area, Naroda Road to avoid any untoward incident. At about 1530 hrs a message was sent by Shri Jha to DCP Zone-III and ACP 'E' Division to remain present at Ahmedabad Railway station for bandobast. Sabarmati Express arrived at Ahmedabad Railway station at 1645 hrs and Shri Jha personally reached Ahmedabad Railway station at 1650 hrs along with his Striking Force for bandobast as per the entry available in Control Log. Shri Jha personally supervised the bandobast till all the Kar sevaks and the passengers, who had arrived by Sabarmati express left for their respective destinations. As a result of this alertness as well as the bandobast made by Shri Jha no untoward incident took place around Ahmedabad Railway station. However, the patrolling continued. At about 2205 hrs, a message was received by Shri Jha from CP Ahmedabad for stand-to order w.e.f. 0700 hrs on 28-02-2002 and in view of these instructions Shri R. S. Desai, IInd PI Shahpur Police station had

been recalled from leave. In view of the bandh call given by the Vishwa Hindu Parishad and Bajrang Dal on 28-02-2002, instructions were given by Shri Jha for intensive patrolling to prevent any communal riots. Shri Jha has produced the photocopies of 33 wireless messages sent by him on 27-02-2002 and 28-02-2002 through the Control Room to the concerned Police officers in support of his version.

On the night intervening 27/28-02-2002 Shri Shivanand Jha remained present in his office and had attended meetings with CP Ahmedabad and Joint Commissioner of Police, Sector-I till past mid-night when the discussions were held in connection with the emerging situation. Shri Jha's claimed location is corroborated by the call detail records of Government mobile phone No. 98250 48308, which showed his location at Shahibaug till 0117 hours on 28-02-2002.

Again, on 28.02.2002, Shri Jha attended office at about 0800 hrs. This fact is again supported from the location of his Mobile phone, which showed his location at Shahibaug at about 0839 hrs. The Control Log shows that he had received a message at 1030 hours that a mob had gathered in the Satellite area and had set fire to the Millennium Restaurant. Shri Jha left immediately for Satellite area. On the way, he found that a mob had collected at Akhabarnagar Circle, who had obstructed the road by burning tyres and had also deflated the tyres of some of the vehicles. Shri Jha dispersed the mob and 3 Long range and Short range tear gas shells were fired and the mob was dispersed. PI Naranpura was directed by him to remain present at the spot so that the mob did not re-assemble there. The complainant has raised an issue that Shri Jha did not arrest even a single person from the mob. In this connection Shri Jha has explained that he first got the obstacles cleared from the road and then ordered for the firing of tear gas shells, as a result of which the mob got dispersed. Moreover, it is not the duty of the Addl.CP to personally arrest someone. Since, the presence of Shri Jha was urgently required at

Millennium Restaurant, which had been set on fire and a call had been received, it was sufficient for him to give directions to PI Naranpura to remain present over there so that the mob did not re-assemble. There is nothing strange and this is not an inexplicable action on the part of Shri Jha who has further stated that, when he proceeded ahead, he received information that looting of shops was going on near Navrangpura Commerce College Char Rasta and, therefore, he diverted himself to this spot. On reaching the Commerce College Crossing, he found that a mob had assembled there and were engaged in arson/destruction. Immediately tear gas shells were fired under the orders of Shri Jha and the mob was dispersed. An offence in this regard was got registered by him vide FIR No.142/02. After looking into these two incidents Shri Jha realized that there could be several similar mobs assembled all over his jurisdiction and as such he sent a message at 1130 hrs to all the Police officers in his jurisdiction that under no circumstances the mob should be allowed to assemble and that tear gas shelling should be resorted-to as per the requirement of the situation. Shri Jha, thereafter, proceeded to Satellite Police station area. On the way, he found that another mob had assembled near Sankatmochan temple which had set fire to Bhagyoday restaurant and Kabeer Restaurant, he ordered for firing of tear gas shell and the crowd got dispersed. A case vide FIR No.104/2002 was registered under his orders. Thereafter, he reached Judges Bungalow Chowkey and found that a mob had collected there and had set fire to the Millennium Restaurant. Shri Jha ordered firing of 15 electric shells from his Vajra vehicle (armoured bullet-proof lorry) and 7 short range shells on the rioting mob and an offence in this regard was got registered by Shri Jha vide FIR No.102/2002. He again found that the mob was indulging in a looting spree in the adjoining shops, and as such again ordered firing of tear gas shells. Subsequently another FIR was got registered by Shri Jha in Satellite Police station vide FIR No.106/2002. Thereafter, on receipt of information about the assembling of a mob near Municipal Market, CG Road,

Navrangpura, he immediately rushed to the spot and under his orders tear gas shells were fired and the mob dispersed. Later, a case was got registered by Shri Jha in Navrangpura Police station vide FIR No.138/2002. When Shri Jha went ahead, he found the mob indulging in looting and setting fire to the shops near Bodyline Char Rasta on CG Road and again ordered firing of tear gas shells, as a result of which the mob was dispersed. Another FIR No. 135/2002 was registered in Navrangpura Police station in respect of this incident.

Thereafter, Shri Jha received a call over his Mobile phone that a huge mob had gathered at Shahpur Char Rasta and Shahpur Bahai Centre and was indulging in stone pelting, throwing of petrol bottles and gas bottles. He again reached the spot and ordered firing of electric shells and SR shells from his Vajra vehicle. A case in this regard was registered vide CR No.35/2002 in Shahpur Police station. When Shri Jha went ahead, he found another mob comprising Hindus and Muslims armed with deadly weapons indulging in looting spree and he again ordered the firing of tear gas shells after due warning. The mob was dispersed and a case No.39/2002 was got registered in Shahpur police station under the orders of Shri Jha. He still went ahead and found a Muslim- Hindu mob standing opposite to each other indulging in stone pelting and arson. Again tear gas shells were fired under the instructions of Shri Jha and case vided FIR No.40/2002 was registered in Shahpur Police station under his instructions. On receipt of an information that a mob of Muslims and Hindus had gathered at Hajipura garden outside Delhi Gate and was damaging the vehicles, Shri Jha immediately reached the spot and ordered the firing of tear gas shells as a result of which the mob was dispersed and no further loss was caused to the public property. An offence in this regard was registered vide FIR No.60/2002 at Madhupura Police station.

Keeping in view the situation and the communal tension in some of the Police stations of Sector-I, curfew was imposed by the

CP in Shahpur, Karanj, Kalupur, Shaherkotda and Madhupura Police stations at 12.20 hours. Subsequently, the area under Navrangpura police station was put under curfew at 1415 hrs. Curfew was also imposed in the areas under Khadia and Vejalpur police station at 1615 hrs and the same was also got enforced by Shri Jha. In the evening the areas under Sabarmati Police station were also brought under curfew at about 1800 hrs. The complainant has come up with the grievance that Shri Jha did not impose the curfew though he had de-facto powers to impose the curfew. Shri Jha has clarified that the powers to impose curfew were only with CP and DM and that the Addl. CP had no such power. However, the curfew ordered at 1220 hrs was strictly got enforced by him. During his examination, Shri Jha has given a long list of areas of different police stations along with the dates and timings in which the curfew was imposed/ relaxed from time to time.

The call detail records of the mobile phone of Shri Jha show that he did active patrolling till about 1910 hrs on 28-02-2010. Thereafter, he remained present in his office till about past midnight.

Shri Jha has given date and time-wise account of the work done by him on 01-03-2002, 02-03-2002, 03-03-2002, 04-03-2002, 05-03-2002, 06-03-2002, 07-03-2002, 15-03-2002, 17-03-2002, 21-03-2002, 23-03-2002, 24-03-2002, 25-03-2002, 26-03-2002, 27-03-2002, 29-03-2002, 31-03-2002, 01-04-2002, 02-04-2002, 03-04-2002, 04-04-2002 and 05-04-2002.

Shri Jha has further stated that during the period 27-02-2002 to 07-04-2002, 312 communal offences were registered in Sector-I (under the charge of Shri Jha) and 971 persons (805 Hindus and 166 Muslims) were arrested. Further in all, 13 persons (8 Hindus and 5 Muslims) were killed in police firing. Shri Jha has also stated that total number of 52 deaths took place during the riots under his jurisdiction which included 21 Hindus, 29 Muslims, one Police man and one unknown person.

