

gave him a personal assurance that they would send reinforcements and that he would be fully protected."

As already stated Shri Ambalal Nadia had come to meet Late Ahesan Jafri, Ex-MP at about 1000 hrs and left the Gulberg Society at about 1030 hrs and by that time Police Commissioner had not come over there. Shri Kanubhai Solanki confirmed the visit of Shri Tandon, Commissioner to Gulberg Society, but stated that he had met and talked to late Ahesan Jafri, Ex-MP, whereas, Shri M.K. Tandon has stated that he did not meet Late Ahesan Jafri and has been supported by Shri K.G. Erda in this regard. It is therefore, conclusively established that Shri P.C. Pande did not visit Gulberg Society in the forenoon of 28-02-2002. As regards the meeting between Late Ahesan Jafri, Ex-MP and Shri M.K. Tandon, there appears to be some exaggeration on the part of Shri Kanubhai Solanki.

Investigation/ Inquiry further revealed that on 28-2-2002 at about 1220 hrs, a message was received from PI Meghaninagar P.S. in the Control Room that Gulberg Society in Meghaninagar area, which is a Muslim society had been surrounded by a mob of 10,000, which was pelting stones and also setting fire to shops nearby and rickshaws. He requested for additional officers, police personnel and SRP immediately. On receipt of this message three officers namely Shri G.D. Solanki, Dy. SP, Group-VII, Shri Ajitkumar Gupta, Dy. SP, Group-XII and Shri A.B. Qureshi, PI, CID Crime were deputed to go to Gulberg Society for the assistance of PI Meghaninagar. At about 1345 hrs, one section of CISF was also sent to Gulberg Society, Meghaninagar. At 1405 hrs, Shri M.K. Tandon, Jt. CP, Secor-II sent a message to the Police Control Room that the people and Late Ahesan Jafri, Ex-MP had been surrounded by the mob in Gulberg Society and extra force and PI, Sardarnagar be sent there to shift them. At 1414 hrs, another message was received from Senior PI Erda, Meghaninagar P.S. in the Police Control Room that a mob of about 10,000 persons had gathered at Gulberg Society/Kalapinagar and were about to set fire to the entire society

and as such ACP, DCP along with additional force be sent immediately. At 1445 hrs, Shri K.G. Erda, Sr.PI Meghaninagar sent a message to the Control Room that in the Gulberg Society in Meghaninagar area, the Muslims had been surrounded by a mob of 10,000 persons from all the sides and even the police force had also been surrounded and that the mob was about to set fire. He requested for additional SRP and police force to be sent as the situation was critical. Since, two Dy.SsP, One PI and one section of CISF had already been sent to Gulberg Society, no additional force could be sent as nothing was available as reserves. At about 1545 hrs, Shri M.K. Tandon sent a message to Ahmedabad City Police Control Room asking as to whether there was any incident relating to loss of life at Gulberg Society at Meghaninagar and a detailed report thereof be sent to him. No other information was available with the Control Room at that time. It would not be out of place to mention here that Shri K. Chakravarthi had also informed Shri Pande that a mob had surrounded the Gulberg Society and that reinforcement should be sent there, to which Shri Pande had informed him that extra force and officers had already been sent to Gulberg Society in Meghaninagar P.S. area. However, Shri Pande was not aware, as to when did the police force actually reach the Gulberg Society, because there was no feedback from Shri Erda.

Shri M.K. Tandon has stated that he reached Gulberg Society at 1600 hrs. On reaching there, he found that many houses had been set ablaze and many men, women and children were torched. He found that the mob had broken open the rear compound wall of the society at several places. Even the mob was still present on the scene of occurrence, pelting stones, throwing acid bulbs and throwing burning rags to prevent the police from rescuing the inmates of the society. Shri Tandon immediately ordered for firing by CISF personnel to disperse the mob which resulted in casualties and asked the Control Room to send fire tenders, ambulances, hearse van and police buses so that the survivors of the Gulberg Society could be shifted safely. The survivors numbering about 150 men, women and children were

safely shifted to Shahibaug P.S. Shri Tandon also instructed Shri K.G. Erda to complete the inquest promptly and send the dead bodies to hospital for post mortem examination. Meanwhile, he was informed that a similar incident had taken place at Naroda Patia also and as such he proceeded to Naroda Patia.

When he reached Naroda Patia, he found bodies burning in a heap about half a kilometre inside near Hussain ni Chali adjacent to ST workshop. Considering the seriousness of the situation he decided to shift the survivors to a safer place and contacted one Shri Badaruddin Sheikh, Chairman, Standing Committee, Ahmedabad Municipal Corporation to organize the same. Shri Sheikh responded very well and accordingly Shri Tandon arranged for the shifting of about 3000 Muslims to relief camp. This operation continued till about 0430 hrs on 1-3-2002 under his supervision, DCP, Zone-IV, ACP, 'G' division and PI, Naroda were instructed to complete the legal formalities of getting post mortem conducted and also to arrange for handling over the dead bodies of the victims to their relations.

Shri Pande has further stated that he had come to know about the incident at Gulberg Society sometime in the evening and as such he made a personal visit to the society between 1900 hrs to 1930 hrs. Shri Pande found that the houses had been ransacked and belongings set on fire and some wooden articles/furniture etc. were still smouldering. Since, Shri Tandon had already shifted most of the inmates of the society in vans to safer places, Shri Pande gave instructions to the Sr. PI and other staff present there to go ahead with the inquest and send the dead bodies for post-mortem examination. Shri Pande returned to office thereafter. Shri Pande has categorically stated that neither Late Ahesan Jafri, Ex-MP, nor anybody else from Gulberg Society contacted him either on his landline phone or mobile phone on 28-2-2002, seeking help. The call details of Govt. mobile phone no. 9825048303 for 27/28-2-2002 allotted to Shri P.C. Pande have been examined, but the same does not contain any call from Late

Ahesan Jafri, Ex-MP from his landline no. 079-2125166. Enquiries further revealed that Late Ahesan Jafri, Ex-MP did not have any mobile phone and there was no other landline or mobile phone in the Gulberg Society (except the landline at late Ahesan Jafri's house). Further, the call details of Shri P.C. Pande show that 302 incoming/outgoing calls had been received/ made to/from his mobile phone on 28-02-2002, between 0035 hrs to 2400 hrs. A close scrutiny of the call details show that Shri Pande had received/made calls to/from his mobile phone almost every minute or every two minutes and the phone was never switched off. However, no calls had been received either from Late Ahesan Jafri, Ex-MP or any other resident of the Gulberg Society.

Shri P.C. Pande has denied that over two dozens survivors of Naroda Patiya had made over hundred distress calls to him and has stated that the allegation was false and baseless and that he had responded promptly to the hundreds of distress calls received on his landline/mobile phone from all over the city. Similarly, the call details of Govt. mobile phone no. 9825048316 allotted to Shri M.K. Tandon for 28-02-2002 show that 156 calls were received/made from the said mobile phone. The calls were being received at regular intervals on the said mobile phone on 28-02-2002, and it can not be said that the mobile phone was switched off by Shri Tandon. However, Shri Tandon had received two calls at 1458 hrs & 1904 hrs on 01-03-2002, and one call at 1854 hrs on 02-03-2002, from accused Dr. Mayaben Kodnani and two calls from at 1137 hrs and 1256 hrs on 01-03-2002, from accused Jaydeep Patel. The call details of Govt. mobile phone no. 9825048308 allotted to Shri Shivanand Jha, Addl. CP, Sector-I have also been examined and the same show that 155 calls had been received/made from the said mobile phone on 28-02-2002. The frequency of the calls would shows that the calls were being made/received regularly on the said phone and the allegation that the same was switched off during the day appears to be incorrect. Shri P.B. Gondia had been allotted Govt. mobile phone no. 9825048317. The call details of this mobile phone have also been

examined. On 28-02-2002, 180 calls had been received/made from the said mobile phone almost at regular intervals and therefore, it can not be inferred that this mobile phone was switched off during the day. However, Shri P.B. Gondia had received four calls from accused Dr. Mayaben Kodanani at 1039 hrs on 28-02-2002, 1329 hrs and 1524 on 01-03-2002 and 2049 hrs on 02-03-2002, and from accused Jaydeep Patel at 1140 hrs, 1142 hrs & 1220 hrs on 28-02-2002 and 1004 hrs & 1135 hrs on 01-03-2002 and 1126 hrs, 1721 hrs & 1848 hrs on 02-03-2002. In view of these aforesaid facts, the allegation that over two dozens survivors of Naroda Patiya massacre case made over a hundred distress calls to Shri P.C. Pande, but his mobile phone as well as that of his Addl. CsP and DCsP were permanently switched off is not established.

Shri M.T. Rana has stated that he reached Naroda Patiya at about 1030 hrs on 28-02-2002, from Tambu Chawky, Dariyapur P.S. under the instructions of Shri P.B. Gondia and on reaching there, found a mob of 5000-6000 Hindus on one side and a few thousands Muslims on the other side. He also found that a shop belonging to Muslim near Noorani Masjid had been set ablaze. He has further stated that the Hindu mob was pelting stones on Muslims, whereas the Muslims were throwing tube lights and bulbs on the Hindu mob. According to Shri Rana, the mob swelled with the passage of time and the police had to resort to lathi-charge. He has further stated that one Muslim driver tried to run away with his tempo and in the process crushed one person and injured two. Shri K.K. Mysowala, Sr. PI, Naroda P.S. ran after the driver and arrested him. All the three persons injured in the incident were shifted to the hospital, where one person died and two were treated for their injuries. As per Shri Rana, a rumour was spread that the tempo driver had killed three persons by rash and negligent driving. Shri Rana has further stated that the tempers of the Hindus became very high, and they indulged in violence and set fire to the shops and motor vehicles on the road belonging to both the communities. Shri Rana has confirmed the arrival of Shri

M.K. Tandon, at Naroda Patiya and also the imposition of curfew at 1230 hrs, when the size of mob went up to 15-20 thousand. Shri Rana has also stated that around 1300 hrs information was received that a mob had assembled in Naroda Gam and had attacked the police party and as such Shri V.S. Gohil, Second PI, Naroda Gam was instructed by DCP, Zone-IV to go to the spot and control the situation. Shri M.T. Rana has admitted that he did not visit Gulberg Society even though he had received a Control Room message at 1238 hrs that a mob of 4-5 thousand had surrounded the Gulberg Society as the situation at Naroda Patiya was serious. According to Shri Rana, he did receive a message from Control Room at 1405 hrs that some of the articles lying inside a house in the Gulberg Society had been set on fire, but he could not proceed to Gulberg Society, as he was the only senior officer left at Naroda Patiya, where the situation was comparatively more serious, as DCP, Zone-IV had already left for Dariyapur. Shri Rana has also narrated another incident about a mob of 2000 persons that had assembled near Naroda P.S. at about 1510 hrs on 28-02-2002, when he along with Shri K.K. Mysorwala, Sr. PI, Naroda P.S. rushed to Naroda P.S. and dispersed the Hindu mob outside the police station and gave protection to Muslims. Shri M.T. Rana has stated to have reached Gulberg Society at 1800 hrs on 28-02-2002, and assisted the Jt.CP and DCP, Zone-IV in shifting the 150 survivors of Gulberg Society incident to a safer place. He has further stated to have accompanied the survivors of the Gulberg Society to Shahibaug P.S. and thereafter, returned to Meghaninagar P.S. and ordered for the registration of case in respect of Gulberg Society incident. He has also stated that he returned to Naroda Patiya around midnight and learnt that some of the Muslims were still hiding at Hussainnagar due to the fear of Hindus, took them into confidence and shifted them to Shah-Alam roza in Kagdapith area, which was subsequently converted into a riot relief camp.

Shri K.K. Mysorwala, Sr. PI, Naroda P.S. has corroborated the statement of Shri M.T. Rana, the then ACP, 'G' division about

the Naroda Patiya incident as well as Naroda Gam incident. As regards the registration of CR No. 193/02 against accused Jaydeep Patel, a VHP activist on 17-03-2002, Shri Mysorewala has explained that on 28-02-2002, Jaydeep Patel was not seen in the mob and that nobody had named him or filed complaint against him. According to Shri Mysorewala, it was only on 17-03-2002, that a written complaint had been received from Babubhai Pirubhai Sheikh of Naroda Patiya at a relief camp and a case was registered on the same day. Further, regarding the registration of case no. 197/02 against Dr. Mayaben Kodnani, MLA on 18-03-2002, Shri Mysorewala has stated that she was not seen in the mob and had not been named by any of the eyewitnesses and as such no case was registered against her. He has further stated that on 18-03-2002, one Shri Ayubkhan Meerkhan Pathan of Naroda Gam had lodged a complaint against her from a relief camp and as such a case was registered on the same day. Shri Mysorewala could not give any satisfactory explanation, about the calls received/made by him from his mobile phone 9825190775 from accused Kirpal Singh Chabra (Mob.no. 9825047044), an associate of Dr. Mayaben Kodnani, accused Bipin Panchal (Mob.no. 9824085556), accused Ashok G. Patel (Mob.no. 9825018625), accused Jaydeep Patel (Mob.no. 9825023887) and accused Dr. Mayaben Kodnani (Mob.no. 9825006729). As regards the accusations made by Babu Bajrangi in his extra judicial confession made before Tehelka reporter, Shri K.K. Mysorewala, Sr. PI, Naroda P.S. has stated that accused Babu Bajrangi wanted to become a hero amongst the Hindus and had made several statements in this regard. As regards the Babu Bajrangi's allegation about the inaction on the part of police made before Tehelka reporter, Shri Mysorewala had explained that the same was incorrect and that Babu Bajrangi made such statement to show that how influential he was with the police and also a hero amongst the Hindus. Shri Mysorewala has outrightly denied the allegation that he had refused to give protection to the Muslims and had stated that he had personally shifted 27 Muslims with

burn injuries to hospital, protected 600 Muslims in the police station premises, when a Hindu mob of more than 2000 persons were about to attack them, shifted 2855 Muslims to relief camps between 28-02-2002 and 04-03-2002 in addition to 450 Muslims, who had taken shelter in SRP Group-II premises. In view of the aforesaid position, the allegation that the police was aiding the mobs who were attacking the Muslims and that the police acted as mute spectators to the unlawful acts etc. is not substantiated.

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 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. All the officers on leave were recalled. Instructions were also issued to all the petrol and kerosene dealers not to sell the petroleum products in loose condition. In view of these efforts no loss of life or damage to property was reported on 27-02-2002. 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 further 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. 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 was also set on fire. 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. From the same building, 7 charred bodies of children and women were taken out of the building and thus eleven persons could be saved. It may be mentioned here that in all there were 25 persons in the bakery out of which 9 had hid 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 case (Best Bakery), 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 four charge-sheeted 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 quantity of dynamite was found planted in a huge Masjid Musafirkhana in Koyli village under Javaharnagar P.S., which was immediately got defused through 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 31-05-2002, 47 persons including 34 Muslims and 13 Hindus died during the riots. The above death included 4 Hindus and 7 Muslims, who were killed in Police firing. He has denied the allegation that the Baroda City police did not respond to the complaints/calls

Enquiries further revealed that a total number of 182 persons were killed on 28-02-2002, which comprised 31 Hindus and 151 Muslims at Ahmedabad. Further, 17 persons were killed due to police firing on 28-02-2002, out of which 11 were Hindus and 6 Muslims. In view of this the allegation made by Smt. Jakia Nasim that on 28-02-2002, 40 persons were shot dead by the police in Ahmedabad City and/or that out of which 36 were Muslims does not appear to be correct.

