

By Hand

O. No. ADGP (PR) / PS / Affidavit /2004
Office of the D.G. & I.G. of Police,
Gujarat State, Police Bhavan,
Sector-18, Gandhinagar – 382 018.

Dtd. October 06, 2004.

To,

The Secretary,

Justice G.T.Nanavati &
Justice K.G.Shah Commission,
Bungalow No. 33, Opp. Police Stadium,
Shahibaug, Ahmedabad –380 004.

Sub: Submission of Affidavit.

Sir,

As instructed by the Director General and Inspector General of Police, Gujarat State, Gandhinagar, vide his Fax Message No. G- 2 / 1927 / TAPAS / PANCH / AFFIDAVIT / 1690 / 2004, dated 16.9.2004, and subsequent Fax Message No. G- 2 / 1927 / TAPAS / PANCH / AFF. / 1711 / 2004, dated 21.9.2004, the Affidavit, relating to the area of responsibility of State Intelligence Bureau (SIB) relevant to the additional terms of reference of the Commission issued vide Notification by the Legal Department, Govt. of Gujarat, on 28th July, 2004, is submitted herewith in six copies.

Yours faithfully,

(R.B.Sreekumar)
Addl. Director General of
Police,
Police Reforms, Gujarat
State,
Gandhinagar.

Encl.: - As above

Copy w.cs.to: -

- **The Principal Secretary,
Home Department, Govt. of Gujarat, Sachivalaya, Gandhinagar**
- **D.G.& I.G. of Police, Gujarat State, Gandhinagar.**

Affidavit before Justice G.T.Nanavati and Justice K.G.Shah
Inquiry Commission inquiring into communal disturbances
after the incident of train burning at Godhra, on 27.2.2002.

I, R.B.Sreekumar, IPS, Addl.D.G.of Police (Police Reforms), solemnly affirm that I am aware of the contents of the Notification of Gujarat State, Legal Department, dated 6th March, 2002, and the subsequent Notification by the Legal Department, dated. 28th July, 2004, about the constitution of a Commission of inquiry headed by Justice G.T.Nanavati and Justice K.G.Shah and its terms of reference.

2/- I was incharge of the State Intelligence Bureau (SIB), which is also called CID IB, from 9th April, 2002 to 17th September, 2002. I am quite conversant with and rightly informed about the functions of SIB. The duties and responsibility of this Branch were laid down vide the Gujarat State Police Manual Vol. III, Rule No. 461. Details of this Rule had been enumerated in the para 3 of my earlier Affidavit to the Commission submitted on 15th July, 2002.

3/- This Affidavit is submitted in continuation of the earlier Affidavit by me to the Commission on 15th July, 2002. It is filed by me in the capacity of the then Addl.D.G.of Police (SIB) covering the new terms of reference of the Commission as notified in Legal Department Notification No. GK / 16 / 2004 – COI / 102002 / 797-A, dated 28.7.2004. During

May, 2002, I was on casual leave for 9 days from 11th May, 2002 to 19th May, 2002, and during this period Shri O.P.Mathur, IPS, the then Spl.I.G.of Police (Admn. & Security), was holding charge of the SIB.

4/- It is pertinent to note that the communal violence, in the whole State, during the month of May 2002, had shown a trend of marked decline, in comparison to the previous month i.e. April, 2002. There were 403 incidents in April, 2002, resulting in death of 105 persons as against 271 incidents in May, 2002, in which 59 persons died. Please see the enclosed statement and graph (Appendix – I). There was a remarkable fall in the incidence of violence in Ahmedabad city, particularly after the placement of a new team of jurisdictional police officers, including the Commissioner of Police on 9.5.2002. Keeping in view of the persistence of communal violence in A'bad city in April, 2002, though the intensity of violence came down in other areas of the state, a special analytical study was made by SIB about the factors behind prevalence of high voltage violence and tension in A'bad city and suggested specific remedial measures. The copy of this report is enclosed as Appendix – II. This report stressed on the urgency for initiation of remedial measures to restore the confidence of aggrieved persons, particularly, the minority community in the Criminal Justice System. This report was earlier appended as Appendix 24 of my Affidavit dated 15th July, 2002.