According to Shri Jha, on 05-04-2002, two stabbing incidents were reported at Patwasheri under Karanj police station and a FIR No.70/2002 was registered in Karanj Police station. Instructions were issued by him to the concerned police officers present on the spot to arrest the accused. In compliance to the instructions given by Shri Jha, 76 Muslims had been brought for questioning but were later shifted to Sabarmati police station on account of security reasons. Shri Jha has further stated that at that time, a huge Hindu mob had gathered outside Sabarmati police station and indulged in stone pelting, due to which some policemen were injured. He has also stated that the Hindu mob was demanding that 76 Muslims brought from Karanj police station for questioning should be handed over to them so that justice could be done. Under the instructions of Shri Jha, tear gas shells were fired at the mob to disperse them and ultimately one 303 round was fired and one Hindu was killed. A separate case of rioting was registered vide FIR No.60/2002 in Sabarmati police station and 42 Hindus arrested. Ultimately, all the 76 Muslims brought to Sabarmati police station for interrogation were safely shifted to Gaekwad Haveli Police station. After interrogation, 12 persons were arrested in connection with the stabbing case of Karanj police station, six persons arrested under the preventive sections of Cr.PC and remaining 58 were let off after questioning and safely escorted to their respective places. Consequently, curfew was imposed in the area of Jawaharnagar Police chowkey under Sabarmati police station and patrolling continued throughout the night.

Shri Jha has further stated that on 07-04-2002, Ms. Medha Patkar arrived in Gandhi Ashram, Sabarmati and had called some NGOs for a meeting through an e-mail sent to them. On that day, about 600- 700 BJP activists had assembled outside Gandhi Ashram to protest against her movement. These BJP activists had beaten up and assaulted Ms. Medha Patkar. Shri Jha has further stated that he had deputed Shri V. M. Pargi, the then DCP, Zone-I to control the situation. However, in the meanwhile the Press persons arrived on the spot. In order to control the situation, DCP

Shri Pargi ordered lathi charge, in which some BJP activists and Press persons were badly hurt. Having come to know that the situation had taken an ugly turn, Shri Jha reached the spot immediately and shifted the injured to the hospital. The BJP activists are believed to have lodged a protest with the Government against the actions of Shri Jha as well as Shri Pargi and eventually both of them were transferred and relieved on 09-04-2002. It may be mentioned here that in a book titled as "Crime Against Humanity" Volume-II containing the findings and recommendations of the Concerned Citizens Tribunal (of which Smt. Teesta Setalwad is the Secretary), who had conducted an inquiry into the carnage in Gujarat, it has been mentioned:

> *"After the carnage, several police officers suffered for their upright behaviour in controlling violence and preventing further loss of life. From the evidence placed before the Tribunal these are.....Shri Shivanand Jha and Shri V.M. Pargi, Addl.CP and DCP of Ahmedabad. They were transferred on April 8 and appointed as DIG, Armed Units, Rajkot and Commandant of SRP Gr. VIII, Gondal respectively. Shri Pargi was the officer who beat up the journalists at the Gandhi Ashram on April 8, while Shri Jha admonished him and tried to do his duty".*

Shri Jha has also stated that during 28-02-2002 to 07-04-2002, 312 communal offences were registered in the jurisdiction of Sector-I. Shri Jha was present at the spot and in 17 FIRs his name figured, indicating thereby that he was present at the spot at the time of incident.

Shri Shivanand Jha had also ordered the preventive arrests, immediate arrest of the accused persons in the incidents reported to the police, checking of the vehicles and to put police points at required places to avoid the stabbing incidents. As a result of these instructions, 326 persons were arrested u/s 107/151 Cr.PC, 16 persons were asked to execute bonds u/s 110 Cr.PC, 4 persons arrested u/s 142 of Bombay Police Act, 25 detained under PASA, 54 arrested u/s 135 (1) Bombay Police Act and 131 persons detained for the violation of curfew u/s 188 IPC.

Shri Jha has furnished a copy of 145 letters containing the written instructions issued by him in 270 cases to the concerned Police Inspectors with copies to the concerned ACsP and DCsP. It was impressed upon the concerned PIs that the investigation should be conducted on a priority basis and the concerned accused persons arrested. The Police Inspectors were further instructed to investigate the role played by the co-accused persons and the background of the accused persons ascertained. The Police Inspectors were also instructed to recover the case property looted by the accused persons present in the mob. All the Police Inspectors were instructed to get hold of the photographs taken by the Press with a view to identify the accused persons involved in the riots. It was also emphasized by Shri Jha that wherever the religious places of either communities have been damaged and defiled the possibility of including section of 295 IPC should be considered and that Section 153 should also be applied wherever necessary. The Police Inspectors were also instructed to take the assistance of Finger Print experts of Forensic Science Laboratory, wherever necessary. The instructions given to the Police Inspectors also stated that the assistance of those Police Sub-Inspectors who had been posted to a Police Chowkey for a long time may be taken to identify the accused persons in riot cases. The Instructions also contained the facts that the accused persons arrested in the riot cases be taken on police remand and interrogated. Further instructions were given for the recovery of the weapon of the offence involved in the cases of assault and murder. The concerned Assistant Commissioners of Police and Deputy Commissioners of Police were instructed by Shri Jha to closely supervise the investigation of riot cases. The Police Inspectors were also instructed by Shri Jha to monitor the investigation by going through the case diaries and give suitable guidance for further investigation. The instructions issued by Shri Jha also stated that wherever necessary the identification of the accused persons may be got done from the complainants by conducting a TI parade. This would go to show that Shri Jha kept

a close supervision over the investigation of the riot cases and gave instructions to the Investigating Officers from time to time. The very fact that Shri Jha had issued 145 memos to the Police Inspectors and Investigating Officers in 270 riot cases within a period of about 30 days starting from 04.03.2002 would reflect his judicious outlook and the amount of interest taken by him in the supervision of riot cases. Not only this, he had given some useful points for further investigation also.

During the course of enquiry, 24 Muslims belonging to different areas of Sector-I and 4 Hindus residing in the same jurisdiction have been examined by the SIT. Shri Shakeer Allarakha Mansuri has stated that he was detained at Karanj police station in connection with a stabbing incident and subsequently shifted to Sabarmati police station, which was surrounded by a Hindu mob of 10-15 thousand, who started pelting stones on the police station. According to Shri Mansuri, Shri Jha reached the spot and ordered firing of tear gas shells and lathi charge but the mob could not be controlled and ultimately he had ordered firing due to which the situation could be controlled. Shri Mansuri had also stated that Shri Shivanand Jha did his duty sincerely and impartially and did not discriminate between the Hindus and Muslims. He has also stated that had Shri Jha not arrived there in time, none of them would have been alive today. His version has been corroborated by one Shri Mukhtarahmed Ishaqbhai Sheikh, who had also been detained amongst the 76 persons in Sabarmati police station. Mukhtarahmed had also appeared before Nanavati Commission on 29-07-2003 and had made an identical statement.

Mohmadkasim Shabeerhussein Sheikh has stated that one of his close relations, namely, Jameelahmed Mahmadhussein Sheikh had been detained at Sabarmati police station on 05-04-2002, which was surrounded by a Hindu mob of about 10000 persons that he had telephoned Shri Shivanand Jha, Addl. CP Sector-I and informed him about it. He has further stated that after

Shri Jameel Ahmed was released and reached home, the latter had informed him that Shri Shivanand Jha reached the spot, used force and dispersed the mob. According to S Mohmad Kasim, his relation Jameel Ahmed told him that he was alive only due to the timely action taken by Shri Jha, otherwise he would have been killed by the Hindu mob.

Smt. Jinnatbibi Ahmedbhai Sheikh has stated that on 28-02-2002, a Hindu mob of about 5-10 thousand had assembled near Shahpur Char Rasta police chowkey and they had pelted stones and threw acid bottles on their houses. In view of this situation they had taken shelter in a Masjid where another 80 families had already taken shelter. She has further stated that they tried to contact the police officers but there was no response and ultimately her son Mushtaq residing in Shahpur Bahai Centre telephoned Shri Shivanand Jha in response to which several police officers came and shifted all the families in police vehicles to a relief camp namely Urdu Laali School without caring for the Hindu mob. Smt. Jinnatbibi has also stated that the police officers informed them that they had been sent by Shri Shivanand Jha, Addl. CP. According to Jinnatbibi, their lives could be saved only because of Shri Shivanand Jha. It may be mentioned here that she had appeared before Nanavati Commission on 22-07-2003 and had made an identical statement.