➤ **ALLEGATION NO. XXVI:**

No minutes of the meetings held by CM and senior bureaucrats were maintained and instructions were mostly conveyed through phone which served the twin objective of (i) field officers carrying out the conspiracy of program against the minorities and (2) avoidance of the subsequent monitoring of actions by jurisdictional officers.

During enquiries, Govt. of Gujarat has given in writing that it is a general practice that when the law & order position is not normal, review meetings are held by the Chief Minister/Ministers or the higher officers without any written agenda. It has further been intimated that, in these meetings, situation of Law & Order is reviewed, necessary instructions are passed and actions taken as per the need. The Govt. has also informed that no minutes are drawn for such review meetings. In view of the position intimated

by the Govt. of Gujarat, the first part of the 'allegation on not drawing any minute though established yet does not make out any offense. However, the later part of the allegation that this practice served twin objective is though a matter of inference and interpretation yet it is far fetched and therefore, can not be commented upon.

➤ **ALLEGATION NO. XXVII:**

No action was taken against officers like K. Chakravarthi, then DGP, P.C. Pande, then Commissioner of Police, Ahmedabad City, Ashok Narayan, then Additional Chief Secretary and a large number of senior functionaries in Government who filed incomplete, inaccurate, vague and inadequate affidavits to the Nanavati Commission, as narrated in Paras 54, 55, 56 of the complaint dated 08.06.2006.

In respect of this allegation, it may be mentioned that affidavits were filed by, Shri K. Chakravarthi, the then DGP, Shri P.C. Pande, the then CP, Ahmedabad City, Shri Ashok Narayan, the then ACS (Home) and other senior officers in the Govt. before the Nanavati-Shah Commission of Inquiry and their conduct is being looked into by the said Commission. The Commission is yet to submit its report and in case the affidavits filed by these senior functionaries are found to be incomplete, inaccurate, vague and inadequate, it is for the Commission to take appropriate action as per law.

➤ **ALLEGATION NO. XXVIII:**

Slack review of post riot cases as ordered by the Hon'ble Supreme Court in 2004. This was achieved by entrusting this work to those senior officers who are willing to act according to political interests of BJP and CM, as narrated in Para 84 of the complaint dated 08.06.2006.

During enquiries, Shri P.C. Pande, formerly DGP, Gujarat State has stated that the Hon'ble Supreme Court of India in Crl. MP No. 3740/2004 in Writ Petition (Crl.) No. 109/2003 filed by

National Human Rights Commission Vs. State of Gujarat & Ors.
vide order dated 17-08-2004 made the following observations:

".....we made it clear to all parties appearing before us (including the state of Gujarat) that in this matter we are not going to proceed on the basis that the entire investigation machinery in the state has failed; that there should be further/more extensive and in depth investigation into cases numbering 2000 in which "A" summary reports have been filed resulting in closure of cases at the threshold and that the State should consider further/extended investigations through its own high-ranking officers to which none of the concerned parties (including state of Gujarat) had any objection....."

The Hon'ble Supreme Court of India has also directed the Govt. of Gujarat to set up a Cell, which would consist of the following:

- (i) Seven Range Inspector Generals who are at present supervising the 30 Districts in which the communal riots have admittedly taken place;
- (ii) The Range Inspector Generals shall look into the FIRs, the existing materials in support of those FIRs, any other material found or brought to their notice and then decides in connection with each of the 2000 cases-whether further investigation is necessary. In the event of their coming to the conclusion that further investigations is not required, the reasons for their conclusion shall be recorded and put on the Internet for the purposes of informing anyone who may be interested in bringing the matter to the attention of the Court.
- (iii) The Range Inspector Generals will report to two Additional Director Generals to be nominated by the State Government for the purposes of overlooking the work of the Range Inspector Generals.
- (iv) The Additional Director Generals will ensure the correctness of the reports to be submitted to them by the Range Inspector Generals and submit the same to the Director General, who will be in overall charge and will report to this Court as to the outcome of the status of the matters

considered by the Cell operating his supervision. The Director General should give such status report to this Court quarterly (every three months). The first of such report shall be submitted within 90 days. In this report, the Director General will give the status report of cases in which the Cell is of the opinion that further/extended investigation is warranted. In other words, a fresh look must be given by an independent officer.

(v) In cases where further investigation is found necessary, the same shall be carried out by the Officer to be nominated by the Cell. However, in this connection it is clarified that the Cell should not nominate Officer for such investigation who has in the past submitted a Summary Report. In other words, a fresh look must be given by an independent officer.

Shri Pande has further stated that pursuant to the directives of the Hon'ble Supreme Court of India a High Level Committee (Riot Cell Committee) comprising the DGP, two Addl. DGs, seven Range heads and one lady officer of the rank of Dy.SP was constituted at the State level to review the 2017 riot related cases in which 'A' final summary was filed. Shri Pande has further stated that even before the directions given by the Hon'ble Supreme Court of India, the then DGP, Gujarat State had on 07-12-2003, directed all Commissioners of Police, in charge of the Cities and SsP in charge of the Districts to scrutinise 'A' final murder case u/s 302 IPC by senior officers of the respective Commissionerate/Districts and wherever lapses in earlier investigation were found to reopen and reinvestigate such cases by an officer not below the rank of Dy.SP under their direct supervision and monitoring. As per Shri Pande, the Riot Cell Committee under the DG and IG of police had issued directions to all the committee members to earmark three competent police officers of which one should preferably be a Muslim to help them implement the directions of the Supreme Court. Extensive publicity was given through Press Notes as well as through public address

system whenever the Committee Members visited the site of offences about the exercise being undertaken as per the directives of the Hon'ble Supreme Court and people were advised to come forward to register offence and/or to give evidence in relation to riot related cases without any fear or pressure. A website (www.riotcell2002.gujarat.gov.in) was created as per the directives of the Apex Court. This site was being updated on a regular basis.

According to Shri Pande, the following steps were also taken:

- (i) The Committee Members were also directed to prepare maps of places of offence and to record statements of people residing in the vicinity of the places of offence so as to facilitate detection.
- (ii) Frequent meetings of the Riot Cell Committee were convened and the Members were asked to submit regular monthly reports about the action taken by them.
- (iii) In order to maintain continuity, transparency and effective supervision, special care was taken to ensure that the composition of the Committee remained name specific even though some of them were promoted and/or transferred.
- (iv) Directions were also issued that officers of the rank of IGP would visit and interrogate complainants / victims / witnesses in cases relating to murder, attempt to murder, dacoity with murder, kidnapping and crimes under the Explosives Act; officers of the rank of Dy.IG of Police would undertake similar action in relation to cases of dacoity, robbery, grievous hurt, serious riots and police firing and officers of the rank of SP/DCP would initiate such actions in relation to the cases of riots hurts damages to property through arson and looting as well as other cases.
- (v) It was also emphasised in respect of cases, where offences were registered u/s, 153-A, 295-A & 505 IPC and in which

prosecution would require Govt. sanction, the same should invariably be investigated by officers not below the rank of Police Inspector.

Shri P. C. Pande has also stated that quarterly progress reports were submitted to the Hon'ble Supreme Court of India starting from November, 2004 and till his tenure, 11 such reports had been submitted. According to Shri Pande, 108 applications (24 in 2004, 25 in 2005, 46 in 2006 & 12 in 2007 upto 11-04-2007) had been received by the DG requesting for reopening of the cases which were sent to the concerned committee members for necessary action and proper reply to the applicants.

Shri Pande has further stated that as a test case, 59 cases, where fool proof investigations had been carried out earlier, which according to the Committee were not worth reopening, were floated on the websites with reasons thereof. However, no NGO or any individual had ever approached any of the committee members or DGP against such a decision. Shri Pande has also stated that as a confidence building measure, a conscious decision was taken to reopen the remaining 1958 cases, which included certain cases, where flawless investigation were carried out at the relevant time. Of the 1958 cases, only 53 cases were converted into chargesheet, which came to only 2.6% of the total number of reopened cases. According to Shri Pande, as a result of in depth review and scrutiny, the Committee could register 15 fresh offences relating to murder out of which only 10 cases were charge sheeted. Shri Pande has stated that in all 63 cases had been converted into charge sheets. Shri Pande has also stated that Shri M.L. Mehta, Addl. District & Sessions Judge, New Delhi, who had been appointed by the Hon'ble Supreme Court of India to critically analyse the transfer petition and submit a brief for facilitating a decision by the Apex Court, had in his report hailed the efforts made by the State of Gujarat. Shri Mehta had categorically opined in his report that no objection had been filed by any party against its progress reports of the State as well.

Shri Pande has also stated that the Committee headed by the DGP was reconstituted as and when the need arose due to the reshuffling in the police department and that the Committee had submitted quarterly reports to the Supreme Court periodically and that the Supreme Court had never adversely commented upon same. He has also stated that as on 31-03-2010, out of these 'A' summary cases, 117 cases had been charge sheeted and 1276 persons arrested. He has also stated that departmental actions have been initiated against 149 IOs and Supervisory officers, while actions are contemplated against 40 IOs and supervisory officers.

During enquiry Shri A.K. Bhargava, formerly DGP, Gujarat has stated that, he was directly responsible to the Supreme Court regarding the review of 2000 odd riot cases and had submitted quarterly progress reports to the Supreme Court which were duly accepted and never adversely commented upon.

In view of the aforesaid position, since the periodical progress reports are being submitted to the Hon'ble Supreme Court of India and the same had not been adversely commented upon, as also the efforts made by the State of Gujarat, the allegation relating to slack review of post riots cases as ordered by the Hon'ble Supreme Court of India in 2004, is not established.

➤ **ALLEGATION NO. XXIX:**

Nepotism practiced in postings, transfers, promotions etc., as narrated in Para 85 of the complaint for facilitating the on-going subversion of the criminal justice system.

This allegation is vague and general in nature and no specific instance has been cited in the complaint. Moreover, the allegation does not show any criminality.

➤ **ALLEGATION NO. XXX:**

The fact that victims of riots and police firings were predominantly of the Muslim community, will establish that rioters, the administration, cohorts of the ruling party (BJP)

were moving in collaboration for achieving the satanic objectives of CM. Statistics in this regard are given in the second Affidavit dated 06.10.2004 (Para 3 / Appendix V) of Sreekumar to the Nanavati Commission.

During enquiries, Shri P.C. Pande, formerly CP, Ahmedabad City has stated that during the riots, it is difficult for the police to identify as to whether any individual belongs to a particular community. He has further stated that on 28-02-2002, 17 persons were killed in police firing in Ahmedabad City, which included 11 Hindus and 6 Muslims, which would go to show that there was no discrimination on the part of police. He has also stated that in the succeeding days, the retaliation started from the Muslim side also and therefore, wherever force was used by the police casualties resulted on both the sides. According to Shri Pande, it is incorrect to say that the administration and police were moving in collaboration with the rioters and were targeting the persons from the minority community with an intention to achieve the alleged objective of CM. In view of the aforesaid position, the allegation is not established.

➤ **ALLEGATION NO. XXXI:**

That a secret meeting was held late in the evening of 27-02-2002 in Lunawada village of Sabarkantha District and that a telephone call was made between 3 pm & 6 pm from the house of one Dr. Yogesh Ramanlal Pandya from Godhra to Dr. Anil Patel (a member of Gujarat Doctor's Cell of BJP) intimating him about the meeting. Further, another call was also made to Dr. Chandrakant Pandya (from Kalol), Chairman, Police Housing Corporation. Shri Ashok Bhatt, State Health Minister, who was then sitting in the Godhra Collectorate was also intimated about the meeting. Shri Prabhatsinh Chauhan, the then Transport Minister, who hails from Panchmahal was reportedly also called to attend and

one Shri A.P. Pandya was also present in the meeting. It is further alleged that the phone calls were made to invite 50 top people of BJP/RSS/BD/VHP and the plan was to assemble at someone's house in Lunawada (Sabarkantha District). It is also alleged that 50 top people met at this undisclosed destination and detailed plans were made on the use of kerosene, petrol for arson and other methods of killing, but the State IB did not or could not track such meeting and preparations for the gruesome violence that was to follow.

During enquiries, Shri Yogesh R. Pandya has stated that he was a practicing Homeopathic Doctor at Kalol since 1983 and was earlier President of BJP, Kalol and at present Member of Doctor's Cell which supports BJP. He never resided at Godhra. He has stated to have received the news about Godhra carnage at about 1000 hrs or 1030 hrs, which initially said that two persons had been killed, but casualties could be much more. He has stated to have contacted Dr. Chandrakant Pandya, an Ayurvedic Doctor at Kalol over latter's mobile phone. He has further stated that Dr. Chandrakant Pandya confirmed the said incident and thereafter, he left for Godhra at about 1200 hrs by his own car and reached there in or about 45 minutes. At Godhra, he has stated to have seen big crowd near Civil Hospital, Godhra and stopped there. According to Shri Y.R. Pandya, being a social worker, he tried to ascertain the details of the incident and also about the number of deaths that took place in the incident, but despite having spent about two hours, he could not know the details of the incident. Thereafter, he has further stated to have visited the Collectorate and saw a big crowd there, but could not get the details of the incident. He returned to Kalol by his own car at about 1730 hrs. He has confirmed to have known Dr. Anil Patel, a General Practitioner of Ahmedabad, but he has denied to have contacted him over telephone on 27-02-2002. He has denied knowledge of any secret meeting at Lunawada on 27-02-2002. He has further denied to have either known Shri Ashok Bhatt, the then Health Minister or ever contacted him over phone. According to him, Shri

Prabhatsinh Chauhan, the then Minister was not known to him personally at that point of time. He has admitted to have known Dr. A.P. Pandya, a private Surgeon of Godhra, but did not speak to him over phone or met him at Godhra. He did not have any mobile phone at that time and his land line number was 02676-235111.

Shri Chandrakant R. Pandya, a BJP activist from Kalol, who was Vice-Chairman of Police Housing Corporation during 1999 to 2002 has stated that on 27-02-2002, he was doing Maha Rudra-Yagna at Gehlapuri situated at a distance of 15 kms. from Kalol, when he received an information about the Godhra carnage on his mobile phone at about 0930 hrs and immediately left for Godhra by his Maruti car. He has stated that he reached Godhra at about 1000/1030 hrs and stopped at Civil Hospital, Godhra as there was a big crowd. He has further stated that from the doctors he came to know that a railway coach had been burnt and the injured were admitted to the hospital for treatment. He parked his car in Civil Hospital and went to Godhra Railway Station in an ambulance. At Railway Station he saw people pelting stones and being a social worker, requested them to stop. He has further stated that the train was thereafter brought back to Godhra Railway Station, where two burnt coaches were detached and parked in the railway yard and thereafter, the train left for its destination after about two hours or so. He has further stated that he returned to civil hospital in the same ambulance by about 1330 hrs or so and being a social worker, he helped the doctors and looked after the victims. According to Shri Chandrakant Pandya, CM visited the hospital along with Shri Ashok Bhatt, the then Health Minister and at that time he was sitting in the office of Resident Medical Officer. He has also stated that he stayed in the hospital till about 1900 hrs on 27-02-2002, and then went to his mother's house in Godhra and stayed there, as there was curfew in Godhra town. On 27-02-2002, he has admitted to have received a call on his mobile phone from Dr. Yogesh R. Pandya from Kalol and that the latter had asked him about the train carnage at Godhra, to which he replied that he was at Civil hospital, Godhra and that he should come to

hospital in case he wished to come. According to Dr. C.R. Pandya, Dr. Yogesh Pandya did come to civil hospital, Godhra, but did not meet him. He has stated that Dr. Yogesh Pandya did not ask him to attend any meeting at Lunawada and has denied to have attended any such meeting. He had a prepaid mobile phone connection, but does not recollect his number. He knows Dr. A.P. Pandya, a private Surgeon of Godhra, but did not meet him on 27-02-2002 at Godhra.