5/- On 4th May, 2002, Shri K.P.S.Gill, former DGP of Punjab State, who was deputed as Advisor to the Hon'ble Chief Minister of Gujarat, on Law and Order matters, convened a meeting of senior police officers in his camp at CRPF Group Centre, Gandhinagar. Myself, DGP Shri K.Chakravarthi, Shri P.C.Pande, Commissioner of Police, Ahmedabad city, Shri Maniram, Addl.D.G.of Police (Law & Order) and Shri M.K.Tandon, Addl.Commissioner of Police, A'bad city were present in the meetings, besides, the staff officers of Shri K.P.S.Gill. Shri Gill asked officers to give their assessment of the current situation. DGP and C.P. of A'bad city observed that situation was normal due to effective police measures. Shri Maniram, who was responsible for maintaining law and order for the whole state, made a short presentation about the public order scenario in the State, with special reference to A'bad city. Shri Maniram totally disagreed with the assessment given by DGP and CP, A'bad city. He stated that the police personnel were in a state of de-motivated demoralization, particularly, of A'bad city on account of constant extraneous pressures on their operational duties, both in handling of communal incidents and investigation of riot affected cases. He added that in order to energize the police force and for ensuring effective policing, including purposeful investigation of riot related cases, immediate transfer of all jurisdictional police officers from C.P. to

Inspectors, viz. those incharge of the Police Stations was quite imperative.

6/- I had fully endorsed the appraisal of the situation by Shri Maniram and delineated the details of my analytical report dated 24th April, 2002 (Appendix II). I also added that the assessment regarding A'bad city was generally relevant to other communally sensitive localities like Vadodara city and certain rural areas. I had also handed over a copy of my report (Appendix II) to Shri Gill, who after studying the same asked me to prepare an unsigned note captioned "Actionable points" and provide him the same as early as possible. Subsequently, I had personally handed over the desired note to him on that day evening itself. The copy of this note is enclosed as Appendix III. In this note, specific suggestions were made for (1) Restoration of the faith of the public, particularly, the minorities in the Criminal Justice System, (2) Replacement of the present incumbents in executive posts at the cutting age level from those places where the police did not act conscientiously during the riots, (3) Effective action to unearth stock of arms and booking of criminal and communal elements of both majority and minority communities, (4) Action through non- political spiritual and religious leaders to de-communalize those under the spell of fundamentalists / extremists sections, (5) Action at social level to bring together both communities by proliferating interaction at various facets, (6) Action against radical groups, (7) Measures to improve the security

ambience in the riot affected areas for facilitating the refugees to go back to their pre-riot residential areas, (8) Purposeful legal action against publication and distribution of pamphlets / handbill, etc. / reports in the vernacular press, etc. fomenting animosity between different groups on grounds of religion. Alarming trends, which might follow, in case the suggested remedial measures were not initiated, were also listed under the subheading "Prognosis" in the note.

7/- On 8th May, 2002, Shri K.P.S.Gill, called me, at his camp in Gandhinagar, for discussions during which he informed that the suggestions and remedial measures indicated in my note were quite relevant and added that soon most of the officers at the decisive rungs of jurisdictional (Executive) police hierarchy in Ahmedabad city would be transferred and a new team of officers be positioned. He said that he would be discussing about the desirability of implementing other suggestions and initiation of appropriate feasible measures, at the Govt. level, so that total normalcy could be achieved soon. He asked me to go for collecting advanced, preventive, actionable and real-time intelligence on the designs of militant communal elements, so that the police can launch fruitful action against anti social elements.

8/- SIB had provided such useful intelligence inputs to the field officers during May 2002, also as was done earlier and the same was listed in para 26, 27 and 28 of my earlier Affidavit dated 15th July, 2002.