Shri Mohammad Hussein Janmahmmad Memon, a businessman residing in Dalgarwad area under Karanj police station, who had also appeared before Nanavati Commission for his deposition on 29.03.2003 has stated that in a stabbing incident of Karanj police station 76 Muslims were detained by the police for interrogation and later shifted to Sabarmati police station, which was surrounded by a mob of about 7-8 thousand Hindus. According to Shri Mohammadhussein, he tried to contact local police officers but failed and as such telephoned Shri Shivanand Jha, the then Additional CP Sector-I directly. Shri Shivanand Jha had informed Shri Mohammadhussein that he was present at the

spot and had fired to disperse the mob in which one person was killed. Shri Mohammadhussein has stated that Shri Jha was a 'farishta' for them as he had saved 76 lives. The version of Shri Mohammadhussein has been corroborated by nine others namely (1) Rafiqbhai Shaikh (2) Babubhai Sabuwala (3) Farooqbhai Shaikh (4) Irshadali Saiyed (5) Jaffarbhai Shaikh (6) Saiyedahmed Rajbhai (7) Ayazbhai Jafiwala (8) G. P. Chaywala and (9) Desai Abdulrehman Ibrahimbhai before Nanavati Commission by confirming the said deposition of Shri Mohammadhussein. All of them have confirmed their earlier versions given before the Commission. Shri Rafiq Habeeb Memon has stated that Shri Shivanand Jha, Addl. CP Sector-I along with the PIs of Shaherkotda police station were constantly patrolling the areas under Shaherkotda police station as a result of which major incidents were averted and riot affected Muslims were shifted to safer places. He has also stated that it was because of the efforts made by Shri Shivanand Jha and his PIs that the children could appear in the Board examinations held in March 2002. It may be mentioned here that Shri Rafiq Habeeb Memon had also appeared before Nanavati Commission on 31.07.2003 and made an identical statement, which had been confirmed by five persons namely (1) Jashwantsing Visaji Thakore (2) Anwarbhai Allaudin Sheikh (3) Masraji Kanaji Thakore (4) Shakil Bashirbhai Sheikh and (5) Saddikbhai Sattarbhai Ansari.

Shri Rafiq Noorbhai Nagriwala has stated that on 07-03-2002 a stabbing incident of two Muslims had taken place near Chetana Hotel, Kalupur, Ahmedabad as a result of which Muslim mob had assembled there and the situation became tense. Shri Nagriwala has further stated that anticipating trouble he telephoned Shri Shivanand Jha, who reached the spot immediately and gave assurance to the Muslim mob that accused persons will be arrested soon, as a result of which major incident could be averted. He has also narrated an incident in which 16 family members of his relative Shri Mushtaq Ahmed Bapu, who

were surrounded by a mob outside Shahpur Darwaja were saved by Shri Shivanand Jha and shifted to a safer place.

Shri Gulamahmed Gulamali Sheikh has stated that on 01.03.2002, that a Hindu mob had assembled near Zalak flats situated near his house and were about to set fire to these duplex flats. He has further stated that around the same time Shri Shivanand Jha happened to pass that road. The Muslims residing in Zalak flat reported this matter to Shri Jha and requested for protection. Shri Shivanand Jha immediately called for the police force and gave protection to them as a result of which an untoward incident could be averted. He has submitted an affidavit on 15-10-2002, to this effect before the Nanavati Commission of Inquiry in this regard.

Shri Bharatbhai Bhagwandas Makwana r/o Pragati Chowk, Raikhad has stated that there was a communal tension between Hindus and Muslims after the Godhra incident and that there had been loss of property of Hindu community on account of stone pelting and throwing of acid bottles by Muslims. He has stated to have brought it to the notice of Shri Shivanand Jha during patrolling and Shri Jha had deputed his subordinate police officers for intensive patrolling as a result of which there was no loss of life and property thereafter and there was no major untoward incident. Shri Bharatbhai had appeared before the Nanavati Commission on 01-08-2003 and had given identical deposition. His version has been corroborated by Shri Susheer @ Sushil Dahyabhai Patni. He had also appeared before the Nanavati Commission and had confirmed the version of Shri Bharat Bhagvanbhai Makwana on 01-08-2003.

One Shri Mohmmad Shabbir Ahmad Siddiqui, Imam & Khatib, Shahi Jame Masjid, Ahmedabad had written a letter of thanks to Shri Shivanand Jha, in which he had narrated the various incidents during the riots and also about the help extended by the latter. He had narrated an incident of 28-02-2002 at 1400 hrs. when the residence of Faizmohammad society, Paldi,

Ahmedabad had called him to save their lives from the mobs armed with dangerous weapons, to which he had called Shri Jha, who provided them with the police help and a permanent police point for their safety and that this act had been appreciated by the members of the said society. He had further narrated another incident of 15-03-2002, when the historical Jumma masjid at Khadia charrasta had been surrounded by the people of other community and that he had called Shri Jha, who came immediately and established peace in the whole area. He had also narrated the incident of Sabarmati P.S., when Shri Jha saved the lives of 80 innocent persons. Two more incidents of Jamalpur Lati bazaar, where the mob had come to set fire, when Shri Jha came with the fire brigade and stopped the fire and the other one of Khanpur Bhilwas, when Shri Jha saved the lives of several people, when mobs had set fire to their houses and robbed their property had also been described. Shri Mohmmad Shabbir Ahemad Siddiqui could not appear for his examination as he was going to Mecca, Saudi Arabia for Haj pilgrimage. However, he had sent a letter to SIT confirming the contents of his letter dated 17-03-2002 sent to Shri Shivanand Jha, the then Addl. CP, Sector-I, Ahmedabad City.

Several other Muslims had commended the role played by the police officers of Sector-I under the leadership of Shri Shivanand Jha.

It may be mentioned here that in a book in a book entitled – *"Communal Rage in Secular India"* authored by Shri Rafiq Zakaria, the role of Shri Shivanand Jha has been described as under:

> *"Namita Bhandare, a noted novelist, wrote in Hindustan Times, that police officers who had done their jobs honestly were transferred, while the incompetent ones were posted in theirs places; these officers were more interested in pleasing their masters than ensuring peace and normalcy. She cited the case of Shivanand Jha, Joint Commissioner of Police, who had fired at a mob in Sabarmati because it was demanding that some Muslim boys whom the officer had arrested be*

handed over to the mob. He refused. The mob reacted angrily; the officer had to open fire. One Hindu was killed. Two days later, Jha was at Sabarmati Ashram, where another mob was demanding that the well-known social rebel, Medha Patkar be evicted from a peace meeting; he resisted the demand. In the melee that followed, some correspondents and press photographers were burnt (hurt). Shivanand Jha was blamed. A. P. Parghi, the DCP, who had assisted Jha, had to resort to lathi charge to bring the mob under control. The next day Parghi was also transferred. Why? Asked Mrs. Bhandare. They said "justice", but it was because the Hindu mob complained to the authorities against him."

Smt. Jakia Naseem has alleged in her complaint that Shri Jha did not follow the instructions laid down in Gujarat Police Manual and K.V. Joseph's instructions on how to control the communal riots, to which Shri Shivanand Jha has explained that instructions laid down in rules 58 to 60 of Chapter-2 of Gujarat Police Manual, Volume-III relating to maintenance of order has been strictly complied with and the same shall override any other instructions issued through circular. It has further been alleged that Shri Jha did not invoke his de-facto powers to impose the curfew in his jurisdiction, to which Shri Jha has replied that he did not have any such de-facto powers to impose the curfew. Smt. Jakia Naseem has further alleged that several commercial show rooms in the jurisdiction of Sector-I and hotels like Tulsi, Millennium, Abhilasha, Topaz, City Corner, Moti-Manor, Kabir, Decent & Tasty etc. belonging to minority community were looted, burnt and destroyed, but Shri Jha did not impose curfew. In this connection, Shri Jha has given the details of the curfews imposed by him in the different areas under his jurisdiction. He has stated to have personally visited Millennium, City Corner, Tasty and restaurants in his jurisdiction as well as the other properties situated in Navarangpura, Satellite and Ellisbridge P.S. and dispersed the mobs, but hotel Moti-Manor did not come under his jurisdiction. Shri Jha has further explained that, being the seniormost officer present at the spot was vested with the full discretionary powers to assess the situation and then order for firing so that the minimum