Dr. Anil M. Patel, a General Physician from Ahmedabad and a Member as well as President of BJP Doctor's Cell for the last 14-15 years has stated that Dr. Yogesh Pandya and Dr. Chandrakant Pandya of Kalol, and Dr. A.P. Pandya, Surgeon of Godhra are the members of BJP Doctor's Cell and therefore known to him. He has further stated to have known Shri Ashok Bhatt, formerly Health Minister. He has further stated that he knew Shri Prabhatsinh Chauhan earlier Minister and now MP, but the latter did not know him. He runs a private clinic from 1000 hrs to 1330 hrs and 1830 hrs to 1930 hrs from Monday to Saturday and Sunday is a closed day. Shri Anil Patel has stated that on 27-02-2002, he attended his clinic at 1000 hrs and after sometime when he switched on his TV, there was a news flash about the Godhra train burning incident. As per his recollection, he has stated that he contacted Dr. Yogesh Pandya, the then President of Godhra BJP Doctor's Cell over telephone at Kalol and asked him to extend some medical help to the victims, if possible, to which the latter agreed. He has further stated that as and when, either there was a natural calamity or epidemic/accident, the members of the Doctor's Cell always came forward for help. He has also stated that keeping in view the fact that the medical facilities at Godhra might be limited, he made this request to Dr. Yogesh Pandya, who never reverted to him on this issue. According to Dr. Patel, it is incorrect to say that a call was made from the house of Dr. Yogesh Pandya between 3 pm to 6 pm on 27-02-2002, requesting him to attend a secret meeting to be held at Lunawala village of Godhra District. He has also stated that it was humanly impossible to travel to Lunawada, which is

more than 150 kms. from Ahmedabad on 27-02-2002 itself. He has out rightly denied about his participation in the alleged meeting at Lunawada where the so-called detailed plans were made on the use of kerosene, petrol for arson and other methods of killing. He has further stated that during the said period he used mobile phone no. 9825047978. His mobile phone call details for 27-02-2002 have been checked and the same show his location at Ahmedabad and no call had been made/ received to/from Godhra.

Dr. Amrutlal P. Pandya, a Surgeon by profession and running 'Divya' surgical hospital at Godhra and an active member of BJP since 1984, a Treasurer of District BJP Panchmahal during 2002 and at present President of Godhra Nagar BJP, has stated that Dr. Chandrakant Pandya, an Ayurvedic doctor and Dr. Yogesh Pandya, a Homeopethic doctor from Kalol are known to him being the members of BJP. He has further stated that Dr. Anil Patel, a General Practitioner of Ahmedabad City is also known to him, being the President of Doctor's Cell, Gujarat State since 1999. According to Dr. A.P. Pandya on 27-02-2002 the news about the Godhra carnage was received by him over telephone from someone around 0800 hrs and thereafter, some social workers of Godhra had requested him to come to civil hospital and render some medical assistance to burnt patients admitted there. He has further stated that he had rushed to the civil hospital within half an hour and gave emergency medical aid to burn patients in the surgical ward till about 1000 hrs. Thereafter, he went to Godhra Railway Station in his own car to see that the unattended patients could be shifted to the civil hospital in his car. However, till that time, the burnt bogie was still attached to the train and the coach was doused. As per Dr. A.P. Pandya, he returned to the civil hospital and attended to the indoor patients with the burn injuries. He has also stated that around 1600 hrs, he went to the Collectorate and met Smt. Jayanti Ravi, the then Collector, Godhra and asked her any other medical service required from his side. As the Collector was very busy, Dr. A.P. Pandya waited there till about 1700 hrs or so and then returned to his residence at 1930

hrs or 2000 hrs. He has denied to have received any call from Dr. Chandrakant Pandya, Dr. Yogesh Pandya or Dr. Anil Patel asking him to attend any meeting in Lunawada between 3 pm to 6 pm. He did not have any mobile phone at that time. He has further denied to have met Shri Ashok Bhatt, the then Health Minister. However, he has admitted to have met Shri Bhupendrasinh Solanki, the then MP from Panchmahal at Collectorate only and requested him to get the culprits responsible for the said ghastly incident apprehended and punished. He has also stated that it is incorrect and absurd to say that he attended a meeting at undisclosed destination in Lunawada, where the detailed plans were made about the use of kerosene, petrol for arson and other methods of killing. According to Dr. A.P. Pandya, Lunawada is not a village, but a Taluka headquarters and its situated in Panchmahals District and not in Sabarkantha District as alleged. He has denied the allegation to be false, baseless and maliciously made to exploit and defame all of them.

Shri Ashok Bhatt, the then Health Minister and later Speaker of Gujarat Assembly, who had been elected as MLA seven times to Gujarat Assembly on BJP ticket since 1975 has stated that an information relating to the Godhra carnage was received by him on 27-02-2002 at about 0900 hrs from the officials of the Health Department, who had also informed him that the services of some of the doctors were required at Godhra. According to Shri Ashok Bhatt, he immediately spoke to Civil Surgeon, Godhra and Superintendent Civil Hospital, Ahmedabad, a Burn Expert. As per Shri Bhatt, Civil Surgeon, Godhra requested him to come to Godhra as his presence was very much required there. Shri Bhatt has further stated that he left for Godhra by car at about 0930 hrs and reached Godhra between 1200 to 1230 hrs. Shri Bhatt has further stated that at Godhra he met Smt. Jayanti Ravi, the then Collector either at civil hospital or at Collectorate (because both are nearby). Thereafter, Shri Bhatt has stated to have visited the injured admitted to the civil hospital for treatment. At civil hospital, Shri Bhatt spoke to District Health Officer and Civil Surgeon and

asked them to call all the doctors from Godhra District. Shri Bhatt also ordered the burn experts to be called from SSG hospital, Baroda. Shri Bhatt has further stated to have accompanied Smt. Jayanti Ravi, the then Collector to Godhra Railway Station at about 1500 hrs and by that time the two burnt bogies had been detached and parked in the railway yard and the train already left for Ahmedabad and the policemen and doctors were busy with the post-mortem of the dead bodies. According to Shri Bhatt, Chief Minister arrived between 1630 to 1700 hrs and met him at Godhra Railway Station. Thereafter, Shri Bhatt proceeded to the civil hospital. He has further stated to have met Shri Gordhan Zadaia, the then MoS (Home), but did not meet Shri Prabhatsinh Chauhan. Shri Bhatt does not have the knowledge, whether Shri Prabhatsinh Chauhan had come to Godhra or not. Shri Bhatt has also stated that he remained at Civil hospital till late in the night and then left for Gandhinagar past midnight around 0230 hrs by car and reached Ahmedabad around 0500 hrs on 28-02-2002. He has admitted to have known Dr. Anil Patel a little bit as a Member of Ahmedabad Medical Association and a Member of BJP Doctor's Cell. However, he has denied to have known Dr. Yogesh R. Pandya and Dr. Chandrakant Pandya of Kalol and Dr. A.P. Pandya of Godhra, or any of them contacting him over phone on 27-02-2002 at Godhra. He has also denied to have received any intimation about any meeting or attended any meeting at Lunawada on 27-02-2002. The call details of Govt. mobile phone no. 9825039877 allotted to Shri Ashok Bhatt, which is still in operation have been scrutinised. The location of the said phone was at Ahmedabad on 27-02-2002 at 1014 hrs and thereafter, at Godhra at 1149 hrs on 27-02-2002. Regular calls were received on this mobile phone from 1149 hrs on 27-02-2002 to 0108 hrs on 28-02-2002. Thereafter, the location of this mobile phone was at Ahmedabad at 0506 hrs on 28-02-2002. The location of the said mobile phone corroborates the version of Shri Ashok Bhatt about his movement from Ahmedabad to Godhra and back and also that he did not go to Lunawada at any time on 27-02-2002.

Shri Prabhatsinh Chauhan at present Member of Parliament, Panchmahals constituency has stated that he was appointed as Minister of State for Cow Breeding & Shrine Development by Shri Narendra Modi in October, 2001. He has further stated that he came to know about the Godhra carnage incident around 1100 am and being a MLA & Minister from Kalol constituency, he left for Godhra by road immediately at about 1100 hrs on 27-02-2002 and stayed at Sevaliya on the way to wait for Shri Bhupendrasinh Solanki, who was to accompany him to Godhra. Both of them reached Godhra in the afternoon and went to Godhra Railway Station. He happened to be at Godhra Railway Station, when Chief Minister Shri Narendra Modi arrived there. He has further stated that he did not visit either Collectorate or Hospital, as he was not well and went to his native place at Mehlol, where he took some lemon juice and rested for a while and then came back to Gandhinagar. He has also stated that while coming to Gandhinagar from Godhra, he switched off his mobile phone. He has denied to have known Dr. Chandrakant Pandya, Dr. Yogesh Pandya of Kalol, Dr. A.P. Pandya of Godhra and Dr. Anil Patel of Ahmedabad. He has further stated that none of them had called him on 27-02-2002. He has denied to have organised or taking part in any meeting with any leaders of VHP, RSS, BD or BJP at Lunawada. He has also stated that on 28-02-2002, he again came back to his village and with the help of the police went to Vadodara to drop his daughter at her in-laws place. The call details of Govt. mobile phone no. 9825037438 allotted to Shri Prabhatsinh Chauhan have been obtained and analysed, which showed the location of said mobile phone at Godhra on 27-02-2002 at 1256 hrs till 2031 hrs. It appears that, thereafter, the said mobile phone was switched off. The location of the said mobile phone, thereafter, starts at Godhra on 28-02-2002 at 1152 hrs and ends at Godhra at 2008 hrs on 28-02-2002. However, the call details do not show any call from the Dr. Yogesh Pandya of Kalol and Dr. Anil Patel of Ahmedabad.

This allegation revolves around the fact that phone calls were made by Dr. Yogesh R. Pandya to Dr. Chandrakant Pandya, Dr. Anil T. Patel and Dr. A.P. Pandya. Further, telephone calls were also made to Shri Ashok Bhatt, the then Health Minister and Shri Prabhatsinh Chauhan, the then Transport Minister at Godhra Collatorate. There are certain factual inaccuracies inasmuch as Lunawada is not a village, but a Taluka headquarters and is situated in Panchmahals District and not in Sabarkantha District. Moreover, Shri Prabhatsinh Chauhan had never been a Transport Minister in Gujarat. It may be added here that Lunawada is situated at a distance of about 43 kms. northward from Godhra and Kalol is situated in the opposite direction at a distance of about 31 kms. Southward from Godhra. The distance between Ahmedabad and Godhra is around 125 kms. Enquires established that both, Shri Ashok Bhatt, the then Health Minister and Shri Prabhatsinh Chauhan arrived at Godhra on 27-02-2002 afternoon. Shri Ashok Bhatt as per the location of his mobile phone and call details records remained at Godhra between 1149 hrs on 27-02-2002 and 0108 hrs on 28-02-2002 and that during this period he regularly received calls. Further, his location has been noticed at Ahmedabad on 28-02-2002 at 0506 hrs. He had not received any calls from either Dr. Yogesh R. Pandya of Kalol or Dr. Anil T. Patel of Ahmedabad. Moreover, he was seen at Godhra Railway Station and civil hospital, Godhra throughout the day by Smt. Jayanti Ravi, the then Collector and Shri Raju Bhargava, the then SP, Godhra. All these circumstances go to show that he could not have attended the meeting at Lunawada late in the night of 27-02-2002 as alleged. As regards, Shri Prabhatsinh Chauhan, the call details records of his mobile phone show that his location was at Godhra on 27-02-2002 from 1256 hrs to 2031 hrs and it appears that, thereafter, the mobile phone was switched off at 2031 hrs. The mobile phone appears to have been switched on 28-02-2002 at 1152 hrs with location at Godhra. He was also seen at Godhra by SP, Godhra. His call details records do not show any call from Dr. Yogesh R. Pandya and Dr. Anil T. Patel. In view of these

circumstances, he could not have participated in the meeting at Lunawada. Coming to the version of Dr. Chandrakant Pandya, Dr. Yogesh R. Pandya and Dr. A.P. Pandya, all three of them did come to Civil Hospital, Godhra. However, Dr. Chandrakant Pandya did not meet Dr. Yogesh R. Pandya, as there was a huge crowd in Civil Hospital, Godhra. Further, Dr. A.P. Pandya being a resident of Godhra treated the burn patients at Civil Hospital, Godhra, visited Godhra Railway Station and met Smt. Jayanti Ravi, the then Collector. None of these three doctors met each other on 27-02-2002. Dr. A.P. Pandya went back to his residence at about 1930 or 2000 hrs, while Dr. Chandrakant Pandya stayed at his mother's house in Godhra, as there was curfew in the town. Dr. Yogesh Pandya went back to Kalol at about 1730 hrs. There is no evidence to connect them with each other on 27-02-2002 and also to prove that they had gone to Lunawada and attended a late night meeting as alleged. Regarding Dr. Anil T. Patel of Ahmedabad, he was located at a distance of about 168 kms from Lunawada and even if it is presumed for the time being that he did receive a call between 3 pm to 6 pm to attend the alleged meeting, it was almost impossible to reach Lunawada from Ahmedabad, attend the meeting late in the night and then return to Ahmedabad in the night itself. It would be worth while to mention here that the call details of mobile phone of Dr. Anil Patel showed its location at 2148 hrs on 27-02-2002, at Ahmedabad. In view of these facts, by any stretch of imagination Dr. Anil Patel could not have attended the alleged meeting at Lunawada late in the night of 27-02-2002. This allegation appears to be a figment of imagination of some interested elements based on the rumours and is therefore, not established.

➤ **ALLEGATION NO. XXXII:**

A meeting was held by Shri Kalubhai Hirabhai Maliwad at village Borwai near Pandarwada on 28-02-2002. This meeting earlier scheduled to be held at the house of one Shri Shankar Master, but due to large crowd, it was held at

Baliyadev Mandir. It is alleged that around 5000-6000 activists of Bajrang Dal including Shri Kalubhai Maliwad, Somabhai Rumalbhai of Kaliakuvawala, Jignesh Pandya, Prakashbhai of Borwai village, Amrutbhai Manilal Panchal, Anil Modi, Sarpanch, Sanjay Ishwarbhai Panchal, Vijay Damor, Khema Kalu and Damor Somabhai besides others were present in the meeting held to plan the attacks on the minorities in the surrounding areas. Smt. Teesta Setalvad has stated that this information was given to her by her sources namely Shri Mehboob Rasul Chauhan of Lunawada and Shri Nasirbhai Kalubhai Sheikh of Pandarwada.