The details of certain advanced intelligence shared with the jurisdictional officers in May, 2002, are as follows:

- (1) Vide SIB letter No. D-2 / 2-COM / 468 / 2002, dated 2.5.2002, specific information about a dozen communal elements of minority community instigating those in the relief camps to indulge in violence.
- (2) Vide SIB No. D-2 / 2-COM / Takedari / 479 / 2002, dated 4.5.2002, about plans of certain minority communal elements to disturb peace in Panigate area of Vadodara city.
- (3) Vide SIB No. D-2 / 2-COM / Mahiti / Takedari / 486 / 2002, dated 5.5.2002, about likelihood of violence in Dhobighat area in A'bad city.
- (4) Vide SIB No. D-2 / 2-COM / Takedari / 491 / 2002, dated 6.5.2002, about plans of certain persons belonging to Thakor community to indulge in violence in Ranip area, in A'bad city.
- (5) Vide SIB No. D-2 / 2-COM / Takedari / 494 / 2002, dated 7.5.2002, about likelihood of communal violence in Vadaj and Vasna areas, in A'bad city.
- (6) Vide SIB No. D-2 / 2-COM / Takedari / 497 / 2002, dated 7.5.2002, about plans of certain tribal sections to violently oppose the rehabilitation of Muslims in Panward and Kwant areas of Chhotaudepur, in Vadodara Rural District.

- (7) Vide SIB No. D-2 / 2-COM / 501 / 2002, dated 9.5.2002, about plans of extremist Hindu elements to create disturbance in Paldi Muslim colony, peripheral areas of Juhapura, Kagadiwad, etc., in A'bad city.
- (8) Vide SIB No. D-2 / 2-COM / Mahiti / 808 / 2002, dated 11.5.2002, about certain miscreants moving in specific vehicles with a view to cause explosions in Danilimda and nearby areas in A'bad city.
- (9) Vide SIB No. C / D-2 / 2-COM / 820 / 2002, dated .13.5.2002, about plans of certain people in Tejgadh and Kadwal areas of Chhotaudepur (Vadodara Rural District) to violently oppose the rehabilitation of Muslims in the area.

9/- On 10th May, 2002, Shri K.P.S.Gill, called a meeting of SIB officers, at his camp in Gandhinagar. Myself, Shri O.P.Mathur, Spl.I.G.of Police (Admn. Security), Shri E.Radhakrishnaiah, Dy.I.G.of Police (Communal Branch) and Shri Sanjiv Bhatt, Supdt. of Police (Security), (all serving in SIB), attended the meeting. In the meeting every officer had presented his assessment about the law and order situation in the State. All the officers of SIB endorsed the assessment given in SIB analytical note (Appendix II) and also in the note captioned "Actionable points" (Appendix III). Shri Rajendrakumar, Joint Director (Central IB) was also present in the meeting.

10/- On June 01, 2002, I had focused the attention of field officers about the instant exigency towards qualitative upgradation of personal and installation security. Threat from foreign aided militants and terrorists on well-known religions institutions in Gujarat State, was also high lighted. Action towards target hardening, enhancement of security preparedness, counter terrorist measures, etc. viz. (1) immediate review of threat perception, (2) revision of data on potential sources of danger, (3) implementation of recommendations of IB Security Inspection Teams and standard security schemes, (4) counter explosive and counter-sabotage measures, (5) streamline Standard Operating Procedure (SOP), (6) periodical simulated exercises, etc. was also emphasized.

11/- Subsequently, in the month of June, 2002, Shri P.S.Shah, Addl. Secretary, Home Department had asked for a note on communal violence in Gujarat. Accordingly an assessment about the prevailing situation was made in which it was emphasized that the measures suggested in SIB office D.O. letter No. PS / RBS / 90 / 2002, dated 24.4.2002, (Appendix II) have to be implemented for achieving total normalcy in communal front. The copy of this D.O. letter No. PS / ADGP (Int.) / 179 / 2002, dated 15.6.2002, was sent to D.G. & I.G. of Police, Gujarat State, Gandhinagar, also. Please see the copy of this letter as Appendix IV.

12/- Later, on the request of Shri P.S.Shah, Addl. Secretary (Law & Order) a review of law and order situation in the State was done in

August, 2002 and vide letter No. PA / DIG (Political & Communal) / 266 / 2002, dated 20.8.2002, the same was forwarded to him. The copy of same is enclosed as Appendix V. This report had covered certain aspects regarding rehabilitation of the riot victims (point of reference of the Commission vide Govt. (Legal Department) Notification dated 28.7.2004). It was mentioned in para 5 of the Report that nearly 75500 persons, migrated from various districts, had not returned to their original habitats, on account of feeling of insecurity. Significantly, ACS (Home), Dr.Ashok Narayan, had responded to this report vide his report, D.O. No. SB.2 / COM / 102002 / 10104, dated 9.9.2002 and stated that he did not agree with most of the aspects of the assessment. The copy of the report is enclosed as Appendix VI.