force could be used to control the situation. Shri Jha has given the details of the firings ordered by him and has stated that he utilized his discretion to assess the amount of force to be used on the spot in a particular situation to disperse the mob. Regarding the issue raised by Smt. Jakia Naseem that he did not do the preventive arrests of the communal elements in his jurisdiction against the persons who enforced bandh and mob on 28-02-2002. Shri Jha has clarified that preventive action was taken against 7 antisocial elements in his jurisdiction and that CP, Ahmedabad City had issued a notification on 13-02-2002, u/s 37 (3) of Bombay Police Act for the period 17-02-2002 to 28-02-2002. As regards the reply given by Shri Jha, during his cross examination before the Commission that the police could not prevent the mob from setting the property in fire, Shri Jha has elaborated that in Ahmedabad City, there was an acute shortage in the police force and with the limited resources available, they had to control the riots and therefore, it was considered essential to save the lives first and then concentrate on protecting the properties, but the magnitude of the riots was so large that it was not possible to protect each and every property. As regards not getting the mobs videographed, Shri Jha has stated that there was only one videographer in Crime Branch and that no private video grapher could be arranged during the bandh day on 28-02-2002. About the question raised by Smt. Jakia Naseem that the police did not contact any VHP leaders on 27-02-2002 and persuade them to maintain peace Shri Jha has stated that it was a job of the Special Branch to keep in touch with the various parties/organizations of Ahmedabad city and that he was not aware as to whether any such meetings were conducted or not. Regarding the steps taken by Shri Jha to protect the Mosque and shrine, Shri Jha has stated that general instructions were given to the PIs concerned to put points at communally sensitive places, but it was the discretion of the PI concerned to put point on a particular spot, keeping in view the past history and sensitivity of a particular place. According to Shri Jha, as and when it came to his notice, he had instructed to

post police pickets at religious place. Shri Jha has also produced a copy of the wireless message to PI Ellisbridge to put a point on Masjid near Saify Society under Ellisbridge P.S. Further, with reference to the allegation leveled by Smt. Jakia Nasim that Sec. 144 Cr. PC was not imposed on 27-02-2002, Shri Jha has replied that the CP, Ahmedabad City had issued a notification imposing restrictions on the assembly of five or more persons from 17-02-2002 to 28-02-2002, which is identical to the provision of Sec. 144 Cr. PC. About the reasons for the shifting of 76 persons belonging to Muslim community to Sabarmati P.S. in a stabbing case of Patwasheri under Karanj P.S., Ahmedabad, Shri Jha has clarified that after the stabbing incident, he had visited Karanj P.S. and had instructed to round up the suspects and interrogate them in Sabarmati P.S. as there was a tendency in this area from women and families to assemble in the police station and disturb the interrogation. According to Shri Jha for these reasons, the suspects were taken to Sabarmati P.S. and interrogated. During that period, a Hindu mob had gathered outside and he had resorted to firing to disperse the same. In view of this situation, all the 76 persons were subsequently escorted to Karanj P.S. It may thus be seen that all precautions were taken to safeguard lives of 76 Muslims and no innocent person was falsely implicated.

Regarding the allegation relating to not filing a second affidavit as per the directions of the DGP under the amended terms and conditions of Nanavati-Shah Commission of Inquiry, Shri Jha has stated that he did not file a second affidavit as no such material was available with him. He has denied any instructions from any of the senior officers for inaction and to allow the Hindus to give vent to their anger. Shri Jha has explained the various calls received/made from his mobile phone. As regards the call received from Dr. Mayaben Kodnani, MLA at 1655 hrs on 28-02-2002, Shri Jha has stated that as far as he recollected, she had asked him about the situation in his area. According to Shri Jha, Dr. Mayaben Kodnani was known to him since 1997, as she had worked as Deputy Municipal Commissioner (General),

Ahmedabad in the Municipal Corporation. Shri Jha has also stated that on a riot day one was not much concerned, who called him or the number through which the call had been made and as such he was not in a position to identify the same.

It has thus been established that Shri Shivanand Jha remained in the office till late in the night intervening 27/28-02-2002.This fact is supported from the mobile phone location of Shri Jha, Shri Tandon, and Shri Pande. Further, Shri Jha attended office on 28-02-2002 around 0830 hrs. It has further been established from the Control Room log as well as from the copies of the wireless messages that he had given instructions to the DCsP, ACsP and PIs in detail to make bandobast to deal with any situation. He has given his movements in detail, which are supported by the FIRs registered in the respective police stations. He has also given the details of the curfew imposed in areas of different police stations in his jurisdiction. The call details of his mobile phone clearly show that he had been moving about in the city area and thereafter remained present in the office till past midnight on 28-02-2002. Further, the registration of 312 communal offences during 27-02-2002 to 07-04-2002 would itself show that all the offences, which had occurred, were honestly registered. The number of arrested persons i.e. 971, which comprised of 805 of Hindus and 166 Muslims, would further reflect that there was no discrimination between the two communities. Again, the number of deaths due to police firing was 13, which included 8 Hindus and 5 Muslims, would go to show the impartiality of the police. The total number of deaths that took place in Sector-I during the riots were 52, which included 21 Hindus, 29 Muslims, 1 policeman and an unknown person during the period of 39 days i.e. 28-02-2002 to 07-04-2002 when Shri Jha was transferred, which are almost negligible as compare to the Sector-II, Ahmedabad city, where 169 persons died. It would not be out of place to mention here that during a period of 30 days i.e. 04-03-2002 to 04-04-2002, Jha had issued 145 memos in 270 cases to the concerned PIs to investigate riot cases on top priority basis without any fear or

favour. Not only this, Shri Jha had also given some useful instructions for the investigation of these cases. The incident that took place at Sabarmati P.S. on 05-04-2002, resulted in saving the life of 76 Muslims and the death of one Hindu due to police firing shows the independence and professional soundness of Shri Jha. Again on 07-04-2002, when Shri V.M. Pargi, the then DCP, Zone-I beat up the BJP workers and journalists to save Ms. Medha Patkar in Gandhi Aashram, Sabarmati, it was, Shri Jha, who reached the spot and controlled the situation. In all, 51 FIRs were registered in the instance of Shri Jha, as he was present on the spot. However, in 17 FIRs it has been mentioned that Shri Jha was present on the spot when the incidents ocurred. The preventive arrests made by Shri Jha are also quite considerable and it can not be said that he did not take any preventive action.

During the course of enquiries, 28 persons, i.e, 24 Muslims and 4 Hindus were examined, and all of them had a word of praise for Shri Jha. Some of them had filed the affidavits in 2002-03 and even appeared before the Commission and deposed in his favour. This is a matter of record. The transfer of Shri Jha from Sector-I, Ahmedabad was adversely commented upon by the press, who had clearly stated that the transfer was for political reasons. The role played by Shri Jha during the riots had even been appreciated by Ms. Teesta Setalwad in her book entitled as "Crime Against Humanity" and also by Smt. Jakia Nasim, in her complaint, which is under inquiry. Late Rafiq Zakharia in his book entitled as "Communal Rage in Secular India" praised Jha and quoted from an article written by Smt. Namita Bhandare a noted novelist in the Hindustan Times.

The issues raised by Smt. Jakia Nasim in her complaint and the accusations made against Shri Jha have been satisfactorily explained by him. He has even explained the call details of his mobile phone. Shri Jha has also stated that Dr. Maya Kodnani, who was known to him since 1997, had made a call on his mobile

phone at 1655 hrs on 28-02-2002, to enquire about the situation in Sector-I under his jurisdiction.

In view of the aforesaid facts and discussion, it can be inferred that the allegations made against Shri Jha are without any basis and not established.

A-39: Shri D.H. Brahmbhatt, formerly Collector, Panchamahals District, Gujarat.

Shri D.H. Brahmbhatt formerly Collector & District Magistrate, Panchmahals District has stated that he remained posted as Collector, Godhra with effect from 11-12-2003 to March, 2007. He has further stated that some graves relating to CR No. 11/2002 of Khanpur P.S. registered on 01-03-2002, under Lunawada division were dug up on 27-12-2005, and the mortal remains of the deceased persons taken by the CBI officers to the Centre for DNA Fingerprinting and Diagnostics (CDFD), Hyderabad for matching and conducting DNA tests under the orders of Gujarat High Court. He has further stated that he was not posted as Collector, Panchmahals District, when the offence took place and had given all cooperation to the CBI officers as per the orders of the Gujarat High Court. He has denied the allegations levelled by Smt. Jakia Nasim and stated that the allegations are vague, false and without any basis.

Keeping in view the explanation given by Shri D.H. Brahmbhatt that he was not posted as Collector, Panchmahals at the time when the offence took place and that he had given all cooperation to the CBI officers in digging of graves and sending the mortal remains for DNA tests as per the orders of Gujarat High Court, the allegations are not established.