During enquiries, Smt. Teesta Setalvad, Human Right Activist & Secretary, Citizens for Justice & Peace produced Shri Mehboob Rasul Chauhan of Lunawada as a source of her information. Shri Mehboob has stated that he is a painter by profession and had stayed in Pandarwada village during 1990-2002. He had come to know about the Godhra carnage incident on 27-02-2002, from his village men. He has further stated that on 28-02-2002 around 1330 hrs, he had gone to village Borwai, situated at a distance of about 5 kms. from Pandarwada to complete the painting job in the house of a Brahmin. This job was started by him about five days ago. He has later given the name of the said Brahmin as Shri Rameshbhai Upadhyay. At that time, he did not have any co-worker with him. He has further stated that after completing the job around 1700 hrs on 28.02.2002, while he was returning to Pandarwada, he saw a group of 200-250 persons near the house of Shri Shankar Master. Subsequently, he found that around 4000-5000 persons had assembled near Baliyadev Temple in village Borwai and were being addressed by Shri Kalubhai Maliwad. At that time, Shri Kalubhai Maliwad was heard saying by Shri Mehboob that many Hindus had been killed in Godhra train and that they should strike back by burning houses and shops of Muslims in the surrounding areas. According to Shri Mehboob, one Shri Amrutbhai Manilal Panchal, a resident of Pandarwada had seen him there and had asked him to go away.

Shri Mehboob has named around 36 persons of different villages, which include the eleven persons named by Smt. Teesta Setalvad. Shri Mehboob has further stated that he changed his plan and did not go to Pandarwada and instead went to Lunawada to his father's house by truck, where his family had come to celebrate Eid. He has further stated that he did not inform anyone and not even his family about the aforesaid meeting attended by a few thousands persons at Baliyadev Temple, Borwai. As per Shri Mehboob, his friend Jabbirbhai Kharadi called him from Pandarwada at about 2200 hrs on 28-02-2002 and informed about the eruption of riots at Pandarwada and also that his kiosk had been set on fire. Shri Jabbirbhai requested Shri Mehboob to send police force to Pandarwada. Shri Mehboob has further stated that he did not inform anyone as the riots had also broken out in Lunawada and as such he was unable to go out. He has also stated that around 2315 hrs, he contacted his friend at Pandarwada over telephone and came to know that a Hindu mob had burnt Mosque and shops in Pandarwada. Shri Mehboob has further stated that a Harijan of Pandarwada had told one Shri Gulambhai Ganibhai Kharadi that the dead bodies of some of the Muslims of Pandarwada were thrown in a pit near Panam river, at Lunawada. According to Shri Mehboob, he reported the matter to one Shri Raeeskhan of Ahmedabad, who had been working with Smt. Teesta Setalvad's NGO. Accordingly, some skeletons were dug out and Smt. Teesta Setalvad made a request to Gujarat High Court for CBI investigation in the matter. Shri Mehboob has stated to have filed an affidavit in the High Court in this regard, but did not mention about the meeting held at Borwai by 4000-5000 persons on 28-02-2002. The Circle Inspector had filed a complaint in the matter of exhuming of the dead bodies at Lunawada village and a case was registered against him. Shri Mehboob has also mentioned that he had informed Smt. Teesta Setalvad of Citizens for Justice & Peace for the first time in the year 2009 about the aforesaid meeting held by 4000-5000 persons on 28-02-2002, at Baliyadev Temple, Borwai wherein it was decided to set fire to the

shops and houses of Muslims of Pandarwada. On being questioned, Shri Mehboob stated that he did not inform about the said meeting held on 28-02-2002 at Borwai to anyone or even his family members.

Shri Nasirbhai Kalubhai Sheikh of Pandarwada has stated that on 27-02-2002, Shri Mehboob Painter had attended a marriage of his brother, Salim at Pandarwada and had gone to Dungarpur (Rajasthan) along with the marriage party and returned to Pandarwada on the same day. He has further stated that he came to know about the Godhra episode through TV news on 27-02-2002, on return from Dungarpur. According to Shri Nasirbhai, on 28-02-2002, it was Gujarat Bandh and as such the guests, who had come to attend the marriage, could not go back and he himself remained at home. He has also stated that Shri Mehboob painter came to his home in the evening and told him that there was a meeting at Borwai village, but did not disclose the venue and the purpose of this meeting and also about the participants of the said meeting and that this fact had not been disclosed by him to anyone till date.

Shri Kalubhai Maliwad, formerly MLA, from Lunawada constituency has out rightly denied to have attended any such meeting on 28-02-2002, at Baliyadev Temple at village Borwai, where plans were made about the attack on Muslims. He has denied to have known Shri Shankar Master, but admitted acquaintance with other persons named by Shri Mehboob Rasul, who had allegedly attended the said meeting at village Borwai. Shri Kalubhai Maliwad has stated that his village Rehman was situated at a distance of 19-20 kms. from village Borwai and that he remained at his village on 28-02-2002 and did not move out.

Shri Shankarbhai V. Joshi @ Shankar Master has admitted knowledge about the incident relating to Godhra train carnage on 28-02-2002, from newspaper. He has also admitted to have known Shri Kalubhai Maliwad, who was later elected as MLA from his area, Shri Somabhai Damor, Shri Anil Modi, Sarpanch of

Pandarwada and Shri Vijay Damor, who was his student. He has denied to have known others named by Shri Mehboob, who had allegedly attended the aforesaid meeting at village Borwai. He has further stated that he was present in his primary school in Borwai village on 28-02-2002 from 1100 hrs to 1700 hrs. He has further stated that thereafter, he attended a social function at the house of one of his relations namely Shri Someshwar Pandya at village Bhadrod, situated at a distance of 10 kms. from Borwai and returned to his place at about 2300 hrs. only on 28.02.2002. He has also stated that since he was not at home, no such meeting could have taken place at his residence. According to Shri Shankar Master, no such persons as named by Shri Mehboob had assembled at his place.

Shri Rameshbhai Upadhyay, whose house was alleged being painted by Shri Mehboob Painter in the last week of February, 2002 and concluded on 28-02-2002, has stated that he was a matriculate and had been running a grocery shop and doing farming at village Borwai. He has further stated that he had constructed a small house in his farm and got it painted about two months before the Godhra carnage i.e. sometime in December, 2001 from Shri Mehboob painter and that the job lasted for about 8-9 days. He has totally denied the fact that Shri Mehboob painter visited his house for painting job on 28-02-2002, from 1400 hrs to 1700 hrs. Shri Upadhyay has clarified that he was in Bhadrod village in connection with some social function at his sister's place from 26-02-2002 to 28-02-2002 and had returned only in the night of 28-02-2002. He has denied knowledge about any meeting held at Baliyadev Temple in Village Borwai, as he was away from the village. He has produced an invitation card in this connection regarding a social function, which shows that the ceremonies were held on 28-02-2002 at the house of Shri Arvind Someshwar Pandya, brother in law of Shri Ramesh Upadhyay at village Bhadrod. Shri Ramesh Upadhyay has also produced two photographs of the said function which confirm his presence at Bhadrod.

Shri Sanjay Ishwarlal Panchal, who had allegedly participated in the aforesaid meeting on 28-02-2002, has stated that after passing SSC, he had joined a textile company at Surat from 1994-2004 and thereafter, worked in M/s, Mech-Tech engineering, Vadodara along with his brother till 2006. He has further stated that when the riots erupted in Gujarat, he was at Surat. According to Shri Panchal, on 28-02-2002, his employer Hasmukhbhai informed him that riots broke out at Pandarwada also and as per TV news, a house was set on fire. Shri Sanjay Panchal has further stated to have visited Pandarwada after about 1½ month and found his house safe. He has stated to have stayed at Pandarwada for about a day and then returned to Surat. He has denied knowledge as well as participation in the alleged meeting at Baliyadev Temple at Borwai on 28-02-2002.

Shri Anilkumar Manubhai Modi, Sarpanch of Pandarwada during 2002-2006, has stated that the news about the Godhra train carnage was received by him on 27-02-2002 through TV media and that there was a call for Gujarat bandh on 28-02-2002. He has further stated that pursuant to the bandh call on 28-02-2002, his provision store was closed and he was at home. He has further stated that he had come to know about a rioting incident at Pandarwada bus stand on 28-02-2002 and had telephoned Mamlatdar (Executive Magistrate), who informed him that he had already reached the place of occurrence along with the police. He has denied to have attended the alleged meeting either at Shankar Master's house or at Baliyadev Temple, village Borwai, which was allegedly attended by a large number of Barang Dal activists. He has admitted to have known the various persons named by Shri Mehboob Painter, but denied having attended any meeting with them at Village Borwai. Shri Anil Modi has further stated that one Shri Aiyubhai Saiyed of Pandarwada had died during the communal riots and that his wife Smt. Zohrabibi made a statement before the police that he (Shri Anil Modi) was present, when her husband was killed. According to Shri Anil Modi, he was interrogated by the local police in the year 2005, put to TI parade

and then arrested. He has further stated that he remained in the jail for about 73 days and then granted bail by Gujarat High Court. Shri Anil Modi has also stated that during the riots on 01-03-2002, he had given shelter to (1) Nathubhai Ahmadbhai Sheikh, (2) Saturbhai Imambhai Saiyed, (3) Javed Atur Saiyed, (4) Rasilaben Yusufbhai Saiyed, (5) Aslama Yusufbhai Saiyed, (6) Shoaib Yusufbhai, (7) Arbaz Yusufbhai, (8) Sairabanu Saturbhai Saiyed, (9) Marjinabibi Saturbhai Saiyed and (10) Sahin Saturbhai Saiyed in his own house and informed PSI Shri Rathod, who escorted them to a safer place. Shri Anil Modi has produced a photo copy of letter dated 02-03-2002 sent by Executive Magistrate, Khanpur to District Magistrate, Godhra stating that the aforesaid ten persons were taken charge of from the house of Shri Anil Modi, Sarpanch without any injuries and shifted to Lunawada P.S. under police protection. This fact was argued by his lawyer during the hearing of his bail application in Gujarat High Court and the High Court in turn got it verified from the IO, who confirmed the claim made by Shri Anil Modi. The High Court held that in view of the fact that the name of Shri Anil Modi was mentioned by the complainant after a period of three years, the version of the complainant appeared to be doubtful and as such Shri Anil Modi was ordered to be released on bail. The trial of this case is still going on.

Shri Somabhai Roomalbhai Damor, a farmer by profession has stated that he was available at his house on 27-02-2002, in the village and that he came to know about the Godhra carnage incident on 28-02-2002 and thereafter, the communal riots had started. He has stated to have given shelter to 15 Muslims of village Lambha of Panchmahals District and thus saved their life. He had denied knowledge or participation in the alleged meeting that took place in village Borwai on 28-02-2002 evening, in which 5000-6000 Bajrang Dal activists had alleged participated.

Shri Prakashkumar Nanalal Upadhyay has stated that he was working as a bus driver in Surat Municipal Corporation for the last three years and that earlier he had worked as a jeep and a

tractor driver in Mangal Bharti Institute, village Bahadurpur, Tal-Sankheda, Distt. Vadodara. He has stated that he had come to know about the Godhra incident from radio news on 27-02-2002 and that he was present at his institute in village Bahadurpur on 28-02-2002, and visited his village Borwai once in 2-3 months for social functions, if any. He has denied knowledge as well as participation in the alleged meeting of 5-6 thousands Bajrang Dal workers in Baliyadev Temple at village Borwai on 28-02-2002.

Shri Jignesh Ramanlal Pandya, resident of village Bhagat na Muvada, Tal-Khanpur (a HIV '+' patient) has stated that he was working as a jeep driver of Mohmmad Vora at Godhra and used to ply jeep for transportation of passengers in Godhra city. He has further stated that on 27-02-2002, he was waiting for passengers outside the ST depot at about 0700 hrs and that around 0900 hrs, he came to know about the Godhra incident and thereafter, he went back to his house with jeep, as curfew had been declared in Godhra at about 1100 hrs. He has denied knowledge as well as participation in the alleged meeting of 5-6 thousands Bajrang Dal workers in Baliyadev Temple at village Borwai on 28-02-2002. He has further stated that he remained in his house, as Godhra was curfew bound for next 2-3 months and as such he did not go out for job.

Shri Khemabhai Kalubhai Damor, a teacher of a primary school of Motipura and a Govt. servant has stated that on 27-02-2002, he was present in his school and came to know about Godhra carnage incident on his return to residence in the evening. He has further stated that there was no Muslim residing in his village and as such there was no communal rioting incident in his village. He has denied knowledge as well as participation in the alleged meeting of 5-6 thousands Bajarang Dal workers in Baliyadev Temple at village Borwai on 28-02-2002 and stated that he was present in the school on that day.

Shri Vaghabhai @ Vijaybhai Jamnabhai Damor, a teacher by profession and a resident of village Limbadi Timba, Tal-Khanpur

has stated that he had attended the school at village Chani on 27 & 28-02-2002, which is situated at a distance of $\frac{1}{2}$ kms. from his village Limbadi Timba. He has denied to have visited village Borwai on 28-02-2002 evening, which is situated at a distance of about $3\frac{1}{2}$ kms from his village and one has to go by road via Pandarwada. He has denied knowledge as well as participation in the alleged meeting of 5-6 thousands Bajarang Dal workers in Baliyadev Temple at village Borwai on 28-02-2002.

Shri Amrutlal Manilal Panchal, a Gram Sevak by profession and residing at Pandarwada village has stated that on 27-02-2002, he was present at village Bakor (his headquarters), which is situated at about 7 kms. away from village Pandarwada. According to Shri Panchal, he returned to Pandarwada in the evening and came to know about Godhra train carnage from TV news in the night. He has further stated that on 28-02-2002, he went to Bakor by cycle and remained there on duty from 1000 hrs to 1815 hrs. While going to Pandarwada in the evening, he came to know about some rioting in Pandarwada and as such returned to Bakor and stayed at his cousin sister's (Smt. Leelaben) house in the night. He has also stated that on 01-03-2002, he received stand-by order and was asked not to leave his headquarters. He has further stated that in view of these orders he had remained at Bakor till 03-03-2002. He has admitted to have known all the ten persons named by Shri Mehboob Rasul in the information given by him, but denied knowledge as well as participation in the alleged meeting of 5-6 thousands Bajrang Dal workers in Baliyadev Temple at village Borwai on 28-02-2002. He stayed at village Bakor from 28-02-2002 to 03-03-2002. He has out rightly denied to have visited Borwai on 28-02-2002, and denied to have met Shri Mehboob Rasul. He has also stated that Shri Mehboob Painter was aggrieved of the fact that he (Shri Amrutlal Panchal) had got entrusted the job relating to the painting of the house of one Shri Ramanbhai Trivedi's uncle at Vadagam to another painter of Pandarwada. Shri Amrutlal Panchal has also stated that Shri Mehboob Painter had threatened him that he would recover ten

times the labour charge of Rs. 5000/- for the job i.e. Rs. 50,000/- from him. Shri Amrutlal Panchal has stated that his younger brother namely Shri Rajanibhai Panchal had been falsely implicated in a murder case of Dulhanbibi by her son Mastubhai Asharafbhai Sheikh and remained confined to jail for about three years and acquitted only on 22-04-2010. Shri Amrutlal Panchal has alleged that Shri Mehboob Rasul had regularly visited the Session's Court, Godhra during the trial of his brother and took lot of interest in TI parade, as well as did pairvi of this case against his brother.