13/- As regards, the implementation of recommendations and directions given by the National Human Rights Commissions (NHRC) (A point of reference of the Commission vide point I (e) (iii) of the Notification, dated 28.7.2004), it was stated in SIB report No. J-2 / BJP / INC / Yatra / 474 / 2002, dated 28.8.2002, captioned “Run up to the Assembly Poll – emerging Law & Order trends” that the non-implementation of the recommendations of the NHRC was also delaying normalization of communal situation. This assessment was made basing on the feedback from riot-affected parties. The copy of the report is enclosed as Appendix VII.

14/- The following administrative measures are recommended with reference to para 2 sub para (3) of the terms of reference of the Commission issued vide Notification dated 6.3.2002. The Godhra arson incident could not be prevented / contained / damage potential reduced for want of immediate and faster response from interventionist police / administrative / rescue units reaching the spot to normalize the situation. The local law enforcing agencies were unaware of the journey details and profile of the group of passengers who became victims of violence in the ill fated boggy. In future, it will be purposeful to detail police personnel and trained intelligent hands along with such volatile and belligerent groups of volunteers and demonstrative activists, motivated by high voltage enthusiasm for their perceived cause. These police functionaries, particularly, the executive police personnel accompanying the well-knit assembly of people can act as a deterrent element against any security threat to the group. They would also be a check on possible deviant action of the members of the group. Secondly, personnel from the intelligence wing, moving under cover with the group, can intimate to the concerned police units about the movement of the group, their behavior pattern and related matters, so that law enforcing agencies appropriately can resort to preemptive, precautionary and effective policing measures like positioning of Quick Response Teams (QRT) with adequate mobility, equipments, trained manpower, etc. in communally sensitive areas.

Availability of multi disaster rescue teams, reinforced by mobile surgical units would also be a step in the right direction. These units have to be put through periodical simulated exercises and mock drills, after designing Standard Operating Procedure (SOP) for each functionary.

15/- Currently no all-inclusive statutory, regulatory and administrative framework or guidelines for strict adherence by the jurisdictional officialdom and its auxiliary staff, for anticipating, forewarning, preempting, preventing and containing communal, casteist and sectarian violence and thereafter normalizing / sustaining peace, are available. There is a need for issuing comprehensive instructions, by revising, updating and embellishing the circulars / instructions in the Police Manuals and in compilations like “Communal Peace”. It is high time that a Brochure, on the line of the Blue book on VIP security about various measures to be initiated at the pre riot stage, course of the riot and post riot situations, along with specific measures for orientation of the functionaries towards secularism, attitudinal grounding, skill upgradation, etc. is prepared and actualized. The Brochure can include Chapters like, (i) background and causative factors behind communal, casteist and other sectarian strife, (ii) constitutional and other statutory provisions on the role, powers and responsibilities of various Govt. functionaries, (iii) measures during the pre riot period, (a) long term, (b) short term, (iv) specific action after the commencement of disturbances, (v) investigation,

(vi) interface with public and their grievances against police, (vii) follow up action for stabilization of peace and order, on abatement of riots, (a) long term, (b) short term and (viii) communal violence in rural areas, (ix) miscellaneous matters, with a bearing on the maintenance of public order, equipments and weaponry needed by police and others, etc. As Annexure 1 to the above Brochure, Standard Operating Procedure (SOP), on the pattern of Drill Manual, in clear unambiguous language, pertaining to all relevant important functionaries of the Govt., and Annexure 2, a framework for model communal riot scheme, be included. The Brochure can be captioned “Communal and sectarian violence – measures to counter”. It can be called the ORANGE BOOK (O.B.). Implementation of the provisions of the O.B. be made one of the points in the Annual Confidential Rolls of the relevant Govt. servants. Secondly, the recommendations of the National Police Commission for achieving transparency in selection and posting of jurisdictional officers including their tenure security, particularly, in communally fragile areas, be implemented, to regulate, if not eliminate the scope of extraneous manipulation in the statutory functioning of police officers.

(R.B.Sreekumar)

Addl. Director General of Police,
Police Reforms, Gujarat State,
Gandhinagar.

I N D E X

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