A-40: Shri Deepak Swaroop, formerly Spl. IGP, Vadodara Range, Gujarat.

Shri Deepak Swaroop has stated that he remained posted as IGP, Vadodara Range during the period 2001 to April 2003 and that the Vadodara Range consists of Vadodara Rural, Godhra, Dahod and Narmada Districts. Shri Deepak Swaroop has further

stated that on the night intervening 2/3-03-2002 following large scale violence and arson, three convoys led by SP, Dahod, Dy.SP Limkheda and PI, LCB comprising of 6,5, and 2 vehicles respectively were formed and 2000 Muslims were shifted to Dungarwada in Banswada District of Rajasthan State. Further, on the same night following large scale attack on Fatehpura P.S. in Dahod District, where 1500 Muslims had taken shelter during the last two days, they were shifted in a convoy led by Dy.SP Limkheda to Muslim dominated areas of Galiyakot and Salopad in Banswada District of Rajasthan. Also, on the same night 20 Hindus were shifted from Randikpur in Dahod District to Limkheda. Shri Deepak Swaroop has further stated that his mobile no. 9825049187 had become very well known amongst the general public and he had received calls from Calcutta, Jaipur, Mumbai in addition to Dahod, Godhra, Devgadh Baria, Chota Udaipur etc. which were responded to promptly. Shri Deepak Swaroop has narrated an incident of prolonged police encounter with the tribals at Orson River Bridge, the only entry point to Bodeli town, in which two Hindu tribals were shot dead and Bodeli town could be saved. Shri Deepak Swaroop has denied any inaction or involvement of any policeman in the range during the riots in which 13 Hindus and 10 Muslims were killed in the effective police firing. Subsequently, he was transferred from Spl. IGP, Vadodara Range in April, 2003 and posted as IGP (Int.). Further, on his promotion, he remained posted as Addl. DG (Law & Order) till February, 2005, when he was transferred as Commissioner of Police, Baroda City.

As regards the allegations levelled by Smt. Jakia Nasim that Shri Deepak Swaroop did not depose before the Nanavati-Shah Commission, Shri Swaroop clarified that he was summoned by the Commission and deposed on 22-10-2005 and 29-10-2005 and has produced a copy of his deposition. Shri Deepak Swaroop has denied that he was responsible for further subversion of evidence during the Best Bakery retrial and has stated that there had not been any adverse comments against him by any of the Courts. Shri Deepak Swaroop has also stated that the learned judge Shri

Abhay Thipsay had adversely commented upon the inquiry conducted by Shri K. Kumaraswamy, the then Jt. CP, Baroda City in September/Oct., 2003, when he (Shri Swaroop) was not posted as Commissioner of Police, Baroda City.

In the light of the aforesaid facts and discussions the allegations against Shri Deepak Swaroop are not established.

A-41: Shri S.K. Sinha, formerly CP, Baroda City, Gujarat.

Shri S.K. Sinha has stated that the allegation is absolutely false, absurd and without any basis. He has further stated that Ms. Zahira Shiekh was under the protection and custodianship of Ms. Teesta Setalvad and that her whereabouts had been kept secret for security reasons, as is clear from her letters dated 12-11-2003, 03-09-2004, 14-09-2004 & 20-10-2004. He has also stated that on 03-11-2004, a telephone call had been received by him at about 1215 hrs from Shri Unwala, Advocate of Ms. Zahira Sheikh that his client was going to address a press conference at Surya Palace hotel at 1300 hrs and that the police protection should be given to her. Shri Unwala wanted him to send the police force at the hotel opposite to the airport, where they were staying. Shri Sinha has stated to have given instructions to the concerned PI to provide the police protection, as per the orders of the Hon'ble Supreme Court of India. A similar request had been received by Shri Sinha from Collector, Baroda City, to which he had informed that the police protection had already been ordered to be given to Ms. Zahira Sheikh and her family members. According to Shri Sinha, Ms. Zahira Sheikh held a press conference on the same day at about 1345 hrs, which lasted for about half an hour. Shri S.K. Sinha has handed over a copy of affidavit filed by him before the Hon'ble Supreme Court of India to this effect.

It may thus be seen that Shri Sinha was not instrumental in forcing/persuading turning Ms. Zahira Sheikh hostile in Best Bakery case. In view of the aforesaid position, the allegation that Shri Sinha was given the most rewarding post of Commissioner of

Police, Surat City in lieu of his services rendered by him in turning Zahira Sheikh hostile is not established.

A-42: Shri K. Kumaraswamy, formerly Joint CP, Baroda City, Gujarat.

Shri K. Kumaraswamy has stated that he remained posted as Jt. CP, Baroda City from August, 2003 to June, 2005. Shri Kumaraswamy has further stated It was sometime on 1-3-2002, that an incident of arson and looting took place at Best Bakery, situated near Hanuman Tekary locality within the jurisdiction of Panigate P.S. Baroda City, in which several persons were killed and accordingly, a case was registered in Panigate P.S., Baroda City. Further, on completion of investigation, a charge sheet was filed in the court of Addl. Sessions Judge, Ist Fast Track Court, Baroda City. On completion of trial, all the accused persons were acquitted. According to Shri Kumaraswamy, Ms. Zahira Sheikh & others had filed affidavits in the Hon'ble Supreme Court of India, in which it had been alleged that they had been threatened by the local MLA Shri Madhu Srivastav and as such they were not able to tell the truth during the trial. Shri Kumaraswamy has also stated that the Hon'ble Supreme Court of India had directed the DGP, Gujarat State to hold an inquiry into the matter. DGP directed the Commissioner of Police, Baroda City who in turn directed him to hold an inquiry into the matter with a view to find out whether the allegations of threat were true or not.

In response to the aforesaid directions of the Hon'ble Supreme Court of India, Shri Kumaraswamy has stated to have conducted an inquiry into the matter and had recorded the statements of some persons available at that time. Shri Kumaraswamy has further stated that he also recorded the statements of Ms. Yasmin sister in law (brother's wife) of Zahira Sheikh. Shri Kumaraswamy has further stated that after their examination, he had submitted an interim inquiry report in the matter and recommended for the registration of a case to find out the truth. He has also stated that in pursuance of his

recommendations, DGP, Gujarat State ordered for the registration of a case. Accordingly, a case No. 41/2003 u/s 506 (ii) & 507 IPC read with sec. 34 of IPC was registered on 6-10-2003 in Panigate P.S. and investigation of the same was conducted by Shri Ramjibhai Pargi, ACP, Baroda City.

Shri Kumaraswamy has further stated that he was summoned as a defense witness in the said case and examined/cross examined with regard to the inquiries conducted by him during the retrial of the said Best Bakery case conducted in Maharasthra by Shri A.M. Thipsay, Addl. Sessions Judge for Greater Bombay, Mazgaon. Further, on completion of the retrial, several accused persons were convicted. However, in the judgment dated 24-2-2006, passed by Shri A.M. Thipsay, Addl. Sessions Judge for Greater Bombay, Mazgaon, the Court had made observations against several police officers including Shri Kumaraswamy. Shri Kumaraswamy has denied to have received a copy of the judgment and as such he has pleaded ingnorance about any adverse remarks made by the court against him. Shri Kumaraswamy has also stated that since, he was not aware about the adverse remarks, if any made by the court against him; he did not file any petition for expunction of the adverse remarks in the judgment.

In the Judgment dated 24-02-2006 passed by Shri Abhay Thipsay, Addl. Sessions Judge, Greater Bombay, Mazgaon, it had been observed that Shri K. Kumaraswamy, though a senior police officer at the material time was proved to be an unreliable witness and that his evidence was highly unsatisfactory. The learned judge had further observed that Shri Kumaraswamy was not interested in actually finding out the truth. The learned Judge had also observed that obviously Shri K. Kumaraswamy can not be believed and that his evidence was so ridiculous that when considered in the light of other inconsistencies and infirmities, more particularly the manner in which he had given replies, created a doubt to say the least in his mind that Shri Kumaraswamy himself had not recorded the statement of Yasmin

at all. The Govt. of Gujarat or Shri Kumaraswamy have not filed any appeal or petition for expunction of adverse remarks and the same stand till date.

The allegations against Shri Kumaraswamy stand established and the matter is being referred to the Govt. of Gujarat for initiating appropriate action against him.

A-43: Shri B.S. Jebalia, formerly SP, Anand District, Gujarat.