Shri Mehboob Rasul, informer has stated that he visited Borwai on 28-02-2002, to complete the painting job in the house of Shri Rameshbhai Upadhyay, whereas Shri Ramesh Upadhyay has stated that the painting job was done sometime in December, 2001 and that he was not available in village Borwai from 26-02-2002 to 28-02-2002, having gone to village Bhadrod to attend a social function followed by a marriage at his sister's place. He has produced an invitation card as well as the photographs of the said function, which contradicts the version of Shri Mehboob Rasul. Shri Shankar Master had also attended the said function at village Bhadrod situated at a distance of 10 kms. from Borwai and as such it was virtually impossible for him to attend a meeting at Borwai on 28-02-2002. Shri Prakashkumar N. Upadhyay has stated that he was not available in village Borwai on 28-02-2002, as he had taken up a driving job at Vadodara and used to stay there. Shri Sanjay I. Panchal has stated that he was at Surat on 28-02-2002 and had visited Pandarwada after 1½ month to check the safety of his house. Shri Khemabhai K. Damor and Shri Vijaybhai Damor both teachers by profession have stated that they attended their respective schools on 28-02-2002, and denied to have visited village Borwai. They further denied knowledge about any such meeting as claimed by Shri Mehboob Painter. Shri Jignesh R. Pandya has stated that he was driving a jeep belonging to one Shri Mohmmad Vora at Godhra and used to reside there. He has also denied to have visited village Borwai on 28-02-2002.

and further denied knowledge or participation in the alleged meeting at Baliadev Temple at Borwai. Shri Somabhai R. Damor, a farmer has claimed to have saved the lives of 15 Muslims by giving them shelter in his house on 28-02-2002. He too has pleaded ignorance about the alleged meeting at Baliadev Temple at village Borwai. Shri Anil M. Modi, formerly Sarpanch of Pandarwada has claimed to have given protection to ten Muslims in his house and then handed over them to police for protection. His version is supported by a letter dated 02-03-2002 of Executive Magistrate to District Magistrate, Godhra. This fact was got verified by the Hon'ble Gujarat High Court, while hearing the bail petition of Shri Anil Modi in another case and found to be correct. Shri Amrut M. Panchal, a Gram Sevak was staying at village Bakor, his headquarters, from 28-02-2002 to 03-03-2002 in the light of stand-by orders given by his senior officers. He has also denied his visit or participation in the alleged meeting held on 28-02-2002 evening at Baliyadev Temple at village Borwai. He has also stated that Shri Mehboob painter, bore ill-will towards him for getting a painting contract awarded to another painter of Pandarwada and threatened Shri Amrut Panchal of recovery of ten times the value of the contract and thus had a motive to falsely implicate him in the alleged meeting at Borwai. Shri Kalubhai Maliwad, who had allegedly addressed this meeting has denied to have attended any such meeting at Borwai, which was situated at a distance of 19-20 kms. from his village Rehman. Shri Nasir Kalu Sheikh, another informer has stated that Shri Mehboob Painter came to Pandarwada and had told him about a meeting at Borwai, but did not tell him the purpose, venue or anything about the participants. This fact is contradicted by Shri Mehboob Rasul, who claims that he had gone to Lunawada from Borwai village and thus had not visited Pandarwada on 28-02-2002 evening and therefore, the question of his meeting with Shri Nasir K. Sheikh does not arise.

There are many inaccuracies and contradictions in the information furnished by Shri Mehboob Rasul. After the examination of all the aforesaid persons, it has been reasonably

established that no such meeting ever took place at Baliyadev Temple at village Borwai and that Shri Mehboob Rasul had cooked up a false story with a view to settle score with some of these persons known to him. He had an axe to grind against Shri Amrutlal Panchal, who got a painting contract awarded to another painter and had even threatened to recover an amount equivalent to ten times the value of the said contract. In view of the aforesaid discussions, the information is devoid of any merit and is, therefore, being discarded.

ROLE PLAYED BY THE ACCUSED PERSONS AND THEIR EXPLANATION:

A-1: Shri Narendra Modi, Chief Minister, Gujarat State.

It has been alleged in the complaint dated 08.06.2006 filed by Smt. Jakia Nasim that Shri Narendra Modi, the then and present Chief Minister, Gujarat (the constitutionally elected head of the State and responsible for the fundamental rights, right to life and property of all citizens, regardless of caste, community and gender) was the architect of a criminal conspiracy to subvert constitutional governance and the rule of law. It has also been alleged that he played a direct as well as an indirect role in protecting the accused of mass carnage and in abetting the commission of the crime.

○ Despatch of dead bodies to Ahmedabad:

The allegations as mentioned in the complaint dated 08-06-2006 of Smt. Jakia Nasim are vague and general in nature. As regards the specific allegation of the decision to take the dead bodies of Godhra train victims to Ahmedabad, it has come in evidence that Shri Narendra Modi attended the Assembly on 27-02-2002, when Shri Gordhan Zadafia, the then MoS (Home) made a brief statement about the Godhra incident. The Chief Minister also informed the Assembly that a proposal for an ex-gratia payment of Rs. 2 lakhs to each victim was under consideration of the Govt. As it was a budget day, Chief Minister attended the

Assembly proceedings and left for Godhra, thereafter. At the Godhra Collectorate, after holding discussions, a unanimous decision was taken that the dead bodies which had been identified should be handed over to their relatives at Godhra itself and those bodies whose legal heirs or guardians had not come, could be sent to Sola Civil Hospital, Ahmedabad, since they (deceased) were scheduled to travel to Ahmedabad by Sabarmati Express. It has further come to light that the decision to send the bodies to Sola Civil Hospital was taken after taking into account that the hospital was situated on the outskirts of Ahmedabad City and thus away from the crowded area for security reasons. It has also come to light that out of 58 dead bodies 4 bodies, belonging to Dahod, Vadodara, Panchmahal and Anand Districts, were handed over to their legal heirs/guardians after identification at Godhra itself. The remaining 54 dead bodies were sent under police escort to Sola Civil Hospital, Ahmedabad and Shri Jaydeep Patel of VHP accompanied them. Smt. Jayanti Ravi, the then Collector, Godhra has categorically denied that the decision was taken against her wishes.

As regards the parading of dead bodies, it has come to light that Shri M.L. Nalwaya, Mamalatdar, Godhra had issued a letter dated 27-02-2002 addressed to Shri Jaydeep Patel, in which it was mentioned that 54 dead bodies as per list enclosed were being sent to Ahmedabad through five trucks whose details were given in the said letter. It has further come to light that trucks and escorts were arranged by SP, Godhra and the convoy carrying the dead bodies left Godhra around midnight, reached Sola Civil Hospital, Ahmedabad between 0330 hrs to 0400 hrs on 28-02-2002, and were taken charge from Shri Jaydeep Patel by the Deputy Collector in presence of the Medical Superintendent, Police Inspector Sola P.S., Collector, DCP Zone-I and several other police and administrative officials. It has further come to light that around 35 identified dead bodies were handed over to their relatives by about 1300 hrs on 28-02-2002. It has also transpired that 25 dead bodies were that of the persons belonging to

Ahmedabad, 2 of Kadi-Mehsana, 5 of Anand, 2 of Sabarkantha and 1 of Rajkot. The remaining 19 dead bodies remained unidentified and were cremated together on 28-02-2002, by the Hospital, District Administrative and Police Officials on the same evening after retaining their DNA samples in Gota cremation ground nearer to the hospital. The 12 dead bodies belonging to Ramol and Khokhra were taken in vehicles and cremated at Hatkeshwar cremation ground.

○ Illegal Instructions at the 27-02-2002 meeting:

As regards the meeting held on the night of 27-02-2002, in which allegedly illegal instructions were given by Chief Minister to the administrative and police officials, it has come to light that an emergency law & order review meeting to take stock of the situation was called by Chief Minister at his residence at about 2230 hrs after his visit to Godhra. It has come in evidence that the meeting lasted for half an hour or so and was attended by Smt. Swarna Kanta Varma, the then acting Chief Secretary, Shri Ashok Narayan, the then ACS (Home), Shri K. Chakravarthi, the then DGP, Shri P.C. Pande, the then CP, Ahmedabad City, Shri K. Nityanandam, the then Secretary, Home Department, Dr. P.K. Mishra, the then Principal Secretary to CM, Shri Prakash Shah, the then Addl. Secretary, Law & Order and Shri Anil Mukim, Secretary to CM. None of the Cabinet Ministers or Shri G.C. Raiger, the then Addl. DG (Int.) was present. Since the presence of Shri Sanjiv Bhatt the then DCI (Security) in the meeting on 27.02.2002, is not established, his statement cannot be relied upon. Shri Narendra Modi has also denied the presence of Shri Sanjiv Bhatt in the said high level meeting. His presence has been denied by others who were definitely present. Shri R.B. Sreekumar has claimed that Shri K. Chakravarthi had spoken to him on 28-02-2002, about the said meeting and had claimed that CM uttered these words. However, Shri K. Chakravarthi, the then DGP, has categorically denied any such conversation with Shri R.B. Sreekumar and as such, it becomes hearsay evidence, which can

not be considered as evidence for any action. Shri R.B. Sreekumar, in his representation dated 03.08.2009, had mentioned the names of a different officer, who according to him, had attended this meeting. Significantly, name of Shri Sanjiv Bhatt had not been indicated by him. This goes to support that Shri Sanjiv Bhatt was not present in the meeting. As regards the deposition of Late Haren Pandya, formerly MoS, Revenue before the Concerned Citizens Tribunal, in which he had claimed to have attended the meeting called by Chief Minister on the night of 27-02-2002, all the participants have denied the presence of any of the Cabinet Ministers/MoS at the said meeting. Late Haren Pandya was only a Minister of State for Revenue at that time. Shri Narendra Modi has stated that it was essentially a Law & Order situation review meeting and none of his cabinet colleagues attended it. Besides this, there is documentary evidence in the form of call detail records of Late Haren Pandya, which conclusively prove that he was present at Ahmedabad till 22:52:07 hrs on 27-02-2002 and as such he could not have been present in the meeting convened by Chief Minister around 2230 hrs or so. In view of this the testimony of late Haren Pandya before the Tribunal becomes highly unreliable. Also relevant here is the strained relationship between him and Shri Narendra Modi, a fact revealed by late Pandya's father late Vithhalbhai Pandya.

Shri Sanjiv Bhatt, the then DCI (Security), has claimed to have attended the meeting, which is not established. Further, None of the senior administrative or police officers has stated that the CM uttered the following words: **"that so far in communal riots police takes action on one to one basis and that this will not do now. Allow Hindus to give vent to their anger."** Shri Sanjiv Bhatt, the then DCI (Security), had initially claimed off the record during his examination on 25/26-11-2009, that the CM had uttered these words at the said meeting. This fact was duly incorporated by Shri A.K. Malhotra, Member, SIT in his Inquiry Report dated 12.05.2010 submitted to the Hon'ble Supreme Court of India. However, during his further examination in CR No. 67/02

of Meghaninagar P.S. on 21&22-03-2011, he improved his version and added that **"This time the situation warranted that the Muslims be taught a lesson to ensure that such incidents do not recur ever again"**. It was for the first time after a period of seven years and nine months that Shri Sanjiv Bhatt claimed to have attended the crucial meeting convened by the Chief Minister on 27.02.2002. Shri Sanjiv Bhatt has explained that the then DGP Shri K. Chakravarthi had instructed him to attend the meeting with IB's assessment of the situation. Shri K. Chakravarthi categorically denied to have given any such instructions and has further stated that Shri Sanjiv Bhatt was not present at the said meeting. Seven other officers who attended the meeting have also categorically stated that Shri Sanjiv Bhatt was not present in the said meeting. However, Smt. Swarnakanta Varma stated that she was unable to recollect whether Shri Sanjiv Bhatt was present or not. Besides that Shri Sanjiv Bhatt has pleaded ignorance about the fact as to whether Chief Minister's alleged instructions were passed on by the senior police officers to the subordinates and also as to whether the same were complied with or not. Shri Sanjiv Bhatt is a tainted witness and therefore, cannot be relied upon keeping in view his back ground in the police department as he was involved in criminal cases of serious nature and departmental inquiries are also in progress against him. It may be added here that even before this meeting, when Chief Minister visited Godhra on 27.02.2002 evening, he addressed the media at the Collectorate and asserted that the culprits would not be spared and the victims would be paid of Rs. 2 lakh each. The CM also appealed to the public through media to maintain peace. Further more, on 28.02.2002, that is within less than 12 hours of the alleged meeting that took place on the night of 27.02.2002, the CM has stated on the floor of the Assembly, where the Opposition was also present, that "the State Govt. has taken this heinous, inhuman and organised violent act very seriously and is committed to give exemplary punishment to the culprits so that such incident never recur anywhere. The Chief Minister repeated almost the

similar facts in his press conference held on 28.02.2002 afternoon at Circuit House, Annex, Ahmedabad. It would not be out of place to mention here that in his appeal made to the public through Door-darshan on 28.02.2002, Chief Minister reiterated that Gujarat will never tolerate any such incident and that guilty will be punished for their heinous crime. He also said that the culprits would be awarded such exemplary punishment so that no one would dare to involve himself in such an incident. This would go to show that at-least on five occasions, which are fully documented, during 27.02.2002 & 28.02.2002 Chief Minister addressed Media, Assembly and General public and every where the genesis and intention was one and the same, i.e., to punish the culprits responsible for the Godhra incident in an exemplary manner, so that such incidents did not recur ever again. In the light of aforesaid discussion, the interpretations made on alleged illegal instructions given by the Chief Minister by Shri R.B. Sreekumar and Shri Sanjiv Bhatt, appear to be without any basis. Further, even if such allegations are believed for the sake of argument, mere statement of alleged words in the four walls of a room does not constitute any offence.

○ Presence of two Ministers at police control room:

It has been alleged that the CM took a decision to allow Shri Ashok Bhatt, the then Health Minister and Shri I.K. Jadeja, the then Minister of Urban Development and Urban Housing to sit in Ahmedabad City Police Control Room and State Control Room respectively. Shri K. Chakravarthi, the then DGP, has stated during further investigation that Shri Ashok Narayan, ACS (Home) informed him that it was decided by the Govt. that Shri I.K. Jadeja, the then Minister would be in his office to secure some information about the law & order situation in the State, as the State Control Room is situated in DGP's office. Shri Ashok Narayan had further informed him that Late Ashok Bhatt, another Minister, would sit in Ahmedabad City Police Control Room. Shri Chakravarthi has further stated that he had his own reservations in this matter and,

therefore, he advised the ACS (Home) that it would be better, if these Ministers got the information from the Control Room in the Home Department. However, Shri Ashok Narayan informed him that no such facility was available with him in the Home Department and, therefore, the two Ministers would come to the respective Control Rooms.

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 extremely busy with the telephone calls being received by him from all over the State. As per 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.

Shri P.C. Pande, the then CP, Ahmedabad City, has stated that it was incorrect to say that Shri 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 Shri 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, Shri 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 Shri 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 Shri Ashok Bhatt had come to monitor the Control Room. Finally, Shri Pande has stated that Shri 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 Shri 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.