It has been alleged by Smt. Jakia Nasim that Shri B.S. Jebalia, SP, Anand District had been privy to break out of unimaginable violence in Anand District, especially in Ode village during the 2002 riots and was witness to continuing subversion of the justice process by a brazen connivance between the alleged accused and the prominent members of the political class. In this connection, Shri B.S. Jebalia has stated that he was posted as SP, Anand between 23-02-2004 to 14-12-2006 and was not posted there during Feb./March, 2002. He has also stated that in view of the aforesaid position, the allegations levelled against him are false and baseless. In view of the aforesaid position, the allegations against him are not established.

A-44: Shri D.G. Vanzara, formerly DIG, Crime Branch, Ahmedabad City, Gujarat.

Shri D.G. Vanzara has stated that he was posted as DCP, Crime Branch in May, 2002 and had supervised the investigation of three serious riot cases i.e. Naroda Patiya, Naroda Gam and Gulberg Society cases. Regarding the allegations levelled by Smt. Jakia Nasim relating to encounter killings in Gujarat, Shri Vanzara has stated that the said encounter killings happened in the course of cross firing in self defence of the police officers and that they were in the normal course of discharge of the official duties of the concerned police officers. According to Shri Vanzara, all such cases are sub-judice and therefore, he would prefer not to comment upon the same. In view of the aforesaid position no further action is called for in the matter.

A-45: Shri Rahul Sharma, formerly SP, Bhavnagar District, Gujarat.

Smt. Jakia Nasim, complainant and Ms. Teesta Setalvad during their examination have stated that Shri Rahul Sharma is a witness and has been inadvertently listed as an accused. In view of this, no action is called for in the matter. However, his statement has been recorded and his role has been discussed at the proper stage in the report.

A-46: Shri Raju Bhargava, the then SP, Panchmahals District, Gujarat.

Shri Raju Bhargava has stated that he remained posted as District Superintendent of Police, Panchamahals from 30-4-2001 to 15-7-2002. He has further stated that on 27-2-2002, he along with the other staff of the district were busy preparing for the inspection of the Spl. IGP, Vadodara Range at police head quarters, when he received an information from Control Room at about 0805 hrs that Sabarmati Express train carrying some of the kar-sevaks had been stopped near Godhra railway station and was not being allowed to proceed. He has further stated that on receipt of this information, he immediately rushed to the Godhra railway station after giving directions to the Reserve Sub Inspector to bring all the police men present in the parade to the site of incident and reached the Godhra railway station around 0815 hrs, but in the meanwhile he overheard a wireless message that one of the coaches of the said train had been set on fire and that the fire tender was immediately required to be rushed to the site. Further, when he reached the spot, he found one of the shuttle train at the platform and he was informed that one of the coaches of Sabarmati Express had been set on fire near 'A' Cabin and that the train was standing on the track about 500 meters away from the platform. Accordingly Shri Bhargava immediately rushed towards the 'A' Cabin via Signal Falia, a Muslim locality. There was no crowd on the spot but after he crossed the under bridge, he saw a large number of people standing on the railway track and

smoke coming out of one of the coaches. Shri Bhargava has further stated that when he reached there, he saw the passengers sitting on the railway track and a large number of agitated kar-sevaks with saffron scarves shouting anti Muslim slogans. Shri Bhargava tried to pacify the agitated crowd and gave instructions to his gunman to immediately ask the control room to rush the fire tender to the spot. Shri Bhargava has also stated that on the way to the spot he had noticed some of the Muslims standing on the road but, he did not see any one of them pelting stone on the train.

Shri Raju Bhargava immediately contacted Spl. IGP, Vadodara Range and apprised him of the situation and informed the District Collector about the incident at about 0830 hrs and requested her to make arrangements for state transport buses for the safe passage of the other passengers. In the meanwhile, the fire tender had arrived from Godhra and started extinguishing the fire and the injured persons were immediately shifted to Civil Hospital, Godhra in a police van. Sensing that the communal disturbance may break in Godhra town, Shri Bhargava gave directions to Control Room to immediately activate all the communal points in the town and also gave directions to his officers for intensive patrolling in the town. The Minister of State for Home for Gujarat namely Shri Gordhan Zadafia was also informed about the incident over mobile phone.

As per Shri Raju Bhargava, around 1030 hrs, some incident of stone throwing were reported from Godhra town as a result of which 16 teargas shells and four rifle rounds were fired. Keeping in view the communal history of Godhra, it was decided by Shri Bhargava in consultation with the District Magistrate and Spl. IGP, Vadodara Range to impose curfew in Godhra town immediately. Around 1200 hrs, Shri Bhargava received a message from Spl. IGP, Vadodara Range to return to the scene of occurrence immediately with extra force. The Spl. IGP gave instructions to Shri Bhargava to ensure that the train carrying the kar-sevaks and other passengers immediately left for its destination and thereafter,

he took steps and the train left for its destination around 1300 hrs. However, two damaged coaches i.e. S6 & S7 were detached and kept in the railway yard.

Shri Raju Bhargava has further stated that the Shri Gordhan Zadafia, MoS, Home had arrived at Godhra by road at about 1645 hrs. The Chief Minister had arrived by Helicopter by 1700 hrs and he had gone to the helipad to receive him. At that time, Shri Ashok Bhatt, the then Health Minister, Shri Bhupendrabhai Lakhawala, Minister incharge for Godhra and Shri Prabhatsinh Chauhan, the then MLA, Kalol and Minister for Civil Aviation were also present. According to Shri Raju Bhargava, Chief Minister straight away drove to the Godhra railway yards where the burnt bogies had been parked and CM saw the coach as well as the dead bodies and thereafter went to 'A' Cabin near Signal Falia where the incident had taken place. According to Shri Bhargava, Chief Minister went to Collectorate along with the district administration and police officers and discussed the matter with them. As per Shri Bhargav, no decision about the handing over/transportation of the dead bodies was taken in his presence and as the investigation was being carried out by the railway police, as such it was their prerogative to deal with the dead bodies. However, the bandobast for the transportation of the dead bodies was made by him at the request of the railway police. Shri Bhargava does not recognise Shri Jaydeep Patel, but as per records, he had accompanied the dead bodies to Ahmedabad. Neither he nor any of the district officers had advised against the transportation of the dead bodies by road to Ahmedabad.

As regards the allegations made by Smt Zakia Ehsaan Jafari, Shri Raju Bhargava has stated that the same are false and without any basis. As per Shri Bhargava, after the train incident on 27th Feb, 2002 all efforts were made to keep the law and order in place by deploying the available force to the maximum, but the outbreak of violence across the state had its effect in Panchmahals district and some serious incidents took place in other parts of the district other than Godhra Sub Division. Shri

Bhargava has further stated that as the violence broke in Kalol, Halol, Lunawada, Khanpur, Santrampur the deployment of the force thinned out and the entire force was deployed across the district in best possible manner.

According to Shri Bhargava, Godhra was the epicentre of the entire incident and subsequent violence but still no loss of human lives took place in the entire Godhra sub division which speaks volume for the efforts made by the police force. Further, the police provided protection to the Muslim localities, shifted members of the Muslim community trapped in the rural areas and ensured the maintenance of peace by keeping a close touch with the leaders of both the communities.

According to Shri Raju Bhargava, the unprecedented violence had broken out across the State as a reaction to the train incident and in even days in which violence had taken place he personally visited areas of Godhra, Kalol, Halol, Rajgarh, Khanpur, Lunawada, Santrampur (personally camped there for 2 nights and 3 days) reaching to as many as possible affected areas and logged on almost 1400 kms, which shows that as SP of the district he tried to reach as many places as possible. He has also stated that it was only with efforts of the police that the violence was contained quickly and peace could be restored in short time. Shri Raju Bhargava has further stated that on one hand the offences were being registered and investigated whereas on the other hand simultaneously arrests were also being made. During his tenure from 27-02- 2002 to 30-04-2002, 496 people were arrested in offences and 2291 people arrested under preventive actions which included the prominent members of the ruling class and the same goes to show that as district head he had tried to carry out his constitutional duties and tried to establish the law and order which was disrupted after the train burning incident.

In view of the explanation given by Shri Raju Bhargava and in the absence of any evidence against him, the allegations are not established.

A-47: Smt. Anju Sharma, formerly Collector, Bharuch District.