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 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. Shri Jadeja 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 a few minutes on both these occasions.

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 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 his 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 the 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.

Shri Sanjiv Bhatt, the then DCI (Security) has stated that he had attended a meeting at the CM's residence on 28-02-2002 morning along with the DGP and ADGP (Int.). After the meeting, he returned to his chamber on the second floor of Police Bhavan at about 1100 hrs and shortly thereafter went to meet the DGP on the first floor of the same building. According to Shri Bhatt, when

he entered DGP's chamber he found that as instructed after the conclusion of CM's meeting, two Cabinet Ministers of Gujarat, namely, Shri Ashok Bhatt and Shri I.K. Jadeja had already arrived and were sitting on a sofa-set in DGP's chamber. He further stated that Shri G.C. Raiger, the then Addl. DG (Int.) and Shri Maniram, the then ADG (Law & order) were also present there. Shri Sanjiv Bhatt briefed DGP and after taking tea, he returned to his chamber. Shortly thereafter, Shri Sanjiv Bhatt happened to go to State Control Room on first floor to collect some documents and saw Shri I.K. Jadeja and his supporting staff sitting in the chamber of Dy. SP, Control Room. Finding this a little odd, Shri Sanjiv Bhatt went to DGP and informed him that it would be improper to permit outsiders in the State Control Room and asked him whether the Minister and his supporting staff could be shifted from the State Control Room. DGP agreed with his decision and thereafter, Shri Sanjiv Bhatt again went to Control Room and requested Shri I.K. Jadeja to accompany him as his presence in the Control Room would hamper the smooth functioning of the State Control Room during such a critical period, whereupon the latter got up and followed him. According to Shri Sanjiv Bhatt, he took Shri Jadeja, Minister to the chamber of Shri P.C. Thakur, the then IGP, which was vacant at that time and requested him to make himself comfortable and contact them for any assistance/requirement. Shri Chakravarthi was informed about it. Shri Sanjiv Bhatt has also stated that subsequently he learnt that Shri Jadeja left the Police Bhavan sometime in the afternoon, after having lunch. Shri Sanjiv Bhatt was not aware about the presence of Shri Jadeja in the Police Bhavan on the subsequent days.

During further investigation, Shri Nissar Mohammad Malik, the then PSI, who was on duty at the Police Control Room, Ahmedabad City from 28-02-2002 at 0800 hrs to 02-03-2002 at 0800 hrs, has stated that Shri George Fernandes, the then Union Defence Minister and Shri Harin Pathak, the then MoS for Defence had come to Police Control Room, Ahmedabad City at 1005 hrs on 01-03-2002, and left at 1025 hrs. He has confirmed the

wireless message in this regard to be under his signatures. He has denied knowledge about the visit of Late Ashok Bhatt, the then Health Minister to the Police Control Room either on 28-02-2002 or 01-03-2002. Shri V.R. Patel, the then PSI on duty in the Police Control Room has also denied the visit of Late Ashok Bhatt, the then Health Minister to the Ahmedabad City Police Control Room either on 28-02-2002 or 01-03-2002. Shri Parbatsinh A. Dholetar, the then PSI, Ahmedabad City Police Control Room, who was on duty on 28-02-2002 from 0800 hrs to 1200 hrs and 2000 hrs to 2400 hrs, has denied the visit of any Minister to the Police Control Room.

Shri Maganbhai M. Limbachia, the then PI, who was on duty from 0800 hrs to 2000 hrs on 01-03-2002 in State Police Control Room, Police Bhavan, Gandhinagar, has denied the visit of any Minister in the Control Room.

In view of the aforesaid position, it is established that Shri I.K. Jadeja did visit DGP's office, but did not go to the State Control Room and he was made to sit in a vacant chamber. Shri I.K. Jadeja himself has confirmed that he was shifted to a vacant chamber near DGP's chamber and that DGP did not share any information with him. Shri K. Chakravarthi, the then DGP has confirmed that Shri Jadeja did not interfere with their work.

Shri I.K. Jadeja has taken the plea that it is an established practice in Gujarat State that in case of any natural calamities or a serious law & order situation, the Ministers of the various departments extend their help in handling the crisis. Late Ashok Bhatt had admitted earlier that he might have visited Ahmedabad City Police Control Room on 28-02-2002 for a few minutes, but the call detail records of his official mobile phone show his location at Shahibaug Kedar Tower between 16:16:37 and 17:47:22 on 28-02-2002, when he attended CM's press conference, which would conclusively prove that he did not visit the Police Control Room on 28-02-2002. Moreover, the officials of Ahmedabad City Police Control Room have denied that Late Ashok Bhatt ever visited the

said Control Room either on 28-02-2002 or 01-03-2002. It is, therefore, established that Shri I.K. Jadeja did visit DGP's office, but did not enter the State Control Room or interfere with the working of the police and the DGP also did not share any information with him. Further, it could not be established that Late Ashok Bhatt visited Ahmedabad City Police Control Room either on 28-02-2002 or 01-03-2002. As per his own admission, he might have visited the Control Room for a few minutes on 28-02-2002 and/or 01-03-2002. Significantly, Shri I.K. Jadeja remained at State Police headquarters for 2/3 hours as per his own admission but did not interfere in the police functioning. Late Ashok Bhatt's presence in the City Police headquarters on the relevant day, if any, was very negligible and can not be termed of any material value.

Shri Narendra Modi has totally denied that such a decision was taken by him. He has denied any personal knowledge about the visit of these two Ministers to the respective Control Rooms. It may thus be seen that both the Ministers did visit the respective Control Rooms, but there is no evidence to prove that they interfered with the law & order situation. Nor is there any evidence to indicate that they visited the two control rooms at the direct instance of Chief Minister. Since there is nothing to prove that these Ministers interfered or gave any direction in maintenance of law and order, no offence is made out. Further, in the absence of documentary/ oral evidence of any directions by those two Ministers to police officials, it can not be said at this stage that they conspired in the perpetration of riots or took any action for controlling the riots.

○ Illegal Verbal Instructions:

As regards the allegation levelled by Shri Sreekumar, that numerous illegal verbal instructions were given by CM and that he had maintained a register in this regard, Shri O.P. Mathur, the then IGP (Admn.), has stated that the register was totally blank on 18-04-2002, when he had certified the number of pages in the same

and that Shri Sreekumar had not disclosed the purpose of maintaining such a register. According to Shri Mathur, the register did not contain the "secret" stamp and also did not have any title as well as the circular stamp of the office of the Addl. DG, CID (Int.). According to Shri Mathur, Shri Sreekumar had recorded the first entry as on 16-04-2002, the second and third entries on 17-04-2002, and the fourth entry on 18-04-2002, which goes to show that Shri Sreekumar had not only antedated these entries, but also affixed the stamps subsequently. Shri O.P. Mathur has challenged another entry recorded by Shri Sreekumar that call details of the mobile phone of Late Haren Pandya were handed over to Shri P.K. Mishra, the then Secretary to CM through him and denied to have handed over any such call details to Dr. P.K. Mishra in his office. During enquiries, other senior officers, namely, Shri P.K. Mishra,, Shri G. Subba Rao, the then Chief Secretary, Shri Ashok Narayan, the then ACS (Home) and Shri K. Chakravarthi, the then DGP have challenged the contents of the said register on the ground that the same had been unauthorisedly maintained by Shri Sreekumar, which he was not officially required to maintain. Moreover, neither had he taken the permission of the Home Department to maintain such a register nor the same was put up by him to any of the senior officers for perusal. It is, therefore, reasonable to say that Shri Sreekumar made the entries afterwards at his own sweet will with some ulterior motive. According to them, this register saw light of the day for the first time, when Shri Sreekumar was denied promotion. Shri Narendra Modi, Chief Minister disclaimed knowledge about such a personal diary/register maintained by Shri Sreekumar and stated that he came to know about it from the media reports after a long time. According to Shri Modi, this diary was not a Govt. record and as such he did not want to comment upon the authenticity or otherwise of the same. All the aforesaid facts and the conduct create serious doubts about the genuineness of the entries made by Shri Sreekumar in the said register and, therefore it cannot be

relied upon. The allegation that illegal verbal instructions were issued by Shri Narendra Modi is, therefore, not established.

○ Delay in requisitioning the Army:

It has come to light that the Army headquarters had been alerted by Shri Ashok Narayan, the then ACS (Home) on 27-02-2002 itself. However, his enquiry with the local Army authority had revealed that no force was available in Gujarat as the same had been deployed in the border. It is established that on 28-02-2002, (events in the aftermath of the gruesome Godhra episode of 27-02-2002), violent incidents were reported from many parts of the State. A High Level review of the situation at Chief Minister's level was made on 28-02-2002 afternoon. The meeting was attended by Chief Minister, MoS (Home), the DGP and Addl. DG (Int.). By 1430 hrs, Chief Minister had made an oral request to the Union Home Minister for Army deployment. At about the same time, an official request was sent in writing by Shri K. Nityanandam, the then Secretary (Home) by fax to the Secretary, Ministry of Defence to make the Army available for internal security duties. The Chief Minister publicly announced at 1600 hrs in a press conference about the decision of the State Govt. to call in the Army. Efforts were also made to requisition available Army personnel in the cantonment area of Ahmedabad, but no force was available. It was understood that withdrawing the Army at such critical juncture when a warlike situation existed with the neighbour needed a high level decision at the Centre. This decision to withdraw the Army and deploy in Gujarat was immediately taken at highest level in the Centre on the request of Gujarat Govt.

Army personnel were airlifted from forward positions and they started arriving by the midnight of 28-02-2002. It may be mentioned here that 40 aircraft were used to airlift Army personnel to Ahmedabad. The first plane landed at Ahmedabad on 28-02-2002 mid night and the last one on 01-03-2002 at 2300 hrs. The deployment of the Army also required additional logistic support by the civil administration in the form of Executive Magistrates,

vehicles, Liaison officer, mobile phones, guides and maps and the same were promptly made available to them. The deployment of Army commenced by 1100 hrs after a high level meeting with Chief Minister and the Union Defence Minister along with Senior officials of the Army and the State Administration. The Army was deployed in the affected areas of Ahmedabad City i.e. Paldi, Juhapura, Vejalpur, Shahpur, Bapunagar, Rakhial, Gomtipur, Meghaninagar, Dariapur, Kalupur, Naroda and Dani Limda. It may thus be seen that 9 columns of Army were deployed on 01-03-2002. Later on, 2 columns of the Army were moved to Vadodara on 01-03-2002 at 1830 hrs, 2 columns dispatched to Godhra on 02-03-2002 and 2 columns moved to Rajkot on 02-03-2002 at 1100 hrs. It may be mentioned here that while the situation in the other parts of the Gujarat was grave, cities like Bhavnagar and Surat were initially unaffected. However, as incidents of violence were reported from Bhavnagar and Surat, Army columns were moved to Surat on 03-03-2002 at 1100 hrs and to Bhavnagar on 03-03-2002 at 2235 hrs. In all 26 Army columns had been deployed at the peak of riots in the State.

In addition, the Govt. of India had approved the deployment of CPMFs and therefore, 6 Coys of CISF, 11 Coys of BSF, 5 Coys of Border Wing Home-guards and 4 Coys of RAF were deployed in the State by 03-03-2002. The State Govt. had also made a request on 28-02-2002, to the neighbouring States of Maharashtra, Rajasthan and Madhya Pradesh to spare the services of their Armed Reserve Police companies. However, only Maharashtra responded by sending 2 Coys of SRP, whereas the Govt. of Rajasthan and Madhya Pradesh expressed their inability to spare any police force due to the internal commitments. It may thus be seen that there was no delay, whatsoever in requisitioning the Army and its deployment by the State as and when they realised on 28-02-2002 afternoon that the situation was going beyond control. Significantly, Union Defence Minister arrived Ahmedabad on 28.02.2002 to ensure that Army formations take their positions without any delay.

○ Objectionable statements by the CM to Zee TV & Times of India:

A book entitled "Rights and Wrongs" published by Editors Guild Fact Finding Mission Report by Aakar Patel, Dileep Padgaonkar and B.G. Verghese containing excerpts from the Zee TV interview conducted by its correspondent Shri Sudhir Chaudhary with Shri Narendra Modi, Chief Minister at Gandhinagar on 01-03-2002, has come to SIT's notice. During the interview, when questioned about the Chamanpura (Gulberg Society) massacre in which the former Congress MP, Ehesan Jafri was killed along with at least 20 others, the CM referred to reports that Jafri had first fired at the violent mob, which provoked mob and it thereafter, stormed the Housing Society and set it on fire. It has been mentioned in the said book that according to Zee TV correspondent, Shri Narendra Modi referred to Jafri's firing as "action" and the massacre that followed as "reaction". His exact quote was: *"Kriya pratikriya ki chain chal rahi hai. Hum chahte hain ki na kriya ho aur na pratikkriya"*. When the Zee TV correspondent asked Shri Narendra Modi about the widespread violence in Gujarat post Godhra the latter's reply is quoted below:

"Godhra main jo parson hua, jahan par chalees (40) mahilaon aur bacchon ko zinda jala diya, is main desh main aur videsh main sadma pahuchna swabhavik tha. Godhra ke is ilake ke logon ki criminal tendencies rahi hain. In logon ne 'pachele mahila teachers ka khoon kiya. Aur ab yeh jaghanya apraadh kiya hai jiski pratikria ho rahi hai".

Regarding the press statement about post -Godhra riots by citing Newton's law, Shri Narendra Modi stated that he had not given any interview to the 'Times of India'. According to Shri Modi, the truth is that nobody met him. He further stated that the falsehood of his so-called justification "Action- Reaction Theory" is evident from this fact. According to Shri Modi, the State Govt. had issued a denial, but the same was belatedly published in a remote corner of the newspaper. He also stated that it had been his considered opinion that violence could not be replied to by

violence and therefore, he had appealed for peace. As per Shri Modi's version, he had not and would never justify any action or reaction by a mob against innocents. He has denied all allegations in this regard.

During investigation, a requisition was sent to the Zee TV to make available a copy of the CD of television interview of Shri Narendra Modi, Chief Minister, Gujarat conducted by their correspondent Shri Sudhir Chaudhary on 01-03-2002. Despite two reminders and a notice u/s 91 Cr.P.C. sent to them, the CD has not been made available.

Shri Sudhir Chaudhary has stated that he attended a press conference held by Shri Narendra Modi on 01-03-2002, at a Circuit House at the outskirts of Gandhinagar. He has further stated that Shri Narendra Modi was known to him and that he had interviewed him earlier several times in Delhi. Shri Sudhir Chaudhary has further stated to have requested Shri Narendra Modi for a short interview after the conference and to which the latter agreed and as such he was interviewed for about 10 minutes. After going through the Editor's Guild Fact Finding Mission report dated 03-05-2002, Shri Chaudhary has stated that the same were only a few excerpts from the said interview and that the original CD of the said interview was not before him. As per his recollection, he had questioned Shri Narendra Modi about the Chamanpura massacre (Gulberg Society Case), in which former Congress MP Late Ahesan Jafri had been killed with many others to which Chief Minister said to have replied that the mob had reacted on account of private firing done by Late Ahesan Jafri, Ex-MP. After refreshing his memory from the Editor's Guild report, Shri Sudhir Chaudhary has stated that Chief Minister was of the view that he neither wanted action nor reaction. He has further stated to have questioned Chief Minister about the wide spread violence post Godhra, Chief Minister stated as reproduced above in Roman in Editor's Guild Report.