Smt. Anju Sharma has stated that during the period 24-02-2001 to 30-04-2003, she remained posted as Collector & District Magistrate, Bharuch. She has further stated that on 27-02-2002, an information about the burning of a railway coach of Sabarmati Express near Godhra Railway Station was received by her from Shri Deepak Swaroop, Spl. IGP, Vadodara Range and Shri Manoj Antani, the then SP, Bharuch. She has further stated that in the wake of Gujarat bandh call given by VHP on 28-02-2002, police forces were suitably deployed and police asked to take preventive actions. She has further stated that prohibitory orders were issued u/s, 144 Cr.PC and the police was asked to enforce the same strictly. She has also stated that due to the effective action and enforcement of curfew no large scale incidents took place. She has given the details of the incidents that took place on 01-03-2002, 03-03-2002 and 04-03-2002.

She has further stated that a relief camp was promptly started by her with the help of GMDC and other NGOs to provide shelter and relief to the affected persons, which was in operation for about 15 days and about 500 people were lodged there. According to Smt. Anju Sharma, gradually these people got shelter in their houses and she visited the relief camp on 13-03-2002, and supervised the relief operations. She has further stated that a medical team had been deployed from a nearby primary health centre and the water supply was made available through water tankers by GMDC and food provided by GMDC and other NGOs.

Smt. Anju Sharma has further stated that survey of the damages was done in the entire district and cash doles and household disturbance assistance was promptly distributed to all the affected persons and ex-gratia relief for death and

compensation to injured were promptly distributed in the month of March-April/2002 itself as quickly as possible. According to Smt. Sharma, a total of 728 Muslims and 87 Hindus were paid relief, out of 7 deaths, 6 were Muslims and 1 Hindu and 5 of these Muslims who died in March 2002 were paid assistance in March, 2002 itself. Further, 12 Muslims and 19 Hindus were paid compensation for injury, cash doles paid to 129 Muslims and 9 Hindus and household assistance for disturbance and shifting paid to 220 Muslims and 11 Hindus. She has further stated that compensation for complete damage to the houses was paid to 196 Muslims and 18 Hindus and relief also paid for damage to means of earning to 145 Muslims and 25 Hindus. She has also stated that in all, 815 people of which, 87 were Hindus and 728 Muslims, were paid relief amounting to Rs.54.79 lakhs, out of which, Rs.50.04 lakhs was paid to Muslims. She has also stated that some more cases were covered subsequently and by 26.05.2003, 831 people were compensated, out of which, 741 were Muslims and an amount of Rs. 51.34 lakhs was paid in all.

As regards the allegations levelled by Smt. Jakia Nasim, she has stated that she had filed an affidavit before Nanavati-Shah Commission on 27-05-2002 and most of the aforesaid facts have been incorporated in the said affidavit. She has further stated that in view of these facts, figures and data, it was incorrect to allege that she was responsible for lack of relief operations. She has denied the allegations that are vague, absurd and without any basis. In view of the aforesaid positions the allegations are not established.

A-48: Shri D.D. Tuteja, formerly Commissioner of Police, Baroda City, Gujarat.

Shri D.D. Tuteja, the then Commissioner of Police, Baroda City has stated that a message regarding the Godhra incident was received in Control Room, Baroda City from State Control Room, Gandhinagar at about 1020 hrs and they were advised to take care of any reaction to the same at Baroda City. On receipt of the

said message stand-to was ordered by Shri Tuteja with immediate effect at about 1222 hrs and instructions given to all PIs to start patrolling and send the mobile patrols for patrolling, checking and bandobast in communally sensitive pockets. Further, extra vehicles were requisitioned for patrolling purposes and preventive actions taken against anti-social elements. Four peace meetings were arranged in communally sensitive areas with Hindus and Muslims leaders and one such meeting was presided by Shri Tuteja. Shri Tuteja has stated that instructions were also issued to all the petrol and kerosene dealers not to sell the petroleum products in loose condition and in view of these efforts no loss of life or damage to property was reported on 27-02-2002. Shri Tuteja has further stated that on 28-02-2002, all the police officers were directed to make preventive arrests and by that time 100 persons had already been detained u/s 151 Cr.PC. Further, the various areas of sensitive police stations were put under curfew at 0800 hrs on 28-02-2002, which was strictly enforced by the police. Shri Tuteja has further stated that on 28-02-2002, an Islamic Centre in a curfew bound area was attacked, but the police intervened and all the 102 children residing there, were shifted by the police to a safer place. According to Shri Tuteja, looking to the aforesaid developments the areas of the remaining six police stations were also brought under curfew at 1730 hrs on 28-02-2002. However, three persons killed on 28-02-2002, were Muslims. Shri Tuteja has also stated that on 01-03-2002, 35 Muslim families were trapped in Avdhutnagar, where PI Makarpura and ACP, A division tried to control the situation, but the ACP's mobile was attacked by the violent mob. Shri Tuteja along with Smt. Geetha Johri, Addl. CP (Law & Order) and DCP reached the spot and firing was resorted too. According to Shri Tuteja, on 01-03-2002, four deaths took place, which included 3 Muslims and 1 Hindu. However, on 01-03-2002 night, Best Bakery located in Hanuman Tekary area was attacked by the mob with stones and also set fire to it. On 02-03-2002, on receipt of message a fire tender and ambulance were rushed to the spot and 9 persons

were immediately rushed to the hospital out of which 6 could be saved and 3 died during treatment. As per Shri Tuteja, from the same building, 7 charred bodies of children and women were taken out and thus 11 persons could be saved. It may be mentioned here that in all there were 25 persons in the bakery out of which 9 had hidden themselves in the room on the first floor and remaining 16 had climbed on the terrace of the second floor. This incident which took place in the night went unreported and the persons, who had gathered in the morning of 02-03-2002 made a second attempt on the persons, who had climbed on the second floor terrace and were seen alive. In this Best Bakery case FIR was registered in the Panigate P.S. and 21 accused persons were arrested and charge sheeted on 24-06-2002, which was first tried by the Fast Track Court of Baroda and all the accused persons acquitted. Subsequently, the Hon'ble Supreme Court of India had ordered a re-trial in this case in Bombay and 10 persons arrested earlier were convicted on the basis of the same investigation despite the fact that the complainant and several important witnesses turned hostile. On 02-03-2002, one Muslim was killed in police firing. Shri Tuteja has also stated on 03-03-2002, some dynamite was found planted in a huge Masjid, Musafirkhana in Koyli village under Javaharnagar P.S., which was immediately got defused from the Bomb Disposal Squad and thus a major incident could be averted. No death took place on 03-03-2002. As per Shri Tuteja, the curfew was relaxed between 04-03-2002 to 31-05-2002. However, during this period scattered incidents were reported from different police stations. Shri Tuteja has also stated that during the period 28-02-2002 to 31-5-2002, 47 persons including 34 Muslims and 13 Hindus died during the riots, which including 4 Hindus and 7 Muslims killed in Police firing. He has denied the allegation that the Baroda City police did not respond to the complaints/calls. He has denied the allegations levelled by Smt. Jakia Nasim.

In view of the fact that the allegations levelled against Shri Tuteja are vague and general in nature and there is no evidence to support them, therefore, the same are not established.

A-49: Shri Bhagyesh Jha, former Collector, Baroda District, Gujarat.

Shri Bhagyesh Jha has stated that he remained posted as Collector, Baroda District during 26-02-2002 to 09-06-2005. He has further stated that during riots certain families particularly those belonging to the minority community felt unsafe at their respective places and as such with the help of some volunteer organisations, they were accommodated as per the norms fixed by the Govt. of Gujarat by providing shelter to them in the relief camps started with the assistance of the Govt. He has also stated that financial assistance was given to these persons/families and rations were also provided to them in the relief camps. According to Shri Jha, in Baroda District (Baroda Municipal area), 11 relief camps had been started in which 16676 persons (9416 Muslims and 7260 Hindus) were rehabilitated. One relief camp was started in Chhota Udepur Nagar-Palika area in which 957 persons were given shelter, a majority of which were Muslims and that essential medicines were also distributed in these relief camps. As per Shri Jha, it is incorrect to allege that he was responsible for lack of adequate relief operations.

As regards the allegation levelled by Smt. Zakia Nasim that Shri Jha was responsible for the grant of protection to the witnesses turning hostile in Best Bakery Case retrial in Mumbai, Shri Jha has clarified that the production/protection to the witnesses is the prerogative of the police which works under the direct supervision of Commissioner of Police in City area and SP in the rural area and the District Magistrate/ Collector is directly not concerned with the protection of witnesses. He has denied knowledge, as to whether any such protection was granted to the witnesses, who had turned hostile during the retrial of Best Bakery Case, in the Baroda District by any of the authorities. However, he

has denied to have given any such protection. Shri Jha has also challenged the allegation that he did not file any affidavit before Nanavati-Shah Commission inasmuch as an affidavit was filed by him before the Commission on 15-10-2004. He has produced a copy of his affidavit filed before Nanavati Commission.