Shri Sudhir Chaudhary has shown his inability to elaborate the same as he has not been able to recollect the exact sequence of events after a span of 9 years and moreover, the CD was not before him.

Shri Narendra Modi was questioned about the aforesaid interview given to Zee TV on 01-03-2002. He stated that those who have read the history of Gujarat would definitely be aware that communal violence in Gujarat has a long history and the State had witnessed serious incidents of such communal violence. As regards the Zee TV interview of 01-03-2002 is concerned, Shri Modi told SIT that after a period of eight years, he did not recollect the exact words, but he had always appealed only and only for peace. He further stated that he had tried to appeal to the people to shun violence in straight and simple language. He also stated that if his words cited in this question are considered in the correct perspective, it would be evident that there is a very earnest appeal for people refraining from any kind of violence. He had denied all the allegations against him in this regard.

No doubt ghastly violent attacks had taken place on Muslims at Gulberg Society, Naroda Patiya and elsewhere, yet the so called utterances by Chief Minister Narendra Modi are not sufficient to make out a case against him.

o Delay in visiting areas in which Muslims had been attacked:

With a view to probe this allegation, the movements of Chief Minister from 28.02.2002 till 05.03.2002 were ascertained. It has come to light that on 28-02-2002, Chief Minister held a meeting concerning business in the Assembly. At 0830 hrs, Chief Minister attended the Assembly session, in which a reference was made to those killed in Godhra mishap. The Chief Minister announced a Judicial Inquiry into the incident under Commission of Inquiries Act instead of the High Level Inquiry ordered on 27-02-2002, the previous day. The house was thereafter adjourned. The Chief Minister held a meeting in the Assembly Secretariat with the senior

officers of the Home Department about the prevailing Law & Order situation in the State. As per the minutes of the Cabinet meeting for 28-02-2002 issued by Chief Minister and countersigned by Smt. S.K. Varma, the then Acting Chief Secretary, several agenda items to be taken up in the ongoing Assembly session had supposedly been discussed. Though the discussions relating to the requisitioning of Army to control the law & order situation was not on the Agenda, yet the issue was informally discussed in the said meeting. Subsequently, Chief Minister called for a Law & Order meeting at his residence at 1300 hrs, in which the Law & Order situation and force deployment was reviewed. It was decided to request the neighbouring States for additional force and the matter relating to the requisitioning of the Army was also discussed. The Chief Minister made an oral request to Shri L.K. Advani, the then Union Home Minister for deployment of Army in the State. As decided in the meeting, a fax message was sent to the Secretary Ministry of Defence at 1430 hrs seeking deployment of Army in the State. In this meeting, the matter relating to the issuance of an appeal by CM was also discussed. The Chief Minister gave instructions for the safe escort of the Haj Pilgrims returning to the State to avoid any untoward incident. A fax message in this regard was sent to Addl. DG (Int.) with information to the DGP by Section Officer (Spl.), Home Department, Govt. of Gujarat. CM along with his Cabinet colleagues and the officials of the Home Department reached Circuit House Annexe, Shahibaug, Ahmedabad City around 1600 hrs on 28.02.2002, and a meeting was held with the officers of the Home Department. Subsequently, Chief Minister held a press conference at Circuit House Annexe, Shahibaug, Ahmedabad City between 1630 hrs to 1745 hrs. In this press conference, CM announced that a decision had been taken by the State Govt. to call for Army. At about 1800 hrs, Chief Minister's appeal to public for keeping peace and to maintain Law & Order was recorded by the Door-Darshan at Circuit House Annexe, Shahibaug, Ahmedabad City and the same was televised at 1855 hrs before the regional news bulletin. The Chief Minister

held another Law & Order review meeting at his residence at 2030 hrs on 28-02-2002, which was attended by the senior officers of the Home Department and by the police. The Minister met the Union Defence Minister Shri George Fernandez at his residence at 2230 hrs in the presence of the concerned officers, in which the prevailing Law & Order situation was reviewed and security arrangements (bandobast) were discussed.

On 01-03-2002, Chief Minister met Shri George Fernandes, the then Union Defence Minister at about 0830 hrs at his residence in the presence of Govt. Officials and Army Officers as per the video CD prepared by the Govt. of Gujarat. As per the press release issued by the Gujarat Information Bureau on 01-03-2002, Shri Gordhan Zadafia, the then MoS (Home), Shri G. Subba Rao, the then Chief Secretary, Shri Ashok Narayan, the then ACS (Home) and other senior police officers including the DGP, Shri K. Nityanandam, the then Secretary (Home) and senior Army and Air-force officers attended this meeting. In this meeting, CM requested for deployment of more Para Military Forces (PMFs) and BSF, to which Shri George Fernandes had agreed. CM also apprised the Defence Minister about the allotment of 5 Coys of PMFs to the State of Gujarat. The Chief Minister met H.E. Governor of Gujarat at 0930 hrs at Rajbhavan and apprised him about the latest Law & Order situation in Gujarat and also about the security arrangements and bandobast made in the State. During 1000 hrs to 1300 hrs, CM had attended to the Govt. work and gave directions to the Administrative functionaries to take preventive actions to ensure that the riots did not spread. The Chief Minister also met the Congress delegation, informed them about the action taken by the Govt. and advised them not to lodge any protest in this regard. The Chief Minister also gave directions for the safety and security of the Haj Pilgrims returning to Gujarat. CM further discussed the cash doles and about the other help to be given to the riot victims. He also discussed the packages for the relief camps started by the various NGOs and gave directions for other essential services to be provided to riot affected victims. He also

gave directions to the Hospitals in the State to make available uninterrupted medical services to the affected persons and other citizens. CM held a meeting on 01.03.2002 at 1300 hrs. Another Law & Order review meeting was held by CM at 1500 hrs at his residence, in which Law & Order situation was reviewed. At 1630 hrs, CM held a press conference at Circuit House Annexe, Shahibaug, Ahmedabad City. In this press conference, CM informed the press that 13 columns of Army had been deployed to assist the State Civil Administration and that shoot at sight orders to maintain Law & Order situation had been issued. CM also briefed the press about his meeting with the Union Defence Minister and also about the deployment of Army in the Gujarat State. He also gave the details of various riot incidents and also about the deployment of CPMFs in the State. CM also informed the press about the requisitioning of the additional security forces from the neighbouring States and appealed to the media to keep restraint. CM held another Law & Order review meeting at 2030 hrs at his residence.

On 02-03-2002, Chief Minister held another meeting with Shri George Fernandes, the then Union Defence Minister at 0830 hrs at his residence. During 0930 hrs to 1230 hrs, CM met the H.E. the Governor of Gujarat and apprised him of the latest situation and the security arrangements and bandobast made by the administration. He also held discussions with Commissioner of Information regarding the prevailing situation. He further discussed the packages for the relief camps started by the various NGOs. CM also discussed the cash doles and the other help to be given to the riot victims. The Chief Minister also gave instructions that SSC/HSC board examination be held as scheduled in peaceful atmosphere and also to ensure the safety of students. Two Law & Order review meetings were held by Chief Minister at his residence at 1300 hrs and 1500 hrs respectively. CM also held a meeting of the officials of the Home Department at 1600 hrs at Circuit House Annexe, Shahibaug, Ahmedabad City. CM held a press conference at 1630 hrs in Circuit House Annexe,

Shahibaug, Ahmedabad City, during which a detailed press release was issued by the Govt. of Gujarat. CM held all party meet at 1800 hrs, in which the Congress leaders did not participate. Another Law & Order review meeting was held by Chief Minister at his residence at 2030 hrs.

On 03-03-2002, Chief Minister left for Ahmedabad airport at 0900 hrs and received the then Union Home Minister Shri L.K. Advani at 1050 hrs. From airport Chief Minister accompanied the Union Home Minister at 1145 hrs to some of the riot affected areas like Delhi Darwaja, Id-gah area and then went to Civil Hospital to see the riot victims. At 1215 hrs, CM accompanied the Union Home Minister to Godhra by helicopter and reached Godhra at 1300 hrs. At Godhra, the Union Home Minister visited Godhra Railway Station and inspected the scene of occurrence. Later, he visited Civil Hospital, Godhra and met victims of the train incident. Shri Advani left Godhra at 1345 hrs by helicopter and reached Ahmedabad at 1430 hrs. Shri L.K. Advani held a Law & Order review meeting with the officials of Home Department as well as the police department at 1600 hrs, which was attended by Chief Minister, MoS (Home), Chief Secretary, ACS (Home), DGP and other top officers of Home, Police and Revenue department. The Union Home Minister asked the State Govt. to trace the culprits responsible for Godhra incident and get them punished, to take measures to restore peace, to prevent violence and to take strict action against those who indulged in violence. Shri Advani reviewed the measures taken by the State Govt. to restore Law & Order in the State. In this meeting Chief Minister gave directions to organise joint peace march. Thereafter, Shri Advani held a press conference at Circuit House Annexe, Shahibaug, Ahmedabad City at 1700 hrs and then left. The Chief Minister also held a Law & Order review meeting at his residence at about 2030 hrs.

On 04-03-2002, Chief Minister met the then H.E. the Governor of Gujarat at latter's residence at 0930 hrs and apprised him of the latest Law & Order situation and bandobast made in

Ahmedabad City. Between 1030 hrs and 1300 hrs, CM held a Law & Order review meeting and also held discussions with the officials of Home, Police and the Law department for the appointment of Judicial Inquiry Commission. The Chief Minister also held discussions about the Panchayat elections and local bodies' elections, which were due in March-April/2002. The Chief Minister further held discussions for ex-gratia payment to the riot affected persons, NGO relief camps, compensations for destruction of the properties during riots with the concerned officers. The Chief Minister also held discussions with regard to the establishment of Judicial Commission of Inquiry and also about SSC/HSC exams. Further, Shri Advani, the then Union Home Minister came to Bhavnagar directly on 04-03-2002. In view of this Chief Minister went to the airport at 1300 hrs and then left for Bhavnagar by air at 1330 hrs. The Chief Minister reached Bhavnagar at 1410 hrs and met Shri L.K. Advani at 1420 hrs. At Bhavnagar, they had a round of riot affected areas Ranika, Ghogha Darwaja, and S.T. Station Road areas. They also visited Akwada Madarsa, where 400-500 Muslim students could be saved on account of a timely action by the police, held law & order review meeting and also met the representatives of different organisations including minority delegations and political leaders. The Union Home Minister and Chief Minister left for Rajkot at 1600 hrs and reached there at 1630 hrs. At Rajkot, CM, Union Home Minister and others visited Gondal Road, Lodhawad chowk, Parevadi Chowk and Lati plot areas. It may be mentioned here that during the earlier riots in Gujarat, the Kutch and Saurashtra region were peaceful, but in the year 2002 some traces of riots were noticed in these areas, as a result of which CM and other leaders visited these areas so that the riots did not further spread in these areas. A Law & Order meeting was also held with the police officers at Rajkot. At Bhavnagar and Rajkot, high level meetings were held by CM and other leaders, in which CM directed to launch combing operations to track down the antisocial elements to recover lethal weapons and explosives. CM left Rajkot at 1800 hrs and reached his

residence at Gandhinagar at 1915 hrs. At 2030 hrs, CM held a meeting with the Ministers of his Government. CM had also instructed on 04-03-2002, that "SHANTI KOOCH" should be held in villages and as such a wireless message to this effect sent by ACS (Home) to all DMs, CsP, SsP etc on the same day.

On 05-03-2002, CM held a Law & Order review meeting at his residence. The Chief Minister also addressed a high level meeting attended by Chief Secretary, Revenue Secretary, Health Secretary, Secretary (R & B) and Health Commissioner and gave specific instructions to visit the 18 relief camps in different areas. He also instructed the Collector & District Magistrate, Ahmedabad to make arrangements for the distribution of food and essential commodities with the help of commercial organisations. At 1430 hrs, CM left for Ahmedabad and held a meeting with prominent citizens at Gujarat Chamber of Commerce, Ahmedabad. The Chief Minister made an appeal to the trade and industry, heads of religious organisations and intellectuals to help revive and restore economic activities, which evoked encouraging response from all quarters. CM categorically said that the Govt. would not compromise with law breaking antisocial elements and that the Govt. was committed to re-establish the sense of mutual trust and confidence. The Chief Minister out rightly condemned the law breakers and subsequent violent incidents. At about 1630 hrs, CM visited C.G. Road at 1700 hrs, Mahajan Vando, Jamalpur at 1730 hrs, Shethia building char rasta and Revadi Bazar, Relief Raod at 1800 hrs, Delhi Darwaja at 1830 hrs, Gulberg Society at 1900 hrs and Naroda Patiya at 1930 hrs. CM was accompanied by Late Ashok Bhatt, the then Health Minister, Shri Kaushikbhai Patel, the then Energy Minister, Smt. Anandiben Patel, the then Education Minister, Late Haren Pandya, the then MoS Revenue, Shri Bharatbhai Pandya, the then sitting MLA, Smt. Mayaben Kodnani, MLA and Shri P.C. Pande, the then CP, Ahmedabad City. All the aforesaid meeting schedules, appointments and movements of Chief Minister are supported by the various documents including the press reports.

Shri Narendra Modi, Chief Minister has admitted that he visited Godhra on 27-02-2002, but visited Gulberg Society, Naroda Patiya and riot affected areas of Ahmedabad City, only on 05 & 06-03-2002. During these visits, he has also stated to have visited different relief camps, but did not know the persons present there. He has further stated that Shri Jagrupsinh Rajput, who was a Congress leader at that time, did not accompany him during his visit to the riot affected areas.

It may thus be seen that though Chief Minister was busy from 28.02.2002 till 05.03.2002 with the various meetings, law & order situation, yet he visited the riot affected areas on 03.03.2002 along with the Union Home Minister as well as independently on 05.03.2002 & 06.03.2002. He also visited Godhra, Bhavnagar and Rajkot on 03.03.2002 & 04.03.2002 along with the Union Home Minister. Even otherwise he had reviewed the arrangements made for the rehabilitation of the riot victims and also about the compensation and cash doles to be paid to them. He had also supervised the arrangements made for the medical aid for the affected persons. In view of this it can not be said that while he visited the Godhra on 27.02.2002, he neglected the riot victims and had visited riot affected areas on 05 & 06.03.2002. The allegation is, therefore, not established.

○ Phone conversations with the late Ahesan Jafri, Ex-MP:

Investigation has revealed that late Ahesan Jafri did not have any mobile phone. The details of calls made from the landline no. 2125166 are also not available at this stage as the same had not been requisitioned by the Gujarat Police. Shri Narendra Modi has denied to have known Late Ahesan Jafri, Ex-MP. He has stated that Late Ahesan Jafri was elected as MP in 1970's, when he was not even in politics. He has further stated that he was informed subsequently that late Ahesan Jafri, Ex-MP was residing in Gulberg Society and was killed during the attack on the said society. Shri Modi has denied having received any phone calls from late Ahesan Jafri seeking help during the riots.

There is no evidence to show that such telephonic conversation took place. In view of this position the allegation that despite desperate calls for help from the Ex-MP, Chief Minister did not go to his rescue is not established.