Shri Jha has also stated that the complainant Smt. Zakia Naseem had levelled wild, vague and baseless allegations against him. He has denied all these allegations and stated that the same are without any basis. In view of the aforesaid facts and circumstances and explanation given by Shri Jha, the allegations against him are not established.

A-50: Shri Nitirajsinh D. Solanki, formerly SP, Sabarkantha District, Gujarat.

Shri N.D. Solanki has stated that he remained posted as SP, Sabarkantha District during the period 02-12-1999 to 07-12-2002 with his headquarters at Himmatnagar. He has further stated that the news relating to the burning of a railway coach at Godhra Railway Station resulting in the death of few passengers including kar-sevaks was received by him during the day on 27-02-2002 through television only. He has further stated that he immediately put the bandobast and alerted all the police officers to be careful about the repercussions of the Godhra incident. According to Shri Solanki on 27-02-2002, some communal tension was reported at village Vadgam under Dhansura P.S., about 60 kms from Himmatnagar, where the properties of some of the Muslims were damaged, but there was no loss of life. He has also stated that only four rioting and arson incidents were reported on 27-02-2002, but during the period 28-02-2002 to 15-03-2002, 266 cases of rioting and arson were registered. Shri Solanki has narrated an incident that resulted in the killing of three British Nationals on 28-02-2002, under Prantij P.S., while they were returning from Udaipur (Raj.) to their native place in Navsari District and were attacked by a mob of more than 500 persons. According to Shri Solanki, two different cases were registered in Prantij P.S., six

persons arrested and charge sheeted in the Court. As per Shri Solanki, a total number of 47 deaths took place in Sabarkantha District comprising of 42 Muslims and 5 Hindus. Further, out of 47 persons killed, 10 persons (4 Hindus & 6 Muslims) died due to police firing and 99 injured (53 Hindus & 46 Muslims). Shri Solanki has also stated that property worth Rs. 51.75 crores belonging to Hindus and Muslims were burnt/destroyed/looted during the riots.

As regards the allegations levelled by Smt. Jakia Nasim, Shri Solanki has stated that the same are vague, false and baseless and had been maliciously made against him to spoil his image and that in fact he had been honoured by Alp Sankhyk Board of Gujarat for the positive role played by him during the riots and was also honoured by Delhi based NGO for the good work done by him. In view of the facts that the allegations are vague and general in nature and there is no evidence available against him, the same are not substantiated.

A-51: Shri Amrutlal Patel, formerly Collector, Mehsana District.

Shri Amrutlal Patel has stated that he remained posted as Collector & District Magistrate, Mehsana during 16-01-2000 to 10-12-2003. He has further stated that the news about the burning of a railway coach of Sabarmati Express at Godhra Railway Station was received by him through electronic media and later during the day Shri A.S. Gehlaut, the then SP, Mehsana had given him the details that out of 43 injured admitted in the Godhra hospital, 16 (13 males & 3 females) belonged to Mehsana District. He has stated to have held the meeting of all the District officials on 27-02-2002 at 1700 hrs. He has further stated that various incidents took place in Mehsana District during the period 28-02-2002 to 02-03-2002 and thereafter, no major incident took place due to the strict vigilance maintained by District and police officials. He has given a detailed account of the immediate steps taken to maintain Law & Order in the District.

Shri Patel has given the details of the efforts made by him along with the SP, Mehsana to restore peace and also about the preventive actions taken by them. He has given the details of relief and rehabilitation work done by him for the riot affected victims. He has also stated that Law & Order situation in Mehsana District was fully under control after second week of March, 2002.

He has denied the allegations levelled by Smt. Jakia Nasim against him and clarified that an affidavit was filed by his successor Shri Vinay Vyasa on 28-09-2004, before the Nanavati Commission on the basis of records maintained and action taken by the District Administration during his tenure. He has also stated that the allegations levelled against him are false, vague and baseless. In view of the fact that allegations are general and vague in nature and there is no evidence available to support the allegations, the same are not substantiated.

A-52: Shri Upendra Singh, formerly Commissioner of Police, Rajkot City, Gujarat.

Shri Upendra Singh has stated that he remained posted as Commissioner of Police, Rajkot City during the period December, 2001 to July, 2002. He has further stated that on 27-02-2002, the information relating to the burning of a railway coach of Sabarmati Express near Godhra Railway Station resulting in the death of some kar-sevaks was received by him through media as well as Control Room. According to Shri Upendra Singh, he instructed all the police officers to do intensive patrolling, diffuse communal tension in the city area and also ordered for 'stand-to' for the police personnel. He has given the details of the preventive arrests made by the police on 27-02-2002. He has also stated the police bandobast made, curfew declared and Army deployed on 28-02-2002 to 03-03-2002. According to Shri Upendra Singh, 4 persons, including 3 Muslims on 28-02-2002 and 1 Hindu on 03-03-2002, died during the riots and the total loss of property was estimated at Rs. 20 crores, which included Govt. vehicles.

He has denied the allegations levelled against him by Smt. Jakia Nasim as false and baseless. He has further denied that unimaginable violence broke out under his jurisdiction inasmuch as only four persons were killed during the riots and the riots were under control on 04/05-03-2002. Keeping in view the statement made by Shri Upendra Singh and evidence available on record, the allegations are not substantiated against him.

A-53: Shri P.N. Patel, formerly Collector, Rajkot District.

Shri P.N. Patel has stated that he remained posted as Collector & District Magistrate, Rajkot between 27-02-2002 to 17-04-2002 and used to look after Rajkot Rural area. He has further stated that the news relating to the burning of bogies of Sabarmati Express at Godhra Railway Station was received by him on 27-02-2002 forenoon through electronic media. He has also stated that during the day the news about communal violence erupted through out the State was received by him through TV news and as such he alerted all the Executive Magistrates through SDMs and concerned police authorities and directed them to maintain Law & Order. He has given an account of efforts made by him to maintain peace at various communally sensitive places like Dhoraji, Morvi, Wankaner & Sapar and has stated to have visited these places along with SP, Rajkot Rural.

He has further stated that no deaths took place in Rajkot Rural area on account of communal riots. He has further stated that one person belonging to Wankaner died in the railway compartment, that was set fire at Godhra Railway Station and as such compensation was paid to his legal heir. He has also stated that two deaths took place in Rajkot City area and compensation was paid to their legal heirs as per rules. According to Shri Patel, no relief camps were required to be established as no displacement took place during the riots. He has given the details of relief and rehabilitation ex-gratia payments made to the riot affected persons.

As regards the allegations levelled by Smt. Jakia Nasim, he has stated that the same are false and baseless, as there had been no deaths on account of the communal riots pursuant to Godhra carnage in Rajkot Rural area. He has stated to have filed an affidavit before the Nanavati Commission on 11-12-2009, when he was called upon to do so. In view of the statement made by Shri P.N. Patel and the evidence available on record, the allegations are not established against him.

A-54: Shri V.M. Pargi, formerly DCP, Zone-I, Ahmedabad City.

Shri V.M. Pargi has stated that he was posted to Baroda City in July, 2004 was promoted as Addl. CP in July, 2005 and remained posted there till December, 2006. He has further stated that he used to look after the administration work as a DCP. Subsequently, as Addl. CP he continued to look after the administration work in addition to his other duties. He has also stated that he was neither concerned with the investigation, nor trial at Baroda or retrial at Bombay. He has pointed out that it could be a case of mistaken identity as one of the off shoots of Best Bakery case was being investigated by one Shri Ramjibhai Pargi, the then ACP and that no adverse remarks or strictures had ever been passed against him.

In this connection, a copy of a Judgment passed by Shri Abhay P. Thipsay of Addl. Sessions Judge, Greater Bombay, Mazgaon on 24-02-2006 has been obtained and studied, but there is no reference to Shri V.M. Pargi, formerly DCP/Addl.CP, Baroda City and now IGP, Arms Units, Gujarat State. In view of this position the allegation is not substantiated.

A-55: Shri K.G. Erda, formerly Senior PI, Meghaninagar Police Station, Ahmedabad City, Gujarat.

Shri K.G. Erda has already been arrested and charge sheeted in Gulberg Society case and is facing trial. No additional evidence emerged during further investigation against him.