- Failure to act on suggestions from State Intelligence:

Shri Narendra Modi has stated that in order to bring peace and normalcy in the State, he had made regular appeals through media to maintain peace and communal harmony. CM has claimed to have formed a Committee under the Chairmanship of the Governor of the State, Leader of Opposition and others to supervise the relief operation. He has further stated that the relief camps were opened in the affected areas served by the NGOs and local social leaders. He has also stated that the funds were contributed by the Govt. as per policy and the relief operations supervised by the Committee. According to Shri Modi, the necessary food, drinking water, medicines and cash, etc. were arranged in these camps and arrangements also made for the children's education in these camps. According to Shri Modi, some PIL had been filed in this regard in Gujarat High Court and the same should be looked into.

Investigation revealed that one Shri Mufti Shabbir Ahemad Sidiqqi had filed a Special Civil Application no. 3773 of 2002 in Gujarat High Court on which the orders dated 19-04-2002 & 22-04-2002, were passed by Mr. Justice P.B. Mazmudar. It may be mentioned here that one Shri R.C. Kodekar, Addl. Govt. Pleader along with Shri Tirmizi had inspected six relief camps in the Ahmedabad City area and submitted an inspection report to the High Court, which was taken on record. The Hon'ble Gujarat High Court observed that considering the report submitted on behalf of the State Govt., it is clear that in the said exhaustive report minute details had been given about the facilities given to the inhabitants of the camp. It has further been observed by the Hon'ble High Court that after reading the report, prime-facie, it was of the opinion that more than reasonable care had been taken by the

administration in looking after the inhabitants of the camp. The Hon'ble High Court further observed that it was suffice to say that great pains had been taken by the administration in maintaining the relief camps. Again on 22-04-2002, after hearing the said petition the Hon'ble High Court observed that so far the medical facility is concerned a proper care had been taken by the State Administration as numbers of doctors were regularly visiting the camp, appropriate medicines were also given and there was hardly chance for grievance so far as this aspect was concerned. The High Court further observed that as regards the grievance of the petitioner regarding the delay in making the payment of Rs. 5 was concerned, the Ld. AAG had fairly stated that the State would see that the aforesaid amount was paid at a regular interval and as per as possible on the first day of every week, such payment would be made. The Hon'ble High Court had also observed that the Ld. AAG had readily agreed to provide all the facilities mentioned in the order.

As regards the DO letter dated 24-04-2002 sent by Shri R.B. Sreekumar, the then Addl. DG (Int.) to Shri Ashok Narayan, the then ACS (Home). Shri Narendra Modi has stated that no such letter was put up to him. However, Shri Ashok Narayan, the then ACS (Home) has stated that the letter contained general observations and concrete details were missing and therefore, he had discussed the matter with the DGP in the light of intelligence inputs received from Shri R.B. Sreekumar and requested him to take action at his level as far as possible. Shri Ashok Narayan does not recollect having put up this letter to CM. Shri K. Chakravarthi, the then DGP has stated that most of the points and issues raised by Shri R.B. Sreekumar had been effectively dealt with in March & April, 2002. Shri Chakravarthi has also stated to have taken adequate steps to restore the loss of faith of the minority community in the Criminal Justice System by instructing the concerned police officers to be fair to ensure proper registration of FIR, effect arrests of the accused persons and to proceed ahead with the investigation as per law. Shri Chakravarthi

has also stated that the teams of the police officers were sent to the relief camps for direct contact with the affected persons and to proceed with the investigation in a fair manner. Shri Chakravathi has also spoken of having given instructions to the senior officers to closely supervise these cases to avoid any allegations. According to Shri Chakravathi, special instructions were given by him to all the police officers to provide suitable protection to those who wanted to return to their original residence/business. Regarding the law & order situation, review report sent by Shri R.B. Sreekumar to Home Department on 15-06-2002, requesting the postponement of the Rath-Yatra till an atmosphere of durable peace and goodwill was established between the majority and minority communities, Shri Ashok Narayan has stated to have discussed the matter with Chief Minister, who did not agree with the views of Shri Sreekumar to stop the Rath-Yatra, as this was an event in vogue for so many years. Shri Ashok Narayan has also stated that the Administration did not agree with the views of Shri Sreekumar and the Rath-Yatra was taken out on 12-07-2002, under police bandobast and the event passed off peacefully. Further, according to Shri Chakravathi, these were the personal views of Shri Sreekumar, which were duly considered by the Govt. Shri Chakravathi has also stated that the report sent by Shri Sreekumar was not well thought of and was not based on realities and therefore, Govt. did not agree with his views. Shri Narendra Modi has also stated that he did not agree with the views of Shri Sreekumar and that his apprehensions were without any basis. Coming to another report on the prevailing law & order situation sent vide letter dated 30-08-2002 with the approval of Shri Sreekumar, it may be mentioned that the gist of presentation made before the Election Commission on 09-08-2002, was included in the same. In nutshell Shri Sreekumar projected in this letter that the communal tension continued and the communal gap had widened between Hindus and Muslims and that any minor issue would reignite communal passions resulting in clashes as had been witnessed in Dhoraji, Rajkot on 17-08-2002. Shri Ashok

Narayan has stated that he sent a DO letter dated 09-09-2002 to Shri Sreekumar that his assessment of law & order situation conveyed on 20-08-2002, was not in tune with the feedback received by him from other agencies. Shri Ashok Narayan has further pointed out that some feeling of insecurity amongst the minority community was understandable in isolated pockets, but the same did not indicate the feelings of insecurity anymore. Shri Ashok Narayan disagreed with the views of Shri Sreekumar on the ground that no broad based inputs were relied upon by him before arriving at a conclusion. As regards the letter dated 28-08-2002 Shri Ashok Narayan, the then ACS (Home) has stated that he did not recall the action taken by him on the said letter, but the suggestions made therein seemed logical and in normal course action must have been taken by the Home Department. Shri K. Chakravarthi has stated that as far as police department was concerned, he had given directions based on his suggestions. However, the relevant files on the subject have not been made available by the Govt. of Gujarat. Keeping in view the versions of Shri Ashok Narayan, Shri K. Chakravarthi and Shri Narendra Modi about the Rath-Yatra and also about the DO letter dated 09-09-2002 sent by Shri Ashok Narayan to Shri Sreekumar, it can not be said that no action was taken on the views sent by the latter to the Govt. In view of the position explained above the allegation is not established.

○ Questionable appointments of Public Prosecutors:

Coming to the allegation regarding the appointment of pro-VHP advocates in the riot cases, enquiries revealed that there was an established procedure for the appointment of Public Prosecutor in a town. The vacancy was notified by the Collector in the local news paper and eligible candidates were interviewed by a board comprising of Principal Sessions Judge, District Magistrate and a panel of three or four advocates used to be recommended by the board to the Govt. for the appointment of the PP. The Govt. exercises its own discretion to appoint a particular lawyer out of

the panel sent to them. It has further come to light that Shri Chetan K. Shah remained a Member of VHP and was accused in a case relating to the death of seven or nine members of Muslim parivar allegedly burnt alive in Meghaninagar area. Shri Chetan K. Shah faced trial in this case under TADA, but was acquitted. He had been appointed as Public Prosecutor on 17-06-2003, for a period of three years and had defended some of the accused persons in Gulberg Society case, out of which few were released on bail. He has denied to have appeared as a Public Prosecutor in any of the riot cases pending in Sessions Court, Ahmedabad City. He has further denied that Shri V.P. Atre, who had been appointed as Special PP to conduct Gulberg Society case, was in any manner subordinate to him or was pressurised by him. He has also stated that after Shri Atre took over as PP, none of the accused persons were released on bail. Shri H.M. Dhruv, Senior Advocate has confirmed to have defended Shri Chetan K. Shah in a TADA case, which ended in acquittal. He has also stated that he had been appointed as Spl. PP in Gulberg Society and Naroda Patiya cases on 05-03-2009, but he did not appear in any of these cases, as new PPs had been appointed by the State Govt. on the recommendation of SIT.

Shri Raghuvir N. Pandya has stated that he was appointed as District Government Pleader in the year 2002 in District & Sessions Court, Vadodara and had conducted the trial of Best Bakery case in the Fast Track Court of Judge Shri M.U. Mahida. Though Shri Pandya has claimed to have conducted this trial in a most sincere and diligent manner, yet it may be mentioned here that the Hon'ble Supreme Court of India had passed strictures on the role played by him in this trial.

Shri Dilip R. Trivedi, Advocate from Mehsana has stated to have worked as Govt. Advocate and Public Prosecutor in Mehsana from April, 2000 till the end of 2007. He is a member of RSS and General Secretary of VHP, Gujarat State. He has admitted to have argued the bail applications of the accused

persons along with other PPs in Sadarpura and Dipda Darwaja case and the same were dismissed. Subsequently, the accused persons approached High Court as well as Supreme Court, but the bail applications were rejected. As regards the bail granted to some of the accused persons arrested in Sardarpura case by the Sessions Court, he has explained that the complainant had filed petition in Gujarat High Court against the same, but the same were dismissed. According to Shri Trivedi, as and when the accused persons filed bail applications the same were argued in an impartial manner depending upon the evidence and the Court granted them bail, or dismissed their applications on merits. He has denied to have conducted the trial of any of these cases.

Shri Rajendra Darji, Advocate has denied any connection with VHP, Bajrang Dal or any of the connected organisations. He has stated that he remained Addl. PP in Mehsana from April 2000 to 2004 and again from 2005 to 2007. In 2008, again he was appointed as Addl. PP and continues to work there. He has stated to have examined 25 witnesses in Dipda Darwaja case and also got dismissed bail applications of seven accused persons from the Court.

Shri Piyush L. Gandhi, Advocate is an RSS activist since 1964 and since then held various posts in ABVP, Yuva Janta Morcha and VHP. He remained Govt. Advocate and Public Prosecutor in Panchmahal District from 15-01-1996 to 01-09-2009 and has admitted to have conducted the trial of some of the riot cases including that of Shabana-Suhana gang rape and murder case, in which some allegations were levelled against him in the Gujarat High Court, but has stated that the allegations were dismissed by the Gujarat High Court.

Though it appears that political consideration and affiliation of the advocates often weighed with the Govt. for the appointment of the Public Prosecutors, yet no specific allegation of professional misconduct on the part of any of the PPs has come to light. In view of this the allegation is not established.

○ Intimidation of Shri Sreekumar, Addl. DGP:

As regards the allegation made by Shri R.B. Sreekumar that he was tried to be influenced to depose in favour of the Govt. before Nanavati-Shah Commission of Inquiry through Shri Dinesh Kapadia, Under Secretary, Shri Narendra Modi has termed the allegation as false and without any basis. Shri Dinesh Kapadia, has stated that he had known Shri R.B. Sreekumar, Retd. DGP while the latter as ADGP (Int.) through Shri S.M. Pathak, the then Dy.S.P., Gandhinagar. He has further stated that they used to exchange some sankrit verses of mutual interest and used to visit each other in their office. According to Shri Kapadia, during one of these meetings on 21.08.2004, in the chamber of Shri Sreekumar, he took out a copy of his affidavit filed before a Commission of Inquiry and showed it to him and remarked that he was a born rabel. Shri Kapadia stated to have a glance at the affidavit and made a personal observation that no useful purpose would be served by telling all these things to the Commission, as all Commissions are paper tigers. He also expressed his personal view that Commision was not the proper forum to tell these things and that the same could lead to misunderstanding. Shri Kapadia also said that Shri P.C. Pande, the then CP, Ahmedabad City had rightly deposed before the Commission and that he Shri R.B. Sreekumar should also emulate him. According to Shri Kapadia, he expressed his personal views that Shri Sreekumar was biased in his assessment of situation and that the same could further put him in some uncalled for controversy. Shri Kapadia has denied that he was sponsored by anyone to influence Shri R.B. Sreekumar and that these were his personal views expressed as a well wisher to Shri R.B. Sreekumar, whom he considered as an honest and good officer. However, subsequently he came to know that Shri Sreekumar had clandestinely recorded his conversation and an enclosed the transcript thereof along with his affidavit submitted to the Commission. Shri Kapadia has also stated that on the day of his retirement i.e. 28.02.2007, Shri Sreekumar called him to his chamber, offered him a cup of tea and also an

unconditional apology for the whole episode. Shri Kapadia has also stated that Shri R.B. Sreekumar regretted the whole incident and stated that he had been advised by his lawyer to do so as the same could have strengthened his case pending before the CAT. Shri Kapadia has denied to have influenced Shri R.B. Sreekumar and further denied that he was holding any brief on behalf of the Govt. in this regard.

Coming to the allegation made by Shri R.B. Sreekumar that Shri G.C. Murmu, Secretary (Law & Order), Home Department and Shri Arvind Pandya, Govt. Advocate to Nanavati-Shah Commission of Inquiry had tried to influence him not to depose against the Govt. prior to his appearance on 31-08-2004 before Nanavati-Shah Commission of Inquiry, it has come to light that the meeting was held at the request of Shri Sreekumar and the conversation was clandestinely recorded by him. 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 certain precautions to be taken at the time of his cross examination. Rest of the conversation is confusing and does not make any sense inasmuch as there are certain gaps, which Shri R.B. Sreekumar has tried to fill in by his own views, on the basis of assumptions and presumptions and has interpreted the things to support his version that he was pressurised, threatened, given illegal directions, intimidated to avoid the revealing of the truth that would harm the Govt. interests and to conceal the facts from the Commission. Shri Sreekumar has given his own comments, observations and conclusions and has also appreciated/interpreted this conversation in his own manner, which showed that he is not an independent witness and that he wanted to influence the Inquiry officer to accept his inferences and conclusions. Surprisingly, Shri Sreekumar did not state these facts before the Nanavati-Shah Commission of Inquiry, when he appeared before it on 31-08-2004, for his cross examination even though alleged pressure was put on him to depose in certain way in the Commission.. Obviously, Shri R.B. Sreekumar had kept it

secret to be utilised as and when the need arose. Further, he did not disclose these facts even in his second affidavit filed on 06-10-2004 before the Commission. It was only after Shri R.B. Sreekumar was superseded in his promotion to the rank of DG on 23-02-2005 that he filed his third affidavit on 09-04-2005, before Nanavati-Shah Commission of Inquiry of his own, and enclosed the transcript of the recordings of the conversations with Shri Dinesh Kapadia as well as Shri G.C. Murmu and Shri Arvind Pandya. All these facts would go to show that Shri R.B. Sreekumar had anticipated these events, had recorded these conversations clandestinely and used the same at his convenience, when he was superseded in promotion. This would prove that actions on the part of Shri Sreekumar were motivated with a view to let down 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, but the Commission did not accede to his request. In view of this the allegation relating to the intimidation of Shri R.B. Sreekumar is not substantiated.

○ Manipulation of facts presented to Central Election Commission:

As regards the allegation relating to submission of false report to the Election Commission, in which it was reflected that the Law & Order situation in Gujarat was normal and that a cordial atmosphere existed for holding the elections in the State, Shri Narendra Modi has stated that it was incorrect to say that the Govt. projected a false report to the Election Commission. Shri Modi has further stated that even before August, 2002, Panchayat elections for 1700 villages were held peacefully in the months of March-April, 2002 and the next Assembly elections were held in December, 2002 and that too peacefully and in view of this position the allegation is far from the truth. In this connection, it may be added that Shri G. Subba Rao, the then Chief Secretary